

MERIT SYSTEM RULES

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Merit System Rules

UPDATED SEPTEMBER 2004

Merit System Resolution 4606

EMPLOYEE INDEMNIFICATION

In accordance with Miscellaneous Resolution #85339, adopted November 21, 1985 by the Board of Commissioners, whenever a claim is made or a civil action is commenced against an officer or employee of the County of Oakland for injuries to persons or property allegedly caused by the officer or employee while acting within the scope of his or her authority, the County shall pay for all reasonable costs of litigation and engage or furnish the services of an attorney in accordance with County policy to advise the officer or employee as to the claim and to appear for and represent the officer or employee in the action. The County may compromise, settle and pay the claim before or after the commencement of a civil action. Whenever a judgement for damages is awarded against an officer or employee of the County as a result of a civil action for personal injuries or property damage caused by the officer or employee while in the course of employment and while acting within the scope of his or her authority, the County of Oakland shall indemnify the officer or employee or pay, settle or compromise the judgement.

When a criminal action is commenced against an officer or employee of the County of Oakland based upon the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the County of Oakland shall pay for, engage or furnish the services of an attorney to advise the officer or employee as to the action and to appear for and represent the officer or employee in the action.

The County may purchase liability insurance to provide the above protection, or may provide a self-insurance program.

STANDARDS OF CONDUCT

FOR OAKLAND COUNTY OFFICERS AND EMPLOYEES

1. A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
2. A public officer or employee shall not represent his or her personal opinion as that of an agency.
3. A public officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. A public officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the County, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.
5. A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours, except for annual leave or vacation time, shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this County.
6. Except as otherwise provided by State law, a public officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.
7. Except as otherwise provided by State law, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.
8. No public servant shall be a party, directly or indirectly, to any contract between himself and the public entity of which he is an officer or employee, except as provided by State law.
9. No public servant shall directly or indirectly solicit any contract between the public entity of which he is an officer or employee, and
 - (a) himself;
 - (b) any firm (meaning a co-partnership or other unincorporated association) of which he is a partner, member or employee;
 - (c) any private corporation in which he is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$25,000.00 where such stock is listed on a stock exchange or of which he is a director, officer, or employee; or
 - (d) any trust of which he is a beneficiary or trustee; nor shall he take any part in the negotiations for such a contract or the renegotiation thereof or amendment thereto or in the approval thereof; nor shall he represent either party in the transaction; except as provided by State law.

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