

Muskegon County Courts

Personnel Rules

Adopted: February 2, 2022

(Revised October 2025)



MUSKEGON COURT PERSONNEL RULES

TABLE OF CONTENTS

Personnel System Resolutions

Rule 1 **COVERAGE OF THE PERSONNEL SYSTEM**

Rule 2 **SALARIES**

- Section I Setting of Salaries
- Section II Preparation of Salary Schedule
- Section III Application of Salaries to Classification
- Section IV Salary Ranges
- Section V Starting Salary Rate
- Section VI Merit Increases
- Section VII Longevity Pay
- Section VIII Overtime Pay
- Section IX Minimum Call In
- Section X On-Call Assignment Pay
- Section XI Temporary Assignments
- Section XII Night Shift Differential
- Section XIII Method of Payment-Employees
- Section XIV Method of Payment for the Loss and Gain of Time Due to Changes from Standard Time to Daylight Saving Time & Return

Rule 3 **CLASSIFICATION PLAN**

- Section I Grouping of Classifications
- Section II Determination of Classification
- Section III Forms of Classification Determinations

Rule 4 **HIRING PROCESS**

- Section I Announcements
- Section II Postings with Closing Dates
- Section III Continuous Postings
- Section IV Purposes of Examinations
- Section V Open Competitive Appointment
- Section VI Re-employment of a Former Court Employee
- Section VII Transfer of a Present Court Employee
- Section VIII Promotion of a Present Court Employee
- Section IX Provisional Appointment
- Section X Eligible Lists
- Section XI Pre-Employment Screening
- Section XII Veterans' Hiring Preference

Rule 5 **PROBATIONARY PERIOD**

- Section I Who Must Serve a Probationary Period
- Section II Definition of Probationary Period
- Section III Effect of Probationary Period on an Employee

- Section IV Length of Probationary Period
- Section V Effect of a Provisional Appointment on a Probationary Period
- Section VI Effect of Probationary Period on Employee Appointed for the Life of a Federal, State, Local or Other Grant or Contract

Rule 6 TRIAL PERIOD

- Section I Who Must Serve A Trial Period
- Section II Definition of Trial Period
- Section III Effect of Trial Period on An Employee
- Section IV Effect of Trial Period on Employee Appointed for the Life of a Federal, State, Local or Other Grant or Contract

Rule 7 EMPLOYEE PERFORMANCE EVALUATIONS

- Section I Definition
- Section II Use of Performance Evaluation
- Section III Evaluation Procedure
- Section IV Responsibility of Human Resources

Rule 8 PAY POLICY

- Section I Appointments
- Section II Pay Adjustments
- Section III Merit Increases
- Section IV Application to Part Time and Hourly Court Employees

Rule 9 ACCESS TO COURT EMPLOYEE PERSONNEL FILES

- Section I Court Personnel File Access
- Section II Viewing Personnel Files

Rule 10 DISCIPLINARY ACTIONS

- Section I Types of Disciplinary Actions
- Section II Methods of Notifying an Employee
- Section III Disciplinary Procedure

Rule 11 NOTICE OF LAW VIOLATION

Rule 12 DRUG AND ALCOHOL TESTING

- Section I Policy
- Section II Test Types
- Section III Prescription Medication
- Section IV Failed Test

Rule 13 POLITICAL ACTIVITIES

Rule 14 CONFLICT OF INTEREST

- Section I Conflict of Interest
- Section II Penalties

Rule 15 INTERNET/E-MAIL USAGE/SOCIAL MEDIA POLICY

- Section I Internet Usage Policy
- Section II E-Mail Usage Policy
- Section III Social Media Policy

Rule 16 SEPARATIONS FROM COURT SERVICE

- Section I Retirement
- Section II Resignation
- Section III Separation Because of Curtailment of Work, Lack of Funds, Reorganization, or Grant Funding Exhausted
- Section IV Dismissal
- Section V Death of an Employee
- Section VI Official Date of Separation
- Section VII Method of Payment on Separation

Rule 17 EXIT INTERVIEWS

- Section I Policy
- Section II Procedure

Rule 18 ELIGIBILITY FOR FRINGE BENEFITS

- Section I Definition of Fringe Benefits
- Section II Eligibility for Fringe Benefits
- Section III Ineligibility for Fringe Benefits
- Section IV Limited Eligibility
- Section V Eligibility Date
- Section VI Length of County and/or Court Service

Rule 19 ANNUAL LEAVE

- Section I Definition of Annual Leave
- Section II Eligibility for Annual Leave
- Section III Rate of Accumulation of Annual Leave and Maximum Accumulation
- Section IV Use of Annual Leave
- Section V Effect of Sick Leave on Annual Leave
- Section VI Effect of Bereavement Leave on Annual Leave
- Section VII Effect of Paid Legal Holidays on Annual Leave
- Section VIII Effect of Leaves of Absence Without Pay on Annual Leave
- Section IX Effect of Transfer of an Employee from one Department to another within the County and/or Court Service on Annual Leave
- Section X Payment for Unused Accumulated Annual Leave on Separation from County and/or Court Service

Rule 20 SICK LEAVE

- Section I Definition of Sick Leave
- Section II Eligibility for Sick Leave Accumulation and Use

Section III	Rate of Earning and Accumulation of Sick Leave
Section IV	Use of Sick Leave
Section V	Payment for Unused Accumulated Sick Leave
Section VI	Effect of Sick Leave on Annual Leave and Sick Leave Accumulations
Section VII	Effect of Leaves of Absence Without Pay on Sick Leave
Section VIII	Effect of Transfer of an Employee from one Department to Another within the County and/or Court Service on Sick Leave
Section IX	Effect of Re-employment on Sick Leave
Section X	Effect of Bereavement Leave on Sick Leave

Rule 21 BEREAVEMENT LEAVE

Section I	Definition of Bereavement Leave
Section II	Eligibility for Bereavement Leave Use
Section III	Use of Bereavement Leave
Section IV	Effect of Bereavement Leave von Sick Leave and Annual Leave Accumulations
Section V	Military Funerals
Section VI	Use of Sick Leave for Bereavement Leave

Rule 22 PERSONAL LEAVE

Section I	Definition of Personal Leave
Section II	Eligibility
Section III	Use of Personal Leave

Rule 23 LEGAL HOLIDAYS

Section I	Definition
Section II	Holidays Falling on Sunday
Section III	Holidays Falling on Saturday
Section IV	Holidays Officially Celebrated on Monday
Section V	Effect of Legal Holidays
Section VI	Methods of Compensation for Legal Holidays
Section VII	Effects of Legal Holidays on Fringe Benefits

Rule 24 FAMILY AND MEDICAL LEAVE ACT

Section I	Purpose
Section II	Scope
Section III	Responsibility/Reporting Requirements
Section IV	Rule-Family and Medical Leaves
Section V	Eligible Employees
Section VI	Definitions
Section VII	Leave Duration
Section VIII	Leave Conditions
Section IX	Request for FMLA Certification
Section X	Re-certification
Section XI	Use of Accrued Leave Time
Section XII	Benefits During FMLA Leave
Section XIII	Reinstatement After Leave
Section XIV	Return to Work Examinations (Fitness For Duty)

- Section XV Periodic Notification During Leave
- Section XVI Short Term Absences
- Section XVII Procedure for FMLA Leave
- Section XVIII Employment While on Leave
- Section XIX Requests for FMLA Leave Extensions Beyond 12 Weeks

Rule 25 LEAVE OF ABSENCE WITH PAY

- Section I Court Appearance Leave - During Scheduled Working Time
- Section II Court Appearance Leave - During Non-Scheduled Working Time
- Section III Jury Duty Leave

Rule 26 LEAVE OF ABSENCE WITHOUT PAY

- Section I Definition of Leave of Absence Without Pay
- Section II Effects of Leave Without Pay
- Section III Types of Leave Without Pay
- Section IV Return from a Leave Without Pay

Rule 27 MILITARY LEAVE

- Section I Purpose
- Section II Giving Notice
- Section III Military Leave Without Pay
- Section IV Benefit Coverages
- Section V Retirement Benefits
- Section VI Family Medical Leave Act
- Section VII Pay
- Section VIII Vacation/Sick Leave Use and Accrual
- Section IX Probationary Status
- Section X Re-Employment Rights
- Section XI Five-Year Limit Defined

Rule 28 ADMINISTRATIVE LEAVE

- Section I Purpose
- Section II Accountability
- Section III Definition
- Section IV Eligibility
- Section V Policy
- Section VI Benefits During Administrative Unpaid Leave
- Section VII Return from Administrative Leave

Rule 29 OPERATION/WORK STANDARDS

- Section I Hours of Work
- Section II Hours of Operation

Rule 30 WORK CONNECTED INJURY OF ILLNESS

- Section I Reporting
- Section II Treatment
- Section III Worker's Compensation Payments

Section IV Return to Court Duties

Rule 31 EMPLOYMENT OF RELATIVES

Section I Coverage

Section II Definition of Nepotism

Section III Definition of Relative

Section IV Prohibitions on Employment of Persons who are Relatives at the Time of Appointment

Section V Prohibitions on the Continued Employment of Employees who Become Spouses or Spousal Equivalents After They are Employed

Section VI Prohibitions on the Continued Employment of Employees who are Relatives of Person Promoted or Appointed to Positions of Court Administrator or Assistant Court Administrator of the Employee's Department

Section VII Prohibitions on the Continued Employment of Employees who are Relatives of Person Promoted or Appointed to Position of Head of the Division Where Employed or Immediate Supervisor

Rule 32 SUPPLEMENTAL OUTSIDE EMPLOYMENT

Section I Definition

Section II Policy

Section III Procedure

Rule 33 DUAL EMPLOYMENT

Section I Eligibility

PERSONNEL SYSTEM RESOLUTION

WHEREAS, the Court wishes to utilize the benefits of a structured personnel system to assist in the recruitment and retention of quality employees, in the assurance of continuity of good court administration and in the assurance that the selection, pay and treatment of employees are based on merit principles;

NOW, THEREFORE, BE IT RESOLVED, that this personnel system covering the Employees of the 14th Circuit Court, 60th District Court, and Probate Court of Muskegon County be established:

- I. The selection, pay, advancement and treatment of Court employees will be based solely on qualifications and performance without reference to their political affiliation, religious beliefs, racial origin, sex, national origin, ancestry, age, or physical disability, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification.
- II. The Personnel System will be administered by the Chief Judge of the 14th Circuit Court and Chief Judge of the 60th District Court, respectively, in accordance with policies and procedures established by each court.
- III. The duties and responsibilities of the Chief Judges will be as set forth in MCR 8.110, will include the preparation and enforcement of specific rules and regulations to carry out the provisions and intent of this resolution and recommending to the Board of Commissioners on the provisions of all employee fringe benefit programs.
 - A. A special committee, having been established by the courts' funding unit, hereinafter referred to as the Personnel Rules Committee, will meet once every four (4) year commission term, or as necessary for the purpose of reviewing the County's personnel rules and recommending changes to the Ways & Means Committee. Proposed changes will be reviewed and considered for adoption to the Court Personnel Rules by a committee composed of Chief Judges and Court Administrators.
 - B. Provisions of contracts with employee bargaining groups will not be unilaterally altered by the rules and regulations promulgated pursuant to this resolution. Where provisions of said contracts provide for different levels of benefit for the employee, the contract will prevail. Provided, however, that it will be the policy of the Courts to reduce and eliminate such differences at the earliest opportunity, through the collective bargaining process.
- IV. The policies, rules and programs of the Courts will be administered by the Chief Judge of each respective court.

RULE 1 - COVERAGE OF THE PERSONNEL SYSTEM

The Muskegon Courts Personnel System applies in its entirety to all court employees paid by the Court's funding unit, the County of Muskegon, except that provision covering the manner of selection, appointment or removal from office or limitation of political activities will not apply to:

1. Judges
2. Officers and employees for whom the Constitution or statute specifically directs the manner of selection, appointment or removal from office.

No provisions covering the manner of selection, appointment, discipline, pay or removal from office will apply to employees in the departments and classifications listed below:

<u>COURT</u>	<u>CLASSIFICATION</u>
Circuit Court/Family Court	Circuit Court Administrator/Friend of the Court Circuit Court Legal & Scheduling Secretary Research Attorney FOC Operations Manager Family Court Operations Manager Family Division Referee Friend of the Court Staff Attorney Recorder Bailiff Deputy Circuit Court Administrator
District Court	District Court Administrator/Clerk Deputy Court Administrator/Clerk Attorney Magistrate Chief Probation Officer Court Recorder/Judicial Secretary
Probate Court	Probate Court Administrator/Register Deputy Probate Register Probate Judicial Secretary

No provision covering the manner of discipline or removal from employment will apply to employees with the following status:

1. Seasonal – an employee appointed to a position which will require the services of an employee, up to 40 hours per week, to perform seasonal work activities for a continuous period not exceeding one-hundred and twenty (120) calendar days.
2. Temporary – an employee appointed to a position which will require the services of an employee, up to 40 hours per week, for a continuous period not exceeding ninety (90) calendar days.
3. Hourly, permanent – an employee appointed to a position which will require the services of an incumbent for less than twenty-five (25) hours per week, regardless

of the number of days worked.

4. Limited Term – an employee appointed to a position which will require the services of an employee, up to 40 hours per week, to perform work activities for a continuous period not exceeding one-hundred and eighty (180) calendar days.
5. Provisional – an employee appointed to a position for a one (1) non-renewable provisional appointment for a period of not more than six (6) months. See Rule 4, Section IX.
6. Intern – a student selected by a department that will require the services of the student for an allotted number of hours/days during a given time period, which may be determined by the institution they are attending, approved grant funding, or other responsible entity.

RULE 2 – SALARIES

Section I SETTING OF SALARIES

All Court salaries, as required by these Rules, will be set by the Board of Commissioners as part of the budget approval process each fiscal year or by specific board motion during the year.

Section II PREPARATION OF SALARY SCHEDULE

Shortly after October 1 of the year in which the salaries are to become effective, the Human Resources Department will prepare a Salary Schedule showing the latest approved salary ranges for all Court classifications.

Section III APPLICATION OF SALARIES TO CLASSIFICATION

The salary range for a classification will apply to all Court positions and employees so classified.

Section IV SALARY RANGES

The salary set for a classification will be called the salary range for that classification, whether the salary consists for a single rate or a series of salary rates. The salary rate will not include longevity, night shift differential or other bonuses or premiums.

Section V STARTING SALARY RATE

The salary rate at which an employee begins employment in a given classification will be the base rate of the class, except:

- A. When the employee enters the new class by way of promotion or transfer from another Court classification, the salary rate will be set according to Court Personnel Rule 8, Section II. Requests for a salary higher than what is outlined in Personnel Rule 8, Section II may be made by the Court Administrator to the Human Resources Director and County Administrator
- B. Upon approval of the Chief Judge of the respective Court such as for:
 1. When the employee brings recent, directly comparable work experience or advance academic qualifications to the classifications.
 2. When there is an acute shortage of qualified applicants for the classification.

Section VI MERIT INCREASES

The advancement to the next higher rate within a salary range will be called a merit increase and will be based not only on the passage of the indicated length of service in the classification, but also on the written recommendation of the employee’s Court Administrator as expressed on the funding unit’s official Human Resources form. The affected employee will receive a copy of the complete Human Resources form, whether the merit increase was granted or not.

Section VII LONGEVITY PAY

The longevity pay plan grants automatic longevity payments in addition to the salary for the classification. Longevity pay is based on the following schedule:

<u>Years of Continuous Service</u> <u>as of December 1 of each year</u>	<u>Amount of Payment</u>
5 years	\$250
For each complete year after 5 years	\$50 additional to a maximum of \$1,250

- A. Longevity payments are determined based on the number of whole years of service completed as of December 1 of each year. Annual payment will be made after that date.

Employees must be in pay status as of December 1 in order to be eligible for longevity payments. If an employee is not in pay status at the required date, he or she will be paid a pro rata payment based on hours worked during the period.

An employee on leave of absence without pay during the period who retires under MERS during the period or who dies during the period will be paid a pro rata payment based on hours worked during the period. An employee who separates from County or Court service during the period for any other reason will receive no payment.

- B. Length of Court and County employment is described in Rule 18, “Eligibility for Fringe Benefits”.

Section VIII OVERTIME PAY

- A. Definition of Overtime
 - 1. To be considered for overtime, the specific work and completion time must have been assigned by the employee’s Court Administrator or another supervisory employee given this authority by the Court Administrator.

2. For full-time employees, all hours worked in excess of forty in one (1) week will be considered as overtime, except for those employees on rotating shifts where the shift rotation sometimes results in three days off as shift change time and sometimes one day.
3. For part-time employees, all working time in excess of 40 hours in a work week will be considered as overtime.
4. See also Rule 23, "Legal Holidays".

B. Eligibility for Overtime

1. All Court Employees are eligible for overtime pay (as defined in Section VIII of this rule) except those determined to be exempt by these rules or exempt pursuant to the Fair Labor Standards Act.
2. The class code of those Court employees and officials exempted from the payment of overtime will be so noted in the Court's pay table and grades.
3. Employees excluded from overtime:
 - (a) Shall not be specifically compensated for overtime in either money or compensatory time.
 - (b) Shall be expected to average at least the number of hours per week as required by the standard Court work week, and shall receive full salary for any week in which the employee performs any work without regard to the number of hours worked, subject to the following exceptions:
 - (1) Deductions from pay shall be made when an employee is absent from work for one (1) or more days for personal reasons other than sickness or disability.
 - (2) Deductions will be made from pay for absences from work of one (1) or more full days occasioned by sickness or disability consistent with available sick leave and other disability benefits.
 - (3) If an exempt employee is on a Family Medical Leave the funding unit will pay a proportionate part of the full salary for time actually worked.
 - (c) Time absent from work and deviation from the official office hours of the employee's department must always be with the approval of the employee's Court Administrator who shall have the responsibility for evaluating the employee's performance

and justifying permitted deviations from established hours of work. Court Administrators wishing to be absent or deviate from the departmental schedule shall obtain approval from the Chief Judge. Court Administrators shall not be required to obtain permission to work beyond normal business hours.

(1) Employees who are absent from work for less than one complete day, subject to approval of the Court Administrator:

(a.) Will "make-up" for time lost by working extra hours in the same pay period, or

(b.) Shall be compensated as if the employee were "on the job" in terms of cash paid, however, time absent from work for sick reasons shall result in an appropriate use of accumulated sick leave, and time absent for vacation or personal reasons shall result in the appropriate use of accumulated annual leave.

(2) Employees in unique positions which require extensive overtime hours on a seasonal basis, may be exempt from this requirement upon Chief Judge approval.

(3) Employees shall be compensated for periods of temporary military leave as though they were "on the job" except their salary for that period shall be offset by the amount of military pay received by the employee for that period.

C. Employees shall be compensated as a witness under Rule 25 Method of Compensation for Overtime

1. Eligible employees, as described in Section B above, will be compensated for overtime as previously described by payment in wages which will be computed at the rate of one and one-half (1-1/2) times the employee's normal base hourly rate, including any applicable shift differential. Annual leave and paid holidays will be counted as time worked when determining eligibility for overtime payment.

2. All time to be compensated for will be recorded on the employee's attendance record overtime requires and authorization forms as may be required.

Section IX MINIMUM CALL-IN

A. Employees eligible for overtime payment who are called in to work on a regularly scheduled day off or who are called back to work after

having left work from their regular shift will receive a minimum of two (2) hours' pay at the overtime rate, regardless of the number of hours worked, except as modified in B below. Employees required to work in excess of the minimum call-in time will be paid for time worked at the normal base rates.

- B. Employees who receive On-Call Assignment Pay in accordance with Section X will only be paid for actual hours called in to work at the overtime rate rounded to the nearest thirty-minute interval, and will not be entitled to minimum call-in pay described in A above.

Section X ON-CALL ASSIGNMENT PAY

Employees designated for an on-call assignment will be available to respond to an emergency or other call-in request outside of normal working hours. Employees will be available for contact by electronic means or cell phone and expected to be within a reasonable distance of their response location to ensure a prompt response time. Only employees eligible for overtime payment will be eligible for on-call assignment pay.

- A. Employees designated by their Court Administrator for on-call assignment and available for contact by electronic means or cell phone outside of normal working hours will receive on-call pay in lieu of overtime pay at the rate of one and one-half (1-1/2) times the employee's normal base hourly rate, including shift differential, for each shift of on-call assignment.
- B. Designated on-call employees will be paid for actual call-in time worked in accordance with Section IX, Minimum Call-In, B.
- C. Shifts, assignment designations, and minimum response times for on-call assignments will be determined by the Court Administrator.
- D. The Court Administrator will establish proper response procedures to ensure on-call availability.
- E. Employees not eligible for overtime pay and designated by their Court Administrator for on-call assignment, to be available for contact by electronic means or cell phone, to respond to emergencies and other matters within the scope of their employment, as necessary, outside of normal working hours, will receive compensation time at a rate as determined by the Court Administrator.

Section XI TEMPORARY ASSIGNMENTS

The Court reserves the right to make temporary work assignments of employees into another classification and/or into another department provided that:

- A. It will not result in the reduction of employee's wage or benefits.
- B. The assignment will not exceed thirty (30) calendar days, except in the case of an emergency.
- C. If the assignment is to a higher classification and exceeds then (10) consecutive working days, then the employee so assigned will be of the employee's current class which would give the employee a one (1) step increase above their current pay step, whichever is greater, but not to exceed the maximum step of the pay range for the higher class.

Section XII NIGHT SHIFT DIFFERENTIAL

A. DEFINITION OF NIGHT SHIFT DIFFERENTIAL

- 1. This is a premium added to the hourly rates of employees in nonexempt (or overtime eligible), Court positions for hours actually worked on the afternoon and midnight shift.
- 2. Employees working any shift in which at least four hours of the shift fall between 6:00 p.m. and 6:00 a.m. will be eligible for a shift differential of .20/hour.

Section XIII METHOD OF PAYMENT – EMPLOYEES

- A. Employees are paid biweekly (every other Friday).
- B. The two-week payroll begins on Sunday and ends on Saturday, fourteen days later.
 - 1. Full-time employees normally work, and are paid for, ten working days during this fourteen-day period.
 - 2. Because of shift change dates on rotating shifts, it is possible that an employee may work nine days in one pay period and eleven days in the immediately preceding or succeeding period. In this situation, such employees are paid for the normal ten-day salary for each pay period.
- C. Payday is the Friday following the Saturday on which the payroll period ends.
- D. The portion of the annual salary rate the employee is paid each biweekly pay period is calculated on the normal number of working days in the year.

Section XIV METHOD OF PAYMENT FOR THE LOSS AND GAIN OF TIME DUE TO CHANGES FROM STANDARD TIME TO DAYLIGHT-SAVING TIME AND RETURN

- A. Employees will be paid for the number of hours actually worked.

RULE 3 – CLASSIFICATION PLAN

Section I GROUPING OF CLASSIFICATIONS

All of the positions in the service of the Courts will be grouped into classifications so that all positions requiring the same general type of work, of the same general level, with the same relative duties and responsibilities will have the same classification.

- A. A position will be defined as a unit of duties and responsibilities to be carried out by one employee, normally on a full work year basis.
 - 1. A budgeted position is one which is paid from a court's budgeted salaries appropriation.
 - 2. All positions are approved by the Funding Unit, either as part of the Court's Annual Budget or as a separate action approved by the Funding Unit.

- B. A classification will be defined as the title given to all Court positions having the same general type of work with relatively the same duties and level of responsibilities.

- C. New classifications, with the exception of lateral, downgraded positions and downward status changes will be approved by the Funding Unit.

- D. Title changes, will be approved by the Chief Judge and Court Administrator. Status changes to less hours, lateral and downward reclassifications, changes to labor distributions and any budget neutral or cost saving actions, as determined by the County's Finance Director, will be approved by the County Administrator, Finance Director and/or Human Resources Director as appropriate.

Section II DETERMINATION OF CLASSIFICATION

- A. The classification of each position will be reviewed by the Human Resources Department and must be in writing.
 - 1. The County Human Resources Department will maintain an up-to-date written class specification describing each classification covered by the Court Classification plan.
 - 2. Classification determinations will be reviewed by the County Human Resources Department after study of the duties and responsibilities of the positions involved and after consultation with the appropriate Chief Judge or Court Administrator.
 - 3. A court wishing the classification of a position studied will make such a request in writing to the Muskegon County Human

Resources Director.

Section III FORMS OF CLASSIFICATION DETERMINATIONS

- A. NO CHANGE is when it is determined that the position is correctly classified at its present classification.
- B. A LATERAL RECLASSIFICATION is when it is determined that a position should be reclassified to a classification having the same maximum salary.
- C. AN UPWARD RECLASSIFICATION is when it is determined that a position should be reclassified to a classification having a higher maximum salary.
- D. A DOWNWARD RECLASSIFICATION is when it is determined that a position should be reclassified to a classification having a lower maximum salary.
 - 1. Incumbents in positions reclassified downward, who remain in that position, will be reduced to the lower classification immediately, but will remain at their present salary rate, receiving no further upward salary adjustments until such time as the maximum salary for the new classification of the position equals or exceeds their salary on the date of the Downward Reclassification Determination.
 - 2. Incumbents in positions reclassified downward may apply to the Muskegon County Human Resources Department for transfer into another position of the same classification from which their position has been reclassified. This request will be treated as all other requests for lateral transfer.

RULE 4 – HIRING PROCESS

Section I ANNOUNCEMENTS

Classes of Work will be posted in advance of the last date for filing applications on the Muskegon County Human Resource's website and by any other means as the Director of Human Resources and requesting court will deem appropriate.

- A. Types and minimum posting periods.
 - 1. Open competitive
 - a. Ten (10) business days
 - 2. Intra (within the court)
 - a. Five (5) business days
 - 3. Inter (outside the court but within the County)
 - a. Five (5) business days

- B. Applicants will be rejected for the following reasons:
 - 1. If the applicant fails to meet the minimum qualifications for the classification;
 - 2. If the application was not received before the announced last date for filing applications;
 - 3. If the applicant has a documented record of previous unsatisfactory service in Court or County employment or elsewhere, of such nature as to demonstrate unsuitability for employment in a position of the classification for which the applicant is applying to include applicants previously employed by the Courts or County of Muskegon who were disciplined or terminated for a Group 3 offense during their employment;

- C. Applicants may be rejected for the following reason:
 - 1. If the applicant has been found guilty of a felony, a crime involving fraud or dishonesty or received a dishonorable discharge from the armed forces of the United States.

- D. Rejected applicants will be notified in writing and given the reasons for their rejection.
 - 1. Rejected applicants will have the right to review their application with the Muskegon County Human Resources Department within five (5) business days after notice of this rejection. The Human Resources Director, or designee, after review of the request, will make the final determination.

Section II POSTINGS WITH CLOSING DATES

- A. Postings may be announced with a definite announced period for the acceptance of applications.
 - 1. The last date for the acceptance of applications will be clearly stated on the official posting.
 - 2. This filing period will be at least ten (10) calendar days.
 - 3. Applications must be received before 5:00 p.m. on the announced last date for filing applications, in order to be accepted.

Section III CONTINUOUS POSTINGS

- A. Postings may be announced as continuous postings with applications being accepted until further notice.
 - 1. The statement that applications will be accepted until further notice will be clearly stated on the official posting.
 - 2. Continuous postings will be administered as the needs of the requesting court dictate.
 - 3. All successful candidates on continuous postings will be added to the final eligible list on the date the certification was made
 - 4. Continuous postings will be closed by the posting of a formal notice, at least seven (7) calendar days in advance of the last date for filing applications.

Section IV PURPOSES OF EXAMINATIONS

- A. Examinations may be given to fill present or future vacancies in a particular classification.
- B. If an examination is given, it will be developed to maximize objectivity, reliability, and validity; will be conducted and scored in an objective manner; and may be made up of written or oral tests; or physical ability or psychological evaluation tests; or involve a rating of past experience and training; or be made up of a combination of such tests and weighted as appropriate.
- C. If an examination is given, notification will be sent to each qualified applicant at least five (5) calendar days in advance of the examination, notifying the applicant of the time and place of the examination. If a current Court or County employee receives notification of examination testing for an internal position they applied for, that examination/testing time is not to be deducted from their annual/sick leave but rather

treated as if that employee were on the job.

- D. All candidates will be notified of their examination results.
 - 1. All candidates will have the right to review their examination results with the Muskegon County Human Resources Department.
- E. When examinations are given, a candidate may retake an examination in an attempt to pass an examination previously failed.

The retaking of an examination is subject to the following rules:

- 1. A period of thirty (30) calendar days must have elapsed between the date the first part of the examination was taken in the original attempt and the date the first part of the examination is taken in the second attempt.
- 2. If the second attempt is made between thirty (30) and ninety (90) calendar days after the original attempt, the candidate can have a choice of:
 - (a) Retaking the entire examination, or
 - (b) Retaking only a portion, or portions, of the examination
 - (1) The sections that can be retaken are: a written test, standardized test, performance test and physical agility test.
- 3. A period of six (6) months must elapse between the date the first part of the examination was taken in the second attempt and the date the first part of the examination is taken in the third attempt.
 - (1) A candidate retaking the same examination a third time must retake the entire examination.
- 4. Candidates retaking the same continuous examination more than three (3) times are governed by Section IV, E, 3 above, for each succeeding attempt.
- 5. Exception applies if it is a different recruitment.

Section V OPEN COMPETITIVE APPOINTMENT

Definition: The appointment of a person who has been selected as a result of participation in an open competitive posting to the general public.

- A. For each vacancy, the Court Administrator will have the choice of the

applicants meeting the minimum qualifications for the class of work resulting from an open competitive examination.

- B. All current Court and County employees are eligible to compete in an open competitive examination.
- C. Persons receiving open competitive appointments must successfully complete a six-month probationary period before the appointment will be considered complete, unless the person is a current Court employee and has already successfully completed a probationary period. Promoting or transferring Court employees remain subject to a trial period as defined in Rule 6.
 - 1. Probationary employees who successfully complete the probationary period will receive regular status and all the rights of that status.
 - 2. Employees who fail to successfully complete their probationary period will be separated from the Court without benefit of appeal.

Their names will not be reinstated on the eligible list for that classification until they have successfully retaken the entire current open competitive examination for that classification.

Section VI RE-EMPLOYMENT OF A FORMER COURT EMPLOYEE

- A. Effect of Re-employment
 - 1. Definition: Re-employment is the appointment of a former Court Employee to a Court position without requiring the employee to be certified from an open-competitive eligible list for the classification of the position.
 - 2. Former employees re-employed under this section will serve a new six (6) month probationary period starting with the effective date of their re-employment. Former employees must receive a probationary evaluation by the Court Administrator or designee on forms provided by the Muskegon County Human Resources Department. Until the successful completion of this new probationary period, the re-employed employee will not have the rights of a permanent employee.
 - 3. The Muskegon County Human Resources Department will send a re-employment instruction sheet to all eligible former employees.
 - (a) This rule applies only to those employees who were permanent employees at the time of separation from Court

Service and whose prior service was at least satisfactory in nature based on their most recent performance evaluation.

(b) At the time of separation, the returning employee must have been employed:

(1) In the classification in which he/she is returning, or

(2) In a classification with equal or higher maximum salary than the one in which he/she is returning and in addition, must meet at least the minimum qualifications of the classification in which he/she is returning as shown in the current examination or announcement for that classification, or if such an examination is not open, the latest written specification for that classification.

B. Time Limits and Procedures for Re-employment

1. To be eligible for the provisions of this re-employment rule, the former employees must, within twelve (12) months after the effective date of their last separation from Court employment, make written application to be placed on re-employment lists for specific classifications.
2. The written application must be provided to the Human Resources Department, which will maintain lists of qualified former Court employees who have expressed interest in re-employment with the Court in specific classifications.
3. While a former employee's name is on the re-employment list for a classification, it will be certified by the Human Resources Department in answer to each Personnel Requisition for that classification, for which the requisitioning Court Administrator has requested and will be considered along with all other eligible candidates.
4. Actual re-employment under the provisions of this rule, as indicated by the effective date of the appointment must begin no more than eighteen (18) months after the effective date of the employee's last separation from Court employment. The names of former employees not appointed to a Court position within this eighteen-month (18) period will be removed from the re-employment lists.
5. Former Court employees who are not eligible for re-employment under the provisions of this rule, or who are not re-employed within the time limits of this rule may return to Court employment through the regular methods of appointment available to all applicants.

C. Effects of Re-employment on the Fringe Benefits

1. Fringe benefits apply, regardless of the method of re-employment but apply only to those eligible for fringe benefits under Rule 18 "Eligibility for Fringe Benefits" based on current date of hire.

Section VII TRANSFER OF A PRESENT COURT EMPLOYEE

Definition: A transfer is a status change of an employee from the employee's present position to a vacant position with the same or lower maximum salary, where an open competitive examination has not been used.

- A. For any transfer, an employee may be required to pass a competitive exam or other pre-employment screening as required by Section XI "Pre-Employment Screening".

B. Types of Transfers

1. Intra-Departmental (within each court)

The Court Administrator may consider regular status employees presently working in the same court, where such transfer results in a substantial change of duties or geographic change in location.

Employees eligible to be considered must:

- (a) Have regular status in a position of the same classification;

or

- (b) Have regular status in a position of a different classification with the same maximum salary, where the employee meets the minimum qualifications of the vacant position.

2. Inter-Court (outside the department but within the Muskegon County Courts).

A Court Administrator may consider regular status employees presently working in other Muskegon County Courts.

Employees eligible to be considered must:

- (a) Have regular status in a position of the same classification

or

- (b) Have regular status in a position of a different classification with the same maximum salary, where the employee meets the minimum qualifications for the vacant position.

3. Inter-Departmental (outside the Courts but within the County).

The Court Administrator may consider regular status employees presently working in other County departments.

Employees eligible to be considered must:

(a) Have regular status in a position of the same classification;

or

(b) Have a regular status in a position of a different classification with the same maximum salary, where the employee meets the minimum qualifications for the vacant position.

C. Employees must have regular status to be acceptable for transfer, except:

1. Employees serving probationary periods may be transferred through participation in an open competitive examination for the vacant position, and must complete their six (6) month probationary period for the purposes of work performance evaluation.

Section VIII PROMOTION OF A PRESENT COURT EMPLOYEE

Definition: Promotion is the status change of an employee from his/her present position to a vacant position in a classification with a higher maximum salary where an employee applies via an intra or inter departmental posting.

A. For any promotion, an employee may be required to pass a competitive exam or other pre-employment screening as required by Section XI "Pre-Employment Screening".

B. Types of Promotions

1. Intra-Departmental (within each court).

A Court Administrator may promote a present Court employee who is working in the same court.

To be eligible for such promotion, an employee must:

(a) Have regular status in his/her present classification,

(b) Meet the minimum qualifications for the classification of the vacancy as shown in the most current specifications for that classification.

2. Inter-Court (outside the Department but within the Muskegon County Courts).

To be eligible for such a promotion, an employee must:

- (a) Have regular status in his/her present classification,
- (b) Meet the minimum qualifications for the classification of the vacancy as shown in the most current specification for that classification.

3. Inter-Departmental (outside the Courts but within the County).

The Court Administrator may promote an employee presently working in another County department.

To be eligible for such a promotion, an employee must:

- (a) Meet the minimum qualifications for the classification of the vacancy as shown in the most current specification for that classification.

- C. Court employees promoted under this section will serve sixty (60) calendar day trial period to demonstrate his/her ability. Promoted employees successfully completing their promotional trial period will receive regular status in the classification to which they have been promoted.

Section IX PROVISIONAL APPOINTMENT

If it is necessary to fill a position before a competitive examination can be held, a person who meets the minimum qualifications for the classification can receive one (1) nonrenewable provisional appointment for a period of not more than six (6) months.

- A. A provisional appointee must pass an open competitive examination for the classification in question.
 1. Provisional appointees who receive an open competitive appointment to the position they held as a provisional appointee, must serve a six (6) month probationary period. However, all time served as a provisional appointee in that classification and that department immediately prior to the open competitive appointment will count toward the probationary period.

Section X ELIGIBLE LISTS

Definition: An eligible list is the list of all candidates who have taken and passed all portions of an examination, or have been screened eligible for a class of work.

- A. If the announcement has a closing date, the names of all successful candidates are placed on the eligible list.
- B. Successful candidates on continuous announcements will be added to the eligible list.
- C. The eligible lists will be prepared by and kept at the Muskegon County Human Resources Department for a period of three (3) months with an option to renew up to one (1) year.
- D. Use of Eligible Lists
 - 1. For the filling of a vacancy, the Court Administrator or designee will submit a requisition to the Human Resources Department.
 - 2. If the Court Administrator or designee has stated on the requisition that the position is to be filled by an open competitive announcement, the Human Resources Department will issue a certification showing the names, addresses and phone numbers of applicants meeting the minimum qualifications on the appropriate eligible list.
 - 3. The certification of eligibility will be made from those named on the eligible list on the date the certification is made.
 - 4. A review of those named as eligible on a list may be made prior to certification to determine current availability of eligible candidates interested in the vacancy and work location of the pending certification.
 - 5. If any of those named as eligible become unavailable or uninterested in the vacancy in question, after the certification has been issued, an amended certification can be made.
 - 6. When a vacancy exists in a classification which is one of a series of classes differentiated by the level of experience required and/or the level of skills measured on a performance test as part of the examination, an eligible list resulting from an equivalent level or higher-level class in the series may be used as an appropriate eligible list from which to fill vacancies in an equivalent or lower level class in that series if:
 - (a) No eligible list exists for an equivalent or lower level

classification, and if certification is made from those named as eligible that are willing to accept a position in the equivalent or lower level classification, and if the certified eligible candidate is paid within the salary range for the equivalent or lower level classification.

E. Removal of Names from Eligible List

Names will be removed from eligible lists for the following reasons: (Eligibles removed from the eligible list for reasons other than one and two below will be so notified)

1. Having been appointed to a Court position in the classification of the eligible list. These names will also be removed from the eligible lists of all lower paying classifications on which they may appear.
2. At the request of the eligible.
3. Failing to pass the Pre-Employment Medical or Psychological Examination.
4. Declining employment on two (2) occasions after receiving an appointment and accepting it.
5. Failing to appear for an employment interview with a department, except for extenuating circumstances, when shown.
6. Being unavailable for employment interviews with departments during normal Court working hours, except for extenuating circumstances, when shown.

Eligibles may request to be considered for employment in particular departments or work locations only, without violating this rule.

7. Being unreachable at the address given by the eligible as evidenced by an attempt by mail.
8. At the determination of the appointing Court Administrator on the basis of a post-offer criminal background check.
9. A provable falsification on the eligibles' application.
10. Documented evidence that the eligible has been found guilty of a felony, a crime involving fraud or dishonesty, or has received a dishonorable discharge from the Armed Forces of the United States. Rejection on this basis, however, may be waived if the applicant, subsequent to his/her rejection, but not later than five

(5) business days after notice of this rejection, files a request with the Human Resources Department outlining in detail the reasons for his/her request and the justification for waiving this provision. The Chief Judge of the relevant court, after review of the request, will make the final determination.

11. A documented unsatisfactory work record reported by a previous employer, or previous Muskegon County or Court employment, during a reference investigation.

Section XI PRE-EMPLOYMENT SCREENING

A. Coverage

1. Appointees to all Court positions, (including promotions, transfers and re-employment) except those excluded below, may be required to successfully pass the following screenings before their appointments will be considered complete.
2. Appointees to positions in the following categories are not required to successfully pass these screenings:
 - (a) Elected Officials
 - (b) Appointees of the Governor

B. Post-offer Medical Examination and Drug Screening Test

1. All appointees covered by this rule must take and pass a post-offer medical examination and a drug screening test administered by a Muskegon County Human Resources-selected physician.
2. Failure to meet the medical standards, or failure to have the ability to perform the essential job functions, or failure to pass the drug screening test, will cause termination of appointment and removal of the appointee's name from the eligible list for that classification.
3. No appointee will begin employment prior to taking and passing the post-offer medical examination and drug screening test.
4. The Muskegon County Human Resources Department will provide examining physicians with classification specification information including essential job function information.
5. Examining physicians will report the findings of their medical examinations and drug screening tests on appropriate forms to the Human Resources Department for the Court personnel file.
6. The medical examination and drug screening test results and reports will be maintained, by the Human Resources Department, as records separate from an employee's

personnel file as required by law and will be utilized only in accordance with applicable law.

- C. In addition to the screening described in Sections A and B above, appointees to applicable Court positions must also undergo a criminal background check. This criminal background check may be performed by the court or with the assistance of the Muskegon County Human Resources Department. The background check must be completed prior to the applicant beginning employment with the court, and certification that the background check has been completed will be placed in the employee's confidential court file. Candidates applying for certain positions within the Circuit/Family court may require successful completion of Central Registry background check, which must be completed prior to the end of employee's probation.
- D. Employment and Education References
 - 1. The employment and education references of all appointees covered by this rule will be verified in writing by the employing court.
 - 2. Information gained from such reference verification will be utilized under the appropriate sections of these rules.
 - 3. Falsification of any references will be grounds to remove the candidate from the list of eligible applicants.
- E. Post-offer Criminal Background Check
 - 1. The decision of whether a given criminal conviction warrants disqualification will be based upon the statutory criteria, recency and relevancy of that conviction to the classification for which the applicant has been offered as determined by the appointing Court Administrator.

Section XII VETERANS' HIRING PREFERENCE

The Muskegon County Courts have adopted a Veterans' Hiring Policy that applies to all Courts.

- A. Preference in appointment or employment must be given to an eligible veteran. An eligible veteran is one who was (a) released from active military duty; (b) has 90 or more calendar days of active duty services in the Armed Forces of the United States; (c) was honorably discharged from active duty; and (d) has been a resident of Michigan for at least 2 years.
- B. Veterans' preference can only be used for the initial or first appointment to a position in the Court. Any promotion or transfer

thereafter will strictly be based on merit.

- C. A qualifying veteran must possess the minimum qualifications for the job classification and any position-specific selection criteria in any event.
- D. The qualifying veteran must fulfill all other conditions for appointment as described by the Court Personnel Rules and/or any applicable collective bargaining agreements.

RULE 5 – PROBATIONARY PERIOD

Section I WHO MUST SERVE A PROBATIONARY PERIOD

- A. New Court hires who have received an appointment to a covered Court position.
- B. Former Court employees who have been re-employed.

Section II DEFINITION OF PROBATIONARY PERIOD

- A. The probationary period will be for six (6) months immediately following an employee's open competitive appointment, or re-employment.
- B. The probationary period is a continuation of the selection or re-employment process and the appointment or re-employment is not complete until the employee has successfully completed the probationary period as demonstrated by the required performance evaluation.

Section III EFFECT OF PROBATIONARY PERIOD ON AN EMPLOYEE

- A. During the probationary period following an open competitive appointment or re-employment, an employee does not have the right to request a hearing on a dismissal, suspension, or disciplinary action.

Section IV LENGTH OF PROBATIONARY PERIOD

The probationary period will begin on the effective date of the appointment, or re-employment and will end on the same date sixth months thereafter.

A Court Administrator cannot extend a six-month probation unless approved by the Chief Judge.

Section V EFFECT OF A PROVISIONAL APPOINTMENT ON A PROBATIONARY PERIOD

Time spent in a provisional appointment in the same classification and court and immediately prior to receiving an open competitive appointment to that classification and court will be considered as time spent under the probationary period of that appointment.

Section VI EFFECT OF PROBATIONARY PERIOD ON EMPLOYEE APPOINTED FOR THE LIFE OF A FEDERAL, STATE, LOCAL OR OTHER GRANT OR CONTRACT

Employees appointed to fill a position funded by a special grant or contract program, who have successfully completed a six-month probationary period while in grant or contract-funded employment will be granted regular status for all the purposes of these rules. It is understood, however, that a loss of

funding in the special grant or contract program may result in the employee's separation from Court service.

RULE 6 - TRIAL PERIOD



Section I WHO MUST SERVE A TRIAL PERIOD

- A. Current Court Employees who have received a promotion or transfer to a different classification of work.

Section II DEFINITION OF TRIAL PERIOD

- A. The trial period will be for sixty (60) days immediately following an employee's promotion or transfer.
- B. The trial period is a continuation of the promotional or transfer process and the promotion or transfer is not complete until the employee has successfully completed the trial period.
- C. The trial period is an opportunity for the employee to demonstrate their ability and to assess their fitness for the position. An extension of the trial period may be given upon approval by Court Administration and the Human Resources Director.

Section III EFFECT OF TRIAL PERIOD ON AN EMPLOYEE

- A. During the trial period, an employee does not have the right to request a hearing on a dismissal, suspension, or disciplinary action.

Section IV EFFECT OF TRIAL PERIOD ON EMPLOYEE APPOINTED FOR THE LIFE OF A FEDERAL, STATE, LOCAL OR OTHER GRANT OR CONTRACT

Employees appointed to fill a position funded by a special grant or contract program, who have successfully completed a sixty-day (60) trial period while in grant or contract-funded employment will be granted regular status for all the purposes of these rules. It is understood, however, that a loss of funding in the special grant or contract program may result in the employee's separation from Court service.

RULE 7 – EMPLOYEE PERFORMANCE EVALUATIONS

PERFORMANCE EVALUATIONS WILL BE CONDUCTED FOR ALL COURT EMPLOYEES AT INTERVALS NOT TO EXCEED 12 MONTHS.

Section I DEFINITION

A performance evaluation is a review of an employee's work performance over a given period of time. The evaluation, usually performed by the employee's supervisor, or in the case of a Court Administrator, the Chief Judge, is recorded on the platform provided by the Muskegon County Human Resources Department at the time of the employee's anniversary date or during a probationary period. (See also Rule 5 – Probationary Period.)

Section II USE OF PERFORMANCE EVALUATION

- A. In each court, informal performance evaluations should be ongoing throughout the year between employees and direct supervisors, or in the case of a Court Administrator, the Chief Judge.
- B. Formal performance evaluations will be conducted for employees with regular status at least once every twelve (12) months on the anniversary date of the employee's present classification. Such evaluations are used to:
 - 1. Acknowledge areas of exceptional performance.
 - 2. Identify and improve areas of deficient performance.
 - 3. Stimulate communication between supervisors and their subordinates relative to job duties and performance.
 - 4. Provide documentation for potential promotions, transfers, salary adjustments, merit increases, disciplinary actions and other personnel transactions.
 - 5. Goal setting.
- C. Formal performance evaluations will be conducted during an employee's probationary period. Such evaluations are used to:
 - 1. Apprise the probationary employee of his/her status during probation.
 - 2. Identify areas of unsuitable work performance and allow time for correction.
 - 3. Assure adequate review of a probationary employee's performance prior to completion of the probationary period.

4. See also, Rule 5, Section V.

Section III EVALUATION PROCEDURE

- A. Assigned Duties of Employee
 1. Each Court Administrator is responsible for ensuring that each employee is aware of their assigned duties.
 2. Evaluation of the employee's performance will be based upon assigned duties and should be updated accordingly as duties are modified.
- B. The Muskegon County Human Resources Department will notify each Court Administrator in advance of the employee's anniversary date that a performance evaluation is due.
- C. The employee's supervisor or Court Administrator, or in the case of a Court Administrator, the Chief Judge, will complete the performance evaluation on the platform provided by the Muskegon County Human Resources department and discuss the evaluation with the employee. If an evaluation is less than satisfactory, a Performance Improvement Plan will be implemented for the employee.
- D. Upon completion of the evaluation, the Court Administrator, or the Court Administrator's designee, or in the case of a Court Administrator, the Chief Judge, will sign the evaluation, and it will be forwarded to the Muskegon County Human Resources Department.

Section IV RESPONSIBILITY OF MUSKEGON COUNTY HUMAN RESOURCES

- A. Upon receipt of a performance evaluation from a court, the Muskegon County Human Resources Department will review the evaluation for completeness and return evaluations inappropriately completed.
- B. Muskegon County Human Resources will incorporate complete performance evaluations into the employee's official court personnel file.
- C. Muskegon County Human Resources will send a monthly report to the Court Administrator or its designee of all outstanding evaluations. The Court Administrator will advise the Chief Judge about outstanding evaluations, when appropriate.

RULE 8 – PAY POLICY

Section I APPOINTMENTS

- A. New Hires and Current Employees – the salary rate at which an employee begins employment in a given classification due to new hire, transfer or promotion shall be the base or minimum rate of the classification. Exceptions to this provision shall be made only for the reasons indicated in Rule 2, Section V and require the written recommendation of the Court Administrator.

Section II PAY ADJUSTMENTS

The following personnel actions shall affect the pay status of the affected employee in the following manner, unless exception is requested/granted per Rule 8, Section I:

A. Transfers

1. An employee transferring to a classification with the same maximum pay rate shall maintain the current pay rate received.
2. An employee transferring to a classification with a lower maximum pay rate shall maintain the current pay rate received, unless such pay rate exceeds the maximum pay rate for their new classification, in which case the employee's pay rate will be reduced to the maximum pay rate for their new class.
3. At no time will an employee earn less than Step 1 of the new classification.
4. Transferring does not change merit date.

B. Promotions

An employee promoting to a new classification with a higher maximum pay rate shall receive the minimum step of the new class. In the case of an overlap in pay ranges between the employee's current class and the class to which they are promoting, employees shall receive an increase to that step on the new pay range which would most closely approximate a five percent (5%) increase over their present pay rate, not to exceed the maximum pay rate for the class into which they are promoting, unless otherwise approved by the Chief Judge and provided there is no detrimental impact to the general fund.

1. A promotion changes the employee's merit date to the effective date of the employee's placement into the new position.

C. Reclassifications

When employees are reclassified in accordance with provisions of Rule 3, any pay adjustment to the incumbent shall occur as follows:

1. An upward reclassification shall result in a pay adjustment for an incumbent employee in accordance with Section II, B above.
2. A downward reclassification shall result in a pay adjustment for an incumbent employee in accordance with Rule 3, Section III, D (1).

D. Salary Range Adjustments

A salary range adjustment for a classification shall result in a pay adjustment for an incumbent employee in accordance with Section II, B, above. This does not affect an employee's merit date.

Section III MERIT INCREASES

The following merit increase pay policy shall apply for all court employees:

- A. Salary increases within a class are not automatic, but shall be based on the recommendation of the employee's Court Administrator in keeping with the employee performance evaluation system described in Rule 7.
- B. Employees may be granted merit increases of one (1) pay step once every twelve (12) months on the employee's anniversary date in their present classification dependent upon completion of a satisfactory performance evaluation.
- C. Employees shall not receive merit increases to a pay step above the maximum pay step in their classification.

Section IV APPLICATION TO PART-TIME AND HOURLY COURT EMPLOYEES

Hourly employees, defined as employees whose appointments are for more than ninety (90) days, but less than twenty-five (25) hours per week, and part-time employees, defined as employees whose appointments are for more than ninety (90) days, and for twenty-five (25) or more but less than forty (40) hours per week, upon the appropriate recommendation of the employee's Court Administrator, may be granted a merit increase of one pay step following the completion of each consecutive series of 2,080 hours worked commencing from the employee's most recent date of hire into Court or County service, unless otherwise approved by the Chief Judge and provided there is no detrimental impact to the general fund.

RULE 9 – ACCESS TO COURT EMPLOYEE PERSONNEL FILES

The responsibility for establishing and maintaining Court Employee Personnel files will be primarily that of the Court, with this authority delegated to the Muskegon County Human Resources Department. The judiciary being exempt from the definition of a “public body” pursuant to MCL 15.232 (h) (iv) any information contained in a Court Employee Personnel file is not considered subject to the Freedom of Information Act and shall instead be considered privileged and confidential.

Section I COURT PERSONNEL FILE ACCESS

- A. The following individuals have general access to employee personnel files:
 - 1. Chief Judge
 - 2. Court Administrator
 - 3. Muskegon County Human Resources Department staff
- B. The following individuals have limited access to employee personnel files:
 - 1. Court Administrators will have access to employee files for employees in their court. Access to files of employees not in their court or department can only be given with the consent of the Court Administrator.
 - 2. Corporate Counsel or counsel retained to represent the courts’ interests will have access when necessary to represent the Court.
 - 3. Employees will only be allowed access to their own personnel file. Access will be in accordance with Public Act 297, the Employee Right Know Act, which allows access two (2) times per calendar year. Copy fees may apply per Public Act 397.

Section II VIEWING PERSONNEL FILES

- A. Court Administrators and Court Employees interested in viewing a personnel file must first complete an Employee Personnel File Access Form (available on the Muskegon County Human Resources Department intranet page) which must be approved by the Court Administrator and/or designee and placed in the personnel file which was accessed.
- B. If approved, an employee of the Courts and/or Muskegon County Human Resources Department will remain with the individual the entire time that the file is being viewed to ensure the integrity of the file.

RULE 10 – DISCIPLINARY ACTIONS

Court Employees with regular status have the right to a hearing on suspensions, demotions and disciplinary actions conducted by the Court Administrator or designee. Employees requesting a hearing must file such request in writing to the Muskegon County Human Resources Department within five (5) business days of the effective date of the action taken against them. The Muskegon County Human Resources Department will forward the request to the Chief Judge or designee who will have up to ten (10) business days to review and schedule the hearing with the employee and the Department. The decision of the Chief Judge or designee is final and not subject to review, approval, or appeal.

When disciplinary action resulting in termination is recommended by the court, Muskegon County Human Resources shall be consulted, as well as Legal Counsel if deemed necessary.

Section I TYPES OF DISCIPLINARY ACTIONS

A. Written Reprimand

1. This is an action taken by a Court Administrator or designee who, through written communication, describes an action or behavior which requires the employee to correct or change a specified action or behavior. The written reprimand will describe in detail the behavior to be corrected, give direct and concrete orders for the future and point out the consequences of repeating the actions which brought about the written reprimand.
2. Written reprimands must be given on the Notice of Written Reprimand form provided by the Muskegon County Human Resources Department and must be presented to the employee in accordance with Section II of this rule.

B. Suspension without Pay

This is an action taken by a Court Administrator which removes an employee from employment in that court and from the County payroll for a definite period of time.

1. This action does not require the employee's consent to be placed on such a Leave without Pay.
2. The employee does not accrue salary, annual leave credit or sick leave credit, during the time of suspension and cannot use such time while on suspension.
3. The employee's benefit anniversary date will also be adjusted accordingly.
4. At the end of the suspension, the employee will be returned to the payroll at the same court, classification and salary as when

suspended.

5. Suspensions without pay must be given on the Notice of Suspension without Pay form provided by the Muskegon County Human Resources Department and must be presented to the employee in accordance with Section II of this rule.

C. Demotion

This is an action taken by a Court Administrator which reduces an employee's classification to a classification with a lower maximum salary.

1. The employee's salary must be reduced to fall within the range of the new classification but to no lower step designation than the one held in the higher classification unless the new classification has fewer salary steps, in which case the employee should be placed at the highest step.
2. The employee's duties and responsibilities must be reduced to that of the lower classification.
3. The reasons for the demotion must be given.
4. Demotions must be given on the Employee Job form provided by the Muskegon County Human Resources Department and must be presented to the employee in accordance with Section II of this rule.

D. Dismissal

This is an action taken by a Chief Judge which permanently removes an employee from employment in that court and from County payroll. (See Rule 16, "Separations") Consultation with the Court Administrator and Muskegon County Human Resources is required prior to dismissal being implemented by the court.

1. Dismissed employees need not be kept in employment or paid for any time after the completion of their normal working day on the date they are dismissed.
2. Dismissed employees will be treated the same as employees separated for reasons other than retirement, in the payment of unused accumulated annual leave. Dismissed employees do not receive payment for unused accumulated sick leave.
3. Dismissed employees will not be entitled to any form of "Severance Pay".
4. Dismissals must be given on forms provided by the Muskegon County Human Resources Department and must be presented

to the employee in accordance with Section II of this rule.

Section II METHODS OF NOTIFYING AN EMPLOYEE OF:

- A. Written Reprimand
Suspension Without Pay
Demotion
Dismissal

1. A written notice of the action, giving specific reasons, and the effective dates and conditions of the action, must be signed by the Court Administrator or designee and be presented to the employee in person by the Court Administrator or designee or else sent to the employee's last known address by registered mail, restricted delivery, with return receipt requested, on/or prior to the effective date of the action. If the written notice is presented in person, the employee should sign all copies to acknowledge receipt. If an employee refuses, the presenter should note it on the form.
2. The written notice must be on official forms made available by the Muskegon County Human Resources Department. Such forms will have the rules covering the method of appealing such an action either on an attached sheet or on the official notice.
3. A copy of the written notice will be retained by the court and remaining copies will be forwarded to the Muskegon County Human Resources Department where a copy will be made part of the court employee's file and record on employment.

Section III DISCIPLINARY PROCEDURE

- A. In Part B of this section, examples of behavior which would be cause for disciplinary actions are divided into three (3) groups. Guidelines for administering discipline are set forth within each of these groups and these guidelines will be followed by Court Administrators when dealing with the types of behavior described. These guidelines provide examples only on the type of misconduct that may lead to discipline and the level of discipline resulting from that misconduct. It is expressly recognized that not every form of misconduct can be listed in these rules. These rules should be construed as including, but not limited to, the behaviors listed below.
- B. Group 1 Offenses
 1. Habitual tardiness at commencement of work day or after lunch. (Habitual will be interpreted to mean two (2) instances in one (1) month without sufficient reason, as determined by the Court Administrator or designee.)

2. Absenteeism without sufficient reason or proper notification or without approved leave.
3. Disregard of safety rules or common safety practices.
4. Abuse of break time.
5. Use of profanity or obscene language in the presence of fellow employees or the public.
6. Faulty work and/or covering up faulty work.
7. Inefficient work.
8. Any other offenses of like consequence.

The disciplinary procedure in this group will be: first offense, written reprimand; second offense, three-day suspension without pay; third offense, discharge. The violations will be cumulated for a period of not more than two (2) years.

C. Group 2 Offenses

1. Unprofessional conduct.
2. Injurious or dangerous pranks.
3. Fighting on the premises.
4. Gambling during work hours.
5. Making or publishing of false and vicious or malicious statements concerning the County or Courts, and their respective employees.
6. Malicious destruction of Court or County property.
7. Verbal abuse, bullying, or harassment of the public or fellow employees.
8. Willful disobedience to the proper directive of a supervisor, or other acts of insubordination.
9. Accumulation of five (5) or more points on the employees driving record where the employee is hired for the primary purpose of transporting other persons.
10. Any other offenses of like consequence.

The disciplinary procedure in this group will be: first offense, three days' suspension without pay; second offense, discharge. The violations will be cumulated for a period of not more than three (3) years.

D. Group 3 Offenses

1. The misuse or removal from the premises, without prior authorization, of any Court records, confidential information, or of any other Court or County property, except as necessary in the performance of an employee's duty.
2. Theft of any property of fellow employees or of the Court or County.
3. Knowingly falsifying any time keeping records, or intentionally giving false information to anyone whose duty it is to make such records.
4. Consumption of any alcoholic beverages on Court or County property, in Court or County vehicles or during working time.
5. Absence of three (3) consecutive working days without notice or approved leave and without justifiable reason for failure to report.
6. Accumulation of ten (10) or more points on the employee's driving record where the employee is hired for the primary purpose of transporting other persons.
7. Physical abuse of the public or fellow employees.
8. Reporting to work or operating a Court or County vehicle while under the influence of alcohol, illegal drugs, controlled substances or hallucinogens.
9. Possession or use, sale or delivery of illegal drugs, controlled substances or hallucinogens on Court or County property, in Court or County vehicles or during working time.
10. Conviction of a misdemeanor or felony while employed and working in a department which involves contact with juvenile, elderly, vulnerable or frail population, or when the conviction is inconsistent with the job duties as determined by the Court Administrator.
11. Being placed on an offense registry while employed and working in a department which involves contact with juvenile, elderly, vulnerable or frail population.
12. Possession of a concealed weapon without written authorization in the course of employment with the Court. For the Hall of Justice, the Jail or a Sheriff's Department vehicle, advance written authorization must be obtained from the Sheriff. For all other County property and vehicles, the County Administrator makes all written authorization decisions. "In the

course of employment with the Court” includes no limitation on employee possession of a concealed weapon on County property or in a County or Court vehicle.

13. Loss of any license or certification as required by the class specification.
14. Solicitation of or acceptance of a non-de minimis gratuity (gift) from anyone for personal benefit, other than from fellow employees.
15. Any other offenses of like consequence.

The disciplinary action in this group will be immediate discharge.

RULE 11 –NOTICE OF LAW VIOLATION

All employees are required to notify their Court Administrator if they are arrested or charged for a violation of criminal law as soon as possible after the incident, but no later than five (5) business days after the charge, arrest or conviction. The Court Administrator will then forward notice to the Muskegon County Human Resources Director and the Chief Judge. Any Court Administrator who is arrested or charged for a violation of criminal law will immediately notify the Chief Judge.

Employees are also required to notify the Court Administrator, or as appropriate, the Chief Judge, of any conviction for a violation of criminal law. The Court Administrator will also provide notice to the Muskegon County Human Resource Director. Notification by the employee must occur as soon as possible after the incident, but no later than five (5) business days after conviction. Conviction includes a plea of guilty and a plea of no contest.

RULE 12 –DRUG AND ALCOHOL TESTING

Section I POLICY

The Court Administrator or designee has the authority to require an employee to submit to a random alcohol and/or drug test for alcohol, federally illegal drugs, controlled substances or hallucinogens. Cost for testing will be the responsibility of the Courts. This Rule shall incorporate the Court Policy regarding Substance Abuse.

Section II TEST TYPES

Such testing may require the employee to provide a hair, saliva, blood and/or urine sample. If the test discloses the presence of federally illegal drugs, controlled substances or hallucinogens, or if the test indicates that the employee is impaired or intoxicated by alcohol, the employee is subject to discipline up to and including immediate discharge. The delay or refusal to submit to the test is grounds for immediate discipline, up to and including immediate discharge.

Section III PRESCRIPTION MEDICATION

An employee is urged to consult with his/her supervisor if he/she is using prescription or over-the-counter medication which the employee believes may affect his/her performance.

Section IV FAILED TEST

An employee determined, as a result of properly implemented medical tests, to be impaired by alcohol, controlled substances, hallucinogens or to test positive for a federally illegal drug(s) while at work, on a first occurrence, may result in discipline up to and including discharge. A Court Administrator may enter into an agreement with an employee to enter a rehabilitation or counseling program, provided such employee enters into a "Last Chance Agreement". The Courts, in conjunction with Muskegon County Human Resources will ensure monitoring and reporting of subsequent testing in accordance with the terms of the Last Chance Agreement. A blood/alcohol level meeting or exceeding .05% or 10 mg/DL will constitute alcohol impairment for purposes of this policy.

RULE 13 – POLITICAL ACTIVITIES

Any of the following activities on the part of Court employees covered by the personnel system will be grounds for suspension or dismissal from the Courts. *

- A. Engaging in any political activity or campaigning for a public elective office during scheduled working hours or while on duty or while off duty while wearing uniform or other identifying insignia of office.
- B. Neglecting his or her assigned duties or responsibilities because of permitted political activity. This includes the circulating or nominating petitions for political office during working hours.
- C. Using office, public position, public property or supplies to secure political contributions or to influence a partisan or nonpartisan election to fill an office at any level of government.
- D. Soliciting or receiving anything of value as a partisan or nonpartisan political contribution or subterfuge for such contribution from any other person during work hours.
- E. Giving money, property, or anything of value, as a contribution or subterfuge for such contribution, for any partisan or nonpartisan political purposes, to any other public officer or employee, as distinguished from political parties or groups during working hours.
- F. Promising or using influence to secure public employment or other benefit financed from public funds as a reward for political activity.
- G. Discriminating in favor of, or against, an officer, employee or applicant on account of his or her political contribution or permitted political activity at any level of government.
- H. Engaging in any permitted political activity, while off duty, directed at other public employees who are on duty.

*Employees paid from Federal funds may be subject to the additional restrictions of sections 1501-1508 of Title 5 of the United States Code, commonly referred to as the Hatch Act. Additional information may be obtained from Muskegon County Human Resources.

RULE 14 – CONFLICT OF INTEREST

Section I CONFLICT OF INTEREST

- A. Court employees will not engage in any business or transactions or have any financial or personal interest that is, or may appear to be, incompatible with the performance of their official duties.
- B. Court employees will not engage in any outside work or consultation that is, or may appear to be, incompatible with the performance of their official duties.
- C. Court employees will not in their performance of their official duties, seek personal or private gain by granting preferential treatment to any person, agency or organization.
- D. Court employees will not solicit nor, unless duly authorized, accept transfers of economic value from persons, agencies or organizations with whom they have contact in their official capacity.
- E. Court employees will not use, or permit the use of, government property of any kind for activities not associated with the performance of their duties.
- F. Court employees will not seek or obtain personal or private gain from the use of information acquired during the course of their official duties which is not generally available to the public.
- G. Court employees will not engage in any business or transaction with any person, agency or organization with whom they have contact in their official capacity which may create a “quid pro quo” obligation or give the appearance of said obligation to the employee or the employees of the Court or County of Muskegon. This provision does not necessarily prohibit the receipt of voluntary contributions for the benefit of clients or other charitable purposes.
- H. Court employees will adhere to the State Court Administrative Office Model Code of Conduct for Trial Court Employees.

Section II PENALTIES

Violation of this rule may result in discipline, up to and including discharge.

RULE 15 – INTERNET-E-MAIL USAGE/SOCIAL MEDIA POLICY

Section I INTERNET USAGE POLICY

- A. Muskegon County provides the courts internet access for employees to use when conducting Court business.
- B. Court administrators may request, in writing, for individual employees to have access to the internet through the County's system, clarifying that said employee has a business need for access.
- C. The Court may choose to restrict access to various internet sites. Absent specific blocking of a site, employees are expected to refrain from accessing sites which would be considered offensive by community standards, except where such access is necessary for the execution of Court business.
- D. The Court reserves the right to review individual internet usage at its unfettered discretion. The Court Administrator and/or Chief Judge also reserves the right to request a report of an employee's internet activity.
- E. Employees that access the internet must be aware that the hardware and software utilized for the internet access has the ability to log all internet activity, including linked sites.
- F. Nothing in this policy will prohibit law enforcement officials from examining any internet usage in the course of an ongoing investigation of civil or criminal activity. The Court Administrator or designee reserves the right to disclose any internet activity to law enforcement officials, but will notify the Chief Judge, Court Administrator and/or Legal Counsel prior to any investigation being initiated.
- G. Any conduct that violates this this policy may result in disciplinary action up to and including dismissal.

Section II E-MAIL/INSTANT MESSAGE USAGE POLICY

- A. Muskegon County provides e-mail (electronic mail) to employees to use for conducting Court business.
- B. Employees must recognize that County computers are public property and are subject to monitoring at any time.
- C. Time spent on e-mail messages which are personal is expected to be either incidental in nature, or confined to time periods which are a part of the employee's non-paid work hours.
- D. Employees are expected to refrain from sending, or encouraging the receipt of, messages for which the content would be considered offensive by community standards, except where such messages are necessary for the execution of Court business.

- E. The Court reserves the right to access and disclose the contents of e-mail messages, but will do so only when it has a legitimate business need, or when the urgency of the need is sufficiently strong to offset the Court's commitment to honor the employee's interest in privacy.
- F. The Court may monitor e-mail/instant messages as a routine matter.
- G. Nothing in this policy will prohibit law enforcement officials from examining any e-mail/instant messages in the course of an ongoing investigation of civil or criminal activity. The Court Administrator or designee reserves the right to disclose any e-mail/instant messages to law enforcement officials, but will notify the Chief Judge, Court Administrator and/or Legal Counsel prior to any investigation being initiated.
- H. In case of termination or extended absence, work related e-mail/instant messages may be forwarded to the most appropriate employee.
- I. The unauthorized viewing and/or retrieval of another person's e-mail/instant messages, and other forms of electronic snooping, are prohibited.
- J. The Chief Judge, Court Administrator and/or Legal Counsel will review and approve any request for access to the contents of e-mail/instant messages.
- K. Any conduct which violates this policy may result in disciplinary action up to and including dismissal.

Section II SOCIAL MEDIA POLICY

A. Purpose

Internet applications that facilitate information sharing and collaboration including internet-based communities, social-networking sites, video-sharing sites, wikis, blogs and micro-blogs, mashups, and countless others. Together, these technologies are known as "social media". The most prominent of these is Facebook at the present time. As the popularity and integration of social media continues to increase in popularity, a number of new issues and questions are raised about proper use. These policies were created to assist Court personnel to effectively and responsibly navigate issues unique to social media.

B. Scope

This policy applies to all Court personnel who participate in social media or other internet activity. This policy applies without regard to whether the conduct occurs during working or non-working time. Similarly, this policy applies regardless of whether Court/County equipment is used. This policy is not intended to regulate Court

sponsored participation in social media.

C. Other Court Policies Apply to Social Media

All Court policies apply to an employee's participation in social media, whether during working hours or non-working time. In particular, the Anti-Harassment Policy is applicable to any employee's participation in social media.

D. Duty to Report Harassment

The Court's Anti-Harassment Policy states that employees "should" report any harassment witnessed by the employee or experienced by the employee. This same standard applies to reporting harassment through social media networks.

E. Public Nature of Social Media

Information on the internet is public in nature, whether allegedly protected by privacy settings on social media websites. As such, Court employees who identify themselves on the internet as being employed by the Court are expected to conduct their internet interactions as representatives of the Court.

F. Standards of Conduct

1. Transparency

If an employee communicates on the internet about the Court, and they identify themselves as affiliated with the Court, the employee must make it clear that any statement made about the Court made by the employee are personal opinions and that the employee is not speaking for or on behalf of the Court.

2. Confidentiality

An employee may not discuss confidential matters related to the Court on social media websites. Any breach of Court confidentiality will be classified as a Group II offense under Rule 10.

3. Quality

An employee should refrain from online activity that could reasonably be expected to harm the Court's reputation with the public. This includes publication of commentary regarding an ongoing court matter.

4. Advice

An employee should not give advice on matters beyond the

scope of the employee's knowledge. An employee shall not provide advice on legal matters in online activity.

5. Copyrights

An employee shall not utilize any logos of Muskegon County or Courts in the employee's online communications outside of work-related social media usage.

6. "Friending"

Employees should use discretion in making connections with colleagues on social websites. As between supervisors and subordinates, establishing or disconnecting online associations may be coercive or awkward. As between peers, inclusion or exclusion in online communities may create negative feelings in the workplace. This is not a prohibition against such relationships, simply a suggestion that employees use caution and discretion in their "friending" online.

RULE 16 – SEPARATIONS FROM COURT SERVICE

Section I RETIREMENT

This is an action in which the employee leaves Court service to become a retired member of the Michigan Municipal Employees Retirement System (MERS).

- A. Employees enrolled in a Defined Benefit plan must make application for retirement on an official “Application for Retirement” form and submit it to the Muskegon County Human Resources Department or directly to the Municipal Employees Retirement System (MERS).
- B. Muskegon County Human Resources Department will notify the retiring employee’s Court Administrator of their intention to retire.
- C. Employees are encouraged to schedule a retirement meeting with Human Resources before submitting their retirement application to MERS.
- D. The Employer shall provide medical, dental and vision coverage for Defined Benefit employees through insurance or a self-funded plan for individuals hired prior to August 1, 2009 and who are vested under the MERS plan by meeting age and service requirements, and for individuals who apply to MERS for disability retirement before separation, or within 30 calendar days of their separation from County employment and said application is subsequently approved by MERS. The insurance will become effective at the time the individual begins collecting his/her pension check from MERS. In addition, active retirees’ dependents will be allowed to participate in the County’s group health insurance programs, but the cost for coverage for any retiree’s dependents shall be paid by the retiree. The eligible retiree will have the choice between the Healthcare Savings Account (HSA) plan, with no further employer contribution into the account, or the High Deductible (HD) plan. Medical coverage for eligible retirees is valid on a primary basis until the retiree is eligible for Medicare and on a supplemental basis, via a Medicare Advantage plan, thereafter; for the lifetime of the retiree. In the event the retiree passes away, the spouse at time of death and dependent children will continue to be eligible for insurance coverage through the County. The County will pay for individual retiree's medical and dental coverage based on the following schedule for all non-bargaining employees hired before August 1, 2009. Retirees are responsible for one-hundred (100) percent of the vision premium without any cost sharing from the County.

Years of Continuous Service at Date of Retirement	Percentage of Individual Retirees Coverage Paid by County
10	40
11	44
12	48
13	52
14	56
15	60
16	64
17	68
18	72
19	76
20	80
21	84
22	88
23	92
24	96
25	100

Retirees are responsible for the cost remaining after the County percentage is applied.

Section II RESIGNATION

This is an action in which an employee voluntarily separates from the Court service for reasons other than formal retirement.

- A. Employees may resign from the Court by signing a letter of resignation and submitting it to their Court Administrator.
- B. Resigning employees are encouraged to submit a written letter of resignation to their Court Administrator at least two weeks before their final date of work.
- C. Resigning employees will work their normal work schedule between the time the resignation is submitted and its effective date, except for Court Administrator approved uses of accumulated Annual Leave and Sick Leave and the working of Court Administrator approved overtime.

Section III SEPARATION BECAUSE OF CURTAILMENT OF WORK, LACK OF FUNDS, REORGANIZATION OR GRANT FUNDING EXHAUSTED

- A. "Curtailment of work" is a situation in which the need for the employee's services is no longer required because the Court no longer performs the function to which the employee was assigned, to the degree that the same number of employees are needed.
- B. "Lack of funds" is a situation in which the Court is forced to drop positions because it does not have the funds to pay the salaries of the incumbent employees.

- C. In the event of separation because of curtailment of work or lack of funds, such reductions in workforce will be limited to the department involved and will be made in the following order:
1. Temporary/seasonal part-time employees.
 2. Temporary/seasonal full-time employees.
 3. Provisional employees.
 4. Employees serving probationary periods after certification from open competitive eligible lists.
 5. Hourly, permanent employees.
 6. Part-time employees with regular status.
 7. Full-time employees with regular status.

The order within each designated category will be determined by the Court Administrator's evaluation of the employee's relative to managing the remaining work load of the department, giving consideration to classification and the length and quality of Court and department service.

Employees who have been promoted but who are serving a trial period at the time of such reduction in force will be considered as holding a position in the highest classification in which they hold regular status.

- D. In the event that departmental reorganization is proposed because of the need to improve the efficiency of the department, and that proposed reorganization involves the separation of full-time employees, said reorganization will be evaluated on a case-by-case basis and a court-by-court basis. In the event separation is proposed under this sub-rule, the Court Administrator will be required to demonstrate to the Chief Judge the cost savings that will result from this action, the need for those cost savings and/or any efficiencies that will result from the separation of the employee. These actions by a Court Administrator can be taken based upon the current conditions of the department or conditions that can be reasonably anticipated within a reasonably short period of time.
- E. The names of such separated employees who have regular status will be placed on the "re-employment lists" (for a period of eighteen (18) months) for the classification of the work from which they most recently held regular status.
- F. The names of probationary employees will be placed at the top of the current eligible list for the classes for which they were certified.
- G. The Muskegon County Human Resources Department is directed to

bring such "re-employment lists" to the attention of Court Administrators as vacancies occur in such classifications.

H. Grant Funding Exhausted

Section IV DISMISSAL

This is an action taken by the employee's Court Administrator which permanently removes an employee from employment in that department and from the County payroll. Consultation with Muskegon County Human Resources may occur prior to dismissal being implemented by the department.

A. See Rule 10, Section I, D and Section III.

B. For hearings of Dismissals see Rule 10.

Section V DEATH OF AN EMPLOYEE

A. The deceased employee's Court Administrator should:

1. Send the deceased employee's separation papers to the Human Resources Department.

B. The deceased employee's family should:

1. Phone the Human Resources Department.

2. The Human Resources Department will obtain:

(a) A copy of the Death Certificate

(b) The deceased employee's County Group Life Insurance Policy and will assist the designated beneficiary with the application process.

Section VI OFFICIAL DATE OF SEPARATION

A. The official date of separation will be the last day of actual work except for time off, authorized by the employee's Court Administrator, under one of the following categories:

1. Use of earned accumulated unused Annual Leave.

2. Use of earned accumulated unused Sick Leave.

B. In the case of an employee dying while on the Court payroll, the official date of separation will be the end of the usual working day on the date of the employee's death.

- C. Unused accumulation of Sick Leave existing as of the official date of separation will not be used to prolong the official period of Court service.
- D. Unused accumulation of Annual Leave existing as of the official date of separation will only be used to prolong the official period of Court service upon approval of the Chief Judge.

Section VII METHOD OF PAYMENT ON SEPARATION

The separated employee's last paycheck will contain payment for the following items at the employee's salary rate as of the official date of separation:

- A. Payment for all days that were worked or charged with sick, vacation, bereavement or personal leave, but as yet unpaid, through the official date of separation.
- B. Payment at straight time for unused Annual Leave accumulated as of the official date of separation as appropriate according to Rule 19, Section III, A.
- C. Payment at straight time for unused Sick Leave accumulated as of the official date of separation, as appropriate according to Rule 20, Section V.

RULE 17 – EXIT INTERVIEWS

Section I POLICY

All employees who separate from Court employment may be asked to participate in an exit interview conducted by the Court Administrator, or designee, and/or Human Resources Director or designee prior to the employee's last scheduled day of work.

The employee will suffer no reduction in pay when released to attend the exit interview. Information obtained in the exit interview will be provided to the Court Administrator and/or Muskegon County Human Resources Director, when appropriate.

Section II PROCEDURE

- A. All Court Administrators will notify the Muskegon County Human Resources Department of an employee separation as soon as the information becomes available.
- B. Upon request of the separating employee, the Muskegon County Human Resources Director or designee will contact the separating employee to schedule a convenient time to conduct the exit interview.
- C. The exit interview may be completed in person, via telephone/video conference or through completion of various forms if a convenient meeting cannot be scheduled.

RULE 18 – ELIGIBILITY FOR FRINGE BENEFITS

Section I DEFINITION OF FRINGE BENEFITS

A. This rule will be used to determine eligibility for the following Fringe Benefits which may be provided, (unless spelled out differently in the provisions of, or laws regulating, the individual benefit).

1. The earning, accumulation and use of Annual Leave.
2. The earning, accumulation and use of Sick Leave.
3. The use of Bereavement Leave.
4. The use of Personal Leave.
5. County Hospitalization Insurance.
(a) Benefit Option in lieu of medical coverage.
6. Membership in Michigan Municipal Employee's Retirement System.

a. Employees hired on or after August 1, 2009 (transfers and re-hires will be enrolled according to the adopted Plan Continuation on file with MERS), will be enrolled in the MERS Defined Contribution plan with an employee contribution of 4.5% and employer contribution of 3% of gross wages.

Defined Contribution Vesting Schedule

25%	After 3 years of service
50%	After 4 years of service
75%	After 5 years of service
100%	After 6 years of service

b. Employees hired on or after August 1, 2009 (transfers and re-hires will be enrolled according to the adopted Plan Continuation on file with MERS) will be enrolled in the MERS Health Care Savings Plan (HCSP) with a County contribution of 3% of gross wages.

The HCSP plan is not subject to a graduated vesting schedule. Employees are 100% vested at 6 years of service.

7. County Group Life Insurance and Accidental Death and Dismemberment.
8. County Dental Insurance.
9. Long-term Disability Insurance.
10. Cost-of-living payment – Employees must be in pay status as of December 1 and must have 0-4 years of eligible court and/or county service in order to be eligible for COLA payments.
11. Longevity Payment – Employees must be in pay status as of December 1 and meet eligibility requirements as stated in Rule 2, Section VII; payment is pro-rated based on number of hours worked.
12. Legal Holidays.
13. Section 125 Plan.
14. Vision Insurance.

Section II ELIGIBILITY FOR FRINGE BENEFITS

All full-time and eligible part-time, permanent employees covered by these rules may be eligible for the fringe benefits listed in Section I above.

New hires are eligible for health insurance benefits on the first of the month following thirty (30) days of employment. Court Administrators, Department Directors and Elected Officials are eligible for health insurance benefits on the first day of employment.

Section III INELIGIBILITY FOR FRINGE BENEFITS

The employees listed below will not be eligible for any fringe benefits:

- A. Employees whose appointments are for less than one-hundred twenty (120) calendar days.
- B. Permanent employees who are scheduled to work less than twenty-five (25) hours per week.

Section IV LIMITED ELIGIBILITY

Employees who are appointed for more than one-hundred twenty (120) calendar days and who are scheduled to work twenty-five (25) hours, but less than forty (40) hours, per week will have limited eligibility to the fringe benefits listed in Section I above, as follows on a pro-rated basis:

- A. Earn, accumulate and use sick leave and annual leave at a rate that is determined by the number of scheduled hours worked per week in

relation to a full-time employee.

- B. Benefits for eligible part-time employees will be prorated based on hours worked for cost-of-living and longevity payments.
- C. Insurance contributions and special leaves (personal, bereavement and holiday) benefits for eligible part-time employees will be pro-rated based on their classification or work.

Section V ELIGIBILITY DATE

- A. In the rule applying to the individual fringe benefit, employees who qualify under this rule will be eligible for fringe benefits based on the benefit anniversary of the County and/or Court employment.
- B. Time spent in non-eligible County and/or Court employment cannot later be made eligible time and credited toward the fringe benefit, except as they may qualify under Section VI below.
- C. All active fringe benefits terminate at midnight the last day of employment with Court or County.

Section VI LENGTH OF COUNTY AND/OR COURT SERVICE

- A. For Retirement Benefits
 - 1. Except as modified elsewhere in these rules, all employees will be eligible to earn retirement credit for retirement benefits effective with their benefit date, provided that they are regularly scheduled for and work sixty (60) hours per month to earn retirement credit for that month.
 - 2. An employee will be eligible to receive retirement benefits according to MERS age and service requirements and the employee's benefit date.
 - (a) Length of service will be computed on a basis of the amount of time the employee has been actually in benefit eligible status.
 - (b) Retirement credit for service with other governmental agencies may be granted subject to the rules of MERS.
 - (c) Purchase of generic service credit at the request of an employee through the MERS system is only allowable subject to the following conditions: 1) the employee pays the total actuarial cost of the additional credited generic service time as determined by MERS; 2) such purchases must occur not more than sixty (60) calendar days prior to the actual retirement date of the employee wishing to purchase generic service time; 3) this generic time purchase will not

count toward the actual completed continuous service time with Muskegon County and/or Courts used to determine the percentage of retiree co-payment for medical and dental insurance benefits, and 4) must have Board of Commissioners approval.

- B. For all other fringe benefits based on a length of service
 - 1. This subsection applies to all benefits other than retirement as outlined in Section I above, for which eligibility is based on length of County and/or Court service.
 - 2. Length of service will be determined by the employee's "Benefit Anniversary Date" which is computed on the basis of the amount of time paid to the employee on the County payroll commencing at the employee's date of hire into the eligible service with the following exceptions:
 - (a) Time spent on Military Leave from Muskegon County and/or Courts will be included.

RULE 19 – ANNUAL LEAVE

Section I DEFINITION OF ANNUAL LEAVE

Annual Leave is absence from work for which the employee is paid just as if he/she were at work. Annual Leave is earned and accumulated each pay period at a rate dependent on the length of the employee’s County and/or Court service. The determination of when Annual Leave is to be used, and the amount of Annual Leave that is to be taken at one time are at the discretion of the employee’s Court Administrator, or designee, within the limitations of the employee’s accumulation, or in the case of a Court Administrator, at the discretion of the Chief Judge. Of necessity, the welfare and convenience of the Court and the continuation of the services the Court renders must be the foremost consideration in allowing Annual Leave.

Section II ELIGIBILITY FOR ANNUAL LEAVE

- A. See Rule 18 “Eligibility for Fringe Benefits.”
- B. All employees eligible for Annual Leave, will begin their accumulation from the first day of eligible County and/or Court employment.

Section III RATE OF ACCUMULATION OF ANNUAL LEAVE AND MAXIMUM ACCUMULATION

- A. Annual Leave will be earned and accumulated per pay period according to the following chart:

LENGTH OF ELIGIBLE COUNTY SERVICE (See Rule 18)		MAXIMUM DAYS OF ANNUAL LEAVE EARNED		MAXIMUM DAYS OF ACCUMULATION*	MAXIMUM DAYS OF ACCUMULATION FOR NEW HIRES EFFECTIVE “OCTOBER 5, 2008”**
From	Through	Per Pay	In 12 Months		
0 years	5 years	.500	13	26	13
6 years	10 years	.615	16	32	16
11 years	15 years	.731	19	38	19
16 years		.769	20	40	20
17 years		.808	21	42	21
18 years		.846	22	44	22
19 years		.885	23	46	23
20 years	Remainder of Court/County Service	.923	24	48	24

*The maximum accumulation is based on two years’ worth of Annual Leave earnings for employees hired prior to October 5, 2008.

**The maximum accumulation is based on one (1) years’ worth of Annual Leave earnings.

Court Administrators' Annual Leave will be earned and accumulated per pay period according to the following chart:

LENGTH OF ELIGIBLE COUNTY SERVICE (See Rule 18)		MAXIMUM DAYS OF ANNUAL LEAVE EARNED		MAXIMUM DAYS OF ACCUMULATION*	MAXIMUM DAYS OF ACCUMULATION FOR NEW HIRES EFFECTIVE OCTOBER 5, 2008**
From	Through	Per Pay	In 12 Months		
0 years	5 years	.615	16	80	40
6 years	10 years	.808	21	105	52.5
11 years	Remainder of Court/County Service	.923	24	120	60

*The maximum accumulation is based on five (5) years' worth of Annual Leave earnings for employees hired prior to October 5, 2008.

** The maximum accumulation is based on two and one-half (2-1/2) years' worth of Annual Leave earnings.

***Employees in class designations of ND, NF, NT, NU, NV, NW, NX, XT, XU, XF, and XW (excluding Elected Officials and hourly employees) will have all accumulated vacation time paid based on the maximum set; however, the balance will be allowed to accrue and be used beyond the maximum for accrual purposes only.

Employees are able to accrue hours on an unlimited basis, however the stated maximums will apply upon separation per Section X.

Section IV USE OF ANNUAL LEAVE

- A. Annual Leave may be used only with the permission of an employee's Court Administrator or in the case of a Court Administrator, at the discretion of the Chief Judge. This provision will apply to all other sections of this plan.
- B. Annual Leave may be used at any time after it is earned subject to item "A" above.
- C. Annual Leave may be used in any combination of hours, subject to item "A" above.

Section V EFFECT OF SICK LEAVE ON ANNUAL LEAVE

- A. Employees on Sick Leave (with pay) will continue to accumulate Annual Leave just as if they were on the job.
- B. If an employee has reason to use Sick Leave during a period of Annual Leave usage, and if such Sick Leave is used to cover a qualifying illness, which may require a physician's written statement to the Court Administrator's satisfaction, or in the case of a Court Administrator, the Chief Judge's, satisfaction, such time may be deducted from the employee's Sick Leave accumulation instead of from his/her Annual

Leave accumulation.

Section VI EFFECT OF BEREAVEMENT LEAVE ON ANNUAL LEAVE

If an employee has reason to use Bereavement Leave during a period of Annual Leave usage, and such Bereavement Leave is documented to the Court Administrator's satisfaction, or in the case of a Court Administrator, the Chief Judge's satisfaction, such time may be considered as Bereavement Leave instead of deducted from the employee's Annual Leave accumulation. (See also, Rule 21, Bereavement Leave)

Section VII EFFECT OF PAID LEGAL HOLIDAYS ON ANNUAL LEAVE

Legal Holidays, as defined in these rules, which are counted as days off with pay by the Court, will not be deducted from an employee's Annual Leave accumulation when they fall during a period of Annual Leave usage.

Section VIII EFFECT OF LEAVES OF ABSENCE WITHOUT PAY ON ANNUAL LEAVE

Employees will not accumulate Annual Leave while on Leaves of Absences Without Pay.

Section IX EFFECT OF TRANSFER OF AN EMPLOYEE FROM ONE DEPARTMENT TO ANOTHER WITHIN THE COUNTY AND/OR COURT ON ANNUAL LEAVE

A transferring employee's unused accumulated Annual Leave hours will transfer with him/her. Budgeted Personnel Funds will not be transferred from one departmental budget to another, as a result of the employee's transfer.

Section X PAYMENT FOR UNUSED ACCUMULATED ANNUAL LEAVE ON SEPARATION FROM COUNTY AND/OR COURT SERVICE

Employees separated from the County and/or Court Service who have completed at least six (6) months eligible service will be paid at separation for their unused accumulations of Annual Leave at the salary rates the employees are being paid on their final day of actual work. The amount of unpaid, unused annual leave to be paid based on this section, shall not exceed the maximum accumulation allowed by Rule 19, Section III, above.

Section XI CASH OUT OF ANNUAL LEAVE

In accordance with Internal Revenue Service private letter ruling number 200450010, release date 12/10/04, each benefit eligible employee, during the open enrollment period before the start of the plan year (for current employees) or before the employee begins accruing leave (for newly-hired employees), may make an one-time, irrevocable election to voluntarily elect to have up to eighty (80) hours of vacation time deducted from his/her subsequent year vacation leave accruals and receive the equivalent amount as a cash disbursement in lieu of time off during the next calendar year. The number of hours that are elected may not be used in any subsequent plan year and hours will not be eligible for cash

disbursement until the hours have been accrued since the beginning of the new calendar year. If an employee elects a cash disbursement of eighty (80) hours of unused vacation leave, then (1) any hours above eighty (80) that the employee has banked will be deemed to be used first, and (2) of the eighty (80) elective hours, any that are unused and not disbursed as cash must be forfeited. No elective days can be rolled over into the next year.

RULE 20 – SICK LEAVE

Section I DEFINITION OF SICK LEAVE

Sick Leave is an absence from work for which the employee is paid just as if he/she were at work, because the reason for the absence is covered by the provisions of this Sick Leave plan and the employee has accumulated at least as much Sick Leave as required for the absence in question.

Section II ELIGIBILITY FOR SICK LEAVE ACCUMULATION AND USE

- A. See Rule 18 “Eligibility for Fringe Benefits”.
- B. All employees eligible for Sick Leave will begin their accumulation from the first day of eligible County and/or Court employment, but will be eligible for use of paid Sick Leave on the ninetieth (90th) calendar day after commencing employment.

Section III RATE OF EARNING AND ACCUMULATION OF SICK LEAVE

Benefit eligible employees will accumulate Sick Leave as follows:

Years of Service	Days Sick Leave Earned		Maximum Days of Accumulation	Days Sick Leave Earned for New Hires Effective “October 5, 2008”		Maximum Days of Accumulation for New Hires Effective “October 5, 2008”
	Per Pay Period	In 12 Months		Per Pay Period	In 12 Months	
0 - 10	.4615	12	180	.385	10	90 (not based on years of service)
10 -	.6923	18	180			
Remainder of Court/County Service						

Non-benefit eligible employees, including Seasonal and Hourly employees as well as paid interns will accumulate Sick Leave per the Earned Sick Time Act (ESTA) as follows:

Years of Service	Hours Accrued	Hours Worked	Maximum Hours of Accumulation
0-Remainder of Court/County Service	1	30	Unlimited

ESTA sick hour usage is capped at seventy-two (72) hours per calendar year. Seventy-two (72) hours of ESTA hours may be carried over from one calendar year to the next. ESTA hours are not eligible for payout upon separation or dismissal from employment.

Section IV USE OF SICK LEAVE

- A. Sick Leave accumulations may be used subject to the approval of the employee's Court Administrator, or in the case of Court Administrator, at the discretion of the Chief Judge. This provision will apply to all other sections of this plan.
- B. Each Court Administrator, or designee, will be responsible for reviewing employee requests for Sick Leave and determining their validity.

He/she will refuse to allow use of Sick Leave when in his/her judgment, there is insufficient evidence to support the employee's claim, or where he/she believes that the employee has not exercised reasonable effort to promptly notify the Department of his/her absence. The Court Administrator may require an employee to submit a physician's statement in order to justify the use of sick leave for sick leave absences that exceed three (3) consecutive business days.

Employees shall, whenever possible, notify their Court Administrator that they will be unable to work before their normal work day begins, in any case, not later than one hour before the working day begins.

- C. Sick Leave will not normally be granted for a period of more than three consecutive work days unless the employee submits a statement from his/her physician, to his/her Court Administrator, or designee, that the Sick Leave is necessary. The employee will have fifteen (15) business days after the request to provide this documentation. The cost of securing the medical documentation will be paid by the employee and reimbursed by the Court's funding unit as required by ESTA.
- D. Sick Leave may not be used before it is earned, nor before an employee has been employed for ninety (90) calendar days.
- E. Sick Leave may be used for the following purposes:
 - 1. Personal illness or incapacity over which the employee has no reasonable control.
 - 2. Absence from work because of exposure to contagious disease which, according to public health standards, would constitute a danger to the health of others by the employee's attendance at work.
 - 3. Medical and dental examinations or treatment.
 - 4. The care of a family member to include:
 - a. Biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the

- employee stands in loco parentis;
- b. Biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child;
- c. Grandparent;
- d. Grandchild;
- e. Biological, foster, or adopted sibling;
- f. Any other individual related by blood affinity who close association with the employee is the equivalent of a family relationship

A domestic partner means an adult in a committed relationship with another adult, including both same-sex and different sex-relationships.

Committed relationship means one in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, including but not limited to a civil union.

Such usage will not exceed three (3) consecutive days for any one illness, unless the employee submits proper medical documentation or is on an approval Family Medical Leave.

5. To supplement Workmen's Compensation payments.
6. The employee's or the employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's or the employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for the employee or the employee's family member.
7. If the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
8. For meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child;
9. For closure of the employee's place of business by order of a public official due to a public health emergency; for an employee's need to care for a child whose school or place of case has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the

employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease; regardless of whether the employee or family member has actually contracted the communicable disease.

10. The Employer shall not require an employee to search for or secure a replacement worker as a condition for using the sick time.

Section V PAYMENT FOR UNUSED ACCUMULATED SICK LEAVE

- A. Payment when separating from County and/or Court employment for reasons of death or to become a retired member of the Michigan Municipal Employees' Retirement System. Employees enrolled in the Defined Contribution plan will have their separation processed as a retirement if they have reached age sixty (60) and have obtained six (6) years of eligible service:

An employee will receive three-quarters pay for all unused accumulated Sick Leave not to exceed one hundred eighty (180) days (up to 180 days x .75 x hourly rate) (maximum payout 135 days). Employees hired on or after October 5, 2008 will receive three-quarters (.75) pay for all unused accumulated Sick Leave up to ninety (90) days (maximum payout – sixty-seven and one-half (67-1/2) days). Payment will be based on the rate the employee is earning at the time of separation.

- B. Payment for resigning from County and/or Court employment after completion of at least one (1) year of continuous County and/or Court employment: an employee will receive one-half (.50) pay for all unused accumulated Sick Leave, not to exceed one-hundred eighty (180) days (maximum payout – 90 days).
- C. Payment for resigning from County and/or Court employment for employees hired on or after October 5, 2008, after completion of at least one (1) year of continuous County and/or Court employment, will receive one-half (.50) pay for all unused accumulated Sick Leave, up to ninety (90) days (maximum payout – forty-five (45) days). Payment will be based on the rate the employee is earning at the time of separation.
- D. Employees who are dismissed from County and/or Court employment will not be eligible for payment of accumulated but unused sick leave.

Section VI EFFECT OF SICK LEAVE ON ANNUAL LEAVE AND SICK LEAVE ACCUMULATIONS

- A. Employees on Sick Leave with pay will continue to accumulate Annual Leave and Sick Leave just as if they were on the job.
- B. If an employee has reasons to use Sick Leave during a period of

Annual Leave usage, and if such Sick Leave is used to cover a qualifying illness of the employee or qualifying family member, and if such Sick Leave exceeds three (3) consecutive days, then it must be documented by a physician's written statement to the Court Administrator's satisfaction, or in the case of a Court Administrator, the Chief Judge's satisfaction, such time may be deducted from the employee's Sick Leave accumulation, instead of from his/her Annual Leave accumulation.

- C. Legal Holidays which are counted as days off with pay by the County will not be deducted from an employee's Sick Leave accumulation when they fall during a period of Sick Leave Usage.

Section VII EFFECT OF LEAVES OF ABSENCE WITHOUT PAY ON SICK LEAVE

Employees will not accumulate or use Sick Leave while on Leaves of Absence Without Pay.

Section VIII EFFECT OF TRANSFER OF AN EMPLOYEE FROM ONE DEPARTMENT TO ANOTHER WITHIN THE COUNTY AND/OR COURT ON SICK LEAVE

A transferring employee's unused accumulated Sick Leave hours will transfer with him/her. No money will be transferred from one salary budget to another as a result of the employee's transfer.

Section IX EFFECT OF RE-EMPLOYMENT ON SICK LEAVE

- A. Former employees who have been paid for Sick Leave accumulations and who return to County and/or Court service, must start their accumulation of Sick Leave as new employees.
- B. Employees who terminate their employment prior to completion of one year of eligible County and/or Court service and who return to eligible County and/or Court service will forfeit any previous sick leave accumulations.
- C. Employees who leave the County and/or Court service to enter the Armed Forces of the United States under the provisions of the Selective Service Act, who are members of the Armed Forces and are called to active duty, or who enlist in the Armed Forces during a declared national emergency will, upon re-employment by the County and/or Court, have available any unused Sick Leave previously earned, less any Sick Leave for which they may have been paid; provided that such re-employment takes place within ninety (90) days after discharge or release from active duty in the Armed Forces, whichever is later.

Section X EFFECT OF BEREAVEMENT LEAVE ON SICK LEAVE

Employees who are given permission to use Bereavement Leave during a period of approved Sick Leave usage will not have the time spent on Bereavement Leave deducted from their Sick Leave accumulation.

Section XI CASH OUT OF SICK LEAVE

In accordance with Internal Revenue Service private letter ruling number 200450010, release date 12/10/04, each benefit eligible employee, during the open enrollment period before the start of the plan year (for current employees) or before the employee begins accruing leave (for newly-hired employees), may make an one-time, irrevocable election to voluntarily elect to have up to eighty (80) hours of sick time deducted from his/her subsequent year sick leave accruals and receive the equivalent amount as a cash disbursement in lieu of time off during the next calendar year. The number of hours that are elected may not be used in any subsequent plan year and hours will not be eligible for cash disbursement until the hours have been accrued since the beginning of the new calendar year. If an employee elects a cash disbursement of eighty (80) hours of unused sick leave, then (1) any hours above eighty (80) that the employee has banked will be deemed to be used first, and (2) of the eighty (80) elective hours, any that are unused and not disbursed as cash must be forfeited. No elective days can be rolled over into the next year.

RULE 21 – BEREAVEMENT LEAVE

Section I DEFINITION OF BEREAVEMENT LEAVE

- A. Bereavement Leave is an absence from work, for not more than three working days, for which the employee is paid just as if he/she were at work, because the reason for the absence is the death of a member of his/her immediate family or household as described by the following provisions of this plan.

- B. The deceased must bear one of the following relationships to the employee. (Whether the relationship is natural, adoptive, step or foster in nature.)

Spouse	Spouse's Parent
Child	Brother-in-law
Parent	Sister-in-law
Guardian	Son-in-law
Grandparent	Daughter-in-law
Brother	Spouse's grandparent
Sister	Member of the employee's household which is
Grandchild	the deceased's residence at the time of death

Section II ELIGIBILITY FOR BEREAVEMENT LEAVE USE

- A. See Rule 18 – “Eligibility for Fringe Benefits.”

- B. Bereavement Leave will be available for use by eligible employees, upon approval, immediately upon date of hire.

Section III USE OF BEREAVEMENT LEAVE

- A. Bereavement Leave may be used only with the permission of the employee's Court Administrator, or in the case of a Court Administrator, the Chief Judge.

- B. The length of Bereavement leave will be at the discretion of the employee's Court Administrator, or in the case of a Court Administrator, the Chief Judge, depending on the relationship of the employee to the deceased and the geographical location of the funeral, but in no case will leave for one death be longer than three working days. In the event of lengthy travel, defined as 200 miles one way from the employee's home, up to a maximum of two (2) additional days may be used.

Section IV EFFECT OF BEREAVEMENT LEAVE ON SICK LEAVE AND ANNUAL LEAVE ACCUMULATION

Time taken off with pay as Bereavement Leave will not be deducted from either the employee's Annual Leave accumulation or Sick Leave accumulation.

Section V MILITARY FUNERALS

One day with pay may be granted to attend a military funeral in which the employee is an official participant.

RULE 22 – PERSONAL LEAVE

Section I DEFINITION OF PERSONAL LEAVE

Personal leave is absence from work for which the employee is paid just as if he/she were at work.

Section II ELGIBILITY

Personal leave is available for regular full-time and part-time employees at the commencement of Court service. Eligible employees will be entitled to the hourly equivalent of two (2) personal days off with full pay each fiscal year of service; however, they are not cumulative.

Section III USE OF PERSONAL LEAVE

Personal days may be taken at any time provided the employee requests and obtains approval of the supervisor, Court Administrator or Chief Judge. Personal leave can only be taken in hourly increments and cannot be carried over from one fiscal year to the next. Any unused days will be forfeited.

RULE 23 – LEGAL HOLIDAYS

Section I DEFINITION

The following holidays are recognized as Legal Holidays by the Supreme Court of the State of Michigan:

- 1) New Year's Day
- 2) Martin Luther King Jr. Day
- 3) President's Day
- 4) Memorial Day
- 5) Juneteenth
- 6) Independence Day
- 7) Labor Day
- 8) Veterans Day
- 9) Thanksgiving Day
- 10) The day after Thanksgiving
- 11) Christmas Eve
- 12) Christmas Day
- 13) New Year's Eve

Section II HOLIDAYS FALLING ON SUNDAY

Whenever one of the designated holidays falls on Sunday, the Monday immediately following will be considered as the Official Holiday for the purpose of these regulations.

Section III HOLIDAYS FALLING ON SATURDAY

Whenever one of the designated holidays falls on Saturday, the Friday immediately preceding will be considered as the Official Holiday for the purpose of these regulations.

Section IV HOLIDAYS OFFICIALLY CELEBRATED ON MONDAY

Whenever one of the designated holidays is celebrated on Monday, in compliance with Act 124, Amendment 12 of the Public Acts of 1969, that Monday will be considered as the Official Holiday for the purpose of these regulations.

Section V EFFECT OF LEGAL HOLIDAYS

- A. All Courts and County Departments and Institutions will be closed on these designated holidays except those departments and institutions which must stay open to provide continuous around-the-clock service or where contracts with employee bargaining groups provide for other holidays.
- B. Court and County employees eligible for Fringe Benefits under Rule 18, will be granted time off with pay on these days, in accordance with the provisions of this rule. Employees must be in paid status for the

entire scheduled shift the day before and the day after the holiday.

Section VI METHODS OF COMPENSATION FOR LEGAL HOLIDAYS

- A. The following provisions apply only to those employees both eligible for fringe benefits under Rule 18 and eligible for overtime under Rule 2, Section VIII, B.
- B. Eligible, but less-than-full-time employees will be compensated for Legal Holidays in the same manner as full-time employees, except:
 - 1. The compensation for those who actually worked the Holiday in question but who worked less than a full shift, will be based on the hours actually worked.
 - 2. The compensation for those eligible, part-time employees who did not work on the holiday in question will be based on the number of hours which the employee would have normally been scheduled to work on that day. Employees will be compensated for the appropriate number of hours at their regular hourly rate.
- C. Situations (Illustrated for full-time employees only)
 - 1. Employees normally scheduled to work the day in question but who do not work because they have been granted the day off with pay because it is a Legal Holiday, will be paid at their regular rate for the day, just as if they had worked.
 - 2. Employees who are not scheduled to work on the date of the observed Holiday, will not be eligible for Holiday Pay.
 - 3. Employees who are assigned to work the day in spite of it being a Legal Holiday:
 - (a) For the Legal Holiday the employee will be granted: A day's pay at the employee's regular rate.
 - (b) In addition, for the time actually worked on the Legal Holiday, the employee will be granted pay at the rate of time and one-half.

Section VII EFFECTS OF LEGAL HOLIDAYS ON FRINGE BENEFITS

A. Effect of Legal Holidays on Paid Leave

Legal Holidays falling within a period when an employee is on Paid Leave, will be counted as the Legal Holiday off and will not be deducted from the employee's Paid Leave accumulation.

B. Effect of Legal Holidays on Leave of Absence

Employees on Leaves of Absence Without Pay will not get Legal Holidays off with pay and will not accumulate equivalent time off with pay for such Legal Holidays.

RULE 24 – FAMILY AND MEDICAL LEAVE ACT

Section I PURPOSE

This rule is written to provide some guidance to employees of Muskegon County and Courts about the requirements of the Family and Medical Leave Act of 1993 (FMLA) and the Court FMLA Policy. This law provides for employee leaves in certain situations. This rule does not address all possible situations under the FMLA. This is a condensed version of the extensive regulations developed by the United States Department of Labor interpreting the FMLA. If a situation is not clearly covered by this rule, the regulations in the Code of Federal Regulations, 29 CFR § 825.100, et. Seq., should be consulted.

Section II SCOPE

This rule applies to all facilities of Muskegon County and Courts and to all employees of the Court.

Section III RESPONSIBILITY/REPORTING REQUIREMENTS

The interpretation, administration and enforcement of this rule shall be the responsibility of Court Administrators and the Human Resources Department of the County of Muskegon.

Court Administrators are responsible for notifying the Human Resources Department of all FMLA requests within three (3) business days of the initial date that the request is received.

Section IV RULE – FAMILY AND MEDICAL LEAVES

The Court will provide eligible employees with a paid or an unpaid family and medical leave of absence from work in the following circumstances:

A. The birth of a child and in order to care for such child to bond with the newborn child within one year of birth;

B. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement; In the event of an adoption of a child or to care for a foster child;

C. To care for a child, spouse, or parent who has a serious health condition.

D. Because of the employee's own serious health condition that renders the employee unable to perform the essential functions of his or her position. Employees who are unable to meet the criteria set forth in the Act, and thus are not eligible for FMLA leave may apply for a general leave of absence in accordance with Rules 25 and 26 of the Court Personnel Rules.

E. For a qualifying exigency arising out of the military service of an employee's spouse,

child or parent.

F. To care for an injured or ill active service member, if the employee is the next of kin.

Section V ELIGIBLE EMPLOYEES

To be eligible for leave under the FMLA, an employee must:

- A. Have been employed by the County or Court for 12 months at the time that the first day of leave is taken. The 12 months do not need to be consecutive. Employment prior to a service year or break of service is not counted toward the 12 months, except where the break in service is the result of National Guard or military service.
- B. The employee must have worked at least 1250 hours during the 12 months before the first day of leave. The calculation of the 1250 hours includes hours that would have been worked, but for military or National Guard service. For all other calculations of the hours worked, only the actual hours worked count toward the 1250 hours of eligibility.

Section VI DEFINITIONS

- A. For purpose of this rule, the following definitions apply:
 - 1. Child. A biological, adopted, or foster child, stepchild, legal ward, or a child of an employee standing *in loco parentis* (i.e., in place of a parent), who is under 18, or older than 18 if incapable of self-care because of a mental or physical disability.
 - 2. Parent. A biological parent or individual who stood *in loco parentis* to an employee when the employee was a child.
 - 3. Spouse. A husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage if established as valid under the law of another state.
 - 4. Serious health condition. An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. (A temporary disability due to a non-therapeutic abortion is not covered.) Complications of pregnancy may be a serious health condition.

As a general rule, a serious health condition requires that the affected person have a period of incapacity, defined as inability to work, attend school, or perform other regular activities due to the serious health condition or recovery therefrom.

- B. Health Care Provider means:
 - 1. Doctors of medicine or osteopathy authorized to practice

medicine or surgery by the state in which the doctor's practice;
or

2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
 3. Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
 4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
 5. Any health care provider recognized by the Court or the County's group health plan benefits manager.
- C. Qualifying Exigency. (Details of these are found at 29 CFR 825.126). An eligible employee may take FMLA leave while the employee's spouse, son, daughter, or parent (the "covered service member") is on active duty or has been called to active duty for these qualifying exigencies:
1. Short-notice deployment
 2. Military activities and related events
 3. Childcare and school activities due to active duty or call to duty of a covered service member- this is not routine child care
 4. Financial and legal arrangements due to active duty or a call to active duty of a covered service member
 5. Counseling due to active duty or a call to active duty of a covered service member
 6. Rest and recuperation of a covered service member
 7. Post-deployment activities, such as ceremonies or recovering remains after death
 8. To care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty (parental care leave)
- D. Key Employee means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the Court.

- E. "Next of Kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, son or daughter, in the following order of priority: Blood relative who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caretaker leave under the FMLA. Where no such designation is made and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such a designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Section VII LEAVE DURATION

Except in the case of leave to care for a covered service member with a serious injury or illness, leaves may be taken for up to 12 workweeks during any 12-month period. Where spouses are both employed by the County and/or Courts, their aggregate leave will be limited to 12 workweeks during any 12-month period, except in the case of their own serious health condition(s), or to care for their spouse or child, parent, or next of kin of a covered service member in which case both spouses will be eligible for the full 12 weeks of leave during the 12-month period.

The County and Court have adopted the "backward rolling" 12-month method of determining the amount of FMLA leave for which the employee is eligible. This measures the amount of FMLA leave for which the employee is eligible based on the amount of FMLA leave used by the employee during the preceding 12-month period.

An eligible employee may take 26 weeks of leave in a single 12-month period to care for the serious illness or injury of an active duty service member whose illness or injury was sustained during active duty. In order to use this type of leave, an employee must be a son or daughter, spouse, parent or next of kin of the injured or ill service member. The single 12-month period starts on the first day of leave taken to care for the service member, and expires at the end of the 12-month period, and is not subject to the "backward rolling" method of determining the amount of leave for which the employee is eligible. Any unused leave is forfeited. Any leave taken for other FMLA purpose is included in the 26 weeks, i.e., an employee is not eligible for an additional 12 weeks of FMLA leave.

Section VIII LEAVE CONDITIONS

- A. Birth of a child or placement of a child for adoption or foster care.
 - 1. Leave for such purposes must be taken in consecutive workweeks and must be completed within the 12-month period following the birth of the child or placement of the child with the employee for adoption or foster care.
 - 2. At the discretion of the Court, leave for one of these purposes may also be permitted to be taken by the employee on either an intermittent basis or on a reduced leave schedule (i.e., a reduced workweek or reduced workdays).
 - 3. Employees requesting leave for one of these purposes must provide the Court with 30 days advance notice of leave, except when the birth or placement requires leave to begin in less than 30 days. In the latter instance, employees should provide as much advance notice as is practicable.
- B. Care for a child, spouse, parent, or employee's own serious health condition.
 - 1. Employees may take leave for these purposes on a consecutive basis or intermittently, or may request to be placed on a reduced workweek or reduced workdays.
 - 2. If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Court may require the employee to transfer temporarily to an available alternative position for which the employee is qualified to better accommodate the recurring periods of leave that the employee will require. Employees transferred in such circumstance will receive pay and benefits equivalent to that of their regular position, although the duties may not be equivalent.
 - 3. Employees requesting leaves for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to unduly disrupt the Court's operations. The employee should endeavor to secure the approval of his or her own or covered family member's health care provider to reasonably schedule the treatment to avoid such disruption.
 - 4. Employees requesting leave for these purposes must provide 30 days advance notice of leave or, if treatment is required in less than 30 days, with as much advance notice as practicable.
- C. Active duty leave for employees with a spouse, parent or child who is

on active duty or who has been called to active duty in the Armed Forces.

1. Leave for such purposes may be taken up to 12 weeks in a 12-month period or a qualifying exigency.
 2. Leave for a qualifying exigency may be taken on an intermittent basis.
- D. Injured service member leave for an employee who is a spouse, parent, child or next of kin of a service member with a serious injury or illness on active duty in the armed services or who is a veteran of the Armed Forces.
1. Leave for such purposes may be taken for up to 26 weeks in a single 12-month period. This leave may be taken in consecutive weeks or intermittently. The 26-week entitlement must be taken in the 12-month period starting with the first day of leave.
- E. If an employee fails to give 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the employer may delay the taking of FMLA leave until at least 30 days after the date the employee provides notice to the employer of the need for FMLA leave.
- F. The employee should provide notice to the employer either in person or by telephone, facsimile ("fax") machine or other electronic means. Notice may be given by the employee's spokesperson (e.g., spouse, adult family member or other responsible party) if the employee is unable to do so personally.

The employee need not expressly assert rights under the FMLA or even mention the FMLA, but may only state that leave is needed.

Section IX REQUEST FOR FMLA CERTIFICATION

- A. Employees will be required to provide the Court with proper certification of the need for leave. The certification document required depends on the reason for the leave. The Court and/or Muskegon County Human Resources Department will provide notice to the employee of this requirement within five business days of the employee providing notice of the need for leave, as required in Section XVII below.

For the serious illness of an employee, form WH-380E is required.

For the serious illness of a relative, form WH-380F is required.

For the qualifying exigency arising from military service of a relative form WH-384 is required.

For the care of the next of kin of an injured or ill service member, form

WH-385 is required.

For Veteran Military Caregiver Leave, form WH-385-V is required.

Whichever document is applicable must be fully completed by the applicable certifying personnel and supply sufficient information. If the information is insufficient or incomplete, the Court and/or Muskegon County Human Resources Department shall state in writing what additional information is required. The employee will have seven calendar days to supply the additional information. If the employee fails to provide this information, despite diligent efforts, the FMLA leave may be denied.

The Court and/or Muskegon County Human Resource Department will provide written notice to the employee each time the applicable document needs to be completed.

- B. Employees will be required to provide certification bi-annually, no matter whether the condition for which certification is obtained has been designated by the certifier as lasting more than one year.
- C. Employees requesting leave for their own or a covered family member's serious health condition will be required to provide medical certification to substantiate their leave request. Such certification must be provided to the Court 30 days in advance of the leave request, or as far in advance of the leave as practicable.

If the leave is not foreseeable, then the certification must be provided within 15 business days after the Court requests that the employee supply certification.

Certification will be on the United States Department of Labor form WH-380 E or F, as applicable, and must consist of all of the following:

1. Date on which the serious health condition commenced;
2. Probable duration of the condition;
3. Appropriate medical facts within the knowledge of the health care provider regarding the condition, including a statement by the health care provider as to how these facts fit the definition of a serious health condition, including sufficient information to establish that the employee cannot perform the essential functions of the employee's job, including any restrictions and the likely duration of the inability to perform their job;
4. Where the leave is required because of the serious health condition of a child, parent, or spouse, a statement that the eligible employee is needed to care for the covered individual and the amount of time necessary for such care;

5. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), whether the employee:
 - (a) Is unable to perform work of any kind;
 - (b) Is unable to perform any one or more of the essential functions of the employee's position, including a statement of the essential functions the employee is unable to perform, based on either information provided on a statement from the Court of the essential functions of the position or, if not provided, discussion with the employee about the employee's job functions; or
 - (c) Must be absent from work for treatment.
6. In the case of certification for intermittent leave or a reduced leave schedule for planned medical treatment of the employee, the dates on which such treatment is expected to be given and the duration of such treatment; or if not for planned treatment but for rehabilitation, a statement of the medical necessity for and duration of such intermittent leave or reduced leave schedule. In this situation, the Court may reassign the employee if the reassignment would minimize disruption of the Court's operations.
7. If leave is required to care for a family member of the employee with a serious health condition, whether the patient requires assistance for basic medical or personal needs or safety, or for transportation; or if not, whether the employee's presence to provide psychological comfort would be beneficial to the patient or assist in the patient's recovery. The employee is required to indicate on the form the care he or she will provide and an estimate of the time period.
8. If the condition is pregnancy or a chronic condition, whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.
 - (a) If additional treatments will be required for the condition, an estimate of the probable number of such treatments.
 - (b) If the patient's incapacity will be intermittent and unforeseeable, or will require a reduced leave schedule, an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any.

D. The Muskegon County Human Resource Department may contact

the employee's health care provider for authentication or clarification of the information supplied by the health care provider. Additional medical information may not be requested. Such contact shall be by the Human Resources Department or a management official. An employee's direct supervisor may NOT make contact with the employee's health care provider. Prior to contact, the employee or relative must have provided authorization under the HIPAA Privacy Rules. If the information supplied by the health care provider is not sufficient to establish the need for FMLA leave and the employee fails to provide HIPAA authorization, the leave may be denied.

- E. The Court reserves the right to have an employee examined by a health care provider of its choice for a second opinion if it has reason to doubt the validity of the certification. Any such second opinion examination shall be paid for by the Court. The health care provider rendering the second opinion may not be employed on a regular basis by the Court. The health care provider utilized for a second opinion may request information from the employee or employee's relative's health care provider. Failure to supply this information, if requested, may result in denial of the requested FMLA leave.
- F. If the opinions of the employee's and the Court's designated health care providers differ, the Court may require the employee to obtain certification from a third health care provider, again at the Court's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the Court and the employee. The Court and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the Court does not attempt in good faith to reach agreement, the Court will be bound the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification.
- G. Failure to provide adequate certification within 15 days of the Court's request for certification may result in the Court treating the unpaid leave as non-FMLA, unexcused leave. This determination will be assessed on a case by case basis. If the employee never produces the certification, and there is not sufficient information, the leave will be treated as non-FMLA by the Court. If the Court has enough information to determine that leave is being taken for a FMLA qualifying reason, the employer will designate and count the leave as FMLA, and notify the employee accordingly.
- H. An employee taking leave for a qualifying exigency will be required to complete form WH-384. Both employee and employer shall have the rights and obligations defined in 29 CFR § 825.310. There is no re-certification requirement for leave for care for a service member or veteran.

Section X RE-CERTIFICATION

- A. The Court may request re-certification no more frequently than every 30 days. In addition, the certification states that the minimum duration of the condition is more than 30 days, no re-certification may be requested until that minimum duration has expired.
- B. In all cases, including intermittent leave for a chronic condition, re-certification may be requested every six months, in connection with an absence.
- C. Re-certification may be required more frequently than specified in paragraphs (A) and (B) when:
 - 1. The employee requests an extension of leave.
 - 2. If the circumstances described by the original certification have changed, including increased frequency or duration of leave.
 - 3. If the employer receives information that casts doubt on the employee's stated reason for the leave or the continuing validity of the leave.
- D. Re-certification shall be provided within 15 business days of the Court's request, unless not practicable despite the employee's diligent efforts to provide the re-certification.
- E. The required contents of the re-certification are the same as described in Section IX, above. No re-certification is required for leave for a qualifying exigency or to care for an injured or ill service member.
- F. The Court may provide the health care provider with a record of the employee's absences and ask the provider whether pattern of absences is consistent with the employee's serious health condition.

Section XI USE OF ACCRUED LEAVE TIME

- A. Employees will be required to use all accrued unused paid annual leave, personal leave, or sick leave, in the event of a leave for a child's birth or the placement of a child for adoption or foster care as a part of the FMLA leave, running concurrently with the FMLA leave. The employer will notify the employee of the designation of the leave as FMLA leave. So far as practicable, the notification by the employer will be within two days after the request. The initial approval of FMLA leave may be verbal, however must be confirmed in writing before the next following payday.
- B. Employees will be required to use all accrued unused paid annual leave, personal, or sick leave for leaves for the employee's or a covered family member's serious health condition as a part of the FMLA leave, running concurrently with the FMLA leave. The employer

will notify the employee of the designation of the leave as FMLA leave and whether paid leave will be counted as a part of the FMLA leave. So far as practicable, the notification by the employer will be within two days after the request. The initial approval of FMLA leave may be verbal, however must be confirmed in writing before the next following payday.

- C. With respect to leaves for the employee's own serious health condition, employees may also be eligible to receive statutory benefits such as long-term disability or workers' compensation, in accordance with applicable Michigan law and the terms of each respective benefit plan.
- D. Time during which an employee is receiving any such statutory benefits shall also be charged against an employee's FMLA 12-workweek entitlement.
- E. The Muskegon County Human Resource Department will count as FMLA leave any qualifying leave time funded by either workers' compensation or long-term disability.

Section XII BENEFITS DURING FMLA LEAVE

- A. During any FMLA leave, the Court will maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. If the employee has an obligation to pay a portion of the group health plan co-pay as a payroll deduction, the employee will be required to pay the employee's share of the premium while on FMLA leave. Payroll deductions will be continued to the extent that paid leave is used for FMLA purposes.

Payment will be obtained by one of the methods below:

1. Payment is due at the same time as it would be made if by payroll deduction (paid to the Muskegon County Human Resources Department);
2. Another system voluntarily agreed to between the Muskegon County Human Resource Department and the employee, which may include prepayment of co-pays (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

If a required employee contribution for group insurance is more than 30 days late, then the County reserves the right to terminate coverage, by providing written notice to the employee of the intent to terminate the coverage at least 15 days prior to insurance termination. Termination of insurance does not affect the right of any employee to reinstatement after FMLA leave, including restoration of benefits as

though no leave were taken.

If the employee fails to return to work following the FMLA leave, absent circumstances outlined in 29 C.F.R. § 825.213, the County reserves the right to recover its costs of the employee's health insurance paid by the County during any unpaid portion of the FMLA leave.

- B. An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee will be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.
- C. Benefits that operate on an accrual basis (e.g., annual leave, sick leave, personal leave) will not accrue during any period of unpaid leave under this policy.
- D. An employee's eligibility for qualified benefits (e.g., pension) will be governed according to the terms of each respective benefit plan.

Section XIII REINSTATEMENT AFTER LEAVE

- A. Eligible employees taking leave under this rule will be reinstated to their former position or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he or she not taken leave. Thus, for example, if a layoff or business condition arises that affects the employee's position, reinstatement may not be possible.
- B. If an employee is unable to perform an essential function of their position upon return from FMLA leave, the Court has no obligation to reinstate the employee, except as provided in the Americans With Disabilities act, as amended.
- C. The Court also reserves the right to deny leave reinstatement to key employees, where such denial is necessary to prevent substantial and grievous economic injury to the Court's operations. This includes the ability of the Court to temporarily replace the employee (or do without the employee) during the FMLA leave.
- D. Key employees will be notified of the Court's intention about denial of reinstatement as soon as a determination is made that such injury would occur. This notice will be provided in person or by certified mail.
- E. In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate his or her leave and immediately return to work.

- F. Key employees notified while on leave of the Court's intent to deny reinstatement; and decide not to return to work, will remain on leave for the balance of the leave period and then be terminated. Benefits will continue until either the employee provides notice to the Court of the employee's intent to terminate employment or until the end of the FMLA leave. The County cannot recover their cost of benefits ordinarily paid by the employee when a key employee does not return to work. A key employee may request reinstatement at the end of an FMLA leave, even when the Court has provided notice of its intent to deny reinstatement. In this event, the Court will again determine whether reinstatement would create a substantial and grievous economic injury to the Court's operations.
- G. Key employees are defined above in Section VI.D.
- H. Employees may be required to provide the Court with medical certification evidencing their ability to return to work and perform the essential functions of their positions, with or without reasonable accommodations. Such certification may be requested at the Court's discretion.

Section XIV RETURN TO WORK EXAMINATIONS (FITNESS FOR DUTY)

Before being permitted to return to work from a leave for the employee's own serious health condition, the employee will be required to provide certification from his or her health care provider that he or she is able to return to work and perform all essential functions of the job with or without reasonable accommodation. The employer will provide the health care provider with a list of the essential functions of the job.

As a general rule, no return to work certification is required for a person taking intermittent leave following each leave period. However, the Court may require such return to work certification no more than every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took leave. If such concerns exist, the Court will notify the employee of the need to provide the fitness for duty certification at the time that the employee starts the intermittent leave. Reasonable safety concern means a reasonable belief of significant risk of harm to the employee or others.

At the end of an FMLA leave, failure to provide either a required fitness for duty certification or a new certification for continued leave may result in termination of the employee.

Section XV PERIODIC NOTIFICATION DURING LEAVE

Employees will be required at least once every 30 days while on leave to contact their Court Administrator, to report on their status and intentions with respect to returning to work at the end of their leave period.

If an employee unequivocally indicates an intent to not return to work, the employer's obligations under the FMLA to continue health care benefits terminate (subject to COBRA obligations).

Section XVI SHORT TERM ABSENCES

Absences for any reason not exceeding three continuous work days do not require the formal filing of a request for a written, authorized leave unless taken as intermittent leave under the FMLA. However, employees taking short-term absences are required to comply with required procedures under the Court Personnel Rules.

Section XVII PROCEDURE FOR FMLA LEAVE

A. Notice by Employee

An employee will be required to provide sufficient information in the notice in order for the Court to determine whether, at first review, the reason for the request is for an FMLA qualifying reason, a qualifying military exigency or to care for an injured or ill service member. Failure of an employee to respond to a reasonable request by the Muskegon County Human Resources Department about the purpose of a leave may result in denial of FMLA protection if Human Resources cannot determine whether the reason for the leave is FMLA or Military Family Leave.

For a foreseeable FMLA leave, the notice must be provided at least 30 days prior to the requested leave, or if 30 days' notice is not possible, as far in advance as practicable. Delay in providing the Court with notice of the need for leave may result in delay in starting an approved FMLA leave. Leave taken without protection of the FMLA will be treated as unexcused leave, potentially subjecting the employee to discipline for unexcused leave, whether the leave is paid or unpaid.

For an unforeseeable FMLA leave, notice must be provided to the Court as soon as practicable. The notice must contain sufficient information for the Muskegon County Human Resources Department to determine whether the FMLA applies to the leave or whether a qualifying exigency exists. Calling in "sick" will not provide the Court with sufficient notice that the reason for leave is an FMLA reason, without more information. Delay in providing the Court with notice may result in delay of FMLA coverage of the leave, potentially subjecting the employee to discipline for unexcused leave.

In all cases, an employee will be required to comply with the call-in procedures of Personnel Rule Number 20, unless circumstances make compliance impossible. If the employee fails to comply with this rule, the circumstances that made failure to comply impossible will be explained by the employee at the time of the request for FMLA leave. Failure to sufficiently

explain the circumstances that resulted in the failure to comply may result in disciplinary action.

B. Request by Employee

Upon receiving a request from an employee for leave for an FMLA qualifying reason, or upon the Court or Human Resources Department acquiring sufficient information to determine that a leave is for an FMLA qualifying reason, the employee will be required to complete a formal application for FMLA leave by the completion of the form designated in Section (IX)(A), above. The completion of this form also provides the Court with certification of the reason for the leave.

C. Court's Eligibility Notice to Employee

When an employee requests FMLA leave or the Court acquires knowledge that a leave may be for an FMLA qualifying reason, the Muskegon County Human Resources Department will notify the employee within five days of the employee's request or the Court's acquisition of knowledge whether the leave is designated as FMLA leave.

The notice from the Muskegon County Human Resources Department must indicate whether the employee is eligible for FMLA leave. This notice may be oral or in writing. With the "rolling backward" determination of eligibility, eligibility for FMLA leave will be determined at the time of each FMLA leave request or determination by the Human Resources Department that a leave is for an FMLA qualifying reason. More specifically, the Muskegon County Human Resources Department will determine whether the employee who is otherwise eligible based on months of service has accrued 1,250 hours of service during the previous 12-month period.

This information will be provided on form WH-381 within five (5) days of the employee's request or the acquisition of knowledge by the Court that the leave is for an FMLA qualifying reason.

D. Notice by Muskegon County Human Resources Department of Rights and Responsibilities of Employee.

Upon receiving a request for FMLA leave or the Court acquiring knowledge that a leave may be FMLA qualifying, the Human Resources Department will provide written notice to the employee regarding:

1. Whether the leave is designated as FMLA leave.
2. That the employee is required to provide certification of a serious health condition, serious injury or illness or a qualifying exigency as a result of active duty or a call to active duty in military service.

3. That the Court's funding unit will require the substitution of paid leave as FMLA leave and that the employee has the right to unpaid leave if no paid leave is available to the employee.
4. Whether the employee is required to pay health care insurance premiums during leave, the procedures for payment, and the consequences of failure to make payments or failure to return to work at the end of the FMLA leave.
5. Whether the employee is a "key employee".
6. The employee's right to reinstatement and continuation of benefits as though the FMLA leave had not been taken.

This will indicate that any benefits based on hours of service do not accrue during FMLA leave.

7. Whether a fitness to return to duty exam will be required of the employee, including a list of the essential functions of the position in writing.
8. If the duration of leave requested can be determined at the time of the request or acquisition of knowledge of an FMLA qualifying leave, the Human Resources will inform the employee of the hours or weeks of leave that will be designated as FMLA leave. If the amount of leave cannot be determined at the time of the request (such as intermittent leave for an unforeseeable condition), the hours or weeks used will be included in the next payroll statement.

This information will be provided to the employee on form WH-381. This may be included on the same WH-381 as the eligibility notice in subsection (C) if sufficient information is provided by the employee at the time of the request to determine whether the leave is for an FMLA qualifying reason. It will be provided on a separate WH-381 within five days of the Court acquiring sufficient information to determine that a leave is for an FMLA qualifying reason.

E. Certification – See Section IX, above.

Section XVIII EMPLOYMENT WHILE ON LEAVE

Employment while on an authorized leave of absence is prohibited unless required as part of a remedial therapy program, or otherwise permitted under existing Court employment policies affecting outside employment.

Section XIX REQUESTS FOR LEAVE EXTENSIONS BEYOND 12 WEEKS

If an employee is unable to return to work after his or her FMLA leave expires, the employee may file a request for a leave extension in the same manner as

he or she filed the initial leave request. For a medical leave extension request, employees must submit additional medical certification to support the leave extension request.

Employees approved for a leave extension will be re-employed at the expiration of such extension if a position is available for which the individual, in the Court's sole opinion, is qualified, with or without a reasonable accommodation. In those instances where no position is available, the individual will be laid off due to lack of work. In addition, the Court will not continue health insurance benefits during an extension of unpaid leave beyond the 12 weeks provided by the FMLA.

RULE 25 – LEAVE OF ABSENCE WITH PAY

Section I COURT APPEARANCE LEAVE – DURING SCHEDULED WORKING TIME

A. Definition

Court Appearance Leave is an absence from work during scheduled working time, for which the employee is paid, as if he/she were at work, if the absence is caused by the employee being subpoenaed as a witness to appear in Court.

B. Eligibility

1. Only those employees who are subpoenaed or ordered to appear in Court during their regular working hours will be eligible to use Court Appearance Leave. Employees who appear in Court as volunteer witnesses or who appear on their own behalf will not be eligible to use this type of leave.
2. Employees requesting the use of Court Appearance Leave must show proof of subpoena and will be required to deposit all witness fees, less mileage payments, with the County Treasurer.
3. Only those employees eligible for benefits under Rule 18 will be eligible for Court Appearance Leave.
4. Employees released from a court appearance in excess of one hour prior to the end of their shift are expected to return immediately to their Court duties.

C. Effect of Court Appearance Leave on Annual and Sick Leave

Employees on Court Appearance Leave will continue to accumulate Sick Leave and Annual Leave as if they were at work. No time will be deducted from the employee's Sick Leave or Annual Leave accumulations while on approved Court Appearance Leave.

Section II COURT APPEARANCE LEAVE – DURING NON-SCHEDULED WORKING TIME

A. Definition

This refers to the appearance in Court during non-scheduled working time by Court employees whose presence in Court at this time is required because of their Court position.

B. Method of Payment

1. The Court Appearance must be verified in writing by the Court involved.

2. If the employee is in a classification which is eligible for overtime compensation, such compensation will be made at the rate of time and one-half for all time spent in Court, with a guarantee of a minimum of two hours compensation per day.
3. If the employee is in a classification which is not eligible for overtime compensation, no extra compensation will be made for time spent in Court.

Section III JURY DUTY LEAVE

A. Definition

Jury Duty Leave, is an absence from work for which the employee is paid, as if he/she were at work, if the absence is caused by the employee being ordered to serve as a juror.

B. Eligibility

1. Employees requesting the use of Jury Duty Leave must show proof of being drawn for Jury Duty.

Employees excused from jury duty in excess of one hour prior to the end of their shift are expected to return immediately to their Court duties.

2. Only those employees eligible for benefits under Rule 18 are eligible for this type of Leave.

C. Effects of Jury Duty Leave on Annual and Sick Leave

1. Employees on Jury Duty Leave will continue to accumulate Sick Leave and Annual Leave as if they were at work. No time will be deducted from the employee's Sick Leave or Annual Leave accumulations for the time spent on jury duty leave.

RULE 26 – LEAVE OF ABSENCE WITHOUT PAY

Section I DEFINITION OF LEAVE OF ABSENCE WITHOUT PAY

- A. A Leave of Absence Without Pay is a predetermined amount of time off from work, without pay, which has been approved by the employee's Court Administrator. All time, for which a full time Court employee is to be continued as an employee, but not paid, will be considered as a Leave of Absence Without Pay, whether it is one (1) day or the maximum time allowable under the reason for the Leave.
- B. The fact that a Leave is possible under these regulations does not mean that the requested Leave must be granted. A Leave of Absence deprives the employee's department of the services of an employee, who it is assumed is needed if the department is to properly do its job. Leaves of Absence Without Pay, except in the case of disciplinary leaves, should be considered as a privilege and the best interests of the department and the Court service must be the determining factor in whether such leaves are granted or not.
- C. In granting an employee a Leave of Absence Without Pay, the Court Administrator makes a commitment to allow the employee to return to work at the end of the leave to the same duties and the same salary that the employee was performing and earning when he/she went on leave. Any substitutes hired to fill in for employees on Leaves of Absence Without Pay, should be hired accordingly.
- D. When granted a Leave of Absence Without Pay, the employee is committed to return to work at the end of the Leave.
- E. The leave of absence will expire based on the type of leave specified.

Section II EFFECTS OF LEAVE WITHOUT PAY

During a Leave of Absence Without Pay, the employee:

1. Does not receive pay from the Court's funding unit.
2. Does not earn Annual Leave.
3. Does not earn Sick Leave.
4. Does not get paid for Legal Holidays occurring during the Leave.
5. Has no time deducted from Annual Leave or Sick Leave to cover the time off on the Leave of Absence Without Pay.
6. Remains a member of the Michigan Municipal Employees' Retirement System but cannot withdraw retirement contributions while on Leave of Absence, only on separation;

and cannot pay retirement contributions.

7. The Employee does not earn credit toward the Service Increment Plan or credit toward the rate of Annual Leave or Sick Leave accumulation for the period covered by the Leave.
8. Must pay any employee health insurance premiums falling due while on an approved leave of absence. Prior arrangements for re-payment must be made by the employee with Human Resources to ensure continuation of health insurance coverage during the leave.
9. Will retain full coverage for up to six (6) months under the Employees' Group Life Insurance Plan. If the employee fails to return to active Court employment by the end of the approved leave of absence without pay, the employee's group life insurance coverage is terminated regardless of the six (6) month's limitation.

Section III TYPES OF LEAVE WITHOUT PAY

- A. To cover time off because of personal illness beyond that covered by earned Sick Leave with pay.
 1. To be used when the employee has exhausted his/her accumulation of earned Sick Leave and earned Annual Leave with pay and Personal Days.
 2. Not to exceed sixty (60) calendar days for any one (1) leave, but may be renewed, will not exceed six (6) consecutive calendar months commencing with the month following the date that earned sick leave with pay and earned annual leave is exhausted.
 3. To be granted only on the written recommendation of the employee's physician.
- B. To cover time off because of a compensable injury beyond that covered by Sick Leave with pay and Annual Leave with pay. Not to exceed one (1) year for any one (1) injury.
- C. To cover time off while running for County Elected Office filled by partisan election. If such a Leave is requested, it must be granted, except no more than two (2) Leaves may be granted for the purpose of running for elected office in any one (1) calendar year and leave must be no less than fifteen (15) calendar days nor more than thirty (30) calendar days.
- D. To cover disciplinary leaves (suspensions without pay) as covered in Rule 10, Disciplinary Actions.

- E. To cover time off for educational purposes where such educational training is directly related to the employee's present or future duties as a Court employee, not to exceed 120 days.
- F. To cover time off for personal reasons not to exceed sixty (60) calendar days for any one (1) leave.

Section IV RETURN FROM A LEAVE WITHOUT PAY

- A. When an employee returns from a Leave of Absence Without Pay, the employee's Court Administrator or designee must submit an Employee Form to the Muskegon County Human Resources Department before the employee can be returned to the payroll.
- B. If an employee fails to return to Court employment at the end of a Leave of Absence Without Pay, and no extensions of the leave are granted, it will be considered a voluntary resignation from Court service.

RULE 27 – MILITARY LEAVE

Section I PURPOSE

Muskegon County Courts comply with applicable state and federal law in granting paid military leave to eligible employees.

Section II GIVING NOTICE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that service members provide advance written or verbal notice to their employer for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity.

Section III MILITARY LEAVE WITHOUT PAY

If a regular employee's period of uniformed service exceeds any accrued leave the employee chooses to use, the employee will be eligible for Military Leave Without Pay during the period of uniformed service. A regular employee's eligibility for Military Leave Without Pay will end upon her or his return to work or the exhaustion of applicable reporting period under USERRA.

Section IV BENEFIT COVERAGES

Eligible employees performing active military duty for more than 30 days may elect to continue County-sponsored health plan programs for up to 24 months. However, the employee will be required to pay 102% of the full premium after the first 30 days of leave. Prior to departure for service, the employee should coordinate her or his coverage under the County's health plan with her or his military unit.

Section V FAMILY MEDICAL LEAVE ACT

Active military duty time counts toward hours worked for eligibility.

Section VI PAY

The returning service member is entitled to his or her pre-service rate, adjusted by merit increases and/or general wage increases added during his or her absence.

Section VII VACATION/SICK LEAVE USE AND ACCRUAL

Service members are able, but are not required, to use accrued vacation leave and personal leave while performing military service.

Section VIII PROBATIONARY STATUS

A probationary employee called to military service is eligible for Reemployment under Court policy and USERRA. When a probationary

employee is re-employed, he or she will return to the same status as existed prior to the military service. For example, if a six-month probationary employee is called to active military service after completing four months of probationary employment, upon return to work status, the employee will be in probationary status for the remaining two months.

Section IX RE-EMPLOYMENT RIGHTS

In accordance with the provisions of USERRA, the individual must meet the following conditions or eligibility criteria:

- A. Must hold a Court job (jobs held for a brief, non-recurrent period with no reasonable expectation of continuing for a significant period do not qualify).
- B. Must have given written or verbal notice to supervisor prior to leaving the job for military training or service except when precluded by military necessity.
- C. Must not have exceeded the 5-year cumulative limit on periods of service.
- D. Must have been released from active service under conditions other than dishonorable.
- E. Must report back to the Court in a timely manner or submit a timely application for reemployment. Time limits are:

Military Service Less Than 31 Days: Employees must report for reemployment "at the beginning of the first full regularly scheduled working period on the first full calendar day following completion of service and expiration and expiration of eight hours after time for safe transportation back to his or her residence."

Military Service More Than 30 Days but Less Than 181 Days: Employees must report no later than 14 days following completion of service.

Military Service over 180 Days: Employees must report no later than 90 days after completion of military service.

The application deadlines are extended up to two years if an employee is hospitalized or convalescing from an injury caused by active duty. In addition, the two-year period could be further extended by the "minimum time required to accommodate the employee's disabilities."

Section X FIVE-YEAR LIMIT DEFINED

An employee is not entitled to reemployment or other benefits provided by USERRA if his or her cumulative period of absence for military service, from one employer, exceeds five years. For this purpose,

periods of military service shall not include service:

- A. Required beyond five years to complete an initial period of obligated service;
- B. During which the employee was unable to obtain a discharge or release in time to prevent the cumulative absence from exceeding five years, through no fault of the employee;
- C. Necessary to complete periods of statutorily mandated training for National Guard and Reserves necessary for professional development;
- D. Performed by a member of the uniformed service who is ordered to or retained on active duty during a war, or in certain emergency or national-security-related situations; or
- E. Performed by a member of a uniformed service in support of an operational mission or critical mission, as determined by the Secretary of Defense.

RULE 28 – ADMINISTRATIVE LEAVE

Section I PURPOSE

To establish a policy regarding the application of administrative leaves under special circumstances that do not fall under existing Court policies.

Section II ACCOUNTABILITY

Under the direction of the Court Administrator or Chief Judge, the Director of Human Resources shall ensure compliance with this policy and implement the policy in collaboration with the Court.

Section III DEFINITION

Administrative leave is a leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the Court's best interest to retain the employee relationship for a period of time to be determined by the Court.

Section IV ELIGIBILITY

Regular full-time and part-time employees are eligible provided that their work performance and attendance are satisfactory.

Section V POLICY

Administrative leaves may be utilized to manage special circumstances. Such leaves may only be initiated by the Court. Examples of special circumstances may be, but are not limited to:

- A. Necessity to remove an employee from the work place while an internal investigation/review ensues;
- B. Emergency conditions where no other administrative option exists;

The decision of whether an administrative leave will be paid or unpaid, rests with the Court Administrator or Chief Judge and depends on the circumstances surrounding the leave. Administrative leave approval will be at the Court Administrator or Chief Judge's discretion, and may also include Legal Counsel and the Muskegon County Human Resources Director, if necessary.

An administrative leave for investigative/review purposes will not be given for a predetermined length of time, but will be in effect long enough to conclude the investigation/review.

If administrative leave is administered, the employee must be informed in writing with a copy to the Muskegon County Human Resources Department for the employee's file.

Section VI BENEFTIS DURING UNPAID ADMINISTRATIVE LEAVE

Vacation and sick time will not accrue during the period of an unpaid administrative leave. When an employee returns from administrative leave, vacation and sick time will begin to accrue on the return date. Holidays which fall during the leave will not be granted under the Court's Paid Holiday Policy.

An employee on unpaid leave will be responsible for their health insurance premiums while on leave. Prior arrangements must be made by the employee with Muskegon County Human Resources to ensure continuation of health insurance coverage during the leave.

Employees will not accrue pension benefits while on unpaid administrative leave.

Section VII RETURN FROM ADMINISTRATIVE LEAVE

The Court will notify the employee in writing that the Administrative Leave is discontinued at least seven (7) calendar days in advance of the expected return to work date. If an employee fails to return to work on the specified return to work date, the employee will be considered absent without official leave and considered a voluntary resignation from Court service.

RULE 29 – OPERATION/WORK STANDARDS

Section I HOURS OF WORK

- A. Work Day: For pay computation purposes, the normal Court Work Day is eight (8) hours (excluding the lunch period) in a 24-hour period starting at 12:01 a.m.
- B. Work Week: The normal Court Work Week is Monday through Friday with the exception of 24-hour operations.
- C. Lunch Period: No scheduled lunch period will be longer than one hour.
- D. Relief Periods: Whenever possible, employees scheduled to work a full shift will be granted one fifteen (15) minute relief period before the lunch period and one fifteen (15) minute relief period after the lunch period. Relief and lunch periods may not be combined nor banked for use on another day. These relief periods shall be taken, however, in a manner that does not detrimentally affect departmental operations.
- E. Scheduling: The scheduling of shifts, lunch periods and relief periods, within the above restrictions, will be the responsibility of the Court Administrator or designee, and will be designed to provide the least possible disruption of the court services and not be a hardship on the employees involved. Court Administrators or designees will clearly inform all employees of their working hours and the timing of their lunch hours and must approve any exceptions to the normally scheduled routine.

Section II HOURS OF OPERATION

Court business office hours will be determined by each respective court through an administrative order pursuant to MCR 8.112 (B). The hours of operation may be extended to meet the needs of departmental programs as required to serve the public. Any scheduled changes in Court business office hours must have prior approval of the Court Administrator or Chief Judge.

RULE 30 – WORK CONNECTED INJURY OR ILLNESS

All employees will be covered by the applicable worker's compensation laws and related benefits.

Section I REPORTING

- A. Court employees will report all injuries or illnesses arising from their Court employment to their Court Administrator or designee immediately.
- B. Court Administrators or their designee will report all such injuries or illnesses to the Muskegon County Human Resources Department immediately on Accident Report forms.

Section II TREATMENT

- A. The Court Administrator or designee's ordering of an employee involved in an on-the-job injury to receive immediate professional medical attention will be considered a legitimate authority of a Court Administrator or designee and refusal by the employee on any grounds other than religious will be deemed insubordination.
 - 1. Except in dire emergencies, this medical treatment should not be given by County medical profession employees.
 - 2. The person or institution rendering the medical treatment should be told that it is a possible Workmen's Compensation case, via an "Order for Medical Treatment" form.

Section III WORKER'S COMPENSATION PAYMENTS

The employee will receive worker's compensation benefits as allowed by law, and at the option of the employee may charge accumulated, unused sick leave and/or vacation balance to the extent that it would provide such employee with his/her regular net salary. If the employee continues on worker's compensation following the depletion of such leave balances, payment will be governed by applicable law.

Section IV RETURN TO COURT DUTIES

- A. An employee who has suffered a work connected injury or illness will return to work as soon as the employee's recuperation permits. Where the work situation and the employee's condition permit, such employees may be returned to limited duties.
- B. In instances where the employee's recovery is in doubt, that employee may be required to undergo a medical examination by a County or Court-appointed physician.

RULE 31 – EMPLOYMENT OF RELATIVES

Section I COVERAGE

- A. All sections of this rule will apply to all positions covered by the Personnel System.

Section II DEFINITION OF NEPOTISM

- A. For the purpose of this rule, “nepotism” is defined as a person in an administrative capacity using their position for a purpose that is, or gives the appearance of being motivated by favoritism for themselves or their relatives.

Section III DEFINITION OF RELATIVE

- A. For the purpose of this rule, a “relative” will be a person holding the following relationship to the employee, whether that relationship is natural, adoptive, step or foster in nature.

Spouse	Uncle
Spousal Equivalent ¹	Aunt
Child	Niece
Parent	Nephew
Brother	Parent-in-law
Sister	Child-in-law
Grandparent	Brother-in-law
Grandchild	Sister-in-law
First Cousin	

Section IV PROHIBITIONS ON EMPLOYMENT OF PERSONS WHO ARE RELATIVES AT THE TIME OF APPOINTMENT

No person will be appointed in a department where the Court Administrator, Deputy Court Administrator, Head of the Division where employed or Immediate Supervisor is a relative of the employee at the time of appointment.

Section V PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO BECOME SPOUSES OR SPOUSAL EQUIVALENTS AFTER THEY ARE EMPLOYED

No person will continue to be an employee in a Court or Court Department after he or she becomes the spouse or the spousal equivalent of the Court Administrator, Deputy Court Administrator, Head of the Division where employed or Immediate Supervisor.

Section VI PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO ARE RELATIVES OF PERSON PROMOTED OR APPOINTED TO POSITIONS OF COURT ADMINISTRATOR OR DEPUTY COURT ADMINISTRATOR OF THE EMPLOYEE'S DEPARTMENT

- A. Such employees may continue to be employed in the same Court or Court Department except:
1. Spouses or spousal equivalents covered under Section V of this rule.
 2. If such a relationship occurs before the employee gains permanent status where the Court Administrator or immediate Supervisor is a relative, the employee will be transferred to another Court or Court Department or separated from the Court Service.

Section VII PROHIBITIONS ON THE CONTINUED EMPLOYMENT OF EMPLOYEES WHO ARE RELATIVES OF PERSON PROMOTED OR APPOINTED TO POSITION OF HEAD OF THE DIVISION WHERE EMPLOYED OR IMMEDIATE SUPERVISOR

1. All lower ranking employees in the Division or Supervisory Unit who are relatives of the Division Head or Supervisor, will be transferred to another Division or Supervisory Unit of the same Court where they will not be supervised by a relative.

¹ For the purpose of this rule, the term "spousal equivalent" shall be a person residing in the same household as the employee.

RULE 32 – SUPPLEMENTAL OUTSIDE EMPLOYMENT

Section I DEFINITION

Supplemental outside employment is defined as engaging in any activity for wages or income of any kind with an employer other than the County of Muskegon or Muskegon County Courts.

Section II POLICY

Supplemental outside employment is permitted provided that the employee notifies his/her Court Administrator in writing to engage in his/her supplemental outside employment including the name of the employer, duties and hours of work. This written notice must be given by the employee to the Court Administrator prior to commencing the outside employment.

Section III PROCEDURE

- A. The Court Administrator will consult the Muskegon County Human Resources Department and will determine if the supplemental outside employment is permitted provided that the employee notifies and requests permission of his/her Court Administrator in writing to engage in his/her supplemental outside employment. The information will include the name of the employer, duties and hours of work.
- B. The supplemental outside employment must not conflict with the employee's hours of Court employment, or the department's established hours, nor will it interfere or directly conflict with the employee's satisfactory performance of the employee's duties or conflict with the interest of the Court.
- C. The supplemental outside employment must not be incompatible or in conflict with the discharge of the employee's Court employment duties or tend to impair the employee's independence or actions in the performance of the employee's Court duties.
- D. Permission to work supplemental outside employment must be in writing and will not be unreasonably withheld. In the event permission is withheld, the employee may appeal the decision to the Chief Judge.

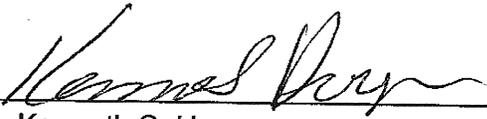
RULE 33 - DUAL EMPLOYMENT

Section I

DUAL EMPLOYMENT

Court employees covered under the Personnel System Resolution who receive pay from the County for their services in full-time, part-time or hourly positions will be eligible for dual employment with the County of Muskegon with the approval of the Court Administrator and Chief Judge.

We, the Chief Judges of the Muskegon County Courts, State of Michigan, do hereby certify that the above is a true and correct copy of the Personnel Rules adopted by the Muskegon County Courts. We have hereunto set and affixed the seal of our office this 23rd day of October, 2025.



Hon. Kenneth S. Hoopes
Chief Judge, 14th Circuit/Probate Court

10/8/25
Date



Hon. Raymond J. Kostrzewa
Chief Judge, 60th District Court

10/14/25
Date