

BOARD OF COMMISSIONERS

10/1/2012

304 E Grand River, Suite 201, Howell, Michigan 48843

7:30 PM

AGENDA

1. **CALL ANNUAL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRESPONDENCE**
5. **CALL TO THE PUBLIC**
6. **APPROVAL OF MINUTES**
 - Meeting Minutes of: September 17, 2012
 - Meeting Minutes of: September 26, 2012
7. **TABLED ITEMS FROM PREVIOUS MEETINGS**
8. **APPROVAL OF AGENDA**
9. **REPORTS**
 - Legal Update by John McGlinchey
10. **APPROVAL OF CONSENT AGENDA ITEMS (Roll Call)**
 - A. Consent Agenda - Res. 2012-10-270 thru 2012-10-278
11. **RESOLUTIONS FOR CONSIDERATION:**
 - A. Regular Agenda - Res. 2012-10-279 thru 2012-10-283

2012-10-270 **Planning**
RESOLUTION TO APPROVE RE-APPOINTMENTS TO THE LIVINGSTON COUNTY PLANNING COMMISSION

2012-10-271 **Board of Commissioners**
RESOLUTION TO APPROVE APPOINTMENTS TO THE LIVINGSTON COUNTY PARKS AND OPEN SPACE ADVISORY COMMITTEE - BOARD OF COMMISSIONERS

2012-10-272 **Building Services**
RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR A WEDDING – Building Services

2012-10-273 **Building Inspections**
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE CITY OF BRIGHTON FOR BUILDING DEPARTMENT SERVICES - Building Inspection

2012-10-274 **Sheriff**

RESOLUTION AUTHORIZING THE SHERIFF DEPARTMENT AND THE COUNTY OF LIVINGSTON TO APPLY FOR AND ENTER INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY SAFETY PLANNING FOR FISCAL YEAR 2013 SECONDARY ROAD PATROL AND TRAFFIC ACCIDENT PREVENTION PROGRAM GRANT.

- 2012-10-275** **Planning**
RESOLUTION AUTHORIZING AN AGREEMENT WITH LUMECON TO PROVIDE PARKING LOT LED LIGHTING COMPONENTS THROUGH THE LIVINGSTON COUNTY ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT AWARD - PLANNING/BUILDING SERVICES/PURCHASING/ PUBLIC SAFETY INFRASTRUCTURE & DEVELOPMENT
-
- 2012-10-276** **Information Technology**
RESOLUTION AUTHORIZING AN AGREEMENT WITH AT&T FOR INTERNET SERVICES/INFORMATION TECHNOLOGY/FULL BOARD
-
- 2012-10-277** **Circuit Court**
RESOLUTION AUTHORIZING AGREEMENTS WITH GROWTH WORKS INC. AND CATHOLIC CHARITIES TO PROVIDE SUBSTANCE ABUSE ASSESSMENT AND GROUP THERAPY TREATMENT SERVICES - 44TH CIRCUIT COURT, FAMILY DIVISION - JUVENILE UNIT
-
- 2012-10-278** **Circuit Court**
RESOLUTION AUTHORIZING THE 44TH CIRCUIT COURT TO APPLY FOR FUNDING FOR ADULT DRUG COURT THROUGH THE SCAO OFFICE OF HIGHWAY SAFETY PLANNING (OHSP) PROGRAM
-
- 2012-10-279** **Prosecutor**
RESOLUTION APPROVING THE FILLING OF A FULL-TIME ADMINISTRATIVE AIDE POSITION IN THE PROSECUTORS OFFICE
-
- 2012-10-280** **Central Dispatch**
RESOLUTION AUTHORIZING LIVINGSTON COUNTY TO ENTER INTO AN AGREEMENT WITH THE CHARTER TOWNSHIP OF GREEN OAK TO CONSTRUCT A RADIO TOWER – 9-1-1 CENTRAL DISPATCH / EMERGENCY MANAGEMENT, INFRASTRUCTURE & DEVELOPMENT COMMITTEE, FINANCE COMMITTEE, BOARD OF COMMISSIONERS
-
- 2012-10-281** **Friend of the Court**
RESOLUTION TO APPROVE A LETTER OF UNDERSTANDING ALLOWING A COURT UNION EMPLOYEE TO RETAIN HER SENIORITY FOR WAGES AND BENEFITS NOTWITHSTANDING A BREAK IN SERVICE
-
- 2012-10-282** **Human Resources**
RESOLUTION TO MODIFY THE NON-UNION EMPLOYEES, ELECTED

OFFICIALS, AND JUDGES HEALTH PLAN AND OTHER BENEFITS FOR
2013 FISCAL YEAR

2012-10-283 **Human Resources**
RESOLUTION TO MAKE AMENDMENTS TO THE PERSONNEL MANUAL
FOR NON-UNION EMPLOYEES

12. RECESS ANNUAL MEETING

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.

LIVINGSTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, September 17, 2012
COMMISSIONERS CHAMBERS, 304 E. Grand River, Howell, MI

The meeting was called to order by the Chairperson, Maggie Jones, at 7:30 p.m.

All rose for the Pledge of Allegiance.

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

Present: Maggie Jones (1), Jim Mantey (2), David Domas (3), Ronald VanHouten (4),
Jay Drick (5), Steven E. Williams (6), Carol Griffith (7), Dennis Dolan (8)

Absent: John E. LaBelle

Also Present: David Stoker (Counsel), Ted Westmeier (Health Dept), Sally Reynolds
(Register Of Deeds), Belinda Peters (Administration), Debbie Warden

Correspondence. None.

Call To The Public. No response.

Minutes. It was moved by Commissioner Williams to approve the minutes of the September 4th and September 12th meetings, as printed. Seconded by Commissioner VanHouten.

MOTION CARRIED, 8-0-1 absent.

Tabled Items. None.

Agenda. It was moved by Commissioner Williams to accept the agenda, as printed.
Seconded by Commissioner Griffith. MOTION CARRIED, 8-0-1 absent.

Reports. Chairman Jones stated that Enbridge wants to have a meeting with Commissioner VanHouten. Her preference would be that Enbridge have a public meeting with all Commissioners at the next Finance Committee meeting.

Commissioner Williams informed the Board that he will be attending the SEMCOG meeting on Thursday and the MAC Conference. If there are any questions from the Board, let him know.

Commissioner Doman reported that the underground water and sewer work was started on the airport project and everything is moving along.

Consent Agenda. Commissioner Griffith presented the Consent Agenda and adopted each as follows: Resolution No. 2012-09-256, Resolution To Appoint Organized Labor Sector Member To Livingston County Workforce Development Council-Michigan Works; Resolution No. 2012-09-257, Resolution Approving The Renewal Of The Job Fit Assessment Program License For Use By Livingston County Michigan Works!-Michigan Works; Resolution No. 2012-09-258, Resolution Authorizing The Adoption Of The IT Rate

Analysis As The Preferred Methodology For Preparing The Annual IT Budget-Information Technology; Resolution No. 2012-09-259, Resolution To Concur With The Livingston County Aeronautical Facilities Board To Adopt The Terms And Conditions For Accepting A Grant From The Federal Aviation Administration Airport Improvement Program dated April 2012-Airport; Resolution No. 2012-09-260, Resolution To Concur With The Livingston County Aeronautical Facilities Board To Enter Into A Grant Agreement With The Michigan Department Of Transportation To Fund Crack Sealing At The Livingston County Airport-Airport; Resolution No. 2012-09-261, Resolution To Authorize Agreement For Delivery Of Comprehensive Health Services For The Period Of 10/1/12 Through 9/30/13-Health Dept, Resolution No. 2012-09-262, Resolution Approving The Lenawee-Livingston-Washtenaw Substance Abuse Advisory Council By-Laws-Public Health and Resolution To Authorize A Transfer Between Funds For The 2012 Retiree Healthcare Annual Required Contribution-County Administration. Seconded by Commissioner Williams. Roll call vote: Ayes: Williams, Griffith, Dolan, Jones, Mantey, Domas, VanHouten, Drick; Nays: None; Absent: LaBelle. MOTION CARRIED, 8-0-1 absent.

Commissioner Domas presented Resolution No. 2012-09-264, Resolution To Approve Appointments To The Livingston County Sanitary Code Board Of Appeals-Board of Commissioners, and moved its adoption. Seconded by Commissioner Dolan. MOTION CARRIED, 8-0-1 absent.

Commissioner Drick presented Resolution No. 2012-09-265, Resolution Approving Request For One Part Time Deputy Register Of Deeds At 20 Hours To Be Classified To A Part Time Senior Deputy Register Of Deeds At 20 Hours-Register of Deeds, and moved its adoption. Seconded by Commissioner Mantey. MOTION CARRIED, 8-0-1 absent.

Commissioner Dolan presented Resolution No. 2012-09-266, Resolution Authorizing Renovations To The Animal Shelter By Creating A Quarantine Room And Repairing The Exterior Dog Runs-Animal Control, and moved its adoption. Seconded by Commissioner Williams. MOTION CARRIED, 8-0-1 absent.

Commissioner Domas presented Resolution No. 2012-09-267, Resolution Authorizing Submission Of The 2012/2013 Child Care Fund Budget To The State Of Michigan-44th Circuit Court, and moved its adoption. Seconded by Commissioner Griffith. MOTION CARRIED, 8-0-1 absent.

Commissioner Domas presented Resolution No. 2012-09-268, Resolution Authorizing Agreements With Livingston Family Center, Inc., Complete Counseling Center And Karen Bergbower & Associates, PC To Provide Intensive In-Home Counseling Services-44th Circuit Court, and moved its adoption. Seconded by Commissioner VanHouten. MOTION CARRIED, 8-0-1 absent.

Commissioner Domas presented Resolution No. 2012-09-269, Resolution Authorizing 2012/2013 Contract For "The Program At Legacy" With Hartland Community Education-44th Circuit Court, and moved its adoption. Seconded by Commissioner Griffith. MOTION CARRIED, 8-0-1 absent.

Call To The Public. Deborah Ann Gladish, occupant of the Woodland Motel, stated that she wants to sue Livingston County, Sheriff, Carolyn Henry and various other departments but is unaware how to do it.

Adjournment. It was moved by Commissioner Williams that the meeting be adjourned. Seconded by Commissioner Mantey. MOTION CARRIED, 8-0-1 absent.

The meeting was adjourned at 7:47 p.m.

Margaret M. Dunleavy
Livingston County Clerk

LIVINGSTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, September 26, 2012
CONFERENCE RM. 1, 304 E. Grand River, Howell, MI

The meeting was called to order by the Chairperson, Maggie Jones, at 9:03 a.m.

All rose for the Pledge of Allegiance.

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

Present: Maggie Jones (1), Jim Mantey (2), David Domas (3), Ronald VanHouten (4),
Steven Williams (6), Carol Griffith (7)

Absent: Jay Drick (5), Dennis Dolan (8), John E. LaBelle (9)

Also present: Cindy Mendoza (Finance), Roberta Bennett (Purchasing), Melissa Scharrer
(Friend of the Court), Don Arbic (911), Paul McNamara, Greg Jolliff (IT),
Jennifer Palmbo (Human Resources), Belinda Peters (Administration), Margaret
M. Dunleavy, Debbie Warden

Call To The Public. No response.

Agenda. It was moved by Commissioner Domas to approve the agenda, as printed.
Seconded by Commissioner Griffith. MOTION CARRIED, 6-0-3 absent.

Claims. It was moved by Commissioner Williams to accept the Finance Committees
recommendation for approval of claims dated September 26, 2012. Seconded by
Commissioner Griffith. MOTION CARRIED, 6-0-3 absent.

Payables. It was moved by Commissioner Domas to accept the Finance Committees
recommendation for approval of payables for September 13 through September 20, 2012.
Seconded by Commissioner Williams. MOTION CARRIED, 6-0-3 absent.

Call To The Public. No response.

Adjournment. It was moved by Commissioner Mantey that the meeting be adjourned.
Seconded by Commissioner Williams. MOTION CARRIED, 6-0-3 absent.

The meeting was adjourned at 9:04 a.m.

Margaret M. Dunleavy
Livingston County Clerk

RESOLUTION

NO: 2012-10-270

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION TO APPROVE RE-APPOINTMENTS TO THE LIVINGSTON COUNTY PLANNING COMMISSION

WHEREAS, the three-year terms of representative seats on the Livingston County Planning Commission will soon expire; and

WHEREAS, the following re-appointments have been recommended:

PLANNING COMMISSION		
MEMBER	STATUS	TERM EXPIRATION
JEANNE CLUM	RE-APPOINTMENT	10/31/2015
MIKE HUBERT	RE-APPOINTMENT	10/31/2015

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

#

#

#

MOVED:

SECONDED:

CARRIED:

LIVINGSTON COUNTY PLANNING COMMISSION COMPOSITION
2012

Planning Commissioner	Geographic Representation	Interest Representation	Current Term
Reid Krinock	City of Brighton	Residential	Oct. 2010 – Oct. 2013
Jim Sparks	Tyrone Township	Agricultural	Oct. 2011 – Oct. 2014
Sylvia Kennedy-Carrasco	Marion Township	Transportation	Oct. 2011 – Oct. 2014
Brian Prokuda	Deerfield Township	Industrial	Oct. 2011 – Oct. 2014
Jeanne Clum	Howell Township	Recreation	Oct. 2012 – Oct. 2015
Bill Anderson	City of Brighton	Government	Oct. 2010 – Oct. 2013
Michael Hubert	Fowlerville	Public School Board	Oct. 2012 – Oct. 2015

RESOLUTION

NO: 2012-10-271

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION TO APPROVE APPOINTMENTS TO THE LIVINGSTON COUNTY PARKS AND OPEN SPACE ADVISORY COMMITTEE - BOARD OF COMMISSIONERS

WHEREAS, the term of numerous representative seats on the Livingston County Parks and Open Space Advisory Committee have or will expire; and

WHEREAS, the following appointments have been recommended:

PARKS & OPEN SPACE ADVISORY COMMITTEE		
MEMBER	STATUS	TERM EXPIRATION
GARY EDWARDS	APPOINTMENT	10/31/2013
BILL CALL	APPOINTMENT	10/31/2013
DEBBIE MIKULA	APPOINTMENT	10/31/2013
BILL RUBBINS	APPOINTMENT	10/31/2013
JACK LABELLE	APPOINTMENT	12/31/2014
BRIAN JONCKHEERE	RE-APPOINTMENT	12/31/2014
ROBERT PARKER	RE-APPOINTMENT	12/31/2014
JAMES SPARKS	RE-APPOINTMENT	12/31/2014
RONALD VANHOUTEN		12/31/2013
CHRIS FOLTS		12/31/2013
MIKE ARENS		12/31/2013

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

#

#

#

MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2012-10-272

LIVINGSTON COUNTY

DATE: October 1, 2012

**RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR A WEDDING
– Building Services**

WHEREAS, Jean Flanagan has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, Courthouse parking lot and Administration Building parking lot, for the purpose of holding a Wedding and Rehearsal on Friday, May 24, 2013 from 5:00 pm to 5:00 pm and Saturday, May 25, 2013 from 3:00 am to 5:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by Jean Flanagan, for the purpose of holding a Wedding and Rehearsal on Friday, May 24, 2013 from 5:00 pm to 5:00 pm and Saturday, May 25, 2013 from 3:00 am to 5:00 pm.

BE IT FURTHER RESOLVED that requested use of county grounds will be in accordance with existing county policy at the time of the event.

#

#

#

MOVED: Commissioner

SECONDED: Commissioner

CARRIED:

4455 Ormond Rd
Davisburg, MI 48350

September 10, 2012

To Whom It May Concern:

My daughter, Brooke Petrinec, and her fiancé, Donald Hooker, are planning to marry on May 25, 2013. They have reserved the Opera House in Howell for their reception and are looking for a nearby outdoor venue and would like to use the courthouse grounds for this purpose. I have enclosed an application for this purpose and will be calling my homeowner's insurance company regarding your policy requirement.

If you have any questions please call me at 248-514-7468. Thank you for your consideration of this request.

Jean Flanagan

APPLICATION FOR USE OF LIVINGSTON COUNTY GROUNDS & FACILITIES

Please return completed application to: LIVINGSTON COUNTY BUILDING SERVICES
420 S. Highlander Way, Howell, MI 48843 -or- By Fax: 517-546-0271 - Phone: 517-546-6491

**** The cost to use County grounds is \$25.00 per each event.****

This form must be accompanied by a cover letter.

Date(s) and time of use (start and end): **May 25, 2013 3p.m. -5p.m.**

Name of Event: **Petrinec-Hooker Wedding** *may 24, 2013, 5pm to 8pm rehearsal*

Type of Event: **Wedding Ceremony**

Group Requesting Use:

Name of Person Responsible: **Jean Flanagan**

Address: **4455 Ormond Rd Davisburg, MI 48350**

Telephone Number: **(248) 514-7468**

Fax Number:

E-mail address: **jeanerflan@msn.com**

Specific areas of County grounds you request to use:

Courthouse Grounds on Grand River

Is event open to the general public? Yes No Number of participants expected: **150**

What equipment will be used on the grounds - ex: chairs, tables, electrical equipment, restroom facilities?

Chairs, microphone and quiet music

When will equipment be set up? **3 p.m.**

If outside, is food to be served for a fee? Y N If yes, has the appropriate Health Department permit been obtained? Y N

Has this group used County facilities/grounds for other events, if so, please list functions and dates?

no

Liability insurance naming "Livingston County" as an "additional insured" is required in the amount of \$1 million at the time of event. Does this group have liability insurance to cover this event? Yes No

Hold Harmless/Indemnification

To the fullest extent permitted by law I agree to defend, pay on behalf of, indemnify, and hold harmless Livingston County, its elected and appointed officials, employees and volunteers, and others working on behalf of Livingston County against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from Livingston County, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of my use of Livingston County grounds and facilities.

I have read and agree to the above hold harmless/indemnification clause as well as the Rules For Use of County Grounds and Facilities and I understand that County grounds and facilities will be left in a clean and neat condition after use and I agree to pay for any damage to the facility/grounds which may incur as a result of this scheduled function.


Signature of Responsible Person

9-9-12
Date

RESOLUTION

NO: 2012-10-273

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE CITY OF BRIGHTON FOR BUILDING DEPARTMENT SERVICES - BUILDING INSPECTION / FINANCE / FULL BOARD

- WHEREAS,** the City of Brighton continues to have a need to fill a vacant Building Official position; and
- WHEREAS,** this position is vital to the continuation of State-mandated building inspection and plan review functions for the City; and
- WHEREAS,** Livingston County has been providing Building Official services to the City of Brighton since November 1, 2010, in which the current contract expires on October 31, 2012; and
- WHEREAS,** both parties would like to renew the agreement with the same terms and conditions for an additional one-year period with the addition of the provision for automatic annual renewals unless terminated by either party within 30 days; and
- WHEREAS,** this Resolution has been recommended for approval by the Finance Committee.

THEREFORE BE IT RESOLVED that the County of Livingston will continue to perform City Building Department functions, including Chief Building Official duties, per State statute for the period of November 1, 2012 – October 31, 2013, with the provision for automatic annual renewals unless terminated by either party within 30 days.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the Chairman to sign the Agreement and any needed amendments upon the approval and review of civil counsel.

#

MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2012-10-274

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING THE SHERIFF DEPARTMENT AND THE COUNTY OF LIVINGSTON TO APPLY FOR AND ENTER INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY SAFETY PLANNING FOR FISCAL YEAR 2013 SECONDARY ROAD PATROL AND TRAFFIC ACCIDENT PREVENTION PROGRAM GRANT.

WHEREAS, the Livingston County Sheriffs' Department wishes to continue the operation of the Secondary Road Patrol and Traffic Accident Prevention Program for state fiscal year 2013; and

WHEREAS, the County of Livingston will be receiving up to \$86,688.00 in reimbursement funds from the State of Michigan, Office of Highway Safety Planning for participation in the 2013 Secondary Road Patrol and Accident Prevention Program; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of application to enter into a contract with the State of Michigan, Office of Highway Safety Planning wherein Livingston County will receive a maximum of \$86,688.00 in State reimbursement funds effective October 1, 2012 through September 30, 2013; and

BE IT FURTHER RESOLVED that the Chairman of the Livingston County Board of Commissioners be authorized to sign the above referenced application and any other related contract documents that may be required upon review and approval of civil counsel.

#

#

#

MOVED:
SECONDED:
CARRIED:

**SECONDARY ROAD PATROL AND
TRAFFIC ACCIDENT PREVENTION PROGRAM**

GRANT APPLICATION

FOR FISCAL YEAR

2013

(OCTOBER 1, 2012 – SEPTEMBER 30, 2013)

Application also available at
www.michigan.gov/ohsp-srp

SECTION A: APPLICATION INSTRUCTIONS

The following items are required to be reviewed and completed for the County to be awarded Secondary Road Patrol funding. The completed application must be submitted to the Office of Highway Safety Planning (OHSP) in its entirety (all pages). Questions regarding the application may be directed to (517) 241-2520.

Section B.	GRANT CONDITIONS & REQUIREMENTS.....	Pages 3 - 7
Section C.	APPLICATION AND AGREEMENT SIGNATURE PAGE.....	Page 8
Section D.	MAINTENANCE OF EFFORT BASE DATA.....	Page 9
Section E.	METHODS AND PROCEDURES.....	Page 10
Section F.	RESOLUTIONS, CONTRACTS, AND LAW ENFORCEMENT PLAN.....	Page 11
Section G.	EQUIPMENT AND AUTOMOTIVE INVENTORY.....	Page 12
Section H.	BUDGET.....	Pages 13 - 16
Section I.	EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION.....	Page 17

Mail the application, with original signatures, and all supporting documentation to:

Michigan State Police
Office of Highway Safety Planning
333 South Grand Avenue
P.O. Box 30634
Lansing, MI 48909-0634

SECTION B: GRANT CONDITIONS & REQUIREMENTS

I. Definitions

ACT 416 is Public Act 416 of 1978, as amended, MCL 51.76 and 51.77, which established the Secondary Road Patrol and Accident Prevention Program.

OHSP (Office of Highway Safety Planning) is the agent for the State of Michigan, acting through the Michigan Department of State Police.

MSP is the Michigan Department of State Police.

SRP is the Secondary Road Patrol Program.

The PROVIDER is the County Board of Commissioners as advised by the County Sheriff acting through a duly authorized contracting official, i.e., Chairperson of the County Board of Commissioners or County Executive Officer.

FISCAL YEAR denotes the fiscal year of the State of Michigan, beginning each October 1.

NONEXPENDABLE PERSONAL PROPERTY is tangible personal property having a useful life of more than one year and acquisition cost of \$1,000 or more per unit.

EXPENDABLE PERSONAL PROPERTY is all tangible personal property other than non-expendable property.

COUNTY FUNDED ROAD PATROL OFFICER is a uniformed officer who responds to citizens' requests, makes arrests, investigates traffic crashes and crimes, serves legal papers, patrols the county, and may occasionally be assigned to jail, marine/snowmobile, dispatch, court, prisoner transport, or other non-patrol related functions. Examples of who not to include are sheriff, undersheriff, command officers who supervise other divisions in addition to road patrol, full-time court detail, corrections, marine/snowmobile, detectives, DARE, etc.

ACT 416 FUNDED ROAD PATROL OFFICER is a uniformed officer who patrols the secondary roads (county primary and county local roads, excluding those portions within the boundaries of a city or village); monitors traffic violations; enforces the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while providing the patrolling and monitoring required by the Act 416; investigates crashes involving motor vehicles; and provides emergency assistance to persons on or near a highway or road patrolled and monitored as required by Act 416.

II. Law Enforcement Plan

Act 416 requires the sheriff, the Director of the Department of State Police, and the Director of the OHSP or their authorized representatives to develop a Law Enforcement Plan for the unincorporated areas of the county. The Law Enforcement Plan shall be updated at least every four years (after a sheriff's election year). The plan may be updated in the interim at the discretion of the sheriff and the local MSP post commander. A copy of the most current Law Enforcement Plan must be included in the documents submitted with the application each year.

III. Services

The sheriff's department shall be the law enforcement agency primarily responsible for providing the following services on county primary roads, county local roads, except within the boundaries of a city or village, and on any highway or road within the boundaries of a county park:

1. Patrolling and monitoring traffic violations.
2. Enforcing the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while engaged in Act 416 patrols.
3. Investigating crashes involving motor vehicles.
4. Providing emergency assistance to persons on or near a highway or road patrolled and monitored as required by Act 416.

IV. City and Village Service Resolutions

Act 416 provides for service requests from a city or village to a county. If an agreement of this type is entered into, a copy of the resolution authorizing this action must be included in the documents submitted with the application each year.

Any or all of the following services may be provided:

1. Patrolling and monitoring traffic violations.
2. Investigating crashes involving motor vehicles.
3. Providing emergency assistance to persons on or near a highway or road being patrolled.

V. Accounting and Recordkeeping Requirements

The Provider must maintain accounting records, following generally accepted accounting procedures, to receive reimbursement for expenditures under this grant. Documentation supporting all expenditures shall be maintained for at least three years after the expiration of the fiscal year covering this agreement. The Provider agrees to expend funds obtained under this agreement only during the period covered by the agreement and only for purposes specified in the budget detail unless written approval is received from OHSP. **ALL REVENUE AND EXPENDITURES SHALL BE RECORDED IN A FUND OR ACCOUNT SEPARATE FROM THE PROVIDER'S OTHER FUNDS OR ACCOUNTS.**

- A. Personnel Costs. Amounts expended under this agreement for Act 416-funded road patrol officers shall be based upon payrolls documented and approved in accordance with the policies and practices of the Provider and shall be supported by time and attendance records and daily activity logs for individual employees. The daily logs must detail all activities engaged in, locations of activities, and times engaged in each activity.
- B. All automotive expenses, supplies, and equipment shall be authorized and procured in accordance with the general policies and practices of the county. Automotive expenses can be reported based either on the actual costs incurred for vehicles, gasoline, maintenance, insurance, and other vehicle costs, or on actual miles driven times a mileage rate. If the county chooses to use a mileage rate, they may either use the most recently published IRS business rate, in which case no further calculation is required, or, they can calculate their own mileage rate based on their county's actual costs. Supporting documentation for the county's calculated rate must be kept on file for review during monitoring.

<p>Note: If using a mileage rate that includes an allowance for depreciation of the vehicle, including the IRS rate, the county may not also request reimbursement for a vehicle as an equipment purchase.</p>

C. Property Management Standards

1. Accounting Requirement. The county agrees to maintain a readily identifiable inventory of nonexpendable personal property purchased in whole, or in part, with Act 416 funds. Inventory of this property shall be made a part of the county's official Act 416 records and shall be available for review by authorized state personnel. At a minimum, property management records shall meet the following requirements:
 - a) Item description
 - b) Manufacturer's serial number and, if applicable, an Act 416 control number
 - c) State's Act 416 cost equity at time of purchase
 - d) Acquisition date and cost
 - e) Location of property
 - f) Ultimate disposition date including sale price or method used to determine fair market value
 - g) Method of disposition
2. Recordkeeping Requirements. The county agrees to maintain, as a part of the financial records for Act 416, property management records for all nonexpendable personal property acquired in whole, or in part, with Act 416 funds. This includes copies of purchase orders, bid information, invoices and inventory records. Records shall be retained for three years beyond the useful life of the equipment.

VI. Standards for Acquiring, Using, and Disposing of Property Purchased with Funds Paid Under Act 416

The acquisition of expendable and nonexpendable personal property shall be pre-authorized by OHSP. Expendable property may be disposed of when, at the discretion of the Provider, it is no longer usable. For nonexpendable personal property acquired by a county in whole, or in part, with Act 416 funds, the following conditions apply:

- A. Use of nonexpendable personal property is restricted to activities authorized by Act 416 and by personnel funded or authorized by OHSP in their grant with the county or by adjustments to this grant.
- B. Disposition of Nonexpendable Personal Property. Proper sales procedures shall be established for unneeded property which would provide for competition to the maximum extent possible and result in the highest possible return. When a recipient of nonexpendable personal property purchased in whole, or in part, with Act 416 funds no longer has a need for the property in its Act 416 program, the county shall obtain prior approval from OHSP for the proposed disposition of the property. Requests for approval of the proposed disposition shall be submitted to OHSP within 30 days prior to the proposed disposition. The property, with concurrence of OHSP, may be disposed of in accordance with the following standards and order of priority:
 1. OHSP reserves the right to require the county to transfer the property to the control of OHSP or directly to a third party at the discretion of OHSP. The county shall be reimbursed by the beneficiary county with an amount which is computed by applying the percentage of county participation in the original cost of the item(s) to the current fair market value.
 2. OHSP may permit the county to retain the property for use other than that authorized in Act 416, provided compensation is made to the State of Michigan. The amount of compensation shall be computed by applying the percentage of state participation in the original cost of the item(s) to the current fair market value.
 3. OHSP may instruct the county to sell the property and reimburse the State of Michigan an amount which is computed by applying the percentage of state participation in the original cost of the item(s) to the current fair market value. The county is permitted to retain five percent of the total proceeds to cover selling and handling expenses.
- C. Replacement of Property. When an item of nonexpendable personal property with an acquisition cost of \$1,000 or more is no longer efficient or serviceable but the county continues to need the property in its Act 416 program, the county may replace the property through trade-in or sale and purchase of new property, provided the following requirements are met:
 1. Similar Function. Replacement property shall serve the same function as the original property and be of the same nature or character, although not necessarily of the same grade or quality.
 2. Credits. Value credited for the property, if the property is traded in, shall be related to the fair market value.
 3. Time. Purchase of replacement property shall take place soon enough after the sale of nonexpendable property to show that the sale and the purchase are related, but in any instance, during the same funding year.
 4. Compensation. Replacement of property under this paragraph is not disposition of this property. The county is not required, at the time of replacement, to compensate the State for the state share of the property; rather, the state share is transferred to the replacement property with an appropriate adjustment as provided in VI.C.5. The replacement property is subject to the same instruction on use and disposition as the property replaced.
 5. Calculation of State Share. The state share of the replacement property is calculated as follows:
 - a. The proceeds from the sale of the original property or the amount credited for trade-in is multiplied by the state share (percentage) to produce a dollar amount.
 - b. The percentage of the Act 416 dollar amount to the total purchase price of the replacement property is the state share of the replacement property.

6. Prior Approval. Recipients of Act 416 funds shall obtain written permission from OHSP to use the provision of VI.C prior to entering into negotiations for the replacement or trade-in of nonexpendable property.

VII. Financial Reports

The Provider agrees to submit a Quarterly Financial Report within 20 days of the completion of each quarterly period beginning with the date of this agreement. The Inventory Control Listing for nonexpendable property as identified in V.C.1. shall be maintained by the county for review during grant monitoring, and shall be submitted with each change to OHSP.

VIII. Program Reports

The Provider agrees to submit a Semi-Annual Program Report within 20 days following the end of each semi-annual reporting period. Further, the Provider agrees to submit an Annual Program Report by October 20 of each year covering the fiscal year just ended, as provided in Act 416.

IX. Amendment of Grant

Program modification or a budget revision shall be requested on the Grant Adjustment Request form provided, and be approved by OHSP prior to implementation.

X. Limitation Upon Timing of Expenditures

All obligations under this agreement shall be made subsequent to the project start date and prior to the project end date of the grant.

XI. Limited Availability of Indirect Costs

Indirect costs reportable for reimbursement are allowable providing they do not exceed 5% of the total direct program expenditures. Costs for clerical support personnel may be included in the budget as an indirect cost, not a direct cost.

XII. Method of Payment

The State of Michigan shall reimburse the county for expenditures incurred during the previous quarter. The county will receive the reimbursement approximately four weeks following receipt of the Quarterly Financial Report. Reimbursement may be delayed should the county fail to provide all required reports and other documentation, or is not in compliance with Act 416 and the Grant Conditions & Requirements.

XIII. Attribution

Any public dissemination of information under this agreement shall identify the State of Michigan as the source of the funding for the services provided.

XIV. Notice Regarding Position Reductions

The county shall immediately notify OHSP of any reductions in the working number of county funded road patrol positions if the remaining number of working road patrol positions is below the September 30, 1978, level. This notification shall include the latest county estimate of total county general fund revenue for the pertinent county fiscal year. Notification shall be in writing and include appropriate explanatory information.

XV. Termination

Termination of this grant will become effective based upon one or more of the following conditions:

- A. The end date specified on the grant has been reached and all other conditions of funding have been satisfied.

- B. Funds allocated are contingent upon an appropriation from the State of Michigan and sufficient citation surcharge collections. County allocations may be revised during the year based on revenue collected.
- C. This agreement is void if the Provider reduces its expenditures or level of road patrol below that which the Provider was expending or providing immediately before October 1, 1978, unless the Provider is required to reduce general services because of economic conditions and is not merely reducing law enforcement services. If there is an allegation of non-compliance with the provisions of this subsection, the OHSP shall notify the Provider in writing and afford the Provider with an opportunity to demonstrate compliance. If compliance cannot be established, OHSP shall notify the Provider in writing of the termination of this agreement. This termination shall be effective as of the date on which the non-compliance originally occurred.
- D. The Provider shall comply with the identified schedule for financial and programmatic reporting. Failure to comply will result in OHSP action to withhold the release of funds.
- E. Non-compliance with Act 416 and/or Grant Conditions & Requirements is grounds for the termination of this grant and funding. Repayment of funds to the State of Michigan may be required for those funds expended on non-Act 416-related costs.
- F. Upon 60 days notice, the Provider may terminate the grant. OHSP may waive this notification requirement.

XVI. Inspection, Audit, and Reporting

The OHSP, the Local Government Audit Division of the Michigan Department of Treasury, and the State Auditor General, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Provider which are related to this agreement, for purpose of inspection, audit, and examination.

The Provider shall comply with the requests of OHSP for information on reports related to the manpower, expenditures, and services of the Provider and the traffic crash, traffic safety, and crime data of the county or areas of the county of the Provider.

XVII. Equal Employment Opportunity Requirements

In accordance with the Elliott-Larsen Civil Rights Act and the Michigan Handicappers Civil Rights Act, a grantee or contractor shall not discriminate against any employee or applicant for employment, with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, ancestry, age, sex, height, weight, marital status, or handicap. Failure to comply with this requirement is cause for termination of the grant.

In accordance with Executive Directive 1979-4 and Michigan Department of Civil Rights Standards and Procedures for Civil Rights Compliance in State and Federal Contracts, a grantee or contractor must have an established policy of equal employment opportunity without regard to race, color, religion, national origin, age, sex, or handicap. The grantee or contractor shall take steps necessary to correct any under representation and achieve a reasonably representative work force at all levels of employment. In addition, the grantee or contractor shall:

- A. State in all recruiting materials and advertisements that all applicants will receive equal consideration for employment without regard to race, color, religion, national origin, age, sex, or handicap, and
- B. Post in conspicuous places notices setting forth the law on equal opportunity in employment and public accommodations. (Posters are available from the Michigan Department of Civil Rights.)

A grantee or contractor shall inform OHSP of any federal or state actions taken against the grantee or contractor pertaining to equal employment opportunity requirements. A grantee or contractor shall keep employment or other recourse used in preparation of the Minority-Female-Handicapper Status Report, work force Utilization

Analysis and EEO Plan six months beyond the life of the grant or contract to permit access by the OHSP, Michigan Department of Civil Rights, or other authorized persons as may be necessary to ascertain compliance.

The award of a grant is subject to acceptance of the required reporting forms and EEO Plan and a determination of compliance with Equal Employment Opportunity requirements by OHSP or the Michigan Department of Civil Rights.

XVIII. Legislative Mandate

“Any law enforcement entity receiving GF/GP funds from the budget shall not evaluate an employee or consider for promotion or assignment on basis of motor vehicle citations issued.”

SECTION C: SECONDARY ROAD PATROL AND TRAFFIC ACCIDENT PREVENTION PROGRAM APPLICATION

I. Application & Agreement Signature Page

This application is made under Act 416, as amended, in the amount and for the purpose set forth. Failure to comply with Act 416, Grant Conditions & Requirements, or Generally Accepted Accounting Principles is cause for termination of the grant.

We certify that the information contained in this application, including the Methods and Procedures and Budget Detail, is true and correct to the best of our knowledge. We agree to comply with all Grant Conditions, Act 416 requirements, and the policies of the OHSP.

On the basis of the information provided in this application and detailed budget submitted by the county, an award will be made to the county in the amount and for the period stated and is subject to the Grant Conditions & Requirements. This agreement becomes effective as of the date county representatives are notified by OHSP.

A. REQUESTOR INFORMATION

1. Applicant County Livingston County	2. Federal Employer ID Number 38-6005819
3. Fiscal Year October 1, 2012, to September 30, 2013	

B. CHAIRPERSON, COUNTY BOARD OF COMMISSIONERS

4. Name Maggie E. Jones	5. Telephone Number 517-546-3520	
6. Street Address 304 E. Grand River	7. City Howell	8. ZIP Code 48843
9. Signature of Chairperson		10. Date

C. SHERIFF

11. Name Robert J. Bezotte	12. Telephone Number 517-546-2440	
13. Street Address 150 S. Highlander Way	14. City Howell	15. ZIP Code 48843
16. Signature of Sheriff		17. Date

D. FINANCIAL OFFICER (Person Responsible for Fiscal Accounting)

18. Name Margaret M. Dunleavy	19. Telephone Number 517-546-9816	
20. Street Address 200 E. Grand River	21. City Howell	22. ZIP Code 48843
23. Signature of Financial Officer		24. Date

E. PRIMARY CONTACT PERSON FOR SRP PROGRAM

25. Name and Title Don Jakrzewski	26. Telephone Number 517-540-7983	
27. E-mail Address djakrzewskj@co.livingston.mi.us	28. Fax Number 517-552-2542	

FOR OHSP USE ONLY

Date Application Received	Grant Number
---------------------------	--------------

AUTHORITY: 1978 PA 416, as amended; **COMPLIANCE:** Voluntary, but required for SRP funding

II. Maintenance of Effort Base Data

County Funded Deputies

Report the number of county funded, full-time certified deputies employed by, or budgeted for, the sheriff's department as of the dates indicated below. The source of funding for the deputies (i.e., other grants, local contractual arrangements, etc.) is not a deciding factor in determining whether the county meets the maintenance of effort requirement. **Do not include SRP funded deputies.**

County Funded, Full-Time Certified Deputies	1) As of 9/30/78	2) Current	3) Budgeted for Upcoming Fiscal Year (October 1 – September 30)
Total Number	33	60	60
Number Whose Primary Duty is Road Patrol	15	33	33

III. Methods and Procedures

INSTRUCTIONS: Indicate how your department will utilize the funds allocated by selecting each box that describes an activity engaged in by your county's SRP officers. If "other" is selected, provide a description of the activity. All activities must be allowable under the provisions of Act 416 and must be consistent with the submitted budget.

- Patrol and monitor traffic violations on secondary roads.
- Investigate crashes involving motor vehicles on secondary roads.
- Provide emergency assistance to persons on secondary roads.
- Enforce violations of criminal laws which are observed by or brought to the attention of the sheriff's department while patrolling secondary roads.
- Enforce laws in state parks and county parks within the county.
- Provide a vehicle inspection program.
- Provide traffic safety information and education programs.
- Other (please describe) _____

Additional Information

IV. Resolutions, Contracts, and Law Enforcement Plan

- A. List each city or village which has requested by resolution that the sheriff's department provide services within its boundaries. If none, note N/A.

Note: Include a copy of each resolution. If any new resolutions are adopted during the fiscal year, immediately forward a copy to OHSP.

None

- B. List each township, city, or village that contracts with the sheriff's department to provide law enforcement services. If none, note N/A.

Note: Include a copy of each contract. If any new contracts are acquired during the fiscal year, immediately forward a copy to OHSP.

Hartland Township and Tyrone Township combine to contract for full-time Sheriff Patrols

Putnam Township contracts with the Sheriff for patrol 40 hours per week

Copies of the contracts are attached

- C. Include a copy of your most current Law Enforcement Plan with MSP for the unincorporated areas of the county.

Note: Law Enforcement Plans shall be updated at least every four years, following a sheriff's election.

				\$		
--	--	--	--	----	--	--

VI. Budget Detail

INSTRUCTIONS: The budget must be completed in detail and shall only cover the period for which this application is made.

Note: Round to whole dollar amounts.

A. PERSONNEL

SALARIES AND WAGES			
POSITION TITLE	SALARY RATE	% OF TIME ON ACT 416 ACTIVITIES	COST
Deputy Chad Sell	5 year	100	\$55,475.00
Deputy Brad Neff	4 Year	100	\$52,041.00
			\$
			\$
			\$
OVERTIME			\$8,000.00
LONGEVITY			\$555.00
SUBTOTAL			\$116,071.00

FRINGE BENEFITS		
FICA	PERCENT 7.65	\$9,173.00
RETIREMENT	PERCENT 16.6	\$19,904.00
HOSPITALIZATION	AVG/EMPLOYEE/MONTH \$1,019.00	\$24,466.00
WORKERS COMPENSATION	RATE/\$100 IN WAGES \$4.00	\$4,796.00
OTHER INSURANCE (please identify) Life Insurance	annual	\$126.00
Retiree Health Care	annual	\$14,523.00
Holiday		\$2,481.00
Compensatory Time Pay Out	annual	\$1,350.00
		\$
SUBTOTAL		\$76,819.00
TOTAL PERSONNEL		\$192,890.00

B. AUTOMOTIVE EXPENSES

INSTRUCTIONS: The County may choose to account for Automotive Expenses using **ONE** of the two following methods: **Actual Automotive Expenses OR Mileage Reimbursement.** The same method **must** be used to account for the costs in the SRP general ledger accounts.

ACTUAL AUTOMOTIVE EXPENSES		
DESCRIPTION OF EXPENSE <small>(Include fuel, maintenance, insurance, etc.)</small>	RATE	COST
Annual Lease		\$25,290.00
(Lease amount includes fuel,		\$
insurance, and maintenance of		\$
SRP assigned vehicles)		\$
		\$
	TOTAL AUTOMOTIVE EXPENSES	\$25,290.00

OR

MILEAGE REIMBURSEMENT		
COUNTY COST PER MILE OF PATROL OPERATION	ESTIMATED MILES	COST
		\$
		\$
		\$
		\$
		\$
		\$
	TOTAL AUTOMOTIVE EXPENSES	\$

C. EQUIPMENT

DESCRIPTION	QUANTITY	PURCHASE PRICE	COST
			\$
			\$
			\$
		TOTAL EQUIPMENT	\$0.00

D. OPERATING EXPENSES

DESCRIPTION OF EXPENSE	RATE	COST
PRINTING/SUPPLIES		\$1,000.00
CLEANING/CLOTHING ALLOWANCE		\$1,100.00
TRAINING		\$0.00
RADIO MAINTENANCE CONTRACTS		\$3,141.00
MISCELLANEOUS (describe)		\$500.00
		TOTAL OPERATING EXPENSES
		\$5,741.00

TOTAL DIRECT COSTS (Personnel, Automotive, Equipment, & Operating)	\$223,921.00
--	---------------------

E. INDIRECT COSTS

NOT TO EXCEED 5% OF TOTAL DIRECT COSTS	\$3,812.00
---	-------------------

TOTAL PROJECT COSTS (Direct + Indirect)	\$227,733.00
STATE ALLOCATION	\$86,688.00

F. BUDGET NARRATIVE

INSTRUCTIONS: Provide a narrative justifying and detailing the basis for determining the cost of the items included in each budget category. Include calculations that aren't apparent on previous pages. Additional pages may be attached as needed.

Personnel:

Salaries and Wages: Wages levels are determined by the labor agreement. Of the two officers assigned to the program, one is at the top level pay and does receive 1% of his base wage in longevity payment annually. The other officer will be going from the 3rd step to the 4th step in pay level during the grant cycle. Overtime is estimated using historical data.

Fringe Benefits: Included in the category are: FICA, Retirement, Hospitalization, Workers Compensation, Life Insurance, Retiree Health Care, Holiday Premium, and Compensatory Time Payout.

Automotive: The County will be using the Actual Automotive Expense method of budgeting and reporting of the Automotive expenses incurred during the grant cycle. The budget amounts reflected in the grant application are derived from historical data and actual lease costs for each of the two vehicles listed.

Equipment: There is no entry for equipment purchases during this grant cycle.

Operating Expenses:

Printing and Supplies:

This category includes all office supplies including preprinted forms, case preparation supplies, replace/repair items of equipment that are used/worn by the officer (not including uniforms).

Cleaning/Clothing Allowance:

This category includes the annual cost to clean each officers uniforms and the amount used to replace worn or unserviceable uniforms.

Training:

This category includes the officers' allotment for annual training.

Radio Maintenance Contracts:

This category includes an annual maintenance contract for computer hardware/software and the annual cost of cellular telephone service.

Miscellaneous:

Included in this category are annual membership dues and subscriptions and equipment repair/maintenance.

Indirect Costs:

The indirect costs reflects the amount charged for office space rental/maintenance used exclusively by the officer's assigned to 416 duties.

Name and Title of Person Completing the Budget Lt. Don Jakrzewski	Telephone Number 517-540-7983
--	----------------------------------

VII. Equal Employment Opportunity (EEO)

**COUNTY
EQUAL EMPLOYMENT OPPORTUNITY
CERTIFICATION**

I, _____, certify that
(County Board Chairperson)
_____ County has formulated an equal
(County Name)
employment opportunity program in accordance with the standards
established under Executive Directive 1979-4. The EEO Plan is
on file with the Michigan _____
(State Agency)
for review or audit by officials of that agency, or the Department of Civil
Rights, or OHSP as required by relevant laws, directives, and regulation.

Signature of County Board Chairperson

Date



LIVINGSTON COUNTY, MICHIGAN
SHERIFF DEPARTMENT

150 S. Highlander Way
Howell, MI 48843
Phone 517-540-7983 Fax 517-552-2542
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Lt. Don Jakrzewski
Date: 9-11-2012
**Re: 2013 Secondary Road Patrol Grant offered by the State of
Michigan Office of Highway Safety Planning**

Livingston County Sheriff Department has been invited to participate in the State of Michigan, Office of Highway Safety Planning Secondary Road Patrol and Accident Prevention Program grant for State fiscal year 2013.

The State of Michigan, Office of Highway Safety Planning has offered Livingston County Sheriff Department up to \$86,688.00 in state reimbursement funds for participation in the program.

The main purpose of the program is to increase traffic enforcement on secondary roads within Livingston County thereby reducing the number of traffic related incidents. The Livingston County Sheriff Department has participated in the Secondary Road Patrol and Accident Prevention Program for a number of years in the past. I am requesting that the Board of Commissioners support the submission of the application and enter into contract with the State of Michigan, Office of Highway Safety Planning for fiscal year 2013. Your support will allow the Sheriff Department to continue a vital service to our County.

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

RESOLUTION

NO: 2012-10-275

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING AN AGREEMENT WITH LUMECON TO PROVIDE PARKING LOT LED LIGHTING COMPONENTS THROUGH THE LIVINGSTON COUNTY ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT AWARD - PLANNING/BUILDING SERVICES/PURCHASING/ PUBLIC SAFETY INFRASTRUCTURE & DEVELOPMENT

WHEREAS, the Livingston County Board of Commissioners at their May 17, 2010 meeting, accepted a grant award by the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$740,400;

WHEREAS, at this meeting Commissioners also accepted the U.S. Department of Energy (DOE) approved EECBG energy efficiency and conservation strategy for Livingston County, Michigan; and

WHEREAS, installation of parking lot LED lighting components at the West County Complex is an approved Municipal Lighting Retrofit activity of this strategy; and

WHEREAS, in accordance with the County's Purchasing Policy, a competitive bid process was performed in which Lumecon is deemed to be the lowest responsive, responsible bidder; and

WHEREAS, this Resolution has been recommended for approval by the Public Safety/Infrastructure & Development Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the issuance of a purchase order to Lumecon of Farmington Hills, Michigan, in an amount not to exceed \$40,172 for parking lot LED lighting components.

BE IT FURTHER RESOLVED that the entire funding for the Municipal Lighting Retrofit project is available through the Livingston County Energy Efficiency and Conservation Block Grant.

#

MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF PLANNING

304 East Grand River Avenue, Howell, MI 48843
Phone (517) 546-7555 Fax (517) 552 2347
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Kathleen Kline-Hudson, Director
Date: 9/27/2012
Re: EECBG Municipal Lighting Retrofit

The attached resolution regards Livingston County's Energy Efficiency and Conservation Block Grant Award. The resolution is to authorize an agreement with Lumecon of Farmington Hills, Michigan, in the amount of \$40,172 for parking lot LED lighting components that will be installed at the West County Complex by personnel from the Building Services Department.

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

RESOLUTION

NO:

2012-10-276

LIVINGSTON COUNTY

DATE:

October 1, 2012

**RESOLUTION AUTHORIZING AN AGREEMENT WITH AT&T FOR INTERNET SERVICES
-Information Technology / Full Board**

WHEREAS, Livingston County utilizes the State of Michigan MIDeal program for the pricing structure for our telephone and internet services with AT & T; and

WHEREAS, under the current contract, our internet service is a 10MB Ethernet with a managed router for \$1,800 a month which expires in May, 2013; and

WHEREAS, AT&T is offering Livingston County a 50Mb Ethernet service with a managed router for \$1,600 a month; and

WHEREAS, this contract would be for a three (3) year period and would supersede our existing contract.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into a three-year agreement with AT & T for internet services for a 50Mb Ethernet service with a managed router for \$1,600 per month.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign any and all documents related to the above-referenced contract upon approval by Civil Counsel.

#

#

#

MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF INFORMATION TECHNOLOGY

304 E. Grand River Ave., Suite 101 Howell, MI 48843
Phone 517 548-3230 Fax 517 545-9608
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Paul McNamara, Director IT
Date: 9/25/2012
Re: A T & T Internet Agreement

Livingston County utilizes the State of Michigan MiDeal program for the pricing structure for our telephone and internet services with AT & T. Under the current contract, our internet service is a 10Mb Ethernet with a managed router for \$1,800 a month which expires in May, 2013. AT&T is offering Livingston County a 50Mb Ethernet service with a managed router for \$1,600 a month. This contract would be for a three (3) year period and would supersede our existing contract.

Therefore, we are recommending that the attached resolution be approved authorizing entering into a three-year agreement with AT & T for internet services for a 50Mb Ethernet service with a managed router for \$1,600 a month.

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

RESOLUTION

NO: 2012-10-277

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING AGREEMENTS WITH GROWTH WORKS INC. AND CATHOLIC CHARITIES TO PROVIDE SUBSTANCE ABUSE ASSESSMENT AND GROUP THERAPY TREATMENT SERVICES - 44TH CIRCUIT COURT, FAMILY DIVISION - JUVENILE UNIT

WHEREAS, Juvenile Court has a need for Substance Abuse Assessment and Group Therapy Treatment Services; and

WHEREAS, the current contract for Substance Abuse services will expire on September 30, 2012; and

WHEREAS, in accordance with the County's Purchasing Policy, a formal quoting process was performed and the submitted quotes were evaluated; and

WHEREAS, Catholic Charities submitted a quote that will provide Substance Abuse assessments at the rate of \$140 per assessment and Growth Works Inc. submitted a quote that will provide Substance Abuse assessments at the rate of \$128 per assessment and Group Therapy Treatment at the rate of \$34 per participant per group session attended for the period of October 1, 2012 through September 30, 2013, with an option for 2, 1-year renewals; and

WHEREAS, funding for same is available through the Child Care Fund 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 authorizes entering into agreements with Catholic Charities for Substance Abuse assessments at the rate of \$140 per assessment and with Growth Works Inc. for Substance Abuse assessments at the rate of \$128 per assessment and for Substance Abuse Group Therapy Treatment at the rate of \$34 per participant per group session attended for the period of October 1, 2012 through September 30, 2013, together with an option for 2, 1-year renewals for services described above.

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners be authorized to sign the above-referenced contract upon preparation by Civil Counsel.

BE IT FURTHER RESOLVED that the Chair of the Board of Commissioners be authorized to sign future amendments for term, monetary and contract language adjustments of the above-referenced Agreement upon review by Civil Counsel.

BE IT FURTHER RESOLVED that the Board Chairperson be authorized to sign the optional 2, 1-year renewals as prepared by Civil Counsel.

#

MOVED:
SECONDED:
CARRIED:

***Livingston County Circuit Court
Judicial Center
204 S. Highlander Way, Suite 5
Howell, MI 48843***

David J. Reader
Chief Judge

Michael P. Hatty
Circuit Court Judge

Carol Hackett Garagiola
Probate Court Judge

John Evans
Circuit Court Administrator

Peggy Toms
Administrative Coordinator
517/546/8079
517/546/0048 Fax

Memorandum

To: Livingston County Board of Commissioners

From: John Evans, Circuit Court Administrator

Date: September 19, 2012

Re: RESOLUTION REGARDING AWARD OF SUBSTANCE ABUSE ASSESSMENT AND GROUP
THERAPY TREATMENT CONTRACTS FOR JUVENILE COURT

The Juvenile Court continues to have the need to obtain Substance Abuse assessments and Substance Abuse group therapy treatment for youth who have entered the system due to drug or alcohol related offenses, or whose use of drugs or alcohol is identified as a problem upon entry into the system for other offenses.

Based on a competitive bidding process, a decision has been made to award a Substance Abuse Assessment contract to Catholic Charities and a Substance Abuse Assessment and Substance Abuse Group Therapy treatment contract to GrowthWorks, Inc.

The expenditures are included in the 2012/2013 Child Care Fund budget and will not exceed a total of \$41,630 per year and are 50% reimbursable by the State of Michigan.

Thank you for your consideration in this matter.

RESOLUTION

NO.: 2012-10-278

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING THE 44TH CIRCUIT COURT TO APPLY FOR FUNDING FOR ADULT DRUG COURT THROUGH THE SCAO OFFICE OF HIGHWAY SAFETY PLANNING (OHSP) PROGRAM – CIRCUIT COURT

WHEREAS, The State Court Administrative Office (SCAO) authorizes the expenditure of federal and state funds by competitive grant awards to operate circuit and district adult drug, juvenile drug, family dependency, and mental health court programs throughout Michigan; and

WHEREAS, The Livingston County Board of Commissioners authorized application for funding for these grant awards in Resolution #2012-06-176 on June 4, 2012; and

WHEREAS, An opportunity to apply for one additional program that can support Adult Drug Court has come up through SCAO, which is the Office of Highway Safety Planning (OHSP) program, a separate program from the applications previously authorized ; and

WHEREAS, The OHSP funds may serve as a separate source of funding to support Livingston County’s Adult Drug Courts;

WHEREAS, The 44th Circuit Court will request funds in the amount of \$101,844 for staffing, treatment, testing, training and other program-related expenses necessary to operate the Livingston County Adult Drug Court during FY 2013; and :

IT IS THEREFORE RESOLVED that the Livingston County Board of Commissioners approves the additional application by the 44th Circuit Courts to the SCAO for FY 2013 Office of Highway Safety Planning (OHSP) Funding.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, and support documents related to the grant application and subsequent award upon review by Civil Counsel.

#

MOVED:

SECONDED:

CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Carole Church
Date: September 19, 2012
Re: RESOLUTION AUTHORIZING THE 44th CIRCUIT COURT TO APPLY FOR FY 2013 MICHIGAN SPECIALTY COURT GRANT PROGRAM (MDCGP and MMHCGP) FUNDING FROM THE STATE COURT ADMINISTRATIVE OFFICE – CIRCUIT COURT/ FINANCE COMMITTEE / FULL BOARD

The 44th Circuit Court is requesting Board of Commissioners approval to submit one additional proposal to the State Court Administrative Office (SCAO), to request funding for operation of the Livingston County Adult Drug Court. This proposal is for funding through the SCAO Office of Highway Safety Planning (OHSP) program, which is a separate program from the applications previously authorized by the Board in Resolution #2012-06-176 on June 4, 2012.

The same budget request is submitted for this program, it is just a separate source of funding. The total request to be submitted is for approximately \$102,000 and provides funding for the operational expenses of the Court including salaries, contracts with treatment providers, drug testing, and attendance at the State conference. No County match is required. Funding requested is for fiscal year 2012-13 and will be available for the period of 10/1/2012 to 9/30/2013.

If you have any questions, please contact me.

RESOLUTION

NO: 2012-10-279

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION APPROVING THE FILLING OF A FULL-TIME ADMINISTRATIVE AIDE POSITION IN THE PROSECUTORS OFFICE

WHEREAS, the Prosecuting Attorney has a need to replace a full-time Administrative Aide due to a vacancy; and

WHEREAS, for purposes of continuity, the Prosecutor’s Office would function more efficiently and be able to meet its mandated obligations; and

WHEREAS, funding is available in the Prosecutors Office budget; and

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the filling a Full-Time Administrative Aide in the Prosecutors Office.

CURRENT POSITIONS		
POSITION TITLE	FULL -TIME #	PART -TIME #
Prosecuting Attorney	1	
Chief Assistant Prosecutor	1	
Supervising Prosecutors	3	
Senior Trial Attorneys	5	
Assistant Prosecutor	1	
Office Manager	1	
Crime Victim Rights Advocate	1	
Administrative Aides	6	
Administrative Aides (Crime Victim Rights Grant)		2
TOTALS:	19	2

REQUESTED POSITIONS		
POSITION TITLE	FULL -TIME #	PART -TIME #
Prosecuting Attorney	1	
Chief Assistant Prosecutor	1	
Supervising Prosecutors	3	
Senior Trial Attorneys	5	
Assistant Prosecutor	1	
Office Manager	1	
Crime Victim Rights Advocate	1	
Administrative Aides	6	
Administrative Aides (Crime Victim Rights Grant)		2
TOTALS:	19	2

#

#

#

MOVED:

SECONDED:

CARRIED:

REQUEST FOR EXCEPTION TO THE HIRING FREEZE

Request Submitted by: **David L. Morse**

Title of Position to be Filled: **Administrative Aide** Salary: **\$27,757.24**

Annual Cost of Budgeted Position: **\$46,824.00** Projected Cost for the next five years: **\$234,120.00**

New Position/Classification (Yes/No): **No**

If No: Name of Employee Last Occupying this Position **Hilary Stearns**

To Temporarily Replace an Employee who is on approved leave of absence:

Name of Employee on Leave:

Date of Expected Return:

When did the position become vacant? **09/14/12**

Has sufficient time been given to properly compensate for vacation and/or sick pay-offs to insure personnel expenses do not exceed the authorized budget?

Yes

1. Briefly describe this position and why you believe that it is essential enough to warrant an exception to the overall Livingston County hiring freeze. Provide a copy of the job description.

It is essential that this position be filled for a number of reasons. First, delays in processing cases, providing discovery and preparing subpoenas will likely occur if workloads must be shifted to the remaining support staff. If this occurs, the Prosecutor assumes substantial risk of being in violation of statute and court rule requirements for providing discovery and processing files, which could result in the dismissal of criminal charges by the court. Second, it is impossible to shift the position's workload to other support staff. It is inevitable that the Prosecutor will incur substantial costs for payment of overtime and there is not enough staff to adequately cover all of the responsibilities of the vacant position. The position is responsible for extensive contact with the court, attorneys, public and police officers.

2. Indicate if this is a mandated program/service by citing the act, rule, resolution, order, etc. that has necessitated this work. Also, if mandated, explain what effect this program/service has on current operations. If not mandated, outline the reason(s) for the department providing this task/work.

This position itself is not mandated. However, it supports the statutory and court rule mandated functions of the Prosecutor. Without the support of this position, a substantial and unsustainable additional burden would be placed on the remaining staff to continue meeting statutory and court rule mandates.

3. Budgeted department head count for the past five years:
Jan., 2007 23: Jan., 2008 22: Jan., 2009 22: Jan., 2010 22:
Jan., 2011 22: Jan., 2012 21: *This includes full-time and part-time*

Please explain changes: **The Prosecutor voluntarily decreased staff by implementing a digital file management system that enabled the office to become paperless.**

4. Does the vacant position for which an exemption is being requested perform essential function(s) that cannot be performed with the existing staff resources within Livingston County? Identify all special skills, education and/or licensing requirements for the position.

This position requires specialized skills, in addition to general clerical and office support skills, that are not available through staff in other County positions. Knowledge of court processes, including an understanding of statutes and court rules that govern Court operations, as well as a familiarity with the computer programs that support a paperless office are necessary to be able to perform daily functions. The ability to assist citizens and attorneys with complex questions is essential to the effectiveness of this position.

5. Recognizing that all Elected Officials/Department Heads are expected to provide quality supervision and be creative problem solvers, how could the department reassign work and/or personnel to get all essential work of the department done without additional hiring?

Staff has already taken on additional duties to those defined in their job descriptions on request. These changes have occurred without seeking to amend job descriptions or seeking increases in staff pay. Staff is very cognizant of the economic times in Livingston County and they have accepted the reality that they will have to take on additional work with no expectation that help is on the way. But the essential work of this department cannot be done without filling this currently vacant position.

6. Specifically list three reasonable options if your request to replace a position is denied.

1. **Evaluate the advisability of converting the position to contractual status.** This option would reduce the financial commitment for the position. It could make the recruitment for the position more difficult.

2. **Distribute the work of the position among remaining staff and obtain a budget amendment to cover anticipated overtime and other costs.** This option is likely to have a negative impact on office efficiency and accuracy and county fiscal issues. Service to victims and attorneys will be negatively impacted as staff will not be able to cover public inquiries and processing of files and proceedings. Costs will increase for overtime. In addition, positions will have to be re-evaluated for change in classification and/or pay to compensate for assumption of additional or new duties.

7. What are the consequences of deferring the vacant position over the next several months and beyond?

Cases will not be processed in a timely manner, resulting in violations of statute and court rule requirements and possible dismissal of criminal charges or suppression of evidence. Direct services to the public – efficient responses to questions; assistance with problems; handling of crises – will immediately suffer. Staff morale will be a significant concern as workloads continue to increase.

8. What budget saving measures has this department implemented? Have additional measures been identified?

The Prosecutors Office has led county departments in utilizing technology to cut costs and reduce staff. Additionally, all non-personnel costs have been cut to the minimum necessary to remain operationally sound.

9. What position or other costs would you be willing to drop to enable hiring – if that becomes necessary to obtain approval for hire?

See answer to #8; it is impossible for us to identify any additional areas where staffing could be cut.

10. Please provide additional information regarding the staff of this department (i.e. organizational charts, workflow chart, staff on leaves from work/job restrictions, employee training downtime, etc.) to determine the workforce available for accomplishing the necessary tasks/services.

See attached organizational chart

11. Is the work required by statute to be performed at the County level or can it be shared with other Counties? With local governments?

The work performed by this position is assigned under the general supervision of the Prosecuting Attorney. The work supports the statutory and court rule required duties of the Prosecutor. The specialized nature of the work to Livingston County makes it impossible to share with other Counties or local governmental units absent changes to the Michigan Constitution.

12. Explain what services can be provided by others, private sector or non-profit? **Not applicable for this position.**

13. Are there other County employees with the skills and knowledge that can be transferred from another department thereby shifting the vacancy to another department where the position will not be filled?

No.

14. Has the use of temporary employees been evaluated to handle the work? Please provide explanation(s).

It is not possible to use temporary employees to complete the work due to the complex nature of the work, amount of training required and the confidential nature of the information involved.

15. Has the use of part-time (less than 30 hours) employees been evaluated for feasibility and cost-effectiveness to accomplish the work? Please provide explanation(s).

The use of part-time employees is not possible for this position. Given the continuous flow of the work, setting primary duties aside or shifting between multiple part-time staff increases the risk of error and loss of continuity in dealing with attorneys, agencies and the public served by this office. We have utilized job sharing in the past with unsatisfactory results.

16. Has current staff been working overtime and, if so, how much is currently being worked or how much is planned to be worked per week (on the average)?

The vacancy has not yet occurred so it has not been necessary to utilize overtime to meet our obligations. Use of overtime as a substitute for filling this position is not feasible. To do so would require 40 hours per week to cover for the loss of this full-time position.

17. Has cross-trained staff been fully utilized to maximize the output of existing staff? Please provide explanation(s).

Many of our Administrative Aides are cross-trained for different positions to assist in coverage during absences due to sick and vacation: using Administrative Aides to cover full-time in another department, while doing their own jobs, is not feasible.

September 10, 2012

Jennifer Palmbos
Human Resources Director
Livingston County

RE: Resolution to Fill Vacant Administrative Aide Position

Dear Director Palmbos:

Attached is a resolution to fill the vacant administrative aide position and the justification form required by County policy.

The vacancy has occurred due to the resignation of Hillary Stearns as she has accepted a position in Toledo, Ohio, where her fiancé resides.

The justification for filling the position at this time is set forth in detail in the attached form. To summarize, this position is critical to meeting the statutory duties of this Office and the policies of local judges. The position will not be vacant until September 17, 2012. We can temporarily cover the duties of that position with the use of overtime and assistance of the Office Manager. This, however, is not a long-term solution to the vacancy.

I would appreciate your scheduling this request before the appropriate Board subcommittee.

Sincerely,

David L. Morse

RESOLUTION

NO: 2012-10-280

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION AUTHORIZING LIVINGSTON COUNTY TO ENTER INTO AN AGREEMENT WITH THE CHARTER TOWNSHIP OF GREEN OAK TO CONSTRUCT A RADIO TOWER – 9-1-1 CENTRAL DISPATCH/ EMERGENCY MANAGEMENT, INFRASTRUCTURE & DEVELOPMENT COMMITTEE, FINANCE COMMITTEE, BOARD OF COMMISSIONERS

WHEREAS, August 2, 2011, the Board of Commissioners approved Resolution 2011-08-219 authorizing a contract with Motorola Solutions Inc., to convert the county’s VHF paging system to an eight-site simulcast to support the fire service and EMS; and

WHEREAS, it is the county’s responsibility within this project to identify and provide tower space for the transmitting equipment and antennas; and

WHEREAS, it is cost effective to join the Charter Township of Green Oak to construct a radio tower on fire department property at 9384 Whitmore Lake Road; and

WHEREAS, the county’s financial contribution has been agreed to at \$275,000 in exchange for perpetual use of the tower to be constructed by Motorola Solutions, Inc., at state of Michigan contract pricing for \$409,968.00; and

WHEREAS, sufficient funds exist in the 9-1-1 Central Dispatch/Emergency Management Department’s fund balance to support the project.

THEREFORE, BE IT RESOLVED the Livingston County Board of Commissioners, subject to review and approval by County Civil Counsel, authorizes the Chair to sign an agreement with the Charter Township of Green Oak to construct a radio tower with a total contribution from Livingston County not to exceed \$275,000.00 in exchange for perpetual use of the tower for the simulcast system.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioners authorizes the transfer of \$275,000.00 from the 9-1-1 Central Dispatch/Emergency Management Department’s fund balance to line 261.347-819.000 of the department’s 2012 budget to make payment for the county’s contribution.

BE IT FURTHER RESOLVED the Livingston County Board of Commissioners hereby authorizes the following budget amendment to 2012 Central Dispatch Budget.

Fund	2012 Amended Budget	Proposed Budget Amendment	Proposed 2012 Amended Budget
911	\$5,990,919	\$275,000	\$6,265,919

#

#

#

MOVED:

SECONDED:

CARRIED:



LIVINGSTON COUNTY, MICHIGAN
**911 CENTRAL DISPATCH/
EMERGENCY MANAGEMENT DEPARTMENT**

300 S. Highlander Way, Howell, Michigan 48843
Phone 517.546.4620 Fax 517.546.5008
Web Site: co.livingston.mi.us

Memorandum

To: Infrastructure & Development and Public Safety Committee
Finance Committee
Board of Commissioners

From: Donald T. Arbic, Director

Date: September 12, 2012

Re: Green Oak Township Tower

August 2, 2011, the Board of Commissioners approved Resolution 2011-08-219 authorizing a construction contract with Motorola Solutions Inc. to convert and expand the VHF paging system to an eight-site simulcast system supporting both the fire service and EMS. Writer, as project manager for the county, has responsibility to locate and secure tower space for the system's broadcast points.

Securing a space for broadcast site on an existing tower in the southeastern part of the county proved to be extremely difficult. Ultimately, it was determined by writer to be long-term cost effective to partner with the Charter Township of Green Oak to build a new tower on property owned by the township fire department property at 9384 Whitmore Lake Road, Brighton.

Motorola Solutions Inc. submitted a proposal in the amount of \$409,968.00 to construct the specified tower pursuant to state of Michigan contact pricing. The county's total contribution is agreed to be \$275,000 in exchange for perpetual use of the tower for the simulcast system. This amount is equivalent to the equipment costs and ten-year lease fees associated with securing space on a privately owned tower, the only alternative site meeting the system's requirements.

Civil counsel is drafting an agreement between Livingston County and the Charter Township of Green Oak for the construction and use of the tower.

Sufficient funds exist in the department's fund balance for this project.

RESOLUTION

NO:

2012-10-281

LIVINGSTON COUNTY

DATE:

October 1, 2012

RESOLUTION TO APPROVE A LETTER OF UNDERSTANDING ALLOWING A COURT UNION EMPLOYEE TO RETAIN HER SENIORITY FOR WAGES AND BENEFITS NOTWITHSTANDING A BREAK IN SERVICE

WHEREAS, the union representing Court employees has requested the employing Court enter into a Letter of Understanding to allow a reemployed Court employee with 5 years of prior service to retain that seniority for purposes of wages and benefits; and

WHEREAS, the terms of the collective bargaining agreement between the Michigan Association of Public Employees, the union representing Court employees, and the employing Court, created two (2) tiers of wages and benefits for any Court employee hired after 1/1/11 but does not address retention of seniority when an employee is reemployed after a break in service; and

WHEREAS, however, the non-union Personnel Manual provides for a reinstatement of prior service when an employee is reemployed within one (1) year of their break in service; and

WHEREAS, in this case, the employee had a short break in service of only 51 days; and

WHEREAS, the employing Court strongly supports this agreement allowing this employee to be reinstated to the wages and benefits she was receiving at the time of her break in service. For purposes of layoff and recall, filling of vacancies and temporary assignments, and approval of benefit time, her seniority will begin with her most recent date of hire.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves, subject to written concurrence by the union, the attached non-precedent setting, one time only Letter of Understanding to provide for the reinstatement of seniority for a Court employee for purposes of wages and benefits.

#

#

#

MOVED:

SECONDED:

CARRIED:

LETTER OF UNDERSTANDING

THIS AGREEMENT is made this 24th day of SEPTEMBER, 2012, by and between the **County of Livingston**, the **Livingston County Courts** (jointly, the "Employer") and the **Michigan Association of Public Employees** (the "Union"), and for and in consideration of the mutual covenants hereinafter contained, agree as follows:

1. The Employer and the Union ratified and signed an Agreement affecting the Livingston County Court employees on April 26, 2012 for the contract period of January 1, 2010 through December 31, 2013.
2. This Agreement in several Articles creates reduced pay and/or benefits for employees hired after January 1, 2011.
3. On July 20, 2012 employee, Stacey Beck who had been employed by the Employer since 2007, resigned her caseworker position with the Employer for a job with the Michigan Supreme Court. Ms. Beck decided the Supreme Court position was not what she wanted and she returned to her Livingston County Friend of the Court caseworker position on September 10, 2012.
4. Due to her short separation from the Livingston County Friend of the Court the Employer and the Union are in agreement that Ms. Beck should not be placed in the reduced pay and benefits levels as if she had been hired after January 1, 2011 as required under the Contract.

THEREFORE, in consideration of this the parties agree to the following:

- A. Stacey Beck's seniority for purposes of her placement on the Wage Schedule; Longevity pay; accrual of vacation leave; eligibility for and Employer's matching fund requirement in the Retiree Health Savings Program; and her eligibility to be in the MERS B-2 Plan including the E-2 rider and her eligibility as to when she can retire shall be based on her hire date in 2007 and she shall not be required to serve a probationary period.
- B. Stacey Beck's seniority for purposes of layoff and recall; the filling of vacancies and temporary assignments; and approval for benefit time off (vacation, personal, etc.) shall be based on her date of return, September 10, 2012.

The above agreement is non-precedent setting on the Parties and will constitute the entire agreement. Any modification or amendment to this agreement must be in writing and signed by both the Employer and the Union.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures to this Agreement.

**LIVINGSTON COUNTY BOARD
COMMISSIONERS**

Maggie E. Jones, Chair Date

**MICHIGAN ASSOCIATION OF
PUBLIC EMPLOYEES**

 9/24/12

Ron Palmquist Date

LIVINGSTON COUNTY COURTS

Hon. David Reader Date

**LIVINGSTON COUNTY COURT
EMPLOYEES ASSOCIATION**

Dawn Ducett Date

Stacey Beck Date

RESOLUTION

NO: 2012-10-282

LIVINGSTON COUNTY

DATE: October 1, 2012

RESOLUTION TO MODIFY THE NON-UNION EMPLOYEES, ELECTED OFFICIALS, AND JUDGES HEALTH PLAN AND OTHER BENEFITS FOR 2013 FISCAL YEAR

WHEREAS, the economy of the State of Michigan has not yet recovered; and

WHEREAS, Livingston County has been forced to reduce the cost of government through restructuring, employee layoffs, benefit reductions and cost sharing; and

WHEREAS, to mitigate costs, the Board of Commissioners directed the following changes to the 2010 and 2011 Benefits Plan pursuant to Resolutions 2009-08-266, 2009-10-316, and 2010-10-277:

- provide new base medical plan, BCBSM Community Blue PPO4, for non-union employees, elected officials and judges
- implement cost sharing of health and dental insurance based on hours worked and date of hire
- implement a two tier wage scale and benefit package for those hired on/after November 1, 2009; and

WHEREAS, the Board of Commissioners took action via Resolution #2011-12-321 to exempt the County of the employee premium sharing contributions required under 2011 PA 152 and indicated in that resolution its intention to do the same in 2013; and

WHEREAS, the Board of Commissioners approved Resolution #2011-12-318 approving the tentative agreement between Livingston County and the union representing Sergeants 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.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the Human Resources Department to make the following modifications to the non-union employees, elected officials and judges health plan and other benefits for 2013:

1. Benefit changes effectuated by Resolutions #2011-10-276, #2010-10-277, #2009-08-266 and #2009-10-316 shall remain in full force and effect.
2. Consistent with the requirements of the Patient Protection and Affordable Care Act, the limit on employee pre-tax contributions to health flexible spending accounts is \$2,500 applicable for plan years beginning on or after January 1, 2013. This \$2,500 limit will be indexed for cost-of-living adjustments for plan years beginning after December 31, 2013.

The Livingston County Flexible Benefits Plan and policy are hereby amended to reflect these changes.

3. The previously approved Resolution #2012-09-250 created a pilot wellness program for non-union employees, elected officials, and judges for the 2013 benefit year.
4. In reference to Resolution #2009-08-266 which provided for a 2% increase in non-union wages pending the Livingston County tax base recovery in 2012, this increase could not take place in 2012 nor in 2013 given that the tax base recovery has not occurred.

BE IT FURTHER 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 2013 (January 1, 2013 through December 31, 2013).

BE IT FURTHER RESOLVED that the interpretation and operation of the benefits outlined above are within the sole discretion of the Livingston County Board of Commissioners and the benefits outlined above may be added to, expanded, reduced, deleted, or otherwise modified by the County Board and such modifications shall be solely within the discretion of the Livingston County Board of Commissioners.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Commissioners is authorized to sign any and all documents needed to effectuate these changes.

BE IT FINALLY RESOLVED that this resolution supersedes all previous resolutions that would apply to the benefits plan for non-union employees, elected officials, and judges.

#

MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2012-10-283

LIVINGSTON COUNTY

DATE: October 1, 2012

**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, with amendments in December 2011; and

WHEREAS, since that time, various resolutions were passed by the Board of Commissioners that require updating the Personnel Manual such as clarification of overtime, ability to roll unused sick time into an employee's health care savings account, and an IT social networking policy; and

WHEREAS, civil counsel recommends certain changes to strengthen the prohibition against possession of weapons; 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.

#

MOVED:

SECONDED:

CARRIED:

LIVINGSTON COUNTY,
MICHIGAN



PERSONNEL MANUAL

FOR NON-UNION EMPLOYEES

Effective **October 1, 2012**

TABLE OF CONTENTS

A	<p>ABSENTEEISM28</p> <p>ACCEPTANCE OF GIFTS29</p> <p>Anniversary Date..... 7</p> <p>Anti-nepotism and Anti-fraternization26</p>	G	<p>GENERAL INFORMATION 6</p>
B	<p>Background Checks and Disclosing Certain Criminal Information.....14</p> <p>BENEFITS.....15</p> <p>Bereavement Leave25</p>	H	<p>Holidays.....18</p> <p>How Complaints of Harassment Will Be Handled.. 4</p>
C	<p>Change of Name, Address, Telephone Number, Divorce, Marriage, etc.25</p> <p>Charitable Giving Contributions through Payroll Deductions.....12</p> <p>Compensation11</p> <p>Compensatory Time10</p> <p>COMPLAINT PROCEDURE36</p> <p>Conferences and Training35</p> <p>County Choices17</p> <p>COUNTY POLICIES25</p> <p>County Policy 9</p> <p>COUNTY PROPERTY30</p> <p>Credit Card Use Policy34</p> <p>Criminal Information..... See Background Checks</p>	I	<p>ID Policy.....35</p> <p>Inclement Weather Closing Policy13</p> <p>Information and Technology Policy.....31</p>
D	<p>Date of Hire 7</p> <p>Dental..... See Medical, Dental and Vision Insurance</p> <p>Department Rules14</p> <p>Direct Deposit12</p> <p>Discriminatory Harassment..... 3</p> <p>DRESS AND GROOMING28</p>	J	<p>Job Descriptions.....12</p> <p>Jury Duty25</p>
E	<p>EMPLOYEE COMPLAINT PROCEDURE.....36</p> <p>Employment Status 8</p> <p>Employment Status - Exempt and Non-Exempt Employees..... 8</p> <p>Employment Status - Regular Employees 8</p> <p>Employment Status - Temporary Employees 8</p> <p>EQUAL EMPLOYMENT OPPORTUNITY POLICY 2</p>	L	<p>LEAVE OF ABSENCE21</p> <p>Life Insurance15</p> <p>Long Term Disability18</p> <p>Lunch Breaks..... 7</p>
F	<p>Family and Medical Leave Act (FMLA) Leave.....22</p> <p>Flexible Spending Accounts17</p>	M	<p>Medical, Dental and Vision Insurance15</p> <p>Military Training Leave.....22</p>
		N	<p>Nursing Mothers..... 7</p>
		O	<p>Outside Employment.....27</p> <p>Overtime and Compensatory Time10</p>
		P	<p>PAID DAYS.....18</p> <p>Pay Grade Assignments13</p> <p>Pay Periods11</p> <p>Personal Changes.....25</p> <p>PERSONAL EQUIPMENT AND VALUABLES.....30</p> <p>Personal Leave.....21</p> <p>PERSONAL MAIL.....29</p> <p>Personnel Records13</p> <p>POLICY AGAINST HARASSMENT IN THE WORKPLACE..... 2</p> <p>Political Activity30</p> <p>Protection Against Retaliation..... 4</p> <p>PUBLIC DECORUM.....29</p>

TABLE OF CONTENTS

<p style="text-align: center; margin: 0;">R</p> <p>Recovery of Overpayments 13</p> <p>Reporting Illegal and Unethical Activity 31</p> <p>Reserve Sick Banks 21</p> <p>Resignation 26</p> <p>Rest Breaks 7</p> <p>Retiree Health Insurance 17</p> <p>Retirement Plans 17</p> <p style="text-align: center; margin: 20px 0;">S</p> <p>SAFE WORKPLACE POLICY 5</p> <p>Salary Basis Policy for Exempt Employees 8</p> <p>Salary Basis Requirement 8</p> <p>SCOPE, PURPOSE AND INTENT 1</p> <p>SECTION I - GENERAL INFORMATION 6</p> <p>SECTION II - BENEFITS 15</p> <p>SECTION III - ALLOWABLE PAID DAYS 18</p> <p>SECTION IV - LEAVE OF ABSENCE 21</p> <p>SECTION V - COUNTY POLICIES 25</p> <p>Sexual Harassment Defined 2</p> <p>Short Term Disability 18</p> <p>Sick Days 20</p> <p>Smoke-Free Workplace 26</p> <p>SOCIAL SECURITY NUMBER PRIVACY POLICY 6</p> <p>Special Pay 13</p>	<p>Substance Abuse Policy 27</p> <p style="text-align: center; margin: 20px 0;">T</p> <p>TARDINESS 28</p> <p>Telephone Calls 25</p> <p>THEFT 29</p> <p>Tobacco-Free and Smoke-Free Workplace 26</p> <p>Tuition Reimbursement 18</p> <p style="text-align: center; margin: 20px 0;">V</p> <p>Vacation Days 19</p> <p>Vision See Medical, Dental and Vision Insurance</p> <p>VISITORS: 29</p> <p>Voluntary Furlough 25</p> <p style="text-align: center; margin: 20px 0;">W</p> <p>What You Should Do If You Believe Another Employee Is Being Harassed 4</p> <p>What You Should Do If You Believe You Have Been Harassed 3</p> <p>Work Rules 28</p> <p>Work Week 6</p> <p>Workers' Compensation 15</p> <p>Working Hours 6</p>
--	---

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. Where an employee is called back to work after working a full shift or if on a holiday, said employee shall be paid at time and one half for approved hours. 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:

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. Where an employee is called back to work on a holiday, said employee shall be paid at time and one half for approved hours.

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. Employee will be paid 50% of the December 1 compensation value for unused sick days earned after January 1 of each year; OR, at the employee's option, allow the employee to roll over 100% of their remaining sick time, as of December 31 into a sick reserve bank. If an employee does not make an election by December 15 of each year the remaining unused sick time shall be paid at 50% into the employee's Health Care Savings Plan account.
9. 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.
10. Employees will have deposited into their Retiree Health Savings Program Account (currently administered by MERS of Michigan) within thirty (30) days following retirement, fifty percent (50%) of the remaining sick and sick reserve balances, if any, that remain for retirees who have chosen not to be paid out for their sick hours and reserve sick bank as taxable income at the end of employment.
11. 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) 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. **Possession by an employee, temporary employee or contractor of any firearm or weapon on County property or while employed on County business. Weapon is defined as any object that could be used or fashioned to cause physical injury to another person. Note: Any weapon which is provided by the County in the execution of specific duties is excluded from this definition. In addition, the following are also excluded from this County prohibition:**

(a) A peace officer of a duly authorized police agency of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States.

(b) An individual regularly employed by the department of corrections and

authorized in writing by the director of the department of corrections to possess or carry an item listed in subsection during the performance of his or her duties or while going to or returning from his or her duties.

(c) A member of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard while possessing or carrying an item listed in subsection in the line of duty.

(d) A member of the National Guard, Armed Forces Reserves, or other duly authorized military organization while on duty or drill or while possessing or carrying for purposes of that military organization.

(e) A court officer while engaged in his or her duties as a court officer as authorized by a court.

11. Unauthorized possession of firearms, dangerous weapons or personal protection devices

12. Verbally abusing or physically attacking customers, clients, visitors or County personnel
13. Conduct disruptive to the work of other employees
14. Carelessness or negligence which results in an injury to another employee, client or visitor
15. Illegal activity on County premises (misdemeanor or felony) during work or non-work hours
16. Violation of rules concerning outside supplemental employment
17. Instigating, aiding, or participating in any illegal strike or work stoppage
18. 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. Online Social Networking Policy: Livingston County respects the right of any employee to engage in online social networking using the Internet and other technology during their personal time. This specifically includes websites such as Facebook, MySpace, You Tube, Twitter, LinkedIn, and Wikipedia, as well as various chat rooms and blogs. The policy covers instant messages, text, video, photos, and audio. While we respect the employee's right of self-expression, in order to protect the agency's interests and ensure employees focus on their job duties, employees must adhere to the following guidelines:

- 1) Non-exempt Employees may not engage in such activities during work time or at any time with county's equipment or property without Director's approval. See the Livingston County **Information Technology Resources Policy**.
- 2) All policies regarding confidentiality and personnel policies such as the policy prohibiting harassment and discrimination should be followed. As an example, racial derogatory or sexually graphic or explicit material of any kind shall not be posted by the employee on any form of social media or social networking site. Racially derogatory or sexually graphic or explicit material posted by others to the employee's social media or social networking sites shall be immediately removed by the employee. Information regarding persons receiving services must not be disclosed. The privacy rights of fellow employees must be respected.
- 3) Employees may not friend an individual currently receiving service from Livingston County. This also applies to the individuals caregivers and guardians. See department guidelines
- 4) Information published on social media networks that has to do with any aspect of work must comply with the confidentiality requirements, HIPAA, and Livingston County Policies. This also applies to comments posted on other blogs, forums, and social networking sites. See department guidelines.
- 5) Livingston County employees may not create a social networking site or service to conduct county business without approval of the Livingston County Technology Committee, in strict adherence to the Livingston County Social Networking Site Administration and Maintenance Policy.
- 6) If the employee mentions the agency while engaging in social networking and also expresses a political opinion or an opinion regarding the agency's actions, the person must specifically note that the opinion expressed is his/her personal opinion and not the opinion of the county. This is necessary to preserve the county's goodwill among stakeholders such as

funding and regulatory bodies, referral sources, families, and others. This standard disclaimer does not by itself exempt program supervisors, manager, coordinators, and the leadership team from a special responsibility when using social networks. See department guidelines.

- 7) By virtue of your position of as a Livingston County employee, you are held to a higher standard than general members of the public, and your online activities should reflect such professional expectations and standards. Any online actions taken that detract from the mission of the County, or reflect negatively on your position as an employee of the County, will be viewed as a direct violation of this policy.
- 8) Social networks are not the place to communicate to employees regarding work related subjects
- 9) Be respectful to Livingston County, other employees, individuals receiving services, and competitors. Respect your audience. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the Livingston County workplace. See department guidelines on using County equipment.
- 10) Obey copyright laws, public record laws, and privacy protection laws. Plagiarism applies online as well.
- 11) Any conduct that is illegal if expressed in any other forum is expressly prohibited.
- 12) Livingston County logos and branding may not be used.

To view the Online Social Networking Policy, control & click to the following link:
<http://sharepoint1/Information%20Technology/User%20Documentation/Forms/AllItems.aspx?RootFolder=%2fInformation%20Technology%2fUser%20Documentation%2fPolicies%20and%20Procedures&View=%7b2209DD84%2d9BC5%2d4682%2d888B%2d8AA4D1371673%7d>

M. 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>

N. 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>

O. 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~~ **October 1, 2012**