

VILLAGE OF BYRON  
(Enacted March 9, 2015)

RESOLUTION 2015-2-03

**RESOLUTION AMENDING VILLAGE OF BYRON  
HANDBOOK AND MODIFYING HOURS FOR THE CLERK AND TREASURER**

WHEREAS, the Village of Byron has established and staffed a Police Department, established and staffed a Department of Public Works (DPW), and appointed a Village Clerk and Village Treasurer;

WHEREAS, the Village of Byron desires to standardize the supervision and payment of all Village employees including the Village Clerk, Village Treasurer, Department of Public Works employees and Police Department employees;

WHEREAS, the Village President, having knowledge of the work schedules of all Village of Byron employees and department directors, would facilitate the Village President fulfilling the President's statutory duties under Michigan Compiled Law (MCL) 64.1, as the Chief Executive Officer with supervisory authority over the affairs and property of the Village;

WHEREAS, the Village has a fiduciary responsibility to properly spend taxpayer funds to fairly compensate all Village employees for time spent in the service of the Village;

WHEREAS, the Village originally hired the Clerk for 20 hours per week and the Treasurer for 10 hours per week. Later, the DDA agreed to pick-up one additional hour per week for the Clerk to assist that body and the Village agreed to increase the Treasurer's time to 12 hours per week;

WHEREAS, on weeks the Village or the DDA has a night meeting, the meeting time is cutting into the available time required for the Clerk and the Treasurer to get their daily work done and stops them for having regular hours on Thursdays;

WHEREAS, this Resolution would make the time the Clerk and Treasurer spend at the DDA and Village night meetings as additional time to their normal approved 21 and 12 hours respectively;

WHEREAS, if the Clerk and Treasurer are paid additional time for the actual night meetings, then they can hold regular hours on Thursdays that are open to the public;

WHEREAS, the Village Council has determined to make certain changes to the Personnel Manual for the Village and changes to the Clerk and Treasurer's hours, as contained herein.

IT IS THEREFORE RESOLVED:

1. The Village Treasurer shall work the following hours when the office shall be open to the public:

Tuesdays from 10:00 am to 4:00 pm  
Wednesdays from 10:00 am to 4:00 pm

Appear at all Village Council meetings as directed by the Village President.

2. The Village Clerk shall work the following hours when the office shall be open to the public:

Mondays from 10:00 am to 3:00 pm  
Tuesdays from 10:00 am to 3:00 pm  
Wednesdays from 10:00 am to 3:00 pm  
Thursdays from 10:00 am to 3:00 pm

Appear at all Village Council and Downtown Development Authority meetings as directed by the Village President.

3. All Village employees shall punch in and out with the Village time clocks on Village time cards to start and end each shift. If Village time clocks and time cards are not utilized to record each shift, it shall be presumed that no work was performed by that employee for that shift and no compensation shall be permitted for any shift not recorded on the Village time card in the above prescribed manner. This presumption may be rebutted at the sole discretion of the Village President by a direct written appeal filed by the offending Village employee or the employee's supervisor within seven (7) days from the date the check was issued for the pay period involved.

- 3.1 The Village Treasurer and/or Village Clerk are instructed to only pay employees for hours accrued under the above policy and advise the Village President of any violation(s) of this policy; and

- 3.2 Village employees submitting time cards in violation of this policy shall be subject to disciplinary action up to and including termination.

4. The Department of Public Works Director and Chief of Police shall provide a weekly work schedule for each respective department employee, department supervisor(s), including the Police Chief and DPW Director to the Village President, by 5:00 p.m., on the Friday preceding each work week so as the Village President can verify the work of all employees and perform the President's duties under MCL 64.1.
5. All Village employees shall perform all services of employment within the Village limits unless specifically authorized by the Village President, except as follows limited situations:
  - 5.1 A Police Department employee may leave the Village without authorization in the following circumstances:
    - A. To attend court;
    - B. To travel to the jail or other location to facilitate the transport, pick up or delivery of persons in custody;
    - C. While engaged in a hot pursuit chase;
    - D. To follow up on an existing, open, investigation, including crime lab;
    - E. When dispatched by Central Dispatch; and
    - F. When responding in accordance with a mutual aid agreement to assist other law enforcement personnel or law enforcement agency.
  - 5.2 A DPW employee may leave the Village without prior authorization in the following circumstances:
    - A. To purchase supplies and materials;
    - B. To solicit bids for potential Village contracts or purchases;
    - C. To seek repairs to Village equipment; and
    - D. When complying with a mutual aid agreement to assist another municipality.
  - 5.3 The Village Clerk and/or Treasurer may leave the Village without prior authorization in the following circumstances:
    - A. To purchase supplies for the Village; and
    - B. To deliver Village records, property or filings to Village auditors, Village sub-contractors, or other governmental authorities.
  - 5.4 If an employee must leave the Village for one of the above limited reasons, then the Employee shall file a written notice to the Village President and

file it with the clerk before the end of his or her shift. The Village may administratively adopt a form for such reporting, but until one is adopted the employees may handwrite out a report detailing :

- 5.4.1 the date of he or she left the Village;
  - 5.4.2 the time he or she left the Village;
  - 5.4.3 the time he or she returned to the Village; and
  - 5.4.4 under which of the above exception he or she left the Village, without revealing any information exempt from disclosure by law.
- 5.5 Village employees in violation of this policy shall be subject to disciplinary action up to and including termination.
6. All employees shall answer all questions directed to them by the Village President, except police officers as to the specifics of open and ongoing investigations by Police Department employees or where otherwise prohibited by law.
- 6.1 Village employees in violation of this policy shall be subject to disciplinary action up to and including termination.
7. Each department supervisor shall immediately post a copy of this Resolution in each department and in the near vicinity of each Village time clock. Any employee defacing, removing or otherwise tampering with the posted copy of this Resolution shall be subject to disciplinary proceedings, including but not limited to termination of employment.
8. If any public or private property is damaged by a Village Employee, the Employee shall file a written incident report before the end of his or her shift and file the original with the Village Clerk and a copy with their immediate supervisor.
- 8.1 The Village may administratively adopt a form for such reporting, but until one is adopted the employees may handwrite out a report detailing the nature of the incident, the time of the incident, the owner of the property damaged, and include any photos of the damage taken by the employee.
- 8.2 If an incident report is not completed in accordance with this policy, it shall be presumed that employee wilfully damaged said property. This presumption may be rebutted at the sole discretion of the Village Council by a direct written appeal filed by the offending Village employee within seven (7) days from the date of discovery of the damage.
- 8.3 Village employees in violation of this policy shall be subject to disciplinary action up to and including termination.

9. The terms and requirements of this Resolution shall control and supercede any conflicting provisions of the Village of Byron Personnel Policy Handbook pursuant to Article XXIV of the Personnel Policy Handbook. The Village Clerk shall deliver a copy of this Resolution to each Village employee.
10. For purposes of this Resolution, the term "employee", whether singular or plural, shall include employees, supervisors, directors, chiefs and appointed officials.

Adopted at a regular meeting of the Village Council held on the 9<sup>th</sup> day of March, 2015.

Motion

By:

Miller

Second

By:

Berecz

YEAS: Berecz, Buxerbacher, Brunell, Cole, Miller, Orr, Preston

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Kit Brunell

3-9-15

Kit Brunell, Village President

### CLERK'S CERTIFICATION

I certify that the above is a true and complete copy of Resolution No. 2-03 adopted by the Village Council at a meeting held on the 9<sup>th</sup> day of March, 2015.

Marsha Reed

Marsha Reed, Village Clerk

Drafted by: John L. Gormley (P-53539)  
Gormley & Johnson Law Offices, PLC

Village Attorney of Byron  
101 E. Grand River  
P.O. Box 935  
Fowlerville, MI 48836  
517.223.3758

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