

Police Department

ADOPTED BY COUNCIL ACTION 12/21/92 FORMAL MEETING

PINCONNING POLICE DEPARTMENT

TO: Police Department Personnel

FROM: Art Hopp *A.H.*
Chief of Police, Pinconning Police Department

SUBJECT: Bloodborne Pathogens Exposure Policy

DATE: November 30, 1992

I. POLICY STATEMENT

It is the policy of this Department to safeguard, to the highest degree possible, Department employees and the public who come in contact with people who are known to have, or are suspected of having, a communicable disease without sacrificing essential services to the community or individual citizens.

It is also the intent of this policy to provide training, educate, and establish guidelines and procedures for the employee to reduce the risk associated with exposure to blood and/or body fluids.

This policy applies to all Police Department personnel that may come in contact with blood or other potentially infectious materials in the performance of their duty, namely, all sworn police officers.

II. BLOODBORNE PATHOGENS

Bloodborne Pathogens means pathogenic microorganisms are present in the human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis D (HDV), and Human Immunodeficiency Virus. AIDS is a serious infectious disease of viral etiology. It appears to be caused by one or more viruses called human T lymphotropic virus type III (HTLV-III and HTLV-IV).

The virus has a major destructive effect on the body's immune system which in turn reduces the infected person's capacity to fight infection. The end result is debilitating and usually fatal, causing infections or malignancies which would normally represent no significant threat to a healthy person. The disease seems to be predominately sexually transmitted to sexes in proportion to the number of sexual partners, particularly to the multiplicity of partners in high-risk groups (homosexuals, IV drug abusers, prostitutes, or those persons requiring frequent blood transfusions).

Sexual and non-sexual transmission is through body fluids, including blood, and semen, all of which have been shown to contain HTLV-III HTLV-IV viruses. The virus is spread among intravenous drug abusers when they share contaminated paraphernalia. Hemophiliacs apparently contract AIDS, Hepatitis A & B, and other infectious diseases through transfusion of blood and blood products. Infants of mothers with AIDS are likely to develop the disease.

The precautionary measures found in this Communicable Disease Policy are necessary under certain, specified conditions to minimize the risk of infection to employees of the Department. Employees are reminded that there is no medical evidence indicating that Hepatitis B or AIDS can be transmitted by casual contact. The kinds of non-sexual, person-to-person contacts that generally occur between an employee and victim or victims do not pose a risk of disease transmission.

However, extreme caution should be exercised by personnel, and the following procedures shall be utilized when dealing with blood, items stained with blood or other body fluids, and persons of high-risk groups.

III. TRAINING AND EDUCATION

The initial introductory training will be given by a knowledgeable health care professional. It is mandatory that all police officers attend.

Additional training will occur as any changes take place.

Each of the above listed employees will receive a copy of the Bloodborne Pathogens Standard and it is expected that they will review it, so that he or she will know exactly what its requirements are.

Annual training will be provided and additional training when changes, such as modifications of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure.

The training program will address at a minimum all the elements as described in the Standard. Training records shall be maintained and include the information as required by the Standard.

IV. VACCINATION

It shall be the policy of the department to provide Hepatitis B vaccinations to all sworn police officers.

The Hepatitis B vaccination consists of 3 inoculations, the initial injection, another 30 days later, and the final 6 months after the first initial injection. All 3 must be administered in order for the vaccine to be effective.

If any employee declines the vaccination, it is mandatory that he or she sign a Hepatitis B vaccine declination. However, if at a later date the employee decides to be vaccinated he or she will receive the inoculations at the employers' expense.

Vaccinations will be administered by a Licensed Medical Professional.

V. PROTECTIVE EQUIPMENT

Each police officer will receive the following protective equipment kit:

1. Poly coated gown.
2. Rubber gloves.
3. Fluidshield mask.
4. Splash guard visor.
5. Footwear covers.
6. Plastic biohazard infectious waste bags.
7. Plastic tubes for syringe needles.
8. Antimicrobial skin wipes.
9. CPR mask and ventilator.

Personnel should use the above protective equipment to help alleviate the possibility of any type of exposure. It is highly recommended that personnel, at a minimum, wear disposable gloves when responding to a situation where there is a probability of exposure to human body fluids.

Additional quantities of protective equipment will be stored in the supervisor's office for replacement of items that are used.

VI. EXPOSURE

An exposure occurs when a person's blood or any body fluids transfer to another person's blood stream. This can occur in three ways:

1. Needle sticks (e.g. accidental needle stick while searching people or places).
2. Through human bites or through openings in the skin (e.g. cuts, sores, abrasions, etc.) which are exposed to blood or body fluids.
3. Splashes into the eyes, nose or mouth.

Examples of fluids include: blood, saliva, tears, semen, vomitus, urine and stool.

The mere handling of a victim does not constitute an exposure. For an actual exposure to occur at least one of the above conditions must be met.

VII. REPORTING

An employee who believes they have been exposed to an infectious disease:

1. Shall thoroughly wash the area with soap and hot water, if direct personal contact was made.
2. The officer may seek treatment at the emergency room at a hospital, if necessary, or contact a physician.
3. Shall gather information about the person involved (keeping in mind confidentiality). Information collected by the employee shall include name, date of birth, any medical information legally available, where the person is now, and what has led the employee to believe the person has an infectious disease. This information may not be disclosed under the Freedom of Information Act.

VIII. BLOOD TEST FOR SUSPECT

The officer may ask the suspected carrier to voluntarily submit to a blood test. The test shall be administered by medical personnel.

IX. GENERAL PRECAUTIONS

The following precautions shall be observed:

1. Use a resuscitator mask when performing mouth-to-mouth resuscitation or CPR.
2. Disposable surgical gloves shall be worn when handling blood or other body fluids, regardless of whether such fluids are wet or dry.
3. Wash hands thoroughly and immediately with hot water and soap or antiseptic wipes following contact with blood or other body fluids. Hand washing is recommended even if gloves have been worn.
4. Make it a practice to bandage open wounds or cuts on hands to avoid direct contact with contaminated body fluids. Bandages should be changed if they become wet or soiled.
5. Use care when conducting searches of suspects or vehicles. Never blindly place hands in areas where there may be sharp objects that could puncture the skin.
6. Information in records (e.g. test results) regarding an employee or arrestee with AIDS or other communicable disease is confidential. Access to such information is limited to only staff who have a legal need to know. Disclosure of any information, except when required by law, must not be made unless the express written consent of the person is obtained.

X. CUSTODY PROCEDURES

1. Persons of high-risk groups, including homosexuals, intravenous drug users, prostitutes, and others should be treated with caution. Where violence or an altercation is likely, protective disposable gloves should be worn. Extreme caution must also be used when reaching into areas, such as under car seats, that are not visible.
2. After the completion of the task or search where protective disposable gloves are utilized, they should be removed with caution, placed in a plastic bag and securely sealed. Upon returning to the station, the officer shall place the sealed bag into a designated "CONTAMINATED ITEM RECEPTACLE."
3. Subjects known to have an infectious disease with blood or bodily fluids present on their person should be transported separately from other subjects when practical.

4. Officers have an obligation to inform other support personnel (firefighters, paramedics, sheriff, detox personnel, etc.) whenever transfer of custody occurs and the subject has blood or bodily fluids present on their person, or if the subject has made a voluntary statement that they have an infectious disease.
5. Officers should indicate on the appropriate arrest forms when a subject taken into custody makes a voluntary statement that they have an infectious disease, narrative also will be included when preparing reports. Additionally, a notation shall be made when that subject has blood or bodily fluids visibly present on their person or clothing.

VI. EVIDENCE HANDLING

1. Evidence containing suspected blood or other bodily fluids should be handled with disposable gloves. If the stain or sample is dry, the evidence should be placed in a paper bag. A proper evidence tag, evidence processing request, and a special label should be affixed to the outside of the package. If the evidence consists of a syringe needle, the needle should be made safe by placing it in a protective plastic tube. Special precautions should be taken when bodily fluids are present, including:
 - (a) a proper evidence tag
 - (b) evidence processing request
 - (c) special label on the container
2. Persons working in areas for extended periods of time where blood or other bodily fluids have been shed, (for example, crime scene personnel working for protracted periods of time at homicide or suicide scenes) should wear protective equipment such as masks, gloves and shoe covers.
3. Any clothing or evidence known to be contaminated with suspected infectious disease will be placed in a specified area and clearly labeled.
4. Protective disposable gloves will be furnished to appropriate personnel handling contaminated evidence.
5. All property for disposal shall be kept in sealed plastic bags and placed in a conspicuously labeled area.

XII. DECONTAMINATION/CLEANUP

1. Wash hands thoroughly and immediately with hot soapy water. Hand washing with hot soapy water is your best protection against infectious disease.
2. Uniforms or other clothing soiled with blood or other body fluids should be laundered using the following procedure:
 - (a) Washable fabrics should be laundered in a household bleach solution if the fabric is compatible with bleach.
 - (b) Body fluid stains in fabrics requiring dry cleaning should be diluted in cold water and tagged prior to cleaning.
3. Resuscitator masks and evidence collection equipment contaminated with blood or other body fluids should be disinfected after each use.
4. Decontamination shall be accomplished via the following procedures:
 - A. Use disposable plastic gloves during any decontamination procedure.
 - B. Small items or equipment:
 - (a) Wash the item with soap and hot water and then rinse thoroughly.
 - (b) Soak item in a solution of water and household bleach for 10 to 15 minutes. Use a concentration of 1 to 1-1/2 cups of bleach for each gallon of water. Rinse with water and air dry.

XIII. DISPOSAL OF CONTAMINATED ITEMS

Disposable gloves, clothing and other contaminated items must be disposed of properly to minimize the risk of infection.

1. Contaminated items shall be packaged in 2 plastic bags (double bagging), sealed with tape (no staple) and then properly labeled.
2. Contaminated materials will be incinerated.
 - A. Pinconning Police Department has entered into an agreement with Northern Bay Ambulance for the disposal and incineration of contaminated items.

REMEMBER, THE SAFETY OF ALL PERSONNEL IS OF UTMOST IMPORTANCE

*Adopted
11-16-98
Council
(10/10)*

POLICY AND PROCEDURE

SUBJECT: DEPARTMENTAL POLICY ON USE OF FORCE AND FIREARMS

I. **PURPOSE:** The purpose of this order is to establish and define a uniform policy and procedure as it relates to the use of force; the manner in which firearms are carried; and procedures for reporting use of force or use of firearms.

II. **POLICY:** It is the policy of the Pinconning Police Department that force may be used only in those situations where it is authorized by law and necessitated by immediate circumstances. Further, it is the policy of the Pinconning Police Department that when force is used, only that amount of force necessary to accomplish the immediate authorized objective shall ever be used. Officers are reminded that use of force opens their actions to administrative review and use of excessive force shall be grounds for disciplinary action.

III. **DEADLY FORCE**

A. **Definition:** Deadly force is defined as force which when applied against another human being, can reasonably be expected to produce death or serious bodily injury. The primary example of the application of deadly force is the shooting of a subject.

Reasonable belief is the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious physical injury is bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

B. **Policy:** Members of the Pinconning Police Department, while recognizing the great value of human life, must understand that arbitrary rules cannot be established which embrace all possible situations. While discretion must be allowed, it must be coupled with the fact that the application of deadly force is irrevocable in nature and that constraints must be placed on its use. Therefore, deadly force may only be used under the following circumstances:

1. An officer may use deadly force in defense of a citizen or an officer to prevent serious bodily injury or death.

2. An officer may use deadly force against a fleeing felon only when the application of such force conforms to the guidelines in Section B.1. above, that is, that such force is used in defense of a citizen or another officer to prevent serious bodily injury or death.

C. PROVIDED that in either case:

1. The officer reasonably believes that the felon is still armed. This is the prime consideration an officer should use in making the decision to use deadly force.
2. The officer has either witnessed or knows as a virtual certainty that the person to be apprehended has committed a felony crime involving the use or threatened use of deadly force against another person, and all other reasonable means of apprehension either do not exist or have been exhausted.

- D. **Warning Command:** Whenever circumstances allow, an officer shall, prior to using a firearm, in a loud clear voice, issue the command of "**Halt - Police!! Stop or I'll shoot!!**" While the command need not be exact, the idea must be conveyed.

E. Situations in which the use of deadly force is prohibited: Deadly force shall not be used in any of the following instances, or for any of the following purposes, whether on or off duty:

1. To effect an arrest for misdemeanors or civil infractions. It is better to allow a person who has committed a misdemeanor to escape than to take that person's life. The law gives the officer no authority to resort to the use of deadly force in such cases.
2. To fire "warning shots" or shots to "attract attention."
3. Shots fired from or at a moving vehicle, except in extraordinary circumstances or self-defense.
4. Shots toward, into, or at a crowd or gathering except in extraordinary circumstances or self-defense.

F. Deadly force, other than firearms, prohibited:

Deadly force may consist of the use of items, articles, instruments or equipment other than firearms which are

designed, intended and routinely utilized for other legitimate police purposes, such as vehicles, batons, flashlights, etc. Deliberate use of any such item, article, instrument or equipment for any purpose other than that for which it has been designated and intended, or in a potentially deadly manner (i.e. as a club), is prohibited except in cases where the use of deadly force is specifically authorized in this order.

- G. When an officer takes action that results in (or is alleged to have resulted in) injury or death of another person, a written report of the circumstances surrounding the officer's involvement shall be completed and the Chief of Police notified immediately. This shall include the use of physical force, the use of lethal or non-lethal weapons, or any other action resulting in injury or death, including traffic accidents.

IV. NON-LETHAL FORCE

- A. Policy: It is the policy of the Pinconning Police Department to employ the minimum amount of force, reasonable and necessary, to overcome the resistance offered, to effect a lawful arrest, and/or to accomplish the lawful performance of duty. The use of non-lethal force is intended primarily for uses involving unarmed assailants. Attacks by armed assailants may result in the officer employing a higher degree of force, up to and including deadly force.

- B. Use of non-lethal force

- 1. Non-lethal force may be used:

- a. Against persons assaulting a person or officer to prevent injury or continuation of the assault when alternatives to the use of force are not available to the officer.
 - b. Against persons offering physical resistance to lawful arrest when alternatives to the use of force are not available to the officer.
 - c. Against person passively resisting a lawful, full custody arrest when alternatives to the use of force are not available to the officer.

- 2. Such methods or tactics as "arm bars" and various subduing and "come-along" holds may be used to subdue persons during the use of non-lethal force.

C. Non-lethal weapons

1. Sworn officers are authorized to carry and employ department issued non-lethal weapons, such as department issued batons, or authorized batons.
2. Officers shall be required to report specific circumstances that existed which compelled the use of the non-lethal weapon.

D. Prohibited non-lethal weapons

While officers are authorized to carry and employ non-lethal weapons issued by the department, certain non-lethal weapons, by their descriptive name alone, are offensive in nature and shall be prohibited to be carried or used by members of the Pinconning Police Department. The non-lethal weapons specifically prohibited include, but are not limited to, saps, sapgloves, black-jacks, slap-jacks, martial arts devices, brass knuckles, iron claws, etc.

E. Reporting use of non-lethal force

Any officer of the Pinconning Police Department using non-lethal force or employing a non-lethal weapon shall make a complete written report, using a department approved form, describing the circumstances, lawful basis, and any medical treatment or reason for lack of treatment of any person so involved. Any officer employing a non-lethal weapon shall notify the Chief of Police as soon as possible.

V. DISPLAY AND USE OF FIREARMS

- A. Policy: Officers shall only draw or display firearms when they reasonably believe the use of the firearm may be immediately called for, or where the nature of the incident may necessitate the use of a firearm. Officers may use firearms only to protect themselves or others from serious injury or death.
- B. Display of firearms: Firearms may be displayed in the following situations:
 1. Where the use of firearms is authorized pursuant to this policy.
 2. Where the person to be apprehended has committed, or there is probable cause to believe the person to be apprehended has committed a felony offense and the possibility of confrontation with deadly force exists, based on the:

- a. severity of the charge;
- b. individual or numbers of individuals to be apprehended;
- c. credible information received concerning weapons and/or a propensity for violence;
- d. other circumstances under which the felony arrest may occur which renders the drawing or displaying of a firearm a reasonable precaution.

PROVIDED that conditions are such that drawing or displaying a firearm can be accomplished without unreasonable risk of accidental discharge.

- C. A firearm shall not be carried or placed at any time in a "cocked" condition, except when it is the officer's intent to immediately fire the weapon.
- D. Firearms shall not be drawn or displayed for any of the following reasons:
 1. During any misdemeanor or civil infraction arrest.
 2. For use as a club, hammer, pry bar, tool, or for any purpose other than for which it was designed or intended.
 3. During periods of "horse play", "quick draw", or other similar activity.
- E. Use of firearms during misdemeanor raids:
 1. No officer when conducting a search pursuant to warrant, which normally results in misdemeanor arrests (i.e. gambling, alcohol, etc.), shall enter the premises with weapon drawn without prior knowledge that extenuating circumstances exist, and which would require the officers involved to enter the premises with weapons drawn.
 2. A weapon shall not be displayed by any officer unless that officer is clearly identified as a law enforcement officer (i.e. police jacket and hat with Pinconning Police insignia).
 3. Shotguns shall not be carried inside the premises on misdemeanor warrant searches.

F. Authorized weapons and ammunition:

1. Officers shall carry, as a firearm, only a firearm issued or specifically approved and authorized by the department. All handguns carried in connection with law enforcement duties shall be registered with the State of Michigan.
2. No officer shall display or provide any weapon to a citizen to inspect, examine, or otherwise handle.
3. No officer shall furnish his/her firearm to any citizen or civilian enlisting his/her assistance in any way.
4. Any officer while in civilian attire, whether on duty or off duty, shall ensure that his/her weapon(s) is concealed from public view.
5. No shoulder weapon, other than the department issued shotgun, or any other weapon specifically authorized due to the necessities of a particular incident, will be carried in a department vehicle. Department issued shotguns shall be kept locked in the vehicle gun mount whenever they are carried in the vehicle and not in use.
6. While in a patrol vehicle, officers shall ensure that the shotgun is locked securely in the gun mount, with safety on, and the chamber empty. It shall be the responsibility of the officer prior to start of duty and at the end of duty to ensure all safety conditions are in effect.
7. Authorized ammunition: Officers shall not carry ammunition with metal penetrating or explosive projectiles. Ammunition carried shall be factory made. Reloaded ammunition shall not be carried as a field round.

G. Off duty use of firearms:

1. While officers are authorized to carry a department approved handgun off duty, they are reminded that they are still subject to state law and department policies and procedures as to its use. Officers carrying a firearm off duty shall carry it concealed and shall have on their person their official identification card and department badge.

2. Any off duty officer displaying or discharging a department issued or authorized weapon against another person, shall notify the Chief of Police immediately and file a complete report.
3. Departmental weapons shall not be carried or utilized for hunting, or any similar non-law enforcement activity.
4. Policies and procedures as to use of firearms and required reports pertain to off duty use as well.
5. Officers are not to be armed with a firearm of any type while involved in the consumption of alcohol to the extent that it may interfere with their judgment.
6. Officer are reminded to follow safety practices in the storage of firearms and during periods of recreational activities.

VI. ADMINISTRATIVE REVIEW

- A. Any inquiry or administrative review of an officer's actions with regard to this area of law enforcement will be based solely on the facts available to the officer at the time such action occurred. Information which may come to light after the fact will not be considered.

VII. DISTRIBUTION

- A. All officers shall be issued a copy of this order and shall be instructed in the policies contained herein.

REVISION RESPONSIBILITY

Responsibility for the continuous updating and revision of this order lies with the Chief of Police. Continuous shall be construed to mean when necessary or when mandated by law.

In the event that this procedure conflicts with or supersedes any previous departmental order, procedure, or directive; to that extent the conflicting or superseded order is cancelled.

BY ORDER OF:

Art Hopp
Chief of Police

*Adopted
Feb 92
Council
action*

POLICY AND PROCEDURE

SUBJECT: VEHICLE OPERATION PROCEDURE

PURPOSE: To establish regulations, guidance and considerations for officer discretion in the operation of department vehicles.

- I. The general rule for the operation of both marked and unmarked department vehicles shall be that the member shall obey all laws and ordinances applicable to normal vehicle operation.

- II. Pursuit Driving - The policy of the department is that whether to continue the pursuit of a vehicle is a discretionary part of the officer's responsibility. If in the exercise of reasonable judgment, based on the situation as it was presented to the officer at and during the time of pursuit it is felt that the need for safety outweighs the need for apprehension, the pursuit shall be discontinued. An officer shall not be disciplined if in the exercise of his/her discretion pursuit is discontinued.
 - A. Unmarked police vehicles shall not be directly involved in a pursuit of another vehicle. They shall utilize a marked patrol vehicle to perform traffic stops. If an officer in an unmarked vehicle becomes involved in a potential pursuit situation, they shall radio the direction of the travel and request a marked vehicle. Unmarked vehicles may become indirectly involved in a vehicle pursuit by attempting to anticipate where they believe the pursued vehicle will eventually go and staking out that location. Whenever the situation necessitates that an unmarked vehicle becomes indirectly involved, the officer is to obey all traffic ordinances and statutes with the exception that they may disobey traffic signals after assuring the safety of all vehicular and pedestrian traffic.

 - B. Marked vehicles are those equipped with emergency lights and sirens. Officers in marked vehicles may become directly involved in the pursuit of another vehicle. Upon the initiation of a pursuit the officer shall activate the vehicle emergency lights and siren. If possible the officer shall also utilize the vehicle spotlight and high beam headlights in clearing the roadway of conflicting traffic. The officer shall notify Central Dispatch of the pursuit, direction of travel, and description of the vehicle and driver.
 - 1. Vehicle pursuits involving more than one marked vehicle shall be initially coordinated by means of the primary radio channel. Normally there shall not be more than two pursuing vehicles in direct line of the fleeing vehicle. Caravanning of police vehicles in a pursuit situation is prohibited.

2. Officers shall maintain a proper distance behind the pursued vehicle in order to duplicate the sudden actions of the fleeing motorist and to avoid the potential of a collision in the event the motorist makes a sudden stop.
 3. Officers may proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operations.
 4. Use of firearms in a pursuit situation shall be in accordance with the department firearms procedures, PP-01, III, E.
 5. Officers of the unit initiating the pursuit are responsible for the arrest of the suspect upon his/her apprehension.
 6. No officer, at any time, shall operate a department vehicle at such a rate of speed or manner that may cause him/her to lose control over the operation and/or direction of the vehicle, whether during normal driving or during pursuit driving.
- C. Department vehicles conveying witnesses, citizens, prisoners or suspects shall not become engaged in any pursuit situations.
1. Citizens (including interns) that have properly completed and signed department ride-a-long waiver forms are exempt.
- D. Discontinuing pursuit - It is the policy of this department that circumstances of the individual pursuit may dictate that the pursuit be discontinued. To guide the officer in the exercise of this discretion, he/she will consider the seriousness of the offense while also considering the time of day, density of traffic, location of pursuit, conduct of pursued driver (including the apparent skill of the driver and lack of caution he/she may be showing for right of way), speed of the pursuit, weather and road conditions, safety of the general public and innocent persons in the pursued vehicle; and knowledge of the license number of the pursued vehicle and the identity or ability to identify the pursued driver.
- E. If the officer initiating the pursuit decides to discontinue the pursuit, this decision shall be immediately communicated and obeyed by all other officers.

III. A. The paramount consideration in the nature of police pursuit tactics that are employed, as well as the decision to pursue is reasonableness. Each pursuit will ultimately be judged and possibly litigated on the basis of the department's and the officer's actions, being not only within its legal authority but with regard to its "reasonableness" in light of:

1. The seriousness of the offense for which the suspect was wanted initially.
2. The officer's judgment with regard to the considerations contained herein and his/her decision to continue the pursuit.
3. The tactics which were employed by the officer in the course of the pursuit.
4. The outcome. Ultimately high speed pursuits which result in serious injury or death, especially to an otherwise innocent third party, will be closely examined at a number of levels within our system of justice, and the question of our responsibility for the protection of life and property raised in relation to the outcome of the pursuit.

B. Each officer must overcome any perception or action predicated on a level of "personal challenge" and rationally and analytically evaluate the situation, as it develops, to provide that the risks and possible outcome are reasonable in relation to the seriousness of the offense for which the suspect is wanted.

IV. Pursuit Initiated By An Outside Agency

A. When a pursuit initiated by an outside police agency enters the City of Pinconning, the initiating unit and jurisdiction remain responsible for the progress and conduct of the pursuit.

B. If the initiating unit requests assistance, officers will give assistance following the guidelines of this policy.

V. Operation of department vehicles when responding to radio dispatch calls or requests for assistance and backup.

A. Except where otherwise specified in this order, the policy of the department is that officers responding to calls shall obey all laws and ordinances applicable to normal vehicle operation.

- B. Marked vehicles responding to "in progress" calls involving emergencies and/or calls involving potential personal injury to other officers and citizens may operate the vehicle contrary to ordinance and statute subject to the following guidelines:
 - 1. The officer will use emergency lights and siren while on the emergency run, except that if silence is required the officer may either limit or exclude the use of the siren.
 - 2. Officers responding to the scene of the incident shall consider the following factors in guiding the speed and nature of the response: Seriousness of the incident while considering the time of day, density of traffic, nature of the route to be traveled, weather and road conditions, and the safety of the general public.
 - 3. Officer may proceed a red signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - D. Judgments concerning the officer's conduct in responding to emergency calls shall be based on the situation as it was presented to the officer at and during the time of response.
- IX. Emergency Parking - Officers may violate parking ordinances and statutes in emergency situations subject to the consideration of whether such violations can be done without seriously exposing the public to a hazard. The officer shall consider the unavailability of legal parking, the seriousness of the incident, the need for the officer's immediate personal attention, the amount of traffic normally on the particular roadway, time of day, and weather and road conditions in arriving at the decision as to whether time should be taken to legally park his/her vehicle. When a department vehicle is left in a position contrary to statute or ordinance, the officer shall attempt to turn on his/her emergency signal flashers and shall park the vehicle legally as soon as the situation allows.
- X. References
- A. Michigan Compiled Laws 257.603 - Authorized Emergency Vehicles.

Sec. 603. The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, may exercise the privileges set forth in this section, subject to the

conditions of this section. The driver of an emergency vehicle may: Park or stand, irrespective of the provisions of this act. Proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operation. Exceed the prima facie speed limits so long as he/she does not endanger life or property. Disregard regulations governing direction of movement or turning in specified direction. The exemptions granted in this section to an emergency vehicle shall apply only when the driver of the vehicle has activated the emergency lights and siren as may be reasonably necessary. An officer may disregard sounding the siren if engaged in an emergency run where silence is required.

- B. Michigan Compiled Laws 257.632 - Vehicles under police direction in emergencies or in pursuit of criminals, fire patrols, ambulances; exemptions from speed limitations.

Sec. 632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation. This exemption shall apply only when the officer, while in motion, sounds the siren and activates the emergency lights, unless the nature of the mission requires that the officer travel without giving warning to suspected law violators. This exemption shall not however protect the officer from the consequences of a reckless disregard of the safety of others.

- C. Michigan Compiled Laws 257.653 - Emergency Vehicle; right of way yielded by other vehicles.

Sec. 653 Upon the immediate approach of an emergency vehicle with an activated siren and emergency lights the driver of every other vehicle shall yield the right of way and shall immediately drive to the position parallel to and as close as possible to, the right-hand edge or curb. This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

REVISION RESPONSIBILITY

Responsibility for the continuous updating and revision of this order lies with the Chief of Police. Continuous shall be construed to mean when necessary or when mandated by law.

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This directive is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive, if proven, may be used for administrative action.

In the event that this procedure conflicts with or supersedes any previous departmental order, procedure, or directive, to that extent the conflicting or superseded order is cancelled.

BY ORDER OF

Art Hopp
Chief of Police

Salaried Staff

Section J. EXECUTIVE DAY POLICY

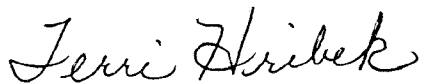
Salaried employees as defined in the Salaried Personnel Policy, (excluding the City Treasurer and the Deputy City Clerk/Treasurer) shall receive three (3) executive days per calendar year as a supplement to time worked over the normal workweek.

An employee may use one executive day during any given pay period and executive days will not be cumulative from year to year. (Any days remaining at the end of a calendar year will be forfeited by the employee)

Executive Days may be used only with prior approval of the City Manager. Upon leaving employment with the City of Pinconning an employee will not be paid for any unused executive days.

Upon passage of this policy no compensatory time shall be accrued by any salaried employee as defined in the Salaried Personnel Policy.

ABOVE POLICY ADOPTED BY CITY COUNCIL AT THEIR MEETING HELD ON NOVEMBER 18, 2002,
POLICY TO BECOME EFFECTIVE JANUARY 1, 2003.



TERRI HRIBEK,
CITY CLERK

CITY OF PINCONNING
208 MANITOU STREET
PINCONNING, MI 48650

SALARIED STAFF PERSONNEL POLICY

INTRODUCTION

City of Pinconning established as a City in 1931 as a Home Rule City of Michigan. As such, the salaried personnel policies of the City shall be established by the City Council. Any deviation from, or modification to, the salaried personnel policies shall require a majority action by the City Council.

The City shall adhere to principals of affirmative action with regard to employment. The City shall also adhere to provisions of same as established as a result of Federal and/or State law for the protection of employee's rights.

It shall be the responsibility of the City Manager to inform all present and future employees of the salaried personnel policies contained herein. These salaried personnel policies supersede those policies and procedures previously established by the City of Pinconning.

I. EMPLOYMENT: RECRUITMENT AND APPOINTMENT

A. Types of Positions

1. City Manager
2. Clerk
3. Treasurer
4. Director of Operations
5. Chief of Police
6. Deputy Clerk/Treasurer

For each employment position of the City, a designation shall be made as to whether such position is permanent full time, seasonal, or special staff. Positions shall be designated according to the type of position and may reflect special provisions for employment.

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B. Chief Administrator Agent

1. The City Manager shall be the Chief Administrative Agent for the City. The recruitment, screening, employment tenure, and supervision of the City Manager shall reside with the City Council.
2. The City Manager shall be responsible for the recruitment, screening, employment tenure, and supervision of all other employees of the City. He/she shall report personnel decision to the Personnel Committee who in turn report to the City Council as a whole.

C. Recruitment

1. All vacant staff positions shall be advertised in not less than one general circulation weekly newspaper. Additional advertisements may be placed in other newspapers. A vacant staff position shall be advertised in the principal newspaper for at least three (3) days.
2. Other public notices may be distributed in order to provide for the recruitment of candidates from special sectors of the community which may include, but shall not be limited to, college and universities, other institutes of higher education, M.E.S.C., Etc.
3. The City of Pinconning shall maintain a roster of qualified candidates for a twelve (12) month period. The applicant may be ranked on the roster according to their qualifications and experience. Top ranked candidates will be offered the vacant position. Further vacancies will be filled from this roster until all candidates are exhausted.
4. The roster shall be updated periodically to insure adequate supply of qualified candidates.

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D. STANDARDS FOR SELECTIONS

1. The City of Pinconning expects to employ only capable and responsible personnel who are of good character and reputation. Manifestation of disloyalty to the United States, membership in subversive organizations and recent conviction of a crime involving moral turpitude shall be considered strong evidence as failure to meet these standards.
2. While the attainment of a high level of education and previous experience may be essential to performance in certain capacities, consideration shall be given to providing opportunities to persons who have been denied the benefit of formal education and who are willing to perform new functions. Educational qualifications, unless required by State or Local law or regulations, shall not be made the sole condition for employment or advancement if a candidate is otherwise qualified to perform the duties of the position.

E. DISCRIMINATION PROHIBITED

1. The City of Pinconning will take affirmative action to insure that all employees during employment are treated with out regard to their race, creed, color, sex, age, or national origin. These actions shall include, but shall not be limited to, employment demotion, transfer, rate of pay, and other forms of compensation.

F. APPLICANTS WITH A CRIMINAL RECORD

1. Before the City will employ a person with a criminal record, its Personnel Committee and Police Chief shall conduct an investigation in accordance with fair standards and procedure to determine whether the prior convictions should disqualify the person for employment.
 1. Nature of seriousness of the offense
 2. Nature of position and relation of the offense to the

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position.

3. Circumstances under which the offense occurred
4. Whether the offense was an isolated or repeated incident
5. How long ago the offense occurred
6. Any extenuating circumstances which may be contributed to the commitment of the offense
7. Any evidence of potential for rehabilitation

If the Council determines that the person should be hired, a written statement of the reason for the decision shall be entered promptly in the individuals personnel file.

G. PROBATIONARY PERIOD

1. Each new employee or newly promoted employee shall be placed on a probation for a period of 1 year (12 months). During the probationary period the employee shall be evaluated on a 90 calendar day (3 month) basis until completion of the probationary period.
2. During the period of probation, the employee shall acquire sick and annual leave time. However, earned sick leave will be granted only when supported by a doctor's written statement. Earned annual leave shall not be granted prior to the successful completion of the probationary period.
3. The probationary period of a new employee may be extended for a maximum of 90 calendar days (3 months) upon the recommendation of the City Manager and approval of the Personnel Committee and Council as a whole.
4. During probationary period an employee may be dismissed. New employees judged incapable of learning and properly performing the job during this period may be terminated without stating a reason or cause.

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H. GIFTS AND GRATUITIES

Employees of the City of Pinconning are prohibited from accepting gifts, money, and any other gratuities.

I. MAINTENANCE OF PERSONNEL RECORDS

Adequate records shall be retained on all personnel actions including hiring, promotions, disciplinary actions, dismissals, and resignations.

II. WORK SCHEDULE

A. WORK WEEK

The regular work week of the City of Pinconning shall be five (5) days Monday thru Friday, inclusive.

B. WORK DAYS

1. The normal work day for full-time City Hall employees shall be from 8:00 A.M. until 5:00 P.M. with one hour for lunch. Summer hours are 8:00 A.M. until 5:00 P.M. Monday thru Thursday and 8:00 A.M. until 4:00 P.M. on Fridays. Summer hours effective May 1st thru August 31st. SPECIAL STAFF PROVISION – The normal workday for permanent “Special Staff” or “Seasonal” employees shall be established by the City Manager.
2. Flexibility in scheduling the work day may be granted by the City Manager to accommodate staff members who may be required to attend meetings, conferences, or complete other assignments outside the normal work day hours.
3. Overtime payments shall not be granted to employees of the City without prior approval of the City Manager.

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C. ABSENCES

1. When an employee is to be absent or late, the City is to be notified no later than one hour after the normal starting time.
2. Unreported absences may result in the appropriate amount being deducted from the employees' wages.
3. An unreported absence of three (3) consecutive working days shall constitute voluntary termination of employment.

D. HOLIDAYS

1. The City will observe the following paid holidays:

New Years Day	2 days
Martin Luther King Day	1 day
Presidents Day	1 day
Good Friday	1 day
Memorial Day	1 day
Independence Day	1 day
Labor Day	1 day
Columbus Day	1 day
Veterans Day	1 day
Thanksgiving Day	2 days
Christmas Day	2 days
2. If the holiday falls on a Saturday, the preceeding Friday will be observed as the holiday. If the holiday falls on a Sunday, the following Monday will be observed as the holiday.
3. An employee must have worked the last scheduled work day prior to the holiday and the next scheduled work day after the holiday in order to receive payment for the holiday unless on approved leave of absence or on vacation.
4. Any employee who becomes ill prior to or during a holiday recess

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and fails to report to work on the first scheduled day following the holiday shall have an absence regarded as unexcused unless the employee presents immediately upon his/her return a medical statement certifying the employees' inability to report for work on the applicable days.

5. If the paid holiday or days fall during an employees prior approved vacation and approval has been received from the City Manager for the vacation the employee shall not have the holiday or days charged against accumulated annual leave time.

III. SALARIED STAFF FRINGE BENEFITS

A. SALARIED STAFF

All salaried staff are entitled to the following benefits: annual leave (vacation time), sick leave, bereavement, family leave, and personal days. For the purposes of this policy, one day is the "normal" amount of hours the employee works: i.e. a 4 hr/day employee accrues one day of benefits @4 hours.

B. SICK LEAVE

1. Sick leave shall be accrued by an employee who is in full-pay status of employment at the rate of ½ day per bi-weekly pay period accumulative to a maximum of **seventy (70)** days. Any accumulative sick leave in excess of **seventy (70)** days shall be forfeited by the employee at the end of the calendar year.
2. Sick leave shall be used for medically related absences, such as illness, doctor visit, dentist visit, and hospital treatment by employee or his/her immediate family members which include spouse, parents and children.
3. Sick leave may not be allowed in advance of being earned. In the

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event of sick leave being taken before being earned an appropriate amount shall be deducted from the gross wages for that pay period unless the employee utilizes earned annual leave time with the approval of the City Manager. When an illness extends beyond a time for which the employee has accrued such and/or annual leave time, he/she may request an unpaid leave of absence through Personnel Committee and Council as a whole. All such requests must be made in writing.

4. Upon voluntary termination of an employee of the City, unused accrued sick time shall be paid to the employee at the rate of 25% of such accumulated time at his/her current rate of pay.

B. ANNUAL LEAVE

1. Annual leave with pay will be earned by an employee who is in full pay status of employment at a rate of $\frac{1}{2}$ day per bi-weekly pay period for the first three (3) years of continuous service.
2. After three (3) years of continuous service with the City, annual time shall be earned at the rate of $\frac{1}{2}$ day per bi-weekly pay period plus one additional day for each additional year of service. The following delineates the method of computation for annual leave.

Years of Service	Leave Accumulated
1-3	13
4	13 + 1
5	13 + 2
6	13 + 3
7	13 + 4
8	13 + 5
9	13 + 6
10	13 + 7
11	13 + 8
12	13 + 9
13	13 + 10
14	13 + 11
15	13 + 12

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The additional day's of earned annual leave time shall be credited to the employee during the first pay period immediately following his/her anniversary date of employment.

3. Annual leave must be requested by the employee and approved by the City Manager. Request for approval should be made sufficiently in advance so not to interfere with the City's function, but in any event must be made so that there is one day's advance notice for each day's planned absence.
4. Annual leave shall be cumulative to a maximum of thirty (30) days. Any accumulative annual leave in excess of thirty (30) days shall be forfeited by the employee at the end of a his/her anniversary date of employment.

C. PERSONAL DAYS

The staff is entitled to three (3) personal days in a calendar year. The leave shall not be accumulated and will be taken with prior approval of the City Manager or his designate.

D. BEREAVEMENT

1. In the event of death of a member of the immediate family of an employee, bereavement leave may be granted by the City Manager up to a maximum of five (5) working days.

The maximum number of days will not be granted automatically, but rather on an individual basis, except in the death of a spouse or child.

2. Accrued annual leave may be requested by the employee to supplement bereavement when circumstances necessitate extended absence.

E. FAMILY LEAVE

1. To be eligible for a family leave of absence, an employee must have completed one continuous year of service with the City.

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2. Family leave of absence shall be afforded as leave outside of pay status, although accrued sick leave may be used for reason provided the employee presents medical certification indicating inability to continue work.
3. Upon request of an employee, a family leave of absence may be authorized for a period up to sixty (60) days, unless for medical reasons the period must be extended for an additional thirty (30) days.
4. Family leave is a leave of absence during which the period of time no pay or benefits shall accrue to the employee. Failure on the part of the employee to return to work at the end of the approved leave and an extension has not been granted, shall constitute voluntary resignation from employment.

F. OTHER LEAVE OF ABSENCE

Any leave of absence by an employee shall be considered a period of unemployment whether such leave is voluntary or involuntary. No pay or leave time shall accrue to the individual. A person on such leave of absence shall receive priority for re-employment at the conclusion of the leave of absence.

G. OTHER BENEFITS

Health, life, vision, retirement and longevity shall be determined by the City of Pinconning for all staff salaried employees.

1. Retirement plan is called Michigan Municipal Employees' Retirement System. **Benefits are MERS B3 Plan with 15/55 service rider.** The terms and conditions as delineated in the plan shall be binding on both parties, I.E. employee and the employer.
2. Regular full-time salaried staff and their eligible dependents shall

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be covered by the City's hospitalization/surgical/medical insurance plan. Covered employees to contribute \$50.00 per month of the premium cost through payroll deduction. Family continuation rider to be offered at employees expense. Permanent, special staff and seasonal employees covered by this policy shall be compensated \$0.25/hour in lieu of Hospital Insurance. (To be eligible for compensation in lieu of health insurance see number 5 below.)

3. Life insurance shall be provided by the City of Pinconning for full-pay status salaried employees.
4. Longevity shall be as follows: After five year of service, the employee is entitled to \$5.00, and for every year of service thereafter, an additional \$5.00 per year is earned. For purposes of determining "years of service" the employee's date of hire, or anniversary date shall be used. Any longevity earned shall be paid on a separate check issued in conjunction with the first pay in December.
5. Full-time employees electing not to subscribe to the health insurance plan as provided by the City will receive in lieu of compensation of \$520.00 each calendar year. (To be eligible for this compensation an employee must have at least forty-eight (48) paid weeks of employment per year, which includes vacation, sick leave, bereavement, and schooling. Payment will be made in conjunction with the first pay in October.) The employee must also comply with the criteria as set forth in the City policy addressing Health Insurance compensation.
6. Terminated employees will be offered the option to continue with the City's hospitalization plan for up to 36 months under the rules of COBRA. The terminated employee will be required to pay the full cost of the monthly premium, payable one month in advance, due by the 1st to the City Treasurer. The City may charge up to 2% of the premium cost to cover administration expenses.

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H. DISCHARGE

Discharge (involuntary termination) is a serious matter and detailed records must be constructed to show all job related facts and circumstances which result in a discharge.

1. Records should include verbal and written warnings, dates and summaries of performance.
2. At least two (2) warnings must be given before termination for unsatisfactory performance. (One of these warnings may be verbal.) Copies of these summaries of performance should be presented to the employee and placed in his/her personnel file.
3. A grievance procedure is provided for the employee to contest an involuntary termination.

I. GRIEVANCE PROCEDURE

A grievance procedure may be initiated by an employee in the following manner:

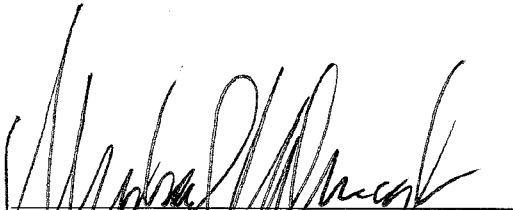
1. A written complaint may be filed by the employee to his/her supervisor within three (3) working days following the date on which the incident may have occurred.
2. The supervisor will respond in writing within three (3) working days from the date the complaint was filed and try to resolve the issue with the employer.
3. An employee, if still dissatisfied, will appeal the supervisor's decision in writing to the Personnel Committee within three (3) working days following the date stated on the determination of the supervisor. The appeal must be filed with the Personnel Committee who will arrange for a Personnel Committee hearing

within two (2) week period contingent upon schedule of the
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Personnel Committee members. A copy of the notice for the hearing listing time, date, and place will be provided to the grieved party.

4. The Committee will hear the grievance and transmit its report for full Council action. The full Council will review the Committee's recommendation as soon as possible, preferably during the next scheduled monthly meeting. The full Council decision in writing will be provided to all parties concerned within five (5) working days following the Council meeting.
5. The Council action on the Committee response will be declared final.
6. If mutually agreed by both parties, all above stated deadlines may be extended.
7. The grievance may be withdrawn by the grieved party at any time before the hearing date.
8. For mailing purposes, the due date would be if the required materials, I.E., employee/employer's response on decision relative to grievance has been mailed by the due date and post-marked as such.

POLICY ADOPTED BY COUNCIL ACTION SEPTEMBER 6, 2005.


Michael Duranczyk, Mayor


Terri Hribek, City Clerk