

# **ADMINISTRATIVE REGULATIONS MANUAL**

**City of Port Huron,  
Michigan**



**Compiled at the direction of the City Manager**

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# ADMINISTRATIVE REGULATIONS

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(Update November 20, 2018)

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**ADMINISTRATIVE MANUAL**

In accordance with Chapter 2, Administration, Section 2-71, Administrative manual, of the Code of Ordinances of the City of Port Huron, which states:

**"Sec. 2-71. Administrative manual.**

*The City Manager is authorized to adopt such administrative regulations, in addition to, but not inconsistent with, the Charter and this Code, as he shall deem necessary and proper to provide for the adequate functioning of all departments. Such regulations shall comprise the administrative manual."*

Therefore, all Administrative Regulations contained in this manual are hereby promulgated. Regulations issued shall remain in effect until superseded or canceled.

\*This regulation supersedes:  
Administrative Regulation No. 1-1, effective July 1, 2009

**ADMINISTRATIVE PROCEDURES**

1. **Definition**

Administrative Regulations generally establish and interpret rules, procedures and practices that affect more than one City department. These regulations normally apply to employee activities, working conditions, public relations, internal communications, and other matters that do not require formal authorization from the City Council.

2. **Policy**

Under authority granted in Chapter 2, Section 2-71, of the Port Huron City Code, the City Manager issues Administrative Regulations as deemed necessary. Matters solely or primarily of concern to one department are expected to be compiled and issued as departmental regulations by the department concerned.

3. **Procedures**

A. **Issuance:** Administrative Regulations are issued by the City Manager as necessary. They are effective as of the date issued unless otherwise noted. All regulations, once issued, remain in effect until superseded or canceled.

B. **Filing:** Each department shall be responsible for keeping at least one (1) printed, up-to-date copy, of the Administrative Regulation Manual.

C. **Copies:** Administrative Regulation Manuals and all subsequent regulations and indices are also available for reviewing on the City's Intranet site.

4. **Responsibility**

All department heads are responsible for instructing departmental personnel in administrative regulations as appropriate.

\*This regulation supersedes:

- Administrative Regulation No. 1-2, effective July 1, 2011
- Administrative Regulation No. 1-2, effective April 1, 2004
- Administrative Regulation No. 1-2, effective August 1, 2001
- Administrative Regulation No. 1-2, effective January 26, 1998

## ACCIDENT REPORTING

Any on-the-job injury, no matter how slight, must be reported by the employee to the immediate supervisor at the time of the injury. An employee does not have to report the injury in writing.

If the injury does not require professional medical care and is only a matter of applying first aid, the supervisor need only make a notation of this injury in the unit log. Any type of log the unit now maintains can be used for this purpose. In the event the unit does not maintain any type of log, then one must be established for the purpose of notating this type of injury.

If, at the request of the employee, or in the opinion of the immediate supervisor, medical attention is needed, the following procedure shall be followed:

1. If the injury occurs Monday through Friday (excluding holidays) between the hours of 8:00 a.m. and 4:30 p.m., the City's Human Resources Department will be called for authorization to obtain medical aid at the Port Huron Hospital Industrial Health Clinic. This will be done before the employee is taken for treatment.
2. If the injury occurs at any other time, the injured employee's immediate supervisor shall authorize the employee to be taken to the Port Huron Hospital Emergency Room. (NOTE: The employee must obtain authorization before seeking medical treatment.) An employee will not be denied medical aid if it is requested.
3. In the event the employee is in a "life or death" situation, the employee will be taken immediately to the Port Huron Hospital Emergency Room and the Human Resources Department notified of this fact at the earliest possible time. All other required procedures would then be followed.
4. Under no circumstances will an employee use a Blue Cross/Blue Shield Card for medical treatment, prescriptions, or medical supplies of any kind required, due to a job-related injury. Instead, the employee will either pay for the items or charge the prescriptions or medical supplies to the City of Port Huron. In either case, the receipt or bill will be turned into the employee's department immediately.

Any injury requiring medical care shall be reported to the Human Resources Department on the "Accident or Occupational Illness Report" at the earliest possible date following the accident. However, in no case shall this report be filed with the Human Resources Department later than six (6) calendar days following the accident or illness. A written statement by all witnesses will be included on the reverse side of the "Accident or Occupational Illness Report." In the event there were no witnesses, the immediate supervisor will make a statement concerning what he or she knows about the accident and any other information which might have a bearing; i.e., condition of employee's health prior to the accident, etc.

In the event the employee will lose work time as a direct result of the on-the-job injury, the employee will be carried as "sick" until the Human Resources Director has reviewed the Accident Report and determined the pay status of the employee.

Any employee failing to follow procedures listed in this regulation will be subject to disciplinary action which could include demotion, suspension or termination of employment.

This regulation supersedes:

Administrative Regulation No. 9-2, effective February 20, 1998

Administrative Regulation No. 9-2, effective January 15, 1986

Administrative Regulation No. 9-2, effective May 15, 1985

<b>CITY OF PORT HURON ACCIDENT OR OCCUPATIONAL ILLNESS REPORT</b>										<b>HUMAN RESOURCES USE ONLY</b>				
INSTRUCTIONS: Submit original to Human Resources within six (6) working days after Employer knows case has occurred.										Case No. --				
<b>TYPE OR PRINT USING BLACK INK.</b>										cc: Dept./Div.				
<b>EMPLOYEE DATA</b>														
1. Name of Employee (Last, First, Middle)					2. Social Security Number:			3. Hire Date:						
4. Date of Birth: Month, Day, Year			5. Sex: [ ] Male [ ] Female		6. Home Telephone: ( )			7. Employee Number:						
8. Employee's home mailing address (include city, state and zip code)								9. Dependents (enter number)						
								Wife, Husband						
10. Department			11. Section		12. Classification			Children under 18 years Other						
<b>CAUSE AND DESCRIPTION OF INJURY</b>														
13. Location or address where injury occurred (be specific):														
14. Date of Injury:		15. Time of Injury : a.m. / p.m.		16. Time Shift Began: : a.m. / p.m.		17. Date of This Notice:		18. Did injury occur on Employer's premises? [ ] yes [ ] no						
19. What was the employee doing just before the incident occurred? (Be specific):														
20. What happened - how did the injury occur?														
21. What object or substance directly harmed the employee?														
<b>22. Nature of Injury or Occupational Illness:</b>														
001		Amputation	010		Foreign body	019		Shock, fainting						
002		Bruise, contusion	011		Heat exhaustion, sunstroke	020		Sprains, strains						
003		Burn, scald	012		Dust diseases of lungs	021		Suffocation, drowning, strangulation						
004		Concussion	013		Respiratory conditions due to toxic agent	022		Rupture, hernia						
005		Cuts, open wounds	014		Internal injuries	023		Bloodborne Exposure						
006		Skin disease disorders	015		Poisoning, systemic effects of toxic materials	024		Needle stick / sharps						
007		Dislocation	016		Disorders caused by non-toxic materials	025		Other, specify:						
008		Exposure, frostbite	017		Disorders due to repeated trauma									
009		Fracture	018		Shock, electrical									
<b>23. Part of Body Injured or Affected (indicate right, left or both): [R] [L] [B]</b>								<b>24. Body Systems Affected:</b>						
040		Generalized	048		Spine	056		Elbow	064		Lower leg	080		Circulatory
041		Skull, scalp	049		Chest	057		Forearm	065		Ankle	081		Digestive
042		Eye	050		Abdomen	058		Wrist	066		Foot	082		Excretory
043		Nose	051		Back	059		Hand	067		Toe	083		Musculoskeletal
044		Mouth	052		Pelvis	060		Finger	068		Other, specify	084		Nervous
045		Jaw	053		Other trunk	061		Hip				085		Respiratory
046		Head, other	054		Shoulder	062		Thigh				086		Reproductive
047		Neck	055		Upper arm	063		Knee				087		Multiple body
25. Safety equipment being worn at time of injury (gloves, hard hat, etc.):											088		Skin	
											089		Eyes	
<b>26. Treatment of Injury:</b>						<b>HOSPITALIZED: [ ] Yes [ ] No</b>								
<b>ESTIMATE OF SEVERITY</b>			<b>EMERGENCY CARE</b>			<b>27. Name and address of physician:</b>								
100		Minor	104		First Aid									
101		Serious	105		I.H.S. Clinic									
102		Critical	106		Specialist, specify in Section 27									
103		Fatal, specify date of death	107		Hospital ER, specify:									
						<b>28. Number of days lost:</b>								
						<b>29. Last day worked:</b>								

**ACCIDENT REPORT SUPPLEMENT I.**

**30. Injured Employee's Statement**

I hereby  request  decline medical treatment by the City's physician

SIGNATURE OF INJURED EMPLOYEE:

DATE:

✕

**31. Witness Statement**

SIGNATURE OF WITNESS:

DATE:

✕

**Witness Statement**

SIGNATURE OF WITNESS:

DATE:

✕

**THIS SECTION MUST BE COMPLETED**

**32. Supervisor's Statement:**

In your opinion, could this accident have been prevented?  yes  no If yes, what can be done to prevent such accidents?

Have safety practices been put in place to prevent such an accident from occurring?  yes  no If yes, what practices?

If no, why not?

SIGNATURE OF  SUPERVISOR  FOREMAN

DATE:

✕

**33. I have investigated the above report and concur with the statements made therein.**

Injury time recommended:  yes  no

\_\_\_\_\_  
DEPARTMENT HEAD SIGNATURE

\_\_\_\_\_  
DATE

**34.  Noted and/or  Approved:**

\_\_\_\_\_  
HUMAN RESOURCES DIRECTOR SIGNATURE

\_\_\_\_\_  
DATE



**AUTHORIZATION FOR RELEASE OF INFORMATION  
CITY OF PORT HURON**

I hereby authorize any hospital, physician, or other person who has attended me, to furnish to the City of Port Huron any and all information with respect to any illness or injury, medical history, consultation, prescriptions or treatment, and copies of all hospital or medical records that could pertain to a potential work-related injury or illness that occurred on \_\_\_\_/\_\_\_\_/\_\_\_\_.

The release of this information will assist in the employer's determination of the employee's eligibility to receive Workers' Compensation and/or injury status eligibility.

Name \_\_\_\_\_

Signature \_\_\_\_\_  
**(If employee is under age 18, parent/guardian must sign)**

Address \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

City of Port Huron  
Human Resources Department  
100 McMorran Blvd.  
Port Huron, MI 48060  
(810) 984-9723

**CELL PHONE POLICY**

The following policy has been established to provide a fair and equitable means for assigning cell phones to appropriate personnel and to provide guidelines for their usage, both for business and minimal personal purposes.

1. **Assignment**

Cell phones may be assigned to employees based upon the recommendation of their supervisor and approved by the appropriate department head with the concurrence of the Finance Department and the Director of Information Technology.

2. **Usage**

Cell phones shall be turned on and be present at the work location or carried by the employee during working hours. Decisions regarding cell phone status (on or off) and call-outs after hours will be made in consultation with the appropriate department head, supervisor and employee. Assigned cell phones may not be loaned to other persons. The phone should remain in the sole possession of and be the sole responsibility of the employee.

3. **Phone Features**

Cell phones assigned shall have the minimum features necessary for the performance of work responsibilities.

- A. Particular cell phone packages (minutes, coverage, features, etc.) may be recommended by the supervisor or department head with the concurrence of the Finance Department and the Director of Information Technology.
- B. Data service (internet access, email, calendar, etc.) and texting service may be added if approved by the department head with the concurrence of the Finance Department and the Director of Information Technology. All such use will be considered partially business use and partially personal use and the employee will be charged for this service as detailed below. Exceptions to the monthly charge may be made in certain specific situations, such as hearing impairment, with the concurrence of the Human Resources Director.

4. **Monthly Invoices**

All assigned cell phones will receive a detailed monthly invoice listing all calls made and received. Such monthly invoices will be reviewed by supervisors and department heads for appropriateness. *Employees need to remember that the detailed monthly invoices and data and text messages, whether work related or personal, belong to the City and may be subject to Freedom of Information Act (FOIA) requests.*

**5. Lost or Damaged Phones**

If a cell phone is lost or damaged, it must be reported to your supervisor immediately using the appropriate form (see Appendix "A"). In certain work-related situations, the employee may request that the City replace the phone. Such requests must be approved by the appropriate department head and the Finance Department. If the damage was the result of carelessness, neglect or abuse, the employee may be responsible for replacement.

**6. City-Owned Cell Phone - Personal Use**

Employees shall be allowed minimal personal use of the cell phone subject to the following:

- A. The employee will pay for personal use. The charge will either be \$10 per month for cell phone use only or \$20 per month for cell phone and data use. Personal usage shall be minimal. If personal usage becomes excessive, such costs will be paid by the employee.
- B. Supervisors shall be responsible to review for excess personal usage during work hours.
- C. Personal usage will be paid semi-annually, with either \$60 (phone calls only amount) or \$120 (phone calls and data service amount) due each January and July. Those wishing to make a single annual payment shall do so each July. Monthly payments will not be accepted. Payments should be made to the Finance Department's Accounting Coordinator.
- D. Employees who opt for no personal usage will not be required to make semi-annual payments.
- E. If an employee has opted for no personal usage and subsequently has personal usage, a payment of \$60 will be required for each six-month period there is personal usage (\$120 if there is data service).

The City has negotiated a group package with a company that can offer employees the following two additional options regarding potential personal use. This option may or may not be available in the future:

- 1) The phone can be configured only for two-way radio communication with no cell phone capability.
- 2) A second line can be added to be used for personal calls and the additional line would then be entirely the responsibility of the employee.

7. **Personal Cell Phone - City Use**

With prior approval and under certain circumstances, City department heads, division heads and other employees that use their personal cell phone for a significant amount of City business use can be reimbursed up to \$25 per month in lieu of obtaining a City-issued cell phone. The reimbursement must be approved by the department head with the concurrence of the Finance Department and the Director of Information Technology. The reimbursement will be paid semi-annually, each January and July, for the preceding six-month period.

This regulation supersedes:

Administrative Regulation No. 9-12, effective January 10, 2011

Administrative Regulation No. 9-12, effective July 1, 2008

Administrative Regulation No. 9-12, effective January 1, 2007

Administrative Regulation No. 9-12, effective January 1, 2006

Appendix "A"

**Property Damage Report  
For Phones and Related Devices**

(Updated Sept. 21, 2012)

**Property description:** \_\_\_\_\_

**Phone # of device:** \_\_\_\_\_

**Date of problem:** \_\_\_\_\_

**Describe the problem:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee's name: \_\_\_\_\_  
(Type or print)

Employee's signature: \_\_\_\_\_  
Date

---

---

**Approvals:**

Supervisor: \_\_\_\_\_  
Date

Department Head: \_\_\_\_\_  
Date

Information Technology Director: \_\_\_\_\_  
Date

Director of Finance: \_\_\_\_\_  
Date

Note: Return original form to the Accounting Department after completion.

**CONFLICT OF INTEREST**

1. **Purpose**

To provide procedures for reporting by members of the City Council, the City Manager, City Department and Division Heads and any other individual required by the City Manager of situations where a conflict of interest might exist.

2. **Policy**

Section 2-6 of the City Charter states:

- (a) The Contracts of Public Servants with Public Entities Act, MCL Sec. 15.321, *et seq.*, shall govern the conduct of public servants of the City in respect to contracts with the City.
- (b) Except for public contracts governed by MCL 15.321 *et seq.*, no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
- (c) Any member of the City Council offending the provisions of this section shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or be imprisoned not more than ninety (90) days, or both, in the discretion of the court, and shall forfeit their office.
- (d) The foregoing prohibitions of this section, as they apply to a Councilmember or Councilmembers, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act, MCL § 15.321, *et seq.*

3. **Procedures**

- A. Annually, the Director of Finance shall request a statement on conflict from each City Councilmember, the City Manager, Department Head, Division Head and any other individual required by the City Manager. At a minimum, the conflict of interest statement shall require disclosure of transactions between the City of Port Huron and the individual, including the individual's immediate family. For purposes of the form, immediate family is defined as: parents, spouse, brothers, sisters and descendants of the individual completing the form.
- B. All conflict of interest statements shall be completed and returned to the Director of Finance within thirty (30) days after receipt of the request.
- C. Upon receipt of all completed conflict of interest statements, they shall be evaluated by the Director of Finance, the City's legal counsel and the City's independent auditors.

- D. At the first City Council meeting in August, the City Council shall be notified of the results of the evaluation of the conflict of interest statements by the Director of Finance. The City Council shall take such action as is appropriate concerning any council member who fails to complete the form.
- E. If a conflict of interest exists that requires disclosure in the City's audited financial statements, the individual will be notified prior to the printing of such audited financial statements by the Director of Finance.
- F. The City Council shall be notified of the final results of the evaluation of the conflict of interest statements.

Note: The City Council adopted the following policy on November 27, 2000:

- 1) Require the Mayor and six (6) Councilmembers to complete a conflict of interest statement within thirty (30) days following the November odd-year City general election. *[Note: This statement was updated in 2011 to reflect that all City Council members file a conflict of interest statement after the odd-year election and not just those elected. The 2011 Charter provides for staggering of Councilmember terms; consequently, all members are not elected in the odd-year elections.]*
- 2) That the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election, effective with the November 2001 election.

Appendix "A"

Dear *(Name)*:

In accordance with Administrative Regulation No. 2-1, you are required to complete the attached Conflict of Interest Statement. In addition, the regulation requires that I submit the names of any individual who does not complete and return this statement within thirty (30) days to the City Council.

If there are situations where you may be in doubt as to appropriate disclosure or representation and wish to further discuss the matter, please do not hesitate to call me.

Your cooperation with this request is required by *(insert name of City's auditors)* in order to complete their examination of the City's financial statements in accordance with generally accepted auditing standards for the year ended June 30, 20\_\_\_\_. You will be notified of any matters contained therein that may require disclosure in the City's audited financial statements prior to the printing of such statements.

Please send your completed statement, as soon as possible, directly to me. A copy of the statement is also enclosed for you to keep for your records.

Very truly yours,

Director of Finance



NAME: \_\_\_\_\_

FULL ADDRESS: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Title: \_\_\_\_\_

## Instructions

- A. In accordance with the Code of Ethics ordinance adopted by the City Council in October 2012, you are required to respond to the following series of questions. This statement is to be completed and returned within thirty (30) days after the start of each fiscal year.
- B. Listed below are some of the definitions from the Code of Ethics to use as a guide in responding to the questions:

**Business entity** includes any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit or nonprofit.

**Compensation** means payment in any form for real or personal property or services of any kind.

**Gift or donation** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee and campaign donations directly to or on behalf of an Officer.

**Interest** means any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by an officer or employee.

**Immediate family** means a person's spouse and the person's children, step-children, by blood or adoption, and grandchildren or step-grandchildren of the individual.

- |    | YES | NO  |   |
|----|-----|-----|---|
| 1. |     |     | To the best of your knowledge, do any business entities of which you are a director, trustee, partner, sole proprietor or significant shareholder (if over 5% of shares outstanding) transact business with the City? Per the Code of Ethics, consider immediate family members in your response. |
|    |     | N/A |   |

<b>If yes, list each business entity, your title and/or percent of shares held if over 5%:</b>          
--

CITY COUNCIL only (Questions 2 - 4):

2.        YES    NO  
                 Have you complied with Sec. 2-6, Conflict of Interest, of the City Charter?

**If no, please explain the situation and why you have not complied:**

3.        YES    NO  
                 Does your employer **or** any of the firms identified in Question #1 have any financial  
                 N/A        transactions with the City (other than the payment of taxes and utilities)? Consider  
                 immediate family members in your response.

**If yes, please explain and describe involvement:**

4.        YES    NO  
                 The Code of Ethics, Sec. 6-7(b)(2) requires copies of campaign contribution  
                 disclosures filed with the Secretary of State or County Clerk to be submitted with this  
                 statement. Have you attached your disclosures?

**If no, please explain:**

CITY EMPLOYEES only (Questions 5 - 6):

5.        YES    NO  
                 Do you have an approved outside employment in accordance with Administrative  
                 Regulation No. 9-1?

**If yes, please explain the nature of your outside employment:**

6.        YES    NO  
                 Do any of the firms identified in Question #1 have any financial transactions with the  
                 N/A        City (other than the payment of taxes and utilities)? Consider immediate family members in  
                 your response.

**If yes, please explain and describe the involvement:**

BOTH City Council and City Employees - complete remaining questions:

YES NO

7. During the past 12 months, have you given to or received from any person or business entity doing business with the City, either directly or indirectly, any money, compensation, gift, favor, reward or gratuity totaling over \$100.00 in the aggregate? Consider immediate family members in your response.

**If yes, list person's or business entity's name AND description and amount/value of item:**

YES NO

8. To the best of your knowledge, have you had any personal financial transactions with any person or business entity which does business with the City in which you owed \$1,000.00 or more for more than 30 days (other than banks, credit unions or other similar financial institutions)? Consider immediate family members in your response.

**If yes, please explain and give the original amount owed and the repayment terms:**

YES NO

9. Have you represented the City in any transaction in which you have a substantial personal interest? Consider immediate family members in your response.

**If yes, please explain:**

YES NO

10. Have you competed with the City, directly or indirectly, in the purchase or sale of property? Consider immediate family members in your response.

**If yes, please explain:**

YES NO

11. Do you serve as a member on any board (profit or nonprofit) or related committees? Consider immediate family members in your response.

**If yes, please list:**

12. YES NO  
Do you own real estate or other investments within the City, including your home?  
Consider immediate family members in your response.

**If yes, please list:**

13. YES NO  
Do you have any business interests which might involve a conflict of interest or the appearance of a conflict of interest? Consider immediate family members in your response.

**If yes, please explain:**

14. YES NO  
Do you have any close relatives employed by the City (parents, siblings, in-laws, etc.)?

**If yes, please explain:**

15. YES NO  
Are there any other transactions, activities or relationships that should be disclosed?

**If yes, please explain:**

**AFFIRMATION**

I hereby affirm that the information presented herein is true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature Date

**Reminders:**

- A. Please notify the Director of Finance if any of the above information **changes** during the upcoming fiscal year.
- B. **Councilmembers:** Remember to include copies of any campaign contribution disclosures you have filed with the County Clerk or the Secretary of State in the last year.

## **ELECTRONIC TABLET DEVICE POLICY**

### 1. **Purpose**

The purpose of this policy is to identify guidelines for the use of electronic tablet technology. This policy establishes a minimum standard that must be upheld and enforced by users of the electronics. This policy constitutes a mutual statement of what are, and are not, appropriate uses for this important technology tool. The explicit privileges and restrictions set forth in this policy do not attempt to cover every situation that may arise in connection with the use of this new form of electronic communication.

### 2. **Receipt of Tablet**

The City will issue a tablet, screen protector and cover. When fully instituted, the tablet will serve as the sole source for City Council agenda packets. Before being authorized to access and utilize the tablet for internet and e-mail communications, each individual receiving a tablet shall sign this policy.

### 3. **Software**

- A. The software and applications installed by the City must remain on the tablet in usable condition and be readily accessible at all times.
- B. Any software, email messages or files downloaded via the internet into the system may only be used in ways that are consistent with applicable Freedom of Information Act (FOIA) laws, licenses, trademarks or copyrights.
- C. From time to time, the City may add or upgrade software applications. Tablets may be required to be turned in to the Information Technology Department for periodic updating and synching.
- D. Files from sources that may be untrustworthy shall not be downloaded, nor shall files attached to e-mail transmissions be opened and read unless the recipient has knowledge that they originated from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the tablet.
- E. Tablet users will be held accountable for any breaches of security caused by files obtained for non-City business purposes.
- F. If technical difficulties occur or illegal software is discovered, the tablet will be restored to a prior backup point. The City does not accept responsibility for the loss of any software or documents deleted due to a re-format and re-image.

**4. Acceptable Use**

- A. The tablet, internet, and e-mail access provided are tools for conducting City business and shall be used primarily for City business-related purposes. Users should not have an expectation of privacy in connection with electronic communications and should use the devices accordingly.
- B. All of the City's computer systems and software, including the tablet, are considered to be public property. All documents, files and e-mail messages created, received, stored in or sent from any tablet are considered public records, subject to disclosure to the public under FOIA.
- C. In order to comply with the Open Meetings Act (OMA), Councilmembers may not use e-mail or other messaging software/applications during the course of any public meeting. Electronic delivery devices make it easier for a violation to occur given that email or text messages to one another could be perceived as an unintentionally serial meeting. If necessary, City staff may occasionally send information electronically to Councilmembers during public meetings as long as the distribution is publically announced and as long as the item is then distributed to all members. This is intended to be the equivalent of providing a new or corrected paper copy of a document.
- D. Individuals using the City's electronic communication systems are acting as representatives of the City and any communication that violates applicable laws and regulations is prohibited.
- E. Users expressly waive any right of privacy in anything they create, store, send or receive using the City's tablet equipment, e-mail system or internet access. The contents of electronic communications sent by, between and/or to individuals are covered by FOIA.
- F. The City reserves the right to randomly monitor all electronic communication systems. Incidental and occasional personal use of the City's electronic communication systems via the tablet is acceptable, provided it complies with the following:
  - 1). Does not interfere with the business use of the City.
  - 2). Does not result in an incremental expense for the City.
  - 3). Is not used for any form of advertising, solicitations, promotions or commercial purposes.
  - 4). Is not used to communicate abusive, profane or offensive language.
  - 5). Is not used for criminal activities.
  - 6). Is not used for online gambling websites.
  - 7). Is not used for viewing or distribution of pornographic or sexually-related material.
  - 8). Is not used for viewing or distributing material related to the intolerance of a gender, race, sexual preference, ethnicity or religion.
  - 9). Is not used for sending or viewing inappropriate material, as outlined in this policy, through the use of technology (e-mail, text, etc.).
  - 10). Is not allowed to be used by anyone other than a Councilmember, City employee or contractor requiring access to this technology.

**5. Repair and Replacement**

Tablets that malfunction or are damaged must be reported immediately to the Information Technology Director. The City will be responsible for making any necessary modifications or repairs. Tablets that have been damaged from misuse, neglect or accidentally damaged, in the judgment of the Information Technology Director and in consultation with the tablet manufacturer, will be repaired by the City with the cost borne by the user. Damage includes, but is not limited to, broken screens, cracked plastic pieces, and inoperability. If the cost to repair the tablet exceeds the cost of purchasing a new device, the user shall pay the full replacement value. If the tablet is lost or is stolen due to the user's own neglect, the user shall pay the full replacement value.

**6. Return of Tablet**

Tablets shall be returned to the Information Technology Department when the individual's employment or term of service has ended.

**ELECTRONIC TABLET DEVICE AGREEMENT**

The undersigned has been provided a copy of the City of Port Huron Electronic Tablet Device Agreement Policy and understands its contents fully. I accept and understand the terms of the policy and agree to abide by all terms contained in it.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**EMPLOYEE CONTACT INFORMATION**

1. **Designation**

Upon appointment, every employee shall indicate to the Human Resources Department the name, address, telephone number and relationship of the person who should be notified in case of any emergency. The Human Resources Department shall also be notified immediately of any changes an employee desires to make on his or her emergency designee.

2. **Notification**

In case of an accident or condition which would require hospitalization of an employee past his or her normal quitting time, the following steps shall be taken:

- A. Division Head will be immediately notified of the situation.
- B. Division Head will immediately notify the Human Resources Director, who in turn shall notify the person designated by the employee to be notified in case of an emergency. In the event the person cannot be reached, the Human Resources Director shall continue attempts to reach the individual until proper notification has been made.
- C. The Division Head shall also ensure that the injured employee's needs are taken care of until the arrival of the individual designated.

3. **Notification in the Event of Death**

In the case of the death of an employee during working hours, the following steps shall be taken:

- A. Division Head will be immediately notified.
- B. Division Head will immediately notify the Human Resources Director. Following notification to the Human Resources Director, the Department Head shall then be notified.
- C. Human Resources Director will make the arrangement for appropriate notification of the person designated. This would normally be done by a personal visit of the employer representative to the person designated by the employee.

4. **Notification in Event the Office is Closed**

In the case of notification taking place as listed above while City offices are closed, the Department Head or designated representative shall attempt to contact the Human Resources Director. If the Human Resources Director is unavailable, the Department Head or designated representative will be substituted for the Human Resources Director. A report of this action will be provided the Human Resources Director at the earliest possible date.

This regulation supersedes Administrative Regulation No. 9-5, effective July 8, 1974.



**EMPLOYEE REFERENCES**

1. **General**

This regulation establishes uniform procedure for handling outside inquiries concerning present, future and former city employees.

2. **Responsibility**

All requests for any type of information concerning present, future and former employees of the City of Port Huron will be forwarded to the Human Resources Director for reply.

3. **Exception**

In those cases where an employee has been given as a personal reference by another individual, the employee will be responsible to explain to the inquirer that the information he or she voluntarily gives is their own personal disclosure and does not necessarily represent the view of the employer.

This regulation supersedes Administrative Regulation No. 9-6, effective July 8, 1974.

**EQUAL OPPORTUNITY EMPLOYMENT**

The City of Port Huron recognizes that equal employment opportunities in City government can only be fully achieved with a firm commitment to the concept of affirmative action.

The City of Port Huron recognizes not only its legal obligation, but also its moral obligation to achieve equal employment opportunity within City government, not only for the sake of fair employment practices but also for the sake of meeting the economic needs of its minority population.

Accordingly, the City of Port Huron:

1. Reaffirms its policy that there shall be no discrimination on the basis of race, religion, national origin, marital status, handicap, age, or sex in hiring of applicants or in the treatment of City personnel;
2. Will enact positive procedures to ensure that realistic hiring goal are established;
3. Will continually review the composition of the City's staff at all levels to determine if goals are being met; and
4. Will attempt to establish a ratio of minority employees which reflects their actual presence in the general population.

The mechanics for achieving these objectives shall be periodically reviewed and refined to include the entire range of personnel practices in City government. This range includes, but is not limited to: recruitment, appointments, reappointments, seniority, promotions, compensation determinations, benefits, transfers, layoffs, return from layoffs, City-sponsored training and education, tuition assistance, social and recreational programs, retirement, disabilities, adjustments in workloads, etc.

With the pressing needs of the times in which we live, there is a need for special effort to identify and attract members of minority groups and women to apply for positions within the City of Port Huron.

Once they have applied, they should be guaranteed that no discrimination will take place.

Therefore, it is the intent of the Affirmative Action Plan to prevent discrimination because of race, religion, national origin, marital status, handicap, age, or sex in the City of Port Huron's work force. The implementation of this Affirmative Action Plan is designed to achieve equal employment opportunity.

**Authority and Responsibility**

1. City Manager. The City Manager shall direct, by a written statement, all employees to comply with the spirit and obligation of the Affirmative Action Plan. The statement will include, but not necessarily be limited to, these elements:
  - A. Equal employment opportunity for all persons, regardless of race, religion, national origin, marital status, handicap, age, or sex is fundamental City policy. Equal employment is legal, social, moral, and economic necessity to the City of Port Huron.
  - B. The Equal Employment Policy will require affirmative action by all City employees.
  - C. The Affirmative Action Plan is not a “neutral” policy, but requires goal setting techniques that can be measured and evaluated. Accountability for goal achievement is necessary to assure that Affirmative Action is of equal importance as other civic goals.
  - D. Affirmative Action affects all personnel practices including, but not limited to: recruiting, hiring, transfers, promotions, training compensation, benefits, layoffs and termination.
  
2. Affirmative Action Officer (City Human Resources Director). The City Manager designates the City Human Resources Director as the Affirmative Action Officer for the City of Port Huron. He will report directly to the City Manager on matters of affirmative action. The duties will be, but not be limited to, the duties as set forth in Appendix “A”.

The Affirmative Action Officer will maintain a Skill Bank File for possible placements in City employment and consult this file before job placements.

The complete selection procedures will be reviewed and evaluated, including, but not limited to:

- A. Application forms
  - B. Physical requirements
  - C. Oral interviews
  - D. Job description
  - E. Job requirements
  - F. Probationary periods
  - G. Tests and examinations
3. Labor Officials. Labor officials representing City employees will be required to cooperate with the Affirmative Action Program, under Title VII of the Civil Rights Act of 1964.
  
  4. Boards and Commissions. All City boards and commissions will cooperate in the spirit and objectives of the Affirmative Action Plan.
  
  5. Department and Division Heads and Supervisors. Department and division heads and supervisors shall have the responsibility to:

- A. Implement the Affirmative Action Plan in their department or division.
- B. Complete appropriate forms required by the Affirmative Action Plan.
  
- C. Analyze the specific employment needs and patterns of their department or division and supervisors.
- D. Cooperate with Affirmative Action Officer in fulfilling the requirements of the plan.
- E. Evaluate, along with the Affirmative Action Officer, the efforts and achievements in accordance with the Affirmative Action Plan.

Department and division heads and supervisors will be expected to implement the Affirmative Action Plan as part of their prescribed duties.

- 6. City Employees. All City Employees will comply with the spirit and the letter of the Affirmative Action Plan. Any employee of the City of Port Huron who willfully violates the intent of this Plan shall be subject to appropriate disciplinary action including reprimand, suspension and/or dismissal.

**Publication of Affirmative Action Plan**

- 1. Internally:
  - A. Department, division heads and supervisors shall be fully informed of the Affirmative Action Plan by:
    - 1) Written communication from the City Manager.
    - 2) Inclusion of an Equal Employment Opportunity Policy in the Personnel Manual and as an addendum to all union contracts for the City of Port Huron.
    - 3) Holding of special meetings to discuss the program, the individual responsibility and the review process.
  
  - B. All employees should be informed of the Affirmative Action Plan by the following techniques:
    - 1) City Equal Employment Opportunity Policy statement, State and Federal Equal Employment Opportunity posters placed on bulletin boards, near time clock area, in strategic work areas, and the Human Resources Department.
    - 2) Presentation and discussion of the Affirmative Action Plan as part of employee orientation and all training programs.
    - 3) Copies of the Affirmation Action Plan provided to each City department.
    - 4) Education material and training sessions will be provided to all employees to explain the requirements of the Affirmative Action Plan. These materials will spell out specific responsibilities for all levels of employment.

- 5) Departmental meetings that will sensitize employees to the kinds of employment barriers and attitudinal stereotypes which hinder equal employment.
- 6) After implementation of the Affirmative Action Plan, special meetings will be conducted to explain goals, and/or changes, to help communicate the seriousness of the City's commitment and to prevent "backlash" from some who fear loss of their jobs or opportunities.

2. Externally:

- A. The City will publish notice of regular job openings and positions through the local news media and on the City website on the internet.

**Executive and Administrative Positions**

These positions are filled by individuals who have acquired the essential skills through education and training. Openings are advertised through local news media, internet and appropriate trade magazines.

**Supervisory**

Supervisory jobs are normally filled by individuals who have developed through job experience in a specific department or division. If an opening appears in the position, an intensified effort is made to fill it from among the present City employees. If there are no promotable employees, the opening is advertised through local news media, internet and appropriate trade magazines.

**Promotional-Level Jobs**

Candidates for these positions are normally promoted through the ranks of individuals who have been identified as promotable -- usually in a specific job category. However, individuals are allowed to apply for jobs outside of their specific job category. This provides both vertical and horizontal job movement.

The normal procedure for City employment is through entry level jobs. Candidates for these entry-level positions are filled through a job advertisement through the local news media and the internet.

The following is a list of entry level jobs:

Clerk Typist I, II	Cashiers	Planning Technician
Mechanic Helper	Engineer Assistant I	Bldg. Maintenance Helper
Laborer	Police Officer	Parking Enforcement Officer
Fire Fighter	Equipment Operator	Animal Control Officer

Appendix "A"

**JOB DUTIES**  
**AFFIRMATIVE ACTION OFFICER**

The Affirmative Action Officer shall be accountable to the City Manager of Port Huron. His duties include:

1. Implementation of the City's Affirmative Action Plan.
2. Develop internal and external communication.
3. Assist in the identification of under-utilization of females and minorities in City government departments.
4. Establish minority and women employment goals.
5. Perform quarterly analysis of minority and women goals and attainment.
6. Implementation of City's internal audit and reporting systems for Affirmative Action Plan (see Appendix "B").
7. Update the minority and women skills inventory.
8. Periodic meetings with staff heads to discuss problems and solutions in meeting the City's Affirmative Action program objectives.
9. Serve as a liaison between the City and minority and women community organizations concerned with employment opportunities.
10. Review of all requisitions to help determine whether a qualified minority or a women candidate is available.
11. Serve as a liaison between the City and government enforcement agencies during compliance reviews.
12. Insure that all appropriate government posters are properly displayed.
13. Assist in recruitment of minorities and women college graduates.
14. Encourage minorities and women to participate in the Recruitment Referral Program, recreational and social activities, etc.
15. Review City's personnel practices to assure that said practices comply with the Sex Discrimination Guidelines.
16. Develop and assist in establishing co-op programs; i.e., high school, college.
17. Visit local high schools to encourage participation in Apprenticeship Programs, etc.
18. Provide career counseling to minorities and women.
19. Assist in development of training programs to change attitudes and behavior relative to the Affirmative Action Plan.
20. Assist line supervisors in arriving at solutions.
21. Prepare periodic reports on affirmative actions undertaken.
22. Assist in investigation and resolution of complaints.
23. Keep local management informed of latest developments in the entire equal opportunity area.
24. Review of qualifications of minorities and women to insure they are given full opportunities for promotions and transfers.
25. Conduct exit interviews.

Appendix "B"

**REPORT REGARDING THE EFFECTIVENESS  
OF THE INTERNAL AUDIT AND REPORTING SYSTEM**

The City will have an internal audit system which will be established to measure the effectiveness of the City's Affirmative Action Plan. This system will provide that when a vacancy is to be filled, a requisition form will be issued by the requesting department. The requisition form will include the position, classification, the anticipated salary or hourly rate and the qualifications necessary for consideration. During this process and before any selection is made, the Human Resources Director will review the requisition, which will serve as an audit to determine whether the vacancy exists in an under-utilized area and whether qualified minority and/or women candidates are available for placement. In the event a vacancy can be filled by a minority and/or woman candidate, the Human Resources Director will contact the appropriate department head with this advice.

The job description will be monitored by the Human Resources Director to assure the skill requisites on the form are in line with the job to be performed.

An EEO-4 Report will be completed as required by Federal Regulation and forwarded to the Federal EEO Commission.

**EYE PROTECTION (SAFETY GLASSES)**

1. **Purpose**

This regulation establishes the policy and procedure requiring the wearing of eye protectors (safety glasses) by certain City job classifications during their working hours.

2. **Job Classifications Required to Wear Eye Protectors (Safety Glasses)**

The following job classifications are required for reasons of safety as dictated by the Michigan Department of Labor to wear, at all times during working hours, eye protectors (safety glasses):

- A. Auto Mechanic
- B. Mechanical Equipment Repair
- C. Plant Operators
- D. Equipment Operators
- E. Tree Trimmers
- F. Seasonal/Part-Time Employees

3. **Responsibility**

Affected employees in the above job classifications shall apply to the Human Resources Director concerning issuance of the required eye protectors (safety glasses), all costs for which, upon proper authorization, shall be assumed by the City.

Wearing of eye protectors (safety glasses) by those employees affected is mandatory and employees not doing so shall be subject to disciplinary action.

This regulation supersedes:

- Administrative Regulation No. 9-4, effective June 1, 1973.
- Administrative Regulation No. 9-4, effective February 20, 1998.



**FAIR LABOR STANDARDS**

1. **Purpose**

This regulation provides general information concerning the application of the Fair Labor Standards Act (FLSA). The FLSA contains minimum wage, overtime pay and record keeping requirements, and restricts child labor.

2. **Miscellaneous Policies**

- A. A work week for all employees (excluding Police and Fire personnel) shall be the seven calendar days beginning at 12:00 a.m. Saturday and ending 12:00 a.m. the following Saturday.
- B. A work day (excluding employees working shift or platoon schedules) shall begin at 8:00 a.m. and end at 4:30 p.m.
- C. Police Officers may work up to 171 hours in a 28-day period at straight time.
- D. Fire protection employees may work up to 212 hours in a 28-day period.
- E. Employees will be allowed to be at their work sites prior to starting time and after departure time but shall not be permitted to work without the permission of their immediate supervisor. Assignment of work to be done at home is prohibited unless authorized by the employee's immediate supervisor.
- F. If compensatory time off in lieu of paid overtime is authorized by the Department Head, the following guidelines will be followed:
  - 1) Compensatory time shall be earned at the rate of time and one-half actual number of hours required to work to complete the job.
  - 2) Compensatory time off shall be scheduled at the discretion of the Department Head or his/her authorized representative.
  - 3) Compensatory time off shall be taken no later than thirty (30) calendar days after it is earned. Employees leaving City employment, for any reason, shall use or be compensated for accumulated compensatory time prior to separation.
  - 4) Compensatory time earned or taken each week shall be recorded on COMPENSATORY TIME REPORT forms and submitted to the Human Resources Department. Forms for reporting compensatory time are available from the Human Resources Department.

- G. Department Heads and Division Heads are exempted from provisions of Paragraph 2.F.
- H. All employees shall be shown on the payroll attendance with the symbol "A" whenever absent with pay; i.e. attending conferences, workshops, educational classes, jury duty, etc.
- I. Training programs (including school classes) and lectures involving employee's attendance and/or travel outside employee's regular working hours must be approved by the Department Head and Human Resources Director before attendance is authorized.
- J. A record, by department, will be maintained for any time trades made by their department employees.

This regulation supersedes Administrative Regulation No. 1-4, effective February 15, 1986.

**PORTABLE SPACE HEATER POLICY**1. **Purpose**

This regulation establishes the policy and procedure required for personal use of a portable space heater in the workplace.

2. **Policy / Procedure**

Employees must notify their immediate supervisor that they are bringing in a portable space heater to be used at their work station. Supervisors must contact the Fire Chief's office to schedule an inspection with the Fire Inspector.

3. **Requirements**

- a. The recommended type of space heater is a ceramic pod.
- b. The space heater must be a UL rated unit and/or ETL listed (Intertek).
- c. The space heater must be equipped with a cut-off device that will turn the unit off if it tips over.
- d. The maximum space heater wattage is 1500 watts.
- e. The space heater must be equipped with a timer or auto temperature control.
- f. Oil filled space heaters are PROHIBITED.
- g. DO NOT use extension cords with space heaters. If an electrical extension is needed, it must be an electrical power strip which has a built-in circuit breaker. The power strip must be AWG certified with at least a #12 rating.
- h. Space heaters are personal items for personal use only.
- i. No combustibles are allowed to be stored within 3 feet in any direction of the area where the space heater is used (no paper, cardboard boxes, etc., stored under the desk where the heater is used).
- j. The space heater is to be used on a level surface, the floor. Never place the space heater on cabinets, boxes, tables, or furniture, etc.
- k. The space heater must not be covered with items. DO NOT use the space heater to dry clothes.
- l. Employees must turn their space heater OFF when leaving for the day and when they are away from their work station for a significant period of time, e.g. lunch, meetings, scheduled breaks, inspections, etc.
- m. All requirements for the use of space heaters are effective, November 15, 2011.
- n. Portable space heaters not meeting the criteria established in this policy must be removed from the work place no later than, December 15, 2011.

## **SWIPE CARD IDENTIFICATION BADGE POLICY**

### 1. **Purpose**

The City of Port Huron is committed to providing a safe work environment for all City employees and the citizens we serve. To facilitate this commitment, administration has officially established a Swipe Card Identification Badge Policy for City employees. This policy will serve to readily identify City of Port Huron employees to both the internal and external customers and authorize access to the Municipal Office Center.

### 2. **Swipe Card Identification Badge Policy**

The City Manager will establish official badge formats. The City Clerk's office will prepare all badges according to these formats. Only the City Manager may approve of exceptions to the official formats. Employees will not, under any circumstances, modify or deface identification badges. Department heads have the responsibility to ensure that this policy is fully implemented:

- A. All employees of the City of Port Huron must possess an ID badge (including Full-time, Part-time, Seasonal, Emergency, and Contract).
- B. ID badges, at a minimum, must include a photo of the employee, employee name, and the department where the employee works. ID badges may contain additional information when necessary.
- C. ID badges may also operate as an electronic access control card. If an employee requires an electronic access to an equipped office door or an equipped building's entrance, the badge will permit authorized electronic access.
- D. ID badges are to be displayed at all times during working hours. An employee who repeatedly fails to wear their ID badge will be subject to disciplinary action.
- E. ID badges must be worn facing up and are to be located between the collar and waist area. Employees will clip badge to clothing or suspend from lanyard. Department heads may grant specific exemptions to this requirement in situations that potentially compromise employee safety.
- F. The only person that will wear an employee ID badge is the employee that the badge is issued to. The employee will not lend his or her badge to anyone.
- G. It is the responsibility of the employee to report a lost, stolen or damaged ID badge to their immediate supervisor. A lost or stolen ID badge must be reported to the City Clerk's office within 24 hours, to be deactivated for security purposes. Failure to notify the City Clerk's office will result in disciplinary action. The replacement cost for an ID badge that is lost or stolen is five dollars (\$5.00). An ID badge that is damaged will be replaced at no charge.

- H. Upon the departure from City employment (retirement, resignation, termination), employees must return their ID badge to their immediate supervisor. Such ID badge will be forwarded to the City Clerk's office.

## IDENTITY THEFT PREVENTION

### 1. Purpose

This regulation is to establish an identity theft prevention program designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flag Rule (part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flags Rule, every financial institution and creditor (**including utilities**) is required to establish an "identity theft prevention program" tailored to its size, complexity, and the nature of its operation. Each program must contain reasonable policies and procedures to:

- A. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the Program;
- B. Detect red flags that have been incorporated into the Program;
- C. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
- D. Insure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.

### 2. Definitions

*Identity theft* means fraud committed or attempted using the identifying information of another person without authority.

*Identifying information* means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or tax payer identification number, unique electronic identification number, computer's internet protocol address or routing code.

*A covered account means:*

- 1) An account that a financial institution or creditor offers or maintains primarily for personal, family or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, and **utility accounts**, checking accounts, and savings accounts; and

- 2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of a financial institution or creditor from identity theft, including financial, operational compliance, reputation or litigation risks.

*A red flag* means a pattern, practice or specific activity that indicates the possible existence of identity theft.

### 3. Policy

#### A. IDENTIFICATION OF RED FLAGS

The City of Port Huron identifies the following red flags, in each of the listed categories:

- 1) Suspicious documents
  - a) Identification document or card that appears to be forged, altered or inauthentic;
  - b) Identification document or card in which a person's photograph or physical description is not consistent with the person presenting the document;
  - c) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
  - d) Application for service that appears to have been altered or forged.
- 2) Suspicious personal identifying information
  - a) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
  - b) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report or other information available);
  - c) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
  - d) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
  - e) Social security number presented that is the same as one given by another customer;
  - f) An address or phone number presented that is the same as that of another person;
  - g) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
  - h) A person's identifying information is not consistent with the information that is on file for the customer.

- 3) Suspicious account activity or unusual use of account
  - a) Change of address for an account followed by a request to change the account holder's name;
  - b) Payments stop on an otherwise consistently up to date account;
  - c) Account used in a way that is not consistent with prior use (example: very high activity);
  - d) Mail sent to the account holder is repeatedly returned as undeliverable;
  - e) Notice to the City that a customer is not receiving mail sent by the City;
  - f) Notice to the City that an account has unauthorized activity;
  - g) Breach in the City's computer system security; and
  - h) Unauthorized access to or use of customer account information.
  
- 4) Alerts from others
  - a) Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account or investigation for a person engaged in identity theft.

**B. ACCOUNTS**

- 1) New Accounts. In order to detect any of the red flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify the identify of the person opening the account:
  - a) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
  - b) Verify the customer's identity (for instance, review a driver's license or other identification card); and
  - c) Review documentation showing the existence of a business entity; and/or
  - d) Independently contact the customer.
  
- 2) Existing Accounts. In order to detect any of the red flags identified above for an existing account City personnel will take the following steps to monitor transactions with an account:
  - a) Verify the identification of a customer if they request information (in person, via telephone, via facsimile, via email);
  - b) Verify the validity of requests to change billing addresses; and
  - c) Verify changes in banking information given for billing and payment purposes.



**C. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event that City personnel detect any identified red flags such personnel shall take one or more of the following steps depending on the degree of risk posed by the red flag:

- 1) Prevent and mitigate
  - a) Continue to monitor an account for evidence of identify theft;
  - b) Contact the customer;
  - c) Change any passwords or other security devices that permit access to accounts;
  - d) Not open a new account;
  - e) Close an existing account;
  - f) Reopen an account with a new number;
  - g) Notify the Finance Director and City Attorney for determination of the appropriate step(s) to take;
  - h) Notify law enforcement; and/or
  - i) Determine that no response is warranted under the particular circumstances.
  
- 2) Protect customer identifying information. In order to further prevent the likelihood of identity theft with respect to City accounts, the City will take the following steps with respect to its internal operating procedures to protect the customer identifying information:
  - a) Insure that its website is secure of provide clear notice that the website is not secure;
  - b) Insure complete and secure destruction of paper documents and computer files containing customer information;
  - c) Insure that office computers are password protected and that computer screens locked after a set period of time;
  - d) Keep offices clear of papers containing customer information;
  - e) Request only the last four digits of social security numbers (if any);
  - f) Insure computer virus protection is up to date; and
  - g) Require and keep only the kinds of customer information that are necessary for utility purposes.

**D. PROGRAM REVIEW**

This program will be periodically reviewed and updated to reflect changes and risk to customers and the soundness of the City from identity theft. The City Manager or his designee will consider the City's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the City maintains and changes in the City's business arrangements with other entities. After considering these factors, the City Manager or his designee will determine whether changes to the Program including the listing of red flags are warranted. If warranted, the City Manager will make a determination of whether to accept, modify or reject those changes to the Program.

E. **PROGRAM ADMINISTRATION**

- 1) **Oversight.** Responsibility for developing, implementing, and updating this Program lies with an identity theft committee for the City. The committee is headed by the Finance Director with a police department detective assigned by police administration and the City Attorney comprising the remainder of the committee membership. The City Finance Director will be responsible for the Program administration for insuring appropriate training of City staff of the Program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.
- 2) **Staff training and reports.** City staff responsible for implementing the Program shall be trained either by or under the direction of the City Finance Director in the detection of red flags and the responsive steps to be taken when a red flag is detected. City staff is required to provide reports to the Program administrator on incidents of identity theft, the City's compliance with the Program, and the effectiveness of the Program.
- 3) **Specific Program elements and confidentiality.** For the effectiveness of identity theft prevention program the red flag rule envisions a degree of confidentiality regarding the City's specific practices relating to identity theft detection, prevention, and mitigation. Therefore under this Program knowledge of such specific practices are to be limited to the identity theft committee and those employees who need to know them for purposes of preventing identity theft. Because this Program is to be adopted by a public body and thus publicly available it would be counter productive to list these specific practices here, therefore only the Program's general red flag detection implementation and prevention practices are listed in this document.
- 4) **Authority and revisions.** This policy is enacted immediately upon the approval of the City Manager and the adoption of the Program as an administrative regulation of the City. Revisions to this policy shall only be enacted when approved by the City Manager and adopted as an amended administrative regulation of the City. This policy shall be reviewed at least biennially by the identity theft committee for the City who shall make any recommendations for changes to the City Manager for updating the policy.

**INTERNET/ELECTRONIC MAIL****1. Purpose**

The purpose of the internet/electronic mail (e-mail) system is to assist the City of Port Huron's day-to-day conduct of business activities. This document sets forth the policies regarding the use of the internet and e-mail system. The City of Port Huron reserves the right to change or amend its Internet/Electronic Mail Policy at anytime with or without notice.

**2. Ownership**

The internet/e-mail system is the property of the City of Port Huron. All data and other electronic messages whether sent from or received within this system are the property of the City of Port Huron. Internet/e-mail messages either sent from or received in this system may be considered City Records, depending on their content, and therefore may be subject to Freedom of Information Act requests and other legal disclosure.

**3. Monitoring/Privacy**

The City of Port Huron reserves the right to monitor all internet sites accessed and e-mail messages either sent from or received in the e-mail system. It is possible that e-mail sent from the City of Port Huron's system can be intercepted on the system and on the internet, therefore the user should not expect any degree of privacy regarding internet use or e-mail messages. Internet sites and e-mail messages deleted by the user may be retrievable from the hard drive, backup tapes or the receiving or sending e-mail system.

**4. Users**

Only the City of Port Huron employees who have an internet/e-mail account and password are permitted to use the internet/e-mail system. Internet/e-mail accounts will only be established once the employee has read the City of Port Huron's Internet/Electronic Mail Policy and has signed the City of Port Huron's Internet/E-mail Policy Acknowledgment Form (see Appendix "A"). The electronic communication system is to be used by employees conducting the City's business. Employees are not to access a file or retrieve any stored communication other than as authorized in the performance of the employee's duties. Upon termination of employment, that user's internet/e-mail account and privileges will be revoked.

**5. User Responsibilities**

All employees have the responsibility to use due care regarding opening and accepting email attachments, file downloads, web page links and other sources so as to protect the network from viruses and malicious content. Computer viruses and malware have serious detrimental consequences to the City's network infrastructure and computer hardware. They cause substantial disruptions to our operations, result in significant lost time and costs, and could result in the loss of important government records. Failure to use due care is a violation of the policy. Email received

should not be opened unless the source is someone the receiving employee knows or would expect to receive e-mail from.

6. **Prohibited Uses**

Certain uses of the City of Port Huron's internet/e-mail system are not allowed. Prohibited uses include, but are not limited to:

- A. Using the internet for personal use or using the email for personal use except in the case of necessity. Browsing sites, chat rooms, or publishing unrelated to work is prohibited.
- B. Using the internet to display or submit illegal or inappropriate material is prohibited.
- C. Using internet/e-mail for any purpose which violates state and federal laws.
- D. Using internet/e-mail in a way that violates copyright laws or license agreements.
- E. Using internet/e-mail to circumvent the Open Meetings Act.
- F. Sending or receiving confidential communications related to litigation, negotiations or investigations.
- G. Misrepresenting one's identity to compose or intercept messages.
- H. Revealing your internet/e-mail access code or password to another employee.
- I. Using internet/e-mail for commercial purposes other than the business of the City of Port Huron.
- J. Using internet/e-mail for purposes of lobbying or political activity.
- K. Creating offensive or malicious messages. These would include, but not be limited to messages which contain profanity, sexually explicit content, race, national origin or gender-specific comments, threats or harassment.
- L. Using internet/e-mail for religious or political purposes.
- M. Using the internet/e-mail system for gambling, betting pools or investment clubs.
- N. Chain letters.
- O. Engaging in any internet/e-mail activity that could create liability for the City of Port Huron.

7. **Retention**

E-mail records are to be dealt with in the same way as their equivalent hard-copy records and are subject to the state-approved retention schedules. Print the official e-mail record (with all transmission, receipt information, and attachments) and store the hard copy in the relevant subject matter file as you would any other hard-copy communication. Once in hard-copy form, e-mail records may be deleted.

8. **Disclosure**

The City of Port Huron reserves the right to use any e-mail found in its system for its business activities and to disclose e-mail contents to appropriate personnel. The City discloses that it reserves and may, from time to time, exercise its right to review, audit, intercept, access and/or disclose all matters contained in the City's system at any time, with or without notice to an employee. Access by the employer may occur at any time during or after work hours. An employee's use of a password or code will not restrict the right to access electronic communications by the city of Port Huron. All employees are notified that any communication or information placed in the City's system is not

private and is subject to interception and/or receipt by any other employee of the City or the City's administration.

9. **Violation of Policy**

All employees are notified that any violations of the Internet/Electronic Mail Policy of the City of Port Huron may subject the employee to disciplinary action, up to and including discharge from employment.

This regulation supersedes:

Administrative Regulation No. 9-9, effective February 1, 2000

Appendix "A"  
(Amended June 27, 2014)

**Internet/Electronic Mail Policy**  
**Acknowledgment Form**

By signing this agreement, I acknowledge the provisions stated in the City of Port Huron Internet/Electronic Mail Policy and will abide by them. It is understood and agreed that by signing this form the employee waives any right to privacy relating to use of the internet or electronic mail. Further, I acknowledge that a copy of the City of Port Huron Internet/Electronic Mail Policy has been given to me for my personal records.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Employee Name (please print clearly)

Revised 07/2014

**JURY DUTY AND COURT APPEARANCE**

All employees who, during the course of their working hours, must serve on jury duty, or who, by reason of their employment with the City of Port Huron, appear as witnesses in court, give depositions out of court, or for any matter similar thereto, must immediately report the necessity of such appearances to their Department Head and the Human Resources Director. Failure to advise the Department Head and Human Resources Director could result in employee's loss of pay for that day.

Employees will be allowed suitable time to get from their work site to clean up and report to court and likewise will be given suitable time to report from court back to their work site. However, failure on the part of the employee to report to work prior to and following court appearance will result in employee's loss of pay for time not worked. (i.e., If an employee is in court from 10:00 a.m. to 3:00 p.m. and fails to report to work at 8:00 a.m. and 3:00 p.m., the employee would suffer loss of pay from 8:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 4:30 p.m.)

Employees must turn over any fees received for such purposes to his or her Department Head. The Department Head will turn the above fees into the Treasurer's office daily.

This regulation supersedes:

- Administrative Regulation No. 9-3, effective February 20, 1998
- Administrative Regulation No. 9-3, effective December 11, 1979
- Administrative Regulation No. 9-3, effective August 13, 1971.

**MILITARY LEAVE**

The City of Port Huron complies with all applicable state and federal laws concerning the employee's employment and benefit status while serving in the United States Armed Forces, including reserve duty. In addition, the following conditions apply:

1. **Military Reserve Employees - Temporary Military Leave of Absence**

A temporary military leave of absence shall be granted to an employee who is in a reserve component of the United States Armed Forces when ordered to active duty training. A temporary military leave of absence for active duty training is with pay if the military pay is less than the employee's regular City pay.<sup>1</sup> The City pay will then be the equivalent of the difference between the employee's military pay and the employee's regular City pay for each day of absence from scheduled City employment for those days. An employee placed on military leave of absence will be considered the equivalent of a 40 hour per week employee for payroll calculations. This leave cannot exceed 10 regularly scheduled workdays or an equivalent of 80 total work hours in any calendar year. Continuous City service is allowed for the period of military leave of absence as described in this paragraph.

If active duty training exceeds 10 regularly scheduled workdays, the employee may choose to be placed on regular military leave of absence without pay or use vacation time the remainder of the training period. The leave and the right to restoration to the employee's formerly occupied position terminates if the employee fails to return to work within 5 calendar days after release from training duty.

2. **Military Reserve Employees - Emergency Military Leave of Absence**

An employee who is in a reserve component of the United States Armed Forces when ordered to emergency active duty by compulsory call of the Governor or the President of the United States, shall be granted an emergency military leave of absence. In addition, when a military reserve employee is called to active duty for a period greater than 30 calendar days, the City of Port Huron will consider the first 30 calendar days of activation an "Emergency Military Leave of Absence."

The City pay will be the equivalent of the difference between the employee's lower military pay and the employee's regular City pay for each day of absence from scheduled City employment for those days. An employee placed on military leave of absence will be considered the equivalent of a 40 hour per week employee for payroll calculations. The emergency military leave cannot exceed 20 regularly scheduled workdays within the 30 day calendar period or an equivalent of 160 total work hours in any calendar year.

City benefit programs which are not required to be maintained by law shall be terminated after the employee has remained on emergency military leave of absence for a period of 30 calendar days.



If the emergency duty exceeds 30 calendar days, the employee may choose to be placed on regular military leave of absence without pay or use vacation time for the remainder of the duty period. After release from emergency duty less than 90 active days, the employee is restored to the position formerly occupied. The leave and the right to restoration to the position formerly occupied terminates if the employee fails to return to work within 10 calendar days after release from emergency duty. Continuous City service is allowed for the period of emergency military leave of absence.

Only one Temporary Military Leave of Absence (a maximum of 10 days) and one Emergency Military Leave of Absence (a maximum of 30 days) will be granted to the employee in any calendar year.

3. **Regular Military Leave of Absence**

An employee who enters military service in the Armed Forces of the United States under the provisions of the selective service law, by call to active duty from reserve status, or by voluntary entrance in lieu of being called to duty, is entitled to a military leave of absence for a period of time required to fulfill the military obligation not to exceed five total years of active duty service as described and limited by law. This regular military leave of absence is without pay or benefits, except as provided for by law.

Following the military leave of absence, the employee will then be restored to the position formerly occupied if the employee's active duty was 1 to 90 days. The employee will be restored to the position formerly occupied or an equivalent position if the employee served 91 or more days to five years of active service. Continuous City service credit is allowed for the period of regular military leave of absence. Health insurance and other medical benefits remain in effect for the first 30 days of active duty service. For an absence of 31 days or more, medical coverage stops unless the employee elects to pay for coverage under COBRA. Health insurance is reinstated immediately with no waiting period once the employee has made application to return to work. Upon returning to work, employee's service time will be credited to his/her pension plan as if the employee had been continuously employed.

Time limits for an employee to return to work after a regular military leave of absence shall be as follows:

- Service of 1 to 15 days: Five calendar days from the last day of service.
- Service of 16 to 30 days: Ten calendar days from the last day of service.
- Service of 31 to 180 days: 14 days from the last day of service.
- Service of 181 or more days: Not later than 90 days from last day of service.

<sup>1</sup> Base pay plus longevity, excluding overtime.

**OUTSIDE EMPLOYMENT**

1. **Purpose**

To regulate outside employment and business activities of full-time City employees, to ensure that they will not interfere with employees' ability to perform their work for the City.

2. **Policy**

Outside employment or business activities of full-time City employees shall be prohibited unless specific approval is obtained from the City. The City will consider the following elements of policy before approval shall be given to any employee applying for permission to engage in outside employment or business activities:

- A. **Impairment of Efficiency.** Outside employment or business activities must not interfere with the employee's efficiency in the performance of his or her City job. Consideration will be given to the number of hours worked, location, nature of duties, etc.
- B. **Workers' Compensation and Disability Pension Claims.** Consideration will be given to the extent to which said outside employment or business activity increases the City's exposure to workers' compensation, disability pension claims, and/or increased absenteeism.
- C. **Conflict of Interest.** No outside employment or business activity shall be approved which places the employee in a position of conflict or potential conflict with respect to his/her performance as a full-time City employee.
- D. **Public Relations.** No outside employment or business activity shall be approved which would in any way reflect an unfavorable public image upon the City government.
- E. **Public Safety.** Outside employment and business activities which in any way interfere with the employee's ability to respond efficiently to public safety emergencies shall not be approved.

3. **Procedures**

An Advisory Board consisting of the Fire Chief, the Police Chief, City Engineer/Public Works Director and the Human Resources Director has been established to give final approval or rejection of applications for outside employment or business activities.

Employees desiring to perform outside employment or business activities must submit an application in writing (see Appendix "A") to the Advisory Board before permission will be granted. In the event the application should be denied, the reasons for denial shall be furnished to the applicant.

Approvals granted under this regulation shall be reviewed periodically and no less than once per year by appropriate Department Heads to ensure that the employees are still working under the terms of the original approval. Department Heads shall satisfy themselves that their employees have good service records, are prompt in attendance, have not taken excessive sick leave, and are carrying on their regular jobs efficiently in all other respects.

4. **Administration**

Employees violating the terms of this regulation shall be subject to disciplinary action.

This regulation supersedes Administrative Regulation No. 9-1, effective December 1, 1967.

Appendix "A"

**APPLICATION FOR OUTSIDE EMPLOYMENT**

Applicant's Name: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_

To be submitted to the Outside Employer for signature and returned to the Immediate Supervisor and Department Head for signatures. Please return the original, signed form to Human Resources.

Outside Employer's Name and Address: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Hours to be employed (include starting and quitting time): \_\_\_\_\_

Description of Duties (continue on back of sheet, if necessary): \_\_\_\_\_

**CERTIFICATE**

I am aware that the applicant is a regular employee of the City of Port Huron.

\_\_\_\_\_  
(Signature and Title of Outside Employer)

\_\_\_\_\_  
(Signature of Immediate Supervisor) Approved: \_\_\_ YES \_\_\_ NO

\_\_\_\_\_  
(Signature of Department Head) Approved: \_\_\_ YES \_\_\_ NO

**ADVISORY BOARD**

Approved: \_\_\_ YES \_\_\_ NO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RETIREE REHIRING (NON-UNION)**

1. **Purpose**

The City of Port Huron is a member of the Municipal Employees' Retirement System of Michigan (MERS). On May 12, 2004, the Retirement Board revised the plan document to remove the \$15,000 annual earnings limit (to age 65) for a retiree who goes back to work for the same MERS employer. As a result, retirees who return to their prior employer will continue to receive their pension regardless of their earnings.

As a further point of clarification, MERS has issued a bulletin with a question and answer document to respond to questions. In that document, MERS emphasized the Internal Revenue Service definition of the term "retirement" as a person who has had a "bona fide termination of employment in which the employer/ employee relationship is completely severed". MERS goes on to state that in order to show "complete severance", the employer should establish a minimum period following termination of employment of not less than 30 days before any formal actions necessary for new employment occur. (Note: Some communities use a period of separation of Two (2) years before a former employee is rehired.)

Where there is no bona fide termination of employment of at least 30 days, payment of a pension benefit would not be consistent with section 501 of the Internal Revenue Code and could imperil MERS qualified plan status.

2. **Policy**

The City Manager has assigned the outside employment advisory board the additional duties of overseeing the re-hire of retirees. The intention is to assure a consistent policy and practice that meets the spirit of the MERS directives noted above.

The board will consist of the Fire Chief, Police Chief, City Engineer / Public Works Director and the Human Resources Director, who will act as the chair of the board. The board members and the Department Head requesting to hire a retiree will confer and make a decision whether to approve the request.

**In order to be rehired to any position with the City of Port Huron as described in this Administrative Regulation, the employee must retire and not be employed for a minimum of Thirty (30) days.**

### 3. Procedure

Retirees could be rehired into one of the employment statuses noted below:

- Hired as self-employed independent contractor
- Hired for set hourly wage - intermittent employment as needed (part-time employee)
- Work for private company that is contracting with the City of Port Huron
- Hired full-time
- Hired as part-time or seasonal employee

City of Port Huron retirees that are interested in being rehired will be required to fill out an application for all seasonal, part-time or full-time positions. **All full-time applicants will be part of a competitive hiring process.** The Department Head with the job opening will be given a Request to Rehire Retiree form – Appendix “A”, along with the completed application. The Appendix “A” form and application will then be forwarded to Human Resources for review with the advisory board.

Prior to allowing a retiree to work as a self-employed independent contractor or work for a private company who is contracting with the City of Port Huron, the hiring Department Head must complete a Request to Rehire Retiree form (see Appendix “A”) and forward to Human Resources. The request will be reviewed with the advisory board.

The advisory board will schedule a meeting which will include the advisory board and the hiring Department Head. A decision will be made on whether or not to approve the request.

Retirees rehired to full-time positions will have an employment contract with the City. The employment relationship will be clearly “at will” and can terminate with a twenty-four hour notice by either party. It is anticipated that the contract will clearly stipulate the salary and any benefits which are included in the agreement. Employment contracts covered under this Administrative Regulation may have a duration of up to Twelve (12) months. Extension of the employment contract will only occur after review and approval of the Advisory Board and will only be approved for increments of up to Twelve (12) months.

Appendix "A"

**City of Port Huron  
Request to Rehire Retiree**

Retiree's Name: \_\_\_\_\_

Department Worked For: \_\_\_\_\_

Date Hired: \_\_\_\_\_ Date Retired: \_\_\_\_\_

Open Position: \_\_\_\_\_ Department: \_\_\_\_\_

Competitive Hiring Process – Yes/No (If no, please explain): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Duration Requested: From: \_\_\_\_\_ To: \_\_\_\_\_

Recommended Hiring Status:

- |                                |                                  |
|--------------------------------|----------------------------------|
| _____ Independent Contractor   | _____ Intermittent Hourly Status |
| _____ Private Contracting Firm | _____ Full-time                  |
| _____ Part-time / Seasonal     |                                  |

Relatives Working for City:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Additional Relevant Information: \_\_\_\_\_

\_\_\_\_\_

Signature Requesting Department Head: \_\_\_\_\_

**Advisory Board**

Signatures:

Approved: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SEAT BELTS**

1. **Purpose**

To inform all personnel of the City of Port Huron policy as it pertains to occupant safety equipment in motor vehicles. Michigan State Law requires that each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat belt.

2. **Policy**

No City or privately-owned vehicle shall be used to conduct business for the City of Port Huron if the occupant restraint system provided for in that vehicle by the manufacturer has been altered, disconnected or otherwise been made inoperable. It shall be the responsibility of all employees of the City of Port Huron to report to their supervisors a vehicle restraint system they find in a City-owned vehicle that is inoperable.

All employees shall use all safety devices and restraint systems provided by the vehicle manufacturer when operating or riding in a City vehicle or any other vehicle used to conduct City business. This means that the seat belt, shoulder harness and any other safety devices provided will be used in accordance with the intended use and design of the manufacturer.

This regulation supersedes:

- Administrative Regulation No. 9-8, effective February 20, 1998
- Administrative Regulation No. 9-8, effective February 7, 1991.



**SPECIAL EVENTS POLICY**1. **Purpose**

The public health, safety and welfare of the citizens of Port Huron require the regulation of special events within the City. Accordingly, special events involving the use of City parks, halls, buildings, grounds and other City-owned properties may be permitted in the City only upon approval of the Special Events Committee.

2. **Policy**

- A. **Special Event Committee Members.** City Attorney, Recreation Director, Police Chief, Fire Chief, Director of Public Works, Director of Finance, City Clerk and Streets Superintendent, or their designee.
- B. **Definitions.** "Special Event" means any transient amusement enterprise, outdoor temporary gathering, and any similar event, including but not limited to a theatrical exhibition, musical performance, public show, entertainment, amusement or other exhibition.

Special event categories:

**Low Hazard.** No physical activity by participants and no severe exposure to spectators, such as: indoor and outdoor meetings, small theatrical performances, auctions, and social gatherings (no alcoholic drinks).

**Medium Hazard.** Limited physical activity by participants and no severe exposure to spectators, such as: dances, animal shows, political rallies, flea markets, picnics, parades with no floats, and "family-type concerts." Crowd size of events under 10,000.

**High Hazard.** Major participation by participants and/or moderate to severe exposure to spectators, such as: team or individual sporting events (nonprofessional), circuses and carnivals with rides, parade with floats and marathons or similar races or any event with crowd size of over 10,000, but under 25,000.

**Special Hazard.** Rock concerts, professional or collegiate sporting events, rodeos, all vehicle races, firework displays, all events with crowd size over 25,000 and all functions where alcoholic beverages are served.

- C. **Permit Required.** A person shall not sponsor, conduct or promote a special event on city property unless the person first obtains a permit for the event.

3. **Procedures**

- A. Application for Permit. Application for a permit to conduct a special event must be made on the forms and in the manner prescribed by the City. The application for a permit must be received by the City based on the following schedule:

Low Hazard. Seven (7) days before the date of the proposed special event.

Medium Hazard. Fourteen (14) days before the date of the proposed special event.

High Hazard. Forty-five (45) days before the date of the proposed special event.

Special Hazard. Sixty (60) days before the date of the proposed special event.

An application shall include the following:

- 1) The name, residence and mailing address, telephone number and capacity of the person making the application.
  - 2) A statement describing the proposed special event.
  - 3) The dates and hours during which the event is to be conducted.
  - 4) An estimate of the maximum number of persons expected at the event for each day it is conducted.
  - 5) A detailed explanation, including drawings where applicable, of the applicant's plans to provide for the following:
    - a) Police and fire protection.
    - b) Food and water supply and facilities.
    - c) Health and sanitation facilities.
    - d) Medical facilities and services, including emergency vehicles and equipment.
    - e) Vehicles access and parking facilities.
    - f) Camping and trailer facilities, if overnight stays are anticipated.
    - g) Illumination facilities.
    - h) Communications facilities.
    - i) Facilities for clean up and waste disposal.
    - j) Noise control and abatement.
    - k) Insurance and bonding arrangements.
- B. Hold Harmless Agreement. All events will require a written hold harmless agreement naming the City, and the City shall also be named as additional insured on all required insurance policies.

C. Insurance Requirements for the Various Categories of Special Events:

Low Hazard. Specific coverage for most events in this category can be waived based upon a review of the special events committee. If a private and/or nonprofit group is sponsoring the event, a minimum of \$100,000, per occurrence and/or aggregate limit of liability for personal injury, bodily injury, and property damage.

Medium Hazard. General liability: with broadform general liability endorsement or equivalent. Limits of liability shall not be less than \$500,000, per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.

High Hazard. General liability: with broadform general liability endorsement or equivalent. Limits of liability shall not be less than \$1,000,000, per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.

Special Hazard. Must be reviewed by Risk Manager and Legal Counsel on an individual basis.

D. Issuance or Denial of Permit. The City shall, upon receipt of an application for a permit, issue, set conditions prerequisite to the issuance or deny the permit within 5 days for a low hazard, 7 days for a medium hazard, and 30 days for a high or special hazard event.

E. Appeal Process. If a permit is denied by the Special Events Committee, the applicant may appeal in writing to the City Manager.

F. Contents of Permit. A permit shall state the name and address of the permittee, the kind and location of the special event, the estimated number of persons expected to attend, the duration of the permit and any other conditions imposed by the Special Events Committee.

G. Revocation. The City may revoke a permit whenever the permittee fails to comply with any provision of the permit or when it is determined to be in the best interest of the City.

This regulation supersedes:

Administrative Regulation No. 1-5, effective February 2, 1998

Administrative Regulation No. 1-5, effective March 12, 1990

Appendix revisions:

Appendix "A" revised March 2012

Appendix "A" revised July 2008

**Applicant's Name:** \_\_\_\_\_

**Organization's Name** (if applicable): \_\_\_\_\_

**Position in Organization:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Mailing Address, if different:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Phone # where you can be reached during the day:** \_\_\_\_\_

**On Site Contact Name:** \_\_\_\_\_ **Mobile Phone #:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

*NOTE: If the person making the application is a partnership, corporation or other association, you must provide the above information for all partners, officers, and directors or members. If the applicant is a corporation, a copy of the articles of incorporation may be required.*

**EVENT DETAILS**

**Description of proposed event:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Site of proposed event:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Date/time of proposed event:** Start date: \_\_\_\_\_ Beginning at: \_\_\_\_\_

Through: \_\_\_\_\_ Ending at: \_\_\_\_\_

**Set-up/tear-down date/time:** Set-up date: \_\_\_\_\_ Beginning at: \_\_\_\_\_

Tear down: \_\_\_\_\_ Start time: \_\_\_\_\_

**Anticipated number of persons expected on each day of the event:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Printed Name

**Please respond to questions below & provide detailed maps and explanations:**

1.    YES    NO  
             **Police and fire protection** - Will your event require additional police and fire protection such as additional officers, special police volunteers or use of outside police agencies? If yes, please explain how this will be addressed. (*Fees may apply for City personnel.*)
2.    YES    NO  
             **Emergency services** - Will you have emergency personnel and equipment on site during the event, if so please explain?
3.    YES    NO  
             **Street/area closures** - Do you need any streets or areas closed? If yes, please explain and include a *detailed map*. (*Fees may apply for City personnel & equipment charges.*)
4.    YES    NO  
             **Parking and vehicle access** - Will existing parking in the area be sufficient for participants and attendees? Please list all parking areas anticipated to be used for parking.
5.    YES    NO  
             **Health and sanitation facilities** - Will additional portable restroom facilities be needed? If yes, please list how many additional facilities you will be renting and provide a *detailed map* showing their proposed locations.
6.    YES    NO  
             **Cleanup and waste disposal** - Will your event require that cleanup and waste disposal occur after completion? If yes, please explain how you will handle cleanup and waste disposal.

7.  YES  NO **Trailers and camping vehicles** - Will you have trailers or campers on site and will any of these vehicles be left on site prior to or after the event? If so, please explain.
8.  YES  NO **Food vendors** - Will you have food vendors? Please explain if food & drinks will be sold or given away? If food will be served, prepared or cooked, a Health Department permit will be necessary, contact them directly at 810-987-5300. *(Please consider if water/electrical hookups will be needed and if so, complete # 9 & 10 below.)*
9.  YES  NO **Electrical** - Will an electrical hookup be necessary, if so please explain? *(Usage fees may apply with a minimum fee of \$50. Hookup is dependent on available service at the site.)*
10.  YES  NO **Water** - Will a water hookup be necessary, if so please explain? *(A minimum \$50 water hookup fee will apply if applicable. Hookup is dependent on available service at the site.)*
11.  YES  NO **Communications** - Will you be using portable radios, mobile phones, etc., to coordinate with others during your event? If yes, please provide details.
12.  YES  NO **Noise control and abatement** - Will your event cause an increase in noise for surrounding areas/neighborhoods? As the noise ordinance must be adhered to before, during and after your event, please explain how you plan to control the noise level (i.e. tents, temporary barrier, etc.).



**VENDORS IN CITY PARKS**

The following rules and regulations are issued in accordance with Ordinance No. 1298, which was enacted on February 28, 2009, and which states that the City Manager, or his designee(s), shall have the authority to promulgate rules and regulations regarding the operation and implementation of the vendor article of the Code of Ordinances of the City of Port Huron.

A vendor is an individual or business authorized to sell food, beverages, merchandise or services from a designated location on property owned by the City of Port Huron and who must hold a vendor’s license and have a Specific Park License Agreement (hereinafter referred to as “license agreements”).

Failure to adhere to these rules and regulations, or any revisions made to the rules and regulations, may result in revocation of a vendor’s license and license agreement. All matters not covered by these rules and regulations, or in conflict with license agreements, are subject to review and final decision of the Special Events Committee.

1. **Vendor Operations**

Vendor operations are meant to be performed at a specifically designated location within certain City-owned parks using a concession wagon or trailer or other booth-like structure which may be of a semi-permanent nature. Vending operations performed out of the trunk or tailgate of a vehicle shall not be permitted.

2. **Vendors**

a. Vendor Types:

*Food Vendor:* May sell such items often sold as lunch and dinner items such as hot dogs, hamburgers, kielbasa, fries, soups, sandwiches, salad, pizza, tacos, etc. Non-alcoholic beverages of any kind may also be sold along with food items.

*Dessert Vendor:* May sell such items often known as pastries or dessert which are typically considered items that are served after the last course of a meal and are often referred to as sweet in nature, such as ice cream, snow cones, elephant ears, cotton candy, cakes, etc. Non-alcoholic beverages of any kind may also be sold along with dessert items.

*Merchandise Vendors:* May sell items such as novelty, crafts and art-related merchandise.

*Rental Vendors:* May include rentals such as bikes, roller blades or guided tour booths.

- b. No more than one (1) vendor of each type shall be allowed per park.
- c. A temporary exception to the provisions of subparagraph (b) may be allowed for an approved special event in a specific park if in the judgment of the Special Events Committee the

Initials: \_\_\_\_\_



special event will create a demand justifying an additional vendor or vendors of a particular type.

3. **Food/Products/Rental**

The Special Events Committee reserves the right to refuse to issue a license for a vending site and/or sale of certain products or rental equipment deemed objectionable or not suitable for a park environment. Objectionable items may include, but are not limited to, pornography, drug paraphernalia, weapons, fireworks, dangerous products, etc.

4. **Vendor Selection**

Interested vendors can submit written proposals to the City Clerk’s Office for consideration by the Special Events Committee. The committee will determine if a license will be issued. The decision will be based on the following criteria:

Criteria:

- Product to be vended
- Viability of vendor’s written business plan
- Aesthetics of vending operation and how it will complement the selected park
- The past experience with the vendor
- Commitment of days and hours at the location
- References
- Vending operations by nonprofit organizations will be given higher preference vs. for profit operations
- The Special Events Committee shall additionally consider the following matters:
  - Will the proposed vending operation enhance the image and view of the City and its parks
  - Will the proposed vending operation help promote tourism in our community
  - Will the proposed vending operation be in the best interest of the City

5. **Available Parks**

The general outlying borders of City-owned parks available for issuance of vendor licenses are: (these are not exact property descriptions)

- a. *Thomas Edison Park*: The area generally bound by the scenic turnout property north of the International Flag Plaza to the north, Prospect Place if extended to the river to the south, the Thomas Edison Parkway on the west and the St. Clair River on the east excluding the paper company’s pump station.

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- b. Pine Grove Park: The area generally bound by Prospect Place to the north, Lincoln Avenue to the South, Pine Grove Avenue to the west and the St. Clair River to the east excluding the property leased to the U. S. Coast Guard.
- c. Lakeside Park: The area generally bound by 3782 Gratiot Avenue to the north, Holland Avenue to the south, Gratiot Avenue to the west and Lake Huron to the east, excluding the private properties within.
- d. Lighthouse Park: The area generally bound by Lakeview Avenue to the north, Garfield Street to the south, Omar Street to the west and Lake Huron to the east, excluding the private properties and the Coast Guard Station within.
- e. 16th Street Park: The area generally bound by the private street of Catherine McAuley Drive to the north, Reid Avenue to the south, 16th Street to the west and Susan Court to the east, excluding the private properties within.
- f. Sanborn Park: The area generally bound by Pine Grove Shopping Plaza, Crimson Court Condominiums, & Hazelwood Lane on the north, Appomattox Avenue on the east, Sanborn Street to the south and Pine Grove Avenue to the west excluding the Sanborn Nature Area.

This list is subject to change.

6. **License and License Agreement**

Upon approval of a vending operation by the Special Events committee, both a vendor’s license and a license agreement must be obtained prior to the commencement of business.

The vendor’s license shall cover a period of up to one calendar year from January 1 through December 31 and must be renewed annually during the term provided in the license agreement. The license must be renewed prior to January 1 of each year during which a license agreement is in effect. **Failure to renew a vendor license prior to January 1 shall be an assumption that continuation of said license and license agreement is to be terminated.**

License agreements may provide for further conditions, obligations and commitments applicable to the vendor during the term of the agreement (e.g. fees, specific requirements relating to the vending operations, etc.).

7. **Minimum Vending Days and Hours**

A set number of days and hours of operation shall be required in each license agreement and shall be based upon the desired vending operations, park activity, the park hours and hours agreed to in other licensing agreements.

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8. **Vendor Location and Other Specifics**

- a. Designated locations within a park: Shall be determined by the Special Events Committee.
- b. Conduct and responsibility: All vendors and his or her employees shall conduct themselves in a personable and professional manner and are expected to treat the parks in which they are located in such a manner as to protect them from being damaged or defaced.
- c. Surrounding area: Vendors shall maintain the area around the vending operation in a clean and tidy manner and shall be responsible for daily clean up and removal of rubbish, debris and other waste that is reasonably attributable to vendor’s business. Vendors shall not use public waste receptacles for this purpose.
- d. Containers: Vendors shall not serve any food or beverage items in glass containers.
- e. Water and electricity: If water and electrical services are used, all costs associated with any necessary installation of lines, meters, etc., will be the responsibility of the vendor. A deposit for the estimated cost for installation shall be made prior to the start of the proposed work. Upon termination of a license and/or license agreement, all installations and improvements shall remain the property of the City of Port Huron. All usage charges shall be the responsibility of the vendor and must be paid within 10 days of receipt of a statement.
- f. Parking of vendor and/or employee vehicles: Vendors and their employees should park their personal vehicles at a location remote from the vending site. This provision is for the convenience of customers and to promote good will for the customers and/or visitors to our parks.

9. **Security**

The City of Port Huron, its employees, agents and representatives, shall not be responsible for loss or damage to any property of the vendor.

10. **Other Licenses and Permits**

Vendors shall keep on file in the Port Huron City Clerk’s office copies of all applicable licenses and permits required by federal, state, county or local governments, including, but not limited to, sales tax license, health department permits and fire department inspection reports. Failure to keep current copies of said required licenses and permits on file may result in revocation of the vendor’s license.

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**11. Periodic Inspections**

Periodic inspection of the vendor operations shall be allowed throughout the term of the license agreement.

**12. Insurance**

Vendors shall keep current and on file in the Port Huron City Clerk’s office copies of all required insurance coverage policies. All insurance coverage shall be with a carrier licensed in the State of Michigan.

**13. Performance Security**

Vendors shall deposit monies with the City’s Finance Director as security for the full and faithful performance of license agreements and which may be used by the City for the purpose of remedying any default in the performance of any of the terms of the rules and regulations and/or license agreements. The deposit amount shall be determined by the Special Events Committee based on the vending operations to be performed and included as part of the written Specific Park License Agreement.

**14. Complaints Regarding Vendor’s Operations**

Complaints regarding the vending operation shall be resolved informally via discussions between the vendor, the City Clerk, the Fire Chief and/or the City Attorney. If any complaint or violation of the licensing agreement cannot be informally resolved and could result in revocation of vendor’s license and agreement, the matter shall be heard by the Special Events Committee at which the vendor shall have a right to be heard. The decision of the Special Events Committee shall be final, provided however, if the decision of the Special Events Committee is to revoke the vendor’s license, the vendor shall have a right to appeal to decision to revoke the license to the City Council.

**15. Written notice**

Any written notices sent by the City shall be sent by first class mail to the address listed on the vendor’s current license application. Any notices by vendor to the City shall be delivered to the Port Huron City Clerk’s office, 100 McMorran Boulevard, Port Huron, Michigan 48060.

Vendor acknowledges receipt of these Rules and Regulations

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

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