

BOARD OF HEALTH – PROGRAM, POLICY, & APPEALS COMMITTEE
Agenda for April 22, 2021 at 8:15 AM

Via Zoom Meetings

<https://us02web.zoom.us/j/87913107219?pwd=Rzg1WjZGdWdNckNORnlhUDZDVDI3dz09>

1. Call to Order
 - a. Roll Call
2. Public Comment
3. New Business
 - a. Vehicle Driving Policy*
 - b. Food Service License Fees*
 - c. Open Meetings Procedure for Approving Committee Meeting Minutes*
4. Adjournment

PURPOSE

Branch-Hillsdale-St. Joseph Community Health Agency (BHSJCHA) places the highest value on the safety and health of its employees and the well-being of the public. BHSJCHA acknowledges that the safe operation of motor vehicles by municipal employees is essential to ensuring their safety and well-being, and its goal is to ensure that all individuals who are granted the privilege of driving a municipal vehicle are safe and properly licensed operators. BHSJCHA has full authority to determine who shall drive a vehicle, to establish vehicle operator standards, and to revoke the right to drive for failure to meet the standards. This policy defines the minimum standards for all municipal employees. Nothing herein shall limit individual departments from setting higher standards that may be needed to meet their particular needs.

RESPONSIBILITIES

BHSJCHA's safe driver program depends on the participation and cooperation of employees at all levels of the organization. The specific responsibilities of the employees are identified below:

DIRECTORS

Directors shall:

- Act as role models by adhering to the safe driving practices and requirements of this policy.
- Prohibit employees who appear to be impaired, due to ingestion of a substance, fatigue, or for some other reason, from operating a vehicle for the employer.
- Take documented steps to make sure all employees are informed of and trained on this policy and others that relate to the safe operation of vehicles and equipment.
- Take documented and regularly scheduled steps to provide required maintenance of all entity vehicles and retain records attesting to vehicle maintenance.
- Train employees in the safe operation of all assigned motor vehicles.
- Enforce municipal-wide and departmental vehicle operating standards and procedures.
- Schedule and document inspection of all assigned vehicles to make sure they are inspected as prescribed by the administration.
- Make sure thorough and timely accident investigations are conducted and reported.
- Identify all employees who operate a vehicle on the job and include those employees in the municipality's Driving Record Subscription Service.
- Discipline employees who violate policies or laws related to safe operation of a vehicle.
- Have departmental policies that set forth discipline for failure to follow policy.

SUPERVISORS

Supervisors shall:

- Act as role models by adhering to the safe driving practices and requirements of this policy.
- Take steps to make sure that employees safely operate assigned municipal vehicles.
- Administer and enforce all municipal-wide and departmental policies and procedures regarding vehicle operation.

- Prohibit non-employees from driving public entity vehicles.

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

EMPLOYEES

All vehicle operators shall:

- Operate their assigned municipal vehicles in compliance with established policy and in a safe manner.
- Maintain a valid driver's license (correct license/endorsement for the type of vehicle driven).
- Advise the duty supervisor immediately of the loss or modification of a valid driver's license by suspension, revocation, expiration, modification, or any other vehicle-related violation. Failure to comply may result in discipline, up to and including dismissal.
- Perform safety checks of vehicles at the beginning of each work shift as described in the unit work rules.
- Promptly report to an on-duty supervisor any vehicle safety defect found during inspection. Failure to report safety defects or operation of a vehicle with detected defects may result in discipline, up to and including employee dismissal.
- Maintain an assigned municipal vehicle's cab, bed, and/or body in a clean and safe condition.
- Properly use furnished seat belts and/or other vehicles safety devices.
- Be in possession of a driver's license at all times when driving. Proof of insurance must accompany any driver using a personal vehicle when driving on behalf of the public entity.
- Prohibit non-employees from driving public entity vehicles.
- Promptly report any accident or traffic violation involving the employer's vehicles.
- Avoid using communications devices, or any other device that may result in distracted driving, while operating a vehicle, as set forth in employer policies.
- Avoid operating any vehicle while the ability to do so is impaired by fatigue, a substance such as drugs or alcohol, or for any other reason.

ADMINISTRATIVE SERVICES DEPARTMENT

Administrative Services Department shall:

- Establish and maintain the Driving Record Subscription Service to monitor employee driving records.
- In cooperation with the other departments, ensure that all employees who operate vehicles have a valid driver's license for the vehicle types driven.
- Report employee driving record activity to employees' departments for review of policy compliance.
- Provide consultation and training to the departments, supervisors, staff, and volunteers as needed.

STANDARDS AND PROCEDURES

- All individuals who operate municipal vehicles, who operate personal vehicles on a job-related basis, who receive payment related to vehicle expenses, and/or who are required to drive as a necessary part of their job must possess and maintain a valid driver's license.
- Individuals who drive municipal vehicles or are required to drive as a necessary part of their job must notify their immediate supervisor if they receive a ticket/citation. Such notification must take place immediately upon reporting for work after receipt of the citation.
- Individuals are prohibited from operating a municipal vehicle or personal vehicle on business when their driving ability has been impaired for any reason, including but not limited to the ingestion of drugs, medication, or alcoholic beverages; physical impairment or

restrictions; or other situations/conditions. Any illegal use of controlled substances is strictly prohibited.

- Employees must inform the employer when taking prescribed medications that could impact their ability to operate the employer's vehicles.
- No employee will knowingly operate a vehicle found to be in violation of a state safety code or the law.
- All employees and riders will use seatbelts and/or other safety restraints provided whenever they are operating or riding in a vehicle.
- Only those employees who are determined to be safe operators will be allowed to drive a vehicle on behalf of the entity.
- Determination of safe operation may come from one of a combination of: driving record review, academic test, road test, successful completion of training/re-training, adherence to policy, etc.

CORRECTIVE ACTION, INCLUDING DISCIPLINE

The following are minimum standards to be considered by each department with the Administrative Services department when reviewing vehicle crashes and administering appropriate corrective action.

- The first goal of an investigation of a crash or other incident should be root cause analysis of the crash or deviation of policy to determine what happened. Further analyses may include a full review of the driving history record, policy, training records, and prior discipline (if any) for purposed of determining any fault of the employee that may have contributed to the accident. That determination may warrant further training, discipline, or a combination of both.
- The goal of corrective action is to ensure that employees who are entrusted with the operation of vehicles are safe drivers. Discipline may also be an appropriate form of corrective action.
- An unacceptable motor vehicle driving record is one indication that an employee may not be a safe driver. The administration will identify employees who develop unacceptable driving records and notify the appropriate department. Departments are encouraged to immediately enroll these employees in municipal-sponsored driver's training programs, or consult with the administrative service department about other appropriate training opportunities, and monitor the employees' driving performance.
- Crashes involving stationary objects are the most frequent and preventable type of vehicular crash. Preventable crashes involving stationary objects may result in disciplinary action, up to and including dismissal. Involvement in a preventable crash shall be considered unsatisfactory job performance that may result in disciplinary action, up to and including dismissal.
- Failure to comply with any part of this policy shall be considered unsatisfactory job performance that may result in disciplinary action, up to and including dismissal.

INSPECTIONS

- All vehicles shall safety-checked at the beginning of each shift by the assigned vehicle operator to ensure safe operating condition according to department work rules.
- Vehicle deficiencies shall be reported according to department policies.
- Each department shall be responsible for ensuring that a mechanic conducts bi-annual safety inspection of all assigned vehicles.
- Vehicle inspections should be documented and records kept for at least the life of the owned vehicle, plus three years after removal from service. This may be part of the entity records retention policy.

DEFINITIONS

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

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

Exposure: A potential loss in the form of auto liability, auto physical damage, or employee health and safety.

Municipal Vehicle: Any entity-owned, rented, leased, or borrowed motor vehicle or trailer used to conduct public entity business.

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

Vehicle Crash: Any occurrence involving an entity-owned, rented, leased, borrowed, or travel-reimbursed motor vehicle or trailer that results in a death, personal injury, or property damage.

APPLICANT SCREENING GUIDE

Conviction of law violations or civil infractions may serve as a basis for disqualification. The applicant's total record will be evaluated. The applicant must have a last two years of documented driving experience. The evaluation will consider the pattern of law violations, including, but not limited to, the seriousness, surrounding circumstances, frequency, and dates of any such violations. For example, multiple convictions for the same offense can be disqualifying, as they indicate a pattern of inadequate responsibility and disregard for law and order, which may affect safety. Likewise, traffic misdemeanors which do not carry points (e.g. improper plates, expired plates) or civil infraction may indicate an inability to follow rules and a disregard for the law.

For purposes of determining disqualifying violations, the municipality should consider only those offenses followed by a conviction (fined, ordered to attend traffic school or remedial driver training, forfeited bond, loss of restriction of driving privileges, or jailed). For purposes of establishing time frames for disqualification, the public entity should use the date of the actual violation. Following are suggested disqualifying guidelines. Please note that additional considerations, such as commercial driver's license requirements, may apply as well:

The circumstances noted below will be cause for automatic disqualification:

1. Conviction of a driving-related felony.
2. Loss of driving privilege through suspension or revocation of license due to an unsatisfactory driving record as defined by the Michigan Department of State.
Exception: Applications from those who maintain a driving record free of license suspension or revocation and moving violation conviction(s) or civil infraction determination(s) in the five years previous to making application to the municipality will be accepted.
3. An at-fault crash resulting in a fatality (an at-fault crash is defined as one in which the applicant has been fined, sued, and received an adverse judgement, applicant's insurance company settled for damages to another party, or applicant settled out of

court of otherwise was determine dot be liable).

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

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

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

7. Accumulated more than three points of the driving record.

Branch-Hillsdale-St. Joseph Community Health Agency (BHSJCHA)
Certification Statement for Employees Who Drive for Business Purposes

_____ I hereby acknowledge and understand that if I am required to operate a motor vehicle as a necessary part of my job for BHSJCHA or if I operate a BHSJCHA owned/leased vehicle, I am required to possess and maintain a valid Michigan operator's license and valid insurance for my personal vehicle.

_____ I hereby certify and affirm as follows:

- a. I am required to operate a motor vehicle as a necessary part of my job for the entity.
Yes/No
- b. I operate an entity owned/leased vehicle. Yes/No

_____ I hereby certify and affirm that I have a valid Michigan operator's license (including but not limited to a Chauffeur's License or a Commercial Driver's License) and valid insurance on my personal vehicle.

_____ I authorize the entity to enroll me in the Secretary of State's Subscription Service, and/or conduct an annual (or more frequent) inquiry to verify the status of my operator's license. I further agree to provide my actual operator's license for review and to submit a copy of my operator's license to an authorized entity custodian for the purpose of verifying my driving eligibility status upon verbal or written request, and within the time frame identified by the requestor. I further understand that BHSJCHA reserves the right to conduct such inquiry at its discretion.

_____ I agree to notify my immediate supervisor or the Administrative Services Director, immediately upon reporting for work on my next scheduled work day, if I receive any ticket or citation. I further agree that I must notify my immediate supervisor or Administrative Services Director, immediately upon reporting for work on my next scheduled work day, of my receipt of an Operating While Impaired, Operating While Intoxicated, or Operating While Under the Influence of Narcotics citation. Any such ticket/citation that occurs during the work day must be reported immediately.

_____ I agree that, as an operator of a BHSJCHA owned/leased/rented/borrowed vehicle or as an employee required to, or authorized to, operate a vehicle as part of my job responsibilities for BHSJCHA, I am prohibited from operating a BHSJCHA vehicle or personal vehicle on BHSJCHA business when my driving ability has been impaired for any reason, including but not limited to: the ingestion of drugs, medication or alcoholic beverages; physical impairment or restrictions; other situations/conditions within my control. Any illegal use of controlled substances is strictly prohibited.

_____ I agree to immediately notify my supervisor if my operator's license is restricted, limited, modified, suspended, or revoked.

_____ I acknowledge and understand that if I fail to immediately notify BHSJCHA of the loss or modification of any driving privileges, the receipt of a ticket/citation that affects or restricts my right to operate a motor vehicle, the receipt of any Operating While Impaired, Operating While Intoxicated, or Operating While Under the Influence of Narcotics citation, or if I otherwise violate the procedures outlined herein, I may be subject to appropriate disciplinary action, up to and including discharge.

_____ I acknowledge and understand that if I fail to possess a valid operator's license, I will be prohibited from operating BHSJCHA owned/leased/rented/borrowed vehicle(s) and/or operating my personal vehicle(s) on BHSJCHA related business. Should this prohibition prevent me from performing my assigned job duties, employment action (temporary or permanent) could occur. This employment action could include, but is not limited to: transfer, reassignment, demotion, suspension, or discharge. I further acknowledge and understand that the entity reserves the right to suspend vehicle usage, reimbursement, compensation, or allowance(s) toward vehicle usage should I fail to maintain a valid operator's license.

_____ These agreements and acknowledgements do not impair any legal rights I may hold under BHSJCHA policies and procedures or other similar rights.

Print Name: _____ Signature: _____

Supervisor Name: _____ Signature: _____

Date: _____

Response from Andrew Brege, the Agency's Attorney, regarding the procedural question of approving the Finance Committee Meeting Minutes during the next regularly scheduled full Board meeting:

As for committee meeting minute approvals – it depends. Are these standing committees that have decision making authority, such that they themselves would qualify as a “public body” subject to the OMA? If they are merely advisory, subquorum committees, then one thing you can consider (and at least one of my other clients does) is simply have the full board review and approve all committee meeting minutes at the regular full board meetings. I like this option because it further promotes transparency, particularly since subquorum advisory committees are not otherwise fully open to the public, by making public the issues they discussed and their minutes part of the full board packet.

If the committees are not simply advisory, but are themselves a “public body” because they have decision making authority or have a quorum of the full board, then they should approve their own minutes at their next meeting, in accordance with MCL 15.269. Remember, even if they do not meet for quite a while, any “proposed” minutes must be made publicly available within 8 days of the meeting to which they refer, regardless of when those minutes may ultimately be approved. MCL 15.269(3).