



Newaygo County Policies & Procedures

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NEWAYGO COUNTY

POLICIES & PROCEDURES

Scope, Purpose and Intent

The Newaygo County Policies and Procedures shall apply to all County Elected Officials, Department Heads, appointed committee members, union and non-union County employees and volunteers. When the term "employee" is used throughout the Policies and Procedures, it is intended to include any one of the aforementioned positions. To the extent that Policies and Procedures conflict with the terms of a collective bargaining agreement or certain policies duly adopted by Elected Officials or the Newaygo County Trial Courts, the latter will govern the covered employees. The Employer, including Elected Officials and Judges, reserve and retain, 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 the County Policies and Procedures.

Newaygo County reserves the right to amend or alter the terms of the policies and procedures listed herein.



Newaygo County Policies and Procedures

Category: Human Resources - 1

Subject: General Employee Professional Standards

PURPOSE

Newaygo County wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity and value for all employees, citizens and stakeholders. That said, the County has established professional standards for employees as a guide for workplace conduct. Specific professional standards may differ by occupation, bargaining agreement or department procedures. Violation of any General Employee Professional Standard will subject an employee to discipline by the employer up to and including termination, and depending on the circumstances, could also result in civil liability or criminal penalties.

CONDUCT

All employees are expected to be courteous to their supervisors, subordinates, coworkers and members of the public. Disorderly conduct, fighting, rudeness, physical, verbal or mental abuse of others is strictly prohibited. The making of any false or malicious statements about others or your employer is also strictly prohibited.

DRESS AND GROOMING

Employees are expected to maintain a neat and well-groomed appearance in accordance with their position and working conditions - *See Dress Code: Attire and Grooming Policy*. An Elected Official may implement a dress code for their department.

TARDINESS

Employees who are late may not be paid for time missed or otherwise disciplined and/or dismissed at the discretion of the Department Head/Elected Official.

REPORTING ABSENCES

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

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

Employees are required to limit usage of the County's mail service to business purposes only. You should minimize the use of the County's address to receive personal mail, particularly when a signature is required to accept the delivery. The County assumes no responsibility or liability for personal deliveries. The County's postage meter shall not be used for your personal mail.



Newaygo County Policies and Procedures

General Employee Professional Standards

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TELEPHONE CALLS

Use of County telephones is not permitted for personal long distance calls except in emergencies. Department Heads/Elected Officials may require employees to log all telephone calls. Personal calls shall be kept to a minimum, including calls made on a personal cell phone. *Also see Personal Cell Phone Policy.*

DEPARTMENT RULES

Each Department Head/Elected Official may implement specific personnel rules including, but not limited to, personal conduct codes for use in their department.

CHANGE OF NAME, ADDRESS, PHONE NUMBER OR DEPENDENTS

If an employee has a name change, marries, has children, divorces, telephone number change, or address change, it is important that the employee informs their supervisor and the Administration Office no later than thirty (30) days after the event so that the employee's personnel record and insurances may be adjusted. It is the employee's responsibility to keep the Administration Office up to date regarding these matters. Failure to do so may result in a delayed coverage effective date.

If the employee has a dependent that is no longer eligible for coverage, it is the employee's responsibility to notify the Administration Office so that the proper adjustments may be made. If the employee fails to notify the Employer that a dependent is no longer eligible for coverage, the employee may be billed for expenses incurred by the County.

VISITORS

Friends, relatives, and children of employees are not allowed in the working areas without approval of the Department Head/Elected Official.

PROHIBITED ACTS AND BEHAVIORS

While it is impossible to list every item that could be considered misconduct in the workplace, below is a list of example prohibited acts and behaviors that could result in disciplinary action up to and including termination.

- Theft
- Unauthorized use of County property
- Falsification of employment documents
- Refusal to obey or willful failure to carry out instructions
- Failure to report to work when scheduled
- Improper use of PTO or other leaves of absences

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Newaygo County Policies and Procedures

General Employee Professional Standards

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- Falsification of information to secure time off
- Abuse of breaks or lunch periods
- Violation of department rules
- Inefficiency, incompetence or neglect of duty
- Reporting to work while under the influence
- Consumption or possession of marijuana, alcohol or illegal drugs on County premises
- Use of obscene language
- Threatening other persons or instigating a fight
- Unauthorized possession of firearms
- Verbal abuse or physical attack
- Conduct disruptive to others
- Carelessness or negligence which results in injury
- Illegal activity on County premises
- Violation of rules concerning outside, supplemental employment
- Instigating, aiding or participating in any illegal strike or work stoppage
- Disrespect, verbal abuse or insubordination to any supervisor
- Working unauthorized overtime
- Conviction or pleading guilty or nolo contendere to a felony will result in automatic termination of employment

PERSONAL EQUIPMENT AND VALUABLES

It is impossible to secure insurance coverage for personal equipment and valuables brought on County premises. Therefore, the County cannot be responsible for any loss or damage to such items.

APPENDICES

Personal Cell Phone Policy

Dress Code: Attire and Grooming Policy

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Newaygo County Policies and Procedures

Category: Human Resources - 2

Subject: Fraternization Policy

Employee off-duty conduct is generally regarded as private as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates which is prohibited. Additionally, any supervisor, manager, executive or other County official in a sensitive or influential position must disclose to their Department Head/Elected Official or Human Resources the existence of a romantic or sexual relationship with another co-worker. The Department Head/Elected Official will review the circumstances with Human Resources to determine whether any conflict of interest exists. When a conflict of interest or potential risk is identified due to a County official's relationship with a co-worker, the Department Head/Elected Official will work with the parties involved to consider options for resolving the problem. If one or both parties refuse to accept a reasonable solution or if a solution cannot be found it will be deemed a voluntary resignation from one or both parties.

Dating and physical relationships between two employees within the same department can have a negative impact on the workplace and thus must be immediately reported to your Department Head/Elected Official. Should this situation arise, the Department Head/Elected Official will review with each employee the relevant County policies and obtain written confirmation that the relationship is consensual and that neither person is claiming harassment or discrimination. The Department Head/Elected Official may require a periodic review of the situation to obtain updated confirmation that the relationship remains consensual.

APPENDICES

Newaygo County Sexual Harassment Policy

General Employee Professional Standards

Harassment and Workplace Violence Policy

Employment of Relatives

Ethics Policy



Newaygo County Policies and Procedures

Category: Human Resources - 3

Subject: Payroll Periods, Payment Methods and Reporting Time

PAY PERIODS

County employees are normally paid every two weeks. The pay period for hourly employees covers the week ending on the Saturday before they are paid. This provision may be changed by the Newaygo County Board of Commissioners.

PAYMENT METHODS

Employees are required to direct deposit their net payroll into a banking institution or loaded onto a payroll debit card supplied by Newaygo County. For the purposes of this policy, banking institutions include banks and credit unions only.

Employees may obtain direct deposit forms from the Administration Office or via a designated electronic source. When submitting forms to Administration, a voided check or documentation from the banking institute are preferred. These provisions may be changed or amended, as needed, by the County Administrator.

REPORTING TIME

Employees are required to submit an electronic payroll timesheet for payroll processing. Timesheets are due to the designated staff member in each department according to the annual payroll schedule distributed by the Administration Office.

All time worked and accumulated compensatory time must be reported to payroll in the pay period it occurred in order to be valid.

Fraudulent reporting of work hours, exceptions, or time off will subject an employee to discipline up to and including termination and potential legal penalties. Supervisory approval for hours or exceptions entered into the payroll system is required prior to the processing of the payroll.

At the discretion of the Elected Official or County Administrator, Department Heads are required to submit a payroll timesheet for payroll processing. Timesheets are due to the designated staff member in each department according to the annual payroll schedule distributed by the Administration Office.

APPENDICES

Hours Code Descriptions for Time Entry



Newaygo County Policies and Procedures

Category: Human Resources - 4

Subject: 7-1-1 Emergency Contact Number

A 7-1-1 number has been made available to employees in case of an emergency. When an employee dials 7-1-1, it will ring into Central Dispatch. Central Dispatch will be able to see the employee's exact location that they are calling from within the County Campus. An immediate, armed response will be dispatched to that location.

7-1-1 has also been strategically placed as the last button on the right hand side of every County desk phone.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 5

Subject: Personnel Records

Official personnel records are maintained in the Administration Office for employees and copies may be kept by the employee's Department Head/Elected Official. These records include information on initial employment or re-employment, professional credentials, wage increases, promotions, demotions, employee absentee reports, disciplinary actions and other pertinent employment information. The employee may schedule a review and have a copy made of their personnel file provided the County Administrator, or their designee, is present during the review.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 6

Subject: Outside Employment Policy

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 the employee's responsibilities to the County.

Any employee desiring to participate in outside or supplemental employment must obtain permission from their Department Head/Elected Official 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 County Administrator or respective Elected Official. The following guidelines shall be applicable to all employees engaged in outside or supplemental employment.

Employees engaged in outside or supplemental employment shall:

- Not use County facilities as a source of referral for private customers or clients.
- Not be engaged in during the employee's regularly scheduled working hours.
- Not use the name of the County or County agency as a reference or credential in advertising or soliciting customers or clients.
- Not use County supplies, facilities, staff or equipment in conjunction with any outside or supplemental employment or private practice.
- Maintain a clear separation of outside or supplemental employment from activities performed for the County.
- 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.

APPENDICES

Outside Employment Request and Approval Form



Newaygo County Policies and Procedures

Category: Human Resources - 7

Subject: Accommodations for Breastfeeding Mothers

Newaygo County supports breastfeeding mothers by accommodating the mother who wishes to express milk during the workday. For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Breaks of more than twenty (20) minutes in length will be unpaid and the employee should indicate the break period on their time record. The County will provide the use of a private, clean and comfortable area for expressing breast milk. In addition, appropriate storage areas for pump and other equipment as well as expressed milk will be provided. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Nursing mothers wishing to use a private room for breastfeeding purposes must submit a request to their Department Head/Elected Official.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 8

Subject: Harassment and Workplace Violence

HARASSMENT

Newaygo County strongly prohibits and will not tolerate harassment by or against employees, volunteers or members of the public and is committed to a work environment free of harassment based on race, color, gender, age, religion, national origin, disability, sexual orientation, status of a disabled veteran or Vietnam Era veteran, or any other protected class, as defined by state or federal law.

Harassment includes, but is not limited to:

Verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with work performance. Depending upon the circumstances, this may include: racial slurs or epithets; offensive or derogatory ethnic jokes; posters, cartoons or drawings; or other similar offensive or derogatory conduct.

WORKPLACE VIOLENCE

Newaygo County strongly prohibits and will not tolerate any form of workplace violence by or against employees, volunteers, or members of the public and is committed to a work environment free from physical force or attempt to exercise physical force, and/or a statement or behavior that is reasonably interpreted as a threat of physical force in the workplace.

Workplace Violence includes, but is not limited to:

Physical acts such as punching, hitting, kicking, pushing, an action spoken or written statement reasonably believed to be a threat of physical harm or a threat to safety or security in the workplace, bringing or threatening to bring a weapon of any kind to the workplace, throwing objects, intimidating behavior such as yelling, swearing and angry outbursts.

REPORTING

It is the employee's responsibility to report incidents of harassment and/or workplace violence promptly to their supervisor. In cases in which an employee's supervisor is involved, the employee should report any incident to the County Administrator.

APPENDICES

Harassment & Workplace Violence Complaint Form



Newaygo County Policies and Procedures

Category: Human Resources - 9

Subject: Weapons Free Workplace Policy

To ensure that Newaygo County maintains a workplace safe and free of violence for all employees, the County prohibits the possession of weapons by any employee or contract worker while on County property or providing County services off property, including keeping or transporting a weapon in a vehicle in a public or private parking area while on duty.

Weapons include guns, knives, explosives and other items with the potential to inflict harm. The County reserves the right at any time and at its discretion to search all County owned property or vehicles, including leased vehicles, for the purposes of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

Employees are responsible for making sure that any potentially covered items they possess are not prohibited by this policy. If you have a question about whether an item is covered by this policy, please contact your Department Head/Elected Official.

This policy prohibits employees and contract workers from carrying weapons during the course of their employment, regardless of whether they have a concealed weapons permit. It does not affect County positions that are explicitly required to carry weapons as part of their job duties as determined by the County Administrator and respective Elected Official.

APPENDICES

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Motion Number: 19-123

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Newaygo County Policies and Procedures

Category: Human Resources – 10

Subject: Social Security Privacy

All employees are required to have a Social Security Number in order to be employed by Newaygo County, so that the County can make adequate tax reporting. However, the County takes each employee's privacy very seriously and maintains a strict policy to protect the confidentiality of Social Security Numbers that are obtained by or provided to the County and/or its employees, members, contractors, agents, and representatives in the course of their employment, activities, or services performed on behalf of the County.

Documents containing Social Security Numbers shall be kept in confidential files. Except as required by necessary and legitimate business purposes, no employee is permitted to have access to Social Security Numbers (Including documents that contain any Social Security Numbers) or to keep, view, use, copy, disclose, or distribute another person's Social Security Number or in any other way disclose another's Social Security Number. One who accesses a Social Security Number for necessary and legitimate business purposes is prohibited from using or accessing the Social Security Number in a manner that may permit an unauthorized individual to view, use, or access the number.

When documents containing Social Security Numbers are no longer needed and are to be discarded, such documents must be disposed of in a manner that ensures the confidentiality of the Social Security Numbers. The County will continue to practice shredding, electronically deleting or otherwise disposing of confidential records, including documents containing Social Security Numbers.

Violation of this policy is subject to disciplinary action, up to and including discharge.

APPENDICES

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Motion Number: 19-123

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Newaygo County Policies and Procedures

Category: Human Resources - 11

Subject: Family and Medical Leave Act Policy

PURPOSE

It is the intent of Newaygo County that this policy fully complies with the requirements of the Family and Medical Leave Act (FMLA) of 1993 as amended.

APPLICATION

This policy applies to all eligible County employees including employees covered under union contracts, Department Heads and non-union employees. For purposes of this policy, the calculation of the 12 week FMLA entitlement will be computed on a "rolling" 12 month period measured backward from the date of any FMLA leave usage.

AUTHORITY

The interpretation and administration of this policy shall be the responsibility of the Administration Office and overseen by the County Administrator.

ELIGIBILITY

An employee who has completed twelve (12) months of employment and worked at least one thousand two hundred fifty (1250) hours for the Employer in the past twelve (12) months may request an unpaid leave of absence for a period not to exceed twelve (12) work weeks during any twelve (12) month period for one or more of the following reasons:

- For the birth and care of an employee's newborn child or upon placement of a child with the employee for adoption or foster care
- In order to care for the employee's spouse, son, daughter or parent with a serious health condition
- To take medical leave when the employee is unable to work because of a serious health condition
- For any qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or call to active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation

An employee who has completed twelve (12) months of employment and worked at least one thousand two hundred fifty (1250) hours for the employer in the past twelve (12) months may request an unpaid leave of absence for a period not to exceed twenty-six (26) work weeks in a single twelve (12) month period to care for a covered service member as follows:



Newaygo County Policies and Procedures

Family Medical Leave Act Policy

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An eligible employee who is the spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness

For spouses who are both entitled to leave and are employed by Newaygo County, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any twelve (12) month period if the leave is taken due to the birth or placement of a child.

QUALIFYING CONDITIONS FOR FAMILY OR MEDICAL LEAVE

For leave taken due to the birth of a child or the placement of a child with the employee and where the leave is foreseeable based on the expected birth or placement, the employee shall provide the Administration Office with not less than thirty (30) days' notice before the date the leave is to begin, except that if the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as soon as practicable.

When the employee's leave is due to care of a spouse, child or parent or to the employee's serious health condition and the leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer, subject to the approval of the health care provider and shall provide the Employer with not less than thirty (30) days' notice before the date leave is to begin, except that if the date of treatment requires leave to begin in less than thirty (30) days the employee shall provide such notice as is practicable.

For leaves taken to care for a sick spouse, child or parent or due to a serious health condition of the employee, the employer may require certification issued by a health care provider of the eligible employee, child, spouse or parent as appropriate. This certification shall be sufficient if it states:

- A. The date on which the serious health condition commenced;
- B. The probable duration of the condition;
- C. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- D. When applicable, a statement that the eligible employee is needed to care for child, spouse or parent and an estimate of the amount of time that the employee is needed to provide such care;
- E. When applicable, a statement that the employee is unable to perform the functions of the position of the employee;



Newaygo County Policies and Procedures

Family Medical Leave Act Policy

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- F. In cases of certification of intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment;
- G. In cases of intermittent leave or leave on a reduced schedule due to an employee's serious health condition, a statement of the medical necessity for the intermittent leave or leave on a reduced schedule and the expected duration of the intermittent leave from the leave schedule; and
- H. When intermittent leave or leave on a reduced leave schedule is requested for the purpose of caring for a child, spouse or parent, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent or spouse who has a serious health condition, or will assist in their recovery and the expected duration and schedule of the intermittent leave or reduced leave schedule.

If leave is taken due to a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the eligible employee is required to furnish a completed certification of qualifying exigency for military family leave. The employee will be required to provide written documentation confirming a covered military member's covered active duty or call to covered active duty status. If the qualifying exigency involves meeting with a third party, the Administration Office may contact the individual or entity with whom the employee is meeting for the purpose of verifying a meeting or appointment schedule and the nature of the meeting. The Administration Office may also contact an appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status.

If FMLA leave is taken to care for a covered service member with a serious injury or illness, the eligible employee must furnish a certification for serious injury or illness of covered service member, completed by an authorized health care provider of the covered service member.

Newaygo County reserves the right to request recertification. At the employer's request, the employee must provide recertification at the employee's expense within 15 calendar days of the County's request.

Spouses who are both employed by the County are entitled to a total of 12 weeks combined for the birth or adoption of a child.

A key employee will so be advised at the time an FMLA leave is requested. Upon determination that substantial and grievous economic injury to the County will occur, reinstatement of a key employee may be denied.



Newaygo County Policies and Procedures

Family and Medical Leave Act

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RESPONSIBILITIES

Employee is responsible for:

Advance Notice: For foreseeable situations, an employee must notify their Department Head/Elected Official and Human Resources within thirty (30) days before the commencement date. Employees will be allowed at least fifteen (15) calendar days to submit certification from the health care provider. If sufficient information is not provided in a timely manner, the employee's leave may be denied. If thirty (30) days advance notice is not possible, FMLA leave request notice and certification from the health care provider must be given as soon as possible. NOTE: The employee must consult with their Department Head/Elected Official and try to schedule a foreseeable treatment/procedure at a time that minimizes the disruption to County operations. The employee should consult with their Department Head/Elected Official prior to scheduling treatment in order to arrange a schedule that best suits the needs of both the employee and the department.

Confirmation of Family Relationship: When leave is due to a family member's serious health condition, the employer may require the employee to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, a child's birth certificate, a court document, etc. The employer is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

Medical Certification: When the leave is due to a family member's serious health condition, the employee must provide certification issued by a health care provider. Form(s) may be obtained from the Administration Office.

Use of Paid Time: Employees will be required to use available paid PTO, vacation, compensatory, and/or other leave during the FMLA absence. This means the employee will receive paid leave and the leave will also be considered protected FMLA leave and counted against FMLA leave entitlement. If the employee does not meet the requirements for taking paid leave, the employee remains entitled to take unpaid FMLA leave.

Return to Work: If circumstances of the leave change and the employee is able to return to work earlier than the date originally indicated, the employee will be required to notify their Department Head/Elected Official and Human Resources at least two (2) workdays prior to the date intended to report for work.

Recertification: Recertification of the serious health condition may be required during the leave.

Medical Premiums: Employees will be responsible to make arrangements to continue to make their share of the health insurance premium to maintain health benefits while on leave.



Newaygo County Policies and Procedures

Family and Medical Leave Act Policy

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Update While on Leave: While on leave, employees may be required to contact their Department Head/Elected Official or Human Resources periodically to advise the County of any change or improvement in condition.

Treatment: When the leave is for planned medical treatment, the employee must attempt to schedule the treatment so as to not disrupt the County's operations.

Intermittent or Reduced Leave Schedule: In general, any employee utilizing the Family and Medical Leave Act must do so on a continuous basis. An intermittent or reduced leave schedule must have prior approval of the Department Head/Elected Official and Human Resources and be deemed medically necessary for a serious health condition of the employee, their spouse, child or parent.

Fit for Duty: Upon returning to work, employees will be required to submit a return to work document signed by their physician that certifies their ability to resume work and perform the essential functions of the job. A blank return to work form may be obtained from the Administration Office.

Human Resources is responsible to:

- Determine whether an event qualifies for FMLA leave.
- Advise the employee within five (5) business days of the request for FMLA leave, generally in writing, of eligibility for FMLA leave.
- Provide a copy of the U.S. Department of Labor document; "Employee Rights and Responsibilities."
- Assist Department Head/Elected Officials and employees with answering questions regarding FMLA rights, duties and obligations of the employee and the County.
- Provide assistance with completion of applicable forms and notices.
- Maintain all forms and documents associated with this policy.
- Review all forms, certifications and other documentation relative to an eligible employee's FMLA leave for adherence to this policy and maintains files of such.
- Maintain open communication with the Department Head/Elected Official.

Department Head/Elected Official is responsible to:

- Receive notifications of FMLA leave from their employees and provide said information to Human Resources.
- Maintain open communications with Human Resources.



Newaygo County Policies and Procedures

Family and Medical Leave Act Policy

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SECOND OPINION

In any case where the employer has reason to doubt the validity of the certification as outlined above, the employer may require the eligible employee, at the employer's expense, to obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified by the original certification. The provider of the second opinion shall not be employed on a regular basis by the employer or provide services to the employer under contractual circumstances.

RESOLUTION OF CONFLICTING OPINIONS

When the second opinion described above differs from the opinion in the original certification, the employer may require, again at the employer's expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified above. The opinion of the third health care provider shall be final and binding on both employer and employee.

CONTINUATION OF BENEFITS

The employer shall continue to pay regular and customary health insurance premiums for eligible employees for up to twelve (12) weeks while the eligible employee is on approved FMLA leave of absence. The employee has the responsibility to make arrangements to continue to make their share of the health insurance premium payments to maintain health benefits while they are on leave. The employee has a minimum thirty (30) day grace period in which to make premium payments. If payments are not made timely, the employee's group health insurance may be cancelled, provided the employer notifies the employee in writing at least fifteen (15) days before the date that health coverage will lapse, or at the County's option, the County may pay the employee's share of the premiums during FMLA leave, and recover these payments upon the employee's return to work.

COORDINATION OF FMLA LEAVE WITH OTHER LEAVES

Worker's Compensation/Short and Long Term Disability

If an eligible employee takes worker's compensation leave or short/long term disability for an FMLA-qualifying reason, the employee's FMLA leave will run concurrently with the worker's compensation and disability leave.

Paid Time Off/Vacation Time/Compensatory Time

If an eligible employee is off work due to an FMLA-qualifying reason, the employee must use their paid time off (PTO), vacation time and/or compensatory time during the FMLA leave. The employee's FMLA leave and designated paid leave will run concurrently.



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EXTENSION OF LEAVE

If an eligible employee must take more FMLA leave than originally anticipated, they must notify their Department Head/Elected Official as soon as practicable (normally within two business days of learning of the circumstances necessitating the extension). The employee will be asked to provide documentation from their health care provider to support the extension. Nothing in this section shall grant a longer leave entitlement than otherwise stated within this policy.

REINSTATEMENT AFTER FMLA

When a leave of absence is granted for more than twelve (12) weeks, the Employer does not guarantee that the employee will be reinstated in their former position or to the same pay grade and pay step level when they are ready to return to work. That decision is at the discretion of the Department Head/Elected Official.

DEFINITIONS: For purposes of leave under FMLA, the following definitions will serve:

Son or Daughter

A biological, adopted, foster child, stepchild, legal ward or child of a person standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

Son or Daughter – For qualifying exigency

A biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis.

Parent

The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Spouse

All individuals in legal marriages, regardless of where they live. More specifically, a spouse is defined as a husband or wife as defined or recognized in the state where the individual was married (place of celebration) or a husband or wife in a marriage that was validly entered into outside of the United States if it could have been entered into at least one state.

Health Care Provider

Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice, or a nurse practitioner or clinical psychologist, authorized to practice and perform within the scope of their practice, under state law, or any health care provider recognized by the employer or the employer's health plan.

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Serious Health Condition

An illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider for a period of three or more days.

Serious Injury or Illness

In the case of a covered service member, an injury or illness incurred by the covered service member in the line of duty on covered active duty (or that existed before the beginning of the member's covered active duty and was aggravated by service in the line of duty on covered active duty in the Armed Forces) that may render the covered service member medically unfit to perform the duties of their office, grade, rank or rating.

In the case of a veteran covered service member injury or illness that was incurred by the member in the line of duty on covered active duty in the Armed Forces (or existed before the beginning of the member's covered active duty and was aggravated by service in the line of duty on covered active duty) and that manifested itself before or after the member became a veteran.

Next of Kin

The term "next of kin", used with respect to an individual, means the nearest blood relative of that individual.

Covered Service Member

A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness or a veteran of the Armed Forces (including the National Guard or Reserves) discharged within a five (5) year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

Key Employee

A key employee is a salaried FMLA-eligible employee who is among the highest paid ten (10) percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Outpatient Status

The term "outpatient status", with respect to a covered service member, means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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Qualifying Exigency

The following eight situations constitute a qualifying exigency:

- A. Short-notice deployment
- B. Military events and related activities
- C. Childcare and school activities
- D. Care of the military member's parent
- E. Financial and legal arrangements
- F. Counseling
- G. Rest and recuperation
- H. Post-deployment activities
- I. Additional activities to address other events that arise out of the covered military member's covered active duty or call to active duty status, provided the County and eligible employee agree that such leave is a qualifying exigency and agree to both the timing and duration of such leave.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 12

Subject: Sexual Harassment

POLICY STATEMENT

Newaygo County reaffirms its commitment to equal employment opportunity for all individuals and shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, handicap or disability, height, weight, marital status, political affiliations or beliefs in accordance with applicable state and federal laws, and Newaygo County policies and/or guidelines. Newaygo County finds sexual harassment to be a form of discrimination affecting the work environment as well as other terms and conditions of employment.

It shall be the policy of Newaygo County that employees have the right to expect a working environment free of unwelcome sexual advances, requests for sexual favors, communication of a sexual nature and other unwanted verbal or physical conduct of a sexual nature.

This policy shall be followed at all times including, but not limited to situations where:

- A. Submission to such conduct or such communication is made and expressed or implied condition of obtaining employment.
- B. Submission to or rejection of such conduct is used as a basis of or factor in decisions affecting the employment of any personnel.
- C. Such conduct or communication has the purpose or effect of interfering with an employee's duty, assignment or work performance, or creating an intimidating hostile or offensive environment.
- D. "Unwanted Conduct" includes any conduct which is of an ethnic, racial or religious nature, which reasonably causes the recipient discomfort or humiliation, or which interferes with the recipient's work performance. This includes "sexual jokes" and unwanted touching of employees.

This policy is for internal use only, and is not intended to enlarge the County's liability in any way, and it shall not be construed as a creation of higher legal standard.

Noncompliance with this policy constitutes a violation of employment duty only, except cases in which noncompliance is also a violation of laws of the State of Michigan and federal Laws. This policy in no way affects the rights already available by and through Michigan and/or federal laws. Violation of this policy shall form a basis for disciplinary action, up to and including termination by Newaygo County.



Newaygo County Policies and Procedures

Sexual Harassment

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APPLICATION

All employees, appointed committee members and elected officials shall conduct themselves in a manner conducive to a work environment free of coercion, intimidation, harassment, retaliation or discrimination and conduct themselves in a manner which will assure compliance with this policy and the state and federal laws.

All supervisory personnel shall be expressly responsible for immediately reporting any occurrences which they may witness or become knowledgeable of. If at all possible, immediate action shall be taken by supervisory personnel to eliminate and restrict, during the pendency of a sexual harassment or unwanted conduct complaint, any work assignments or contact between the employee making the complaint and the employee against whom the complaint is made.

PROCEDURE

It is Newaygo County's position to take action to prevent such unwanted conduct from occurring and to deal with all such instances in a fair, impartial and speedy manner. All complaints or instances will be investigated on a case by case basis, in a confidential manner as follows:

- A. An employee who believes they have been subjected to sexual harassment or unwanted conduct shall report the incident to the County Administrator, who shall notify and work in conjunction with the appropriate elected official to investigate the reported incident. If the County Administrator is the alleged perpetrator, the incident shall be reported to the County Prosecutor. Any alleged incidents shall first be reported verbally. If the employee wishes the matter to be pursued, the complaint must be in writing. Any written information may be disclosed to the alleged perpetrator to afford them an opportunity to defend themselves.
- B. A meeting shall be held between the person making the complaint and the County Administrator, or Prosecutor, or their designee, as soon as possible, but no later than ten (10) days following the report of the alleged occurrence(s). Following this meeting, the employee(s) against whom the complaint had been made shall be given a full opportunity to respond to the allegations. The investigation conducted shall also include interviews where appropriate, with other witnesses to the alleged occurrence(s) of sexual harassment or unwanted conduct.

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Newaygo County Policies and Procedures

Sexual Harassment

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C. Following completion of the investigation, if it is determined that sexual harassment or unwanted conduct did in fact take place, immediate action including discipline if necessary will be taken to remedy the situation and prevent its reoccurrence. All employees or County Officials who violate this policy will be subject to disciplinary action up to and including termination. Retaliatory action or conduct of any kind taken by any employee or official of the County against an employee as a result of that employee having sought redress under this policy is strictly prohibited and shall be regarded as a separate and distinct violation of Newaygo County Policies and Procedures. Anyone who undertakes this type of action shall be subject to discharge.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 13

Subject: Employee Running for Elected County Office

PURPOSE

In order to ensure that County services are provided without interruption or interference, Newaygo County has determined that a policy is needed to address the event of a County employee becoming a candidate for an elected county office within the County.

BACKGROUND

This policy has been developed after consultation with the County's attorney and after review of Public Act 169 of 1976. Its objective is to avoid possible interference with the County's work performance by requiring employees who are candidates for Newaygo County elected county office to request a leave of absence for 60 days prior to any elections for which they are on the ballot.

POLICY

Any current county employee under the jurisdiction of the Board of Commissioners and the County Administrator is legally entitled to become a candidate for nomination or election to any state, district, city, village, township, school district, or other local elective office without first obtaining a leave of absence from his or her employment.

In accordance with the rights afforded to the County under Public Act 169 of 1976, an employee under the jurisdiction of the Board of Commissioners and the County Administrator fulfilling the candidacy filing requirements for elected county office within Newaygo County, unless contrary to a collective bargaining agreement, shall be required to request and take a leave of absence for 60 days prior to each election that he or she participates in. During such time, the employee will be compensated by using their earned paid time off, which includes, but is not limited to, vacation, PTO time, compensatory time, etc. If no time is available, the employee will be unpaid during the leave of absence. No leave of absence will be required in the case of elections where the employee faces no competition on the ballot.

Per Public Act 169 of 1976, the 60 day requirement, as mentioned above, is at the discretion of each elected county official should an employee under their jurisdiction indicate their intention to run for public office in Newaygo County.

APPENDICES

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Category: Human Resources - 14

Subject: Guidelines for Religious Expression and Exercise in the Workplace

It is recognized that County employees have a constitutional right to freedom of religion and they are protected from discrimination in employment on the basis of religion. In view of those rights and protections, these guidelines were developed. They are intended to provide direction to supervisors and employees regarding religious exercise and expression in the workplace.

It is also recognized that these guidelines cannot cover every conceivable situation which may occur involving religious expression in the workplace. In each instance, the facts should be reviewed on a case-by-case basis in order to make a determination as to the appropriateness of the activity. Human Resources should be consulted by Department Head/Elected Official for assistance in interpreting and applying these guidelines.

Except where it would interfere with the efficient provision of public services, or where expression intrudes upon the legitimate rights of other employees, or where the expression creates the appearance, to a reasonable observer, of an endorsement by County government of religion, County employees shall not be restricted from religious exercise or expression.

Employees will be allowed to engage in private religious expression in their personal work areas, not open to the public, to the same extent as they may engage in non-religious expression.

Employees are free to engage in religious expression with their co-workers. However, such expression may be restricted if it interferes with workplace efficiency, and co-workers are free to decline involvement in another employee's religious expression or discussion.

In areas regularly accessible to the public, employees should refrain from religious expression or exercise which creates an impression, to a reasonable observer, that the County is sponsoring, endorsing, or inhibiting religion generally, or disfavoring a particular religion.

Employees may wear personal religious jewelry, unless circumstances require a ban on similar non-religious jewelry.

Employees may display religious art or literature, in their personal work areas which are not normally accessible to the public, to the same extent as non-religious art and literature, so long as the viewing public would not interpret the display of such items as an endorsement or favoring of religion by the County.



Newaygo County Policies and Procedures

Guidelines for Religious Expression and Exercise in the Workplace

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Supervisors may not, explicitly or implicitly, require employees to participate in any religious activity. Nor may they require employees to refrain from participating in religious activity outside the workplace, except to the extent that otherwise neutral, legal restrictions apply to off-duty employee conduct and expression in general. However, supervisors have the right to religious expression which is not coercive, and is understood to be their personal view, to the same extent as they are entitled to other constitutionally protected expression.

Employees shall not be subjected to discrimination, intimidation, ridicule, or insult because of their religious beliefs, or lack thereof.

Employees who believe they are being subjected to religious discrimination, unlawful restrictions, or other behavior in violation of these guidelines should report the activity to their Department Head/Elected Official or the Human Resources Department.

APPENDICES

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Category: Human Resources - 15

Subject: Substance Abuse Testing

PURPOSE

The County pledges to take reasonable action to create and maintain a workplace free from substance abuse. That said, drug and alcohol testing procedures have been implemented.

This Policy applies to all employees and potential employees of Newaygo County, including non-bargaining and bargaining unit employees, temporary, seasonal and specified volunteers.

DEFINITIONS

Banned Substances: Illegal substances, as defined by federal/state laws, including, but not limited to:

- A. Amphetamines
- B. Methamphetamines
- C. Opiates
- D. Cannabinoids (including medical and recreational marijuana)
- E. Phencyclidine (PCP)
- F. Cocaine

Drug Screen: A drug screen includes a split specimen collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Alcohol Detection: Alcohol detection will be based on an evidential breath alcohol device approved by the National Highway Traffic Safety Act. A test result of .02 or higher is considered positive which may subject the employee to discipline, up to and including, termination.

Specified Volunteers: Volunteer positions with certain physical and/or safety requirements or personal, one-on-one interaction with community members. Specified volunteer positions are determined at the discretion of the Elected Official and County Administrator.

PROCEDURES

A urine drug screen shall be administered under the following circumstances:

1. **Testing for Cause:** All employees and specified volunteers are subject to causal/incident related testing.



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Substance Abuse Testing Policy

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2. **Causal/Incident Related:** All employees and specified volunteers who are involved with, or may have contributed to, an incident that results in property damage or requires treatment beyond onsite first aid are required to submit to a drug screen and alcohol test with reasonable suspicion.
3. **Random:** Employees and specified volunteers in positions who have certain physical and/or safety requirements may be randomly selected for unannounced drug and alcohol screening.
4. **Reinstatement, Return-to-Duty and Follow-up Testing:** After signing an agreement, participating in substance abuse counseling or returning from a leave of absence, the employee may complete a drug screen before returning to active employment.

TESTING PROCEDURES

Drug Screening “For Cause”

All employees working for the County may be tested for illegal drugs, substances, synthetic drugs and alcohol if there is reasonable suspicion that the employee is under the influence of alcohol, any of the substances identified as banned substances or abuse of prescription medication. For purposes of this Policy, reasonable suspicion shall be defined as “aberrant behavior or unusual on-duty behavior of an individual who:

- a. is observed on-duty by either the employee’s immediate supervisor, higher ranking employee or other managerial personnel who have been trained to recognize the symptoms of drug abuse, impairment or intoxication (observations shall be documented by the observers);
- b. exhibits the type of behavior that shows accepted symptoms of intoxication or impairment caused by controlled substances or alcohol or addiction to a or dependence upon said controlled substances; and
- c. such conduct cannot reasonably be explained by other causes such as fatigue, lack of sleep, side effect of prescription or over-the-counter medications, illness, reaction to noxious fumes or smoke.

Testing of this type will not be conducted without the written approval of the Elected Official and County Administrator¹. Written consent must include documentation as to who is being tested and why the test is being ordered including the specific objective facts constituting reasonable suspicion leading to the test being ordered and the name of any source(s) of this information. One copy of this document shall be given to the employee before they are required to be tested. The employee shall be given enough time to read the document.



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When a supervisor, higher ranking employee or other managerial personnel has reasonable suspicion to believe an employee is using, consuming or under the influence of alcoholic, non-prescription controlled substance (other than over-the-counter medication) and/or non-prescribed narcotic drug while on duty, that person will notify the appropriate Elected Official and County Administrator¹ for the purposes of observation and confirmation of the employee's condition. The employee will be given an opportunity to explain their condition, such as reaction to a prescribed drug, fatigue, lack of sleep, exposure to noxious fumes, reaction to over-the-counter medication or illness. If, after this explanation, the Elected Official and County Administrator¹ continues to have reasonable suspicion that the employee is using, consuming and/or under the influence of alcohol, non-prescribed controlled substance or non-prescribed narcotic while on duty, then, by a written directive signed by the Elected Official and County Administrator¹, the employee may be required to immediately submit to a drug and alcohol screen. Refusal to submit to testing may result in disciplinary action, up to and including, termination.

Employee drug screens for cause will include testing for alcohol, as well as illegal substances, as defined by federal and/or state law. The employee will be immediately accompanied by a County official to a licensed facility for the drug screen. Each employee will read and execute a consent form prior to any test being administered. Failure to execute the consent form will result in termination.

If the employee tests positive on an initial screening test at a licensed facility, the test will be confirmed by a licensed laboratory. Receipt of a second positive confirmation test will result in the employee's termination of employment. The employee may request to have the split specimen of a positive test retested at another DHHS approved laboratory selected by the employee within three (3) days after notification of such positive test result. The retest is at the expense of the individual unless the original test result is called into question.

In lieu of termination, the respective Elected Official and County Administrator¹ may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include attending drug and alcohol abuse services and follow-up drug testing at times and frequencies determined by the Elected Official and County Administrator as well as a waiver of the right to contest any termination resulting from a subsequent positive test. Any costs associated with a drug and alcohol abuse services or follow-up drug screening will be at the cost of the employee. If the employee either does not comply with the agreed upon terms or tests positive on any subsequent drug testing, the employee will be subject to immediate discharge from employment.

Alcohol detection will be based on an evidential breath alcohol device approved by the National Highway Traffic Safety Act. A test result of .02 or higher is considered positive which may subject the employee to discipline, up to and including, termination.

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¹ If no Elected Official resides, decisions will be at the discretion of the County Administrator.

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INCIDENT-RELATED TESTING

Subject to applicable law and consistent with reasonable suspicion, the County reserves the right to require its employees to present themselves for testing within 24 hours following an employee's involvement in an accident, near accident or an incident resulting in lost work time, property damage and/or injury to any employee or other person while on the County's premises, on the job or otherwise working for the County where there is a reasonable basis for concluding that drug or alcohol use could have contributed to the accident or incident.

RANDOM TESTING

Subject to applicable law, the County reserves the right to require employees who have certain physical and/or safety requirements to present themselves for random, unannounced testing. The County will utilize an independent third party to randomly select employees to be tested. Upon anonymous selection, the County will notify the employee(s) to report immediately for drug testing. Five (5) employees in public safety positions and one (1) employee in a maintenance or driver position identified below will be selected on a quarterly basis for drug testing in accordance with state/federal laws. An employee could be randomly selected for testing more than once a year.

The positions identified for random testing include, but are not limited to:

Public Safety positions:

Correction Officers & Command Staff

Sheriff Deputies & Command Staff

Central Dispatchers

Courthouse Screening Staff

Animal Control Officers

Maintenance and Driver positions:

Building & Grounds Staff

COA Maintenance & Senior Home Repair Staff

Drain Maintenance Staff

COA Volunteer Drivers

Juvenile Probation Staff - Transport

REINSTATEMENT, RETURN-TO-DUTY, AND FOLLOW-UP TESTING/REHABILITATION PROGRAMS

The County maintains a referral relationship with drug and alcohol abuse services. Additionally, certain health insurance benefits may provide help to employees who suffer from substance abuse and/or other personal or emotional problems; however, it is the responsibility of each employee to seek necessary professional assistance before alcohol and drug problems lead to disciplinary action.



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Substance Abuse Testing Policy

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If the County refers an employee for drug and alcohol abuse services, the employee will be subjected to a drug screening for illegal substances as defined by federal and/or state law prior to reinstatement. Once the employee is reinstated, the County may subject the employee to follow-up testing for a period to be determined in cooperation with the rehabilitation program and testing will follow the procedures outlined for Random Testing.

DRUG AND ALCOHOL TESTING REQUIREMENTS FOR EMPLOYEES WITH A COMMERCIAL DRIVER'S LICENSE (CDL)

In addition to the United States Department of Transportation (DOT) requirements, all employees maintaining a CDL and operating commercial motor vehicles will be subjected to the drug screen policies outlined in the Testing Procedures section of this Policy.

A positive test result requires the employee to be immediately removed from operating any commercial motor vehicles on public roadways and their employment will be terminated immediately. In lieu of termination, the County may refer the employee to drug and alcohol abuse services. In addition, the employees must complete return-to-duty and follow-up testing after completion of an approved rehabilitation program as prescribed by a substance abuse professional. Follow-up testing must include a minimum of six unannounced, directly observed drug screens within 12 months of the initial return-to-work screen and testing will follow the procedures outlined for Random Testing.

A positive test result for a specified volunteer requires the volunteer to be immediately removed from operating any vehicle on behalf of Newaygo County and their service with Newaygo County will be terminated immediately.

POLICY AMENDMENTS

This Policy may be amended to reflect new state and/or federal regulatory requirements or based on operational needs contingent upon collective bargaining with the respective unions.

CONFIDENTIALITY STATEMENT

Employee information, including drug screen results and rehabilitation programs, will be treated as medical records and will remain strictly confidential following HIPAA guidelines for patient confidentiality. Employee requests to release the results of drug screens to any party outside the County must be made in writing and given to the Administration Office.

APPENDICES

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Category: Human Resources - 16

Subject: Confidentiality and Nondisclosure of Information

As a condition of employment, County employees are required to protect the confidentiality of information they work with during the normal course of their employment. Access to this information is generally governed by privacy laws such as the Health Insurance Portability and Accountability Act (HIPAA) and shall be limited to a "need to know" basis in accordance with the law and shall not be used for personal benefit, disclosed or released without prior authorization from the appropriate party. Any employee who has information that leads them to suspect that another employee is in violation of this policy is required to inform their Department Head/Elected Official or County Administrator.

Violation of this policy may result in discipline, up to and including, termination as well as subjects the employee to civil liability.

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Newaygo County Policies and Procedures

Category: Human Resources - 17

Subject: Social Media Policy – Personal Usage

Social media (including personal and professional websites, blogs, chat rooms, and bulletin boards; social networks such as Facebook, Instagram, LinkedIn and Twitter; video-sharing sites such as YouTube; and email) are common means of communications and self-expression. Because online postings can conflict with the interests of the County and its clients and customers, the County has adopted guidelines regarding social media.

GUIDELINES

The same principles and guidelines found in the **County's IT Resources Policy** apply to your activity online. Ultimately, you are responsible for what you post online. You may be personally responsible for any litigation that may arise should you make unlawful defamatory, slanderous or libelous statements against any customer, manager, official or employee of the County. Before creating online content, you may want to consider some of the risks and rewards that are involved.

Know and Follow the Rules

Carefully read these guidelines, the **County's Ethics Policy, Standards of Conduct, the Equal Employment Opportunity Policy and the Harassment and Workplace Violence Policy** and ensure your postings are consistent with these policies. Postings that include unlawful discriminatory remarks, harassment and threats of violence or other unlawful conduct will not be tolerated and may subject you to discipline up to and including termination.

You are Responsible for What You Post

Everyone should be aware of the negative impact comments made in social media postings can have on the workplace and relationships with co-workers. In addition, please keep in mind that you may be more likely to resolve work-related disputes by seeking guidance from your Department Head/Elected Official or speaking directly with the person with whom you have a dispute rather than posting complaints to a social media outlet. When posting on social media, avoid using statements, photographs, video or audio that reasonably could be viewed as unlawful, slanderous, threatening or that might constitute unlawful harassment as defined by County policies. Examples of such conduct might include defamatory or slanderous posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, age, national origin, religion, veteran status or any other status or class protected by law or County policy.

Posting Information

When posting information:

- Maintain the confidentiality of sensitive or non-public records.
- Do not create a link from your blog, website or other social networking site to a County website that identifies (implies) you as speaking on behalf of the County.

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Social Media Policy – Personal Usage

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- Never represent yourself as a spokesperson for the County. If the County is a subject of the content you are creating, do not represent yourself as speaking on the County's behalf.
- Respect copyright, trademark and similar laws and use such protected information in compliance with applicable legal standards.

Using Social Media at Work

Using social media while working or using County IT resources to access social media is prohibited unless authorized by your Department Head/Elected Official.

Retaliation is Prohibited

Newaygo County prohibits taking negative action against an employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action up to and including termination.

For More Information

If you have questions or need further guidance, please contact your Department Head/Elected Official or the County Administration Office.

Nothing in this policy is designated to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment or to restrain employees in exercising any other right protected by law. Employees have the right to engage in or refrain from such activities.

APPENDICES

IT Resources Policy

Ethics Policy

General Employee Professional Standards

Equal Employment Opportunity Policy

Harassment and Workplace Violence Policy

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Newaygo County Policies and Procedures

Category: Human Resources - 18

Subject: Personal Cell Phone/Mobile Device Policy

Use of personal cell phones or mobile devices at work can be distracting and disruptive and cause a loss of employee productivity. As a result, employees should refrain from using such personal devices during work time. Daily breaks and meal periods are appropriate times to check or use personal devices. During times of use, employees should use their device in a manner that is courteous to those around them.

Employees with devices that have a camera and/or audio/video recording capabilities are restricted from using those functions on County property unless authorized in advance by the respective Elected Official or County Administrator or used in a manner consistent with the rights of employees to engage in concerted activity in accordance with the *Michigan Public Employment Relations Act*.

Employees are expected to comply with County policies regarding protection of the County's confidential and proprietary information when using personal devices.

Employees who drive a vehicle during the course of their employment may not use a cell phone, mobile device or any other communication device while driving unless the device is equipped or configured with a "hands free" listening/speaking option and the "hands free" device is in fact utilized by the employee who is driving. Employees that need to make or receive a phone call or text message should pull off the road to a safe location unless they have the correct "hands free" equipment for the device that is in compliance with applicable State laws.

Before using a personal device for work-related purposes, an employee must obtain authorization from the respective Elected Official or County Administrator. Performance of unauthorized work will not be tolerated.

Violation of this policy will subject an employee to discipline up to and including termination.

APPENDICES

Michigan Public Employment Relations Act



Newaygo County Policies and Procedures

Category: Human Resources - 19

Subject: Employee Privacy and Right to Inspect

County property, including but not limited to, lockers, phones, computers, tablets, desks, work place areas, vehicles or machinery, remains under the control of the County and is subject to inspection at any time without notice to the employee and with or without the employee's presence. If requested, employee cooperation with an inspection is required and failure to cooperate shall be considered insubordination. Employees should have no expectation of privacy in any of these areas. The County assumes no responsibility for the loss of or damage to any employee property located on County premises including property kept in lockers and desks.

For certain job classifications, the County provides lockers for the personal possessions of its employees. These lockers should be maintained in a clean and sanitary condition. As part of the employee's privilege for use of these lockers, employees must agree to allow the County to inspect or otherwise gain access to the locker and its content at any time with or without notice to the employee and without the employee's presence.

APPENDICES

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Motion Number: 19-123

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Newaygo County Policies and Procedures

Category: Human Resources - 20

Subject: Dress Code: Attire and Grooming Policy

OBJECTIVE

Newaygo County strives to maintain a workplace environment that functions well and is free from unnecessary distractions and annoyances. As part of that effort, the County requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, Newaygo County Department Heads/Elected Officials may determine and enforce guidelines for workplace-appropriate attire and grooming for their department; guidelines may limit natural or artificial scents that could be distracting to others.

PROCEDURES

All Newaygo County employees are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the County.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with your immediate supervisor.

Any County employee who does not meet the attire or grooming standards set by their department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

All County employees must carry or wear their County identification badge at all times while at work.

SPECIFIC REQUIREMENTS

Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by the County.

At the discretion of the Department Head/Elected Official, in special circumstances, such as during unusually hot or cold weather or during special occasions, employees may be permitted to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted.



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Dress Code: Attire and Grooming Policy

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REASONABLE ACCOMMODATION OF RELIGIOUS BELIEF

Newaygo County recognizes the importance of individually held religious beliefs to persons within its workforce. The County will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the Human Resources Department.

CASUAL OR DRESS DOWN DAYS

The following guidelines should be used to define appropriate casual attire.

Appropriate	Inappropriate
<p><i>Slacks</i></p> <ul style="list-style-type: none">• Khakis or corduroys• Jeans (must be clean and free of rips, tears and fraying; may not be excessively tight or revealing)• Skorts, capris	<ul style="list-style-type: none">• Sweatpants, exercise wear• Shorts, low-rise or hip-hugger pants or jeans
<p><i>Shirts</i></p> <ul style="list-style-type: none">• Polo collar knit or golf shirts• Oxford shirts• Company logo wear• Short-sleeved blouses or shirts• Turtlenecks• Blazers or sport coats• Jackets or sweaters	<ul style="list-style-type: none">• Shirts with writing (other than company logo)• T-shirts or sweatshirts• Beachwear• Tank tops• Exercise wear• Crop tops, clothing showing midriffs, spaghetti straps

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Shoes

<ul style="list-style-type: none">Boating or deck shoes, moccasinsCasual, low-heel, open-back shoes (e.g., mules, sling backs)SandalsAthletic shoes or tennis shoes	<ul style="list-style-type: none">Flip-flops or beach footwearCroc-like sandals
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BUSINESS ATTIRE

The following guidelines may apply to business attire:

- For men, business attire includes a dress shirt, tie, and tailored sport coat worn with dress trousers and dress shoes.
- For women, business attire includes tailored pantsuits, businesslike dresses, coordinated dressy separates worn with or without a blazer, and conservative shoes.

ADDRESSING WORKPLACE ATTIRE AND HYGIENE PROBLEMS

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If an employee comes to work in inappropriate dress, they will be required to go home, change into conforming attire or properly groom and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

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Newaygo County Policies and Procedures

Category: Human Resources - 21

Subject: Information Technology Resources Policy

This policy sets forth Newaygo County's regulations regarding information technology (IT) resources (e.g., e-mail, electronic voice and video communication, facsimile, internet and future technologies), including County access to review or disclosure of electronic files, e-mail, and electronic voice and video communications through or stored on any part of the IT resources system. This policy also sets forth the policies on the proper use of the IT resources system. The County reserves the right to change this policy at any time.

POLICY

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 systems are 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, internet usage, and e-mail messages, as County information. As a public employer, Newaygo County is subject to Michigan's Freedom of Information Act (FOIA) which requires the County to disclose, upon request, all non-exempt public records covered under this Act. **See FOIA Policy.**

The County has the capability to access, review, copy, modify and delete any information transmitted or stored in the system, including but not limited to voice and e-mail messages. The County 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 appropriate. Any files or other types of data containing personal information such as personal voice, text-messages, and e-mail messages, will be treated no differently than other County owned files. Employees shall not use IT resources to view, send, receive or store any information that they wish to keep private.

No privacy should be expected. All IT resources are the property of Newaygo County. You should consider any communication or information on any IT resource system to be public information. There should be no expectation of privacy when creating, sending, storing, viewing or receiving information on County resources. As stated above, public records, including those stored on IT resources, are subject to FOIA.

Utilizing County owned IT resources for personal purposes, without approval from the user's Department Head or Elected Official, may result in disciplinary action up to and including termination.



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Information Technology Resources Policy

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INTERNET USAGE

All users of the internet should be aware that the County network creates an audit of activity of both in-bound and out-bound web addresses, which is periodically reviewed. Users who choose to store or transmit personal information such as private keys, credit card numbers, or certificates do so at their own risk. The County is not responsible for any loss of personal property.

Department Heads or Elected Officials may request reports detailing internet usage for particular users under their direct supervision from the County Administrator.

Guest Wifi is available with limited internet accessibility to websites and services.

Using County owned devices to access the internet for personal purposes, without approval from the user's Department Head or Elected Official, may result in disciplinary action up to and including termination.

WIRELESS ACCESS

Secured wireless access is available for individuals to access the County's intranet or the internet during public meetings or when utilizing a County-owned and managed devices, such as a laptop. Two types of secured wireless access are available: 1) access to the intranet and internet, and 2) internet access only.

Approval to obtain secured wireless access must be approved by the respective Department Head/Elected Official. Individuals connecting via a secured wireless connection to the intranet must use a County owned and managed device.

In the case of an employee position change and/or transfer to another department, the original access may be discontinued and reissued once a new request for access is submitted by the Department Head/Elected Official.

The use of unauthorized or personal wireless access points is prohibited. Wireless access points include any hardware such as a router that can be connected physically to a network to provide wireless access to computers or other peripheral devices. Computers, smartphones and other similar devices are not considered wireless access points.

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PROHIBITED USES OF IT RESOURCES

As stated above, IT resources are to be used exclusively for County purposes. The following uses of the IT resources system are strictly prohibited and violation may result in discipline, up to and including termination and, where appropriate civil and/or criminal charges. This list of prohibited uses of IT resources is for illustration purposes and is not intended to be all inclusive.

- 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 information that could disparage any race, religion, gender, sexual orientation, disability, national origin or any other protected class.
- C. Distribution of incendiary statements which may incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
- D. Distribution or solicitation of sexually oriented messages or images.
- E. Any use of County provided IT resources for illegal purposes or in support of such activities.
- F. Any use of IT resources for commercial purposes, product advertisement or "for-profit" personal activity.
- G. Any use for religious or political lobbying.
- H. 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.
- I. Wasting IT resources. Examples include but are not limited to:
 - Placing a program in an endless loop
 - Printing unnecessary amounts of paper
 - Disrupting the use or performance of County authorized IT resources or any other computer system or network (e.g., by streaming video via the internet)
 - Storing any information or software on County-provided IT resource which is not authorized
 - Accessing accounts within or outside the County's infrastructure which are not authorized



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Information Technology Resources Policy

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J. Security violations including, but not limited to:

- Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless given express permission to do so by the person responsible for the information program
- Knowingly spreading computer viruses
- Distributing "junk mail" such as chain letters, advertisements or unauthorized solicitations
- Transmitting confidential information without proper security and authority

SUGGESTED PRACTICES

Employees shall undertake the following practices:

A. Confidential County Information

County employees shall exercise a greater degree of caution transmitting confidential electronic information due to the reduced human effort required to redistribute such information. Confidential information shall never be transmitted or forwarded to outside individuals or companies not authorized to receive that information and shall not be sent or forwarded to other employees inside the County who do not need to know the information.

Always use care in addressing e-mail messages to make sure that the messages are not inadvertently sent to the wrong person. In particular, exercise care when using distribution lists to make sure that all addressees are appropriate recipients of the information.

B. Viewing and Protecting Electronic Files

In order to guard against improper dissemination of confidential information, employees should not access their computer for the first time each day in the presence of others. Office products may be purchased to further block others from viewing your computer screen. Confidential information should not be left open on the screen when a computer is unattended. In addition, no removable storage medium shall be left out or unattended. When not in use or when unattended, all removable storage medium shall be kept in a secure location.

C. Passwords

Employees shall use passwords for all County owned and managed devices. Passwords must consist of no less than eight characters which shall include a lower and upper case letter, a number, and a special symbol. Passwords shall never consist of names, birth dates, or words that can be found in the dictionary. Never disclose personal or system passwords to anyone other than authorized County representatives. Passwords shall never be affixed to any workstations or monitors. See the IT Department for further password setup information.

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D. Attorney-Client Privileged Communications

Some information sent, received or stored on the system may constitute confidential, privileged communications between the County and its attorneys. Upon receipt of a message or memorandum from counsel or creation of a message to counsel, do not forward it or its contents to others without authorization.

E. Copyrighted Information

Use of the computer system to copy and/or transmit software programs, documents or other information protected by copyright law is prohibited by federal law and may subject you and the County to civil and criminal penalties. Never copy or accept software programs of any kind without express authorization from your Department Head/Elected Official.

F. Installation of Software

Since some software programs may be incompatible with the IT system or may contain viruses, do not install any software without prior approval of the IT Department.

G. Who to Report to

You should contact your Department Head/Elected Official and/or County Administrator if:

- You receive or obtain information to which you are not entitled.
- You become aware of breaches of security.
- You learn of inappropriate use of County provided IT resources.

H. Electronic Communication Etiquette

E-mail and voicemail messages may be read or heard by someone other than intended and may be disclosed to outside parties or to a court in connection with litigation. Accordingly, please create and send messages that are courteous, professional and business-like.

I. Receipt of Suspicious, Malicious or Spam Oriented Email

If you cannot answer yes to all of the questions below, you should use caution and report the email to your Department Head/Elected Official and/or the IT Department immediately. Do not click on any links or open any attachments.

- Do you know the sender or company?
- If it is from a co.newaygo.mi.us, do you know the employee?
- Were you expecting the email or its attachments or are they clearly legitimate?



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- Does the email address match who the email indicates it is coming from? (Example: Does the email state it is from UPS yet the email address is from gmail.com)
- If the email indicates it is a scanned document, is it coming from a co.newaygo.mi.us email address?

Please seek advice from your Department Head/Elected Official and/or the IT Department should you have questions regarding the contents of this Policy.

Periodic audits may be conducted on County managed devices and storage medium. Individuals who violate this policy may be subject to discipline, up to and including termination, and may also be subject to civil, state or federal prosecution.

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FOIA Policy

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Newaygo County Policies and Procedures

Category: Human Resources - 22

Subject: Building Access Policy

SUBJECT

This document outlines the distribution and use of identification/access badges and keys issued to authorized individuals of Newaygo County.

POLICY

It shall be the practice of Newaygo County to issue identification/access badges to all authorized individuals. For purposes of this policy, "individual" can mean any authorized employee, elected official, intern, volunteer, independent contractor or outside operative. The identification/access badge will be used by individuals when on Newaygo County property, working with other departments and agencies, while attending conferences and seminars, and other appropriate use in connection with Newaygo County.

Appropriate keys shall be issued to all authorized individuals. Every individual is responsible for maintaining the security of County owned property. This security can be maintained by locking doors upon completion of the workday. Whenever possible, individuals should use identification/access badges instead of keys to access buildings and offices. Controlling the distribution and usage of keys will provide additional security.

Violation of this policy and unauthorized use of identification/access badges or keys may result in disciplinary action up to termination of employment and/or possible legal action.

If necessary for their position, individuals of Newaygo County shall be issued an identification/access badge and appropriate keys within thirty (30) days of the commencement of their service with Newaygo County.

PROCEDURE

Identification/Access Badge Distribution and Usage

An individual's door access will depend on their position within Newaygo County. Should the individual change positions, so shall their access. If a position is added or different access is needed, the Department Head/Elected Official shall request the change through the Administration Office.

Badges shall:

- A. Be used to access and document entry into buildings.
- B. Be used for identification purposes.
- C. Be used for official business of Newaygo County.
- D. Not be utilized to represent an individual beyond their position with the County.
- E. Be worn on the front exterior of clothing.

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- F. Not be altered, modified or destroyed without direction of the Newaygo County Administration Office.
- G. Shall not be given to other unauthorized individuals. The intent is to have each individual utilize their own card for access and entry documentation.
- H. Shall be returned to Newaygo County Administration Office upon separation of service, or by other request as deemed necessary.

Lost, Stolen or Broken Identification/Access Badge

- A. In the event the identification/access badge is lost, stolen, damaged, or destroyed, the individual is responsible for immediately notifying the Newaygo County Administration Office.
- B. The individual may be assigned a temporary badge for up to two weeks while they look for their lost badge.
- C. If it is determined the loss or damage was a result of neglect and/or oversight by the employee, the employee shall be responsible for the cost of replacing the lost, stolen, or damaged badge. The replacement cost is \$6.50 for an identification/access badge and \$1.50 for a badge that is used for identification only. The fee schedule may change from time to time.

Key Distribution and Usage

- A. The Maintenance Supervisor has responsibility for the manufacture, custody, and distribution of keys for all buildings on Campus. All questions or comments regarding policies and procedures associated with keys should be directed to this individual.
- B. Sub master keys for specific office areas will be issued to the Department Head/Elected Official responsible for each area. Department heads/Elected Officials will determine if other individuals receive these keys.
- C. The responsibility for key approval is vested in the requesting employee's Department Head/Elected Official. The Department Head/Elected Official is required to assess the individual's need for keys and to forward a Newaygo County Key Request form to the Maintenance Supervisor.
- D. All individuals must sign the key request form to show receipt of issued keys. One copy of the signed form will be returned to the employee's Department Head/Elected Official and one copy will remain with the Maintenance Supervisor.

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- E. When an employee separates from service, they must return all keys to the Department Head/Elected Official. The Department Head/Elected Official is responsible for returning keys to the Maintenance Supervisor.
- F. If keys need to be given to a new employee immediately, the Department Head/Elected Official must fill out a key request form detailing the new distribution and forward the form to the Maintenance Supervisor.
- G. Keys no longer needed by active employees shall be returned to the Department Head/Elected Official. The Department Head/Elected Official must return these to the Maintenance Supervisor.
- H. Under no circumstance should an employee give or loan their assigned keys to anyone else.
- I. Duplication of keys is prohibited.

Lost, Stolen or Broken Keys

- A. In the event of a lost or stolen key, the employee must notify their Department Head/Elected Official and the Maintenance Supervisor within 24 hours.
- B. Employees who lose keys will be charged as follows:
 - Interior Door - \$2.00 per key
 - Exterior Door - \$5.50 per key
- C. The fee schedule may change from time to time.
- D. No duplicate keys will be issued until payment has been received.
- E. If an exterior door key is lost the Maintenance Supervisor will determine if rekeying is appropriate. Based upon the circumstances, the County Administrator will determine if the expense of rekeying the building's entrances will be charged to the responsible employee or their department.
- F. If interior keys are lost, rekeying will take place by departmental request and Administration approval. Rekeying expenses will be charged to the department.
- G. There will be no replacement charge for broken keys if the broken pieces are returned to the Maintenance Supervisor.

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Newaygo County Policies and Procedures

Category: Human Resources - 23

Subject: Closing of County Facilities

PURPOSE

The purpose of this policy is to establish guidelines concerning the closure of County facilities and offices as a result of severe inclement weather, emergencies, disasters, or situations that may compromise the health and safety of county employees, clientele, and the public.

SCOPE AND AUTHORITY

Under the authority of the Newaygo County Board of Commissioners this policy shall apply to all Newaygo County employees and facilities except 24 hour services including the Newaygo County Sheriff's Office, Newaygo County Jail, and Newaygo County Central Dispatch.

As directed by the Newaygo County Board of Commissioners, the Newaygo County Administrator shall have the responsibility for overseeing and implementing this policy. The Newaygo County Administrator will coordinate with the Newaygo County Sheriff and Newaygo County Emergency Services Director in determining which protective measures should be considered. Information from Newaygo County Central Dispatch, Newaygo County Road Commission, Newaygo County Maintenance Supervisor, and the US National Weather Service may be taken into consideration.

DEFINITIONS

For the purposes of this policy, the following terms have the meanings described in this Section. Examples are provided for demonstrative purposes and are not intended to be an exhaustive list.

“Severe Inclement Weather” means any weather conditions resulting from ice, snow, flood, wind, etc. that make travel on roadways dangerous and/or pose widespread risk of injury to persons or property. Examples may include but are not limited to tornados, blizzards, ice storms, and widespread flooding.

“Emergency” means any situation in which action is needed to protect employees and citizens from injury, to save life, protect facilities, or to lessen or avert the threat of disaster. Examples may include but are not limited to building fire, explosion, release of hazardous materials, bomb threat, or an active assailant.

“Disaster” means any occurrence or imminent threat of widespread or severe damage, injury or loss of life and/or property resulting from a natural or man-made cause. Examples may include but are not limited to a declared Public Health Emergency, catastrophic wildfire, dam failure, or terrorist attack.

“Facility Problem” means any situation that causes a County facility to be totally or partially inoperative or causes working conditions to be untenable. Examples may include but are not limited to building damage, utility failure (water, sewer, electric, gas), and heating/cooling system failure.



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Closing of County Facilities

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REGULARLY SCHEDULED HOURS

- A. County employees are expected to make every reasonable effort to maintain regular work schedules.
- B. Employees are expected to plan ahead, where possible, and allow for extra travel time so as to allow them to arrive promptly and safely at work. Supervisors are authorized to exercise discretion regarding employee punctuality.
- C. With approval from their Department Head or Elected Official, employees shall be required to use banked Personal Time Off, Vacation Time, or Comp Time in the event they have determined that conditions are unsafe to travel. If any employee does not have sufficient time available they shall not be paid for lost time.

DELAYED OPENING AND EARLY RELEASE

In the event of Severe Inclement Weather, an Emergency, Disaster, or Facility Problem, the Newaygo County Administrator is authorized to adjust regularly scheduled hours through implementation of a delayed opening or early release for the purposes of protecting the health and safety of employees, clientele, and the public.

- A. A delayed opening may be implemented when unsafe conditions are expected to improve within a short duration of time. A delayed opening may be implemented for a time period of two hours moving the opening time of the facilities and offices to 10:00 AM unless designated by the County Administrator or designee.
- B. An early release may be implemented when unsafe conditions are expected to or have occurred during the regular scheduled work hours. An early release may be implemented at any time to protect the safety and wellbeing of employees and citizens.
- C. A delayed start and early release shall apply to every County office, department, and employee pursuant to this policy.
- D. Employees on a scheduled day off, with or without pay, are not entitled to any pay or compensation other than what had been agreed upon when the request for the day off was approved.

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CLOSURE

In the event of Severe Inclement Weather, an Emergency, Disaster, or Facility Problem, the Newaygo County Administrator is authorized to close County facilities to the public or close all operations for the purposes of protecting the health and safety of employees, clientele, and the public.

- A. County facilities may be closed to the public but otherwise remain in operation in order to carry out emergency duties, maintain continuity of government operations, recover from an incident, or conduct emergency training. If County offices are closed to the public pursuant to this policy, employees are expected to report for their regularly scheduled shift unless excused from work by their Department Head or Elected Official.
- B. Under conditions which pose a severe risk to the safety of employees and citizens, all operations of the County facilities and offices may be closed, excusing employees from their regularly scheduled work shifts.
- C. Closure of a County facility or facilities shall apply to every office, department, and employee in the affected County facility or facilities.
- D. Employees on a scheduled day off, with or without pay, are not entitled to any pay or compensation other than what had been agreed upon when the request for the day off was approved.

NOTIFICATION PROCEDURES

The following notification procedures should guide communications during closing of any County facility or facilities.

- A. The Newaygo County Administrator will decide by 5:30 a.m. on the closing or delayed opening of Newaygo County Facilities.
- B. The Newaygo County Emergency Services Director will notify County employees and State and Other Governmental Agencies via Nixle of any closure, delayed opening, or early release. Newaygo County employees should also monitor local news sources for closing announcements.
- C. The Newaygo County Emergency Services Director will notify the news media of any closure, delayed opening, or early release.
- D. The Newaygo County IT Director will place any closure, delayed opening, or early release on the top of the County's webpage.
- E. When possible, for facilities closed to the public or for early releases, signage should be placed on the exterior doors of the facilities.

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Closing of County Facilities

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INTERNAL DEPARTMENTAL CLOSING PROCEDURES

Due to the nature of services provided by some offices, internal departmental closing procedures may be permitted only if they are closing portions of services provided and are not in conflict with this policy. Examples of such policies may include but are not limited to:

- A. Newaygo County Probate Court, 27th Circuit Court, and 78th District Court cancellation of trials.
- B. Commission on Aging closure of transportation and meal services when area schools are cancelled.
- C. Newaygo County Parks closure of boat ramps due to flooding.

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Newaygo County Policies and Procedures

Category: Human Resources - 24

Subject: Americans with Disabilities (ADA) Policy

It is the policy of Newaygo County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

PROCEDURES

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, they will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the County.

All employees are required to comply with the County's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under this Policy.

Employees in need of an accommodation for employment must present the request to their Department Head/Elected Official and Human Resources. The request for accommodation must identify the impairment that is impacting their ability to perform the essential job functions, provide a doctor's certification to support the employee has a substantial impairment in a major life activity, specify the anticipated duration of the accommodation, and identify the requested accommodation. Michigan law requires that the County be given written notice within 182 days after the employee knows or reasonably should have known of the need for accommodation.

In coordination with the Department Head/Elected Official and Human Resources, the County Administrator is responsible for implementing this Policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.



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ADA Policy

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TERMS USED IN THIS POLICY

As used in this ADA policy, the following terms have the indicated meaning:

- **Disability**: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities**: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- **Major bodily functions**: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- **Substantially limiting**: In accordance with the ADA Amendment Act (ADAAA) final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- **Direct threat**: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual**: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

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- Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - The nature and cost of the accommodation.
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - The overall financial resources of the employer; the size, number, type and location of facilities.
 - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities.

Impairments or reasonable accommodations covered by the ADA/ADAAA Policy.

APPENDICES

ADA Reasonable Accommodation Request Form

Approval: 05-22-2019

Motion Number: 19-123

Revised:



Newaygo County Policies and Procedures

Category: Human Resources – 24.1

Subject: Americans with Disabilities (ADA) Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Newaygo. The County's Personnel Manual governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Christopher Wren
Newaygo County Administrator/ADA Coordinator
1087 Newell Street
PO Box 885
White Cloud, MI 49349

Within 15 calendar days after receipt of the complaint, Administrator Christopher Wren or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Administrator Christopher Wren or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the Newaygo County's position and offer options for substantive resolution of the complaint.

If the response by Administrator Christopher Wren or his designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the Board of Commissioners Chairperson, 1087 Newell Street, PO Box 885, White Cloud, MI 49349.

Within 15 calendar days after receipt of the appeal, the Board of Commissioners Chairperson or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Commissioners Chairperson or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.



Newaygo County Policies and Procedures

ADA Grievance Procedure

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All written complaints received by Administrator Christopher Wren or his designee, appeals to the Board of Commissioners Chairperson or their designee and responses from these two offices will be retained by the County of Newaygo for at least three years.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 25

Subject: Short-term Disability Policy

Short-term disability benefits are provided by the County of Newaygo for their full-time employees as established in the Newaygo County Personnel Manual or respective union contract. In coordination with those benefits, a Short-term Disability Plan has been established that sets forth eligibility and criteria for said benefits.

For a schedule of benefits, please see the Newaygo County Personnel Manual or respective union contract.

Requests for benefits other than those to which an employee is entitled in accordance with this plan cannot be accepted.

FULL-TIME EMPLOYEE

An employee must be considered a full-time employee to be eligible for coverage under this plan.

ACTIVELY AT WORK

Employees must be actively at work on a full-time basis in order to become covered under this plan. Employees not actively at work on their effective date will become eligible upon return to active full-time employment.

NEW EMPLOYEES

Employees will become eligible for benefits as set forth in the Newaygo County Personnel Manual or respective union contract.

ACCUMULATION OF ELIMINATION PERIOD

During the elimination period, a disability can temporarily cease for up to seven (7) calendar days and not require the beginning of a new elimination period. The days not disabled do not count towards the satisfaction of the elimination period. An employee can satisfy the elimination period with a period of total disability, partial disability, or a combination of both.

GROSS PAY

Gross pay means the covered employee's weekly or monthly rate of earnings from the County of Newaygo in effect immediately prior to the date disability begins. It does not include:

- A. bonuses;
- B. overtime pay; or
- C. any other extra compensation.



Newaygo County Policies and Procedures

Short-term Disability Policy

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BENEFIT REDUCTIONS

Disability benefits will be reduced by disability benefits that the covered employee is entitled to receive from the following sources:

- A. U.S. Social Security Disability;
- B. Worker's & Workmen's Compensation Benefits;
- C. State Disability Plan Payments (UCD, DBDTDB, etc.); or
- D. Any Disability Benefits or Retirement Benefits received by the employee from any pension plan provided through the County.

Disability benefits are not reduced by:

- A. Informal salary continuation (such as accrued paid time off);
- B. Individual disability income plan;
- C. Distributions from profit sharing plans;
- D. 401(k) plans, TSA's, IRA's;
- E. Stock ownership plans or nonqualified plans of deferred compensation;
- F. Military disability benefits or professional franchise;
- G. Associations plans not purchased through the Employer; or
- H. No-fault automobile insurance benefits.

COST OF LIVING FREEZE

After the initial deduction for any of the other income benefits listed under Benefit Reductions, the weekly or monthly disability benefit payable to a covered employee will be further reduced due to any cost of living increase paid by that other income benefit.

DEFINITION OF DISABILITY

Disability means that because of injury or sickness, that is not work related, and covered employee is under a doctor's care and cannot perform the material and substantial duties of their regular occupation.

DEFINITION OF TOTAL DISABILITY (totally disabled)

Totally disabled means that, as a direct result of an illness or injury, that is not work related, the covered employee is unable to engage in any and every business or occupation and perform any and all work for compensation or profit.

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Newaygo County Policies and Procedures

Short-term Disability Policy

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EXCLUSIONS

Disabilities which arise from intentionally self-inflicted injuries, war, participation in a riot, or committing a felony, assault or battery will not be covered under this Plan.

MATERNITY

Disability caused by pregnancy or complications of pregnancy will be covered on the same basis as a covered illness.

BENEFITS

When a covered employee is disabled for longer than the elimination period, Newaygo County will pay a percentage of their weekly earnings for short-term disability as shown in the Schedule of Benefits which can be found in the Newaygo County Personnel Manual or the respective union contract.

RECURRENT DISABILITY

Recurrent disability means a disability which is related to or due to the same cause or causes as prior disability for which a monthly or weekly benefit was payable. A recurrent disability will be treated as a continuation of the prior disability if, after receiving disability benefits under the Plan, an employee returns to their regular occupation on a full-time basis for less than 6 months and performs all the material duties of their occupation. Benefit payments will be subject to the terms of the Short-term Disability Policy and Schedule of Benefits, which can be found in the Newaygo County Personnel Manual or respective union contract, for the prior disability.

If an employee returns to their regular occupation on a full-time basis for six months or more, a recurrent disability will be treated as a new period of disability. The employee will have to satisfy a new elimination period before benefits become payable.

PARTIAL DISABILITY

Many employees who receive disability benefits desire to return to work, but are not able to resume all their former duties on a full-time basis. This benefit is designed to assist partially disabled employees to return to work by providing financial security during this difficult period.

Employees will be able to qualify for this benefit if they are under a doctor's care and are:

- A. able to perform one or more, but not all, of the material and substantial duties of their regular occupations on a full-time or a part-time basis; or
- B. able to perform all of the material and substantial duties of their own or any occupation on a part-time basis.

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Newaygo County Policies and Procedures

Short-term Disability Policy

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To qualify for the benefit, the employee must be earning less than 80% of their pre-disability income at the time partial disability employment begins.

The partial disability benefit will be the less of:

- A. the disability benefit payable; or
- B. 100% of the employee's pre-disability income less other income benefits, which include earnings from partial employment.

The partial disability benefit will never be less than the minimum monthly benefit nor more than the maximum monthly benefit shown in the Schedule of Benefits which can be found in the Newaygo County Personnel Manual or the respective union contract.

Partial disability benefits are payable to the end of the maximum benefit period as shown in the Schedule of Benefits which can be found in the Newaygo County Personnel Manual or respective union contract.

PROCEDURES FOR CLAIMING BENEFITS UNDER THIS PLAN

1. Notify your Department Head/Elected Official of the need to apply for short-term disability.
2. Schedule a meeting with Human Resources to obtain a Certification of Health Care Provider for Employee's Serious Health Condition form. For each illness or accident, this form must be completed. Additionally, Human Resources will review status of pay and benefits during this meeting.

Once the completed form is returned to Human Resources, it and the respective job description will be submitted to a third party physician for review and evaluation. The County's decision to approve/disapprove the claim will be based on the physician's recommendation. Human Resources will notify the employee in writing of the approval/disapproval.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 26

Subject: Drug-Free Workplace Policy

It is the intent of Newaygo County to provide a safe and drug-free work environment for its employees. With this goal in mind, the following policy must be adhered to:

DEFINITION

“Prohibited substances” include narcotics or other illegal drugs, alcohol or prescription drugs not taken in accordance with a prescription given to the employee. Illegal drugs for purposes of enforcement of this policy shall include medical or recreational marijuana.

THE COUNTY EXPLICITLY PROHIBITS

- The use, possession, solicitation for or sale of Prohibited Substances while performing the essential functions of your job.
- Being impaired or under the influence of Prohibited Substances away from County premises, if such impairment or influence adversely affects the employee’s work performance, the safety of those or of others or puts at risk the County’s reputation.
- The presence of any detectable amount of prohibited substances in one’s system while at work, while on County premises or while conducting County business.

PRESCRIPTION MEDICATION

Prescription and over-the-counter medication are not prohibited when taken in standard dosage and/or according to a physician’s prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee’s responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, notify supervisor) to avoid unsafe workplace practices.

Regarding the prescribed use of marijuana for recreational or medical purposes, employees are informed that marijuana continues to be an illegal drug under Federal law and the County does not permit on-the-job use of, intoxication by or detectable amounts of marijuana in County employees.

Failure to comply with this policy may result in disciplinary action, up to and including, termination of employment and may subject the employee to civil liability. Additionally, appropriate disciplinary action will be taken if job performance deteriorates and/or incidents occur.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 27

Subject: Election Policy – Guidelines for Employees

According to the Michigan Campaign Finance Act, a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election.

For purposes of these guidelines, campaigning includes expressing opinions about an election or swaying others to vote yea or nay.

While you are on duty as a Newaygo County employee, the following guidelines need to be adhered to:

- If asked about an election, provide factual information only
- Campaigning shall not occur on County premises
- If you wish to campaign during regularly scheduled work hours, you must first seek approval from your supervisor to utilize vacation, PTO and/or compensatory time
- Employees shall not use County facilities, supplies, information, systems, staff or equipment for campaigning purposes

While not on duty, the following guidelines need to be adhered to:

- Employees must maintain a clear separation between campaigning and employment activities and/or duties
- Employees need to be cautious not to create, or create the perception of, any conflicts of interest between their employment with the County and their campaigning views

Failure to adhere to the above guidelines could place Newaygo County out of compliance with the Michigan Campaign Finance Act and thus may result in disciplinary action, up to and including, termination for said employee.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 28

Subject: Reporting Incidents - Safety

Employees must report all incidents involving County employees, volunteers, patrons, property, buildings, vehicles or equipment to their Department Head/Elected Official and Administration Office within twenty-four (24) hours of the incident.

REPORTING PROCEDURE IN CASE OF EMPLOYEE WORK RELATED INJURY/ILLNESS

A detailed report regarding the nature of the work related injury and/or illness shall be completed by the employee for proper insurance processing. If the employee is unable, the supervisor will be responsible to complete all required forms. Forms can be obtained through the Administration Office. Failure to report an injury may disqualify an employee for benefits under Worker's Compensation.

TREATMENT FOR EMPLOYEE INJURY/ILLNESS

If a work related injury/illness occurs, contact the Administration Office for authorization to have the employee treated by the facility of the employer's choosing. If it is a medical emergency, supervisors are instructed to have the employee treated at the nearest medical facility and contact the Administration Office as soon as possible, so authorization can be given to the treating facility.

If a work related injury or illness occurs outside normal business hours and immediate medical treatment is necessary, supervisors are instructed to have the employee treated at the nearest medical facility. Contact should be made with the Administration Office on the next business day so that authorization can be confirmed with the treating facility.

Newaygo County reserves the right to direct an employee to the medical facility of the employer's choosing within the first twenty-eight (28) days after the incident. Thereafter, if the employee chooses to seek treatment from a different provider, they must first notify the Administration Office. In every event all documentation of medical treatment must be provided to the Administration Office.

REPORTING PROCEDURE FOR A NON-EMPLOYEE INJURY/ILLNESS

Each Department Head/Elected Official is responsible to complete an incident report detailing the incident and nature of injury/illness for proper insurance processing. Forms can be obtained through the Administration Office.

REPORTING PROCEDURE FOR COUNTY OWNED PROPERTY, BUILDINGS, VEHICLES OR EQUIPMENT

Each Department Head/Elected Official is responsible to complete an incident report detailing the incident and damage for proper insurance processing by the County's liability insurance carrier. Forms can be obtained through the Administration Office.



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Reporting Incidents – Safety

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APPENDICES

Workers Compensation Forms

MMRMA Forms

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Newaygo County Policies and Procedures

Category: Human Resources - 29

Subject: Employment of Relatives

It is the policy of the County to permit the employment of qualified individuals who are related to an existing employee provided a supervisory-subordinate relationship would not exist as a result of that employment. Relatives are defined as spouse, brother, sister, parent, father/mother in-law, brother/sister in-law, and natural, adopted, or step children.

If a supervisory-subordinate relationship occurs as a result of a marriage between two (2) employees working in the same department, then the County will attempt to transfer one (1) of the individuals to another department but it is not required to do so. If a transfer does not occur, one (1) of the employees will be required to resign within sixty (60) days of the marriage.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 30

Subject: Ethics Policy

The Board of Commissioners believes that public officials, whether elected or appointed, and employees owe a duty of trust to those they represent and serve. To maintain the people's trust in their government, public officials and employees must act in an ethical manner. Decisions shall be made in the best interest of the community, not individuals and no public official or employee shall use his or her position with Newaygo County for private gain. Additionally, conflicts of interest, or the appearance of conflicts of interest, shall be scrupulously avoided. In the interest of maintaining the public's trust and assuring the integrity and impartiality of the officials and employees of Newaygo County, an ethics policy is appropriate.

BACKGROUND

This policy has been developed with consideration of the ethical constraints outlined in The State Ethics Act, 1973 PA 196; and 1968 PA 317, as most recently amended in 1997. It details behavior that is prohibited for ethical reasons and defines what is considered a conflict of interest and the disclosure requirements in the event that a conflict of interest or potential conflict of interest arises for an official or employee of Newaygo County.

PROCEDURE

Definitions (For the purposes of this policy, the following definitions will apply.)

Personal Relationship

- family relationships - spouses, children, parents, and all other relatives;
- relationships where there have been previous instances of serious conflict between the parties;
- associations based on common interests and/or common goals.

Financial Interest:

Any arrangement or transaction pursuant to which you have, directly or indirectly, through business or personal relationship, a present or potential ownership in, investment interest in, compensation arrangement, or any other financial benefit or gain.

Personal Interest:

Any other arrangement which leads to personal or professional gain.



Newaygo County Policies and Procedures

Ethics

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Ethics

No officials or employee of Newaygo County may solicit or accept favors or anything of value that is intended to influence them in the performance of official duties, or that is intended as a reward for their official actions; agree to work for or enter a financial relationship that uses their professional position to derive personal gain; knowingly disclose confidential information for personal or professional gain; or by conduct give reasonable basis for the impression that any personal relationship or financial interest can improperly influence the performance of their duties.

Conflicts of Interest

No official or employee shall participate, as an agent or representative of Newaygo County, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which they or a person with whom they have a personal relationship, has a financial or personal interest without disclosing the full nature and extent of the interest. Such a disclosure must be made before the time to perform their duty or concurrently with the performance of the duty. If the official or employee is a member of a decision-making or advising body, they must make disclosure to other members of the body on the official record. A disclosure will be appropriately addressed by an appointed official, the County Administrator, the appropriate Elected Official or the BOC. The County Administrator shall report such disclosures to the Board of Commissioners. In cases where the potential conflict is disclosed to a decision-making or advisory body, the body will determine if there is an actual conflict of interest that prevents the official or employee from taking part in discussion of or from voting on the matter. Likewise, if a potential conflict is reported by an official or employee, and the individual is not acting in the capacity of a member of a decision-making or advising body, the person or the individual's supervisor who receives the report will determine if the potential conflict prevents them from carrying out their duties.

APPENDICES

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Newaygo County Policies and Procedures

Category: Human Resources - 31

Subject: Equal Employment Opportunity Policy

It is the policy of the Newaygo County Board of Commissioners to provide equal employment opportunities to qualified persons without regard to race, religion, color, sex (including pregnancy, gender identity and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, veteran status or any other protected class under the law. Additionally, Newaygo County complies with applicable state, federal and local laws governing nondiscrimination in employment in every location in which the County has facilities. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absences, compensation and training.

If an employee believes in good faith that they have been subjected to or witnessed any discrimination, the employee is to report this directly to their supervisor or department head. If there is any reason not to report this to those individuals, then it must be reported directly to Human Resources. Any good-faith complaint of discrimination will be investigated thoroughly and promptly. No employee will be retaliated against for a good-faith complaint. Should an employee or agent of the County be found to have violated this policy, prompt and appropriate remedial action will be taken, up to and including termination.

In accordance with federal civil rights law and Newaygo County civil rights regulations and policies, the County, its agencies, offices, employees and institutions participating in or administering County programs are prohibited from discriminating based on any protected class including but not limited to race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the County.

APPENDICIES

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Newaygo County Policies and Procedures

Category: Human Resources - 32

Subject: Pre-Employment Screening Policy

PURPOSE

Newaygo County believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the organization. Pre-employment screening serves as an important part of that selection process. Information obtained through the screening process is collected as a means of promoting a safe work environment for current and future Newaygo County employees as well as verifying the accuracy of the information provided by the applicant. It also helps to obtain additional information to best determine the applicant's overall employability. That said, specific guidelines for evaluating an applicant's past is important to deter discrimination or privacy violations during the hiring process.

SCOPE

This policy applies to all County Departments when hiring full-time and part-time employees, including temporary and seasonal positions. Certain areas also pertain to designated volunteers.

POLICY

As a condition of employment with Newaygo County, pre-employment screenings are conducted regardless of the position. Further, pre-employment screenings for volunteers must include, at a minimum, criminal background and driving record checks. A list of the various pre-employment screening processes are listed below. It is the hiring department's responsibility to cover all costs associated with the screening process.

Pre-employment screenings must be coordinated with Human Resources. Human Resources will ensure that pre-employment checks are conducted in compliance with all federal and state statutes, such as the Fair Credit Reporting Act and applicable equal employment opportunity laws.

Pre-employment screening(s) may be performed for any existing employee being transferred, reassigned, reclassified or promoted to a new position.

Once a decision has been made regarding interest in hiring an applicant, an offer will be extended contingent upon satisfactory completion of one or more of following pre-employment checks:

Criminal History Search

Human Resources utilizes a third party to obtain federal and state criminal history reports. Criminal history searches shall be performed on the final applicant for all County positions and applicable volunteers.

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Pre-Employment Screening

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When determining whether an applicant with disclosed criminal convictions is eligible for employment or promotion, the Department Head and Human Resources will conduct an individualized assessment. The Department Head and Human Resources will consider the specific responsibilities of the position for which the applicant is being considered, the nature, number and gravity of crimes for which the applicant was convicted and the amount of time that has passed since the conviction. If Newaygo County determines that an applicant may be excluded because of past criminal conduct, it will provide an opportunity to the applicant to demonstrate that the exclusion does not properly apply to the applicant. Although a disqualification is possible, a previous conviction does not automatically disqualify an applicant from consideration for employment with Newaygo County.

If the applicant is rejected because of something in the criminal history search, see the Adverse Employment Decisions Section below for directions.

Driving History Search

Human Resources utilizes a third party to obtain a driving history search and review of the applicant's motor vehicle report. Driving history searches shall be performed on the final applicant for all County positions and applicable volunteers.

If the applicant is rejected because of something in their driving history search, see the Adverse Employment Decisions Section below for directions.

Credit Checks

Newaygo County utilizes a third party to obtain credit checks for those applying for all County positions that regularly manage County funds.

Conducting Background Checks

In conducting background checks, the County may obtain and use information contained in consumer reports that may include criminal background checks, driving record checks and, and where applicable, credit reports. Although criminal and driving records are obtained for all County positions, it is up to the respective Elected Official or County Administrator to request a credit report.

Consumer reports will not be obtained without notice to the employee and obtaining authorization from the employee to obtain a consumer report, in compliance with the Fair Credit Reporting Act (FCRA). The notice and authorization to be signed by the employee will be a stand-alone format, which must include notification that the County complies with the FCRA and that the County will not discriminate against the applicant or otherwise misuse the information in violation of federal or state equal opportunity laws or regulations. An employee's refusal to sign an authorization to obtain a

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consumer report that includes a criminal history, driving history, and where applicable, credit report, at any juncture of the application process will eliminate the applicant from further consideration for employment.

Human Resources is responsible for obtaining consumer checks through a third party company. Results will be provided to the hiring Department Head/Elected Official, however, access to this information is strictly limited to employees of the Human Resources Department and others on a need-to-know basis to ensure that the privacy of the candidate is respected.

Adverse Employment Decisions

Before an applicant is rejected or adverse employment action is taken based on information in a consumer report - criminal background search, driving history search or credit report - Human Resources must give the applicant:

- a notice that includes a copy of the consumer report the County relied on to make the decision; and
- a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act"

By giving the applicant the notice in advance, it provides them an opportunity to review the report and explain any negative information.

After adverse action is taken because of information in a consumer report, Human Resources must give the applicant a notice of that fact – orally, in writing, or electronically. The notice must include:

- that they were rejected because of information in the report; and
- the name, address, and phone number of the consumer reporting company that supplied the report; and
- that the company that supplied the report did not make the decision to take the unfavorable action and can't give specific reasons for it; and
- that they have the right to dispute the accuracy or completeness of the report and to get an additional free report from the company if the person asks for it within 60 days.

Pre-Hire Drug Screening

All potential employees and specified volunteers must submit to a urine drug screen no later than the commencement of employment. Pre-hire drug screening will test for the presence of illegal drugs and substances and the illegal use of prescription drugs. This screen does not include an alcohol test.

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Pre-Employment Screening

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Potential employees who refuse to submit to this test will not be permitted to work for Newaygo County.

Testing Procedures

1. After a conditional offer of employment has been made to the applicant, the applicant will read and sign a Drug Screen Consent Form prior to any test being administered.
2. The applicant will be directed to a licensed facility who will perform the testing. Testing will be conducted on a urine sample (split sample) provided by the applicant using procedures established by the facility to insure privacy of the applicant while protecting against tampering/alteration of the test results.
3. The respective County department will pay for the cost of the testing including the confirmation of any positive test result. The testing facility will retain the split sample in accordance with State law so that an applicant may request a retest of the sample at their own expense if they disagree with the test result.
4. Applicants who refuse to submit to a drug test, who fail to show up for a drug test or choose to leave the testing facility before producing a urine sample will no longer be considered for employment.
5. If an applicant tests positive on an initial screening test, the test will be confirmed by a licensed laboratory. On receipt of the second positive confirmation test, the employment offer will be formally withdrawn and the applicant will be provided with a copy of the test results and the reason why they are no longer being considered for employment.
6. All applicants have the right to speak with the testing facility. These discussions shall be considered confidential and only shared with those who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual.
7. Applicants may request to have the split sample of a positive test retested at another DHHS approved laboratory within three (3) days after notification of such positive test result. This retest is at the expense of the individual unless the original test result is called into question by the retest.
8. All records concerning test results will be kept in medical files which are maintained separately from Newaygo County personnel files.

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Pre-Employment Screening

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9. Testing laboratories may conduct testing only for illegal substances as defined by state and federal laws and may not conduct general testing related to the medical condition of the individual which are unrelated to drug usage.
10. Newaygo County will consider applicants who formerly tested positive for drugs if the applicant is a rehabilitated drug user or engaged in a supervised drug rehabilitation program and is no longer using drugs.

Reference Checks

The purpose of reference checks is to verify the accuracy of the information provided by the applicant.

As part of this process, each prospective employee must submit at least three (3) professional references to be considered for employment. Reference checks for all candidates will only include predetermined questions based on the job description and relevant competencies.

To remain courteous and respectful to all applicants, at no time should reference checks be conducted without first notifying the candidate for references not previously provided.

Newaygo County guarantees that all information attained from the reference check process will only be used as part of the employment process and kept strictly confidential.

Physical/Medical Examinations

After Newaygo County has made a conditional job offer to an applicant, Newaygo County may ask the applicant to take a medical examination to seek information about physical or mental impairments or health. If Human Resources determines that an examination is appropriate to a particular position, all applicants for that job to whom a conditional offer of employment has been made should be examined.

Medical examinations will be paid for by the respective County department and will be performed by a physician or licensed medical facility designated or approved by the County. Medical examinations paid for by Newaygo County are the property of the County and examination records will be treated confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, relevant insurance companies or the employee's doctor.



Newaygo County Policies and Procedures

Pre-Employment Screening

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Social Networking Screening

At the request of the hiring Department Head, Human Resources may utilize a review of social network sites as part of the applicant screening process. To the extent social network sites are utilized, the use should be completed prior to an offer of employment. The candidate will be notified in writing prior to the search and the written notice will state what information is being sought and the intended use of the information.

Social Network Screening Guidelines

The following guidelines shall be adhered to when utilizing social network sites to assist in pre-employment applicant screening:

1. Review of social networking sites should be used toward the end of the hiring process when the list of potential hires has been narrowed, but before an offer of employment is made.
2. An employee in Human Resources who is trained in employment discrimination issues and who is not part of the hiring decision should be assigned to conduct any and all social network site reviews.
3. Protected class information obtained during the search should not be provided to the hiring department head.
4. Applicants should be advised that a search of the applicant's social network sites may be a part of the applicant screening process and that any protected class information obtained in the search will not be a consideration in the hiring decision.
5. The review of information contained on a social networking site should be limited to information available to the public as a whole.
6. Applicants must not be asked or required to provide passwords or to sign in to their accounts on social networking sites during the interview process.
7. Covert methods of "friending" an applicant or viewing a page not otherwise available to the public should not be used.

Recordkeeping

Human Resources is responsible to properly maintain information in consumer reports and records to protect against unauthorized access to or use of the information. Copies of these reports must not be kept by the hiring Department Head/Elected Official.

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Pre-Employment Screening

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Any questions regarding this policy should be submitted to Human Resources.

APPENDICIES

Notification and Authorization to Release Criminal and Driving Information

Notification and Authorization to Release Consumer Credit Report

Consent form – Substance Abuse Testing

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Newaygo County Policies and Procedures

Category: Human Resources - 33

Subject: Non-Solicitation and Non-Distribution

To avoid disruption of business operations or disturbance of employees, visitors and others, the County has implemented a non-solicitation policy. For purposes of this policy, "solicitation" includes selling items or services, requesting contributions and soliciting or seeking to obtain membership in or support for any organization.

Non-employees of the County soliciting sales or services, distributing materials or seeking donations are restricted from contacting County employees during working hours. Department Heads/Elected Officials may post "No Solicitation" signs in their office if so desired and/or direct inquiries to the Human Resources Department.

County employees are prohibited from soliciting sales or services, distributing materials or seeking donations during working hours. Employees may participate in such activities during breaks and lunch periods, however, they may not solicit other employees who are working. Employee solicitations for charitable organizations are permitted during the work day with prior approval of their Department Head/Elected Official.

Employees and non-employees of the County shall not use County facilities to display or store products and materials intended for sale without expressed consent from the County Administrator or relevant Department Head/Elected Official.

This policy does not prohibit business vendors from soliciting sales or services for County business purposes during working hours.

Non-solicitation notices are posted at the main entrance to the each County building and may be posted at other suitable locations for any/all County facilities.

APPENDICES

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Category: Human Resources - 34

**Subject: Health Insurance Portability and Accountability Act
Compliance Plan**

INTRODUCTION AND PURPOSE

The County of Newaygo (County) is committed to protecting the privacy and security of personal health information (PHI) in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Insurance Technology for Economic and Clinical Health Act of 2009 (HITECH Act). As such the County has established a Compliance Plan (the Plan) and Standards of Conduct for applicable employees to follow and abide by.

The Compliance Plan is prepared as a good-faith effort to summarize the County's rules, policies and procedures. To the extent that the Plan conflicts with, or misstates any applicable law, the law takes precedence.

The purpose of the Plan is to provide the framework for the County to comply with applicable laws and regulations pertaining to personal health information (PHI) and electronic personal health information (EPHI). The overall key intentions of the Compliance Plan are to:

- Minimize organizational risk and maintain compliance with applicable laws pertaining to PHI.
- Maintain adequate internal controls (paying special attention to identified areas of risk).
- Reduce the possibility of misconduct and violations through early detection.
- Reduce exposure to civil and criminal sanctions.
- Encourage the highest level of ethical and legal behavior from all employees having access to PHI and/or EPHI.
- Ensure that administrative, physical, and technical safeguards are in place and regularly reviewed.
- Educate employees and contractual providers who may have access to PHI and/or EPHI of their responsibilities and obligations to comply with applicable laws.
- Promote a clear commitment to compliance by taking actions to uphold such laws, regulations, and standards.



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HIPPA Compliance Plan

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STANDARDS OF CONDUCT

The County minimally establishes the following Standards of Conduct:

- Exercise honesty and integrity in the workplace;
- Prevent fraud and abuse of PHI and EPHI;
- Refrain from knowingly participating in illegal activities;
- Report any actual or suspected violation of the Compliance Plan, Standards of Conduct, County policies or procedures, or other conduct that is known or suspected to be illegal;
- Provide minimal, accurate information to federal, state, and local authorities and regulatory agencies when applicable;
- Promote confidentiality and safeguard all confidential information according to County policies and applicable laws;
- Practice ethical behavior when discussing PHI with co-workers and other applicable entities; and
- Seek to continually maintain and improve work-related knowledge as it pertains to protecting the privacy and security of PHI and/or EPHI.
- The Standards of Conduct provide guidance for employees and contractual providers in performing daily activities involving PHI within appropriate ethical and legal standards and establish a workplace culture that promotes prevention, detection, and resolution of instances of conduct that do not conform with applicable laws and regulations. While the above standards are expected to be a framework for compliance, the issues addressed are not exhaustive. Therefore, employees and contractual providers are responsible for conducting themselves ethically in all aspects of business avoiding even the appearance of impropriety.

Contractual providers will be required to comply with the County's Compliance Plan or provide evidence of a sufficient Compliance Plan of their own. If complying with the County's Compliance Plan, contractual providers will receive a copy of the Plan and applicable Standards of Conduct at the time of the initial contract and will be required to sign the Compliance Program Acknowledgement form for inclusion in the contractor file. Contractual providers having developed their own compliance program will be required to provide evidence of such for inclusion in the contractor file along with a signed copy of the Compliance Program

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Acknowledgement form. Contractual providers will further be responsible for monitoring and staying informed of regulatory developments independent of County's efforts.

Any violation of a provision of the Standards of Conduct, as established in this Plan or related policies, will be subject to disciplinary action, up to and including dismissal from employment or contract termination.

PRIVACY AND SECURITY OFFICER/OFFICE

Privacy Officer- Section 164.530(a)(1) of HIPAA requires that covered entities designate a privacy official who is responsible for the development and implementation of the policies and procedures of the entity. Additionally, the covered entity must designate a contact person or office who is responsible for receiving complaints under this section and who is able to provide further information about matters covered by the notice required by Section 164.520.

PRIVACY OFFICER: County Administrator

CONTACT OFFICE: Newaygo County Administration

Security Officer- Section 164.308(a)(2) of HIPAA requires that covered entities identify the security official who is responsible for the development and implementation of the policies and procedures required by subpart 164.308(a)(2) for the entity.

SECURITY OFFICER: Human Resources Director

CONTACT OFFICE: Newaygo County Administration

Responsibilities of the Privacy and Security Officer-

The Privacy and Security Officer will be given sufficient authority and control to oversee and monitor the Compliance Plan, including but not limited to the following:

- Recommending revisions/updates to the Compliance Plan, policies, and procedures to reflect organizational, regulatory, and statutory changes.
- Reporting on a regular basis the status of implementation of the Compliance Plan and related compliance activities.
- Coordinating training and education efforts with employees and contractual providers who have access to PHI.
- Coordinating internal audits and monitoring activities outlined in the compliance plan.



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HIPPA Compliance Plan

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- Developing and modifying policy and programs that encourage the reporting of suspected fraud and other potential problems without fear of retaliation.
- Independently investigating and acting on matters related to compliance.

The Privacy and Security Officer shall work in conjunction with relevant department heads and staff to accomplish the necessary responsibilities.

TRAINING AND EDUCATION

All employees who have access to PHI receive mandatory training that explains about HIPAA, about the HIPAA identifiers that create PHI, how to recognize situations in which confidential and PHI can be mishandled, and about practical ways to protect the privacy and security of sensitive information including PHI. Employees are notified that they will be held responsible if they improperly handle confidential or PHI. Additional training may be required to address specific areas of risk or as new regulations are issued. Informational updates will be provided through emails. Records will be maintained on all formal training and educational activities. Training is considered a condition of employment and failure to comply will result in disciplinary action up to and including termination.

Training and educational opportunities related to Compliance will be afforded periodically and may be made available to contractual providers, as well as others as appropriate.

ADMINISTRATIVE SAFEGUARDS

Administrative safeguards are the administrative functions that the County has implemented to meet security standards for protecting PHI and EPHI. The County has:

- A. Implemented policies and procedures to prevent, detect, contain and correct security violations
- B. Assigned the Human Resources Director as the Security Officer
- C. Limits employee access to PHI and EPHI to those who need to in order to perform their jobs
 - The Department Head notifies the IT Department of the appropriate access level
 - Access to employee medical personnel files is strictly limited to administrative positions
 - Employees and others as required by law may view or receive a copy of PHI

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- Access to employees PHI and EPHI is strictly limited to administrative positions
- D. Implemented policies and procedures to address security awareness and provide guidance on how to handle PHI and EPHI safely
 - New employees receive HIPAA training if their job requires or may require them to encounter PHI and/or EPHI
 - Mandatory, periodic awareness training is scheduled for all employees who encounter or may require them to encounter PHI and/or EPHI. This includes, but is not limited to, Administrative Staff, IT Staff and the employees of the County Sheriff's Office.
- E. Provides a means for employees to report breaches of PHI and EPHI – see Section VII.
- F. Ensures that data backup plan and disaster recovery plan is in place
 - See Newaygo County Information Technology Disaster Recovery Plan
- G. Performs periodic technical and nontechnical evaluations
 - In response to environmental or operational changes affecting the security of PHI and EPHI, technical and nontechnical evaluations are ongoing
- H. Ensures that Business Association Agreements exist with outside entities who may have access to create, receive, maintain or transmit PHI and/or EPHI on the County's behalf

PHYSICAL SAFEGUARDS

Because sensitive information exists in various forms, such as printed, spoken and electronic, physical safeguards have been implemented for employees who are authorized to use or disclose PHI and/or EPHI. Although not all-inclusive, below are some work habits that should be adhered to for maintaining the physical safety of PHI and EPHI:

- Practice safe browsing habits – See the Newaygo County IT Resources Policy
- Keep computers and devices locked when unattended
- Display screens for computers and devices should lock at regular intervals of inactivity
- Do not open email attachments if the message looks the least bit suspicious

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- Do not respond to spam email; simply discard or delete it even if it has an unsubscribe feature
- Use strong power-on passwords for computer and devices
- Never leave mobile computing devices unattended in unsecured areas
- Loss of mobile computing devices are to be reported immediately to the Department Head and IT Department
- All County owned and managed devices are encrypted
- Use password protected documents
- Be aware of your surroundings when discussing PHI; use caution if conversations in offices, hallways and parking lots are warranted
- Hard copies, such as paper or flash drives, containing PHI must be properly shredded or placed in a secured bin for shredding later
- Magnetic media, such as hard drives, must be physically destroyed or “wiped” by the IT Department
- CD ROM disks must be rendered unreadable by shredding, defacing the recording surface or breaking
- Sensitive information should never be placed in the regular trash
- Computer screens, copiers and fax machines must be placed so that they cannot be accessed or viewed by unauthorized individuals
- File drawers containing PHI must be secured and access restricted to trained and authorized personnel. The office where PHI is filed shall be locked at the end of each business day and at all times during non-working hours
- Do not leave work files that contain PHI on your desk or computer screen while you step away for a passerby to view
- Include the following Confidentiality Notice when faxing or emailing PHI:

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"Important Notice: This message, including any attachments, contains confidential information intended only for a specific individual and purpose. It contains information which is private and legally protected by law. If you are not the intended recipient, please contact the sender immediately by reply (email or facsimile) and destroy all copies. You are hereby notified that any disclosure, copying, distribution or use of the contents of this transmission, or the taking of any action or reliance thereon, is strictly prohibited."

- Axes with PHI should be deposited in a secure/confidential place when they are delivered
- Confirm accuracy of email addresses and facsimile numbers before transmitting PHI and request verification of its receipt

DISCLOSURES

Only authorized, trained employees may access or disclose PHI and/or EPHI when the access is part of the employee's job duties. Generally, an individual's authorization is required prior to the use or disclosure of PHI and/or EPHI. When use or disclosure is permitted, via employee's authorization or otherwise, HIPAA requires that only the amount of PHI and EPHI that is the minimal necessary to accomplish the intended purpose be used or disclosed.

Unauthorized Access

- It is never acceptable for an employee to look at PHI and/or EPHI "just out of curiosity" even if no harm is intended (i.e. retrieving an address to send a get well card.)
- It also makes no difference if the information relates to a "high profile" person or close friend or family member. ALL information is entitled to the same protection and must be kept private.
- Accessing PHI and/or EPHI of someone involved in a divorce, separation, break-up or custody dispute may be an indication of intent to use information for personal advantage, unless the access is required for the employee to their job. Such improper behavior will be considered by the County when determining disciplinary action against violators.

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BREACHES

A breach occurs when information that, by law, must be protected is:

- Lost, stolen or improperly disposed of (i.e. paper or device upon which the information is recorded cannot be accounted for); or
- "hacked" into by people or mechanized programs that are not authorized to have access (i.e. the system in which the information is located is compromised); or
- PHI is communicated or sent to others who have no official need to receive it (i.e. gossip about information learned from a medical record)

Employee Responsibilities

It is part of an employee's responsibility as a County employee to report privacy or security breaches involving PHI and/or EPHI to your supervisor AND Human Resources. It is made clear during HIPAA training that employees, volunteers, students or contractors of the County may not threaten or take any retaliatory action against an individual for exercising their rights under HIPAA or for filing a HIPAA report or complaint, including notifying of a privacy or security breach.

Individuals making a report are encouraged to disclose their identity, recognizing that anonymity may hamper complete and timely investigation. However, no anonymous report shall be refused or treated less seriously. No promises will be made to any individuals making a report or witnesses providing supporting information about the report by the Security Officer or anyone else in regard to their culpability or what steps may be taken by the County in response to the report. Confidentiality and anonymity of the individual making the report and the content of the report will be preserved to the extent permitted by law and by the circumstances. Information about reports, investigations, or follow-up actions shall not be disclosed to anyone other than those individuals charged with responsibility in investigation and remedial action as well as legal counsel.

No employee, provider, contractor, or other individual making such a report in good faith shall be retaliated against by the County. All employees or agents will be protected by the Michigan Whistleblower's Protection Act (PA. 469 of 1980). Discipline for engaging in acts that violate applicable laws and regulations, making knowingly false reports, failure to report known violations, or discipline for any other performance-related reason unconnected to reporting potential violations is not retaliation.

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Breach Notification Requirements

Any impermissible use or disclosure that compromises PHI and/or EPHI or other sensitive information may trigger breach notification requirements. Depending upon the investigation results, breach notification may have to be made to:

- The Department of Health and Human Services;
- The Michigan Attorney General;
- All individuals whose information was breached or disclosed; and
- The media

INVESTIGATION

All reports of suspected wrongdoing, however received, shall be investigated and documented. No one involved in the process of receiving and investigating reports shall communicate any information about a report or investigation, including the fact that a report has been received or an investigation is ongoing, to anyone within the County who is not involved in the investigation process or to anyone outside of the County without the prior approval of the Security Officer. All employees and agents are expected to cooperate fully with investigation efforts. Investigations will be conducted by the Security Officer and/or the Privacy Officer. If the allegation that needs to be investigated includes the Security Officer, then the investigation will be handled by the Privacy Officer. If the allegation that needs to be investigated includes the Privacy Officer, then the investigation will be handled by the Security Officer and the Board of Commissioners Chairperson or their designee.

Investigation Process

Within five business days of receiving a report, the Security Officer shall provide acknowledgment of receipt to the individual making the report (if known) and conduct an initial assessment to determine whether the report has merit and warrants further investigation.

If it is determined that the matter does not constitute a violation of any applicable laws or regulations and warrants no further action, the issue will be closed following the appropriate documentation and approval by the Privacy Officer.

If it is determined that the matter does not constitute a violation of any applicable laws or regulations, but does identify an area for improvement or raises concern for potential future violations, the matter will be reviewed by the Privacy Officer and Security Officer for appropriate process change.

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If it is determined that the matter requires further investigation, the Privacy Officer will take the necessary steps to assure that documents or other evidence are not altered or destroyed, and if necessary, placing individuals under investigation on temporary suspension.

A full investigation will be completed within 90 days from the date of the initial report.

CORRECTIVE ACTION

Where an internal investigation substantiates a reported violation, corrective action will be initiated including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary, and implementing system changes to prevent a similar violation from recurring in the future.

DISCIPLINARY ACTION

Disciplinary action, up to and including, termination will be taken for all employees who have failed to comply with the Standards of Conduct, policies, and procedures, federal and state law, or otherwise engage in wrongdoing.

The Privacy Officer and Security Officer will review monitoring and auditing efforts for effectiveness, identification of additional areas of risk, and follow up and response for potential compliance issues on an ongoing basis.

APPENDICES

Approval: 05-22-2019

Motion Number: 19-123

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Newaygo County Policies and Procedures

Category: Human Resources - 35

Subject: County Property Smoking Ordinance

AUTHORITY

Michigan counties have been delegated the right to issue Ordinances enforcing policy decisions made by county commissioners on topics over which they have jurisdiction. See MCL §46.11(j). Pursuant to MCL §46.11(1) & (m), the county board of commissioners has the right and responsibility for the "care and management" of county property and to "establish rules and regulations" with respect to the interests of the county.

PURPOSE

The purpose of this Ordinance is to enable Newaygo County to protect the health and safety of its employees and of the general public by requiring a smoke-free environment while using County property.

This Ordinance applies to all persons using buildings and real property owned or operated by Newaygo County ("County Property"), excluding only County Parklands, Road Commission Property, the Medical Care Facility and grounds, and designated areas which are listed under Article 3, Section 3.3. This Ordinance is designed to work with and augment the provisions of Michigan's Clean Indoor Air Act, Act 368 of 1978, as amended, being Section 333.12601, et seq. of the Michigan Compiled Laws (the "Michigan Clean Indoor Act") and nothing here shall be interpreted as foreswearing or abandoning any right or ability of Newaygo County to seek or apply the provisions and remedies of the Michigan Clean Indoor Act.

The Director of Building and Grounds shall be responsible for ensuring that notice of this Nonsmoking Ordinance is properly posted in accordance with this Ordinance and the Michigan Clean Indoor Air Act, including the demarcation of public and employee only smoking areas as diagrammed on Attachment A, which is incorporated into and made a part of this Ordinance. In leased facilities, department directors and agency heads or their designees shall be responsible for ensuring that the leased areas are properly posted.

DEFINITIONS

The following terms in this Ordinance shall have the following meanings:

- "County Property" refers to all real and/or personal property owned or leased by Newaygo County, including sidewalks, streets and parking lots excluding only property that is designated as "parks" or is controlled by the Newaygo County Road Commission or the Medical Care Facility.



Newaygo County Policies and Procedures

Property Smoking Ordinance

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- "Persons" refers to County Officials, Department Heads, County Employees, Agencies and Offices of Newaygo County and the general public when present on a County Property.
- "Designated Areas" refers to defined areas located on the Northwest corner of the Commission on Aging Building, an area east of the Animal Shelter, on the northeast corner of the County Jail, and to the southeast of the DHS Building, and an area centrally located between the Administration/Courthouse & Health Services Building.
- "Sale of Tobacco Products" refers to the exchange of tobacco and any form for consideration, including monetary and/or services.
- "Smoking Tobacco Products" refers to smoking tobacco products and includes but is not limited to cigarette, pipe and cigar smoking.
- "Posting" refers to a notice that identifies this Ordinance and describes its prohibitions and the civil and any criminal penalties for violation.

SMOKING PROHIBITIONS

In compliance with the laws of the State of Michigan, including but not limited to the Michigan Clean Indoor Air Act, Newaygo County prohibits all persons from Smoking Tobacco Products on County Property, with the exception of the Designated Areas which are identified under Article 3, Section 3.3 and illustrated on Attachment A. This prohibition shall include, but is not limited to: private enclosed offices, open space offices, meeting rooms, conference rooms, eating areas, including cafeterias and break rooms, lounges, restrooms, hallways, stairways, enclosed entrances and county owned vehicles and all other county property as defined in Article 3, Section 3.1. This prohibition shall not apply to smoking within private vehicles parked on County Property.

Newaygo County prohibits the Sale of Tobacco products on County Property. This prohibition shall include concessions and vending facilities on County Property, including but not limited to those vending machines operated under the provisions of Act 260 of the Public Acts of 1978, being Section 393.351, et. seq. of the Michigan Compiled Laws.

ENFORCEMENT

The Campus Security, Newaygo County Sheriff's Department and/or Newaygo County Prosecuting Attorney shall enforce the provisions of this Ordinance.

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Property Smoking Ordinance

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Upon finding probable cause to believe that there has been a violation of this Ordinance, Campus Security and/or a Newaygo County Sheriff's Deputy, or Newaygo County Prosecuting Attorney or Assistant, may issue and serve an Appearance Ticket upon the person responsible.

The Appearance Ticket shall direct the recipient to appear in Newaygo County District Court on a specified date and time to respond to the alleged violation.

CIVIL PENALTIES

A person who violates this Ordinance shall be directed to comply with this Ordinance and shall be subject to a civil infraction penalty of not more than \$100.00 for a first violation and not more than \$500.00 for a second subsequent violation.

POSTING

A copy of this Ordinance shall be posted and maintained at a prominent location within each County Building in which it is effective. Each County Property shall also contain at least one prominent sign on the grounds that refers to the Ordinance. A notice shall also be posted at all Designated Areas that describes the dimensions of the smoking areas and that smoking in all non-designated areas is prohibited pursuant to this Ordinance.

The County Administrator shall ensure that proper postings are made, except with respect to the Jail, where the Sheriff shall have the responsibility for posting and enforcing this Ordinance.

PROCEDURE

The County Administrator will develop procedures to offer or promote prevention and education initiatives to employees that actively support non-use and address the risks of all forms of tobacco use. Procedures will be developed to offer or promote programs and services that include practical, evidence-based approaches to end tobacco use for employees and officials who want to quit.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect on October 1, 2008, following notification of same in a newspaper of general circulation in the County of Newaygo, providing no petition has been filed pursuant to 1988 PA 227, MCL §46.11.

APPENDICES

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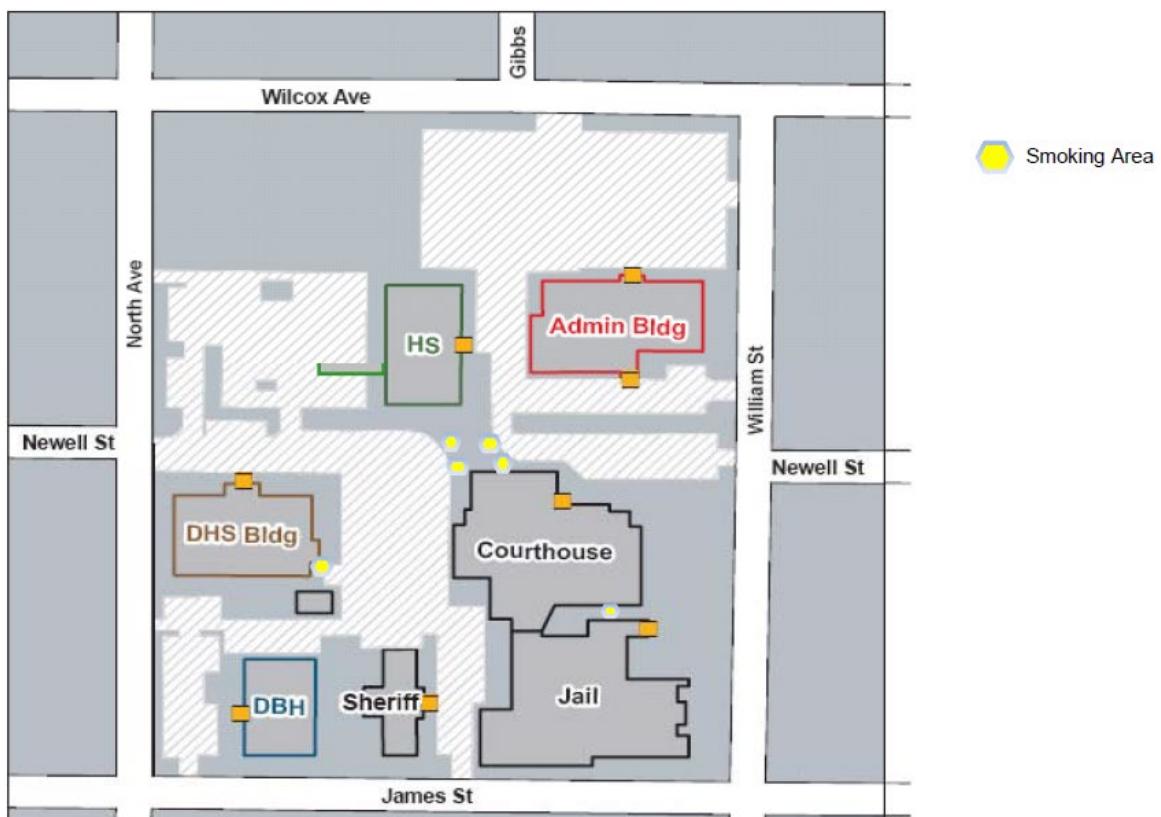
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Designated Smoking Areas

Attachment A



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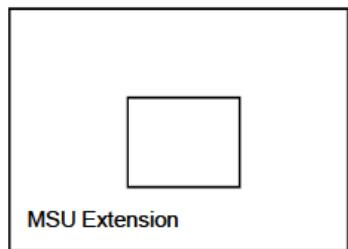


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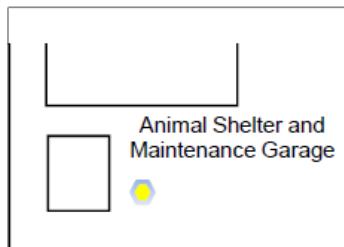
Designated Smoking Areas



MSU Extension



Commission on Aging



Animal Shelter and
Maintenance Garage

Smoking Area

Newaygo County Parks:

Tobacco use is restricted to the open areas of all County-owned or leased park property.

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Category: Human Resources - 36

Subject: Information Security Policy

PURPOSE

This Policy serves as an overall standard for protecting the Confidentiality, Integrity, and Availability (CIA) of information processed by County information systems. The Information Security Policy defines the procedures for a secure environment in which to manage and operate the County's information assets. Information assets include both on premise and hosted (external to County physical facilities). Standards and related processes and procedures will be developed and maintained to provide additional clarification and ensure compliance. Information systems will be used for the purpose intended keeping in mind the responsibility to protect those systems in a way that meets regulatory requirements based on appropriate compliance standards and in a manner that protects those systems and information from compromise. This policy applies to all Newaygo County (County) employees and business partners utilizing or accessing County owned information systems.

PROCEDURE

Related Policies

This policy serves as an overall security guideline for County Information Systems. It is meant to support and complement guidelines provided in additional policies including, but not limited to, the following Newaygo County policies:

Information Technology Resources Policy

Remote Access and Applications Service Provider Policy

Health Insurance Portability and Accountability Act Compliance Plan

In addition to complying with stated policies, employees and business partners will submit to instructions and guidelines issued from time-to-time, based on emerging threats that result in increased risk to County systems and information.

Security Maintenance and Continuous Monitoring

In conjunction with the Information Technology (IT) Department, the County Administrator will maintain the County's Information System Security program. This program will include:

Periodic review of the County's policies, procedures, and measures.

Continuous evaluation of the threat environment

Continuous review of existing controls and countermeasures.

Planning for and implementing controls and countermeasures through an annual Risk Assessment process.



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Information Security Policy

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Providing information or training to employees and partners.

Assisting departments with information security audits.

Security Awareness Training

In conjunction with the Information Technology (IT) Department, the County Administrator will ensure employees complete quarterly security awareness training and comply with policies, instructions, and guidelines for information security

Change Control

Department Heads/Elected Officials must submit an IT service ticket when:

- an employee transfers to or from new responsibilities. The privileges assigned to the employee's ID must be changed to reflect the access requirements of the new job.
- an employee is scheduled to depart. Notification must include a termination date. If transferred to another County department, the new Department Head/Elected Official will be required to submit an IT service ticket.
- in the event of an immediate termination, requests will be coordinated through the County Human Resources Department.

System Owners

Department Head/Elected Officials accountable for the development, procurement, integration, modification, operation, maintenance and final disposition of an information system used to support some function within their area of responsibility must:

- Ensure the information of the system is properly classified. Classifications are Public, Restricted or Confidential. A system may contain one or more classifications of information. The system overall should be classified based on the highest classification:

Public: Open to access by anyone. No negative impact or liability for disclosure. If not readily available by direct means, this information would be accessible under the Freedom of Information Act (FOIA).

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Information Security Policy

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Restricted: Limited access to individuals based on a need to know in order to provide needed service. Individuals may need access to specific records in a given system, but that same individual would be in violation of access rights if they choose to view, modify or print records that are not needed in the performance of their job. Example: A County employee is allowed to access a record for an individual they are assisting, but they could not search for a record out of curiosity, or a Court employee may necessarily be restricted from access records regarding cases in which they are a party. Information in the restricted category specifically refers to information in compliance categories: Personally Identifiable Information (PII), Federal Tax Information (FTI), Personal Credit Industry (PCI), Health Information Portability and Accountability Act (HIPAA), Criminal Justice Information Services (CJIS).

Confidential: Information that would create an unsafe condition, disclose proprietary information (such as product and pricing information prior to vendor selection during a bid process), or otherwise create a risk or vulnerability. Examples include Court information, user ID/Password Combinations, specific configuration details of networks and servers, etc.

- Authorize access to their system using the least privilege method.

Configuration

All maintenance of the County's computing environment shall only be performed by authorized IT Staff.

Software Licensing

Only software that is properly licensed may be installed within the County's computing environment. Use of unauthorized, unlicensed, or improperly licensed software is not acceptable. For County supplied Windows-based devices, only County-licensed software may be installed. Software that is unlicensed or is determined to be improperly licensed is subject to removal, with or without notice to the user.

Internet Filtering

Restrictions will be placed on the use of Internet services to promote a secure use of the County's computing environment.

Network Connectivity/Access

In conjunction with the Information Technology (IT) Department, the County Administrator is authorized to determine and enforce requirements for connections of any devices including, but not limited to, servers, workstations, and external connections to the County's computing environment.

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Information Security Policy

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External connections include those coming from portable devices including notebooks computers, netbooks, tablet-based computers, and data-enabled cellular telephones (smart phones).

Security Administration

In conjunction with the Information Technology (IT) Department, the County Administrator is authorized to determine and enforce requirements for computing security including, but not limited to, system administration, passwords/passphrases, account management, data encryption, and security awareness.

Access Authorization and Approval

Access to the County's computing environment, other than the areas available and open to the public, by employees and business partners shall only be permitted pursuant to this policy.

Agreements/Contracts

Any agreements or contracts entered into between the County and its business service providers, customers, partners or governmental agreement/contracts shall not supersede policies. Should any conflict occur between such agreements, County policy will supersede.

All users are responsible for:

Knowing, understanding, and following all County policies, procedures, guidelines and instructions.

Exercising good judgment and acting in a professional manner when using County technology resources.

Immediately reporting security incidents such as their computer becoming infected with a virus.

Failure to comply with this policy may result in disciplinary action, up to and including, termination of employment, and may subject the employee to legal action.

Business partners found to have violated this or any other County policy may be subject to legal action and/or termination of services.

REVIEW PERIOD

This Policy will be reviewed by the Administration Office at least once every two years and recommendations for changes will be presented to the Physical and Economic Sub-committee.

Approval: 03-10-2021

Motion Number: 21-094

Revised:



Newaygo County Policies and Procedures

Information Security Policy

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APPENDICES

Information Technology Resources Policy

Remote Access and Applications Service Provider Policy

Health Insurance Portability and Accountability Act Compliance Plan

Approval: 03-10-2021

Motion Number: 21-094

Revised:



Newaygo County Policies and Procedures

Category: Human Resources - 37

Subject: Remote Access and Applications Service Provider Policy

PURPOSE

It is the responsibility of all Newaygo County (County) employees and business partners providing services to the County with remote access privileges to County information systems to ensure that their remote access connection uses the secure methods of connection made available or prescribed by the Information Technology (IT) Department. Any method of connectivity that circumvents security by an unsecured means or allows unauthorized persons access to County information systems is prohibited. Remote access implementations that are covered by this policy include but are not limited to dial-in, frame relay, ISDN, DSL, Wireless, VPN, VDI, SSH, cable, and Extranet. This policy applies to all County information systems regardless of where the application is hosted and by whom it is maintained.

PROCEDURE

Secure remote access is strictly for employees and business partners of Newaygo County. Anyone authorized for remote access should at no time allow any unauthorized individual to use their connection, nor share their password, or other information needed to gain access.

Those requiring remote access must receive written permission from their Department Head/Elected Official (see attached Newaygo County Remote Access Permission Form) and maintain a fully executed Telecommuting Agreement.

Remote access to any County or court system regardless of hosting location will use the methods prescribed by the IT Department.

Those with remote access privileges must ensure that if accessed in a public setting only public information is accessed. It is important for anyone accessing County information from an external location to have situational awareness. Additional measures should be taken to avoid unnecessary disclosure and compromise of information systems through means of social engineering such as shoulder surfing.

Reconfiguration of a computer for the purpose of split-tunneling or dual-homing while accessing County systems from outside County facilities or through VPN connections is not permitted at any time.

All County-owned hosts (laptops, phones, etc.) that are connected to the County's internal networks via remote access technologies must have a current virus/spyware/malware definition file and have the latest security updated installed. It is not permissible to use personally owned hosts to remotely access County systems without the explicit, written permission of the County Administrator and County IT Director.

Approval: 03-10-2021

Motion Number: 21-094

Revised:



Newaygo County Policies and Procedures

Remote Access and Applications Service Provider Policy

Page 2 of 3

This policy applies to all devices that access the County network which could include County-owned PC's, Laptops, Servers, phones, etc.

Application Service Providers include any "as a Service (aaS)" (Software as a Service (SaaS), Infrastructure as a Service (IaaS), Platform as a Service (PaaS), etc.) vendor or Cloud host.

Application Service Providers (ASP) assume full responsibility for compliance with all applicable requirements to include HIPAA, NIST 800-53 Cybersecurity Framework, Michigan Department of Technology, Management and Budget (DTMB), Criminal Justice Information Services (CJIS), or other restricted and confidential compliance standards and are subject to audit. They will provide documented proof of compliance with all relevant regulations at the County's request.

Any information hosted by an ASP is the property of the County and disclosure of information to any non-County entity will only be with written authorization from the County Administrator. No restrictions will be placed on the County's access to that information.

CONDUCT

General Expectations

- Remote employees are expected to be available and communicative during scheduled work hours.
- County and departmental rules and other policies continue to apply to off-site work locations.
- Consumption of alcohol during work hours is never acceptable.
- Employees should seek a quiet and distraction-free working space, to the extent possible.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.

Virtual Meetings

- While distractions are often unavoidable, try to keep them to a minimum. No music or television in the background during meetings.
- Keep yourself muted during video or audio conferencing unless you are speaking.
- Avoid eating a meal during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.
- Seek guidance from your Department Head/Elected Official regarding dress code expectations. Generally, casual dress is acceptable; however, use discretion. No sleeveless tops, pajamas, or other apparel that would not be appropriate to wear outside of your home
- Avoid multi-tasking. Give your full attention to the meeting as if you were face to face.

Approval: 03-10-2021

Motion Number: 21-094

Revised:



Newaygo County Policies and Procedures

Remote Access and Applications Service Prover Policy

Page 3 of 3

Failure to comply with this policy may result in disciplinary action, up to and including, termination of employment, and may subject the employee to legal action.

Business partners found to have violated this or any other County policy may be subject to legal action and/or termination of services.

REVIEW PERIOD

This Policy will be reviewed by the Administration Office at least once every two years and recommendations for changes will be presented to the Physical and Economic Sub-committee.

APPENDICES

Newaygo County Information Technology Resource Policy

Newaygo County Remote Access Permission Form

Newaygo County Telecommuting Agreement

Approval: 03-10-2021

Motion Number: 21-094

Revised:



Newaygo County Policies and Procedures

Category: Human Resources – 39

Subject: County Credit Card Usage Policy

The Newaygo County Administrator shall be responsible for the issuance, accounting, monitoring, retrieval, and compliance oversight of the Newaygo County Credit Card Usage Policy. The Administrator is hereby authorized to execute credit card contracts or applications on behalf of the County.

Any credit card issued in the name of Newaygo County or for which Newaygo County will be responsible (hereinafter described as a "Newaygo County Credit Card") may be used only by an officer or employee whose use of the card has been approved by the Administrator. The Administrator shall keep a current log of all employees or officers who are provided with a card. The credit card company shall be promptly advised within five (5) business days of such authorizations and any deletions or additions.

Card User Responsibilities:

- Any officer or employee accepting or using a Newaygo County Credit Card must sign the acknowledgment and authorization contained at the bottom of this policy.
- A Newaygo County Credit Card may be used only for the purchase of goods and services used in the official business of Newaygo County and such purchases must be authorized within the Newaygo County General Appropriations Act and in accordance with the County's Purchasing Policy.
- Newaygo County Credit Card shall not be used for cash advances and the company issuing the card shall be so advised.
- Newaygo County Credit Card shall not be used for personal purchases.
- Employees or officers who are provided with a card will have five (5) business days after the County receives the statement to submit it to the County Clerk's Office to be processed as a daily accounts payable check to ensure timely payment and no late fee. The invoice must include documentation detailing the goods or services purchased, cost, date of purchase, name of the vendor, the official purpose, and the account number(s) to be charged.
- Failure to meet the five (5) day deadline that causes the payment to be untimely and that results in the accruing of late fees can result in a cardholder's loss of credit card authorization and privileges.
- Card users must notify vendors or merchants that the credit card transaction is tax-exempt from Michigan Sales Tax and Use Taxes. The County's tax-exempt number is 38-6006112. A tax-exempt certificate can be obtained from the County Clerk's Office.
- Any officer or employee using a Newaygo County Credit Card must submit at the end of each month to the Administrator or his designee a scanned copy of all documentation received for purchases made during that month, as well as any additional documentation required by the Administrator. At a minimum, the submitted documentation must detail the goods or services purchased, cost, date of purchase, name of the vendor, and the official purpose.



Newaygo County Policies and Procedures

Credit Card Policy
Page 2 of 2

- Any officer or employee issued a Newaygo County Credit Card shall be responsible for its protection, custody, and proper use, and upon recognition, must immediately report to the Administrator that the card has been lost, stolen, or misplaced.

Change in Employment Status:

Any officer or employee must immediately surrender the card to the Administrator upon separation of employment from the County or when transferred to another department within the County.

Contested or Disapproved Expenditures:

If a charge is to be contested with the credit card company, the Administrator must make the protest within the time frame allotted by the credit card contract. If the charge is to be disapproved because of the officer or employee's noncompliance with this policy, the Administrator shall collect the balance and any interest from the employee or officer and shall then make payment.

Expenses by County Administrator:

The Finance Chair reviews the Administrator's credit card expenditures for approval.

Unauthorized or Improper Use:

Any officer or employee who violates this policy shall be subject to disciplinary measures including but not limited to termination and/or removal from office.

County Administrator Authorization:

The Administrator is authorized to establish and distribute other written policies or procedures to promote the objectives of this policy and compliance with Michigan Law.

OFFICER AND EMPLOYEE ACKNOWLEDGEMENT AND AUTHORIZATION

I, the undersigned Newaygo County officer or employee, hereby acknowledge that I have carefully read the foregoing policy and that I agree to subscribe to, honor, and abide by its terms and conditions. I also hereby authorize Newaygo County to deduct from my continuing wages, the sums necessary to reimburse Newaygo County for any purchases I make that are disapproved by the Administrator, including any interest charged on such purchases by the credit card company.

Signature

Date

APPENDICES

Newaygo County Purchasing Policy

Approval: 10-26-2022

Motion Number: 22-428

Revised:



Newaygo County Policies and Procedures

Category: Human Resources - 40

Subject: Work Related Medical Certification Policy for Physically Demanding and/or Safety Sensitive Positions

PURPOSE

To maintain a healthy and safe workplace for all Newaygo County employees this policy establishes standards for work related medical certifications. This policy is not intended to supersede or modify the procedures applicable to employees eligible for a reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to Human Resources.

SCOPE

This policy applies to all County Departments when hiring full-time and part-time employees, including temporary or seasonal positions and designated volunteers.

POLICY

The health and safety of all employees is the highest priority for Newaygo County. Work-related medical (physical and mental) certifications help lower the risk of injury and help ascertain an employee's ability to effectively carry out essential functions of their job, with or without an accommodation. Inasmuch, Newaygo County will require potential and current employees with physically demanding and/or safety sensitive positions to complete one or more of the following medical certifications/evaluations during the course of employment to determine the employee's ability to perform the essential functions of their job, with or without accommodation:

- a) Pre-employment
- b) Return to Work
- c) D.O.T. or CDL Required
- d) Chauffer's License Required
- e) Fitness for Duty

For purposes of this policy, medical certifications/evaluations, physically demanding and safety sensitive are defined as follows:

Medical certifications/evaluations are physical examinations conducted by a physician of the Employer's choosing to determine if the applicant or employee is physically and/or mentally able to perform the essential functions of a position.

Physically demanding refers to the level and/or duration of physical exertion that is regularly required to perform the essential functions of the position. Examples include, but not limited to, lifting, pushing, pulling, bending, and reaching, walking, climbing, etc.



Newaygo County Policies and Procedures

Work Related Medical Certification Policy

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Safety sensitive involves some aspect of a heightened danger that requires an employee's full and unimpaired skills and judgment to safely execute their job. Examples include, but not limited to, transporting public passengers, operating outdoor equipment and tools, working in inclement weather, driving, etc.

Identified Positions

Human Resources has identified the County positions within each category below as having physically demanding job duties or performs work that requires safety sensitive responsibilities.

- Public Safety Positions
- Maintenance Positions
- All Driver Positions
- Positions that require transporting clients and/or the public

A. Pre-employment and Promotional Medical Evaluation

In accordance with the [Newaygo County Pre-Employment Screening Policy \(HR 32\)](#), a candidate selected for hire for any County position that is physically demanding or has a safety sensitive requirement shall submit to a pre-employment, post-offer medical evaluation. Employment is contingent upon successfully passing the pre-employment medical evaluation.

Any County employee selected for promotion to a position that has a physically demanding or safety sensitive requirement may be required to submit to, and successfully pass, a post-offer medical evaluation prior to promotion.

B. Return to Work (RTW) Medical Evaluation

Any employee that has a physically demanding or safety sensitive position will be required to submit an [Employee Return to Work Status form](#) before returning to work for an illness, injury, impairment or physical or mental condition that involves any overnight hospitalization or continuing treatment by a health care provider for more than three (3) days. No employee may return to work without a completed Employee Return to Work Status form and explicit permission from their Department Head.

A RTW medical evaluation may be required before returning to work after being off work for any of the following reasons:

- After any surgery; or
- Off work for more than 30 days for any reason (medical leave, personal leave, discipline, etc.); or
- Off work for any duration, for any reason that requires a medical certification per local, State, or federal law; or



Newaygo County Policies and Procedures

Work Related Medical Certification Policy

Page 3 of 4

- Off work for any duration, for any reason that requires overnight hospitalization; or
- Returning from a work-related injury

C. Department of Transportation (DOT) and Commercial Drivers License (CDL) Medical Evaluations

Employees holding positions that require a valid CDL will be required to pass a medical evaluation and be certified as qualified to drive a commercial motor vehicle by evidence of a DOT clearance/medical card prior to employment with the County.

About the Medical Evaluation: A Department of Transportation (DOT) physical examination must be conducted by a licensed "medical examiner" listed on the Federal Motor Carrier Safety Administration (FMCSA) National Registry. The term includes, but is not limited to, doctors of medicine (MD), doctors of osteopathy (DO), physician assistants (PA), advanced practice nurses (APN), and doctors of chiropractic (DC).

A DOT physical exam is valid for up to 24 months. The medical examiner may also issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure.

Recordkeeping: If the medical examiner finds that the employee is physically qualified to drive a commercial motor vehicle, the medical examiner will furnish one copy of the results to the person who was examined and complete a Medical Examiner's Certificate. It is the employee's responsibility to provide the employer with the most current Medical Examiner's Certificate.

Employees shall comply with all federal and state medical requirements for receiving and maintaining a CDL, at their own expense.

D. Chauffer's License Medical Evaluations

Employees holding positions that require a valid Chauffer's License will be required to pass a medical evaluation every 24 months or as otherwise directed by the County.

E. Fitness for Duty Medical Evaluations

In the event of a dispute involving an employee's physical or mental ability to perform their job or upon returning to work after a leave of absence of any kind, the County may require a physical or mental health evaluation in which a psychologist or healthcare provider performs testing or an examination and provides feedback about the employee's fitness to perform a specific job with or without accommodation.



Newaygo County Policies and Procedures

Work Related Medical Certification Policy

Page 4 of 4

The County can require an employee to undergo a Fitness for Duty evaluation with a healthcare provider of the Employer's choosing if there is reasonable belief based on objective evidence of the following:

- An employee's ability to perform essential job functions will be impaired by a physical or psychological condition; or
- An employee poses a direct threat due to a physical or psychological condition.

The Fitness for Duty evaluation must be job-related and consistent with business necessity.

This policy complies with the Michigan Persons with Disabilities Act (PWDA), Michigan Occupational Safety and Health Act (MIOSHA) Act, Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA) and U.S. Occupational Safety and Health Act (OSHA) and all applicable local, state, and federal regulations.

APPENDICES

Newaygo County Pre-Employment Screening Policy (HR 32)
Employee Return to Work Status form



Newaygo County Policies and Procedures

Appendices: Human Resources - 3

Subject: Hours Code Descriptions for Time Entry (Teamsters & Unclassified Employees)

Ber – Bereavement: Full time employees receive funeral pay upon a death occurring in the employee's family, as defined in applicable contracts or the Personnel Manual. Use this hours code when taking funeral leave. Any time off beyond what is afforded will require use of accruals.

Comp Earn – 1 1/2 – Comp Time Earned – 1 1/2: Full time employees use this hours code when they have *physically worked* more than 40 hours in one week. Example: Employee works 10 hrs on Monday and 8 hours per day Tuesday through Friday. Time would be entered as follows: Monday -10 hrs regular, Tuesday, Wednesday and Thursday-8 hrs regular, Friday-6 hrs regular, 2 hrs comp time earned @ 1 1/2.

Comp Used – Comp Time Used: Full time employees who have earned comp time use this hours code when they want to use their accrued comp time for hours not worked.

Hol – Holiday: Full time employees who are entitled to holiday pay will use this hours code on paid holidays.

Misc Without Pay – Non Working Hours: Full time employees who do not work 40 hours in a week will use this hours code for all hours not worked, up to 40. A Comment or Reason code should **ALWAYS** be submitted when using this hours code.

OT-Reg – Overtime - Regular FLSA: Full time employees who are approved for payout of overtime hours will use this hours code when more than 40 hours are physically worked in one week. (see example in Comp Time Earned at 1 ½ above).

PT – Part time - Temporary: All part time employees will use this hours code for all hours worked.

PML – Paid Medical Leave: Part time employees who are eligible for paid medical leave will utilize this hours code when taking time off for medical reasons.

PTO – PTO: Full time employees who earn PTO will use this hours code when taking time off against their PTO accrual.

Reg – Regular: All full time employees will use this hours code for regularly scheduled hours worked.

VAC - Ben – Vacation: Full time employees who earn vacation will use this hours code when taking time off against their vacation accrual.



Newaygo County Policies and Procedures

Appendices: Human Resources - 6

Subject: Newaygo County Outside Employment Request and Approval Form

According to Newaygo County Policies and Procedures, I am requesting permission to participate in outside or supplemental with _____.

I, _____, acknowledge that on this date,

- I have received a copy of the Outside Employment Policy.
- I understand that outside employment may not conflict with, or impair my responsibilities to the County.
- I cannot use county facilities as a source of referral for private customers or clients.
- I cannot engage in outside employment during my regularly scheduled working hours.
- I cannot use the name of the County or County agency as a reference or credential in advertising or soliciting customers or clients.
- I cannot use County supplies, facilities, staff or equipment in conjunction with any outside or supplemental employment or private practice.
- I must maintain a clear separation of outside employment from activities performed for the County.
- I understand I cannot cause any incompatibility, conflict of interest, or any possible appearance of conflict of interest, or any impairment of the independent and impartial performance of my duties.
- The County shall not be liable, either directly or indirectly for any activities performed during outside employment.

Employee Signature

Date

Department Head Approval

Date



Newaygo County Policies and Procedures

Appendices: Human Resources - 8

Subject: Harassment and Workplace Violence Incident Report/Complaint Form

Instructions: Complete form and submit to the Human Resources Director. The information provided on this form will assist in the investigation of a complaint of harassment, including sexual harassment, and/or workplace violence. Please feel free to attach as many additional sheets of information as necessary. Any relevant persons may assist you in completing this form. The person alleging harassment will be called the "Complainant", and the person against whom the complaint is made will be called the "Respondent". This form may be used to report an incident or to file a formal complaint.

Name of the Complainant: _____

Department: _____

Best Means of Contact: _____

Today's Date: _____

Name of the Accused: _____

Department: _____

Relationship of the Accused to the Complainant (manager, co-worker, client, etc.):

Phone Number (if known): _____

Date of Incident: (If more than one event, please report each event on a separate form.)

Where did the specific event occur? _____

Please explain the event that occurred.



Newaygo County Policies and Procedures

Harassment and Workplace Violence Complaint Form

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How did you react to the situation?

Describe the harm you have suffered as a result of the event.

Were there any witnesses to this specific event? (If yes, please provide their names.)

Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence Newaygo County deems relevant.

Signature

Date

Please return this form to Human Resources

Appendices: Human Resources - 18

Subject: Michigan Public Employment Relations- Act 336 of 1974

AN ACT to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations.

History: 1947, Act 336, Eff. Oct. 11, 1947;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 2011, Act 9, Imd. Eff. Mar. 16, 2011;—Am. 2012, Act 53, Imd. Eff. Mar. 16, 2012.

Popular name: Public Employment Relations

The People of the State of Michigan enact:

423.201 Definitions; rights of public employees.

Sec. 1. (1) As used in this act:

- (a) "Bargaining representative" means a labor organization recognized by an employer or certified by the commission as the sole and exclusive bargaining representative of certain employees of the employer.
- (b) "Commission" means the employment relations commission created in section 3 of 1939 PA 176, MCL 423.3.
- (c) "Intermediate school district" means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.
- (d) "Lockout" means the temporary withholding of work from a group of employees by shutting down the operation of the employer to bring pressure upon the affected employees or the bargaining representative, or both, to accept the employer's terms of settlement of a labor dispute.
- (e) "Public employee" means an individual holding a position by appointment or employment in the government of this state, in the government of 1 or more of the political subdivisions of this state, in the public school service, in a public or special district, in the service of an authority, commission, or board, or in any other branch of the public service, subject to the following exceptions:
 - (i) An individual employed by a private organization or entity who provides services under a time-limited contract with this state or a political subdivision of this state or who receives a direct or indirect government subsidy in his or her private employment is not an employee of this state or that political subdivision, and is not a public employee. This provision shall not be superseded by any interlocal agreement, memorandum of understanding, memorandum of commitment, or other document similar to these.
 - (ii) If, by April 9, 2000, a public school employer that is the chief executive officer serving in a school district of the first class under part 5A of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, issues an order determining that it is in the best interests of the school district, then a public school administrator employed by that school district is not a public employee for purposes of this act. The exception under this subparagraph applies to public school administrators employed by that school district after the date of the order described in this subparagraph whether or not the chief executive officer remains in place in the school district. This exception does not prohibit the chief executive officer or board of a school district of the first class or its designee from having informal meetings with public school administrators to discuss wages and working conditions.
 - (iii) An individual serving as a graduate student research assistant or in an equivalent position, a student participating in intercollegiate athletics on behalf of a public university in this state, or any individual whose position does not have sufficient indicia of an employer-employee relationship using the 20-factor test announced by the internal revenue service of the United States department of treasury in revenue ruling 87-41, 1987-1 C.B. 296 is not a public employee entitled to representation or collective bargaining rights under this act.
- (f) "Public school academy" means a public school academy or strict discipline academy organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
- (g) "Public school administrator" means a superintendent, assistant superintendent, chief business official, principal, or assistant principal employed by a school district, intermediate school district, or public school academy.
- (h) "Public school employer" means a public employer that is the board of a school district, intermediate school district, or public school academy; is the chief executive officer of a school district in which a school reform board is in place under part 5A of the revised school code, 1976 PA 451, MCL 380.371 to 380.376; or is the governing board of a joint endeavor or consortium consisting of any combination of school districts,

intermediate school districts, or public school academies.

(i) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a local act school district as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(j) "Strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment. For employees of a public school employer, strike also includes an action described in this subdivision that is taken for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer.

(2) This act does not limit, impair, or affect the right of a public employee to the expression or communication of a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of public employment or their betterment as long as the expression or communication does not interfere with the full, faithful, and proper performance of the duties of employment.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.201;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1973, Act 25, Imd. Eff. June 14, 1973;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976;—Am. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 1996, Act 543, Eff. Mar. 31, 1997;—Am. 1999, Act 204, Eff. Mar. 10, 2000;—Am. 2012, Act 45, Imd. Eff. Mar. 13, 2012;—Am. 2012, Act 76, Imd. Eff. Apr. 10, 2012;—Am. 2012, Act 349, Eff. Mar. 28, 2013;—Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014.

Constitutionality: The Michigan supreme court held in *In The Matter Of The Petition For A Representation Election Among Supreme Court Staff Employees*, 406 Mich 647; 281 NW2d 299 (1979), that Const 1963, art III, § 2, considered with Const 1963, art IV, § 48, precludes the Michigan employment relations commission from taking jurisdiction over the Michigan supreme court.

Compiler's note: Enacting section 1 of Act 349 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Enacting section 1 of Act 414 of 2014 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Popular name: Public Employment Relations

423.201 a Provisions subject to certain acts.

Sec. 1a. The provisions of this act are subject to all of the following:

- (a) The municipal partnership act.
- (b) 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.
- (c) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. (d) 1988 PA 57, MCL 124.601 to 124.614.

History: Add. 2011, Act 259, Imd. Eff. Dec. 14, 2011.

Popular name: Public Employment Relations

423.202 Strike by public employee; lockout by public school employer.

Sec. 2. A public employee shall not strike and a public school employer shall not institute a lockout. A public school employer does not violate this section if there is a total or partial cessation of the public school employer's operations in response to a strike held in violation of this section.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.202;—Am. 1994, Act 112, Eff. Mar. 30, 1995.

Popular name: Public Employment Relations

423.202 a Allegation of strike by public school employees or lockout by public school employer; notice to commission; hearing; notification of name and home address of each public school employee participating in strike; serving or mailing notice; presumption; challenge; filing of affidavit and supporting proof by employee; hearing to determine if employee engaged in strike; determination; order; deduction from annual salary; determination that public school employer instituted lockout; fines; deduction and disposition of fines; collection proceedings; fines additional to other penalties; injunction; duties of court; reimbursement prohibited; "public school employee" defined.

Sec. 2a. (1) Upon belief that conditions constituting a strike by 1 or more public employees in violation of section 2 exist, the public school employer or the superintendent of public instruction, after consultation with the public school employer, shall notify the commission of the full or partial days that the alleged strike has

occurred and the name and address of the bargaining representative. The notice shall be accompanied by a sworn affidavit, supported by any available documentary proof, containing a clear and concise statement of the facts upon which the public school employer or the superintendent of public instruction relies to establish a violation of section 2. The public school employer or the superintendent of public instruction shall concurrently serve the bargaining representative with a copy of the notice. If the public school employer or the superintendent of public instruction has not notified the commission of an allegation of a strike under this subsection, a parent or legal guardian of a child who is enrolled in the school district may notify the commission of the full or partial days that 1 or more public school employees were engaged in an alleged strike.

(2) If a bargaining representative alleges that there is a lockout by a public school employer in violation of section 2, the bargaining representative shall notify the commission of the full or partial days of the alleged lockout.

(3) Within 15 days after receipt of a notice under subsection (1) or (2), the commission shall conduct a hearing to determine if conditions constituting a strike by 1 or more public school employees in violation of section 2 or a lockout exist. The person giving notice under subsection (1) or (2) bears the burden of proof at the hearing on the allegations. The commission shall issue its decision within 3 business days after the close of the hearing. A hearing conducted under this subsection is separate and distinct from, and is not subject to the procedures and timelines of, a proceeding conducted under section 6.

(4) If the commission determines that conditions constituting a strike in violation of section 2 exist, the superintendent of public instruction or the public school employer shall, within 5 business days after notification of the decision, notify the commission of the name and home address of each public school employee alleged to have participated in the strike. The superintendent of public instruction or the public school employer shall, within the same period, serve with or mail to each named public school employee a copy of the notice.

(5) A public school employee named in the notice under subsection (4) and alleged to have been either absent from work without permission of the public school employer or to have abstained wholly or in part from the full performance of his or her normal duties without permission on a date when a strike occurred is presumed to have engaged in the strike on that date.

(6) A public school employee presumed to have engaged in a strike in violation of section 2 may challenge that presumption within 10 days after the date the notice was served or mailed to the employee under subsection (4), by filing with the commission and causing to be served on the superintendent of public instruction or the public school employer, a sworn affidavit, supported by available documentary proof, containing a clear and concise statement of the facts upon which he or she relies to show that the determination was incorrect.

(7) The public school employer shall deduct from the annual salary of a public school employee named in a notice under subsection (4) who fails to file an affidavit and supporting proof under subsection (6) an amount equal to 1 day of pay for that public school employee for each full or partial day that he or she engaged in the strike. The public school employee's annual salary is the annual salary that is established in the applicable contract in effect at the time of the strike or, if no applicable contract is in effect at the time of the strike, in the applicable contract in effect at the time of the deduction. However, if no applicable contract is in effect at either of those times, the public school employee's annual salary shall be considered to be the annual salary that applied or would have applied to the public school employee in the most recent applicable contract in effect before the strike. A public school employer shall comply promptly with this subsection. A deduction under this subsection is not a demotion for purposes of 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191.

(8) If a public school employee named in a notice under subsection (4) files a timely affidavit and supporting proof, a commissioner, the commission, or an agent of the commission shall, within 15 days after receipt of the affidavit and supporting proof, commence a hearing to determine whether the public school employee engaged in a strike in violation of section 2. The public school employee bears the burden of proof at the hearing. A hearing conducted under this subsection is separate and distinct from, and is not subject to the procedures and timelines of, a proceeding under section 6.

(9) After a hearing under subsection (8), if a commissioner, the commission, or an agent of the commission determines by the preponderance of the evidence that the public school employee engaged in a strike in violation of section 2, the individual or commission shall state its findings of fact and shall issue and cause to be served on the public school employee an order requiring the employee to cease and desist from the unlawful conduct and the public school employer to deduct from the annual salary, as described in subsection (7), of the public school employee an amount equal to 1 day of pay for that public school employee for each full or partial day that he or she engaged in the strike. If the evidence is presented before a commissioner or agent of the commission, the commissioner or agent shall issue and cause to be served on the parties to the

proceeding a proposed decision, together with a recommended order, which shall be filed with the commission. If a party does not file an exception within 20 days after service of the proposed decision, the recommended order becomes the order of the commission and is effective as stated in the order.

(10) If, after a hearing under subsection (3), a majority of the commission finds that a public school employer instituted a lockout in violation of section 2, the commission shall fine the public school employer \$5,000.00 for each full or partial day of the lockout and shall fine each member of the public school employer's governing board \$250.00 for each full or partial day of the lockout. The fine shall be paid to the commission and transmitted as provided in subsection (11).

(11) If a public school employer does not deduct money from a public school employee's pay pursuant to an order under this section or if the commission does not receive payment of a fine it imposed under this section within 30 days, the superintendent of public instruction shall institute collection proceedings and the money received shall be transmitted to the state treasurer for deposit in the state school aid fund established under section 11 of article IX of the state constitution of 1963.

(12) Deductions imposed under this section are in addition to any loss of pay attributable to the full or partial day that the public school employee was absent from work as a result of the strike under section 2 and any other penalty prescribed by this act and by other law.

(13) Fines imposed under this section are in addition to all other penalties prescribed by this act and by law.

(14) A public school employer, the superintendent of public instruction, or the attorney general may bring an action to enjoin a strike by public school employees in violation of section 2, and a bargaining representative may bring an action to enjoin a lockout by a public school employer in violation of section 2, in the circuit court for the county in which the affected public school is located. If the commission has made a determination after a hearing under subsection (3) that a strike or lockout exists, that finding shall not be overturned except by clear and convincing evidence. If the court having jurisdiction of an action brought under this subsection finds that conditions constituting a strike or lockout in violation of section 2 exist and unless clear and convincing evidence has shown that the sanction would not be equitable or the sanction would duplicate a sanction imposed by the commission for the same activity under subsection (9) or (10), the court shall do all of the following:

(a) For a strike in violation of section 2, order each public school employee to pay a fine in an amount equal to 1 day of pay for that public school employee for each full or partial day the public school employee engaged in the strike. For a lockout in violation of section 2, order the public school employer to pay a fine of \$5,000.00 for each full or partial day of the lockout and order each member of the public school employer's governing board to pay a fine of \$250.00 for each full or partial day of the lockout. A fine imposed under this subsection shall be transmitted to the state treasurer for deposit into the state school aid fund established under section 11 of article IX of the state constitution of 1963.

(b) Order the public school employees or public school employer acting in violation of section 2 to end the strike or lockout.

(c) Award costs and attorney fees to a plaintiff who prevails in an action under this subsection.

(d) Grant additional equitable relief that the court finds appropriate.

(15) An order issued under subsection (14) is enforceable through the court's contempt power.

(16) A public school employer shall not provide to a public school employee or to a board member any compensation or additional work assignment that is intended to reimburse the public school employee or board member for a monetary penalty imposed under this section or that is intended to allow the public school employee or board member to recover a monetary penalty imposed under this section.

(17) As used in this section, "public school employee" means a person employed by a public school employer.

History: Add. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 2016, Act 194, Eff. Sept. 19, 2016.

Constitutionality: That portion of MCL 423.202a(4) imposing automatic mandatory fines on bargaining representatives for strikes by their membership was struck down by the [Wayne County Circuit Court in Michigan State AFL-CIO, et al v Michigan Employment Relations Commission](#) (Docket Nos. 94-420652-CL & 94-423581-CL) on March 2, 1995. The Court found that this proviso violated due process under U.S. Const. Am XIV or Const. 1963, art 1, § 17. The Court also struck down that portion of MCL 423.202a(10) which required circuit courts, upon application by a party, to issue injunctions against strikes or lockouts without considering traditional equity factors. The Court concluded that this provision violated the separation of powers under Const 1963, art 3, § 2. No appeal was taken from these findings. [Michigan State AFL-CIO v. MERC](#), 212 Mich. App. 472, 478. (1995)

Popular name: Public Employment Relations

423.203 Public employees; persons in authority approving or consenting to strike prohibited; participating in submittal of grievance.

Sec. 3. No person exercising any authority, supervision or direction over any public employee shall have

the power to authorize, approve or consent to a strike by public employees, and such person shall not authorize, approve or consent to such strike, nor shall any such person discharge or cause any public employee to be discharged or separated from his or her employment because of participation in the submission of a grievance in accordance with the provisions of section 7.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.203;—Am. 1965, Act 379, Imd. Eff. July 23, 1965.

Popular name: Public Employment Relations

423.204 Repealed. 1965, Act 379, Imd. Eff. July 23, 1965.

Compiler's note: The repealed section declared that a public employee who violated the act abandoned and terminated his employment.

Popular name: Public Employment Relations

423.204 a Application of act to state civil service employees.

Sec. 4a. The provisions of this act as to state employees within the jurisdiction of the civil service commission shall be deemed to apply in so far as the power exists in the legislature to control employment by the state or the emoluments thereof.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.204a.

Popular name: Public Employment Relations

423.205 Repealed. 1965, Act 379, Imd. Eff. July 23, 1965.

Compiler's note: The repealed section pertained to conditions upon which a public employee who had violated the act could be reemployed.

Popular name: Public Employment Relations

423.206 Public employee; conduct considered to be on strike; proceeding to determine violation of act; time; decision; review; applicability of subsection (2) to penalty imposed under MCL 423.202a.

Sec. 6. (1) Notwithstanding the provisions of any other law, a public employee who, by concerted action with others and without the lawful approval of his or her superior, willfully absents himself or herself from his or her position, or abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of inducing, influencing or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment, or a public employee employed by a public school employer who engages in an action described in this subsection for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer, shall be considered to be on strike.

(2) Before a public employer may discipline or discharge a public employee for engaging in a strike, the public employee, upon request, is entitled to a determination under this section as to whether he or she violated this act. The request shall be filed in writing, with the officer or body having power to remove or discipline the employee, within 10 days after regular compensation of the employee has ceased or other discipline has been imposed. If a request is filed, the officer or body, within 5 days after receipt of the request, shall commence a proceeding for the determination of whether the public employee has violated this act. The proceedings shall be held in accordance with the law and regulations appropriate to a proceeding to remove the public employee and shall be held without unnecessary delay. The decision of the officer or body shall be made within 2 days after the conclusion of the proceeding. If the employee involved is found to have violated this act and his or her employment is terminated or other discipline is imposed, the employee has the right of review to the circuit court having jurisdiction of the parties, within 30 days from the date of the decision, for a determination as to whether the decision is supported by competent, material, and substantial evidence on the whole record. A public employer may consolidate employee hearings under this subsection unless the employee demonstrates manifest injustice from the consolidation. This subsection does not apply to a penalty imposed under section 2a.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.206;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 2016, Act 194, Eff. Sept. 19, 2016.

Popular name: Public Employment Relations

423.207 Request for mediation of grievances; powers of commission; notice of status of negotiations; appointment of mediator.

Sec. 7. (1) Upon the request of the collective bargaining representative defined in section 11 or, if a representative has not been designated or selected, upon the request of a majority of any given group of public

employees evidenced by a petition signed by the majority and delivered to the commission, or upon request of any public employer of the employees, the commission forthwith shall mediate the grievances set forth in the petition or notice, and for the purposes of mediating the grievances, the commission shall exercise the powers and authority conferred upon the commission by sections 10 and 11 of Act No. 176 of the Public Acts of 1939, as amended, being sections 423.10 and 423.11 of the Michigan Compiled Laws.

(2) At least 60 days before the expiration date of a collective bargaining agreement, the parties shall notify the commission of the status of negotiations. If the dispute remains unresolved 30 days after the notification on the status of negotiations and a request for mediation is not received, the commission shall appoint a mediator.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.207;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1973, Act 25, Imd. Eff. June 14, 1973;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976.

Popular name: Public Employment Relations

423.207 a Additional mediation.

Sec. 7a. (1) In addition to mediation conducted under section 7, if a public school employer and a bargaining representative of a bargaining unit of its employees mutually agree that an impasse has been reached in collective bargaining between them, the parties may agree to participate in additional mediation under this section.

(2) If parties described in subsection (1) agree to participate in mediation under this section, then not later than 30 days after the date of impasse, each of the parties shall appoint 1 individual to represent the party in the mediation, and those 2 representatives shall select through a mutually agreed process a neutral third party to act as the mediator. The mediator and the 2 representatives shall meet to attempt to agree to a recommended settlement of the impasse.

(3) Not later than 30 days after appointment of a mediator under subsection (2), if the representatives of the parties mutually agree on a recommended settlement of the impasse, the representatives each shall present the recommended settlement to the party he or she represents for approval.

(4) If 1 or both of the parties fail to ratify a recommended settlement described in subsection (3) within the 30-day time limit specified in subsection (3), the public school employer may implement unilaterally its last offer of settlement made before the impasse occurred. This section does not limit or otherwise affect a public school employer's ability to unilaterally implement all or part of its bargaining position as otherwise provided by law.

(5) Both parties shall share equally any expenses of mediation conducted under this section.

History: Add. 1994, Act 112, Eff. Mar. 30, 1995.

Popular name: Public Employment Relations

423.208 Repealed. 1965, Act 379, Imd. Eff. July 23, 1965.

Compiler's note: The repealed section provided penalties for inciting public employees to strike.

Popular name: Public Employment Relations

423.209 Public employees; rights; prohibited conduct; violation; civil fine.

Sec. 9. (1) Public employees may do any of the following:

(a) Organize together or form, join, or assist in labor organizations; engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection; or negotiate or bargain collectively with their public employers through representatives of their own free choice.

(b) Refrain from any or all of the activities identified in subdivision (a).

(2) No person shall by force, intimidation, or unlawful threats compel or attempt to compel any public employee to do any of the following:

(a) Become or remain a member of a labor organization or bargaining representative or otherwise affiliate with or financially support a labor organization or bargaining representative.

(b) Refrain from engaging in employment or refrain from joining a labor organization or bargaining representative or otherwise affiliating with or financially supporting a labor organization or bargaining representative.

(c) Pay to any charitable organization or third party an amount that is in lieu of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of or public employees represented by a labor organization or bargaining representative.

(d) Pay the costs of an independent examiner verification as described in section 10(9).

(3) A person who violates subsection (2) is liable for a civil fine of not more than \$500.00. A civil fine recovered under this section shall be submitted to the state treasurer for deposit in the general fund of this

state.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 2012, Act 349, Eff. Mar. 28, 2013;—Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014.

Compiler's note: Enacting section 1 of Act 349 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Enacting section 1 of Act 414 of 2014 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Popular name: Public Employment Relations

423.210 Prohibited conduct by public employer or officer or agent; prohibited conduct by labor organization; conduct not required as condition for obtaining or continuing public employment; exception; enforceability of agreement, contract, understanding, or practice; jurisdiction of court; appropriation; violation; civil fine; verification by independent examiner; declaration identifying local bargaining units; civil action.

Sec. 10. (1) A public employer or an officer or agent of a public employer shall not do any of the following:

(a) Interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed in section 9.

(b) Initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization. A public school employer's use of public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees is a prohibited contribution to the administration of a labor organization. However, a public school employer's collection of dues or service fees pursuant to a collective bargaining agreement that is in effect on March 16, 2012 is not prohibited until the agreement expires or is terminated, extended, or renewed. A public employer may permit employees to confer with a labor organization during working hours without loss of time or pay.

(c) Discriminate in regard to hire, terms, or other conditions of employment to encourage or discourage membership in a labor organization.

(d) Discriminate against a public employee because he or she has given testimony or instituted proceedings under this act.

(e) Refuse to bargain collectively with the representatives of its public employees, subject to section 11.

(2) A labor organization or its agents shall not do any of the following:

(a) Restrain or coerce public employees in the exercise of the rights guaranteed in section 9. This subdivision does not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership.

(b) Restrain or coerce a public employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances.

(c) Cause or attempt to cause a public employer to discriminate against a public employee in violation of subsection (1)(c).

(d) Refuse to bargain collectively with a public employer, provided it is the representative of the public employer's employees, subject to section 11.

(3) Except as provided in subsection (4), an individual shall not be required as a condition of obtaining or continuing public employment to do any of the following:

(a) Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization or bargaining representative.

(b) Become or remain a member of a labor organization or bargaining representative.

(c) Pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value to a labor organization or bargaining representative.

(d) Pay to any charitable organization or third party any amount that is in lieu of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of or public employees represented by a labor organization or bargaining representative.

(4) The application of subsection (3) is subject to the following:

(a) Subsection (3) does not apply to any of the following:

(i) A public police or fire department employee or any person who seeks to become employed as a public police or fire department employee as that term is defined under section 2 of 1969 PA 312, MCL 423.232.

(ii) A state police trooper or sergeant who is granted rights under section 5 of article XI of the state

constitution of 1963 or any individual who seeks to become employed as a state police trooper or sergeant.

(b) Any person described in subdivision (a), or a labor organization or bargaining representative representing persons described in subdivision (a) and a public employer or this state may agree that all employees in the bargaining unit shall share fairly in the financial support of the labor organization or their exclusive bargaining representative by paying a fee to the labor organization or exclusive bargaining representative that may be equivalent to the amount of dues uniformly required of members of the labor organization or exclusive bargaining representative. Section 9(2) shall not be construed to interfere with the right of a public employer or this state and a labor organization or bargaining representative to enter into or lawfully administer such an agreement as it relates to the employees or persons described in subdivision (a).

(c) If any of the exclusions in subdivision (a)(i) or (ii) are found to be invalid by a court, the following apply:

(i) The individuals described in the exclusion found to be invalid shall no longer be excepted from the application of subsection (3).

(ii) Subdivision (b) does not apply to individuals described in the invalid exclusion.

(5) An agreement, contract, understanding, or practice between or involving a public employer, labor organization, or bargaining representative that violates subsection (3) is unlawful and unenforceable. This subsection applies only to an agreement, contract, understanding, or practice that takes effect or is extended or renewed after March 28, 2013.

(6) The court of appeals has exclusive original jurisdiction over any action challenging the validity of subsection (3), (4), or (5). The court of appeals shall hear the action in an expedited manner.

(7) For fiscal year 2012-2013, \$1,000,000.00 is appropriated to the department of licensing and regulatory affairs to be expended to do all of the following regarding 2012 PA 349:

(a) Respond to public inquiries regarding 2012 PA 349.

(b) Provide the commission with sufficient staff and other resources to implement 2012 PA 349.

(c) Inform public employers, public employees, and labor organizations concerning their rights and responsibilities under 2012 PA 349.

(d) Any other purposes that the director of the department of licensing and regulatory affairs determines in his or her discretion are necessary to implement 2012 PA 349.

(8) A person, public employer, or labor organization that violates subsection (3) is liable for a civil fine of not more than \$500.00. A civil fine recovered under this section shall be submitted to the state treasurer for deposit in the general fund of this state.

(9) By July 1 of each year, each exclusive bargaining representative that represents public employees in this state shall have an independent examiner verify the exclusive bargaining representative's calculation of all expenditures attributed to the costs of collective bargaining, contract administration, and grievance adjustment during the prior calendar year and shall file that verification with the commission. The commission shall make the exclusive bargaining representative's calculations available to the public on the commission's website. The exclusive bargaining representative shall also file a declaration identifying the local bargaining units that are represented. Local bargaining units identified in the declaration filed by the exclusive bargaining representative are not required to file a separate calculation of all expenditures attributed to the costs of collective bargaining, contract administration, and grievance adjustment. For fiscal year 2011-2012, \$100,000.00 is appropriated to the commission for the costs of implementing this subsection. For fiscal year 2014-2015, \$100,000.00 is appropriated to the commission for the costs of implementing this subsection.

(10) Except for actions required to be brought under subsection (6), a person who suffers an injury as a result of a violation or threatened violation of subsection (3) may bring a civil action for damages, injunctive relief, or both. In addition, a court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this subsection. Remedies provided in this subsection are independent of and in addition to other penalties and remedies prescribed by this act.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1973, Act 25, Imd. Eff. June 14, 1973;—Am. 2012, Act 53, Imd. Eff. Mar. 16, 2012;—Am. 2012, Act 349, Eff. Mar. 28, 2013;—Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014.

Constitutionality: In *Lehnert v Ferris Faculty Association*, 500 US 507; 111 S Ct 1950; 114 L Ed 2d 572 (1991), the United States Supreme Court held that a collective-bargaining unit constitutionally may compel its employees to subsidize only certain union activities. “[I]n determining which activities a union constitutionally may charge to dissenting employees ... chargeable activities must (1) be 'germane' to collective-bargaining activity; (2) be justified by the government's vital policy interest in labor peace and avoiding 'free riders'; and (3) not significantly add to the burdening of free speech that is inherent in the allowance of an agency or union shop.” Ruling on the respondent union's disputed activities, the Court held:

(1) The respondent may not charge the funds of objecting employees for a program designed to secure funds for Michigan public education or for that portion of a union publication that reports on those activities. The Court found none of the activities “to be oriented toward the ratification or implementation of petitioner's collective-bargaining agreement.”

(2) The respondent may bill dissenting employees for their share of general collective-bargaining costs of the state or national parent

union. The district court had found these costs to be germane to collective bargaining and similar support services; the court agreed with the finding.

(3) The respondent may not charge for the expenses of litigation that does not concern the dissenting employees' bargaining unit or, by extension, union literature reporting on such activities. The Court found extra-unit litigation to be proscribed by the First Amendment of the United States Constitution because it is "more akin to lobbying in both kind and effect" and not germane to a union's activities as an exclusive bargaining agent.

(4) The respondent may not bill for certain public relations activities. The Court states: "[T]he ... activities ... entailed speech of a political nature in a public forum. More important, public speech in support of the teaching profession generally is not sufficiently related to the union's collective-bargaining functions to justify compelling dissenting employees to support it. Expression of this kind extends beyond the negotiation and grievance-resolution contexts and imposes a substantially greater burden upon First Amendment rights."

(5) The respondent may charge for those portions of a union publication that concern teaching and education generally, professional development, unemployment, job opportunities, union award programs, and miscellaneous matters. The Court noted that such informational support services are neither political nor public in nature and that expenditures for them benefit all, without additional infringements upon the First Amendment.

(6) The respondent may bill for fees to send delegates to state and national affiliated conventions. The Court found that participation by local members in the formal activities of the parent is an important benefit of affiliation and an essential part of a union's discharge of its duties as a bargaining agent.

(7) The respondent may charge expenses incidental to preparation for a strike which, had it occurred, would have been illegal under Michigan law. The Court, noting that the Michigan Legislature had imposed no restriction, stated there was no First Amendment limitation on such charges. The Court added that such expenses are "substantially indistinguishable from those appurtenant to collective-bargaining negotiations ... enure to the direct benefit of members of the dissenters' unit and impose no additional burden upon First Amendment rights."

Compiler's note: Enacting section 1 of Act 349 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Enacting section 1 of Act 414 of 2014 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Popular name: Public Employment Relations

423.211 Public employees; designation of bargaining representatives; grievances of individual employees.

Sec. 11. Representatives designated or selected for purposes of collective bargaining by the majority of the public employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the public employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and shall be so recognized by the public employer: Provided, That any individual employee at any time may present grievances to his employer and have the grievances adjusted, without intervention of the bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, provided that the bargaining representative has been given opportunity to be present at such adjustment.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965.

Popular name: Public Employment Relations

423.212 Collective bargaining representative; petition; investigation; notice; hearing; election by secret ballot; certification of results; consent election.

Sec. 12. When a petition is filed, in accordance with rules promulgated by the commission:

(a) By a public employee or group of public employees, or an individual or labor organization acting in their behalf, alleging that 30% or more of the public employees within a unit claimed to be appropriate for such purpose wish to be represented for collective bargaining and that their public employer declines to recognize their representative as the representative defined in section 11, or assert that the individual or labor organization, which is certified or is being currently recognized by their public employer as the bargaining representative, is no longer a representative as defined in section 11; or

(b) By a public employer or his representative alleging that 1 or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 11; The commission shall investigate the petition and, if it has reasonable cause to believe that a question of representation exists, shall provide an appropriate hearing after due notice. If the commission finds upon the record of the hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with the rules of the commission.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976.

Popular name: Public Employment Relations

Administrative rules: R 423.101 et seq. of the Michigan Administrative Code.

423.213 Decision as to appropriate collective bargaining unit; supervisor of fire fighting personnel.

Sec. 13. The commission shall decide in each case, to insure public employees the full benefit of their right to self-organization, to collective bargaining and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining as provided in section 9e of Act No. 176 of the Public Acts of 1939, as amended, being section 423.9e of the Michigan Compiled Laws: Provided, That in any fire department, or any department in whole or part engaged in, or having the responsibility of, fire fighting, no person subordinate to a fire commission, fire commissioner, safety director, or other similar administrative agency or administrator, shall be deemed to be a supervisor.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976.

Popular name: Public Employment Relations

423.214 Elections; eligibility to vote; rules; runoff election; effect of collective bargaining agreement; bargaining unit of public employer consisting of individuals not public employees as invalid and void.

Sec. 14. (1) An election shall not be directed in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election was held. The commission shall determine who is eligible to vote in the election and shall promulgate rules governing the election. In an election involving more than 2 choices, if none of the choices on the ballot receives a majority vote, a runoff election shall be conducted between the 2 choices receiving the 2 largest numbers of valid votes cast in the election. An election shall not be directed in any bargaining unit or subdivision of any bargaining unit if there is in force and effect a valid collective bargaining agreement that was not prematurely extended and that is of fixed duration. A collective bargaining agreement does not bar an election upon the petition of persons not parties to the collective bargaining agreement if more than 3 years have elapsed since the agreement's execution or last timely renewal, whichever was later. (2) An election shall not be directed for, and the commission or a public employer shall not recognize, a bargaining unit of a public employer consisting of individuals who are not public employees. A bargaining unit that is formed or recognized in violation of this subsection is invalid and void.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976;—Am. 2012, Act 76, Imd. Eff. Apr. 10, 2012;—Am. 2012, Act 349, Eff. Mar. 28, 2013.

Compiler's note: Enacting section 1 of Act 349 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Popular name: Public Employment Relations

Administrative rules: R 423.101 et seq. of the Michigan Administrative Code.

423.215 Collective bargaining; duties of employer, public school employer, and employees' representative; prohibited subjects between public school employer and bargaining representative of employee; placement of public school in state school reform/redesign school district or under chief executive officer; effect of financial stability and choice act; selection method for certain departments or boards; prohibited subjects of bargaining; duties; costs of independent examiner verification.

Sec. 15. (1) A public employer shall bargain collectively with the representatives of its employees as described in section 11 and may make and enter into collective bargaining agreements with those representatives. Except as otherwise provided in this section, for the purposes of this section, to bargain collectively is to perform the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or to negotiate an agreement, or any question arising under the agreement, and to execute a written contract, ordinance, or resolution incorporating any agreement reached if requested by either party, but this obligation does not compel either party to agree to a proposal or make a concession.

(2) A public school employer has the responsibility, authority, and right to manage and direct on behalf of the public the operations and activities of the public schools under its control.

(3) Collective bargaining between a public school employer and a bargaining representative of its employees shall not include any of the following subjects:

(a) Who is or will be the policyholder of an employee group insurance benefit. This subdivision does not

affect the duty to bargain with respect to types and levels of benefits and coverages for employee group insurance. A change or proposed change in a type or to a level of benefit, policy specification, or coverage for employee group insurance shall be bargained by the public school employer and the bargaining representative before the change may take effect.

(b) Establishment of the starting day for the school year and of the amount of pupil contact time required to receive full state school aid under section 1284 of the revised school code, 1976 PA 451, MCL 380.1284, and under section 101 of the state school aid act of 1979, 1979 PA 94, MCL 388.1701.

(c) The composition of school improvement committees established under section 1277 of the revised school code, 1976 PA 451, MCL 380.1277.

(d) The decision of whether or not to provide or allow interdistrict or intradistrict open enrollment opportunity in a school district or the selection of grade levels or schools in which to allow an open enrollment opportunity.

(e) The decision of whether or not to act as an authorizing body to grant a contract to organize and operate 1 or more public school academies under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(f) The decision of whether or not to contract with a third party for 1 or more noninstructional support services; or the procedures for obtaining the contract for noninstructional support services other than bidding described in this subdivision; or the identity of the third party; or the impact of the contract for noninstructional support services on individual employees or the bargaining unit. However, this subdivision applies only if the bargaining unit that is providing the noninstructional support services is given an opportunity to bid on the contract for the noninstructional support services on an equal basis as other bidders.

(g) The use of volunteers in providing services at its schools.

(h) Decisions concerning use and staffing of experimental or pilot programs and decisions concerning use of technology to deliver educational programs and services and staffing to provide that technology, or the impact of those decisions on individual employees or the bargaining unit.

(i) Any compensation or additional work assignment intended to reimburse an employee for or allow an employee to recover any monetary penalty imposed under this act.

(j) Any decision made by the public school employer regarding teacher placement, or the impact of that decision on an individual employee or the bargaining unit.

(k) Decisions about the development, content, standards, procedures, adoption, and implementation of the public school employer's policies regarding personnel decisions when conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, when conducting a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position, as provided under section 1248 of the revised school code, 1976 PA 451, MCL 380.1248, any decision made by the public school employer pursuant to those policies, or the impact of those decisions on an individual employee or the bargaining unit.

(l) Decisions about the development, content, standards, procedures, adoption, and implementation of a public school employer's performance evaluation system adopted under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, or under 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, decisions concerning the content of a performance evaluation of an employee under those provisions of law, or the impact of those decisions on an individual employee or the bargaining unit.

(m) For public employees whose employment is regulated by 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, decisions about the development, content, standards, procedures, adoption, and implementation of a policy regarding discharge or discipline of an employee, decisions concerning the discharge or discipline of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit. For public employees whose employment is regulated by 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, a public school employer shall not adopt, implement, or maintain a policy for discharge or discipline of an employee that includes a standard for discharge or discipline that is different than the arbitrary and capricious standard provided under section 1 of article IV of 1937 (Ex Sess) PA 4, MCL 38.101.

(n) Decisions about the format, timing, or number of classroom observations conducted for the purposes of section 3a of article II of 1937 (Ex Sess) PA 4, MCL 38.83a, decisions concerning the classroom observation of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit.

(o) Decisions about the development, content, standards, procedures, adoption, and implementation of the method of compensation required under section 1250 of the revised school code, 1976 PA 451, MCL 380.1250, decisions about how an employee performance evaluation is used to determine performance-based compensation under section 1250 of the revised school code, 1976 PA 451, MCL 380.1250, decisions concerning the performance-based compensation of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit.

(p) Decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under section 1249a of the revised school code, 1976 PA 451, MCL 380.1249a.

(q) Any requirement that would violate section 10(3).

(4) Except as otherwise provided in subsection (3)(f), the matters described in subsection (3) are prohibited subjects of bargaining between a public school employer and a bargaining representative of its employees, and, for the purposes of this act, are within the sole authority of the public school employer to decide.

(5) If a public school is placed in the state school reform/redesign school district or is placed under a chief executive officer under section 1280c of the revised school code, 1976 PA 451, MCL 380.1280c, then, for the purposes of collective bargaining under this act, the state school reform/redesign officer or the chief executive officer, as applicable, is the public school employer of the public school employees of that public school for as long as the public school is part of the state school reform/redesign school district or operated by the chief executive officer.

(6) A public school employer's collective bargaining duty under this act and a collective bargaining agreement entered into by a public school employer under this act are subject to all of the following:

(a) Any effect on collective bargaining and any modification of a collective bargaining agreement occurring under section 1280c of the revised school code, 1976 PA 451, MCL 380.1280c.

(b) For a public school in which the superintendent of public instruction implements 1 of the 4 school intervention models described in section 1280c of the revised school code, 1976 PA 451, MCL 380.1280c, if the school intervention model that is implemented affects collective bargaining or requires modification of a collective bargaining agreement, any effect on collective bargaining and any modification of a collective bargaining agreement under that school intervention model.

(7) Each collective bargaining agreement entered into between a public employer and public employees under this act on or after March 28, 2013 shall include a provision that allows an emergency manager appointed under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or terminate the collective bargaining agreement as provided in the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575. Provisions required by this subsection are prohibited subjects of bargaining under this act.

(8) Collective bargaining agreements under this act may be rejected, modified, or terminated pursuant to the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575. This act does not confer a right to bargain that would infringe on the exercise of powers under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

(9) A unit of local government that enters into a consent agreement under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1) for the term of the consent agreement, as provided in the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

(10) If the charter of a city, village, or township with a population of 500,000 or more requires and specifies the method of selection of a retirant member of the municipality's fire department, police department, or fire and police department pension or retirement board, the inclusion of the retirant member on the board and the method of selection of that retirant member are prohibited subjects of collective bargaining, and any provision in a collective bargaining agreement that purports to modify that charter requirement is void and of no effect.

(11) The following are prohibited subjects of bargaining and are at the sole discretion of the public employer:

(a) A decision as to whether or not the public employer will enter into an intergovernmental agreement to consolidate 1 or more functions or services, to jointly perform 1 or more functions or services, or to otherwise collaborate regarding 1 or more functions or services.

(b) The procedures for obtaining a contract for the transfer of functions or responsibilities under an agreement described in subdivision (a).

(c) The identities of any other parties to an agreement described in subdivision (a).

(12) Subsection (11) does not relieve a public employer of any duty established by law to collectively bargain with its employees as to the effect of a contract described in subsection (11)(a) on its employees.

(13) An agreement with a collective bargaining unit shall not require a public employer to pay the costs of an independent examiner verification described in section 10(9).

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 2009, Act 201, Imd. Eff. Jan. 4, 2010;—Am. 2011, Act 9, Imd. Eff. Mar. 16, 2011;—Am. 2011, Act 25, Imd. Eff. May 11, 2011;—Am. 2011, Act 103, Imd. Eff. July 19, 2011;—Am. 2011, Act 260, Imd. Eff. Dec. 14, 2011;—Am. 2012, Act 12, Imd. Eff. Feb. 15, 2012;—Am. 2012, Act 45, Imd. Eff. Mar. 13, 2012;—Am. 2012, Act 349, Eff. Mar. 28, 2013;—Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014.

Compiler's note: Enacting section 1 of Act 349 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Enacting section 1 of Act 414 of 2014 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

For transfer of powers and duties under MCL 380.1283c and 423.215 that were transferred from superintendent of public instruction to state school reform/redesign office by E.O. No. 2015-9 back to superintendent of public instruction with transfer of state school reform/redesign office from department of technology, management, and budget to department of education, see E.R.O. No. 2017-2, compiled at MCL 388.1282.

Comment: Paragraph III.B of E.O. 2015-9 is rescinded.

Popular name: Public Employment Relations

423.215a Right of employee of public fire department to volunteer or accept employment with another fire department.

Sec. 15a. An employee of a public fire department may volunteer for or seek and accept part-time or paid on-call employment with another fire department if that employment does not conflict with his or her performance of the original employment as determined by the original employer. This section does not create a right for a full-time employee of a public fire department to accept full-time employment with another fire department. A local unit of government shall not adopt or apply an ordinance, rule, or policy in conflict with the right granted an employee under this section. Collective bargaining between a public employer and a bargaining representative of its employees shall not include the subject of a prohibition on an employee volunteering for or obtaining paid on-call employment with another fire department.

History: Add. 2014, Act 323, Imd. Eff. Oct. 15, 2014.

423.215 b Expiration date of collective bargaining agreement; wages and benefits; levels and amounts; retroactive levels and amounts prohibited; provisions applicable to labor disputes submitted to compulsory arbitration; definitions.

Sec. 15b. (1) Except as otherwise provided in this section, after the expiration date of a collective bargaining agreement and until a successor collective bargaining agreement is in place, a public employer shall pay and provide wages and benefits at levels and amounts that are no greater than those in effect on the expiration date of the collective bargaining agreement. The prohibition in this subsection includes increases that would result from wage step increases. Employees who receive health, dental, vision, prescription, or other insurance benefits under a collective bargaining agreement shall bear any increased costs of maintaining those benefits that occur after the expiration date. The public employer may make payroll deductions necessary to pay the increased costs of maintaining those benefits.

(2) Except as provided in subsection (3) or (4), the parties to a collective bargaining agreement shall not agree to, and an arbitration panel shall not order, any retroactive wage or benefit levels or amounts that are greater than those in effect on the expiration date of the collective bargaining agreement.

(3) For a collective bargaining agreement that expired before June 8, 2011, the requirements of this section apply to limit wages and benefits to the levels and amounts in effect on June 8, 2011.

(4) All of the following apply to a public employee eligible to submit labor disputes to compulsory arbitration under 1969 PA 312, MCL 423.231 to 423.247:

(a) Subsection (1) does not prohibit wage or benefit increases, including step increases, expressly authorized under the expired collective bargaining agreement.

(b) The increase in employee costs for maintaining health, dental, vision, prescription, or other insurance benefits after the collective bargaining contract expiration date that the employee is required to bear under subsection (1) shall not cause the total employee costs for those benefits to exceed the amount of the employee's share under the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.269. If the public employer is exempt from the limitations of that act, the total employee costs for those benefits shall not exceed the higher of the minimum required employee share under section 3 or 4 of the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.563 and 15.264, calculated as if the public employer were subject to that act.

(c) Subsection (2) does not prohibit retroactive application of a wage or benefit increase if the increase is awarded in the decision of the arbitration panel under 1969 PA 312, MCL 423.231 to 423.247, or included in a negotiated bargaining agreement.

(5) As used in this section:

(a) "Expiration date" means the expiration date set forth in a collective bargaining agreement without

regard to any agreement of the parties to extend or honor the collective bargaining agreement during pending negotiations for a successor collective bargaining agreement.

(b) "Increased costs" in regard to insurance benefits means the difference in premiums or illustrated rates between the prior year and the current coverage year. The difference shall be calculated based on changes in costs by category of coverage and not on changes in individual employee marital or dependent status.

History: Add. 2011, Act 54, Imd. Eff. June 8, 2011;—Am. 2014, Act 322, Imd. Eff. Oct. 15, 2014.

Compiler's note: In subsection (4)(b), the reference to "15.269" evidently should be a reference to "15.569." In subsection (4)(b), the reference to "15.264" evidently should be a reference to "15.564."

Popular name: Public Employment Relations

423216 Violations of MCL 423.210 as unfair labor practices; remedies; procedures.

Sec. 16. Violations of the provisions of section 10 shall be deemed to be unfair labor practices remediable by the commission in the following manner:

(a) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the commission, or any agent designated by the commission for such purposes, may issue and cause to be served upon the person a complaint stating the charges in that respect, and containing a notice of hearing before the commission or a commissioner thereof, or before a designated agent, at a place therein fixed, not less than 5 days after the serving of the complaint. No complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the commission and the service of a copy thereof upon the person against whom the charge is made, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the armed forces, in which event the 6-month period shall be computed from the day of his discharge. Any complaint may be amended by the commissioner or agent conducting the hearing or the commission, at any time prior to the issuance of an order based thereon. The person upon whom the complaint is served may file an answer to the original or amended complaint and appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the commissioner or agent conducting the hearing or the commission, any other person may be allowed to intervene in the proceeding and to present testimony. Any proceeding shall be conducted pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.271 to 24.287 of the Michigan Compiled Laws.

(b) The testimony taken by the commissioner, agent, or the commission shall be reduced to writing and filed with the commission. Thereafter the commission upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the commission is of the opinion that any person named in the complaint has engaged in or is engaging in the unfair labor practice, then it shall state its findings of fact and shall issue and cause to be served on the person an order requiring him to cease and desist from the unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act. The order may further require the person to make reports from time to time showing the extent to which he has complied with the order. If upon the preponderance of the testimony taken the commission is not of the opinion that the person named in the complaint has engaged in or is engaging in the unfair labor practice, then the commission shall state its findings of fact and shall issue an order dismissing the complaint. No order of the commission shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if the individual was suspended or discharged for cause. If the evidence is presented before a commissioner of the commission, or before examiners thereof, the commissioner, or examiners shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the commission, and if an exception is not filed within 20 days after service thereof upon the parties, or within such further period as the commission may authorize, the recommended order shall become the order of the commission and become effective as prescribed in the order.

(c) Until the record in a case has been filed in a court, the commission at any time, upon reasonable notice and in such manner as it deems proper, may modify or set aside, in whole or in part, any finding or order made or issued by it.

(d) The commission or any prevailing party may petition the court of appeals for the enforcement of the order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings. Upon the filing of the petition, the court shall cause notice thereof to be served upon the person, and thereupon shall have jurisdiction of the proceeding and shall summarily grant such temporary or permanent relief or restraining order as it deems just and proper, enforcing, modifying, enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission, its commissioner or agent, shall be considered by the court, unless the failure or neglect to urge the objection is excused because of extraordinary circumstances. The findings of the

commission with respect to questions of fact if supported by competent, material, and substantial evidence on the record considered as a whole shall be conclusive. If either party applies to the court for leave to present additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to present it in the hearing before the commission, its commissioner or agent, the court may order the additional evidence to be taken before the commission, its commissioner or agent, and to be made a part of the record. The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file the modifying or new findings, which findings with respect to questions of fact if supported by competent, material, and substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the supreme court in accordance with the general court rules.

(e) Any party aggrieved by a final order of the commission granting or denying in whole or in part the relief sought may within 20 days of such order as a matter of right obtain a review of the order in the court of appeals by filing in the court a petition praying that the order of the commission be modified or set aside, with copy of the petition filed on the commission, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the commission. Upon the timely filing of the petition, the court shall proceed in the same manner as in the case of an application by the commission under subsection (d), and shall summarily grant to the commission or to any prevailing party such temporary relief or restraining order as it deems just and proper, enforcing, modifying, enforcing as so modified, or setting aside in whole or in part the order of the commission. The findings of the commission with respect to questions of fact if supported by competent, material, and substantial evidence on the record considered as a whole shall be conclusive. If a timely petition for review is not filed under this subdivision by an aggrieved party, it shall be conclusively presumed that the commission's order is supported by competent, material, and substantial evidence on the record considered as a whole, and the commission or any prevailing party shall be entitled, upon application therefor, to a summary order enforcing the commission's order.

(f) The commencement of proceedings under subdivisions (d) or (e) shall not, unless specifically ordered by the court, operate as a stay of the commission's order.

(g) Petitions filed under subdivisions (d) and (e) shall be heard expeditiously by the court to which presented, and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character.

(h) The commission or any charging party shall have power, upon issuance of a complaint as provided in subdivision (a) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any circuit court within any circuit where the unfair labor practice in question is alleged to have occurred or where such person resides or exercises or may exercise its governmental authority, for appropriate temporary relief or restraining order, in accordance with the general court rules, and the court shall have jurisdiction to grant to the commission or any charging party such temporary relief or restraining order as it deems just and proper.

(i) For the purpose of all hearings and investigations, which in the opinion of the commission are necessary and proper for the exercise of the powers vested in it under this section, the provisions of section 11 of Act No. 176 of the Public Acts of 1939, as amended, being section 423.11 of the Michigan Compiled Laws, shall be applicable, except that subpoenas may issue as provided in section 11 without regard to whether mediation shall have been undertaken.

(j) The labor relations and mediation functions of this act shall be separately administered by the commission.

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1965, Act 397, Imd. Eff. Oct. 26, 1965;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976;—Am. 1976, Act 99, Imd. Eff. Apr. 27, 1976;—Am. 1977, Act 266, Imd. Eff. Dec. 8, 1977;—Am. 1978, Act 441, Imd. Eff. Oct. 9, 1978.

Constitutionality: The exercise of jurisdiction by the Michigan Employment Relations Commission under the provisions of the public employment relations act with regard to an unfair labor practice claim by a district court employee whose job is essentially administrative or clerical and not central to the administration of justice, bordering on a judicial role, does not violate the constitutional provision for separation of powers. Teamsters Union Local 214 v 60th District Court, 417 Mich 291; 335 NW2d 470 (1982).

Popular name: Public Employment Relations

423.217 Bargaining representative or education association; prohibited conduct; violation of section; “education association” defined.

Sec. 17. (1) A bargaining representative or an education association shall not veto a collective bargaining agreement reached between a public school employer and a bargaining unit consisting of employees of the

public school employer; shall not require the bargaining unit to obtain the ratification of an education association before or as a condition of entering into a collective bargaining agreement; and shall not in any other way prohibit or prevent the bargaining unit from entering into, ratifying, or executing a collective bargaining agreement. The power to decide whether or not to enter into, ratify, or execute a collective bargaining agreement with a public school employer rests solely with the members of the bargaining unit who are employees of the public school employer, and shall not be delegated to a bargaining representative or an education association or conditioned on approval by a bargaining representative or an education association.

(2) If an education association, a bargaining representative, or a bargaining unit violates this section, the board of a public school employer or any other person adversely affected by the violation of this section may bring an action to enjoin the violation of this section in the circuit court for the county in which the plaintiff resides or the circuit court for the county in which the affected public school employer is located. Failure to comply with an order of the court may be punished as contempt. In addition, the court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this section.

(3) As used in this section, "education association" means an organization, whether organized on a county, regional, area, or state basis, in which employees of 1 or more public school employers participate and that exists for the common purpose of protecting and advancing the wages, hours, and working conditions of the organization's members.

History: Add. 1994, Act 112, Eff. Mar. 30, 1995



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Appendices: Human Resources - 21

Subject: FOIA Procedures and Guidelines

STATEMENT OF PRINCIPLES

Our policy is to comply with the Freedom of Information Act (FOIA) in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request. Within that law, we will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records.

Our governing board has established the following written procedures and guidelines to implement the FOIA and has created separate and specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. Both the procedures and guidelines are available to the public without cost in person or upon oral or written request. All of our FOIA forms, including this set of Procedures and Guidelines are also available on our website at: www.countyofnewaygo.com.

GENERAL POLICIES

Our Board has named our County Administrator as the FOIA Coordinator and all requests, appeals or other communications regarding FOIA should be directed to this person.

If a request for a public record is received by mail it shall be deemed received upon receipt by the FOIA Coordinator. If the request is sent via fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to our spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall create a FOIA log assigning the request a number and then logging the date of receipt, response, appeal and any response. If the request was delivered to the spam or junk-mail folder, the date of original receipt and the date the FOIA Coordinator became aware of the request shall be logged as well.

We are not obligated to create a new public record or make a compilation or summary of information which does not already exist. We are not obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records and who they are received by on file for a period of at least one year.



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REQUESTING A PUBLIC RECORD

Other than that it be in writing and describe the records requested with specificity, no specific form to submit a request for a public record is required. The FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by us may be submitted to the FOIA Coordinator by letter, fax, or email.

If a person makes a verbal, non-written request for information believed to be available on our website, where practicable and to the best ability of the employee receiving the request, the person shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable our FOIA Coordinator to identify and find the requested public record. Upon receipt of a written FOIA request, all employees shall promptly forward the request to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. We will comply with the request only if we possess the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by us on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber. The time requirements as specified in the FOIA shall apply.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

PROCESSING A REQUEST

Unless otherwise agreed to in writing by the person making the request, the FOIA Coordinator will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day. The FOIA Coordinator may use the FOIA Response Form and may provide a free copy of these FOIA Procedures and Guidelines and our FOIA Summary with the response or make reference to the county website where it can be located.



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We will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request we need an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on our website.

When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request, including the cost of duplication, media holding the request, mailing, labor rates, labor time and labor benefits charged.

If the cost of processing a FOIA request is \$50.00 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50.00 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, we will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by us to process the request and also provide a best efforts estimate of a time frame it will take us to provide the records to the requestor. The best efforts estimate shall be nonbinding on us, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by FOIA.



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When a request is denied or denied in part:

- If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:
- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by us; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the Chairman of the County Board of Commissioners or seek judicial review in Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000.00, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

We will provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect our records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal our operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

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FEE DEPOSITS

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor may be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid us in full for copies of public records made in fulfillment of a previously granted request, the FOIA Coordinator may require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in our possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by us to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to us; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to us;
- The prior request is subsequently paid in full for the applicable request prior to another written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to us.

CALCULATION OF FEES

A fee may be charged for the labor cost of copying/duplication.

A fee will not be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in

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unreasonably high costs to us because of the nature of the request in the particular instance, and we specifically identify the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services compared to the costs of typical FOIA requests.

The following factors shall be used to determine an unreasonably high cost:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one department or whether various offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.
- Resources available and demands on the Public entity.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. We will use a conservative 20% factor for this charge.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- In unusual circumstances we might contract for labor costs, which will pass along at our cost but in no event to exceed the hourly rate of \$48.90 (6 times the state minimum hourly wage).



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The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if we have the technological capability necessary to provide the public record in the requested non-paper physical media format.
- We will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of our technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper black & white copies of public records made on standard letter (8 1/2 x 11) or legal (8 1/2 x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper or color copies will reflect the actual cost of reproduction.
- Where possible all attempts will be made to provide records using double-sided printing, if it provides cost-savings.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- We may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, we must:

- Reduce the labor costs by 5% for each day the request exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
 - Our late response was willful and intentional,
 - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
 - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

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WAIVER OF FEES

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

DISCOUNTED FEES

Indigence:

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from us twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals:

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - Is made directly on behalf of the organization or its clients.
 - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

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- Is accompanied by documentation of its designation by the state, if requested by the public body.

APPEAL OF A DENIAL OF A PUBLIC RECORD

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to The Board of Commissioners by filing an appeal of the denial with the FOIA Coordinator or that board.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. Our FOIA Appeal Form (To Appeal a Denial of Records) may be used.

The Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the Board of Commissioners or their designee will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which our board shall respond to the written appeal. Our board shall not issue more than one (1) notice of extension for a particular written appeal.

If the Board of Commissioners fails to respond to a written appeal, or if the Board of Commissioners upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the Michigan circuit court. In addition, whether or not a requestor submitted an appeal of a denial to the Board of Commissioners, he or she may file a civil action in circuit court within 180 days after our final determination to deny the request.



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APPEAL OF AN EXCESSIVE FOIA PROCESSING FEE

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by us to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Board of Commissioners by submitting a written appeal for a fee reduction.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. Our FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, our board shall respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which our board will respond to the written appeal. We will not issue more than one (1) notice of extension for a particular written appeal.

Where our board reduces or upholds the fee, the determination must include a certification from our board that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of our board's determination of an appeal, the requesting person may commence a civil action in the Michigan circuit court for a fee reduction. If a civil action is commenced against us for an excess fee, we are not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless one of the following applies:

- We do not provide for appeals of fees,
- Our board failed to respond to a written appeal as required, or
- Our board issued a determination to a written appeal.

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CONFLICT WITH PRIOR FOIA POLICIES AND PROCEDURES; EFFECTIVE DATE

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the Board of Commissioners these Procedures and Guidelines are controlling. To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Board of Commissioners

and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Board of Commissioners of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

APPENDIX OF OUR FOIA FORMS

- Request for Public Records Form
- FOIA Response Form
- FOIA Invoice Form
- Appeal of Denial of Records Form
- Appeal of Fee Form

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Appendices: Human Resources - 24

Subject: ADA Reasonable Accommodation Request Form

The Americans with Disabilities Act of 1990 (ADA) requires employers to provide reasonable accommodations for qualified employees with disabilities, unless such accommodations pose an undue hardship (i.e., too costly, too extensive, too substantial, too disruptive).

Part 1 (to be completed by employee):

Name: _____

Court/Department: _____

Date of Request: _____

Immediate Supervisor: _____

What specific accommodation(s) are you requesting? For each accommodation, state how long the accommodation is needed. If you are not sure of what accommodation(s) are needed, indicate any suggestions you may have about what options the County can explore.

What, if any, job functions are you having difficulty performing? What, if any, employment benefit are you having difficulty accessing? What limitation is interfering with your ability to perform your job or access and employment benefit?

I have read and understand the County's policy on reasonable accommodation. I understand that the accommodation(s) requested above may not be granted but that the County will attempt to provide reasonable accommodations that do not create an undue hardship on the employers business.

Employee Signature

Date



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Reasonable Accommodation Request Form

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Part 2 (to be completed by the employee's immediate supervisor AND submitted to the County Administrator for review and/or approval):

Supervisor's evaluation of the impact of the employee's suggested accommodations:

1. _____ Accepted: _____ Not Accepted: _____
2. _____ Accepted: _____ Not Accepted: _____
3. _____ Accepted: _____ Not Accepted: _____

Supervisor's suggested alternative accommodations (list in order of preference):

1. _____
2. _____
3. _____

Date discussed with employee: _____

Date accommodation(s) agreed upon: _____

If no agreement on an accommodation(s), explanation is required:

Supervisor's Signature

Date

ADDITIONAL REVIEW BY COUNTY ADMINISTRATOR (MANDATORY)

Date reviewed with employee and supervisor and agreed/denied: _____

County Administrator's Signature: _____

County Administrator: Attach remarks as warranted.



Workers Compensation Form

EXPRESS CLAIM SERVICE

NEWAYGO CO - MCWCF

Reported by: _____ Date: _____

Position: _____ Phone: (____) ____ - ____ ext _____

Date of Injury: _____ Time of Injury: _____ Lost time? _____ If yes, Last Day Worked: _____

Return to Work (RTW) Date: _____ If no RTW date, estimated RTW date: _____

RTW Date Unknown

What is their next scheduled days off? _____ What Shift? _____

Account #: **2072013** Policy #: **0201213**

Location: _____

Date of Hire: _____ Employee's Name: _____

Employee's SS#: _____ Employee Number: _____

Employee's Address: _____

Employee's Phone #: _____ Bargaining Unit: _____

Date of Birth: _____ Gender: _____

Employee's Occupation: _____ Employee Department: _____

Occupation Code: _____ Injured on Premises? _____

If no, City/State of Injury Location: _____

Was injury fatal? _____ If yes, please give date: _____

Type of Injury: _____

Body Part: _____ If Other: _____

Cause of Injury: _____

Did you direct employee to a medical provider?

- If yes,

Provider Name: _____ Provider Phone: _____

Provider Address: _____

- If no, do you know where they are treating?

Provider Name: _____ Provider Phone: _____

Provider Address: _____

When is next scheduled appointment with provider? _____

Date Employer Notified: _____

Notes _____

EMAIL THIS CLAIM FORM TO: expressclaims@compone.net

AUTO CLAIM / INCIDENT REPORT

Member Auto Only

FORWARD THIS REPORT TO: MMRMA CLAIMS
14001 Merriman, Livonia, MI 48154
Telephone (734) 513-0300 FAX (734) 513-0318

Note: Use this form (1) to report occurrences involving Member Auto and (2) to report any occurrence involving Injury to Member Driver or Passenger.

(1) Name of MMRMA Member:	(2) Member Department:	(3) Member Department Phone #:	(4) Reported By:
(5) Exact Location of Claim/Incident:	(6) Date of Claim/Incident:	(7) Time of Incident: A.M. <input type="checkbox"/> P.M. <input type="checkbox"/>	(8) Date Reported By Department:

MEMBER'S AUTO PHYSICAL DAMAGE

Claim Notice Only

(9) Owner of Vehicle (if Other Than Member) Name, Address, and Telephone #:

(10) Make of Vehicle: (11) Model of Vehicle:

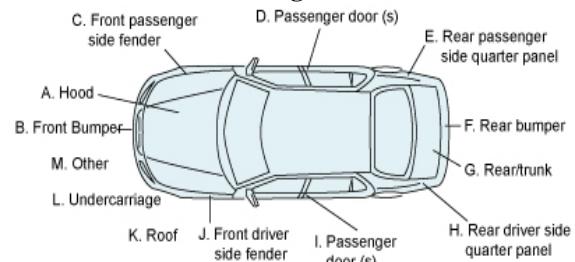
(12) Year of Vehicle: (13) VIN #:

(14) Drivable: Yes No (15) Possible Total Loss: Yes No

(16) Repair Estimate # 1: \$ (17) Repair Estimate # 2: \$

(18) Vehicle Location: (19) Describe Damage:

Circle Area of Damage to Member Vehicle



Member Driver Information

(20) Driver's Name:	Driver's Address:	Driver's Telephone: Cell #: Home #: Work #:
---------------------	-------------------	--

(21) Injury to Driver? Yes <input type="checkbox"/> No <input type="checkbox"/>	(22) Is Driver? Employee <input type="checkbox"/> Volunteer <input type="checkbox"/> Other <input type="checkbox"/>
--	--

(23) Body Part Injured:

Passenger In Member Vehicle

(24) Passenger's Name:	Passenger's Address:	Passenger's Telephone: Cell #: Home #: Work #:
------------------------	----------------------	---

(25) Passenger Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>	(26) Is Passenger? Employee <input type="checkbox"/> Volunteer <input type="checkbox"/> Other <input type="checkbox"/>
---	---

(27) Part of Body Injured:

(28) Name of Witness:	Witness Address:	Witness Telephone #:
------------------------------	-------------------------	-----------------------------

1)		
2)		
3)		

(29) Photographs Taken? Yes <input type="checkbox"/> No <input type="checkbox"/> Photographs Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(30) Other Supporting Documents? Yes <input type="checkbox"/> No <input type="checkbox"/> Supporting Documents Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(31) Police Report #: _____ Police Report Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--	---

(32) Please describe in detail how the claim/incident occurred (attach any supporting data):

(33) Submitted By:	(34) Title:	(35) Date:
--------------------	--------------------	------------

AUTO LIABILITY CLAIM / INCIDENT REPORT

Note: Use this form (1) to report occurrences involving any occurrence involving a Member Auto and Claimant's Auto, (2) to report any occurrence involving Member Auto and a Pedestrian, and (3) to report any occurrence involving Member's Auto and Property Damage of Others.

(1) Name of MMRMA Member:	(2) Member Department:	(3) Member Department Phone #:	(4) Reported By:
(5) Exact Location of Claim/Incident:	(6) Date of Claim/Incident:	(7) Time of Incident: A.M. <input type="checkbox"/> P.M. <input type="checkbox"/>	(8) Date Reported By Department:

OTHER INVOLVED AUTO			
Claim <input type="checkbox"/> Notice Only <input type="checkbox"/>			
(9) Other Driver's Name:	(10) Other Driver's Address:		(11) Other Driver's Telephone #: Cell #: Home #: Work #:
(12) Injury to Claimant Driver? Yes <input type="checkbox"/> No <input type="checkbox"/>	(13) Age: / Date of Birth:		(14) Social Security #:
(15) Body Part Injured:		(16) Describe Injury:	
(17) Owner of Other Vehicle Name, Address, Telephone (If Different Than Driver):			
(18) Make of Vehicle:	(19) Model of Vehicle:		
(20) Year of Vehicle:	(21) VIN #:		
(22) Insurance Company Name (Other Vehicle):	(23) Insurance Company Policy # (Other Vehicle):		
(24) Drivable? Yes <input type="checkbox"/> No <input type="checkbox"/>	(25) Possible Total Loss? Yes <input type="checkbox"/> No <input type="checkbox"/>		
(26) Vehicle Location:	(27) Repair Amount: Estimate 1: \$ Estimate 2: \$		
(28) Describe Damage:			

Circle Area of Damage to Other Car

Passenger in Other Vehicle Involved

Yes No

(29) Passenger(s) Name:	Passenger's Address:	Passenger's Telephone #:
(30) Passenger Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>	(31) Age: / Date of Birth:	(32) Social Security #:
(33) Body Part Injured:		(34) Describe Injury:

Pedestrian Involved

Yes No

(35) Pedestrian's Name:	Pedestrian's Address:	Pedestrian's Telephone #:
(36) Pedestrian Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>	(37) Age: / Date of Birth:	(38) Social Security #:
(39) Body Part Injured:		(40) Describe Injury:

Other Property Damage

Yes No

(41) Property Owner's Name:	Property Owner's Address:	Property Owner's Telephone #:
(42) Nature of Damage:		
(43) Estimated Damage: \$	(44) Actual Damage Cost: \$	

(45) Name of Witness:	Witness Address:	Witness Telephone #:
1)		
2)		
3)		

(46) Photographs Taken? Yes <input type="checkbox"/> No <input type="checkbox"/>	(47) Other Supporting Documents? Yes <input type="checkbox"/> No <input type="checkbox"/>	(48) Police Report #: Police Report Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>
Photographs Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	Supporting Documents Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	

(49) Please describe in detail how the claim/incident occurred (attach any supporting data):

(50) LAWSUIT

A. Date of Service:	D. Please List Employees /Officials of Member who are Identified in the Complaint:	
B. Method of Service: <input type="checkbox"/> In Person <input type="checkbox"/> Mail	1)	6)
C. Name of Person Served and Title:	2)	7)
	3)	8)
	4)	9)
	5)	10)

(51) Submitted By:	(52) Title:	(53) Date:

LIABILITY CLAIM / INCIDENT REPORT

*Use this form to report: 1) any claim which caused bodily injury or property damage to a Claimant or 2) any incident that has potential to cause bodily injury or property damage to a Claimant.

(1) Name of MMRMA Member:	(2) Member Department:	(3) Member Department Phone #:	(4) Reported By:
(5) Exact Location of Claim/Incident:		(6) Date of Claim/Incident:	(7) Time of Incident: A.M. <input type="checkbox"/> P.M. <input type="checkbox"/> (8) Date Reported By Department:

(9)	TYPE OF CLAIM:		
<input type="checkbox"/> Bodily Injury <input type="checkbox"/> Civil Rights Complaint <input type="checkbox"/> Open Meetings Act <input type="checkbox"/> Zoning Dispute <input type="checkbox"/> Personal Injury	<input type="checkbox"/> Property Damage <input type="checkbox"/> EEOC/MDCR Complaint <input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Land Use Dispute <input type="checkbox"/> Data Breach / Cyber		

Claim Notice Only

CLAIMANT INFORMATION

(10) Claimant's Name: Name of Parent or Guardian (if applicable):	Claimant's Address:	Claimant's Telephone #: Cell #: Home #: Work #:
--	---------------------	--

BODILY INJURY INFORMATION		PROPERTY DAMAGE INFORMATION	
(11) Claimant's Age:	Date of Birth:	(18) Describe Property Damaged:	
(12) Describe Injury:		(19) Cause of Damage:	
(13) Part of Body Injured:		(20) Extent of Damage:	
(14) Claimant's Employer:	(15) Claimant's Occupation:	(21) Estimated Cost to Repair: \$	
(16) Did Claimant Lose Work Time? Yes <input type="checkbox"/> No <input type="checkbox"/>	(17) Claimant Social Security #:	(22) Actual Cost to Repair: \$	

(23) Name of Witness:	Witness Address:	Witness Telephone #:
1)		
2)		
3)		
(24) Photographs Taken? Yes <input type="checkbox"/> No <input type="checkbox"/> Photographs Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(25) Other Supporting Documents? Yes <input type="checkbox"/> No <input type="checkbox"/> Supporting Documents Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(26) Police Report #: Police Report Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>

(27) Please describe in detail how the claim/incident occurred (attach any supporting data):		
--	--	--

(28) LAWSUIT		D. Please List Employees / Officials of Member who are Identified on the Complaint: 1) <input type="checkbox"/> 6) <input type="checkbox"/> 2) <input type="checkbox"/> 7) <input type="checkbox"/> 3) <input type="checkbox"/> 8) <input type="checkbox"/> 4) <input type="checkbox"/> 9) <input type="checkbox"/> 5) <input type="checkbox"/> 10) <input type="checkbox"/>
A. Date of Service:		
B. Method of Service: <input type="checkbox"/> In Person <input type="checkbox"/> Mail		
C. Name of Person Served and Title:		
(29) Submitted by:	(30) Title:	(31) Date:

PROPERTY CLAIM / INCIDENT REPORT

Member's Property Damage Only

Note: Use this form 1) to report any claim involving damage to Member's Property or 2) Property in Member's Care, Custody, and Control.

(1) Name of MMRMA Member:	(2) Member Department:	(3) Member Department Phone #:	(4) Reported By:
(5) Exact Location of Claim/Incident:		(6) Date of Claim/Incident:	(7) Time of Incident: A.M. <input type="checkbox"/> P.M. <input type="checkbox"/>
			(8) Date Reported By Department:

MEMBER PROPERTY DAMAGE Claim Notice Only

(9) Property Damaged (Building):		
(10) Property Damage (Contents):		
(11) Property Damage (Other):		
(12) Cause of Damage:		
(13) Describe Damage:		
(14) Estimate of Repair Cost: \$	(15) Actual Repair Cost: \$	(16) Contractor's Name and Telephone #:

(17) Subrogation Potential? Yes <input type="checkbox"/> No <input type="checkbox"/> Who Caused Damage?		
Name or Company Name:	Address:	Telephone #:

(18) Name of Witness:	Witness Address:	Witness Telephone #:
1)		
2)		
3)		

(19) Photographs Taken? Yes <input type="checkbox"/> No <input type="checkbox"/> Photographs Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(20) Other Supporting Documents? Yes <input type="checkbox"/> No <input type="checkbox"/> Supporting Documents Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	(21) Police Report #: Police Report Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--	---

(22) Please describe in detail how the claim/incident occurred (attach any supporting data):		
--	--	--

(23) Submitted By:	(24) Title:	(25) Date:
--------------------	-------------	------------



Notification and Authorization to Release Criminal and Driving Information for Employment Purposes

NOTIFICATION

The position for which I am being considered requires me to consent to a criminal background and driving record check as a condition of employment. This check includes the following: nationwide criminal history reference searches for felony, nationwide misdemeanor convictions and driving records.

AUTHORIZATION

I hereby authorize Newaygo County to conduct the criminal background and driving record check described above. In connection with this, I also authorize the use of law enforcement agencies and/or private background check organizations to assist Newaygo County in collecting this information. A third party vendor (consumer reporting agency) has been secured to assist Newaygo County in collecting and verifying information.

Position Applied for: _____

Department: _____

Please Print Clearly

Full Legal Name: _____

First

Middle

Last

Additional Legal Names (e.g. maiden name, nicknames) _____

Email Address: _____

Phone Number: _____

Phone Type: Mobile _____ Home _____ Work _____ Fax _____

Date of Birth: _____

Current Address: _____ Apt #: _____

City: _____ State: _____ Zip: _____

Social Security Number: _____

Driver's License State and Number: _____

Have you ever been convicted of a crime? Yes _____ No _____

If yes, please provide detail: _____



Notification and Authorization to Release Criminal and Driving Information for Employment Purposes

Page 2 of 2

By signing below I hereby provide my authorization for Newaygo County to conduct a criminal background and driving record check and acknowledge the following:

- I understand that Newaygo County fully complies with the Fair Credit Report Act (FCRA) when conducting criminal background and driving record checks.
- I understand that Newaygo County will not discriminate against any applicant or otherwise misuse the information provided in violation of federal or state equal opportunity laws or regulations.
- I understand that any falsification or omission of information may disqualify me for this position and/or may serve as grounds for severance of my employment with Newaygo County.
- I am aware that records of arrests on pending charges and/or convictions are not an absolute bar to employment. Such information will be used to determine whether the results of the background check reasonably bear on my trustworthiness or my ability to perform the duties of my position in a manner which is safe for County employees and community members.
- I agree to indemnify and hold harmless the person to whom this request is presented and their agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney fees, arising out of or by reason of or by reason of complying with this request. Should there be any question as to the validity of this Release, you may contact me at the address and phone number listed on this form.
- I understand that, pursuant to the FCRA, if any adverse action is to be taken based upon my criminal and/or driving report, a copy of the report and summary of my rights under FCRA will be provided to me.

To the best of my knowledge, the information provided in this Notice and Authorization and any attachments thereto is true and complete.

Signature

Date

A copy of this Release form will be valid as an original even though said copy does not contain an original writing of my signature.



Notification and Authorization to Obtain Consumer Credit Report for Employment Purposes

NOTIFICATION

The position for which I am being considered requires me to consent to a consumer credit report as a condition of employment. This check includes a review of my personal credit history.

AUTHORIZATION

I hereby authorize Newaygo County to conduct a consumer credit check as described above. In connection with this, I also authorize the use of law enforcement agencies and/or private background check organizations to assist Newaygo County in collecting this information. A third party vendor (consumer reporting agency) has been secured to assist Newaygo County in collecting and verifying information.

Position Applied for: _____

Department: _____

Please Print Clearly

Full Legal Name: _____

First

Middle

Last

Additional Legal Names (e.g. maiden name, nicknames) _____

Email Address: _____

Phone Number: _____

Phone Type: Mobile _____ Home _____ Work _____ Fax _____

Date of Birth: _____

Current Address: _____ Apt #: _____

City: _____ State: _____ Zip: _____

Social Security Number: _____

Driver's License State and Number: _____



Notification and Authorization to Obtain Consumer Credit Report for Employment Purposes

Page 2 of 2

By signing below, I hereby provide my authorization for Newaygo County to conduct a consumer credit check and acknowledge the following:

- I understand that Newaygo County fully complies with the Fair Credit Report Act (FCRA) when conducting consumer credit checks.
- I understand that Newaygo County will not discriminate against any applicant or otherwise misuse the information provided in violation of federal or state equal opportunity laws or regulations.
- I understand that any falsification or omission of information may disqualify me for this position and/or may serve as grounds for severance of my employment with Newaygo County.
- I agree to indemnify and hold harmless the person to whom this request is presented and their agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney fees, arising out of or by reason of or by reason of complying with this request. Should there be any question as to the validity of this Release, you may contact me at the address and phone number listed on this form.
- I understand that, pursuant to the FCRA, if any adverse action is to be taken based upon my criminal and/or driving report, a copy of the report and summary of my rights under FCRA will be provided to me.

To the best of my knowledge, the information provided in this Notice and Authorization and any attachments thereto is true and complete.

Signature

Date

A copy of this Release form will be valid as an original even though said copy does not contain an original writing of my signature.



Newaygo County Substance Abuse Testing Consent Form

Please place your initials next to the applicable testing purpose.

PRE-HIRE

Release form for obtaining urine samples for drug screening and permission to furnish the results to the County.

FOR CAUSE

Release form for obtaining urine samples for drug screening and permission to furnish results to the County.

Release form for obtaining test samples for drug and breath alcohol screening and permission to furnish the results to the County.

POST INCIDENT

Release form for obtaining test samples for drug and breath alcohol screening following an incident requiring medical care and permission to furnish the results to the County.

RANDOM

Release form for obtaining test samples for drug and breath alcohol screening per the County's Random Drug Testing Policy and permission to furnish the results to the County.

I hereby authorize Newaygo County, its physicians or agents, to take the indicated sample from me to use for the purposes indicated above. I understand why these samples are being requested and I give permission for the results to be released to the County.

I further release and hold harmless the County, its physicians or agents, from any consequences arising out of the drug and/or alcohol test or results therefrom.

Name – (please print)

Signature

Date

Relevant County Position: _____

A copy of this Release form will be valid as an original even though said copy does not contain an original writing of my signature.



Newaygo County Remote Access Permission Form

In most situations, the essential functions of a County position are performed within the employee's normal working hours. However, in some instances, employees must access their County email or information stored in County information systems outside of their normal work setting. In such cases, explicit permission must be provided by the respective Elected Official or County Administrator in accordance with County policies and procedures.

The below employee is provided remote access as follows:

Employee Name: _____

County Position: _____

Please answer yes or no on each line:

Remote Access to County Email via County Website

Remote Access to Information Stored on County Computers (VPN)
(Requires County Administrator Approval)

Elected Official Signature

Date

County Administrator

Date

I acknowledge the permissions above and understand that I must abide by all County policies and procedures, including but not limited to, Newaygo County IT Policy, Confidentiality and Nondisclosure, Remote Access Policy, etc. while remotely utilizing County email and/or accessing information on County computers.

Employee Signature

Date



Newaygo County Temporary Telecommuting Agreement

EMPLOYEE INFORMATION

Name: _____

Job Title: _____

Department: _____

FLSA Status: Nonexempt Exempt (from overtime)

With the exception of Department Heads, most employees are nonexempt.

This temporary telecommuting agreement will begin on _____ and end on _____.

Temporary work location: _____

Employee Work Schedule: _____

Work Expectations: _____

The employee agrees to the following conditions:

- The employee will remain accessible and productive during scheduled work hours.
- Nonexempt employees will record all hours worked and meal periods taken in accordance with regular timekeeping practices.
- Nonexempt employees will obtain supervisor approval before working unscheduled overtime hours.
- The employee will report to the employer's work location as necessary upon directive from their supervisor.
- The employee will communicate regularly with their supervisor and co-workers, which includes a weekly written report of activities if requested.
- The employee will comply with all department and County rules, policies, practices, and instructions that would apply if the employee were working at the employer's work location.
- The employee will maintain satisfactory performance standards.
- The employee will make arrangements for regular dependent care and understands that telecommuting is not a substitute for dependent care. In pandemic circumstances, exceptions may be made for employees with caregiving responsibilities.



Newaygo County Temporary Telecommuting Agreement

Page 2 of 2

- The employee will maintain a safe and secure work environment at all times.
- The employee will allow the employer to have access to the telecommuting location for purposes of assessing safety and security, upon reasonable notice by the County.
- The employee will report work-related injuries to their supervisor as soon as practicable.

Work-Related Resources:

The County will provide the following work-related resources: _____

The employee will provide the following work-related resources: _____

- The employee agrees that Newaygo County resources will not be used by anyone other than the employee and only for business-related work. The employee will not make any changes to security or administrative settings on Newaygo County equipment. The employee understands that all tools and resources provided by the County shall remain the property of the County at all times.
- The employee agrees to protect County resources from theft or damage and to report theft or damage to their supervisor immediately.
- The employee agrees to comply with department and County policies and expectations regarding information security. The employee will be expected to ensure the protection of and maintain the confidentiality of information accessible in their home offices.
- The employee understands that all terms and conditions of employment with the County remain unchanged except for those specifically addressed in this agreement.
- The employee understands that management retains the right to modify this agreement for any reason at any time.
- The employee agrees to return County equipment and documents within five days of termination of this agreement or their employment.
- By signing below, the employee acknowledges the above and will maintain compliance throughout said agreement.

Employee Signature: _____

Date: _____

Department Head Signature: _____

Date: _____



Newaygo County Employee Return to Work Status

Newaygo County Human Resources
1087 E Newell St, PO Box 885
White Cloud, MI 49349

NAME OF EMPLOYEE	JOB TITLE	PERSONAL PHONE NUMBER
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INSTRUCTIONS

EMPLOYEE	Have your physician review your attached job description and complete this form. Return the completed form to your supervisor and HR before you return to work.
PHYSICIAN	Review the attached job description, complete all applicable sections below, and promptly return this form to the patient or Newaygo County.

DETERMINATION OF RETURN TO WORK STATUS

Original Date of Injury/Illness:	Date of Determination:	
NO RETURN TO WORK – Employee is totally incapacitated and not cleared to return to work at this time.		
REDUCED HOURLY SCHEDULE – Employee may return to work for a maximum of:	Hours per day:	
RETURN WITH RESTRICTIONS – Employee may return with the restrictions indicated below on:	Date:	
RETURN TO A DEGREE – Employee may return to work to the degree indicated below on:	Date:	
FULL DUTY RETURN – Employee is cleared to return with NO restrictions on:	Date:	

RESTRICTIONS / LIMITATIONS

During the workday, the employee may:				The employee may:			
	Stand/Walk	Sit	Drive		Frequently	Occasionally	Never
None				Bend			
1-3 hours				Squat			
3-5 hours				Climb			
5-8 hours				Reach			
8-10 hours				Twist Body			
10-12 hours				Carry			
Unlimited				Lift			
Employee may use their hands for repetitive tasks. Please limit:				Employee may use their feet for repetitive tasks:			
Simple Grasping		Pushing/Pulling		YES – Employee is capable of operating foot controls			
Fine Manipulation		Keyboard Usage		NO – Employee is not capable of operating foot controls			

DEGREE OF WORK EMPLOYEE IS CAPABLE OF PERFORMING

Sedentary	Light	Medium	Heavy
Lifting 10 lbs. maximum and occasionally lifting and/or carrying such articles as dockets, ledgers, and small tools. Although a sedentary job is defined as one that involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required only occasionally and other sedentary criteria are met.	Lifting 20 lbs. maximum and frequent lifting and or carrying of objects weighing up to 10 lbs. Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree or when it involves sitting most of the time with a degree of pushing/pulling of arm/leg controls.	Lifting 50 lbs. maximum with frequent lifting and/or carrying of objects weighing up to 25 lbs.	Lifting 100 lbs. maximum with frequent lifting and/or carrying of objects weighing up to 50 lbs.

DURATION OF RESTRICTIONS

The above restrictions will remain in effect until:	Employee will be reevaluated on:
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ADDITIONAL NOTES

PHYSICIAN & OFFICE DETAILS

Physician Signature:	Office Name	
	Office Address	
Physician Name (Printed):	Office City, State, Zip	
	Office Phone Number	
Today's Date:	Office Fax Number	