

BOARD OF COMMISSIONERS

12/5/2011

304 E. Grand River Avenue, Howell, MI 48843

7:30 PM

AGENDA

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRESPONDENCE**
 - Lake County - Support Exemption for Rainwater Runoff
 - Antrim County - Support Exemption for Rainwater Runoff
5. **CALL TO THE PUBLIC**
6. **APPROVAL OF MINUTES**
 - Meeting Minutes of: November 21, 2011
 - Meeting Minutes of: November 30, 2011
7. **TABLED ITEMS FROM PREVIOUS MEETINGS**
8. **APPROVAL OF AGENDA**
9. **REPORTS**
10. **RESOLUTIONS FOR CONSIDERATION:**

2011-12-314 Administration
RESOLUTION TO APPROVE APPOINTMENTS TO THE COMMUNITY MENTAL HEALTH AUTHORITY BOARD

2011-12-315 Administration
RESOLUTION TO APPROVE AN APPOINTMENT TO LIVINGSTON COUNTY VETERANS AFFAIRS COMMITTEE

2011-12-316 Building Services
RESOLUTION AUTHORIZING A CONTRACT WITH CONSTELLATION ENERGY FOR THE PURCHASE OF NATURAL GAS - Building Services

2011-12-317 District Court
RESOLUTION TO FILL VACANCY OF TWO 20 HOUR PER WEEK COURT CLERKS POSITIONS

2011-12-318 Human Resources
RESOLUTION APPROVING THE TENTATIVE AGREEMENT BETWEEN THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS AND THE MICHIGAN ASSOCIATION OF POLICE REPRESENTING SERGEANTS

2011-12-319 **Human Resources**
RESOLUTION REVISING RESOLUTION 2011-10-260 TO AMEND THE
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN
DEFINED BENEFIT RETIREMENT PLAN FOR PARAMEDICS

2011-12-320 **Human Resources**
RESOLUTION TO MAKE AMENDMENTS TO THE PERSONNEL MANUAL
FOR NON-UNION EMPLOYEES

2011-12-321 **Human Resources**
RESOLUTION TO EXEMPT LIVINGSTON COUNTY FROM THE
PROVISIONS OF 2011 P.A. 152 FOR CALENDAR YEAR 2012 AND 2013

- 11. CALL TO THE PUBLIC**
- 12. ADJOURNMENT**

NOTE: The Call to the Public appears twice on the Agenda:
once at the beginning and once at the end. Anyone wishing to address the Board may do so at these times.



ANTRIM COUNTY
BOARD OF COMMISSIONERS
P.O. Box 520
Bellaire, Michigan 49615
Phone (231) 533-6353
Fax (231) 533-6935
Chairman: LAURA STANEK

November 23, 2011

At the November 10, 2011 meeting of the Antrim County Board of Commissioners the following Resolution was offered:

RESOLUTION #25-11 BY Michael Crawford, seconded by Jerroll Drenth

RESOLUTION SUPPORTING A STATUTORY EXEMPTION FOR STORMWATER RUNOFF FROM LOGGING ROADS.

WHEREAS, on August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System (NPDES) permit is required to stormwater runoff from logging roads; and

WHEREAS, the Clean Water Act (CWA) requires a national Pollution Discharge Elimination System (NPDES) permit for the discharge of any pollutant to any navigable water (AKA "water of the U.S.") from any point source. Since 1973, rules promulgated by the Environmental Protection Agency ("EPA") have distinguished between point source and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge; and

WHEREAS, included in CWA rules is the so-called silvicultural Rule found at 40 C.F.R. 122.27 (b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber "harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff" to be "non point source silvicultural activities," and thus, excluded from NPDES permitting requirements; and

WHEREAS, the Ninth Circuit disagreed with the Silvicultural Rule, holding that stormwater runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has a history of providing specific statutory exemptions for certain categories of discharges. The court went on to say that federal courts have invalidated EPA regulations that provided similar regulatory exemptions; and

WHEREAS, the Court's decision has potentially sweeping implications. If broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA; and

WHEREAS, the court's opinion also leaves many critical questions unanswered. Even if the opinion were limited to logging roads, what constitutes a logging road? Contrary to the court's assumptions of fact, many forest roads, including the roads at issue in this case, are not dedicated just to logging. They are used for a variety of purposes, both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required permits? The court did not address whether the permit obligation rests with the owner of the roads or very entity that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted Policy is consistent with current NACo policy that states that stormwater from all roads, cutters, and ditches should not be considered a "water of the U.S." under the CWA; and

WHEREAS, if rural county owned roads, such as logging or forest roads, require federal NPDES permits, this will be an unfunded mandate and preemption on county governments.

BE IT RESOLVED, the Antrim County Board of commissioners supports legislation that enacts into law the Silvicultural Rule.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Governor Snyder, Representative MacMaster, Senator Walker, and to the Boards of County Commissioners of the other counties of the state, who we urge to join us in supporting legislation that enacts into law the Silvicultural rule.

Yes - Drenth, Dawson, Bary, Boettcher, Howelman, Crawford, Stanek, Blackmore, Ricksgers;

No - None;

Absent - None.

RESOLUTION 25-11 DECLARED ADOPTED.



ANTRIM COUNTY CLERK, BELLAIRE MI
STATE OF MICHIGAN, COUNTY OF ANTRIM, ss
I, Laura Sexton, Clerk of the County of Antrim, do
certify the foregoing is a true and exact copy of the
original record now remaining in this office.
IN TESTIMONY WHEREOF, I have set my hand and
official seal at the Village of Bellaire in said county
this 23rd day of November, 2011.

 County Clerk

**RESOLUTION SUPPORTING A STATUTORY EXEMPTION FOR STORMWATER
RUNOFF FROM LOGGING ROADS
Resolution #11/09/11 1259**

WHEREAS, on August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System (NPDES) permit is required for stormwater runoff from logging roads; and

WHEREAS, the Clean Water Act (CWA) requires a National Pollution Discharge Elimination System (NPDES) permit for the discharge of any pollutant to any navigable water (AKA “water of the U.S.”) from any point source. Since 1973, rules promulgated by the Environmental Protection Agency (“EPA”) have distinguished between point source and non-point source pollution in the CWA. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge; and

WHEREAS, included in the CWA rules is the so-called Silvicultural Rule found at 40 C.F.R. § 122.27(b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber “harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff” to be “non-point source silvicultural activities,” and thus, excluded from NPDES permitting requirements; and silvicultural activities,” and thus, excluded from NPDES permitting requirements; and

WHEREAS, the Ninth Circuit disagreed with the Silvicultural Rule, holding that stormwater runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary. The Ninth Circuit stated that Congress has a history of providing specific statutory exemptions for certain categories of discharges. The court went on to say that federal courts have invalidated EPA regulations that provided similar regulatory exemptions; and

WHEREAS, the court’s decision has potentially sweeping implications. If broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA; and

WHEREAS, the court’s opinion also leaves many critical questions unanswered. Even if the opinion were limited to logging roads, what constitutes a logging road? Contrary to the court’s assumptions of fact, many forest roads, including the roads at issue in this case, are not dedicated to just logging. They are used for a variety of purposes, both public and private, beyond just logging. If this is the case, who is responsible for obtaining these required permits? The court did not address whether the permit obligation rests with the owner of the roads or every entity that transports logs on the roads, or even those using the roads to access the forest for recreation. This Adopted Policy is consistent with current NACo policy that states that stormwater from all roads, gutters and ditches should not be considered a “water of the U.S.” under the CWA; and

WHEREAS, if rural county owned roads, such as logging or forest roads, require federal NPDES permits, this will be an unfunded mandate and preemption on county governments.

LIVINGSTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, November 21, 2011
Commissioners Chambers, 304 E. Grand River, Howell, MI

The meeting was called to order by the Vice-Chairman, Jim Mantey, at 7:34 p.m.

All rose for the Pledge of Allegiance.

Roll call by the deputy clerk indicated the presence of a quorum as follows:

Present: Jim Mantey (2), David Domas (3), Ronald VanHouten (4), Jay Drick (5),
Steven Williams (6), Carol Griffith (7), Dennis Dolan (8)

Absent: Maggie Jones (1), John E. LaBelle (9)

Also present: Peter Cohl (Counsel), Kevin Wilkinson, Jeff Boyd (Ambulance),
Sue Bostwick (Equalization), Doug Britz (L.E.T.S.), Belinda Peters
(Administration), Wm. Sleight (MI. Works!), Paul McNamara (IT), Debbie
Warden

Correspondence. None.

Call To The Public. None.

Minutes. It was moved by Commissioner VanHouten to accept the minutes from the regular meetings of November 7th and November 16th, as printed. Seconded by Commissioner Grffith. MOTION CARRIED, 7-0-2 absent.

Tabled Items. None.

Agenda. Consent Agenda. It was moved by Commissioner Domas to amend the consent agenda by removing Resolution No. 2011-11-304 from the consent agenda to regular agenda. Seconded by Commissioner Drick. MOTION CARRIED, 7-0-2 absent.

Regular Agenda It was moved by Commissioner Domas to accept the regular agenda as amended. Seconded by Commissioner Drick. MOTION CARRIED, 7-0-2 absent.

Reports. Commissioner Drick reported that he had attended the swearing in of the new Howell city Mayor, Phillip Campbell, and Trustees, Doug Heins and Al Schlittler, at Howell City Hall tonight. Mayor Pro-Tem is also Al Schlittler.

Commissioner Domas introduced Michael Cunningham, Tyrone Township Supervisor, and asked him to talk about the Public Safety Special Assessment in Tyrone Township.

Commissioner Williams informed the Board that the Livingston County Prescription Discount cards are available.

Commissioner Williams also spoke regarding the workshop held at the Michigan Works! satellite location. He stated that the county's investment in this site is well worth it.

Jeff Boyd stated that they will be giving free flu shots to 65 years of age and older to persons in their homes. They are working with the Livingston County Counsel on Aging to get the word out on this program and will be doing advertisements on radio and in newspaper.

Consent Agenda. Commissioner Domas presented the consent agenda and adopted each as follows: Resolution No. 2011-11-302, Resolution To Approve Appointments To The Human Services Collaboration Body-Board of Commissioner; Resolution No. 2011-11-303, Resolution To Appoint New Members To The Livingston County Community Corrections Advisory Board-Community Corrections; Resolution No. 2011-305, Resolution Approving A Contract Extension Between The Oakland Livingston Human Services Agency And Livingston County Michigan Works! For The Michigan Prisoner Re-Entry Program-Michigan Works!. Seconded by Commissioner Williams. Roll call vote: Ayes: Domas, VanHouten, Drick, Williams, Griffith, Dolan, Mantey; Nays: None; Absent: Jones, LaBelle. MOTION CARRIED, 7-0-2.

Resolutions. Commissioner Domas presented Resolution No. 2011-11-304, Resolution Approving The Fiscal Year 2012 Food Assistance Employment And Training (FAE&T) Plans For Services To Eligible Participants From Livingston County-Michigan Works! and moved for discussion. Seconded by Commissioner Williams. Wm. Sleight, Director of Michigan Works! explained how a person has to meet the qualifications to be part of this program and what this money is used for. MOTION CARRIED, 7-0-2 absent.

Resolution No. 2011-11-305 was presented earlier.

Commissioner Williams presented Resolution No. 2011-11-306, Resolution Authorizing a RevNet Extension Addendum With Health EMS/DBA Sansio For Implementation Of An Intergrated Web Enabled Emergency Medical Service Electronic RevNet Billing Solution-EMS, and moved its adoption. Seconded by Commissioner Dolan. MOTION CARRIED, 7-0-2 absent.

Commissioner VanHouten presented Resolution No. 2011-11-307, Resolution Approving The Filling Of A Vacant Part Time Court Clerk-County Clerk, and moved its adoption. Seconded by Commissioner Griffith. MOTION CARRIED, 7-0-2 absent.

Commissioner Griffith presented Resolution No. 2011-11-308, Resolution To Correct Health Care Reimbursement And Dependant Care Reimbursement Account Balance In The Benefits Fund To Reflect Recommendations Made By Bredernitz, Wagner

And Co., P.C.-Treasurer, and moved its adoption. Seconded by Commissioner Williams. MOTION CARRIED, 7-0-2 absent.

Commissioner Dolan presented Resolution No. 2011-11-309, Resolution Authorizing Out Of State Travel For L.E.T.S. Director And Operations Manager To Attend The F.T.A. Triennial Training Workshop In Chicago, Il December 6-7, 2011-L.E.T.S., and moved its adoption. Seconded by Commissioner Williams. MOTION CARRIED, 7-0-2 absent.

Commissioner Drick presented Resolution No. 2011-11-310, Resolution Authorizing The Payment To LESA For Fiber Connections To Three EMS Stations-Information Technology, and moved its adoption. Seconded by Commissioner Dolan. MOTION CARRIED, 7-0-2 absent.

Commissioner Domas presented Resolution No. 2011-11-311, Resolution Approving The Filling Of A Part Time Administrative Assistant-Community Corrections, and moved its adoption. Seconded by Commissioner Williams. MOTION CARRIED, 7-0-2 absent.

Commissioner VanHouten presented Resolution No. 2011-11-312, Resolution Requesting The Reorganization Of The Equalization Department-Equalization, and moved its adoption. Seconded by Commissioner Griffith. MOTION CARRIED, 7-0-2 absent.

Commissioner Williams presented Resolution No. 2011-11-313, Resolution To Amend The Apportionment Report Approved In Resolution No. 2011-10-291-Equalization, and moved its adoption. Seconded by Commissioner Griffith. Roll call vote: Ayes: Williams, Griffith, Dolan, Mantey, Domas, VanHouten, Drick; Nays: None; Absent Jones, LaBelle. MOTION CARRIED, 7-0-2.

Call To The Public. No response.

Adjournment. It was moved by Commissioner Domas that the meeting be adjourned. Seconded by Commissioner Williams. MOTION CARRIED, 7-0-2 absent.

The meeting was adjourned at 8:10 p.m.

Debbie Warden
Deputy Clerk

LIVINGSTON COUNTY BOARD OF COMMISSIONERS
November 30, 2011, Regular Meeting
COMMISSIONER CHAMBERS, 304 E. Grand River, Howell, MI

The meeting was called to order by the Vice-Chairman, Jim Mantey, at 9:27 a.m.

All rose for the Pledge of Allegiance.

Roll call by the Clerk indicated the presence of a quorum as follows:

Present: Jim Mantey (2), David Domas (3), Ronald VanHouten (4), Jay Drick (5),
Carol Griffith (7), Dennis Dolan (8) John E. LaBelle (9)

Absent: Maggie Jones (1), Steven Williams (6)

Also present: Margaret M. Dunleavy, Debbie Warden

Call To The Public. No response.

Agenda. It was moved by Commissioner LaBelle to accept the agenda, as printed. Seconded by Commissioner Griffith. MOTION CARRIED, 7-0-2 absent.

Finance Claims. It was moved by Commissioner Dolan to accept the Finance Committees recommendation for payment of claims dated November 30, 2011. Seconded by Commissioner Griffith. MOTION CARRIED, 7-0-2 absent.

Finance Payables. It was moved by Commissioner LaBelle to accept the Finance Committees recommendation for payment of payables for November 17 through November 23, 2011. Seconded by Commissioner VanHouten. MOTION CARRIED, 7-0-2 absent.

Call To The Public. No response.

Adjournment. It was moved by Commissioner LaBelle that the meeting be adjourned. Seconded by Commissioner Griffith. MOTION CARRIED, 7-0-2 absent.

The meeting was adjourned at 9:30 a.m.

Margaret M. Dunleavy
Livingston County Clerk

RESOLUTION

NO: 2011-12-314

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION TO APPROVE APPOINTMENTS TO THE COMMUNITY MENTAL HEALTH AUTHORITY BOARD - Board of Commissioners

WHEREAS, representatives' seats on the Community Mental Health Authority have expired and/or been vacated; and

WHEREAS, the following appointment has been recommended:

COMMUNITY MENTAL HEALTH AUTHORITY BOARD

Jan Plasterm expires 12/31/14

Lisa Berry-Bobovskiterm expires 12/31/14

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the appointment and expiration date referenced above.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2011-12-315

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION TO APPROVE AN APPOINTMENT TO LIVINGSTON COUNTY VETERANS AFFAIRS COMMITTEE

WHEREAS, the terms of representative seat on the following Livingston County Board and Committees have expired and/or been vacated; and

WHEREAS, the following appointments have been recommended:

VETERANS AFFAIRS COMMITTEE

Steven Schantz.....term expires 12/31/2014

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the appointment and expiration date referenced above.

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MOVED:

SECONDED:

CARRIED:

Mr. Steven E. Schantz
720 Village Drive
Fowlerville, MI 48836
810-656-4465 (Cell)
810-220-2288 (Office)
schantzse@yahoo.com

October 27, 2011

Livingston County Veterans Affairs Committee
2300 E. Grand River, Suite 109
Howell, MI 48843-7585

**RE: VOLUNTEER LETTER OF INTEREST
LIVINGSTON COUNTY VETERANS AFFAIRS COMMITTEE
STEVEN E. SCHANTZ**

To Whom It May Concern:

Please accept this letter expressing my interest in serving as a volunteer on the Livingston County Veterans Affairs Committee. My name is Steven E. Schantz and I served from 1996-2000 in the United States Marine Corp. During my time in the Marines and as part of the 26th MEU, I participated in various overseas operations including combat operations in Kosovo and earned several citations and awards. Please find attached a copy of my DD-214 and my combat history record for your review.

For the last eight years I have co-owned and operated a business in Livingston County. My company, Monarch Environmental, Inc. is an environmental consulting firm headquartered in Brighton, Michigan. I'm a devoted husband and father of two wonderful girls (4 & 6). For the last six years my family and I have owned a home in Fowlerville. I have a Bachelors degree in business from Cleary University and I'm halfway from earning an MBA from Cleary specializing in green business strategy. I'm also the President of the newly-formed Cleary Students Veterans Association and an active member of the Student Veterans of America. I'm a member of the American Legion, Veterans of Foreign Wars, and Marine Corp League. In my spare time, I enjoy pheasant hunting; I'm an avid runner and take pleasure in snowmobiling in Northern Michigan.

As a child I grew up surrounded by veterans as my father was a Vietnam Veteran and active American Legion Member in Dexter, Michigan. I come from a military family with both of my grandfathers serving in WWII with one being killed in action over France. My appreciation for our nation's veterans has continued to grow as an adult and my family and I are always looking to give-back to our wonderful veterans and their families who serve and protect our great nation.

Please consider my interest in volunteering for the Livingston County Veterans Affairs Committee and allow me to further show my appreciation for all Livingston County Veterans.

Respectfully,

Steven E. Schantz

RESOLUTION

NO: 2011-12-316

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION AUTHORIZING A CONTRACT WITH CONSTELLATION ENERGY FOR THE PURCHASE OF NATURAL GAS - Building Services

WHEREAS, in December of 2010, the Board of Commissioner's approved Resolution # 2010-12-328 which authorized entering into a contract with Constellation Energy, the State of Michigan's Energy Cooperative Supplier, to supply natural gas through March 31, 2012 at the fixed \$5.45 per Mcf; and

WHEREAS, the total savings in natural gas expenditures for the past 10 months since we have been in contract with Constellation Energy compared to Consumers Energy rates, our previous provider, is \$23,594.70; and

WHEREAS, Constellation Energy's has offered a fixed price of \$ 4.82 per Mcf for the 12 month period of April 1, 2012 – March 31, 2013, if we lock in now; and

WHEREAS, all meters, account numbers, billing and customer service will remain with Consumers Energy with the exception of the line item for the cost of gas delivery which will reflect our contract price with Constellation Energy.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves a contract with Constellation Energy for the period of April 1, 2012 – March 31, 2013 for natural gas at the fixed price rate of \$ 4.82 per Mcf.

BE IT FURTHER RESOLVED that the Board Chair be authorized to sign any necessary documents to facilitate the contract between Constellation Energy and Livingston County.

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MOVED:

SECONDED:

CARRIED:



Livingston County
Building Services

420 South Highlander Way
Howell, MI 48843
(517) 546-6491

MEMORANDUM

To: Livingston County Board of Commissioners

From: Chris Folts, Building Services Director

Date: November 22, 2011

Subject: Contract for natural gas with Constellation Energy

In December of 2010, the Board of Commissioner's approved Resolution # 2010-12-328 which authorized entering into a contract with Constellation Energy, the State of Michigan's Energy Cooperative Supplier, to supply natural gas through March 31, 2012 at the fixed price rate of \$5.45 per Mcf. Our savings for the past 10 months since we have been in contract with Constellation Energy compared to Consumers Energy rates, our previous provider, is \$23,594.70 (see attached spreadsheet).

Constellation Energy's has offered a fixed price of \$ 4.82 per Mcf for the 12 month period of April 1, 2012 – March 31, 2013, if we lock in now. The current variable rate with Consumers Energy is \$6.1559 per Mcf with the potential for the rate to go as high as the maximum rate allowed by the Michigan Public Service Commission of \$6.4545. All meters, account numbers, billing and customer service will remain with Consumer Energy with the exception of the line item for the cost of gas delivery which will reflect our contract price with Constellation Energy.

Therefore, we are asking that the attached resolution be approved authorizing the approval of a contract with Constellation Energy for the one-year period of April 1, 2012 – March 31, 2013 for natural gas at the fixed price rate of \$ 4.82 per Mcf.

If you have any questions or concerns, please do not hesitate to contact me.

RESOLUTION

NO: 2011-12-317

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION APPROVING THE FILLING OF TWO PART-TIME DEPUTY CLERK POSITION IN THE 53RD DISTRICT COURT

WHEREAS, the 53RD District Court has a need to replace two part-time deputy court clerk due to vacancies; and

WHEREAS, for purposes of continuity, the 53rd District Court would continue to function efficiently if the filling of these position are granted; and

WHEREAS, funding for same is available in the 53rd District Court Budget; and,

WHEREAS, this Resolution has been recommended for approval by the Finance Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the filling of two part-time deputy court clerk in the 53rd District Court.

CURRENT POSITIONS		
POSITION TITLE	FULL -TIME #	PART -TIME #
Judges	3	
Court Administrator	1	
Magistrate	1	
Chief Deputy Clerk	1	
Chief Probation Officer	1	
Chief Account Clerk	1	
Account Clerk	1	
Law Clerk		2
Court Recorder/Jud Secry	3	
Division Leader - Clerical	3	
Probation Officers	4	
Deputy Clerks	11	4
TOTALS:	30	6

REQUESTED POSITIONS		
POSITION TITLE	FULL -TIME #	PART -TIME #
Judges	3	
Court Administrator	1	
Magistrate	1	
Chief Deputy Clerk	1	
Chief Probation Officer	1	
Chief Account Clerk	1	
Account Clerk	1	
Law Clerk		2
Court Recorder/Jud Secry	3	
Division Leader - Clerical	3	
Probation Officers	4	
Deputy Clerks	11	4
TOTALS:	30	6

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MOVED:

SECONDED:

CARRIED:



Chief District Judge
Theresa M. Brennan

District Court Judges
Suzanne Geddis
Carol Sue Reader

Court Administrator
Mary Ellen Nygren

Attorney/Magistrate
Brian V. Brown

The Fifty-Third Judicial District
204 SOUTH HIGHLANDER WAY, HOWELL, MICHIGAN
48843
(517) 548-1000 – FAX (517) 548-9445

Date: November 21, 2011
To: Livingston County Board of Commissioners
From: Mary Ellen Nygren
District Court Administrator
RE: Resolution to approve filling of two 20 hour per week clerks

The 53rd District Court has two vacancies for a 20 hour per week deputy clerk.

As you will recall, the District Court voluntarily created two twenty-hour per week positions when filling a full-time vacancy for the purposes of saving the cost of benefits in 2008; we continue to utilize part-time staff to cover the positions.

Funding for this position has been approved in the 2011 and 2012 budget for the District Court.

If you have questions concerning this request, please feel free to contact me at 517-540-7637. Thank you.

RESOLUTION

NO: 2011-12-318

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION APPROVING THE TENTATIVE AGREEMENT BETWEEN THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS AND THE MICHIGAN ASSOCIATION OF POLICE REPRESENTING SERGEANTS – HUMAN RESOURCES

WHEREAS, Negotiations have resulted in a tentative agreement between the Livingston County Board of Commissioners and the Michigan Association of Police (hereinafter referred to as “MAP”), for the period of 1/1/11 through 12/31/13; and

WHEREAS, the Sergeants have ratified the tentative agreement; and

WHEREAS, the modifications to the agreement are consistent with Board policy concerning wages and benefits; and

WHEREAS, the approval of the tentative agreement by the Board of Commissioners is the final action needed to execute this agreement.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the agreement reached with the MAP and the Livingston County Board of Commissioners for the period of 1/1/11 through 12/31/13, contingent upon the approval of the Livingston County Board of Commissioners to exempt County employees from the terms of Public Act 152 of 2011 for years 2012 and 2013.

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners is authorized to sign all contracts necessary to effectuate this agreement.

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes the transfer from the general fund contingency to the Sheriff budget for payment of the one-time expense if necessary.

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MOVED:

SECONDED:

CARRIED:



LIVINGSTON COUNTY, MICHIGAN
LIVINGSTON COUNTY ADMINISTRATION
304 E. Grand River Avenue - Suite 205
Howell MI 48843

TEL: (517) 540-8790
FAX: (517) 546-6657
E-MAIL: jpalmbos@co.livingston.mi.us

JENNIFER J. PALMBOS
HUMAN RESOURCES/LABOR RELATIONS DIRECTOR

MEMORANDUM

TO: BOARD OF COMMISSIONERS

FROM: JENNIFER PALMBOS – Human Resources/Labor Relations Director

RE: TENTATIVE AGREEMENT REACHED REGARDING SHERIFF SERGEANTS

DATE: DECEMBER 5, 2011

I am pleased to announce that a tentative agreement has been reached between the County and the Michigan Association of Police, the union representing Sheriff Sergeants (hereinafter referred to as “Sergeants”). The Sergeants voted to approve this agreement. If approved by the Board of Commissioners, the agreement will be effective January 1, 2011 through December 31, 2013.

Highlights of the agreement are as follows:

1. Beginning the first pay in December, 2011, all employees contribute 5% of MERS eligible payroll on a pre-tax basis for their MERS benefit.

Employees hired after ratification contribute 5% of MERS eligible payroll on a pre-tax basis for the MERS benefit, except they receive a B-2 benefit (2.0% multiplier).
2. Beginning January 1, 2012, all employees go to the PPO 4 benefit and Rx benefits equivalent to the nonunion employees and begin contributing 5% effective January 1, 2012 and 10% effective January 1, 2013 toward the cost of these benefits.

Please note: PA 152 of 2011 requires that a collective bargaining agreement “that is executed on or after September 15, 2011 shall not include terms that are inconsistent with the requirements of the Act.” The Act requires that a public employer pay no more than a flat dollar amount set by the legislature or 80% of the cost of health insurance or that the local unit of government opt out by a 2/3 vote. Therefore, the approval of this agreement is contingent upon the Board exempting itself from PA 152 of 2011 for years 2012 and

2013. A separate resolution addresses County Administration's recommendation to opt out of the requirements of PA 152 of 2011.

Employees hired after ratification contribute 20% of the cost of their selected health and dental benefit (plus buy-up costs), with the base benefit being PPO 4.

Beginning January 1, 2012 there shall be a spousal surcharge of \$10/pay. Employees with County-employed spouses receive either insurance coverage from the County or the opt-out amount, not both.

3. 0% increase to pay scales – 2010
0% increase to pay scales – 2011
Me too for any across the board increase for non-union employees or other 312 units - 2012
Me too for any across the board increase for non-union employees or other 312 units - 2013

1.5% wage reductions for employees hired after ratification.

4. Retiree Health Care – All employees hired after ratification or June 30, 2011, whichever is sooner, receive the Retiree Health Savings Program. Employer pre-tax contributions are 4% of base salary in the individual's Retiree Health Savings Program account (currently \$1,381 - \$2,330 depending on base wage). Employer contribution increases/decreases with annual wage scale increases.

Employees hired on or before ratification or June 30, 2011, whichever is sooner, get the choice of staying in the defined benefit retiree health care plan or may make a one-time irrevocable election to go to the Retiree Health Savings Program and receive \$20,000 as either cash or as a pre-tax contribution to a retiree health savings account in the employee's name. Future Employer pre-tax contributions are 4% of base salary (currently \$2,285 - \$2,474 depending on base wage) in the individual's Retiree Health Savings Program account. Employer contribution increases/decreases with annual wage scale increases.

Those transferred or promoted into the bargaining unit who already participate in the Retiree Health Savings Program retain that benefit.

5. Includes all prior initialed and dated TA's.
6. \$1,250 signing bonus if all bargaining unit goes to direct deposit/debit card (paperless) for payroll.
7. Contract through 12/31/2013.
8. Tuition Reimbursement consistent with Resolution 2010-03-100 which is the non-union benefit. Two (2) sergeants who currently receive tuition reimbursement will be grandfathered for 2012 with a maximum of \$2,000 reimbursed.

County Administration is pleased with this agreement as it secures necessary concessions in wages, active health care, retiree health care, and pension. Therefore, we strongly recommend Board approval of this agreement. Should you have any questions, please feel free to contact me.

RESOLUTION

NO: 2011-12-319

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION REVISING RESOLUTION 2011-10-260 TO AMEND THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN DEFINED BENEFIT RETIREMENT PLAN FOR PARAMEDICS – Personnel

WHEREAS, Livingston County currently provides certain Paramedics hired before June 17, 2002 with a defined benefit pension plan through the Municipal Employees' Retirement System of Michigan (MERS) at the B-2 (2.0% multiplier) with a 0% employee contribution; and

WHEREAS, the collective bargaining agreement ratified by all parties on September 6, 2011 provides that Paramedics who are in the MERS defined benefit plan shall contribute 5% of the cost of the MERS Retirement Program rather than the 5% of wages, as described in Resolution #2011-10-260;

WHEREAS, MERS as administrator of the defined benefit pension plan requires the County Board of Commissioners to adopt the attached corrected resolution to administrator the program.

THEREFORE BE IT RESOLVED that the Employer hereby adopts the Municipal Employees' Retirement System of Michigan resolution such that Paramedics in the defined benefit plan shall contribute 5% of the cost of the MERS Retirement Program as provided in the collective bargaining agreement affecting Paramedics.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all necessary documents to effectuate this change consistent with the collective bargaining agreement affecting Paramedics.

#

MOVED:

SECONDED:

CARRIED:

**RESOLUTION FOR CHANGING MERS BENEFITS
(OTHER THAN DB COMPONENT OF HYBRID PROGRAM)**



In accordance with the MERS Plan Document of 1996, the Livingston County
(Participating Municipality)
4703 adopts the following benefits for: MERS Division #11 - Ambulance
(Municipality No.) (Reporting Unit No., MERS Division No. and Name)

A "division" is defined as an employee or group of employees covered by the same benefit programs **and** the same employee contribution program. Each division has a specific MERS number and name, such as "Div. 10, General-Admin.," and is part of a Reporting Unit, such as: "01."

Supporting Supplemental Valuation is dated _____

BENEFIT MULTIPLIER

From _____ To _____ Effective Date _____
(Current Benefit Multiplier) (New Benefit Multiplier)

Provisions for Earlier Normal Retirement

F50/25 F50/30 F(N)-Years and Out (Specify number of years) _____
 F55/15 F55/20 F55/25 F55/30
Effective Date _____

EMPLOYEE CONTRIBUTION RATE

New Rate 5% of the cost of benefit
Effective Date October 1, 2011

**ADDITIONAL BENEFITS
AFFECTING FUTURE RETIREES**

FAC 3 FAC 5 V-6 V-8 V-10 RS - 50%
 D-2 E-2 DROP+ with _____ %
Effective Date _____

RETIREE COST-OF-LIVING BENEFIT PROGRAMS FOR CURRENT RETIREES

E Standard E-1
 E - Other (Specify Factor _____ Adjustment Years _____)
Effective Date _____

WINDOW PERIOD (If applicable)

From _____ To _____
(Date) (Date)

I CERTIFY THAT THE ABOVE WAS ADOPTED BY _____
Governing Body Date of Meeting

Authorized Signature Title Date

NOTE: Standard/Nonstandard Benefit Provisions—Attach page fully describing provision(s), and (1) a complete copy of the fully executed collective bargaining agreement and a certified copy of official minutes where the collective bargaining agreement or this Resolution was adopted, or (2) a copy of the arbitration or mediation decision. If further information is needed, please contact MERS Employer Services Division at 1 (800) 767-6377.

RESOLUTION

NO: 2011-12-320

LIVINGSTON COUNTY

DATE: December 5, 2011

**RESOLUTION TO MAKE AMENDMENTS TO THE PERSONNEL MANUAL FOR
NON-UNION EMPLOYEES**

WHEREAS, the Livingston County Personnel Manual needs periodic updating; and

WHEREAS, the Livingston County Board of Commissioners approved an updated Employee Manual in August, 2011; and

WHEREAS, the Human Resources Department has identified minor misprints and omissions; and

WHEREAS, the Personnel Subcommittee and the Finance Committee reviewed and approved the changes to the Personnel Manual.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the attached Personnel Manual for non-union employees, as amended.

#



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF HUMAN RESOURCES

304 EAST GRAND RIVER, STE 205, HOWELL, MI 48843
Phone 517-540-8790 Fax 517-546-6657
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Jennifer Palmbos, Human Resources/Labor Relations Director
Date: 12/5/2011
Re: Personnel Manual Changes

The following changes are proposed to the Employee Manual to correct typographical errors and to have the manual reflect actual intent of the original handbook revision. In addition, the manual will be amended to add a veterans' preference policy.

1. Correct typographical error changing months to weeks to match the requirements of the Family Medical Leave Act:

“Unless leave is taken for the employee’s own serious health condition or that of his or her child or spouse, the total leave taken by spouses when both are employed by the Employer is limited to twelve (12) ~~months~~ weeks.”

2. Add grandchild to list of immediate family members for whom bereavement leave applies:

“Definition of immediate family (spouse, child or step-child, father or step-father, mother or step-mother, sister or step-sister, brother or step-brother, father-in-law, mother-in-law, grandparents, **grandchildren**, foster children or other legal dependents living with the employee).”

3. Add Section W stating Veteran’s Preference in hiring:

W. Veterans Preference: It is the policy of the County to give preference to eligible veterans in the filling of non-exempt vacant positions, in accordance with the requirements of Michigan and federal law.

If you have any questions regarding this matter please contact me.

LIVINGSTON COUNTY,
MICHIGAN



PERSONNEL MANUAL

FOR NON-UNION EMPLOYEES

Effective **December 5, 2011**

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SCOPE, PURPOSE AND INTENT

This Personnel Manual is applicable to non-union personnel employed by Livingston County (hereinafter referred to as “County” or “Employer”). It is not applicable to any employee or group of employees which is now or shall hereafter be included in a union bargaining unit or covered under a collective bargaining agreement. Further, this Personnel Manual is not applicable to any elected County positions. The wages and fringe benefit provisions of this manual are also not applicable to a retiree of Livingston County who becomes re-employed by Livingston County. The benefits and accrual of benefits for such individuals is controlled by separate Resolutions of the Livingston County Board of Commissioners.

It is the purpose and intent of this manual to act as an informational guide of benefits that Livingston County intends to extend to some of its employees. This manual should not be construed as creating a contract between the Employer and any of the applicable employees. Benefits outlined in this document may be added to, expanded, reduced, deleted or otherwise modified by the County Board of Commissioners and any such modifications in the manual shall be solely within the discretion of the County Board of Commissioners. The interpretation and operation of the benefits noted herein are within the sole discretion of the County Board of Commissioners and any such modifications in the manual shall be solely within the discretion of the County Board of Commissioners. The Employer reserves and retains, solely and exclusively, all rights to manage and operate its affairs and neither the constitutional nor the statutory rights, duties and obligations of the Employer shall in any way whatsoever be abridged by the terms of this manual.

No person or representative of the Employer, other than the County Board of Commissioners, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions contained herein. The employees covered under this manual are employees at will. Their employment and compensation can be terminated with or without cause. An employee cannot rely upon custom or prior practice. The fact that these policies may have been applied differently in the past does not affect their current or future enforcement.

The policies included in this Personnel Manual supersede, replace and control any prior Personnel Manuals, or contradictory policies, representations, contracts, or practices. Human Resources policies are available on the Human Resource Department’s website. Policies and other Board resolutions adopted by the Board of Commissioners after the approval of this Personnel Manual shall supersede, replace and control this Personnel Manuals, or contradictory policies, representations, contracts, or practices.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

(NOTE: THIS POLICY SHALL APPLY TO ALL COUNTY ELECTED OFFICIALS, DEPARTMENT HEADS, UNION AND NON-UNION COUNTY EMPLOYEES).

It is the policy of the Livingston County Board of Commissioners to provide equal employment opportunities to qualified persons without regard to race, creed, color, sex, age, national origin, religion, marital status, height, weight, disability, genetic information, or any other protected status.

Disabled employees who feel accommodation is needed to perform their job must notify the Human Resources Director in writing of the need for reasonable accommodation within 182 days after the date the employee knew or reasonably should have known that an accommodation was needed. Failure to properly notify Livingston County will preclude any claim that Livingston County failed to accommodate the disabled employee. Livingston County will make accommodations that do not pose an undue hardship to the County.

POLICY AGAINST HARASSMENT IN THE WORKPLACE

Livingston County is committed to providing a work environment where all employees are treated with dignity and respect. Harassment in the workplace based upon race, creed, color, sex, age, national origin, religion, marital status, height, weight, disability, or any other protected status will not be tolerated, whether committed by or directed toward co-workers, supervisors, vendors/consultants, or those persons receiving services from the County. Harassment of others in the workplace is destructive to a good working relationship and is counterproductive to the County's goal of providing outstanding services to the public. Therefore, it is every employee's responsibility to ensure that Livingston County maintains a fair and effective work environment that is free from harassment. If you have questions concerning this policy, please contact Human Resources.

A. Sexual Harassment Defined: Livingston County's equal employment opportunity policy against discrimination and harassment prohibited by law includes a prohibition against sexual harassment. The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when either:

1. Submission to or rejection of such conduct or communication is made explicitly or implicitly a term or a condition of an individual's employment; OR
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in employment decisions affecting the individual; OR

3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment. This includes, but is not limited to:
 - a. Sexually-oriented jokes, gestures, noises, remarks or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee;
 - b. Sexual or discriminatory displays or publications; and
 - c. Retaliation for sexual harassment complaints.

The foregoing policies require that each individual exhibit, in his or her conduct and communications, sound judgment and respect for the feelings and sensibilities of each employee. The prohibited conduct may be in the form of a sexual advance, but may also be in the form of less direct verbal or non-verbal behavior. Behavior may be unwelcome even if it is not intended or perceived as such by the person engaged in it. The following are some examples of possible sexual harassment:

- Verbal sexual comments, innuendos, slurs or jokes.
- Non-verbal sexual gestures, leering or staring.
- Visual displaying sexual pictures, writings, or objects.
- Physically inappropriate touching or blocking someone's movement.
- Threats, threatening or insinuating reprisal for refusing sexual demands or conduct

B. Other Discriminatory Harassment: Other forms of harassment are also prohibited. Verbal or non-verbal conduct that exhibits hostility or disrespect toward an individual or group because of race, religion, national origin, color, gender, age, marital status, height, weight, disability or any other protected classifications will not be tolerated. As with sexual harassment, behavior of this kind may take a number of forms including, but not limited to oral or written communications, the display of printed or graphic material, slurs, gestures, jokes and physical acts.

C. What You Should Do If You Believe You Have Been Harassed: You may, but are not required to, speak with the offending individual directly and inform the offending individual that the behavior in question is unwelcome and must be stopped.

It is the policy of Livingston County that any employee who in good faith believes he or she has been subjected to illegal discrimination or harassment prohibited by law, or who believes in good faith he or she has observed discrimination or harassment prohibited by law, must report that fact immediately in writing to:

1. The individual's Department Director/Elected Official; or
2. If the individual does not feel comfortable with his/her Department Director/Elected Official, the individual should feel free to bypass such individual and file a written complaint with the Human Resources Director.

If an employee has any questions regarding the reporting of such matters, he or she should contact the Human Resources Department.

D. What You Should Do If You Believe Another Employee Is Being Harassed: If an employee observes or has knowledge of an incident of harassment involving other employees, he or she should immediately file a written complaint with their Department Director/Elected Official or the Human Resources Director.

If you are a supervisor, you have a responsibility to maintain a work environment that is free from unlawful harassment and must report, in writing, any observed or reported incident of harassment involving other employees immediately to your Department Director/Elected Official or the Human Resources Director.

E. How Complaints of Harassment Will Be Handled:

INVESTIGATION - The County will promptly conduct a thorough and impartial investigation of any complaint or report of harassment.

CONFIDENTIALITY - To the extent possible, the County's investigation will be conducted in a manner calculated to protect the privacy of the individuals involved, and the confidentiality of the complainant.

DISCIPLINARY ACTION - If the investigation reveals that harassment has occurred, disciplinary action up to and including discharge will be taken. The nature of the discipline will depend upon the circumstances of each case.

Again, all complaints and the actions taken to resolve such complaints will be treated confidentially and will be disclosed only when necessary to the investigation and a resolution of the matter. However, no employee is promised strict or absolute confidentiality.

If an investigation of the complaint of harassment or unlawful discrimination reveals that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

F. Protection Against Retaliation: If a report of discrimination or harassment prohibited by law is made in good faith, the County will protect the reporting individual from retaliation or any other detrimental impact on his or her employment. Disciplinary action, up to and including discharge, will be taken against anyone who attempts such retaliation. Employees who become aware of complaints or investigations of harassment are expected to refrain from unnecessary and unprofessional discussions with coworkers concerning the individuals involved, as such discussions may themselves be a form of retaliation or harassment.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Harassment%20in%20the%20Workplace%202004.pdf>

SAFE WORKPLACE POLICY

Livingston County is committed to providing a safe workplace for the public and its employees, customers, vendors and contractors. In an effort to prevent the possibility of violence in our workplace, Livingston County has implemented this Safe Workplace Policy. Livingston County strictly prohibits and will not tolerate any threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around the work environment:

- Threatening injury or damage against a person or property;
- Fighting or threatening to fight with another person;
- Threatening to use a firearm or any other weapon;
- Having unauthorized possession of a firearm or any other weapon while on County premises or County business;
- Abusing or injuring another person;
- Abusing or damaging property;
- Using obscene or abusive language or gestures in a threatening manner;
- Raising voices in a threatening manner;
- Harassing behavior inconsistent with normal work relationship or stalking;
- Use of social media to harass individual(s) or distribute rumors, innuendos and other potentially harmful information

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

Any person who exhibits unsafe behaviors will be removed from County's premises as quickly as safety permits, and shall remain off County premises pending the outcome of an investigation. Employees will cooperate in all investigations, and a failure to cooperate may result in a disciplinary action, up to and including discharge. If the investigation substantiates that a violation has occurred, the County will take immediate corrective action. Corrective action may include immediate discipline, up to and including termination, at the County's sole discretion. Additionally, the County may, in its discretion, pursue any criminal or civil remedies which may be available.

All employees, temporary employees, vendors, contractors and any other personnel are responsible for notifying the County of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Any individual who reasonably believes that a situation with any employee or any other party may become violent, should immediately leave the area.

Any violations of this policy should be immediately reported in writing to the Department Director or Elected Official.

If the individual does not feel comfortable with the Department Director or Elected Official, or if the Department Director or Elected Official is not available, the Human Resources Director should be immediately advised in writing of the violation.

A report or complaint will be promptly investigated. If a report is made in good faith, the employee will be protected from retaliation or any other detrimental impact on his or her employment.

In order to provide a safe workplace and protect our employees from threats to their safety, the County must know if a court has ordered an individual to stay away from County locations. Therefore, this policy also requires individuals who either obtains a protective or restraining order, or who is served with a protective or restraining order, which lists County locations as being protected areas, to provide the Human Resources Director with a copy of any protective or restraining order. This information will be kept reasonably confidential to the extent possible.

SOCIAL SECURITY NUMBER PRIVACY POLICY

Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy.

The County shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this Privacy Policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. The County will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains uses or discloses Social Security numbers through the County for unlawful purposes.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Social%20Security%20Number%20Privacy%20Policy.pdf>

SECTION I GENERAL INFORMATION

A. The Work Week: The work week shall normally consist of five (5) working days and/or forty (40) hours per week. However, nothing contained herein shall constitute a guarantee of forty (40) hours per week.

B. Working Hours: Normal County work hours shall extend from 8:00 am to 5:00 pm daily, unless otherwise changed by the employee's Department Head. Department Heads/Elected Officials will advise employees of their individual work schedules. Staffing and operational needs may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

C. Lunch Breaks: Full-time employees shall normally be allowed a one (1) hour unpaid break for lunch. The specific lunch break will be scheduled by the employee's Department Head so that offices will remain open during scheduled business hours.

D. Rest Breaks: Employees shall normally be allowed rest breaks twice a day, with one in the first four (4) hours of the work day and one in the last (4) hours of the work day. Each rest break period is not to exceed fifteen (15) minutes and will be scheduled by your Department Head. They do not accumulate if not taken.

E. Break Time for Nursing Mothers: In compliance with federal law which requires the provision of unpaid, reasonable break time for a non-exempt employee to express breast milk, the County subscribes to the following policy:

All employees shall be provided a place to breastfeed or express their milk. The Human Resources Department can confer with the employee to designate a suitable, private location, other than a bathroom, which is located in close proximity to the employee's work area for such breaks. An employee may use her private office area for milk expression if she prefers.

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression for the first year of the child's life. A non-exempt breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for her child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/vacation time must be used, or the employee can make up the time at the discretion of the supervisor.

A refrigerator will be made available for safe storage of expressed breast milk.

Employees may use their own cooler packs to store expressed breast milk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers. Those using the refrigerator are responsible for keeping it clean.

Management and staff are expected to provide an atmosphere of support for breastfeeding employees.

F. Date of Hire: The effective date on which an individual is officially hired and begins work as an employee of Livingston County shall be designated as that individual's "Date of Hire." The following shall alter an employee's date of hire:

1. Layoffs which exceed one (1) year, which shall change one's hire date to the date of return to employment, if applicable.
2. Termination of employment for any reason provided; however, that if the employee returns to employment within one (1) year of the date of termination, then, and in that event, the employee shall retain his/her original "Date of Hire".
3. Paid or unpaid leaves of absence which exceed ninety (90) days. However, this provision shall not be applicable to Military Leave controlled by USERRA.

G. Anniversary Date: An employee's "Anniversary Date" shall be a full-time employee's continuous service in his/her current position. Generally, the "Anniversary Date" will be the same as the "Date of Hire", however, a promotion or period of part time employment normally changes one's "Anniversary Date". The "Anniversary Date" is the

date used to determine when an employee will become eligible to seek a merit salary increase.

H. Employment Status:

1. **Regular Employees:** Regular status employees are hired to fill job positions that are classified in accordance with assigned job duties and authorized by the Board of Commissioners. Funds for regular status positions are budgeted specifically to support the positions. Either full-time or part-time staff may be assigned regular employee status. Regular full-time staff are budgeted to regularly work a thirty (30) to forty (40) hour work week. Regular part-time staff are budgeted to regularly work less than a thirty (30) work week.
2. **Temporary Employees:** Temporary employees may be full-time or part-time, and are employed in a position for a specific limited duration, usually six (6) months or less, but not more than one (1) year. These employees are generally hired for the purpose of relieving regular staff members who are absent due to illness, or leave of absence, or augmenting the regular staff to meet requirements that may be occasioned by periodic work loads. Temporary employees will generally be paid at an hourly rate based on the starting salary for the position they hold; and any exemptions for pay below scale must be authorized in advance in writing by the County Human Resources Director. Any exemptions for pay above the starting or first year step must be approved by the Personnel Committee. Temporary employees shall not receive fringe benefits such as but not limited to, retirement, health insurance, vacation, sick leave, and holiday pay.

I. Exempt and Non-Exempt Employees: Positions will be classified as “exempt” or “non-exempt”. The determination as to exempt or non-exempt status will be made by the Employer based upon the actual duties of the position as applied to the standards set forth in the Fair Labor Standards Act. Those full-time employees who are considered executive, administrative and professional, and are in classifications exempt from the overtime provisions of the Federal Fair Labor Standards Act are not entitled to overtime or compensatory time. Non-exempt employees are entitled to overtime or, in the discretion of the Employer and under the terms and conditions set forth in this manual, compensatory time.

1. **Salary Basis Policy for Exempt Employees:** The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee’s specific job duties and salary must meet all the requirements of the Department of Labor’s regulations.

2. **Salary Basis Requirement:** Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation

each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked.

If the County were to make deductions from an employee's predetermined salary, i.e., because of the operating requirements of the County, that employee may be deemed not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an exempt employee:

1. When an employee does not perform any work during a workweek;
2. When an employee is absent from work for one or more full days for personal reasons other than sickness or disability; or for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
3. To offset amounts employees receive as jury or witness fees or for military pay;
4. For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions of major significance, including but not limited to theft or violations of the County's harassment, drug and alcohol, safe workplace and workplace violence policies (see County Policy workplace conduct) or such other work rule of major significance. This does not include merely performance issues such as absenteeism and tardiness;
5. An employer is not required to pay the full salary in the initial or terminal week of employment;
6. For penalties imposed in good faith for infractions of safety rules of major significance; or
7. For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

In these circumstances, either partial day or full day deductions may be made.

3. **County Policy:** It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all County supervisors, managers and directors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the County does not allow deductions that violate the FLSA.
4. **What To Do If An Improper Deduction Occurs:** If you believe that an improper deduction has been made to your salary, you should immediately

report this information to the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

5. **Overtime and Compensatory Time**

1. **Overtime:** It is the County's intent to keep overtime to a minimum. Those full-time employees considered exempt from the overtime provisions of the Federal Fair Labor Standards Act, shall not be entitled to overtime compensation. Non-exempt employees who work in excess of forty (40) hours in a given week shall be paid at the rate of one and one-half (1½) times their normal hourly rate of pay for the overtime worked.

"Overtime" is defined as authorized work performed by full-time employees in excess of 40 hours in a regular workweek. Part-time employees are only eligible for overtime if they work in excess of forty (40) hours per week and, like eligible full-time employees, do not hold positions which are exempt from overtime under the Fair Labor Standards Act. From time to time, an employee may be requested to work longer than his or her scheduled shift. Overtime pay is based on actual hours worked. Time off on any leave, holiday, vacation or absence is not considered hours worked for purposes of performing overtime calculations. The employee's supervisor will give the employee as much advance notice as possible when extra work is required. The employee should not begin working before his or her normal starting time, work through his or her lunch period or other unpaid breaks, or continue working after his or her normal quitting time without first obtaining their supervisor's approval. Overtime shall not be worked without prior approval of the Department Head. Unauthorized overtime may result in discipline.

2. **Compensatory Time:** Non-exempt employees may be granted time off with pay, at the discretion of the County, rather than receiving overtime pay. All hours granted as time off with pay for hours worked in excess of forty (40) in a workweek are to be considered as compensatory time. Compensatory time shall be paid at one and one-half hours for each overtime hour worked.

All employees of the County which are exempt from overtime provisions will not receive overtime pay or compensatory time off for overtime worked.

Compensatory banks shall be paid off at the end of each calendar year.

The use of compensatory time is to be determined by department supervisor. An employee who has requested the use of such compensatory time, shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the County.

An employee who has accrued compensatory time shall, upon termination of employment, be paid for the unused compensatory time at the regular rate earned by the employee at the time the employee receives such payment.

Payment of overtime rates shall not be duplicated for the same hours worked. Hours compensated for at the overtime rate shall not be counted further for any purpose in determining overtime liability under the same or any other provision.

Hours paid for but not worked shall not be counted in determining overtime liability.

K. Pay Periods: County employees are normally paid every other Thursday. Each pay period covers the two (2) weeks ending on the Saturday prior to paychecks being issued.

L. Compensation:

1. **Regular Full-Time Employees:** Livingston County utilizes an eight (8) year salary progression plan which provides eligibility for merit step increases after six (6) years of continuous full-time service.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/2011PDFs/Merit%20Step%20Policy%20March%202011.pdf>

2. **Regular Part-Time Employees:**

- i. Twenty (20) hours per week or less: Personnel budgeted and regularly scheduled to work twenty (20) hours per week or less will be paid at an hourly rate based on the rate of the classification assigned and shall receive no fringe benefits such as but not limited to sick leave, vacation, holiday pay and health insurance. Twenty (20) hour employees may be eligible to progress up the salary schedule by increases based on two thousand eighty (2080) hours equaling one (1) year of service. For example, it would take one thousand forty (1040) hours of service to reach the six (6) month step and two thousand eighty (2080) hours to reach the one (1) year step, etc. (See Merit Increases)
- ii. Twenty-one (21) to twenty-nine (29) hours per week: Personnel regularly budgeted and scheduled to work twenty-one to twenty-nine hours per week may be eligible to progress up the salary schedule by increases based on two thousand eighty (2080) hours equaling one (1) year of service. For example, it would take one thousand forty (1040) hours of service to reach the six (6) month step and two thousand eighty (2080) hours to reach the one (1) year step, etc. (See Merit Increases)
- iii. Thirty (30) to thirty-nine (39) hours per week: Personnel budgeted and regularly scheduled to work thirty (30) to thirty-nine (39) hours per week are currently eligible to progress up the salary scale by increases based on two thousand eighty (2080) hours equaling one (1) year of service. For example, it would take one thousand forty (1040) hours of service to reach the six (6) month step and two thousand eighty (2080) hours to reach the one (1) year step, etc. (See Merit Increases)

The number of hours regularly scheduled to work shall mean the number of hours budgeted and approved by the Livingston County Board of Commissioners for the position.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/2011PDFs/Merit%20Step%20Policy%20March%202011.pdf>

M. Direct Deposit: The County requires employees to use direct deposit or a payroll debit card in compliance with the Michigan Wage and Fringe Benefit Act. A form will be provided to each employee to select debit card or direct deposit (and for the employee to provide account information for the direct deposit). With the exception of employees who currently are paid by direct deposit, an employee's failure to return their selection form within 30 days with the requisite account information shall result in payment by debit card. In addition, the County shall provide the following disclosures concerning the payroll debit card:

- Terms and conditions of use, including a detailed list of fees associated with the card
- Means of accessing wages without cost
- Notice that use of card outside of an ATM network may result in additional fees
- Instruction on making balance inquiries at no cost
- The right to elect to be paid by direct deposit rather than a debit card
- Notice that the payroll debit card does not provide access to a checking or savings account

N. Charitable Giving Contributions through Payroll Deductions: On an annual basis, designated charitable organizations that the Board of Commissioners has approved may participate in a workplace fund-raising campaign. Employees of Livingston County may authorize deductions from their pay for donations to these designated organizations. Employees may authorize payroll deductions in one of two ways:

1. The County Clerk will deduct one lump sum payment.
2. The County Clerk will deduct a set amount each biweekly payroll payment. The date of the first deduction will be based on payroll schedules and deadlines.

Employees may authorize payroll deductions only during the annual campaign period, but they may stop payroll deductions anytime. For payroll deductions, an organization must obtain authorization from a minimum of twenty-five (25) employees. Any organization that does not have a participation of twenty-five (25) employees paid through the Payroll System will not be allowed to continue as a payroll deduction.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/CHARITABLEgivingCONTRIBUTIONS.pdf>

O. Job Descriptions: The County attempts to maintain job descriptions for all authorized positions. The content of the job descriptions is within the sole discretion of the County. Each employee shall receive a written job description at time of hire and at every change thereafter. Each employee will review, sign and date their job description. Copies of job descriptions will be kept in individual personnel files. Job descriptions may be revised or altered at the sole discretion of Livingston County or appropriate elected official in conjunction with the Human Resources Director as a means of operational efficiency and the changing nature of conducting business. Significant changes will be evaluated to determine if a reclassification is warranted.

Please see the related policy for more information:

[http://www.co.livingston.mi.us/humanresources/pdfs/Position%20\(Job\)%20Descriptions.pdf](http://www.co.livingston.mi.us/humanresources/pdfs/Position%20(Job)%20Descriptions.pdf)

P. Pay Grade Assignments: Pay grade assignments are within the sole discretion of the Personnel Committee.

Step increases indicated on the Livingston County Salary progression plan are not automatic. Department Heads wishing to recommend employees for step increases, including merit increases, will submit a County Personnel Action Request (PAR) form to Human Resources. Department Heads/Elected Officials not wishing to recommend personnel for step increases will notify the affected employee prior to the employee's anniversary date.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/ClassificationCompensationAdministrativeGuidelines.pdf>

Q. Special Pay: When appropriate, Livingston County may authorize an employee to perform the essential functions of a higher paid classification in addition to their regular duties and responsibilities.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Special%20Pay%20Policy%20-%20Approved.pdf>

R. Recovery of Overpayments: All employees should routinely examine each paycheck received in a timely manner to ensure that proper payment has been made. If an employee believes an improper overpayment has been made, he/she should immediately contact his/her supervisor, Department Head/elected official Human Resources or Payroll.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Recovery%20of%20Overpayments%20and%20Restitution%20of%20Underpayments.pdf>

S. Personnel Records: Personnel records are maintained in Human Resources for employees. These records include information on initial employment or re-employment, professional credentials, salary increases, promotions, demotions, disciplinary actions and other pertinent employment information. An employee may have access to review and have a copy made of his or her personnel file provided a representative of Human Resources, or his/her designee, is present during the review.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Personnel%20Record%20Keeping%20Policy.pdf>

T. Inclement Weather Closing Policy: If inclement weather or other emergency conditions affecting the County develop during the workday, departments will be notified by telephone and/or e-mail of any authorized changes to normal work hours. If such conditions develop during the night and warrant delayed opening or official closing,

employees will be notified through their department via the annually revised Emergency Contact List. Announcements will be made as soon as possible following any decision to close County operations in any area. In the absence of official notification regarding delayed opening or office closure, employees are expected to report to work on time or contact their supervisor or other appropriate County personnel as directed by their Supervisor/Department Head/Elected Official. Notice of closing County Offices will be sent to WHMI 93.5 FM by the Board of Commissioner's Office. A notice will also be posted on the entrance doors for County buildings.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/Inclement%20Weather%20Policy.pdf>

U. Background Checks and Disclosing Certain Criminal Information: All employees shall fully disclose to their supervisor any criminal felony or work-related misdemeanor convictions. Any employees who work directly with minors or who will have access to the records of minors who are convicted of a felony or misdemeanor, including expressly any law relating to drugs or other controlled substances, or who are charged with a felony, or are placed on the Child Protective Services Central Registry as a perpetrator, shall notify their supervisor in writing immediately, and in all cases, no later than five (5) days after such conviction, charge, or placement on the Child Protective Services Central Registry. An employee must disclose to the Employer any conviction resulting from such pending charges as described in this Section. However, as required by Federal regulation, employees working with minors must disclose any arrests or charges related to child sexual abuse, child abuse, or child neglect and the disposition of such arrest or charges, and may also be required to certify that no case of child abuse or neglect has been substantiated against them. In every case, employees in positions that work directly with minors or who will have access to minors' records, shall undergo the background checks including drug testing, and, if they have not resided or lived in Michigan for each of the previous ten (10) years, they must also sign a waiver attesting to the fact that they have not been convicted of a felony or been identified as a perpetrator. The Employer may, at its cost, conduct a criminal history search periodically on all employees when required to ensure compliance with grants, licensing requirements, and performance standards.

V. Department Rules: Each Department Head may provide personnel rules including, but not limited to, dress and personal conduct codes for use in his/her department. If there is any conflict between the department's rules and this non-union Manual, the Livingston County Personnel Manual shall take precedence.

W. Veterans Preference: It is the policy of the County to give preference to eligible veterans in the filling of non-exempt vacant positions, in accordance with the requirements of Michigan and federal law.

SECTION II BENEFITS

A. Medical, Dental and Vision Insurance: The County currently provides Health and Dental Insurance for eligible regular employees and Elected Officials budgeted and working a minimum of thirty (30) hours per week. Eligible employees and Elected Officials are eligible for health insurance coverage the first of the month following their date of hire or may decline coverage by signing a waiver form if they have health insurance from another source. The terms of the insurance policies control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. In the event there arises any conflict between this summary and the plan documents, the plan documents control.

Please see the related link for more information:

<http://www.co.livingston.mi.us/humanresources/2011benefits.asp>

B. Life Insurance: All eligible regular full-time employees are currently covered by a term life insurance policy effective from their hire date equal to their annual wage rounded up to the next one thousand dollars (\$1,000). For example: An employee with an annual wage of \$7,850 would be insured for \$8,000. The entire premium is currently paid for by the County. If eligible, the Life Insurance Policy will be issued approximately six (6) to eight (8) weeks following the date of employment. Persons retiring or terminating from Livingston County can keep their life insurance policy in force by converting it from a group to a personal policy and paying the premiums, if permitted by the carrier. Group Life Insurance may be continued in force by the County for a maximum of six (6) calendar months when an employee is on a medical leave of absence and for a maximum of thirty (30) calendar days when an employee is on a personal leave of absence. The terms of the insurance policies control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. In the event any conflict between this summary and the plan documents, the plan documents control.

Please see the related link for more information:

<http://www.co.livingston.mi.us/humanresources/2011benefits.asp>

C. Workers' Compensation: Employees are covered by the Workers' Disability Compensation Laws of Michigan. Any employee involved in a work related accident or injury must (1) report that accident or injury to his/her immediate supervisor as soon as possible (ideally within 24 hours) after the injury and (2) fill out the proper reporting forms, i.e. Employee's Report of Injury. Failure to properly report an injury may disqualify an employee for benefits. It is the employee's responsibility to immediately notify their immediate supervisor, or in the absence of the immediate supervisor, the next available supervisor, of any injuries sustained while on the job. An employee who completes an accident report claiming their injury or illness is work related may be sent to the County's doctor or a prior approved medical facility or doctor.

MEDICAL TREATMENT: If continued medical treatment is required, the employee shall continue treatment with a designated medical treatment center for the first ten days. After ten days from the inception of medical care, the employee may treat with the physician of his/her choice by giving the County the name of the physician and the intent to treat with the named physician. If, at any point, it is deemed the injury or illness is not work related or that medical treatment is not indicated, Livingston County will only be responsible for the medical costs arising out of or directly related to the determination of non-coverage. All other medical costs associated with the employee's claim will be the responsibility of the employee and/or the employee's insurance carrier.

WAGE LOSS BENEFITS: If the injured employee is off work as a result of the injury more than seven days and if the workers' compensation carrier approves the claim, statutory weekly wage loss payments will begin. If the claimant is off work more than 14 days, payment for lost time will go back to the first day of the injury causing wage loss absence. An employee receiving workers' compensation wage loss benefits will accrue vacation and sick leave credits on a pro rata basis to the extent the employee supplements their workers' compensation wage loss payments with accumulated sick and/or vacation leave time. Employees receiving workers' compensation wage loss benefits will not receive holiday pay. The workers' compensation carrier will provide a report to Human Resources and payroll whenever a new payment for an injured employee begins or ends. The County Clerk's payroll office will process wage loss benefits on a biweekly basis.

BENEFIT CONTINUATION: In the event a regular employee is off work and is being compensated under the workers' compensation law for an on-the-job injury or illness, Livingston County will continue, for eligible employees for a maximum of one (1) year from the date of the injury, to pay the premiums on health, dental and life insurance, where applicable, less employee cost sharing contributions. Thereafter, the employee may make arrangements to pay the premiums to continue those insurances, provided that the insurance carrier(s) permits the same. All other fringe benefits shall cease while on workers' compensation.

MEDICAL APPOINTMENTS: Livingston County will count time an employee with a work-related injury spends at a medical appointment during work hours as time worked. However, every effort must be made by the employee to schedule medical appointments outside of work hours. If an employee has a medical appointment outside of normal working hours, the time spent obtaining medical care is not compensable.

MILEAGE REIMBURSEMENT: Claimants may be entitled to mileage reimbursement when traveling to treating doctors and/or physical therapy. Mileage reimbursement forms will be available from the insurance carrier and will be paid at the IRS rate for medical purposes.

RETURN TO WORK: Employees are expected to communicate with their supervisor and the Human Resources Department regarding the length of absence from the job their injury requires. Employees are encouraged to work with their treating physician to return to work as soon as possible. A release from the employee's treating physician will be necessary in order for an employee to return to work, along with clearance from the Human Resources Department.

FMLA COORDINATION: Please note that FMLA runs concurrently with workers'

compensation time off the job. Employees remain responsible for any cost sharing contributions and buy-up benefit selections made under County Choices.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Workers%20Compensation%20Policy.pdf>

D. Retirement Plans: Livingston County currently provides pension plans for eligible regular full-time employees covered by this Personnel Manual. The plans are described in detail in the plan document which is available from Human Resources. The terms of the plan document control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. An employee's benefits are governed by the plan documents. In the event any conflict between this summary and the plan documents, the plan documents control.

Please see the related link for more information:

<http://www.co.livingston.mi.us/humanresources/2011benefits.asp>

E. Retiree Health Insurance: Certain eligible Elected Officials and certain eligible non-union employees currently may qualify for retiree health insurance or the retiree health savings program as specified in the Livingston County Retiree Health Care Plan or the Livingston County Retiree Health Savings Program documents respectively. Copies of the plans are available by request from Human Resources. The terms of the plan documents control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. An employee's benefits are governed by the plan description and plan documents. In the event any conflict between this summary and the plan documents, the plan documents control.

F. Our County Choices: Livingston County offers a flexible benefit program for eligible non-union employees. This program allows each employee to choose those benefits that best meets their individual needs. The program year for the plan is from January 1 through December 31 and is renewed on an annual basis. The terms of the plan document control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. An employee's benefits are governed by the plan description and plan documents. In the event any conflict between this summary and the plan documents, the plan documents control.

G. Flexible Spending Accounts: Livingston County currently allows eligible employees to participate in flexible spending accounts established under Section 125 of the Internal Revenue Code for eligible health care and dependent care expenses. Each year, eligible employees who wish to participate in the flexible spending accounts (FSAs) need to elect to participate in the plan and determine what dollar amount they wish to defer via payroll deductions. This annual election amount will then be deducted from their gross paycheck each pay period, before taxes are taken out, and placed into a flexible spending account. The minimum and maximum contributions to the FSAs are set by the Board within federal regulations each year.

The terms of the plan document control the benefits provided thereunder and the employee's eligibility for benefits. Livingston County reserves and retains the unilateral right to amend or terminate any benefit, benefit level, employer contribution or benefit plan. An employee's benefits are governed by the plan description and plan documents. In the event any conflict between this summary and the plan documents, the plan documents control.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/2008PDFs/Flexible%20Spending%20Policy%202008.pdf>

H. Tuition Reimbursement: An eligible regular full-time employee covered by this non-union manual may be eligible for financial assistance for tuition cost for accredited college or university courses taken in a technical, undergraduate, or graduate program after one complete year of full-time County employment. Please refer to the Tuition Reimbursement policy for further details.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/Tuition%20Reimbursement%20Policy%20Mar%202010.pdf>

I. Short Term Disability: Eligible employees will receive a benefit of 66 2/3% of pre-disability earnings after five (5) business days (seven (7) calendar days) of disability for up to ninety (90) days.

Please see the related link for more information:

<http://www.co.livingston.mi.us/humanresources/2011benefits.asp>

J. Long Term Disability: Eligible employees will receive a benefit of 60% of pre-disability earnings after ninety (90) days of disability to age 65 or to the social security normal retirement age.

Please see the related link for more information:

<http://www.co.livingston.mi.us/humanresources/2011benefits.asp>

**SECTION III
ALLOWABLE PAID DAYS**

A. Holidays: Livingston County observes the holidays listed below. All offices will close except those required by law to remain open. Eligible employees shall only receive holiday pay if they work the day before and the day after the holiday, unless excused by their Department Head.

NEW YEAR'S DAY	VETERANS' DAY
MARTIN LUTHER KING JR. DAY	THANKSGIVING DAY
PRESIDENTS' DAY	FRIDAY AFTER THANKSGIVING DAY

MEMORIAL DAY	CHRISTMAS EVE DAY
INDEPENDENCE DAY	CHRISTMAS DAY
LABOR DAY	NEW YEAR'S EVE DAY
COLUMBUS DAY	

When New Year's Day, Independence Day, Veteran's Day, or Christmas Day fall on Saturday, the preceding Friday shall be a holiday. When New Year's Day, Independence Day, Veterans' Day or Christmas Day fall on Sunday, the following Monday shall be a holiday. When Christmas Eve or New Year's Eve fall on Friday, the preceding Thursday shall be a holiday. When Christmas Eve or New Year's Eve fall on Saturday or Sunday, the preceding Friday shall be a holiday.

An employee who is scheduled to work on a holiday recognized under this manual, or who otherwise agrees to work on such a holiday, but fails to report for work unless otherwise excused for a reason satisfactory to the Employer, shall not be entitled to holiday pay.

Part-time employees approved to work 21 or more hours shall receive a prorated amount for holiday pay based on the number of hours budgeted/approved to work.

B. Vacation Days: Eligible non-union employees who regularly work 21 hours or more and are classified/budgeted as such will receive paid vacation time. Eligible employees shall accrue, on a biweekly pay period basis, paid vacation days in accordance with the following schedule:

SCHEDULED 40 HOURS PER WEEK	YEARLY	PER PAY PERIOD
1 through 4 years of service	12 Days	3.70 Hours
5 through 9 years of service	17 Days	5.24 Hours
10 or more years of service	22 Days	6.78 Hours

SCHEDULED 30-39 HOURS PER WEEK	YEARLY	PER PAY PERIOD
1 through 4 years of service	9 Days	2.77 Hours
5 through 9 years of service	11.5 Days	3.54 Hours
10 or more years of service	16.5 Days	5.08 Hours

SCHEDULED 21-29 HOURS PER WEEK	YEARLY	PER PAY PERIOD
1 through 4 years of service	5 Days	1.54 Hours
5 through 9 years of service	7.5 Days	2.31 Hours
10 or more years of service	10 Days	3.08 Hours

Vacation days must be scheduled in advance with the Department Head. Department Heads retain the right to approve and disapprove, in whole or in part, vacation requests and may reschedule vacation dependent upon the department's

operational needs.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Vacation%20Policy.pdf>

C. Sick Days: Livingston County provides paid sick days for eligible non-union employees. Employees may use sick time when they are not able to come to work because of an employee's illness, an accident, the illness of a family member, or to attend medical appointments. Employees will have six days of sick leave deposited into his or her sick bank at the beginning of each year. Sick days are prorated for part-time employees, and for employees hired after January 1st of each year.

Non-union staff members who are working 21 or more hours per week are eligible to receive sick time in accordance with the following schedule:

SCHEDULED 40 HOURS PER WEEK	6 days, deposited in sick bank January 1 st each year
SCHEDULED 30-39 HOURS PER WEEK	4.5 days, deposited in sick bank January 1 st each year
SCHEDULED 21-29 HOURS PER WEEK	3 days, deposited in sick bank January 1 st each year

1. When an employee MUST miss work for doctor/dentist appointments, the employee must give the Department Head one day advanced notice.
2. An employee who finds it necessary to use sick time for an accident or illness must notify his/her supervisor no later than two hours after the start of the work day, if possible.
3. Upon retirement (see Retirement Section) or death, 50% of accumulated sick leave up to a maximum of 72 days will be paid to the employee or his/her estate, based upon the employee's current salary if the employee has attained 10 years of service.
4. Sick days will not be granted for absences due to weather conditions, transportation problems or other reasons except those specified herein.
5. Employees returning to work from an illness or leave of absence of more than five days may be required to submit a statement from his/her physician to certify his/her ability to return to work or to verify the illness. This note must be received no later than the employee's first day back to work.
6. Employees taking sick leave on their last scheduled day of work before a holiday or vacation may be required to submit a statement from their physician to verify the illness. It shall be the employee's responsibility to check with his/her Department Head when calling in to determine if the statement is necessary.
7. Before December 31 of each year, unused sick days will be paid to the employee at a rate of 50% of the December 31 compensation value; OR, at the employee's option, the employee may roll over 100% of their remaining sick time, as of December 31, into the reserve sick day bank provided the bank does not

exceed 72 days. Any amount exceeding 72 days will be forfeited. Generally this payment for sick leave or roll over will occur in early December.

8. An employee who is not eligible for retirement under Sick Days in #3 above and who has ten or more years of service with the County and leaves County employment will be paid for 50% of all accrued sick days to a maximum of \$400.
9. After a Fair Labor Standards Act (FLSA) exempt employee has exhausted their accumulated sick time, absences due to illness of less than one day shall be deducted from any exempt employee's pay as a full day.

D. Reserve Sick Banks: Eligible non-union employees with sick reserve banks may utilize this time as they would earned sick leave.

SECTION IV LEAVE OF ABSENCE

A. Personal Leave: A regular employee that has completed six (6) months of employment may request an unpaid personal leave of absence for a period not to exceed one hundred eighty (180) days. An eligible regular employee who has been granted a leave may not request a subsequent leave during the same calendar year and/or until 365 days after expiration of the previously granted personal leave. All requests must be in writing, must give the reason for the request, must give the expected duration of the leave and must be approved by the employee's Department Head. A personal leave of absence may be granted to attend an educational institute, or for other reasons deemed appropriate by the employee's Department Head other than for FMLA purposes. All personal leaves of absence shall be without pay and benefits. Employees may continue insurance coverages at their own expense during a personal leave of absence. An employee will not accumulate sick leave or vacation time, nor will be paid for holidays which may fall during the leave period. An individual who does not return from leave, or whose leave exceeds 180 days will be subject to discharge.

B. Military Training Leave: Military Reserve or National Guard Leave of Absence: Upon presentation of official orders requiring training, a regular full-time employee who is a member of an armed forces reserve unit or National Guard will be granted a leave of absence to engage in annual training. Upon presentation by a regular full-time employee of compensation records identifying the date of and payment made for the training program, the County shall pay the difference between the compensation received for the training and the compensation that would have been received had the regular full-time employee worked as scheduled for up to ten (10) working days annually. In the event that the annual training required for an employee exceeds the ten (10) days specified above, the additional days shall be granted as a leave of absence without pay (or charged against the employee's accumulated vacation leave, if requested by the employee).

C. Family and Medical Leave Act (FMLA) Leave: An eligible employee who has completed twelve (12) months of employment and has worked at least 1250 hours in the

past twelve (12) months may request an unpaid leave of absence for a period not to exceed twelve (12) weeks in any twelve (12) month period measured forward from the date the employee's FMLA leave first begins. The request should be in writing, must give the reason for the request and must give the expected duration of the leave. The leave may be taken for the following reasons:

1. A serious health condition that makes the employee unable to perform the functions of his/her position;
2. In order to care for the employee's spouse, child or parent if the person being cared for has a serious health condition;
3. Because of the birth of a child of the employee, and in order to care for the child within twelve (12) months of the child's birth;
4. Because of the placement of a child with the employee for adoption or foster care, and in order to care for the child within twelve (12) months of the child's placement.

Unless leave is taken for the employee's own serious health condition or that of his or her child or spouse, the total leave taken by spouses when both are employed by the Employer is limited to twelve (12) ~~months~~ weeks.

INTERMITTENT LEAVE: Unless the Employer agrees, leave for the birth or placement of the employee's child, or to care for the child within twelve (12) months of the child's birth or placement, may not be taken intermittently or on a reduced leave schedule. If medically necessary, leave for the employee's serious health condition or to care for a seriously ill spouse, child, or parent, may be taken intermittently or on a reduced leave schedule.

SUBSTITUTION OF PAID LEAVE: An employee is required to use all accrued paid sick days and vacation days for leave taken for the employee's serious health condition or to care for a seriously ill spouse, child, or parent. An employee is required to use all accrued paid vacation days for leave taken for the birth or placement of the employee's child, or to care for the child within twelve (12) months of the child's birth or placement. An employee may not use accrued paid sick days for leave taken for the birth or placement of a child or to care for the child unless the employee or the child has a serious health condition.

SCHEDULING AND NOTICE BY EMPLOYEES: When leave is taken for the birth or placement of the employee's child or to care for the child within twelve (12) months of the child's birth or placement, and the leave is foreseeable based on the expected birth or placement, the employee must provide not less than thirty (30) days notice before the date the leave is to begin. However, if the date of the birth or placement requires the leave to begin in less than thirty (30) days, the employee must provide such notice as is practicable.

When leave is taken for the employee's serious health condition, or to care for a seriously ill spouse, child or parent, and the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations, and must provide not less than thirty (30) days notice before the date the leave is to begin. If the date of treatment requires leave to begin in less than thirty (30) days, however, the employee

must provide such notice as is practicable.

MEDICAL CERTIFICATION: When leave is taken for the employee's serious health condition, or to care for a seriously ill spouse, child or parent, the Employer may require certification issued by the health care provider of the employee or of the spouse, child, or parent of the employee, as appropriate. This certification must include the date the condition began, its probable duration, appropriate medical facts within the knowledge of the health care provider regarding the condition, and a statement that the employee is unable to perform his/her job function or is needed to care for a sick family member for a specified time.

For leave taken intermittently or on a reduced leave schedule, further certification requirements are as follows:

1. When there is planned medical treatment, the certification must include the dates on which treatment is expected and its duration.
2. When leave is taken for the employee's serious health condition, the certification must include a statement of the medical treatment necessary for such leave and its expected duration.
3. When leave is taken to care for a seriously ill family member, the certification must include a statement that such leave is necessary for the care of the family member who has a serious health condition or will assist in his/her recovery, and the expected duration and schedule of the leave.

SECOND/THIRD OPINIONS AND RE-CERTIFICATION: The Employer may require, at its own expense if not covered by insurance, a second medical opinion from a health care provider designated by the Employer, but not employed on a regular basis by the Employer. In the event of a dispute concerning the second certification, the Employer may require, at its own expense if not covered by insurance, a third opinion from a health care provider. The employee and Employer must agree on the selection of the third health care provider whose opinion is binding on both parties. The Employer may require that the employee obtain subsequent re-certification on a reasonable basis.

BENEFITS DURING LEAVE: The Employer will continue to pay the Employer's portion of an employee's health insurance premiums for an eligible employee during the period the employee is on leave for any of the reasons under FMLA Subsections 1-4 above. The employee shall be responsible to pay his/her portion, if applicable, of health insurance premiums during the period the employee is on leave for any of the reasons under FMLA Subsections 1-4 above. If an employee's health insurance premium payment is more than 30 days late, the Employer upon 15 days notice to the employee may cease to continue the employee's health insurance coverage if the employee does not pay his/her portion of health insurance premium prior to the specific time. The Employer may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the Employer maintains health coverage by paying the employee's share after the premium payment is missed. In all other circumstances, the Employer will not continue to pay health insurance premiums for an employee on an unpaid leave of absence. The employee may continue insurance coverage at his/her own expense during any unpaid leave of absence. The employee will not accumulate paid sick or annual leave nor be paid for the holidays which may fall during the period of unpaid leave. If the employee fails to return after the leave has

expired due to circumstances within the employee's control, the Employer may recover from the employee any premiums which the Employer paid to maintain medical coverage during the leave.

RETURN RIGHTS: Upon return from a leave taken for a reason listed under FMLA Subsections 1-4 above, the employee will be returned to his/her former position or to a position equivalent in pay, benefits, and other terms and conditions of employment. In all other circumstances, the employee is not guaranteed that he/she will be restored to his/her former position or to an equivalent position. The decision will be at the discretion of the Employer.

SERVICEMEMBER FMLA: The FMLA now entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements the County FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

1. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
2. To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

Duration of Servicemember FMLA: When Leave Is Due To a "Qualifying Exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period.

When Leave Is To Care for an Injured or Ill Service Member: An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

D. Jury Duty: The Employer shall pay an employee called for jury duty his/her regular straight time rate which he/she would earn if working, less an amount equal to the payment received for jury service. The employee must return to work and work any hours out of his/her scheduled work day that he/she is not actually on jury duty. In order to receive payment, an employee **MUST** give the Employer at least two (2) days prior notice that he/she has been summoned for jury duty, shall furnish satisfactory evidence that he/she reported for or performed jury duty on the day(s) for which he/she claims such payment, and must furnish a copy of the payment(s) received for jury duty. The maximum payment obligation under this section is twenty (20) days per calendar year.

E. Bereavement Leave: Three days funeral leave may be used to attend a funeral in the employee's immediate family (spouse, child or step-child, father or step-father, mother or step-mother, sister or step-sister, brother or step-brother, father-in-law, mother-in-law, grandparents, **grandchildren**, foster children or other legal dependents

living with the employee). Part-time employees shall receive a prorated amount of funeral leave to attend a funeral in the employee's immediate family based on the number of hours approved to work.

When a death occurs to a member of the employee's immediate family who resides in another state, an additional two days funeral leave may be granted by the Department Head. The additional two days are chargeable to sick days. Employees who have not been employed for six months upon approval of their Department Head may take unpaid funeral leave.

F. Voluntary Furlough: Voluntary furlough may be used for temporary periods of non-work status. An employee must submit a request for voluntary furlough hours in writing to the Department Head. It is fully within the discretion of the Department Head whether to grant or deny the request, which must be made in conformance with funding requirements, be it federal or state funding. Please review the Voluntary Furlough policy for more details.

Please see the related policy for more information:

<http://co.livingston.mi.us/HumanResources/pdfs/Voluntary%20Furlough.pdf>

SECTION V COUNTY POLICIES

A. Telephone Calls: Use of County telephones is not permitted for personal calls except in emergencies. Department Heads may require employees to log all telephone calls.

B. Change of Name, Address, Telephone Number, Divorce, Marriage, etc.: If an employee changes their name, phone number, address, marries, divorces, or has children, the employee's supervisor and the Human Resources Department must be notified as soon as possible (and within 30 days) so that records and insurances may be adjusted. It is the employee's responsibility to keep the Human Resources Department up to date regarding these matters.

C. Resignation: Should an employee decide to leave employment, a minimum of two (2) weeks' notice in writing must be given to their Department Head if an employee is to receive accrued vacation. A copy of the written notice will be forwarded to Human Resources. Failure to provide two (2) weeks notice will result in loss of accrued vacation time. Exempt employees, should they decide to leave employment, must notify their Department Head in writing thirty (30) days in advance in order to be eligible for their accrued vacation.

D. Anti-nepotism and Anti-fraternization: It is the policy of the County to prohibit the hiring of relatives in situations where a relative would be under the direct or general supervision of an elected official, Department Head, supervisor or team leader, or to employ relatives where the status of employment of that person might be influenced by an elected official, Department Head, supervisor or team leader.

By adhering to the above policy which prohibits relatives from working in positions where they might have influence over each other's status, or the hiring of those relatives, a potentially discriminatory situation is avoided altogether. Livingston County realizes that there may be existing relationships among employees which are contrary to this policy. It is the purpose of this policy statement to avoid creating any new situations where relatives are employed in spheres of influence relationships, and not to affect the employment of any relationships that currently exist.

RELATIVE: Parent, foster parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step relative, or any person with whom the employee has a close personal relationship.

PERSONAL RELATIONSHIP: Relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

SPHERES OF INFLUENCE: Scope in which an employee exerts direct or indirect control over another.

ECONOMIC RELATIONSHIP: Fiduciary relationship in which one employee benefits by receiving financial remuneration such as landlord/tenant relationships or business partnerships.

FRATERNIZATION: Relationship of an intimate or romantic nature between a supervisor and his/her subordinates or conduct that creates the appearance of impression that such a relationship exists.

If a supervisory-subordinate relationship occurs as a result of a marriage between two employees working in the same program area, then the County will attempt to transfer one of the individuals but it is not required to do so. If a transfer does not occur, one of the employees will be required to resign within sixty (60) days of the marriage.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/policies/Anti-Nepotism.pdf>

E. Tobacco-Free and Smoke-Free Workplace: NO tobacco or smoking will be allowed anywhere in any County building or County vehicle. The County is a tobacco-free and smoke-free work place for the health, safety and well-being of all of its employees and visitors. Smoking will be prohibited within a reasonable distance of any entrances, windows and ventilation systems to any enclosed areas; such reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means. There are designated smoking areas located outside the building.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/Smoking%20Policy.pdf>

F. Substance Abuse Policy: It is the intent of Livingston County to provide a drug-free, safe and secure work environment for employees. To ensure a safe and efficient work place, Livingston County will strictly enforce the following rules:

1. No employee shall possess, distribute, use or be impaired by alcohol or illegal prohibited drugs on Livingston County property, while on Livingston County business, or during working hours, including rest and meal periods. "Illegal prohibited drugs" are those substances that are illegal to sell or possess.
2. Where management has reason to believe that an employee may be under the influence of drugs or alcohol, Livingston County, at its discretion, may require the employee to submit to breath, urine or blood testing, at Livingston County's expense, to determine the presence of drugs or alcohol. Refusal to submit to such testing may result in immediate dismissal.
3. Employees subject to the Drug-Free Work Place Act who are convicted of any criminal drug violation occurring in the workplace must report such conviction to their supervisor within five (5) days of the conviction.

Livingston County sincerely desires to help employees who have alcohol or drug-related problems. It is the employee's responsibility to seek assistance. Requests for such a leave of assistance will be considered confidential. However, seeking assistance after disciplinary action has begun or is imminent will not preclude disciplinary action.

Employees with drug or alcohol problems which have not resulted in, or are not the immediate subject of, disciplinary action may request approval to take unpaid leave to participate in an approved rehabilitation or treatment program. Requests for such a leave of absence will be considered confidential. The cost of participating in the program may be covered by the health insurance provided by the County, as outlined in your summary plan description (SPD). The County will require the employee to demonstrate satisfactory completion of the program before he or she returns to work.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/Drug%20Free%20Workplace%20Policy.pdf>

G. Outside Employment: While outside or supplemental employment is discouraged, employees may engage in outside or supplemental employment in accordance with the following limitations. In no case shall outside or supplemental employment conflict with or impair your responsibilities to the County.

Any employee desiring to participate in outside or supplemental employment must obtain permission of his/her Department Head in writing prior to engaging in outside or supplemental employment. In the case of outside or supplemental employment by a Department Head, the Department Head must receive written permission to engage in outside or supplemental employment in advance from the appropriate committee of the Livingston County Board of Commissioners. All employees engaged in outside or supplemental employment shall:

1. Not use County facilities as a source of referral for private customers or clients,
2. Not be engaged in during the employee's regularly scheduled working hours,
3. Not use the name of the County or any County agency as a reference or credential in advertising or soliciting customers or clients,

4. Not use County supplies, facilities, staff or equipment in conjunction with any outside or supplemental employment or private practice,
5. Maintain a clear separation of outside or supplemental employment from activities performed for the County, and
6. Not cause any incompatibility, conflict of interest, or any possible appearance of conflict of interest, or any impairment of the independent and impartial performance of employee's duties.

The County shall not be liable, either directly or indirectly for any activities performed during outside or supplemental employment.

H. Work Rules: All County employees are expected to adhere to the following rules of conduct as well as the rules and policies previously mentioned. The list is not intended to be an all-inclusive list of rules of conduct expected of employees. Further, the list may be added to, modified or supplemented by the County Board of Commissioners or the employee's Department Head. The purpose of the work rules is to set forth some guidelines for conduct violation of which will result in disciplinary action, including possible discharge. Other types of behavior can subject an employee to disciplinary action including discharge. Further, all employees serve on an at will basis and may be terminated with or without cause.

TARDINESS: Employees who are late may be docked for time lost, otherwise disciplined and/or dismissed at the discretion of the Department Head.

ABSENTEEISM: Employees are required to notify their immediate supervisor prior to any absence as soon as possible.

DRESS AND GROOMING: Employees are expected to maintain a neat and well groomed appearance in accordance with their position and working conditions. A Department Head may implement a code for his/her department. If you believe a certain manner of dress, personal appearance or hygiene is necessary because of religious beliefs, medical condition or an otherwise legally protected reason, you must notify your Department Head of this reason, in writing, before you report to work. Livingston County may require you to provide appropriate proof of this belief, condition or otherwise protected reason.

PUBLIC DECORUM: All employees must maintain a pleasant and helpful attitude in dealing with members of the public and co-workers, whether by telephone or in person.

ACCEPTANCE OF GIFTS: Employees shall not accept any gifts or gratuity from any individual or agency that may be construed as influencing a decision of a County employee.

PERSONAL MAIL: Personal mail should not be addressed to the County address. Employees shall not use County postage or other property for personal business.

VISITORS: Friends, relatives and children of employees are not allowed in the working areas without the approval of the Department Head.

THEFT: The theft, attempted theft, or neglect of property of the County, its visitors or employees is prohibited.

Unauthorized use of County property, equipment, or facilities (including telephones and duplicating equipment) is prohibited.

Falsification or unauthorized altering of employment application information or pre-employment documents, records (payroll or program records), or County records is prohibited.

Refusal to obey or willful failure to carry out the instructions of supervisory personnel, including the assigned duties of the job is prohibited.

The following are also prohibited:

1. Failing to report to work when scheduled
2. Improper use of sick leave or other leaves of absence
3. Falsification of information to secure sick leave or other leaves of absence or fringe benefits or reimbursement
4. Abuse of break or lunch periods
5. Violation of departmental rules on confidentiality
6. Inefficiency or incompetency or neglect of duty
7. Reporting to work or working in an intoxicated condition. Consumption or possession of alcohol or illegal drugs or substance (such as marijuana) on County premises or property while on or off duty
8. Use of obscene language in public office areas
9. Threatening other persons or instigating a fight
10. Unauthorized possession of firearms, dangerous weapons or personal protection devices
11. Verbally abusing or physically attacking customers, clients, visitors or County personnel
12. Conduct disruptive to the work of other employees
13. Carelessness or negligence which results in an injury to another employee, client or visitor
14. Illegal activity on County premises (misdemeanor or felony) during work or non-work hours
15. Violation of rules concerning outside supplemental employment
16. Instigating, aiding, or participating in any illegal strike or work stoppage
17. Dishonesty, disrespect or verbal abuse or insubordination to any supervisor or Department Head

PERSONAL EQUIPMENT AND VALUABLES: It is impossible to secure insurance coverage for personal equipment and valuables brought on County premises. You are discouraged from having personal items at your office and the County cannot be responsible for any loss or damage to such items.

COUNTY PROPERTY - Employees shall conform to all rules for use and treatment of County facilities and property, and shall not use any County property, equipment, facilities or staff for personal matters or gain.

I. Political Activity: Every employee has the right to freely express his or her views as a citizen and to cast a vote as he or she may wish. Coercion for political purposes is

strictly prohibited. Employees of federally aided programs are, however, prohibited from participation in partisan political activity under the Federal Hatch Political Activities Act.

No employee shall engage in any partisan political activity or campaigning for a non-partisan elective office during scheduled working hours or while on duty or while off duty wearing a uniform or other identifying insignia of County office or employment. Solicitation of signatures or contributions or nominating petitions is prohibited during working hours. County employees shall not engage in political activity on County time. Employees must use unpaid time off, vacation time or compensatory time when participating in all political/charitable fundraisers, i.e. golf outings, luncheons. No employee shall be required to engage in a campaign for election of any candidate.

J. Reporting Illegal and Unethical Activity: Any employee who, during the course of employment, believes that he or she has been requested or required to engage in an illegal or unethical act, or to engage in otherwise improper activity which would constitute a violation of this Code of Conduct, must report that fact immediately, in writing, to their Department Head who will promptly undertake to investigate the allegations and take remedial action, if necessary. If the Department Head is the individual about who is the subject of the complaint, the employee shall notify the County Administrator. If such a report is made in good faith, Livingston County will protect the reporting employee from any retaliation or other detrimental impact upon his or her employment.

K. Information and Technology Policy: This policy sets forth Livingston County's policies with regards to information technology ("IT") resources (e.g., e-mail, electronic voice and video communication, facsimile, the Internet and future technologies), including County access to, review or disclosure of electronic files, electronic mail and electronic voice and video communications through or stored on any part of the IT resources systems. The Chief Judge or Prosecutor reserves the exclusive right to access, review or disclose electronic files for his/her respective employees and IT resources. This policy also sets forth the policies on the proper use of the IT resources systems. These policies do not constitute a contract. The County reserves the right to change them at any time.

1. GENERAL POLICY: The IT resources are intended to assist in the efficient and effective day to day operations of County departments and agencies, including collaboration and exchange of information within and between County departments/agencies, other branches of government and outside contacts. These resources also provide public access to certain public information.

The IT resources system is to be used for County-related purposes only. The County treats all information stored through or stored in these systems including, but not limited to, voice communication and e-mail messages, as County information.

The County has the capability to access, review, copy, modify and delete any information transmitted or stored in the system, including voice and e-mail messages. The County, Prosecutor or Chief Judge reserves the right to access, review, copy, modify or delete all such information for any purpose and to disclose it to any party if legally compelled to do so, or if the County otherwise deems it appropriate.

Those voice or other IT resources files containing personal information of an employee as a result of an employee's making incidental use of the IT resources system for personal purposes, including the transmission of personal voice and e-mail messages, will be treated no differently than other files, i.e., the County reserves the right to access, review, copy, modify, delete or disclose them for any purpose required by law, or which the County deems appropriate in its discretion. Accordingly, employees should not use the IT resources system to send, receive or store any information that they wish to keep private. Employees should treat the IT resources system like a shared file system -- the files or messages sent, received or stored anywhere in the respective systems will be available for review by authorized representatives of the County and, may be disclosed to third parties.

2. PROHIBITED USES OF IT RESOURCES: The following uses of the IT resources system are strictly prohibited, and violation of these policies may result in discipline, up to and including immediate discharge and, where appropriate, civil and/or criminal liability. The list of prohibited uses of IT resources is for illustration purposes only and is not intended to be all-inclusive. Individuals may be disciplined, or subject to civil or criminal liability for matters not listed below:
 - (a) Distribution of offensive or harassing statements, transmission of defamatory, obscene, offensive or harassing messages or messages that disclose personal information without authorization.
 - (b) Distribution of incendiary statements which may incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
 - (c) Distribution or solicitation of sexually oriented messages or images.
 - (d) Any use of County-provided IT resources for illegal purposes or in support of such activities.
 - (e) Any use of IT resources for commercial purposes, product advertisement or "for-profit" personal activity.
 - (f) Any sexually explicit use, whether visual or textual.
 - (g) Duplicating, transmitting or using software which is not in compliance with software licensing agreements and/or unauthorized use of copyrighted materials or other person's original writings.
 - (h) Wasting IT resources, for example:
 - i. Placing a program in an endless loop;
 - ii. Printing unnecessary amounts of paper;
 - iii. Disrupting the use or performance of County-authorized IT resources or any other computer system or network;
 - iv. Storing any information or software on County-provided IT resources which are not authorized by the Information Services Department.
 - (i) Security violations including, but not limited to:
 - i. Accessing accounts within or outside the County's computers and communication facilities for which you are not authorized or do not have a business need;

- ii. Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless you are given express permission to do so by the person responsible for the information program;
 - iii. Knowingly or inadvertently spreading computer viruses;
 - iv. Distributing “junk mail” such as chain letters, advertisements or unauthorized solicitations;
 - v. Transmitting confidential information without proper security and authority.
- (j) NO GAMES ARE PERMITTED TO BE LOADED UPON, OR UTILIZED ON COUNTY COMPUTERS.

To view the IT Policy, control & click to the following link: [IT Policy](#)

L. Credit Card Use Policy: The overall goal of the County’s Credit Card Use Policy is to ensure fiscal control and accountability for credit cards issued in the name of Livingston County. Because these credit cards are issued in the name of Livingston County, they create an unusual exposure to liability for the County. This policy has been developed to ensure that users of these credit cards understand their responsibilities and proper use of the credit cards. Credit card privileges may be rescinded at any time at the discretion of the Department Director and/or County Administrator (or designee) if policies and/or procedures are not followed. The County Administrator (or designee) will audit credit card usage and the cardholders will be personally liable for any unauthorized use that occurs on their credit card.

1. **PURPOSE OF CARDS:** Credit cards will be issued to permanent County employees with pre-approval by their respective Department Director. No person other than the person to whom the credit card is issued is authorized to use the assigned credit card. The Department Director (or Designee) will provide training to the employee prior to the issuance of the credit card to ensure that all policies and procedures are understood. An employee will not be issued a credit card unless training has taken place.
2. **PURCHASE PROCESS:** The cardholder will present the credit card at the time of purchase. As a governmental agency, Livingston County is exempt from sales tax and the cardholder must take appropriate measures to ensure that the County is not charged tax on purchases. The tax exemption number will be located on the face of the card and should be noted prior to completing the sale to ensure that no taxes are charged.

The cardholder must sign the receipt and keep a copy of the charge receipt and transaction receipt when they leave with their purchase. Transaction details for all charges made during a month should be entered onto the Monthly Transaction Log. All related charge receipts for that month should be kept and filed together with the Monthly Transaction Log.

The cardholder may also place an order over the telephone or internet. When a telephone or internet order is placed, the cardholder should print a copy of both the order confirmation and the invoice receipt showing prices and shipping charges. The internet

transaction should be entered on the Monthly Transaction Log. When the goods are received, the cardholder should check the goods against the Monthly Transaction Log entries and enter the date of delivery. The cardholder must keep all shipping documents together with the corresponding charge receipts and file them with the cardholder's Monthly Transaction Log. All goods must be shipped to an official Livingston County business address.

Please see the related policy for more information:

<http://www.co.livingston.mi.us/humanresources/pdfs/P02%20-%20Credit%20Card%20Procedure.pdf>

M. Conferences and Training: The County recognizes the value in maintaining employees who are well trained in the particular knowledge, skills, and abilities needed to use the equipment, techniques and procedures utilized in accomplishing their assigned tasks. Reimbursement may be made for actual expenditures for overnight accommodations and other expenses subject to certain limitations.

Please see the Conferences and Training policy for more details.

<http://www.co.livingston.mi.us/humanresources/pdfs/Conference%20and%20Training%20Policy%20031510.pdf>

N. ID Policy: All County employees, contracted employees and State employees working in County facilities will be required to wear their photo identification badges while at work, with the exception of County Emergency Services employees and deputized uniformed Officers. Department Directors may establish departmental rules allowing employees an exemption from wearing their badges while in their department.

OVERVIEW: The ability to quickly identify those persons who are authorized to use the County's computer systems is an important component of our computer security procedures. As such, the issuance and required wearing of identification badges is needed to promote a more secure physical environment for the safeguarding of Livingston County computer systems and data.

PURPOSE: The purpose of this policy is to provide a means to further safeguard the County's computer systems and data, to provide procedures to see that only authorized persons have access to the County's computer system/data and to establish a standard for creation and usage of Identification badges for use in Livingston County.

SCOPE: The scope of this policy includes all of Livingston County personnel, contracted employees and State employees while working in a county office and/or facilities as well as designees of the IT Department who are authorized to work on computer equipment.

ENFORCEMENT: Elected Officials/Department Heads will be responsible for enforcement of this policy.

The photo identification badges (ID Cards) will be issued by the Human Resources Department. All new employees must report to Human Resources to have their photo ID badges created prior to being given access to a County computer.

Any request to replace an employee's ID badge must be made through the employee's supervisor or Department Head to the Human Resources Department.

The photo ID badges are the property of Livingston County. Any unauthorized use or abuse of the County's ID badges is prohibited.

IT personnel will be separately identified by a yellow lanyard attached to their ID badges. IT vendors will wear a visitor's badge with a yellow lanyard.

The photo ID badges will also serve as identification to the public of County field and office personnel.

EMPLOYEE COMPLAINT PROCEDURE

SCOPE AND PURPOSE: To allow for the appeal of an interpretation or application of personnel policies, disciplinary action, or discharge matter. This complaint procedure shall be applicable to regular County employees covered under this Manual excluding, however, employees employed by elected County officials (Sheriff, Treasurer, Clerk, Register of Deeds, Drain Commissioner, Prosecutor) for disciplinary or discharge matters.

Grievances of employees working for Elected Officials for disciplinary or discharge matters who are not covered by a collective bargaining contract may be considered under this procedure if such Elected Official, at their option, permit the same, and requests processing of the appeal in writing to Human Resources. This complaint procedure is also not applicable to any County Elected Officials or County employees who receive direct appointment by the County Board of Commissioners such as appointed Department Heads.

However, nothing contained in this Complaint Procedure shall alter the fact that regular County employees covered under this Manual are and shall continue to be at-will employees.

APPEAL PROCEDURE: Should any regular employee of Livingston County to which this procedure is applicable, have a complaint about an interpretation or application of personnel policies, disciplinary action or discharge matter, the following steps will be taken:

STEP 1	All complaints shall be submitted within five (5) working days of its occurrence or when the employee should reasonably have obtained knowledge of its occurrence. If not so submitted, the complaint shall be considered automatically closed.
	The employee shall reduce the complaint to writing and present it to his/her Department Head as outlined above. The complaint shall be signed by the employee. The Department Head shall, within ten (10) working days after receipt of the written complaint, give his/her decision in writing.
	Unresolved complaints shall proceed to Step 2, provided they have been appealed within five (5) working days from the date the Department Head's answer was received or due.

STEP 2

In the event the complaint is not settled at Step 1, the employee may request the matter be reviewed by the Personnel Committee. Such a request must be in writing and submitted to Human Resources within five (5) working days from the receipt of the Department Head's answer or when it was due.

PERSONNEL COMMITTEE: The Personnel Committee shall be charged with hearing such complaints properly appealed to Step 2:

- Upon receipt of the written request to appeal the complaint to Step 2, Human Resources will verify that the complaint has been filed within the prescribed time limits and has completed review at the department level in Step 1.
- Those complaints properly appealed to Step 2 will then be scheduled whenever possible for hearing within thirty (30) calendar days from the date the appeal is filed in Human Resources.
- Minutes will be taken of the hearing which will include the names of those persons participating, copies of any exhibits presented and the final action taken by the Personnel Committee on the complaint. Under certain circumstances, however, the Personnel Committee may require transcripts be taken of the hearing by a certified court stenographer/recorder and placed on file with Human Resources.
- The employee may present witnesses and evidence and be represented by an attorney or other person of his/her choosing.
- The Department Head may also present witnesses and evidence and be represented by civil counsel.
- The Personnel Committee shall not be bound by technical rules of evidence, nor shall informality in any of the proceedings or in the matter of taking testimony invalidate any decision approved by the Committee.
- The decision of the Personnel Committee shall be binding and final on all parties.
- Any complaint not appealed from Step 1 and Step 2 within the prescribed time limit shall be considered dropped and not subject to further appeal.

Resolution #2011-08-234

Approved: August 15, 2011

RESOLUTION

NO: 2011-12-321

LIVINGSTON COUNTY

DATE: December 5, 2011

RESOLUTION TO EXEMPT LIVINGSTON COUNTY FROM THE PROVISIONS OF 2011 P.A. 152 FOR CALENDAR YEAR 2012 AND 2013

WHEREAS, on September 27, 2011, P.A. 152 of 2011 took immediate effect to limit public employers' expenditures for employee medical benefit plans; and

WHEREAS, on October 3, 2011 the Livingston County Board of Commissioners adopted the non-union employees, elected officials, and judges health plan and other benefits for 2012; and

WHEREAS, the 2012 health plan has non-union employees, elected officials, and judges hired before November 1, 2009 paying 10% toward the cost of health and dental benefits and those hired on or after November 1, 2009 contributing 20%; and

WHEREAS, on November 7, 2011 the Livingston County Board of Commissioners adopted the budget for fiscal year 2012; and

WHEREAS, the adopted Livingston County Budget for fiscal year 2012 is balanced, maintains responsible recommended general fund equity balances and funds current employee medical benefit plans within anticipated revenues; and

WHEREAS, the employees of Livingston County have already taken on a greater portion of health care expenses both through plan changes with increased deductibles and co-pays and through direct premium sharing through payroll deduction; and

WHEREAS, Livingston County employees have been contributing at some level for over a decade and both represented and non-represented employee groups have continued to contribute at increasing rates; and

WHEREAS, as a result of the Livingston County Board of Commissioner's active management, County employee contributions to the cost of health insurance serve to limit Livingston County's health insurance expenses; and

WHEREAS, a recent tentative agreement with the sergeants' union, if approved by the Board of Commissioners, would obligate the Board to opt out of PA 152 of 2011 for 2012 and 2013; and

WHEREAS, Section 8 of Act 152 authorizes a local unit of government, defined to include a County government, upon a 2/3 vote of the governing body, to exempt itself from the requirements of the act for the next succeeding medical benefit plan coverage year: and

WHEREAS, Livingston County employees have demonstrated by their actions a continued willingness to share in the burden of meeting the significant economic challenges facing Livingston County and all of Michigan.

NOW, THEREFORE, BE IT RESOLVED, that acting pursuant to the authority granted to a County under Section 8 of Act 152 of 2011, the Livingston County Board of Commissioners hereby exempts Livingston County from the requirements of 2011 P.A. 152 for the medical benefit plan coverage year 2012 (January 1, 2012 through December 31, 2012).

BE IT FURTHER RESOLVED, that it is also the intention of this Board to exempt Livingston County from the requirements of 2011 P.A. 152 for the medical benefit plan coverage year 2013 (January 1, 2013 through December 31, 2013).

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MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
Human Resources Department

Administration Building
304 E. Grand River, Suite 205, Howell, Michigan 48843

Jennifer J. Palmbos
(517) 540-8790
Human Resources/Labor Relations Director
Fax (517) 546-6657
jpalmbos@co.livingston.mi.us

November 28, 2011

Livingston County Board of Commissioners:

Public Act 152 of 2011 limits the amount that public employers in Michigan may pay toward health insurance in a given plan year either to 80% or specific dollar amounts. There is also a provision allowing some local units of government, including Counties, to exempt themselves from the Act on an annual basis. Board action to exempt itself from the provisions of the Act is considered to be in compliance with the Act.

While Counties across Michigan are reacting in various ways, after review of Livingston County's historical plan changes and employee cost sharing, as well as provisions within the sergeants tentative agreement, County Administration strongly recommends that Livingston County exempt itself from PA 152 for the Benefit Plan Years beginning on January 1, 2012 and ending December 31, 2013.

As of January 12, 2012, all groups except for 911 Dispatchers contribute either 5%, 10%, or 20% to the cost of their health insurance, plus any costs associated with a buy up plan. In addition, employees who cover their spouses contribute a spousal surcharge of \$260.00 per year. For 2012, the total amount for a family with a spouse at 5% is **\$1,105** annually (applies to Deputies and Lieutenants, and tentatively agreed to for Sergeants). At 10% employees pay **\$1,949** annually (applies to Non-union, Courts, EMS). At 20%, employees pay **\$3,638** annually (applies to all new hires, except Dispatchers).

The Board of Commissioners has actively managed changes to plans, benefits, and insurance carriers. Our base plan is now an 80/20 split with \$1,000 family deductibles and maximum family copays of \$3,000. As a result, County employee contributions to the cost of health insurance serve to limit Livingston County's health insurance expenses.

A recent tentative agreement with the Sergeants' union, if approved by the Board of Commissioners, would obligate the Board to opt out of PA 152. The sergeants recently agreed to the same cost-sharing and benefit provisions that Deputies and Lieutenants previously agreed to for 2012 and 2013. Under PA 152 of 2011, union agreements that are "signed on or after September 15, 2011 shall not include terms that are inconsistent with the requirements of [the Act]." Thus, in order to avoid violating our agreement with

the Sergeants, should the Board of Commissioners approve such agreement, it is necessary that the Board exempt itself from the provisions of the Act for 2012 and 2013.

Employee groups have been cooperative and worked with the County in accepting wage freezes and benefits concessions. As previously mentioned all bargaining units except 911 Dispatchers have settled their contracts and are contributing near or equal to the amount non-union employees are contributing.

As the economic challenges continue, the employees of Livingston County have used many resources to reduce costs and maintain service levels. Through early retirement, attrition, and careful scrutiny of positions, there are fewer employees who work to provide the needed services to the citizens of Livingston County.

Livingston County has made the difficult decisions that others have deferred in making plan design changes and changing co-pays, con-insurance, and premium sharing amounts. These choices which were made as long as a decade ago have proven valuable.