

# PERSONNEL COMMITTEE

4/19/2017

304 E Grand River, Conference Room 4A, Howell, Michigan 48843

8:00 AM

## AGENDA

1. **CALL MEETING TO ORDER**
2. **APPROVAL OF AGENDA**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF MINUTES**  
Meeting Minutes Dated: March 15, 2017
5. **TABLED ITEMS FROM PREVIOUS MEETINGS**
6. **REPORTS**
7. **RESOLUTIONS FOR CONSIDERATION**

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**08 Human Resources**  
RESOLUTION TO APPROVE THE JOB RECLASSIFICATION OF THE NUTRITIONIST TO A NUTRITIONIST/WIC PROGRAM COORDINATOR AND CHANGING THE PAY FROM GRADE 8 TO GRADE 9

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**09 Human Resources**  
RESOLUTION TO APPROVE THE PAY GRADE FOR THE PROPOSED LEAD COURT SECURITY OFFICER AT GRADE 5

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**10 Human Resources**  
RESOLUTION TO ESTABLISH THE SAFE DRIVER POLICY

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**11 Human Resources**  
RESOLUTION TO ESTABLISH POLICY AND PROCEDURES RELATING TO CERTAIN UNION EMPLOYEES ELIGIBLE FOR A BARGAINED-FOR SECTION 125 COMPLIANT VACATION PURCHASE PLAN

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12. **DISCUSSION**
  13. **CLOSED SESSION**  
Written Legal Opinion
  14. **ADJOURNMENT**

# MEETING MINUTES

LIVINGSTON COUNTY

MARCH 15, 2017 – 8:00 A.M.

**\*\*IMMEDIATELY FOLLOWING FINANCE\*\***

**ADMINISTRATION BUILDING – CONFERENCE ROOM 4A**

304 E. Grand River Avenue, Howell, MI 48843

## PERSONNEL SUBCOMMITTEE MEETING

COMM. GRIFFITH  COMM. LAWRENCE  COMM. GREEN  COMM. BEZOTTE

JENNIFER PALMBOS, CINDY CATANACH, KEN HINTON, KEVIN WILKINSON, JENNIFER SLATER, CHAD CHEWNING, JONI HARVEY

1. **CALL TO ORDER: Meeting called to order by: Comm. Griffith at 9:02 am.**

2. **APPROVAL OF AGENDA:**

**APPROVE THE AGENDA**

**Moved BY: LAWRENCE / SECONDED BY: GREEN**

**ALL IN FAVOR - MOTION PASSED**

3. **CALL TO THE PUBLIC: None**

4. **APPROVAL OF MEETING MINUTES of February 15, 2017:**

**MOTION TO APPROVE THE MINUTES OF FEBRUARY 15, 2017**

**Moved BY: LAWRENCE / SECONDED BY: BEZOTTE**

**ALL IN FAVOR – MOTION PASSED**

5. **TABLED ITEMS FROM PREVIOUS MEETING: None.**

6. **REPORTS:**

- Jennifer Palmbos discussed the mandatory computer based training that will be rolled out to all employees later this week. It is a six minute refresher training. The company that is being used will be able to create reports so we can see the status of employees and we can send out reminders to Department Heads to have the training completed.

**7. RESOLUTIONS FOR CONSIDERATION:**

**8. HUMAN RESOURCES: Resolution To Approve The Pay Grade For The Newly Created 911 Director Position at Grade 14**

**MOTION TO APPROVE THE ABOVE RESOLUTION  
MOVED BY LAWRENCE / SECONDED BY GREEN  
ALL IN FAVOR – MOTION PASSED**

**9. HUMAN RESOURCES: Resolution To Approve The Pay Grade For The Newly Created EMS Director Position At Grade 14**

**MOTION TO APPROVE THE ABOVE RESOLUTION  
MOVED BY LAWRENCE / SECONDED BY GREEN  
ALL IN FAVOR – MOTION PASSED**

**10. HUMAN RESOURCES: Resolution To Establish The Safe Driver Policy**

**MOTION TO APPROVE THE ABOVE RESOLUTION  
AND MOVE FORWARD TO FINANCE  
MOVED BY GREEN / SECONDED BY BEZOTTE  
ALL IN FAVOR – MOTION PASSED**

**11. DISCUSSION: LAST CHANCE AGREEMENT**

- An employee was held over their shift and threw an object which broke a mirror in the rig then proceeded to deny doing so. Employee was terminated. A grievance was filed with the Union and upon civil counsel's advice, the County is offering employee a last chance agreement. This zero-cost agreement needs Board Chair approval. The employee is in anger management treatment and has given apologies to the Department. If behavior occurs again, they will be terminated with no further agreements given.

**MOTION TO APPROVE THE SIGNING OF THE LAST CHANCE AGREEMENT BY BOARD CHAIR  
MOVED BY GREEN / SECONDED BY BEZOTTE  
ALL IN FAVOR – MOTION PASSED**

**12. ADJOURNMENT**

**MOTIONED BY GREEN / SECONDED BY LAWRENCE  
TO ADJOURN AT 9:17 AM  
ALL IN FAVOR – MOTION PASSED**

Respectfully Submitted,

**KELLI HAWORTH  
ADMINISTRATIVE SPECIALIST**

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION TO APPROVE THE JOB RECLASSIFICATION OF THE NUTRITIONIST TO A NUTRITIONIST/WIC PROGRAM COORDINATOR AND CHANGING THE PAY FROM GRADE 8 TO GRADE 9**

**WHEREAS,** the position of Nutritionist is primarily responsible for providing nutrition counseling to WIC participants and other clients of the Public Health Department; and

**WHEREAS,** with the upcoming retirement of one Public Health Nurse Program Coordinator, the Health Department has decided to realign duties to create improved efficiencies. Specifically, the responsibility for administration of the WIC program will shift to the current Nutritionist; and

**WHEREAS,** this position has been evaluated by Municipal Consulting Services, LLC., who is recommending the Nutritionist/WIC Program Coordinator position be reclassified from a Grade 8 to a Grade 9; and

**WHEREAS,** funding for this position is available within the budget.

**THEREFORE BE IT RESOLVED** that the Personnel Committee hereby concurs that the Nutritionist/WIC Program Coordinator position be reclassified from a Grade 8 to a Grade 9.

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**MOVED:**

**SECONDED:**

**CARRIED:**

# MUNICIPAL CONSULTING SERVICES LLC

April 7, 2017

Ms. Jennifer Palmbos  
Director of Human Resources/Labor Relations  
Livingston County  
304 East Grand River Avenue, Suite 205  
Howell, MI 48843

Dear Ms. Palmbos,

This letter is in regard to your request for our firm to conduct a classification analysis for the position of Nutritionist/WIC Program Coordinator in the Livingston County organization. In completing the classification analysis for this new position I have performed the following tasks:

- Reviewed job-related information including the job description information submitted by the Health Department.
- Spoken with the Deputy Health Officer regarding the expected duties of the position.
- Reviewed information regarding Livingston County's classification and compensation system including job evaluation totals and the grade structure.
- Point-factored the classification utilizing the accumulated understanding of the position, the pay structure and the job evaluation (point factor) plan.
- Developed a recommended pay grade level for the classification.

The results of the classification analysis for the position are included in the attached Table A. The position was evaluated based on ten compensable job factors. These are the same factors and values that were utilized to develop Livingston County's pay grade structure.

## **BACKGROUND FOR THE POSITION OF NUTRITIONIST/WIC PROGRAM COORDINATOR**

The Livingston County Health Department has a Nutritionist classification and a Public Health Nurse (PHN) Program Coordinator classification which is staffed by multiple incumbents. The PHN Program Coordinators have duties that span a number of public health concerns including WIC, immunizations communicable disease control, child vision and hearing and other services. With the recent retirement of one PHN Program Coordinator, the Health Department has decided to realign duties to create improved efficiencies.

Specifically, the responsibility for administration of the WIC program will shift to the current

Nutritionist. The result will be a new, combined position titled: Nutritionist/WIC Program Coordinator. The incumbent will continue to perform the primary duties pertaining to nutrition and will also coordinate WIC administrative functions such as staff oversight and updates, chart audits, clinical observations and certification evaluation among other duties. The incumbent will also seek to obtain Certified Lactation Counselor designation as a means of enhancing service provision.

The point factor evaluation for this position, summarized below considers all duties associated with the new job.

### **POINT FACTOR ANALYSIS AND RESULTS**

As noted above, I have evaluated the position using the ten point factors which comprise the County's job evaluation plan. The results of this evaluation are summarized in the attached Table A. In summary, the analysis has resulted in a point total of 1,977 for the Nutritionist/WIC Program Coordinator. This would place the new position in grade 9 of the County's pay grade structure.

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We have appreciated the opportunity to assist Livingston County in this important classification analysis. Please feel free to contact me at 734.904.4632 if you have questions or wish to discuss the findings and conclusions.

Very truly yours,



Mark W. Nottley, Principal  
Municipal Consulting Services LLC

**TABLE A**  
**LIVINGSTON COUNTY**  
**POINT TOTALS FROM CLASSIFICATION ANALYSIS PROCESS OF APRIL 7, 2017**

<b>Classification Reviewed:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>Recommended Total Points:</b>	<b>Recommended Grade:</b>
<b>Nutritionist - WIC Program Coordinator</b>	337	360	260	40	360	100	90	350	60	20	1977	9

**LIVINGSTON  
COUNTY JOB  
DESCRIPTION**

**NUTRITIONIST/WIC PROGRAM COORDINATOR**

**Supervised By:** Director of Personal/Preventive Health Services/Deputy Health Officer

**Supervises:** Serves as a leader

**ELSA Status:** Exempt

**Position Summary:**

Under the supervision of the Director of Personal/Preventive Health Services/Deputy Health Officer is responsible for coordination of the WIC Program and providing nutrition counseling to WIC participants and other clients referred from the personal preventive health services program. Performs other duties including evaluation and breastfeeding counseling.

**Essential Job Functions:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Provides nutrition assessment and individual counseling, and develops an individualized nutrition care plan for WIC participants designated as nutritional high risk. Initiates, maintains, and updates client care plans and completes program documentation and service activity coding within recommended time parameters.
2. As WIC program coordinator, assures implementation of department procedures and WIC program updates, conducts chart audits, performs clinic observations, and recommends staff trainings, both internal and external. Assures that the Standard Operating Procedures for WIC are current and updated as needed. Prepares and analyzes program reports to assess current services, evaluates service delivery and initiates and implements program revisions. Identifies need for staffing, equipment, and supplies in his/her area of assignment. Acts as the primary resource to staff for program issues and assures they are updated on changes. Serves as a lead to staff to include training, monitoring work and providing direction.
3. Functions as the WIC CPA, providing certification evaluation for all income eligible applicants and participants. Functions as Nutrition Educator according to the WIC policy and procedures manual and develops, implements and evaluates WIC group sessions.
4. Functions as the WIC breastfeeding coordinator and as Certified Lactation Specialist

providing breastfeeding counseling and support to WIC clients. Educates clients on the use of breast pumps, including pumping procedures and equipment maintenance and proper milk storage techniques. Responsible for breast pump inventory, including reporting activities and managing the pump loan list. Creates and presents quarterly breastfeeding trainings and documents breastfeeding counseling sessions and activities.

5. Provides and documents referrals made to health and social services.
6. Conducts and manages monthly reviews regarding WIC client certifications, formula usage, and high risk appointments and follow up. Organizes outreach activities, as appropriate.
7. Keeps abreast of legislative and regulatory developments, new administrative techniques, and current issues through continued education and professional growth.
8. Attends state-mandated coordinator meetings, participates in WIC work groups and webcasts for program updates and serves as the liaison to MDHHS WIC staff. Participates in agency, intra-agency and community committees and task forces, as assigned.
9. Responsible for the quality control of lab testing, including lead testing. Creates and provides laboratory training on quality control, proper lab techniques and laboratory guidelines per MDHHS Michigan Department of Health and Human Services and WIC policy. Maintains documentation of lab results, assesses and makes referrals, and maintains and reports on tests performed by the Health Department. Maintains, updates and prepares reports for the County's lead testing database, including creating monthly and quarterly reports.
10. Responsible for organizing coupons, nutritional education and resource distribution for the Project Fresh program.
11. Participates in department, division, and WIC program meetings, as assigned and attends conferences, workshops, and seminars as appropriate.
12. Complies with the Health Department's quality improvement policy and actively participates in quality improvement projects. Updates the performance management system for the WIC program monthly.
13. Performs other duties as directed.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- Bachelor's Degree in nutrition or related field and one year of experience in nutrition in public health.
- The County, at its discretion, may consider an alternative combination of formal education and work experience.
- Licensed Registered Dietitian.
- Michigan Vehicle Operator's License.
- Thorough knowledge of the principles and practices of nutrition and public health.
- Considerable knowledge of individual dietary assessment, breastfeeding counseling and nutrition, and WIC program policy and procedures.
- Skill in effectively communicating ideas orally and in writing.
- Skill in assembling and analyzing data, preparing comprehensive and accurate reports, and maintaining records.
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with County employees, contractors to the County, representatives of other governmental units, clients, professional contacts, elected officials and the public.
- Ability to assess situations, solve problems, work effectively under stress, within deadlines, and in emergency situations.
- Skill in the use of office equipment and technology, including Microsoft Suite applications and software programs utilized by the Department of Public Health and specialized hearing and vision testing equipment.

**Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate in person and by telephone, read regular and small print, view and produce written and electronic documents and enter data on a computer keyboard with repetitive keystrokes. The employee must be mobile in an office setting, stand, sit, stoop and kneel, use hands to finger, handle, or feel and reach with hands and arms. The employee must lift or push/pull objects of up to 15 lbs. without assistance. Accommodation will be made, as needed, for employees required to lift or move objects that exceed this weight.

The typical work environment of this job is a business office setting where the noise level is quiet and sometimes moderate. Though applicable safety procedures are documented and utilized, the incumbent may be exposed to unsanitary or unhygienic materials, individuals and situations in the course of performing required duties.

April, 2017

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

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**RESOLUTION TO APPROVE THE PAY GRADE FOR THE PROPOSED LEAD COURT SECURITY OFFICER AT GRADE 5**

**WHEREAS,** the Courts may undergo a change in its approach to court security, separating door security from courtroom security and having courtroom security officers report directly to the Courts instead of the Sheriff department; and

**WHEREAS,** this proposed approach envisions a Lead Court Security Officer reporting directly to the Chief Judge and responsible for scheduling, work coordination and training other court-employed security officers; and

**WHEREAS,** the Lead Court Security Officer position has been evaluated by Municipal Consulting Services who is recommending this position be classified as a non-union, Grade 5; and

**WHEREAS,** this position approval will require a budget amendment for the 2017 budget.

**THEREFORE BE IT RESOLVED** that the Personnel Subcommittee hereby approves the pay grade for the proposed Lead Court Security Officer position at Grade 5, effective upon approval of the Board resolution approving creation of same.

***NOTE: This job analysis needs only Personnel Subcommittee approval and does not need to move forward to any other committee. The resolution to create the new position of Lead Court Security Officer needs Board approval under a separate resolution.***

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**MOVED:**

**SECONDED:**

**CARRIED:**

# MUNICIPAL CONSULTING SERVICES LLC

April 14, 2017

Ms. Jennifer Palmbos  
Director of Human Resources/Labor Relations  
Livingston County  
304 East Grand River Avenue, Suite 205  
Howell, MI 48843

Dear Ms. Palmbos,

This letter is in regard to your request for our firm to conduct a classification analysis for the position of Lead Court Security Officer in the Livingston County organization. In completing the classification analysis for this new position I have performed the following tasks:

- Reviewed job-related information including the job description information submitted by the Courts and Department of Human Resources.
- Reviewed information regarding Livingston County's classification and compensation system including job evaluation totals and the grade structure.
- Point-factored the classification utilizing the accumulated understanding of the position, the pay structure and the job evaluation (point factor) plan.
- Developed a recommended pay grade level for the classification.

The results of the classification analysis for the position are included in the attached Table A. The position was evaluated based on ten compensable job factors. These are the same factors and values that were utilized to develop Livingston County's pay grade structure.

## **BACKGROUND FOR THE POSITION OF LEAD COURT SECURITY OFFICER**

Livingston County may be undergoing a change in its approach to court security. Until now, both front entrance security and courtroom security have been handled by Court Service Unit Deputies reporting to the Sheriff's Department. Going forward, it is envisioned that courtroom security will be handled by Court Security Officers reporting directly to the Courts. Front entrance security will continue to be the responsibility of the Sheriff's Department.

Court Security Officers assigned to courtroom duty will be directed by a new position titled: Lead Court Security Officer. This individual will be designated as a lead worker with responsibility for the scheduling, work coordination and training of other court-employed security officers. The position will also perform all duties required of a Court Security Officer.

Our job evaluation is focused on the Lead Court Security position for the purpose of determining an appropriate grade placement. The point factor evaluation for this position, summarized below considers all duties specified in the job description for the new job.

### **POINT FACTOR ANALYSIS AND RESULTS**

As noted above, I have evaluated the position using the ten point factors which comprise the County's job evaluation plan. The results of this evaluation are summarized in the attached Table A. In summary, the analysis has resulted in a point total of 1,363 for the Lead Court Security Officer. This would place the new position in grade 5 of the County's pay grade structure.

\* \* \* \* \*

We have appreciated the opportunity to assist Livingston County in this important classification analysis. Please feel free to contact me at 734.904.4632 if you have questions or wish to discuss the findings and conclusions.

Very truly yours,



Mark W. Nottley, Principal  
Municipal Consulting Services LLC

**TABLE A**  
**LIVINGSTON COUNTY**  
**POINT TOTALS FROM CLASSIFICATION ANALYSIS PROCESS OF APRIL 14, 2017**

Classification Reviewed:	1	2	3	4	5	6	7	8	9	10	Recommended Total Points:	Recommended Grade:
Lead Court Security Officer	243	240	160	30	240	100	60	250	40	0	1363	5

**LIVINGSTON COUNTY  
JOB DESCRIPTION**

**LEAD COURT SECURITY OFFICER**

**Supervised By:** Chief Judge

**Supervises:** No supervisory responsibility

**FLSA Status:** Non-Exempt – full-time

**Position Summary:**

Under the supervision of the Chief Judge and/or designee, serves as the lead Court Security Officer for the daily coordination, guidance and scheduling of Court Security Officers. Ensures the proper completion of assigned tasks by Court Security Officers. Functions as a Court Security Officer with responsibility in judicial security, courtroom security, building security and ancillary support security functions.

As an employee of the Courts, the Court Security Officer performs security and bailiff duties for all judges and attorney referees, as directed, at any County court facility as well as the Law Center.

**Essential Job Functions:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Oversees assignment and scheduling of work, directs personnel in task accomplishment, monitors procedures and work output and assures timeliness and attendance for work, training or other duties.
2. Responsible for the opening and closing of the secured courtroom facilities to the public.
3. Performs security patrols and contraband searches of the courtrooms and additional interior areas within the courthouse/assigned building.
4. Provides protection for judicial officials/jurors/witnesses/public during proceedings. Prepares the courtroom and oversees the jury before, during and after deliberation.
5. Performs security (foot or vehicular patrols) and contraband searches of exterior areas of the courthouse.
6. Controls and maintains order in the courtroom and/or building.

7. Provides security response in emergency situations and makes requests for needed assistance.
8. Assumes custody of individuals remanded into custody by the Judge.
9. Monitors public and private entrances and corridors.
10. Assists law enforcement officers in guarding prisoners in the courtrooms and adjacent holding areas, and moving prisoners in and out of court as needed.
11. Maintains order and decorum in an assigned courtroom. Remains positioned in a location that enables the officer to monitor all persons and activities in the courtroom.
12. Enforces court or facility policies and/or rules, or Local Administrative Orders, as approved by the Chief Judge.
13. Courteously provides directions and general information to persons within the court facilities.
14. Renders first aid to citizens and or employees when possible.
15. Assists the court with Preliminary Breath Test, Swab Drug Test and other various tasks when possible.
16. Performs other security and security-related tasks and duties as directed.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- High school diploma and a minimum of two years of experience in a law enforcement and/or complex security setting.
- MCOLES certified preferred.
- The Court, at its discretion, may consider an alternative combination of formal education and work experience.
- Deputized by the Livingston County Sheriff's Department.
- Michigan Vehicle Operator's License.

- Must have no prior or expunged felony convictions.
- Thorough knowledge of the principles and practices of law enforcement and security protocols.
- Knowledge of, and ability to interpret, apply, and explain complex laws, policies and regulations.
- Ability to use sound independent judgment within established policy and procedural guidelines.
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with court personnel, juries, County employees, representatives of other governmental units, professional contacts, elected officials and the public.
- Ability to assess situations and work effectively under stress and in emergency situations.
- Basic skill in the use of office equipment and technology, including some knowledge of Microsoft Suite applications, with the ability to learn any necessary features of the court's software programs and applicable state software databases.

### **Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate in person and by telephone, read regular and small print, view and produce written and electronic documents, inspect materials and explain procedures. The employee must be mobile with the ability to stand, sit, stoop and kneel, use hands to finger, handle, or feel and reach with hands and arms. The employee must lift or push/pull objects of up to 75 lbs. without assistance and be physically able to restrain unruly individuals.

While performing the duties of this job, the employee regularly works in a courtroom or security setting, possibly in dangerous law enforcement situations. The noise level in the work environment can range from quiet to loud, depending on the assignment.

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION TO ESTABLISH THE SAFE DRIVER POLICY – HUMAN RESOURCES**

**WHEREAS,** Livingston County places the highest value on the safety and health of its employees and the well-being of its citizenry. Livingston County acknowledges that the safe operation of motor vehicles by municipal employees is essential to ensuring that safety and well-being, and its goal is to ensure that all individuals who are granted the privilege of driving a municipal vehicle are safe and properly licensed operators; and

**WHEREAS,** Livingston County has full authority to determine who shall drive a vehicle, to establish vehicle operator standards, and to revoke the right to drive for failure to meet the standards; and

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

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves this Resolution and adopts the Safe Driver policy.

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MOVED:

SECONDED:

CARRIED:

# Safe Driver Policy

## I. POLICY

### 1. PURPOSE:

Livingston County places the highest value on the safety and health of its employees and the well-being of its citizenry. Livingston County acknowledges that the safe operation of motor vehicles by municipal employees is essential to ensuring that safety and well-being, and its goal is to ensure that all individuals who are granted the privilege of driving a municipal vehicle are safe and properly licensed operators.

Livingston County has full authority to determine who shall drive a vehicle, to establish vehicle operator standards, and to revoke the right to drive for failure to meet the standards. This policy defines the minimum standards for all municipal employees. Nothing herein shall limit individual departments from setting higher standards that may be needed to meet their particular needs.

### 2. RESPONSIBILITIES:

Livingston County safe driver program depends on the participation and cooperation of employees at all levels of the organization. The specific responsibilities of the employees are identified below.

#### **Department Directors/Elected Officials**

- Ensure that all employees are informed of this policy.
- Ensure the safe maintenance and operation of all municipal vehicles.
- Ensure that all vehicle operators are trained in the safe operation of all assigned motor vehicles.
- Enforce municipal-wide departmental vehicle operating standards and procedures.
- Ensure that all assigned vehicles are inspected for safe operation before use.
- Ensure that thorough and timely accident investigations are conducted and reported.

- Identify all employees who operate a vehicle on the job and include those employees in the municipality's Driving Record Subscription Service from the State of Michigan.
- Ensure that any individual departmental policies that define how unsafe vehicle operators will be disciplined are consistent with the overall intent of this policy.

### **Supervisors**

- Ensure the safe operation of assigned municipal vehicles
- Administer and enforce all municipal-wide and departmental policies and procedures regarding vehicle operation

NOTE: Any Supervisor who fails to report the information outlined herein will be subject to appropriate disciplinary action, up to and including discharge.

### **Employees**

- Safely operate their assigned municipal vehicles.
- Maintain a valid driver's license (correct license/endorsement for the type of vehicle driven).
- Advise the duty supervisor immediately of the loss of a valid driver's license by suspension, revocation, or expiration, including being issued a Breath, Blood, Urine Test Report Temporary Driving Permit. Failure to comply may result in discipline up to and including dismissal.
- Perform safety checks of vehicles at the beginning of each work shift as described in the unit work rules.
- Promptly report to an on-duty supervisor any vehicle safety defect found during inspection. Failure to report safety defect found during inspection may result in discipline up to and including employee dismissal.
- Maintain an assigned municipal vehicle's cab, bed, and/or body in a clean and safe condition.
- Properly use furnished seat belts and/or other vehicle safety restraints.

### **County Administrators**

- Establish and maintain the Driving Record Subscription Service to monitor employee driving records (currently maintained by Carpool).
- In cooperation with other departments, ensure that all employees who operate vehicles have a valid driver's license for the vehicle types driven.

- Report driving record activity to employees' departments for review of policy compliance (currently Carpool reports driving record activity to Human Resources and the affected department head).
- Provide consultation and training to the departments as needed.

3. STANDARDS AND PROCEDURES:

All individuals who operate Municipal vehicles, who operate personal vehicles on employer-related basis, who receive payment related to vehicle expenses, and/or are required to drive as a necessary part of their job must possess and maintain a valid driver's license.

Individuals who drive municipal vehicles or are required to drive as a necessary part of their job must notify their immediate supervisor if they receive a ticket/citation that affects and/or restricts their right to operate a motor vehicle, including being issued a Breath, Blood, Urine Test Report Temporary Driving Permit. Such notification must take place immediately upon reporting for work after receipt of the citation.

Individuals are prohibited from operating a municipal vehicle or personal vehicle on business when their driving ability has been impaired for any reason, including but not limited to the ingestion of drugs, medication, or alcohol beverages; physical impairment or restrictions; or other situations/conditions within the individual's control. Any illegal use of controlled substances is strictly prohibited.

No employee shall knowingly operate a vehicle found to be in violation of a state safety code or the laws of the State of Michigan

All employees shall use seatbelts or other safety restraints provided whenever they are operating or riding in a vehicle

Only those employees who are determined to be safe operators will be allowed to drive a vehicle on behalf of the municipality.

4. CORRECTIVE ACTION, INCLUDING DISCIPLINE:

**Each department is encouraged to develop and implement a plan for reviewing vehicle accidents and administering appropriate corrective action. The following are minimum standards which should be included in departmental plans:**

The goal of corrective action is to ensure that employees who are entrusted with the operation of vehicles are safe drivers. Awareness and knowledge through training are the keys to safe driving. Whenever possible, training should be a first step in a corrective action program. Discipline up to and including discharge may also be an appropriate form of corrective action, depending on the infraction.

An unacceptable motor vehicle driving record is one indication that an employee may not be a safe driver. The administration will identify employees who develop unacceptable driving records and notify the appropriate department. Departments are encouraged to immediately enroll these employees in municipal-sponsored driver's training programs, or consult with the Human Resources department about other appropriate training opportunities, or other corrective actions, depending on the infraction.

Accidents involving stationary objects are the most frequent and preventable type of vehicular accident. Preventable accidents involving stationary objects may result in disciplinary action up to and including dismissal. Involvement in a preventable accident shall be considered unsatisfactory job performance, which may result in disciplinary action up to and including discharge.

Failure to comply with any part of this policy shall be considered unsatisfactory job performance, which may result in disciplinary action up to and including discharge.

5. INSPECTIONS:

All vehicles shall be safety-checked at the beginning of each shift by the assigned vehicle operator to ensure safe operating condition according to unit work rules.

Report vehicle deficiencies according to department policies

Each department shall be responsible for ensuring that quarterly safety inspections of all assigned vehicles occur and are properly documented.

6. DEFINITIONS:

**Driving Record Subscription Service:** A program provided by the Michigan Department of State by which a driving record can be automatically produced and sent to an enrolled municipality when a conviction is posted to an employee's driving record.

**Preventable Accident:** Any vehicle accident in which the driver/operator failed to do everything he/she reasonably could have done to prevent the accident.

**Vehicle Accident:** Any occurrence involving a county-owned, rented, leased, or travel-reimbursed motor vehicle or trailer which results in a death, personal injury or property damage.

**Employee:** Any regular full-time or part-time or temporary full-time or part-time employee, elected officials, volunteers, or any other person who has reason to operate a municipal vehicle.

**Municipal Vehicle:** Any municipal-owned, rented, leased, or travel-reimbursed motor vehicle or trailer, including personal vehicles, used by an employee for municipal business.

## 7. APPLICANT/EMPLOYEE SCREENING GUIDE

Conviction of law violations or civil infractions may serve as a basis for disqualification or discipline. The applicant's/employee's total record will be evaluated; the applicant/employee must have at least two years of documented driving experience. The pattern of law violations, the seriousness, the surrounding circumstances, and the number and recency of violations will be considered. For example, multiple convictions for the same offense can be disqualifying, as they indicate a pattern of inadequate responsibility and disregard for law and order, which may affect safety. Likewise, traffic misdemeanors which do not carry points (i.e. improper plates, expired plates) or civil infractions may indicate an inability to follow rules and a disregard for the law.

For purposes of determining disqualifying violations, the ~~municipality should~~ County may consider only those offenses followed by a conviction (forfeited bond, jailed, fined, ordered to attend traffic school). For purposes of establishing time frames for disqualification, the ~~municipality should~~ County may use the date of the actual violation. Here are suggested disqualifying guidelines:

**The circumstances noted below will be cause for automatic disqualification of an applicant and discipline of an employee:**

1. Conviction of a driving-related felony

2. Loss of driving privilege through suspension or revocation of license due to an unsatisfactory driving record as defined by the Michigan Department of State.

**EXCEPTION:** Applications from those who maintain a driving record free of license suspension or revocation and moving violation conviction(s) in the five (5) years previous to making application to the municipality ~~will~~ **may** be accepted.

3. An at-fault accident resulting in a fatality (an at-fault accident is defined as one in which the applicant has been fined, sued, and received an adverse judgment, applicant's insurance company settled for damages to other party, or applicant settled out of court or otherwise was determined to be liable).

~~**In the five years prior to application, the following circumstances will be cause for automatic disqualification:**~~

4. Accumulated ~~more than~~ six (6) points **or more** on the driving record.
5. Convicted of any alcohol/drug related offense.
6. Convicted of driving while license was suspended or revoked.

**For new applicants, In the year prior to application, the following circumstances will be cause for automatic disqualification:**

7. Accumulated more than three (3) points on the driving record.

8. SUPERSEDES:

Resolution #: N/A

9. APPROVED BY:

Personnel Committee  
Finance Committee  
Board of Commissioners

10. RESOLUTION: No. 2017-

11. REVIEW HISTORY:

**RESOLUTION**

**NO:**

**LIVINGSTON COUNTY**

**DATE:**

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**RESOLUTION TO ESTABLISH POLICY AND PROCEDURES RELATING TO CERTAIN UNION EMPLOYEES ELIGIBLE FOR A BARGAINED-FOR SECTION 125 COMPLIANT VACATION PURCHASE PLAN – HUMAN RESOURCES**

**WHEREAS,** some Livingston County bargaining units have the right to purchase additional vacation time during open enrollment pursuant to their collective bargaining agreements; and

**WHEREAS,** the attached policy and procedures describe employee eligibility, enrollment procedures, Section 125 compliant plan rules, purchase and payback requirements; and

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

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves this Resolution and adopts the Policy and Procedures Relating to Certain Union Employees Eligible for a Bargained-for Section 125 Compliant Vacation Purchase Plan.

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MOVED:

SECONDED:

CARRIED:

# POLICY AND PROCEDURES RELATING TO CERTAIN UNION EMPLOYEES ELIGIBLE FOR A BARGAINED-FOR SECTION 125 COMPLIANT VACATION PURCHASE PLAN

## Preface

The policies and procedures contain important information about a Section 125 compliant Vacation Purchase Plan ("VP Plan"). While the County currently intends to continue the VP Plan and policies described here, the County reserves the right to change, modify or discontinue the 125 Plan and/or the VP Plan at its discretion at any time. These policies and procedures do not constitute a contract of employment or guarantee any particular benefit. In the event of a discrepancy between these policies and the Plan documents, the collective bargaining agreement, or the legal requirements of a 125 plan, the Plan document, collective bargaining agreement and/or Section 125 legal requirements will govern.

## The Vacation Purchase Plan

To supplement earned vacation time, the County offers a bargained-for Vacation Purchase Plan whereby certain eligible Union employees can purchase extra vacation time to be used after the employee has exhausted all earned and banked vacation time for the year. Any unused VP Plan time purchased must be cashed out (on a taxable basis) at the end of the year. The cost of purchased VP Plan time is spread over the Plan Year on a before-tax basis.

## Eligibility

An employee is eligible for the VP Plan only if such benefit has been bargained –for in the collective bargaining agreement covering the employee, the employee is eligible under the terms of the collective bargaining agreement, the employee is eligible for and properly enrolled in the County Section 125 Plan; and the employee enrolled in the VP Plan during the open enrollment.

## Enrollment

Eligible Employees can enroll in the VP Plan during the annual open enrollment. Coverage will remain in effect for the entire Plan year (January 1 through December 31). Employees do not need to re-enroll each year unless instructed to do so. If you do not make a change during open enrollment and election change period, an eligible employee will remain enrolled in the VP Plan for the following Plan year.

If you do not enroll when eligible, you may elect VP during the next annual open enrollment period. Employees may not elect VP Plan during the Plan year. Employees may not change the VP Plan election during the Plan year. Changes can only be made during the annual open enrollment. As such, during the open enrollment period an eligible employee may do any of the following:

- enroll to participate in the VP Plan;
- cancel participation in the VP Plan,

- change the number of hours the employee has elected to purchase under the VP Plan.

All changes in the VP Plan made during the open enrollment period becomes effective on the first day (January 1) of the new Plan Year.

The per additional vacation hour price is based upon each employee's wage rate at the time of the enrollment for each Plan year. The rate of pay times the number of hours elected is deducted in equal amounts throughout the Plan year. This amount does not increase during the year, even if the employee receives a wage adjustment or step increase during the specific Plan year. However, the purchase price may vary from Plan year to Plan year.

#### Plan Benefit

Eligible employees may buy additional vacation with pre-tax deductions from the employee's paycheck. Eligible employees may purchase up to a maximum of 40 hours for the year, unless otherwise allowed in the collective bargaining agreement.

#### 125 Compliant VP Plan Rules

##### Legal Requirements Regarding Use and Taxable Cash-Out.

The additional vacation time that an employee has purchased is available at the beginning of the Plan Year. However, an employee who has purchased pre-tax vacation under the VP Plan must use ALL of his/her earned and banked vacation days before the employee may utilize purchased time.

An employee who has purchased pre-tax vacation under the VP Plan must use all purchased vacation time by the end of the Plan Year. If an employee is not able to use all the purchased hours, Human Resources Department will arrange for TAXABLE cash reimbursement, known as a VP Plan vacation cash-out. This cash-out must be made no later than December 31 of the Plan year. However, even if an employee receives a VP Plan vacation cash-out for all or part of the employee's unused purchased vacation, the payroll deductions will continue and the taxable value of the reimbursed vacation hours will be included in the employee's last paycheck in December.

By law, an employee who has purchased pre-tax vacation under the VP Plan CANNOT bank purchased vacation, nor can the employee otherwise sell earned vacation days.

##### Legal Requirements on Termination and Unpaid Leaves.

If an employee who purchased pre-tax vacation under the VP Plan terminates employment during the year, the remaining annual cost for the elected purchased vacation will be deducted from the employee's final pay. If the employee has not used all the purchased vacation, the employee will receive a taxable refund for the unused hours in the employee's final pay.

Taking a paid or unpaid leave of absence does not affect the employee's obligations under the VP Plan. An employee who has purchased additional vacation under the VP Plan may ONLY use purchased vacation during periods of scheduled work (not to obtain pay during an unpaid leave). Employees on

leave are responsible for continued payment of the purchased vacation cost while leave of absence (even an unpaid leave). Again, an employee on leave who is not able to use all the purchased hours due to your leave of absence, will receive a vacation cash-out for all or part of the employee's unused purchased vacation. A leave of absence does not alleviate or excuse this employee election requirement.

#### Use of Purchased Vacation

Purchased vacation must be scheduled and approved in advance and in accordance with the requirements of the collective bargaining agreement and the employee's Department's vacation scheduling practices. In addition, purchased vacation increments can be no less than the vacation increments permitted under the employee's applicable collective bargaining agreement. All purchased vacation hours must be BOTH scheduled and used in the same Plan year in which the hours were purchased.

#### If You Leave the County or Bargaining Unit Employ

The VP Plan ends when an employee leaves the County for any reason, including retirement, or is no longer employed as an active employee. If an employee terminates or is terminated during the Plan year, the remaining annual cost for purchased vacation elected will be deducted from your final pay. An employee will be required to sign an acknowledgement on enrollment if the employee's Union has not agreed to such repayment from the final check. If the employee has not used all of the vacation purchased, they will receive a taxable reimbursement for unused hours in the employee's final pay. Purchased vacation may not be utilized to extend an employee's termination, notice or retirement.

#### Overpayments and Other Errors

If a benefit is paid that is larger than the amount allowed by the VP Plan or at law, the Plan has a right to recover the excess amount from the person who received it. Erroneous statements will not change the rights or obligations under the Plan and will not operate to grant additional benefits or coverage.