

SECTION 4 HIRING AND EMPLOYMENT GUIDELINES

It is necessary for Conservation District directors to become aware of their responsibilities as employers. Directors are responsible for a host of things such as position descriptions, salaries, morale, and longevity of an employee's position. Conservation Districts must be responsible and fulfill their obligations to their employees.

District Employment Guidelines

Conservation Districts should adopt staff employment policies. The following guidelines should be considered in developing policies:

Written Work Agreement: This agreement must be developed between the District and employee to eliminate confusion about conditions of employment and duties. The agreement should include, but not be limited to, the following:

1. A statement affirming the District policy of nondiscrimination by race, creed, height, weight, color, religion, age, or sex in appointments, promotions, compensation, or other actions affecting employees of the District.

Example: "The Conservation District, an Equal Opportunity Employer, complies with applicable federal and state laws prohibiting discrimination. It is the policy of the Conservation District that no person, on the basis of race, sex, height, weight, color, religion, national origin or ancestry, age, marital status, disability, or Vietnam-era veteran status, shall be discriminated against in employment or promotions."

2. A list of duties that employee is expected to perform.
3. Salary rate and schedule and fringe benefits. (Note: Conservation Districts are subject to minimum wage laws.)
4. Working hours and breaks.
5. A review by the District board. This review should be made annually with the employee. New employees should be reviewed at shorter intervals, typically 3 and 6 months.

Employment Guidelines:

1. Duties of employees should be listed in order of importance.

2. Wages should be paid on a regular schedule, at least bi-weekly.
3. Salary should be commensurate with experience, degree, or responsibility and comparable with rates paid by other units of government for similar duties.
4. Hours of full-time employees should coincide with regular District office hours, although exceptions should be made for weekend and evening activities. Regular part-time employees should be scheduled to work on a regular basis.

Fringe Benefits

Full-time employees should receive:

1. Overtime pay for those employees covered by the Federal Fair Labor Standards Act who work in excess of 40 hours per week. Those employees not covered by the Act are not entitled to any premium compensation. Note: Most Districts provide for a 1 to 1 compensation for those not covered by the Act. Districts may do this if they so desire, but they are not obligated under the law to do this.
2. Reimbursement for mileage for personal car used on District business.
3. Paid vacation time based on length of employment.
4. Accumulated sick leave to a desired maximum.
5. Health insurance assistance.
6. Paid holidays that coincide with those of the NRCS office and/or county government.
7. Social Security coverage for those contributing Districts. Districts not enrolled may wish to consider doing so as a benefit to the employee.
8. Consideration for a retirement program.

Regular part-time employees should receive:

1. Social Security coverage.
2. Mileage reimbursement.
3. Vacation and sick leave proportionate to full time (40 hours a week).

Legal Requirements

By law, a District must provide all employees with Workers' Compensation, unemployment compensation insurance, and a surety bond, if the employee is entrusted with district funds and/or equipment. Provisions must be made for deductions of state and federal income taxes.

Staff Board Liaison

A member of the District board should be designated as the contact (liaison) person for employees and immediate supervisor. In addition, the liaison should keep the District board apprised of the employee's progress or effectiveness as well as any employment situation problems.

Training

District employees should be encouraged to participate in training programs provided by MDA, MACD and other agencies. Attendance of District staff at MDA, MACD state and regional meetings, and NRCS meetings are beneficial in upgrading knowledge and skills needed to efficiently complete duties and responsibilities.

Personnel Policies

A personnel policy should provide both information on the District's current employment policies and provide insight to the benefits and responsibilities of being an employee. A personnel policy is not a contract. To be useful, it should be reviewed on a regular basis and revised or modified as necessary.

In general, there are two types of personnel policies: Just Cause and At Will. While everything else may remain the same, the essential difference is that an "At Will" policy permits either party, employer or employee, to end the employment relationship at either's discretion without cause. A "Just Cause" policy, as its name indicates, provides that the employer must have good reason for the termination of an employment relationship and provides a procedure for progressive discipline of an employee.

Most Districts operate under a Just Cause policy. Whatever policy the board decides upon, it is imperative that all members have an understanding of its content and purpose.

Position Descriptions

Position descriptions are important to outline the duties and responsibilities of the Conservation District employee and set the basic framework for his/her operations. They also provide for a smooth transition from one employee to another. District employees are encouraged to keep position descriptions updated and current to the point where they accurately reflect their duties and responsibilities. District directors should review position descriptions with their employees at least annually.

Generally, administrative duties include but are not limited to:

1. Coordinate and assist in planning District events.
2. Arrange for and attend Conservation District board meetings, annual meetings, and other District functions. Assist in preparation and distribution of annual reports, news items, newsletters, and other information and education activities. Maintain files on all District activities.
3. Prepare material relating to District board agenda, meeting and minutes, and prepare correspondence.
4. Serve as receptionist for the District; answer the phone, greet visitors, handle requests, and schedule appointments.
5. Maintain District bookkeeping system and District files, correspondence, handbooks, manuals and memoranda, assist with audit reports.
6. Perform other related duties as assigned by the Conservation District board.
7. At the direction of the board, assume management of a District project.
8. Assist in preparing and updating annual and long-range plan, assist with conservation education program.
9. Provide typing, filing, and other administrative support to the technical staff carrying out the District's natural resource conservation programs.

Compensatory Time

Under the Federal Fair Labor Standards Act, compensatory time or overtime pay is granted according to the following guidelines. (Caution: these guidelines are subject to interpretation by the federal Department of Labor). The Act can be viewed at <http://www.dol.gov/esa/regs/statutes/whd/0002.fair.pdf> For a guide of the Fair Labor Standards Act, visit <http://www.dol.gov/elaws/flsa.htm>.

1. If the position is a professional position, meaning that the requirements for the position are a four-year degree or experience equivalent and the nature of the position (based on the job description) is professional where the individual uses independent judgment in decision making or providing recommendations, then the position is eligible for the compensatory time on an hour-for-hour basis. Note: Most Districts provide for a 1 to 1 compensation for those not covered by the Act. Districts may do this if they so desire, but they are not obligated under the law to do this.
2. If the position does not require a degree or experience equivalent, and the job description does not require the individual to use independent judgment, meaning they work entirely under the technical direction of another individual, then the position is eligible for compensatory time **or** overtime pay at the rate of one and one-half hours for each hour of overtime. If the position is eligible for the one and one-half times rate, it must be specified in the working agreement if this is going to be given as time or pay.
3. Limits on accumulation and use of compensatory time within a certain time period may be set by the District and defined within the working agreement.
4. A flex schedule is allowable. For an individual who falls within the guidelines of (a) above, then a flex schedule of 44 hours one week and 36 the next is allowable, as would any combination of hours to equal 80. If the individual falls within the guidelines described in (b) above, then a flex schedule is allowable; however, any hours worked over 40 within one week must be compensated for at the one and one-half times rate. Again, these arrangements must be described within the working agreement.
5. If the individual falls within the guidelines of (b), you may avoid compensating at the one and one-half times rate by requiring no work over 40 hours per week and allowing for shift of time during a 40 hour week. For example: if the individual works 2 hours extra one day, they must take off 2 hours some time during the 40 hour week. This will allow for compensation on an hour-for-hour basis. This arrangement must be described in the working agreement.
6. If an individual feels they are not being adequately compensated for overtime worked, they may make an appeal to the federal Department of Labor under the Fair Labor Standards Act. An investigation will determine if the individual was justly compensated, based upon the requirements for the position and the type of work performed by the position. If the District is found to have under-compensated the individual, any additional time that should have been given to the employee could be reimbursed at the rate of “treble damages”, that is, three times what was otherwise owed.

Employee Evaluations

Employee evaluations are important for the board and employee. They are very useful tools to open communications about job performance, work priorities, and areas where duties may be expanded or improved. The employee evaluation also serves as a concise report of the employee's annual activities to the board.

An evaluation is the process by which an employer critiques, grades and scores an employee's performance. A system of evaluation of the Conservation District employees should be established within the District and the Conservation District employee should be evaluated at least yearly. Note: New employees need to be evaluated more frequently and at least every ninety days during their Orientation Period.

There are several different types of evaluations:

Informal Evaluation: This process takes place daily or whenever the employer has contact with the employee. It may even be subconscious. The individual employee's appearance, mannerisms and attitudes are evaluated and make up the basis for the employer's general feelings towards the employee.

This informal evaluation often includes criteria not agreed upon or included in the formal performance appraisal and it often includes personal characteristics and values, which should not be evaluated. These personal characteristics often make up the style or individuality of the employee, which an employer should not attempt to change.

Many times the informal evaluation has a great impact on the employer and employee. If the employee makes a bad impression with the employer, it is often impossible for that employee; no matter how good their actual work performance, to meet the expectations of the employer. Conversely, if an employee makes a favorable personal impression, substandard performance may be overlooked.

This informal evaluation process is a "two-way street". The employees also evaluate the employers. The employees are asking themselves, "How am I treated?" "Is my opinion respected?" "Am I getting paid what I feel my time is worth?" "Does my employer understand my needs?" If the employees are unsatisfied with the answers to these questions and others, they could be unsatisfied with their job and their work output may reflect this dissatisfaction.

Formal Evaluation: The formal evaluation process helps to objectively quantify and qualify many of the informal evaluations that take place. It also helps to clarify those characteristics the employer has a right to question. The formal evaluation lessens the impact of the informal evaluation and it also encourages the employer and employee to identify and discuss strengths and areas needing improvement. The goal of the formal evaluation process is to set up open communication between the employer and employee that allows employees to know how their work is perceived and how they are

performing based on predetermined criteria. It encourages growth of the employee and a better understanding of employer's responsibilities to their employees.

Interviewing Guide

It is extremely important for a Conservation District to find the right person for the job. This is the most important decision a board can make for the success of a program. Districts are faced with this critical task with an ever-increasing frequency. It is imperative that Districts are fair and objective in hiring of staff. Not doing so is illegal and precludes the District from finding the most qualified person to fill the job. The following is intended to assist Districts in conducting interviews that aid in making the best selection based on job-related questions.

What is an Interview?

An interview is the part of the selection process in which agency personnel meet with an applicant to exchange information about a job and the applicant's qualifications for the job. In its narrowest sense, it includes only the personal discussion, and not the applicant's resume and references that are equally as important.

However, the interview process normally involves correspondence or telephone contacts with applicants, which also provide opportunities for exchange of job or qualification information. Therefore, many of the principles applicable to the interview are equally pertinent to the other steps of the process. Care must be taken to assure that the job information provided to the applicant is not presented in a way that might discourage otherwise qualified applicants.

The interview, and arrangements for it, is part of the selection process. Therefore, the process must provide for a fair and objective evaluation of the applicant's qualifications for the job.

The Pre-Interview Contact

The purpose of the pre-interview contact, in addition to providing for the scheduling of an interview, is to also supply the applicant with enough basic information about the job to permit the applicant to decide whether an interview will be mutually beneficial.

If a written interview invitation is used, this basic information should be included on the correspondence to the applicant whenever possible. Suggested items to be included are:

1. Name of job (class title).
2. Beginning pay rate.

3. Work shift hours and schedule.
4. Location of work site.
5. Qualifications, or any special requirements.
6. Short description of duties.
7. Person to contact for interview arrangements.
8. Other information helpful to an applicant deciding whether to request an interview.

Timing and Method of Contacts

Although there often may be a need to fill a position promptly, consideration should be given to the needs of applicants to arrange their schedules. When a written invitation to interview is used, a reply time of not less than 5 days should be allowed, whenever possible.

Use of a written interview invitation is encouraged, if possible. In some instances however, the only practical method of contacting applicants may be by telephone. Telephone contacts are acceptable, provided a reasonable effort is made to contact eligible applicants. A single attempt to reach an applicant during the normal hours of 8 to 5 would not justify removal of an applicant's name for failure to respond. If repeated attempts to reach an applicant by telephone are unsuccessful (especially if the attempts were made at various times on more than a single day, including efforts beyond normal working hours), it is reasonable to request that the person be eliminated from consideration for the specific position being filled. It is best to keep a record of the attempted telephone contacts, including dates and times called, in case there are any claims by applicants that they were not given consideration for a position.

Planning for the Interview

The persons who will conduct the interviews should be sufficiently familiar with the job to list the skills and knowledge needed for successful performance. It might be helpful to the interview to separate these into the following categories:

1. Those that are desirable but may not be absolutely essential.
2. Those, which are critical to acceptable performance.
3. Those which are not only critical but for which a high degree of the trait is important for top quality.

In preparing such a list, both the position description and class specifications may be an aid to listing the required characteristics. An additional source for identifying the characteristics of a specific position could be the previous orientation period service rating factors, if relatively recent and available.

What Considerations are Inappropriate or Illegal?

This is not always easy to answer. What is job related for one position may not be for another. However, recent court decisions have defined some specific areas that clearly should be avoided in making the hiring decision. Questions in these areas are generally illegal:

1. **Citizenship** - You may ask whether an applicant has appropriate legal status to work in the U.S. You may not ask of what country the applicant is a citizen.
2. **Political Beliefs, Race, and Religion** - The Civil Rights Acts of 1964, as amended, the Equal Employment Opportunity Act of 1972, and the Constitution of the State of Michigan prohibits consideration of these factors in making the hiring decision.
3. **Age** - You may ask if an individual is 18 years or older. You may not ask the person's age or date of birth. If an individual is at least 18, age cannot be a consideration in whether or not to hire, except where a minimum age is part of the job specification.
4. **Arrests** - You may not ask about arrest records. Arrest without conviction does not prove any wrongdoing. Any assumption that an individual who has been arrested is guilty of wrongdoing is unfair, unfounded, and unconstitutional.
5. **Marital Status, Number of Children, and Family Planning** - You may not ask questions related to these subjects.
6. **Stigma** - You cannot refuse to hire someone on the grounds that, in your judgment, they may not be accepted by customers, clients, or co-workers because of a deformity, disability, race, height, weight, sex, or age.
7. **Type of Military Discharge** - You cannot refuse to hire an individual who has received a discharge that was other than honorable.
8. **Institutional Grounds Confinement** - You cannot refuse to hire on the grounds that an individual was confined to a correctional or a rehabilitation institution or that the individual is or was under the care of a doctor for physical or psychological therapy.
9. **Friends or Relatives** - Policies of employing only one marriage partner in an agency are held by EEOC (Equal Employment Opportunity Council) to have a

discriminatory effect on employing women. You should not refuse to hire individuals on the basis of their having friends or relatives already employed in the agency. However, close relatives working in an employee-supervisory relationship may not be desirable.

Remember that this section is concerned with areas that are illegal to consider in the interview. Ask yourself if the questions you ask are necessary to find out whether the person can do the job. If not, do not ask those questions. For example, you may not ask the interviewees how many dependents they have since this information has nothing to do with the ability to perform the duties of a position. However, once an individual is hired, this information would be needed for health insurance purposes.

What Consideration May or May Not Be Legitimate?

The following areas may be included in the interview if they have been shown to be requirements for successful performance on the job. This would mean that they would be part of the minimum qualifications and specifically listed in the class specification.

Consideration of any of the following factors when they are not directly related to the job may result in charges of discrimination:

1. A requirement of a professional license that is not directly related to the job is discriminatory. This would also apply to other kinds of education and/or experience requirements.
2. An interviewer may not refuse to consider for hiring a visually or physically disabled person unless it can be shown that the disability would prevent the person from performing the duties of the position. A disabled person should not be discriminated against because of architectural or work barriers that can be changed. For example, a ramp can be constructed or files changed so they are accessible from a wheelchair.
3. Questions about convictions for criminal offenses should be avoided where possible. They can only enter into hiring decisions when shown to be related to job performance. Note the distinction between arrest records that prove nothing (their use is clearly illegal) and convictions, which may be valid barriers to employment for certain positions.
4. Saturday/Sunday work requirements may serve to discriminate against certain religious denominations. Employers are obligated to make reasonable accommodations for the religious needs of employees.
5. Questions about mobility, job location, and travel may serve to discriminate against women, older workers, or the disabled.

6. Inquiries concerning presence of, or treatment for, disease should be avoided. You may ask about communicable diseases. Speculation about potential use of sick leave or health insurance benefits may never be considered.
7. Minimum height or weight requirements for employment, where such requirements are not related to the job, have the effect of excluding higher percentages of women and certain minority groups, i.e., Hispanic and Asian.
8. Discrimination based on sex is clearly illegal in interviewing for most positions. Only in extremely rare cases can sex be considered job related. For example, selective certification on the basis of sex may be acceptable for some correctional or mental health treatment positions. Sex must be proven to be job related if it is to be an element of the selection process.
9. Normally, a person's credit record or garnishment record should not enter into the interview. In certain cases where bonding is a prerequisite to hiring, such questions may be appropriate.
10. Requirement of a driver's license or the use of one's own car may be considered to be discriminatory against young or physically disabled persons, unless it can be shown to be necessary to perform the duties of a position.
11. English fluency may not be a consideration unless it is proven necessary for the job.

Other Barriers to Fair Employment

A good interviewer must be aware of other kinds of issues. We have discussed some factors that must be job related, and others that are also illegal, but there are other considerations that are even more difficult to handle. Subtle personal biases and the personal interaction that occurs between interviewer and interviewee are critical factors in an interview.

- **Personal Biases** - Interviewers sometimes go into an interview with stereotyped ideas about people who are "different" from themselves. This type of pre-judgment immediately establishes monumental hiring barriers. Regardless of how faulty the reasoning and unfair the result, these kinds of obstacles are the most difficult to deal with because they are difficult to identify and prove. People involved in interviewing have a responsibility to be aware of any personal attitudes they may have that will affect their objectivity. Try to view these attitudes as obstacles to good interviewing and work to overcome them. It is normal to form a general opinion about an individual in a very short time. An interviewer must continue to make judgments throughout the interview rather than rely on initial impressions.

- ***Perpetuation of Discrimination Through Over Reliance on Past Employment History*** - There are certain aspects of a person's employment history that have traditionally been viewed as negative. Rejection based solely upon these factors can represent an unfair and discriminatory hiring barrier. Included here are traditional "performance indicators" obtained through job history analysis such as: absenteeism, job turnover, periods of unemployment, and under-employment. Every interview is different, and you must use your own judgment in determining what will be "key factors" in a particular hiring decision. Strive to base your hiring decisions on the interviewee's actual skills and abilities. You should consider the following possibilities before assuming that a particular employment history indicates a lack of ambition or talent:
 1. Younger workers are usually the first to be laid off in slack times.
 2. Job dissatisfaction and turnover may have been caused by discriminatory practices of past employers.
 3. Older workers may have been forced into "early retirement" without regard to skills or abilities.
 4. Workers may have been unemployed because of obsolete skills, when all they needed was minimum job restructuring or retraining.
 5. Capable people who have been convicted of a crime, or institutionalized with mental disabilities, may have had a long period of unemployment.
 6. People may have been unemployed or under-employed because of the economy.
 7. Women, who have chosen to raise a family and not enter the work force for an extended period of time, may have been unemployed or under-employed.

A related subject is the use of questions about "career plans" in the interview. The common assumption is that an individual's career plan indicates something about initiative or ambition. Initiative and ambition are not the same things to everybody. Career planning questions may be viewed as an affront to women returning to the labor market after having raised a family; a young person may not have thought about career planning; an older person may be embarrassed by the topic. The connection between these ill-defined concepts and an interviewee's description of plans for the future is questionable. Since career planning has no proven relationship to a person's ability to perform most jobs, it should probably not be used.

How Questions Should Be Asked?

Deciding how to ask questions is just as important as deciding what questions to ask. The way you begin the interview will set the tone for what is to follow. Your first

comments should be designed to establish an atmosphere in which the interviewee is comfortable and feels able to converse freely.

After the interviewee is relaxed, you can begin to discuss the position and to ask the questions that will give you the information you need to make a hiring decision. The specific questions will vary depending upon the requirements of the job and what you already know about the interviewee. You should frame questions in a way that will stimulate the individual to talk.

There are two general approaches to asking questions:

Direct questions. Direct questions should be used to obtain factual information such as, "What college did you attend?" or "How long have you been working as a stenographer?"

The misuse of direct questioning can distort your assessment of the individual you are interviewing. For example, if you want to find out about the interviewee's "attitude" toward working with numbers for a clerical job which requires this work, you might say: (*Direct*) "You do like to work with numbers, don't you?" The misused direct question tends to elicit a "yes - no" response from an interviewee. As asked above, it will probably get you a "yes" when the interviewee's attitude may be very different. (*Open-end*) "How do you feel about working with numbers?"

Open-end questions. The open-end questions are more likely to stimulate the interviewee to talk a bit more about attitudes. Therefore, to obtain such information, the questions should be rephrased.

Some other examples of open-end questions you may find useful are:

1. What did you like most about your last job?
2. What part of your previous jobs did you have the most trouble learning?
3. What jobs have you liked the least, and why?
4. If we hired you, what do you think you would like most about the job?
5. This agency's major concern is natural resource conservation; how do you think you can contribute to our goal?

Besides questions, there are other sources of information that are available to you during the interview.

Sometimes an interviewee may digress in response to a question. This digression may lead you into areas of discussion that you may not have thought of before and that may be very helpful in assessing the interviewee's ability to perform successfully. Don't always cut them off immediately, but see where the discussion is going first.

There may be situations in which you will have to ask questions even though the interviewee seems nervous about discussing that topic. As long as the topic is job related, you should not hesitate to try to find out what you need to know to make a hiring decision. Almost everyone wants to look as good as possible and people may embellish on their experience and ability almost unconsciously. If you need to probe for negative or more factual information, do so as long as the topic is job related. If the interviewee seems upset by this, you should explain that a fair evaluation depends on your being sure of everyone's abilities and knowledge, and that you need clarification.

The timing of your questions is also important to maintaining a relaxed atmosphere where information can be easily exchanged. For example, it may be appropriate to ask interviewees about transportation arrangements for getting to work. With a physically disabled individual this should not be your first area of questioning. It is more relevant and certainly more tactful to first explore the basic qualifications for the job.

Listening to the Answers

You must be able to listen as well as talk. To listen you must concentrate on what the interviewee is saying.

1. Do not think about the previous or next interviewee while the present interviewee is talking.
2. Do not think about the next question while the interviewee is answering.
3. Do not make up your mind about the interviewee before the interview is over.
4. Do not conduct the interview in a busy, noisy office. Instead, find a relaxed and comfortable environment that will facilitate your ability to concentrate.

To be fair and objective as part of the selection process, an interview must have meaning. If you do not listen carefully, you are wasting your time and the interviewee's time. More importantly, you are not carrying out your part of the selection process.

Following-up the Interview

Good interviewers should let interviewees know the results of their interview. Many times the simple fact of having been interviewed sets up expectations on the part of the interviewee. They may even make some tentative career decisions based on these expectations. It is a good personnel practice, as well as common courtesy, to inform interviewees when they are not selected. Where possible, each interviewee should be sent a personal letter. No matter how it is done, the point is that you have an obligation to people you have interviewed to notify them of the results of their performance in this step of the selection process. In such instances, when proper interview follow-up does not occur, applicants are left with a poor image of the District as an employer.

Interview Summary

The interview is one of the most critical points in the selection process. This section has been developed to help improve that process by providing suggestions for making it meaningful and job related. Although a fundamental reason for this section is to foster selection of applicants using job-related criteria, another important reason for its development is to improve the manner in which applicants are treated in the interview process.

Example: Vacancy Announcement for Administrator

Date: _____

Article I

Section 1: Equal Opportunity Employment

The Wolverine Conservation District, as an Equal Opportunity employer, complies with applicable federal and state laws prohibiting discrimination. It is the policy of the Wolverine Conservation District that no person, on the basis of race, sex, color religion, national origin or ancestry, age, marital status, disability, or Vietnam-era veteran status, shall be discriminated against in employment or promotions.

Article II

Section 1: Position Available

District position _____. The _____ is hired by and works for the Wolverine Conservation District. As an agent of, and at the discretion of the District board of directors, the _____ shall perform any or all of the following duties:

1. Takes leadership for planning and carrying out policy and programs established by the board of directors and, in the absence of the chairperson or another director, acts as a spokesperson for the District within policies established by the district board.
2. Serves as the District board's contact with governmental units, farm organizations, public agencies, service groups, and general public.
3. Keeps the District board informed of legislation pending, directives from the state level, and other matters affecting the District program.
4. Acts as a liaison between the District board and the county board of commissioners regarding financial assistance and information as to the work of the District. Is responsible for preparing an annual report to the commissioners

with an annual plan of work for the coming year to be presented with the annual request for funding.

5. Prepares and distributes agenda, prepares and distributes board meeting minutes, distributes communication and other material to the District board.
6. Purchases District office supplies and equipment, checks equipment in and out for District landowners and NRCS use only. Keeps inventory of District equipment and notes condition of equipment.
7. Assists and works with the NRCS personnel in either office or field work as required and advisable. If there is a request from the resource conservationist that the District employee feels is a detriment to the work of the District, the director assigned as employee liaison shall decide on worthiness.
8. Handles all tree orders and sales and keeps accurate information on sale records, costs, and income. This will be reported to the District board no less than 30 days after the close of any one-sale period.
9. Edits, prepares copy, and distributes District newsletter, edits annual report, prepares press releases and distributes to the media.
10. Works with and assists landowners in preparation of Act 116 applications.
11. Assists and plans District tours, meetings, contests, and other functions.
12. Provides educational service to schools and other groups.
13. Provides secretarial/clerical assistance to resource conservationist and board.
14. Performs other related work as required.

Section 2: Recruitment

1. Applications will be received by the Wolverine Conservation District.
2. Applicants will be interviewed by the District board of directors.

Section 3: Hiring

The Wolverine CD board will make the final decision as to which applicant is accepted for the position.

Example: Working Agreement

Article I

1. The normal workweek will be Monday through Friday from 8:00 a.m. until 12:00 p.m. and from 1:00 p.m. until 5:00 p.m., with a break of 15 minutes in the morning and afternoon to be provided.
2. The District employee will be expected to attend regular and special meetings of the Conservation District, which will include evening meetings.
3. The Conservation District will observe a 2-week pay period. Paychecks will be distributed Tuesday after the close of the pay period.

Section 1: Supervision

Supervision for work relating to the District and all leave requests will be the charge of the District director appointed as liaison between the Conservation District board and the employee. The employee evaluation, pay raises, disciplinary action, and dismissal are a function of the entire board.

Section 2: Resignation

Employees shall give not less than two weeks written notice of resignation. Any employee who does not submit his/her resignation as required above or is absent from work for a period of three days or more without notifying his or her supervisor of the reason for the absence, may be considered as having resigned without notice and not in good standing. In such instances, the Conservation District shall make a decision on said employee's termination rights.

Section 3: Disciplinary Action

Disciplinary action may be taken against an employee for any reasons deemed necessary by the District. Types of behavior, including but not limited to the following, are grounds for discipline: Habitual tardiness, absenteeism without sufficient reason or proper notification, use of profanity or obscene language in the presence of the public. The employee will receive a hearing by the board of directors. The employee will be given written notice setting forth the reasons for dismissal or suspension.

Article II

Section 1: Vacation (Annual Leave)

Employee shall not be entitled to any vacation time for less than 3 months employment. Vacation time shall be earned at the rate of 4 hours per pay period.

After 3 years employment, 6 hours vacation time shall be earned per pay period. Vacation time may be used on an individual hour basis with permission from the board liaison. Not over 80 hours of vacation time shall be allowed to be carried over at the end of the year. An employee may convert up to 1/2 of their annual vacation to cash.

Upon termination of employment, the employee shall be entitled to any earned but unused vacation pay, which will be included on the employee's final check. Vacation pay will be made at the employee's normal rate of pay, excluding overtime.

Section 2: Jury Duty and Court Witness

An employee who is assigned jury duty shall be granted a leave of absence to serve as required. They shall be expected to be at work at all hours when not serving as a juror.

Leave of absence for jury duty shall be with full pay, less the amount received by the employee for jury duty, which shall be reported on the time sheet.

Section 3: Sick Leave

Sick leave is a means of ensuring that an employee will not suffer loss of income because of illness. It is not a means by which an employee can earn additional annual leave.

An employee earns 4.0 hours of sick leave for each bi-weekly pay period worked, and may accumulate up to a total of 90 sick days. One-half of an employee's unused sick leave will be converted to cash upon termination or retiring. An employee may use sick leave with pay when an exposure to a contagious disease would endanger the health of others by attendance at work. An employee's illness, injury, or childbirth will be debited against the employee's accrued sick leave until sick leave has been depleted.

In the event of childbirth, such sick leave shall commence only when the employee, acting upon the advice of the physician, indicates that the employee is no longer able to work.

Sick leave may be used for doctor and dentist appointments, as well as employee illness and illness in the employee's immediate household. Sick leave may also be used to attend funerals.

After three days off, a physician's statement shall be required stating the condition of the employee relative to ability to perform the duties of the position, diagnosis, and other relevant information pertaining to the employee's condition.

Section 4: Leave of Absence

Up to 20 working days leave of absence without pay will be allowed for any good and valid reason. This shall be at the discretion of the District board.

Section 5: Holidays

Paid holidays shall consist of standard holidays when the USDA office and the county building are closed.

Section 6: Act Of Nature

When travel is considered dangerous due to weather conditions, the employee will be paid as usual. However, one of the following conditions must be proven:

The county building was closed for the day.

The roads were impassable due to snow and/or vehicles abandoned.

Directives from the County Road Commission to not travel due to dangerous conditions.

Closing the office early will also be allowed due to any of the above reasons.

Article III

Section 1: Wages And Benefits

This District employee position will be classified as an _____ position, classified as 07 (Wolverine County Classification).

The first six months of service following an employee's appointment shall be the orientation period, during which the District directors and supervisor shall continually evaluate the employee's work performance, and qualifications to perform the job. During the orientation period, employees may be eligible for sick leave and holiday pay. During the orientation period, employees may be dismissed at any time without recourse. Upon satisfactory completion of this period of orientation, the employee may be transferred to permanent status. Step increases within a salary grade are based upon merit and length of service and are automatic. The directors may withhold a recommendation for a salary increase for the employee only on the basis of an unsatisfactory rating of the employee's performance, work habits, or unwillingness to perform the work duties. The directors shall advise the employee in writing that the recommendation is being withheld and the reason thereof.

Section 2: Overtime And Compensatory Time Pay

When the District employee works in excess of 40 hours in a week, compensatory time or overtime payment will be granted. Employees may have the option to take the overtime pay or compensatory time off work. The use of compensatory time would be the same as annual leave and requires supervisory approval.

Section 3: Personal Vehicles

When the District employee uses his/her personal vehicle in the performance of District business, reimbursement for mileage will be an amount determined by the District. Travel costs of going to and from work for normal scheduled work shall not be reimbursed.

Section 4: Meals And Lodging

While on District business outside of the County, the employee shall be reimbursed at the county travel rates.

Section 5: Hospitalization

The employee will receive cash in the amount of \$.50 per hour in lieu of hospitalization insurance.

Section 6: Workers' Compensation and Surety Bonds

The employee of the Conservation Districts will be provided with workers' compensation, social security, and unemployment insurance. A surety bond will be provided if the employee is entrusted with District funds. The retirement benefit will be discussed when the working agreement is reviewed in (insert year).

Article IV

The work policy is subject to review annually or more often if deemed necessary.

Employee_____

Date_____

Chairperson_____

Date_____

Example: Amendment to the Working Agreement

Proposal I:

The Conservation District provides retirement benefits to cover the employee in the following manner:

1. Wolverine CD contributes to employee’s IRA account the last pay period of each calendar year.
2. Wolverine CD’s contribution will be equal to \$2 for each \$1 of employee contribution to the IRA account.
3. Wolverine CD’s contribution shall not exceed 8-1/2% of employee’s base wage for the same calendar year.
4. Combination of Wolverine CD and employee contributions shall not exceed \$2,000 in the calendar year.
5. Only employees with whom Wolverine CD has entered into a working agreement providing retirement benefits will be covered under this retirement plan.

Proposal II:

Amend the working agreement with the administrator to provide for retirement benefits of the Wolverine Conservation District retirement plan effective January 1, XXXX.

Employee_____

Date_____

Chairperson_____
Wolverine CD

Date_____

Mandatory State and Federal Employment Posters

If you are a Michigan employer, State and Federal labor regulations require you to post the following notices in conspicuous places within your business establishment:

Mandatory Federal Posters

Occupational Safety and Health Act – OSHA (29 CFR, Sec. 1903.2 (a))

“Employers must post this notice in a conspicuous place where notices to employees are customarily posted.” Failure to comply may subject the employer to a fine of up to \$7,000 for each violation along with possible criminal penalties.

Federal Minimum Wage Notice (29 USC Sec. 206)

Employers subject to the Fair Labor Standards Act must post a notice regarding the federal minimum wage in “conspicuous places in every establishment” where the affected employees can readily observe it on their way to or from work. (29 CFR Sec. 516.4) Failure to post the required notice is a federal crime.

Employee Polygraph Protection Notice (29 USC Sec. 2001)

“Each employer shall post and maintain such notice in conspicuous places on its premises where notices to employees are customarily posted” (29 USC Sec. 2003). Any employer who violates the Polygraph Protection Act may be assessed a civil penalty of up to \$10,000 (29 USC Sec. 2005.)

Equal Employment Opportunity Commission/Age Discrimination (29 CFR Sec. 601.30)

“Every employer has an obligation to keep posted in conspicuous places upon its premises notices describing the applicable provisions of Title VII and I the ADA. Section 711 (b) of Title VII makes failure to comply with this section punishable by fine...” for each violation. (29 CFR Sect. 1601.30.)

Family and Medical Leave Act of 1993 (U.S. Department of Labor, Employment Standards Division)

This Act pertains to employers having at least 50 employees within 75 miles. “FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to ‘eligible’ employees for certain family and medical reasons.”

Mandatory State Posters

Whistleblowers’ Protection Act (Michigan Department of Labor, MCL §15.368, §17.428 (8))

“An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act.”

Safety and Health Protection (Michigan Department of Labor, Title 17, §17.50 (11))

“An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act...”

Material Safety Data Sheets (Michigan Department of Labor, Title 17, §17.50 (14j))

“An employer shall post signs throughout the workplace advising employees of the location of the materials safety data sheets...”

Minimum Wage Law (Michigan Department of Labor, Title 17, M.S.A. §17.255 (1), (11)) “Every employer, subject to the provisions of this Act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.”

**Employment of Minors (Michigan Department of Labor, Title 17,
M.S.A. §17.731 (13))**

“Each employer shall keep posted conspicuously in or about the premises at which a minor is employed, a printed copy of sections 10, 11, and 12 as furnished by the department.”

**Overtime Compensation Rules (Michigan Department of Labor, Title 17,
M.S.A. §17.255 (1), (11))**

“Every employer, subject to the provisions of this act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.” (R 408.722)

**Bureau of Safety and Regulation (Michigan Department of Labor, Title 17,
M.S.A. § 17.255 (1), (11))**

“Every employer, subject to the provisions of this Act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.” (R 408.701)

**Failure to Post the Above Notices in Conformity With State and Federal Laws
May Result in Substantial Civil or Criminal Penalties.**

Information regarding these posters and the accompanying state and federal regulations are available by calling or writing:

State of Michigan
Department of Consumer and Industry Services
Bureau of Safety and Regulation
Wage and Hour Division
Box 30476, Lansing, Michigan 48909-7976
Telephone: (517) 322-1825

Ask for the information packet entitled: “Information for Employers”.