



SUBJECT: Human Resources
TO: Department Members

This Order establishes department policy and member responsibilities for the following:

<u>Section 47.1.</u>	PRE-EMPLOYMENT PROCESS FOR LAW ENFORCEMENT APPLICANTS	6
<u>47.1.1.</u>	Purpose	6
<u>47.1.2.</u>	Hiring Process for Law Enforcement Applicants	6
<u>47.1.3.</u>	Responsibility for The Selection Process	6
<u>47.1.4.</u>	Department Recruiters	7
<u>Section 47.2.</u>	MINIMUM REQUIREMENTS FOR ENFORCEMENT APPLICANTS	8
<u>47.2.1.</u>	General Information	8
<u>47.2.2.</u>	Criminal and Traffic Histories	8
<u>47.2.3.</u>	Physical Characteristics	9
<u>47.2.4.</u>	Policy Statement	9
<u>Section 47.3.</u>	PROCESSING ENFORCEMENT APPLICANTS	9
<u>47.3.1.</u>	General Application Procedure for Enforcement Applicants	9
<u>47.3.2.</u>	Processing Trooper Applicants	10
<u>Section 47.4.</u>	BACKGROUND INVESTIGATION OF ENFORCEMENT APPLICANTS	10
<u>47.4.1.</u>	Initiation of Investigation	10
<u>47.4.2.</u>	Responsibility for Conducting Investigations	12
<u>47.4.3.</u>	Background Investigators	13
<u>47.4.4.</u>	Background Investigation Procedures	14
<u>47.4.5.</u>	Background Investigation Updates	23
<u>47.4.6.</u>	Background Investigation Review	24
<u>47.4.7.</u>	Hiring Interview Panel	24

47.4.8.	Conditional Offer of Employment	24
Section 47.5.	PRE-EMPLOYMENT BEHAVIORAL SCREENING, MEDICAL EXAMINATION, AND DRUG SCREENING	26
47.5.1.	Pre-Employment Behavioral Screening	26
47.5.2.	Medical Examination	27
47.5.3.	Mandatory Drug Screening	29
Section 47.6.	APPLICATION PROCESS FOR MOTOR CARRIER APPLICANTS	29
47.6.1.	Responsibilities for Conducting Background Investigations	29
Section 47.7.	APPLICATION PROCESS FOR STATE PROPERTIES SECURITY OFFICERS	31
47.7.1.	Responsibilities for Conducting Background Investigations	31
Section 47.8.	PRE-EMPLOYMENT AND SELECTION PROCESS FOR CIVILIAN APPLICANTS	32
Section 47.9.	REINSTATEMENT	33
Section 47.10.	OFFICIAL WORK STATION	34
Section 47.11.	TIME ACCOUNTING	35
47.11.1.	Work Schedules	35
47.11.2.	Time Accounting Reports	36
47.11.3.	Overtime Regulations	37
47.11.4.	Compensatory Time	38
47.11.5.	Time Accounting for Special Situations	39
47.11.6.	Administrative Leave	39
47.11.7.	Administrative Leave for Special Events	40
47.11.8.	Administrative Leave Due to Inaccessibility	41
47.11.9.	Duty of Commanders/Supervisors to Report Sickness and Injury Cases	41
47.11.10.	Disability Management	41
47.11.11.	Disability Retirement	42
47.11.12.	Return to Work	42
47.11.13.	Duty Incurred Injury or Illness and Reporting Compensable Injuries	42

47.11.14.	Holidays	42
47.11.15.	Annual Leave	43
47.11.16.	Lost Time	43
47.11.17.	Vacations	43
47.11.18.	Military Leave	44
47.11.19.	Leave of Absence, Resignation, And Transfer	45
47.11.20.	Union Leave	45
47.11.21.	Sick Leave	45
Section 47.12.	DEPARTMENT TRANSFER POLICY	46
47.12.1.	General Department Transfers	46
47.12.2.	Requests for Transfer	46
47.12.3.	Hardship Transfers	46
47.12.4.	Time Accounting	46
47.12.5.	Allowable Moving Expenses	46
Section 47.13.	MOVING HOUSEHOLD GOODS OF TRANSFERRED MEMBERS	47
47.13.1.	Type of Transportation Available	47
47.13.2.	Moving Assistance and Time Accounting	49
47.13.3.	Moving Expense	50
Section 47.14.	ON-CALL POLICY FOR COURT APPEARANCES	50
47.14.1.	Worksite Commander Responsibilities	50
47.14.2.	Policy Requirements	50
Section 47.15.	APPEARANCE FEES AND EXPENSES	51
47.15.1.	Appearance Fees and Expenses	51
47.15.2.	Receipting and Reporting Fees and Expenses	52
Section 47.16.	JURY DUTY	52
47.16.1.	Member Responsibilities	52
47.16.2.	Member Duty Status	53
47.16.3.	Member Work Schedule	53
47.16.4.	Travel Expenses and Use of Department Vehicles	53

<u>Section 47.17.</u>	EXPENSE ALLOWANCES AND APPROVALS	54
<u>47.17.1.</u>	Official Work Station	54
<u>47.17.2.</u>	Time Schedule	54
<u>47.17.3.</u>	Mobilization	55
<u>47.17.4.</u>	Mobilization Meal Rate	56
<u>47.17.5.</u>	Special Details	56
<u>47.17.6.</u>	Motel and Hotel Charges	56
<u>47.17.7.</u>	Expenses Allowed – Not Allowed	56
<u>47.17.8.</u>	Personal Credit Cards	56
<u>47.17.9.</u>	Charge for Use of State Vehicle	57
<u>47.17.10.</u>	Ghost Account Charging Program	57
<u>47.17.11.</u>	Airline Travel	57
<u>47.17.12.</u>	Member Expense Reimbursement	57
<u>47.17.13.</u>	Member Expense Reimbursement Approvals	58
<u>47.17.14.</u>	Approval for Out-of-State Travel	58
<u>47.17.15.</u>	Travel Advances	58
<u>Section 47.18.</u>	TRAVEL EXPENSES ALLOWED/NOT ALLOWED	59
<u>47.18.1.</u>	Meals	59
<u>47.18.2.</u>	Lodging	60
<u>47.18.3.</u>	Conventions, Meetings, and Regional Law Enforcement Associations	61
<u>47.18.4.</u>	Mileage Allowance	62
<u>47.18.5.</u>	Other Travel Expenses	63
<u>47.18.6.</u>	Personal Expenses	64
<u>47.18.7.</u>	Special Details	65
<u>47.18.8.</u>	Changes in Official Work Station	65
<u>47.18.9.</u>	Tax Considerations	67
<u>Section 47.19.</u>	CLOTHING AND DRY-CLEANING ALLOWANCES	67
<u>47.19.1.</u>	Clothing Allowance for Plainclothes Enlisted Members	67
<u>47.19.2.</u>	Dry Cleaning Allowance for Members in Uniform	67
<u>47.19.3.</u>	Clothing and Dry-cleaning Disbursements	68
<u>Section 47.20.</u>	DUTY-INCURRED INJURIES/ILLNESSES: REPORTING, BENEFITS, AND EXPENSES	68
<u>47.20.1.</u>	Compensable/Non-Compensable Injuries and Illnesses	68
<u>47.20.2.</u>	Reporting Injuries and Return to Duty	68
<u>47.20.3.</u>	Reports Required	69

47.20.4.	Communicable Disease	70
47.20.5.	Respiratory and Heart Diseases	70
47.20.6.	Responsibility for Maintaining Records	71
47.20.7.	Excerpts of Benefits	71
47.20.8.	Limits on Combined Compensation	72
47.20.9.	Workers' Disability Compensation Act Checks	72
47.20.10.	Payment of Hospital and Physician Expenses	72
47.20.11.	Payment of Minor Medical and Prescription Expenses	73
47.20.12.	Signing Releases	73
47.20.13.	Appeals	73
Section 47.21.	PROCEDURES FOR PROCESSING CLAIMS FOR PERSONAL PROPERTY LOSSES	74
47.21.1.	Process for Reporting Claims	74
Section 47.22.	DRUG AND ALCOHOL TESTING	74
47.22.1.	Random Drug and Alcohol Testing	75
47.22.2.	Reasonable Suspicion Testing	75
47.22.3.	Post Critical Incident Testing	75
47.22.4.	Testing Before and After Sensitive Duty Assignment	76
Section 47.23.	DISCIPLINARY PROCEDURES	76
47.23.1.	Commander's Responsibility	76
47.23.2.	Forms of Discipline	77
47.23.3.	Complaints Involving a Member by Outside Persons or Agencies	77
47.23.4.	Investigation and Reports Submitted on Allegations Against a Member	77
47.23.5.	Member's Response to Complaint or Allegation	77
47.23.6.	Corrective Action	78
47.23.7.	Possible Violations of Law	78
47.23.8.	Complaints Regarding Department Policy or Procedure	79
47.23.9.	Investigatory Interview Representation Rights of Primary Subject	79
47.23.10.	Expungement of Records	79
47.23.11.	Relief from Duty	79
47.23.12.	Surrender of Department Property	80
47.23.13.	Conduct of Relieved or Suspended Member	80
Section 47.24.	DISCIPLINARY PROCEEDINGS	80
47.24.1.	Disciplinary Conference	80

47.24.2.	Resignation Under Charges	82
47.24.3.	Probationary Troopers	82
47.24.4.	Employment Relations Specialist's Responsibility	82
47.24.5.	Professional Standards Section (Investigative Responsibilities)	82
Section 47.25.	IMPACT OF DISCIPLINE OR CORRECTIVE ACTION ON SELECTION ELIGIBILITY	83
Section 47.26.	PERSONAL PROTECTION ORDERS AGAINST ENFORCEMENT MEMBERS	84
Section 47.27.	ANTI-NEPOTISM POLICY	85
47.27.1.	Policy Statement	85
47.27.2.	Effect on Personnel Transactions	85
47.27.3.	Definition of Relative	85
47.27.4.	Exceptions	85
Section 47.28.	VOLUNTARY BENEFIT PLAN	86
47.28.1.	Eligibility for Membership	86
47.28.2.	Contributions and Benefits	87
47.28.3.	Voluntary Benefit Plan (VBP) Committee	88
Section 47.29.	REVISION RESPONSIBILITY	88

47.1 PRE-EMPLOYMENT PROCESS FOR LAW ENFORCEMENT APPLICANTS

47.1.1. PURPOSE

This section defines the pre-employment recruitment, selection, and background investigation processes for applicants seeking entry level law enforcement positions in the department. Information regarding all career opportunities with the department can be found at www.mi.gov/mspjobs.

47.1.2. HIRING PROCESS FOR LAW ENFORCEMENT APPLICANTS

Information regarding the selection process for trooper, motor carrier officer, and state properties security officer applicants can be found at www.mi.gov/mspjobs. The department is committed to hiring qualified and diverse applicants for enforcement positions.

47.1.3. RESPONSIBILITY FOR THE SELECTION PROCESS

- A. The Recruiting and Selection Section commander is responsible for the selection of troopers. The Commercial Vehicle Enforcement Division (CVED) commander is responsible for the selection of motor carrier officers. The State Security Operations Section (SSOS) commander is responsible for the selection of state property security officers in conjunction with the Human Resources Division (HRD).

- B. District and post commanders, along with the Recruiting and Selection Section, are responsible for ensuring the effectiveness of recruitment activities and background investigations of applicants in their districts.
- C. The Recruiting and Selection Section shall advise members of the department of all changes in the selection process so inquiries from prospective applicants may be answered uniformly and correctly. The Recruiting and Selection Section shall coordinate recruitment activities and guide background investigators to ensure the effectiveness and efficiency of applicant selection.
- D. Members shall diligently seek out and develop the interest of qualified applicants without regard to any protected class including the applicant's race, color, ethnic heritage, sex, religious beliefs, age, disability, marital status, or sexual orientation.

47.1.4. DEPARTMENT RECRUITERS

- A. Selection and Appointment of Department Recruiters
 - (1) District and post commanders shall make recommendations to the Recruiting and Selection Section for selection and appointment of department recruiters.
 - (2) Troopers interested in serving as recruiters shall forward their interest through channels to the post and district commander indicating their interest.
 - (3) District and post commanders shall forward the trooper's request for a recruiting assignment through channels to the Recruiting and Selection Section commander, along with comments concerning the trooper's suitability for the position.
 - (4) Factors considered when selecting recruiters include:
 - a. Interest in the position
 - b. Appearance, maturity, and demeanor
 - c. Public speaking ability
 - d. Interpersonal relations skills
 - e. Work performance record
 - f. Work location and operational needs
 - g. Recommendations of immediate supervisor
 - h. Nature of the recruiting effort in the geographical area in which the recruiter will be assigned.
 - (5) District recruiters shall function on a full-time basis. Part-time recruiters may be designated at posts when the Recruiting and Selection Section and post and district commander deem it appropriate. Part-time recruiters are encouraged for each post.
 - a. Recruiters shall work schedules that provide the public with the greatest access.
 - b. Recruiters shall have the use of a fully marked patrol unit in the performance of their recruiting activities and responsibilities.

- c. Full-time recruiters may be assigned to conduct background investigations with prior approval of district command and the Recruiting and Selection Section, after the trooper has received background investigator training.
- d. Recruiters shall be provided with suitable office facilities to conduct applicant interviews.
- e. Recruiters may be used for other assignments on holidays or during mobilizations or other emergencies.

B. Responsibilities of a Recruiter

- (1) Recruiters shall keep their post/district commander and the Recruiting and Selection Section informed of their activities and current recruiting policies and programs.
- (2) Recruiters shall coordinate recruiting activities within the district, under the direction of their post commander, district commander, and/or the Recruiting and Selection Section.
- (3) Recruiters shall ensure their post maintains an adequate supply of current recruiting literature and that they are well versed in the minimum requirements and hiring process.
- (4) Recruiters shall make frequent public appearances related to recruiting. Recruiters shall develop and maintain contact with those individuals and organizations capable of assisting the department with its personnel goals. Recruiters shall respond in a timely manner to potential applicants request for information.

47.2. MINIMUM REQUIREMENTS FOR ENFORCEMENT APPLICANTS

Applicants seeking employment as a trooper shall meet all minimum requirements for certification as a police officer as defined by the Michigan Commission on Law Enforcement Standards.

47.2.1. GENERAL INFORMATION

For general information regarding the minimum requirements to become a trooper, motor carrier officer, or state properties security officer, visit www.mi.gov/mspjobs.

An applicant's entire record shall be evaluated, including the applicant's age at the time of any violation and the time that has elapsed since. A pattern of motor vehicle crashes, law violations, and other concerning information related to the essential job functions of law enforcement officer shall be examined considering their seriousness, the surrounding circumstances, who may have been involved, the number of times, and recency.

47.2.2. CRIMINAL AND TRAFFIC HISTORIES

- A. A felony conviction or a reasonable belief the applicant committed a felony is cause for automatic disqualification from the selection process. This includes felony convictions expunged or set aside.
- B. A conviction of a penal law punishable by imprisonment of more than one year. The misdemeanor convictions listed below are cause for automatic disqualification from the selection process:

- (1) A misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, or the use of a firearm or dangerous weapon involving force or violence or the threat of force or violence.
- (2) A misdemeanor involving criminal sexual conduct.
- (3) A misdemeanor involving abuse or neglect.
- (4) A one-year misdemeanor involving unlawful entry/breaking and entering.
- (5) A misdemeanor involving embezzlement.
- (6) A misdemeanor involving a moving violation resulting in death or serious impairment of a bodily function.
- (7) A one-year misdemeanor involving larceny, theft, or fraud.
- (8) A misdemeanor involving domestic assault or stalking.
- (9) A misdemeanor involving possession of a controlled substance except marijuana.
- (10) Operating while intoxicated/drugged, 2nd offense within seven years.

A misdemeanor conviction involving any of the above categories for an applicant that was charged as an adult and settled by pre-trial diversion, plea bargain, set aside, deferment, Holmes Youthful Trainee Act (HYTA), or expungement, are automatically disqualified from the selection process.

Juvenile (16-years-old or prior) misdemeanor convictions, adjudications and court actions including expungements, HYTA, pre-trial diversions, plea bargains, set asides, and deferments will be decided on a case-by-case basis.

47.2.3. PHYSICAL CHARACTERISTICS

Applicants shall meet the MCOLES minimum Physical Fitness Test requirements, hearing requirements, and the department's visual acuity standard outlined in this Order.

47.2.4. POLICY STATEMENT

Applicants shall meet the minimum standards and pass all selection steps established by the MCOLES, Michigan Department of State Police and the Civil Service Commission before appointment to the Training Academy.

47.3. PROCESSING ENFORCEMENT APPLICANTS

47.3.1. GENERAL APPLICATION PROCEDURE FOR ENFORCEMENT APPLICANTS

- A. Recruiters shall provide interested applicants with details of the selection process and appropriate recruiting literature. Applicants who appear to meet the minimum requirements for the positions shall be directed to apply to take the entry level law enforcement exam. All department members are encouraged to provide interested applicants with this information and/or the name and telephone number of the nearest department recruiter or the Recruiting and Selection Section.

- B. If an applicant contacts a department member who is not a recruiter, the member shall provide the applicant information directing them to the Careers Website www.mi.gov/mspjobs.
- C. If applicants are not sure if they meet the minimum requirements or have questions that cannot be answered at the time of the initial inquiry, they shall be referred to the nearest recruiter or the Recruiting and Selection Section.

47.3.2. PROCESSING TROOPER APPLICANTS

A. Written Examination

The Entry Level Law Enforcement Exam is taken via the [National Testing Network](#).

The exam applies for trooper, motor carrier, and state properties security officer applicants. If they pass, applicants are provided information on the next step, which is completing the NEOGOV application. The NEOGOV application requires applicants to provide documentation that they passed an MCOLES physical agility test.

B. NEOGOV Application for Enforcement Applicants

The Recruiting and Selection Section will notify applicants who have passed the Entry Level Law Enforcement Exam that, to continue in the selection process, they must complete the NEOGOV application for the State Police Trooper 10 job posting. Applicants shall follow instructions listed on the NEOGOV application as to the requirement of documents required including documentation that the applicant has passed the MCOLES physical agility test.

Once the NEOGOV application is completed and received, the Recruiting and Selection Section will review the application to ensure the applicant has taken and passed the Entry Level Law Enforcement Exam and MCOLES physical agility test. The Recruiting and Selection Section shall review the application and provide instructions to complete an online Personal History Questionnaire. The Recruiting and Selection Section will also run a credit report, a traffic report, and a criminal history report.

The Recruiting and Selection Section shall review each application for completeness. If not complete, the applicant shall be notified via email in a timely manner and provided instructions to complete correctly and re-submit.

47.4. BACKGROUND INVESTIGATION OF ENFORCEMENT APPLICANTS

Once the application is reviewed by the Recruiting and Selection Section, the application and all supporting documents will be provided to the assigned background investigator. Once a background is complete, copies of closed background investigations shall not be retained at the post or other worksite locations. Existing copies that may be on file shall be destroyed immediately. Any background investigation documents obtained by the background investigator shall be forwarded to the Recruiting and Selection Section. Once Recruiting and Selection Section has acknowledged receipt of the documents, any copies at the post-level shall be destroyed. The final background investigation shall be retained by the Recruiting and Selection Section attached to the applicant's profile in NEOGOV.

47.4.1. INITIATION OF INVESTIGATION

- A. The Recruiting and Selection Section shall originate a background investigation file for trooper, motor carrier officer, and SPSO applicants after they have been reviewed by

section members to ensure applicants have met all minimum employment standards and vetted any discrepancies and/or concerning information.

- B. For trooper applicants, the Recruiting and Selection Section shall directly assign the background investigation to a background investigator. Motor carrier officer and SPSO applicant backgrounds shall be turned over to the CVED commander or the SSOS commander, respectively.
- C. A background investigation file shall consist of the following forms and information (if applicable):
 - (1) NEOGOV Application
 - (2) Document check-off form indicating the following information is included, if applicable:
 - a. Resume and cover letter indicating interest in the respective position
 - b. Valid driver's license
 - c. Birth certificate
 - d. Social security card
 - e. Copies of all transcripts (high school and college)
 - f. All marriage licenses and divorce/annulment decrees
 - g. Military Certificate of Release from Active Duty
 - (3) Authorization for Release of Information, PD-044
 - (4) Authorization for Release of Military Information, PD-045
 - (5) Personal History Questionnaire Report
 - (6) Copies of previous background investigations shall be included. In cases where there is an existing report, only an updated investigation is required. While background investigations conducted for the purpose of updating an original report shall primarily focus on the period since the last report, the investigator shall include any information concerning the applicant not previously reported.
 - (7) Personal Reference Report, PD-060
 - (8) Employment Reference Report, PD-061
 - (9) Applicants Driving/Criminal Record
 - (10) Credit Bureau Report
 - (11) Confidential Number Identification Sheet, PD-091
 - (12) Any information gleaned as part of the MIOC checks requested by the Recruiting and Selection Section

47.4.2. RESPONSIBILITY FOR CONDUCTING INVESTIGATIONS

A. Field Operations Bureau (FOB)

- (1) In coordination with the Recruiting and Selection Section, the FOB shall conduct background investigations on applicants who have applied for the position of trooper.

Background investigations conducted by FOB members may be used to determine suitability of motor carrier and state properties security officer applicants.

- (2) Background investigations conducted for the purpose of assessing an applicant's suitability for a trooper position shall be done by personnel authorized by the Recruiting and Selection Section commander. Any deviation from this policy shall have prior approval from the Recruiting and Selection Section commander.
- (3) SPSOs, with prior approval from the State Security Operations commander, may conduct background investigations on applicants who have applied only for a position as an SPSO.
- (4) District commanders shall ensure that background investigations conducted in their districts comply with the specifications of this Order including due dates set for background investigations assigned to their district. District commanders shall also ensure the thoroughness and accuracy of all background investigations conducted in their districts.
- (5) Once the background investigation has been assigned, the Recruiting and Selection Section shall electronically send the applicant file to the district coordinator and/or the specified background investigator.
- (6) If it is necessary to conduct part of the investigation in other districts, the background investigator who originally received the file shall correspond directly with the background investigator of the post area in which additional investigation is required. A copy of this correspondence shall be sent to the Recruiting and Selection Section. The background coordinator for the Recruiting and Selection Section shall also assign the assisting background investigator to the applicant in NEOGOV.
- (7) The assisting background investigator shall forward their supplemental report directly to the primary background investigator for review. The primary background investigator shall then forward their original background investigation report, along with the supplemental report, to the Recruiting and Selection Section upon completion.
- (8) Post commanders are responsible to their respective district commanders, and the Recruiting and Selection Section, for ensuring that members at their posts comply with this Order and meet designated time limits.

B. Recruiting and Selection Section

- (1) Out-of-State Investigations: The Recruiting and Selection Section shall initiate out-of-state investigations based upon original information indicated in the NEOGOV Application. However, if field investigators discover the need for additional out-of-state follow-up, the Recruiting and Selection Section shall be notified. Investigators shall advise the Recruiting and Selection Section as soon as possible that out-of-state checks are necessary. This will ensure a completed and thorough background investigation.

- (2) Background Investigator Training: The Recruiting and Selection Section shall conduct training sessions to keep members who are regularly assigned to conduct background investigations apprised of the latest investigative techniques, procedures, policies, and court decisions.
- (3) Civilian Background Investigators: Civilian members trained and/or assigned to the Recruiting and Selection Section shall conduct background investigations on enforcement members as assigned by the section commander.
- (4) The Human Resources Division, Classifications and Selection Section, shall coordinate the pre-employment process for civilian applicants.

C. Other Divisions

When necessary, to meet the department's personnel needs, background investigations may be assigned to members serving in other bureaus with the approval of the Recruiting and Selection Section, in coordination with the bureau commander.

47.4.3. BACKGROUND INVESTIGATORS

- A. Hours dedicated to the investigation of applicants shall be carried on the eDaily as Administrative Time under the appropriate worksite and district. Select Background Investigation as the New Activity, enter application information and the number of hours worked.
- B. Enforcement members assigned to conduct background investigations are responsible to their post or worksite commander, as well as the Recruiting and Selection Section, for matters concerning investigative procedures for applicants seeking employment with this department or in meeting requests from other departments.
- C. Selection of Personnel to Conduct Background Investigations
 - (1) Unless otherwise directed by the district or division commander, post or worksite commanders may select a member to conduct background investigations, with the authorization of the Recruiting and Selection Section. Factors to be considered in the selection of members to conduct background investigations shall include:
 - a. Interest and experience in conducting background investigations
 - b. Ability to conduct a sensitive investigation and fully document relevant information
 - c. Ability to ensure only appropriate disclosure of confidential information
 - d. Objectivity, maturity, appearance, bearing, and demeanor
 - e. Tact and interpersonal relations skills
 - f. Initiative and prior work record
 - g. Operational need
 - h. Input from immediate supervisors
 - i. Have attended or will attend Background Investigator Training

- (2) The number of enforcement members assigned to conduct background investigations shall be determined by the post or work unit commander, in coordination with the Recruiting and Selection Section, based on the number of pending investigations. The number of investigators assigned shall be sufficient to ensure compliance with designated due dates.
- (3) Uniformed investigators shall have use of a fully marked patrol unit in the performance of their duties and responsibilities. The district or division commander may exercise the option of assigning unmarked units for investigations in certain situations where a marked unit may prove counterproductive. Detective sergeants may use unmarked patrol cars while conducting background investigations.

47.4.4. BACKGROUND INVESTIGATION PROCEDURES

Investigators shall diligently investigate all relevant facets of an applicant's life. Investigative leads, rumors, hearsay, or other information shall be pursued to determine validity.

A. Initial Interview

A face-to-face interview shall be conducted with each applicant before starting the background investigation. The background investigator shall contact the applicant and make arrangements for an initial interview. During the initial interview, the background investigator shall:

- (1) Establish that the person being interviewed is actually the applicant. Positive identification shall be requested. Ask if any other name has ever been used and if so, why.
- (2) Explain the nature of the position for which the investigation is being conducted and the purpose of the background investigation.
- (3) The investigator shall take this opportunity to answer any questions the applicant may have regarding the selection process or the training program. If the investigator is unable to answer or is unsure of the proper response to a question, the investigator shall contact the Recruiting and Selection Section for assistance. Do not guess when providing employment information.
- (4) Ask if the applicant if they are still interested in the position. If at any point during the background investigation, the applicant indicates they are no longer interested in the position, have the applicant email msprecruting@michigan.gov to advise of the withdrawal. This action shall be entirely voluntary, and it is encouraged that the applicant provides the reasons why in hopes to make the selection process stronger for future applicants. The interview may be terminated at that time. The background investigator shall contact the Recruiting and Selection Section as soon as possible to advise the applicant would like to voluntarily withdraw and why. The background investigator shall submit a memo, UD-040, detailing the investigation to the point of withdrawal. Once submitted to the Recruiting and Selection Section, any part of the file that was downloaded and reproduced to conduct the investigation shall be immediately destroyed at the worksite. The Recruiting and Selection Section shall include the withdrawal information from the applicant and/or background investigator in the applicant's NEOGOV file before archiving. If the applicant would like to re-apply at a future time for the position, a new application must be completed.
- (5) If the applicant is still interested in the position, the following completed forms and documents shall be reviewed with the applicant.

- a. NEOGOV Application
- b. A copy of the applicant's birth certificate
- c. A copy of the applicant's driver's license
- d. A copy of the applicant's social security card
- f. A copy of the applicant's marriage license, if applicable
- g. A copy of the applicant's dissolution of marriage or divorce papers, if applicable
- h. Copies of the applicant's high school and college transcripts
- i. A copy of the applicant's discharge or military separation papers, DD-214, if applicable
- j. The applicant shall sign an Authorization for Release of Information, PD-044. These releases shall be used to obtain or verify necessary information (financial and employment records, school transcripts, etc.) later in the investigation. A sufficient number of machine copies of this form may be made later to complete the investigation. The social security number, except the last four digits, shall be redacted prior to disseminating the form for use.

On request, or at the discretion of the investigator, a copy of the signed PD-044 may be left with each agency, business, or person who is asked for information.

- (6) Investigators shall carefully review the applicant's NEOGOV Application and have the applicant clarify any questionable or confusing responses.
- (7) The investigator shall also review the Personal History Questionnaire Report with the applicant. The investigator shall ensure that the applicant understood each question and shall verify that the answer recorded is accurate. If the applicant indicates they did not understand the question or the answer is not accurate, the investigator shall document this information. The investigator shall contact the Recruiting and Selection Section as soon as possible regarding any disqualifying information but should continue with thoroughly investigating the applicant's background unless told to stop by the Recruiting and Selection Section.
 - a. Once the answers have been accurately recorded and are determined to be accurate, the investigator shall ask the applicant to sign the appropriate section of the report. The investigator shall not require the applicant to sign an inaccurate report. If the applicant refuses to sign the report, the interview shall be terminated, and the Recruiting and Selection Section shall be contacted as soon as possible.
 - b. After the applicant signs the Personal History Questionnaire Report, it shall be checked against the information provided on the NEOGOV Application for discrepancies. Discrepancies shall be brought to the attention of the applicant. The applicant shall explain the discrepancies and the information shall be noted in the background report. Unless there is reason to believe the discrepancy involves an immediate disqualifier, the background investigator shall continue the background investigation.
- (8) Documents shall be checked to ensure the applicant continues to meet the minimum requirements for employment.

- a. Education shall be verified on the high school transcript
 - b. Residency shall be verified on the NEOGOV Application and/or driver's license
 - c. Criminal convictions shall be checked against the NEOGOV Application. Applicants shall be asked if they have ever been diverted through a special probation program or had a conviction expunged. The Recruiting and Selection Section or Hiring Interview Panel shall evaluate convictions that are not a basis for immediate disqualification.
- (9) If any arrests or convictions, military discipline or undesirable discharge, or employment discipline discharge are reported, investigators shall determine and report the exact nature of the incidents, their seriousness, and disposition. The opinion of the applicant regarding unfounded or unfair charges or treatment during the course of the incidents and other facts, circumstances, or explanations which the applicant wishes to offer shall be reported in the background investigator's report.
- (10) Controlled Substances: Applicants shall be asked about their narcotics use including marijuana, cocaine, opiates, steroids, methamphetamine, or LSD. They shall also be asked if they have used any other "controlled substance" illegally to include using a legal substance in an inappropriate manner. The answer to these questions shall be reported in the background investigation. If the answer is "yes," the details and circumstances shall be documented. The circumstances surrounding the use shall be documented in the background report including the recency, number of times, where, with whom, and reasoning as to why. The totality of the circumstances shall be taken into consideration to determine the suitability for the trooper position. It is the background investigator's responsibility to conduct a thorough investigation when discovering concerning information and document the information to determine the applicant's suitability for the trooper position.
- (11) If the investigator determines that the applicant has lived in another state, the investigator shall contact the Recruiting and Selection Section to initiate the necessary out-of-state investigations.

Note: A copy of the signed Authorization for Release of Information, PD-044, shall accompany the request for out-of-state checks.

B. Background Investigator

- (1) The background investigator shall visit the home of the applicant during the course of the investigation, if possible. The investigator shall use the opportunity to interview other members of the applicant's family while at the applicant's home. The background investigator shall contact the applicant to schedule the home visit and shall not make a home visit "unannounced."
- (2) The background investigator shall thoroughly investigate and report all discrepancies between information provided by the applicant and that found during the investigation. The applicant shall be confronted and asked to explain all discrepancies or omissions. The applicant's response shall be included in the report.
- (3) After completing the background investigation, the investigator shall sign, date, and indicate the post of assignment on the last page of the investigation report. This shall be done on originals, supplementals, and updates. The background investigator can provide a short opinion on the applicant's viability as a recruit in a future recruit school related to the essential job functions of the trooper position. The opinion shall be

based on factual information learned during the background and should not include medical/mental health information.

- (4) The background investigator shall forward the completed background investigation via email to the Recruiting and Selection Section and the district coordinator.

C. Investigative Interviews

- (1) Information given by the applicant on the NEOGOV Application and that which is obtained in the subsequent investigation is private and confidential. The information is gathered solely for the purpose of allowing the department to make an accurate assessment of the applicant's suitability for employment. This information shall not be disclosed to any other department member, unless necessary in the process of conducting the background investigation or authorized by the Recruiting and Selection Section. Requests from outside persons and/or organizations shall be made through the Recruiting and Selection Section.
- (2) The background investigation and all interviews shall be conducted through personal contact, when practical. Interviews that must be conducted by telephone and/or other electronic means shall be noted in the background investigation report. Interviews conducted during the course of the investigation shall be noted in the report. There shall be no questions related to any protected class to include medical information.
- (3) The name of the person interviewed, relationship with the applicant, and length of acquaintance with the applicant shall be noted in the investigation report.
- (4) Background investigators shall use the following forms when conducting interviews to establish consistency in questioning and reporting.
 - a. Personal Reference Report, PD-060, shall be used as a basis for conducting interviews with references, neighbors, family members, teachers, co-workers, or others who have personal knowledge of the applicant. It may also be used when interviewing employers or supervisors as a supplement to the Employment Reference Report, PD-061.
 - b. Employment Reference Report, PD-061, shall be used as a basis for conducting interviews with employers and supervisors, and may be used as a supplement to the PD-060 when interviewing co-workers.
 - c. Personal Credit Report, collected and provided by Recruiting and Selection, shall be used as a basis for conducting interviews with representatives of financial institutions or others who are or have been one of the applicant's major creditors. The credit report or its findings shall not be disseminated to any outside entity. Financial questions shall be limited to the negative information found and explained considering all circumstances involved. The presence of negative financial information does not necessarily disqualify an applicant for employment, but it is the decision making involved related to the suitability for employment. Any suspicious activity should be noted.
- (5) Use of these forms is mandatory and shall be used as a guide for conducting a basic interview which will result in obtaining the minimum acceptable information.

The investigator shall follow up on these questions with other obvious, relevant inquiries which may provide important additional information. The information from

the above forms as well as additional responses to the secondary questions shall be included in the narrative of the report under the appropriate heading.

- (6) Persons interviewed regarding the applicant shall be made aware of the department's responsibility to select the most qualified applicants to become State Police troopers. They shall be encouraged to frankly state their views regarding the applicant. Each person interviewed who has personal knowledge of the applicant shall be specifically asked whether or not they would recommend the applicant for an enforcement position with the Michigan State Police. This information shall be placed in the narrative report under the appropriate heading.
- (7) When negative character information (other than personal opinion) is obtained, verification shall be sought from at least one other source. If the information cannot be independently verified, it shall be included in the report with a notation indicating the information was not substantiated by a second source.
- (8) Confidential Information

- a. Confidential information is provided with the understanding that the identity of the source shall not be disclosed to parties other than the Department of State Police.
- b. To ensure confidentiality of all persons cooperating in an investigation, the following statement is provided for use at the discretion of the investigator:

*"The Michigan Department of State Police takes every precaution to maintain the confidentiality of information contained in background investigation reports. However, under current state law it is possible for the subject of this investigation to receive an **edited** copy of the background report.*

If you wish, the department will delete your name and any information that would identify you prior to release of the report. You may now request that we keep your name and identifying comments confidential.

Your cooperation and assistance in this investigation are greatly appreciated and ensure that only the most qualified persons are selected to serve as members of the Michigan State Police."

The investigator shall use this statement only after conducting an interview where information of a confidential nature was obtained. It shall also be used prior to an interview when the informant seems reluctant to talk to the investigator for reasons related to confidentiality.

- c. Persons requesting confidentiality shall be identified in the background investigation report. This may be most easily accomplished by checking the "Requests Confidential Status" box on the PD-060 or PD-061. A request for confidential status shall also be noted in the narrative of the report. Background investigators shall use the following statement as the first paragraph of the section reporting a confidential interview:
- " (Title) _____ (name) of _____ (address) requested and was granted status as a confidential informant prior to this interview."*
- d. After being read the statement contained in Section (8) b., if the person to be interviewed still exhibits a reluctance to speak candidly, the investigator shall discuss the option of using a confidential number. The investigator shall explain

that a confidential number allows the person's name to be completely omitted from the report.

- e. If the person requests a confidential number, the investigator shall assign it using the following procedure:

The confidential number consists of three parts:

- i. The year of the background investigation and the applicant Person ID, which can be found in the applicant's NEOGOV master profile.
Example: (21/3009002)
 - ii. The investigator's worksite number. Example: Niles Post - 53, or Flint - 35.
 - iii. A sequentially assigned alpha character. Example: a, b, c, etc.
- f. Using these components, a background investigator can "build" confidential numbers as needed according to the format:

Year/Applicant ID/Worksite number + alpha character

Examples: The first confidential number of the investigation identified as 21/30090020 and assigned to the Niles Post would be 21/30090020/53a.

The second number would be 21/30090020/53b.

If investigation 21/30090020 is forwarded to the Flint Post for follow-up, the first confidential number assigned there would be 21/30090020/35a.

- g. The Confidential Number Identification Sheet, PD-091, shall be used to match numbers with informants. The background investigator shall complete a section of the PD-091 for each confidential number assigned during an investigation.
- h. Confidential information shall be placed in the body of the investigation under the appropriate heading or on the proper form. The name of the person furnishing the information shall be deleted and replaced with a confidential number. The PD-091 shall be forwarded separately to the Recruiting and Selection Section.

- D. The following reporting procedures and reporting format shall be used:

(1) Traffic and Criminal Histories

- a. Obtain records from local government agencies concerning the applicant's criminal and driving records. Information shall be obtained on any criminal convictions of the applicant's immediate family members, exclusive of traffic offenses. Conviction Only Computerized Criminal Histories (CCH's) may be run on family members. The investigator may also question the applicant concerning the criminal histories of immediate family as it relates to the applicant's ability to perform the job functions of a trooper.
- b. Law enforcement agencies in all areas where the applicant has lived shall be contacted to determine if criminal and traffic records exist. If the applicant has indicated the use of any name other than a birth name, sources shall be checked, and records obtained under that name. For various reasons, criminal

incidents investigated may list the applicant as a suspect, but never result in a warrant or arrest. Likewise, arrests that are not carried through to prosecution will not appear on CCH records.

While one such instance may be of little significance, several may indicate a pattern which would make the applicant not suitable for an enforcement member position. Consequently, background investigators shall contact local law enforcement agencies in the applicant's area to check incident and suspect name files to determine if there is significant information.

- c. The circumstances of each arrest, incident, or accident, shall be determined and the law enforcement officials involved shall be interviewed, if possible. Every effort shall be made to obtain copies of all related police reports for attachment to the background investigation.
- d. The information reported by the applicant in the Trooper Application shall be verified. Discrepancies between what the applicant listed and what the investigation revealed shall be noted in the report. The applicant shall also be closely questioned concerning any discrepancies.

(2) Financial Record

- a. The Recruiting and Selection Section shall review and provide a credit bureau report to the background investigator. Information listed on the Application shall be checked against this credit report. Any medical debt an applicant has shall not be considered or documented in the background investigation.
- b. The Recruiting and Selection Section shall determine if an applicant is inappropriately receiving welfare prior to their appointment to recruit school. To determine an applicant's welfare status, a letter requesting said information, along with a copy of the Release of Information form, PD-044A, Inspector General's Report, signed by the applicant and containing the applicant's name, date of birth, Social Security number, and address of record shall be sent to the Office of the Inspector General in Lansing, MI. Information received from this inquiry shall be included in the background investigation report.
- c. Some applicants may be under court order to provide financial support for minor children. The background investigator shall check with the Friend of the Court in the applicant's county of residence to determine if the applicant has such obligations and whether the required payments are up to date.

(3) Education Record

- a. Instructors, principals, teachers, college professors, counselors, coaches, and classmates of the applicant shall be interviewed. Additional information concerning the applicant's scholastic achievement and performance, and participation in special school activities or teams (athletics, debating, student government, etc.), shall be obtained.
- b. High school and college transcripts/records shall be reviewed to determine the applicant's scholastic average, class standing, and attendance and disciplinary records.
- c. Course work or training that would be beneficial to the applicant in an enforcement position (foreign languages, lab courses, etc.) shall be indicated.

(4) Activities

Family members, supervisors, co-workers, educators, or others who may have information concerning any social work or community activities in which the applicant has been involved shall be interviewed. Persons who were associates of the applicant when they held positions of leadership, or when honors or awards were received, shall be interviewed. The applicant's responsibilities, achievements, concern for the welfare of others, leadership capabilities, integrity, dependability, and other relevant personal characteristics shall be assessed.

(5) Employment History

- a. The employment history reported by the applicant on the NEOGOV Application shall be verified. Dates of employment, job responsibilities, and reasons for separation from employment shall be reported. Verification shall be made that the applicant has accounted for all time periods.
- b. Past and present employers listed on the PD-061, including the immediate supervisors and employees with whom the applicant has worked, shall be interviewed.
 - i. The applicant's present employer shall be contacted as close to the end of the investigation as possible to minimize potential problems for the applicant. The applicant shall be encouraged to advise the current employer that a law enforcement background investigation is being conducted prior to the arrival of the background investigator.
 - ii. If the applicant indicates there is a strong probability of dismissal or other punitive action once the current employer is contacted, the investigator shall contact the Recruiting and Selection Section for guidance.
- c. Immediate supervisors are the best source of information regarding the applicant's work performance. Of special importance are questions concerning the applicant's attitude toward supervisors and ability to take direct orders and accept constructive criticism. The applicant's working relationship with other employees shall also be determined.
- d. If derogatory information is revealed and written reports are available, an attempt shall be made to obtain copies of these reports.
- e. If the applicant is self-employed, partners, creditors, competitors, fellow businessmen, and/or licensing officials shall be interviewed.
- f. Application to Other Law Enforcement Agencies
 - i. Direct inquiry shall be made to the head of the department, agency, or bureau where the applicant applied. Attempts shall be made to verify statements made by the applicant on the NEOGOV Application.
 - ii. A rejecting agency shall be asked why the applicant was not hired. Any details the agency is willing to supply, such as copies of applications, background investigations, or associated reports shall be obtained.

(6) Familial Interviews

Interviewing family members may be one area where the value of the PD-060 is limited due to the sensitivity of the interview and the need for information not contained on the form. Investigators shall use discretion concerning the use of PD-060s when interviewing family members.

- a. The spouse or significant other shall be interviewed, and all aspects of a State Police career shall be factually discussed. The explanation given shall be objective. Care shall be exercised not to oversell or undersell any aspect of a state law enforcement position.
- b. The person being interviewed shall be allowed to ask questions and express personal feelings. This discussion shall take place after the applicant has been excused from the interview.
- c. Inquiries concerning spouse, child, or substance abuse shall be made at this time.
- d. An investigation shall include interviewing the applicant's spouse, former spouse, or significant other, unless approval is received from the Recruiting and Selection Section Commander.
- e. Close relatives shall be interviewed, when practical.
- f. Former spouses shall be interviewed, if applicable. Obtain facts on which a fair assessment can be made. Attempt to verify any character information through other sources.
- g. While interviewing friends and acquaintances of the applicant, comments shall be noted on the general character and reputation of the applicant. If derogatory information is obtained, it shall be pursued and verified, if possible. The degree of association with undesirable persons by the applicant that may be a conflict of interest in the trooper role shall be determined.
- h. If the applicant is not married but is living with another person, that person shall also be interviewed.

(7) Military Information and Records

- a. Once the PD-045 and DD-214 are received from the investigator, the Recruiting and Selection Section shall correspond with the Military Record Center in order to obtain the applicant's military records.
- b. The applicant's selective service classification shall be verified by checking the applicant's selective service classification card (if the applicant has one).
- c. The applicant shall be interviewed concerning any discipline or discharge that may be found on the military record.

(8) References

- a. At least three primary references listed by the applicant on the NEOGOV Application shall be interviewed.

- b. It shall be assumed that an applicant will not list any references who may provide negative information. Listed references may be prone to report only favorable impressions of the applicant. Because of this, the investigator shall interview at least three secondary references. Secondary references, whose identities are learned from contacts made during the investigation, are more likely to render a candid opinion of the applicant.
- c. Law enforcement officials listed by the applicant as personally knowing the applicant shall be interviewed.

(9) Residence Record

- a. Beginning at the most recent address, at least three neighbors who are not listed shall be interviewed.
- b. Derogatory information from a neighbor shall be verified by other neighbors, if possible. However, the original source of the information shall not be disclosed. If the information cannot be verified, it shall be included in the report as the opinion/observation of the person interviewed.

(10) Recreation

Hobbies, activities, and interests of the applicant shall be included in the background investigation to determine what is done during the applicant's leisure time. This information may be obtained from friends, family members, neighbors, employers, or other acquaintances.

(11) Other Information

- a. Any information the investigator feels is relevant to determining the suitability of the applicant for employment that is not contained elsewhere in the report shall be included in this section.
- b. MANDATORY QUESTION: Each applicant's response regarding use or contact with controlled substances shall be listed under this heading.
- c. An applicant's sexual orientation and/or gender status shall not be questioned or reported in the background investigation.
- d. Open-source internet searches shall be conducted on the applicant. Any social media accounts the applicant may have shall be determined and noted in the investigation report. However, the applicant does not have to provide the investigator access to social media accounts and shall not be required to divulge information contained in social media accounts unless the privacy settings on the account are such where anyone can view. Any concerning information related to the ability to perform the essential job functions of a trooper shall be noted in the report as well as the applicant's response to the information.

47.4.5. BACKGROUND INVESTIGATION UPDATES

When applicants have had background investigations completed in the past, the Recruiting and Selection Section may request a partial update investigation of those backgrounds to obtain the most current information.

- A. An updated background investigation shall be conducted when new information is obtained from an applicant who completes the NEOGOV Application.

- B. All backgrounds over one year old shall be updated.

An applicant background investigation that needs an update shall be sent to the appropriate background investigator by the Recruiting and Selection Section.

- C. A copy of the original background investigation and other applicable paperwork shall be provided to the background investigator.
- D. Once the update investigation is complete, new information shall be reported via email to the Recruiting and Selection Section on interoffice correspondence.
- E. Copies of birth records, transcripts, etc., are not necessary unless they have changed from the original background investigation.

47.4.6. BACKGROUND INVESTIGATION REVIEW

On receipt of a completed investigation, an authorized Recruiting and Selection Section member shall review the report to ensure its completeness and assess the suitability of the applicant. Incomplete or discrepancies noted during the background review shall be noted and followed up on as much as possible.

47.4.7. HIRING INTERVIEW PANEL

- A. Arrangements for conducting hiring interviews for the purpose of assessing applicants shall be coordinated and scheduled by the Recruiting and Selection Section for eligible applicants. The Recruiting and Selection Section shall determine the time and location for the hiring interview. Consideration shall be made for conducting hiring interviews for the date, time, and location at the convenience of the applicant.
- B. The Recruiting and Selection Section shall determine and schedule hiring panel members. The hiring interview panel for troopers shall be comprised of three department members, enlisted and/or civilian members, who have been trained in format and objective for hiring interviews. Panel members for motor carrier or state properties security officer applicants shall consist of three members that are applicable to the position for which the interview is being conducted.

47.4.8. CONDITIONAL OFFER OF EMPLOYMENT

- A. Individuals who successfully pass all steps of the selection process shall be considered eligible for an appointment to the recruit school and may receive a conditional offer of employment. These offers will be based on the number of applicants needed for recruit school and provided to the most qualified applicants. The Recruiting and Selection Section commander shall offer employment to applicants in compliance with the Americans with Disabilities Act and current applicable law as well as department policies.
- B. Pre-Employment Behavioral Screening

Pre-Employment Behavioral Screening procedures shall be completed for any enforcement applicants that receive a conditional offer of employment.
- C. Medical/Physical Examination
 - (1) Each applicant is required to have a medical/physical examination before attending recruit school.

- (2) Applicants shall be screened during the medical examination to determine if they meet the required minimum vision and hearing requirements to ensure they are free from any chronic conditions that may impair their ability to function in an enforcement position. Questions regarding medical status or conditions shall not be asked of an applicant until a conditional offer of employment is given.

D. Appeal Process

- (1) Applicants who wish to appeal their temporary or permanent removal from the selection process may do so in writing or via email to the Recruiting and Selection Section commander, or designee. The appointing authority or designee will review each applicant's file on a case-by-case basis. It shall be the responsibility of the appointing authority to determine, on the basis of all information provided and learned about an applicant, whether the applicant shall be removed from the selection process. Any disqualification is based on the applicant not meeting the qualifications of the essential job functions to be a trooper.
- (2) Applicants may be removed from the selection process for violation of Civil Service Rule 3-2.7, Integrity of Process. Applicants shall not make any false statements or omissions of a material fact, misrepresent education or experience, engage in deception or fraud, cheat, or otherwise compromise the integrity of the examination process.
- (3) An applicant shall be removed from the selection process for unsuitability, as defined by MCOLES R 28.14204 inclusive, and the Department of Civil Service Rule 3-3.3, Removal from Employment List.

Nothing in this Order shall prevent applicants from appealing to the Department of Civil Service. Appeals shall be in writing to the Bureau of Human Resources Services, 400 South Pine, Lansing, Michigan 48909.

E. MCOLES Physical Fitness Test-- All Enforcement Members

- (1) The Recruiting and Selection Section shall administer the MCOLES Physical Fitness Test to all applicants receiving a conditional offer prior to the recruit school starting.
- (2) Applicants shall not be allowed to participate in the MCOLES Physical Fitness Test without producing a completed Physician's Health Screening Form, TC-50, signed by a medical doctor, and dated within 180 days of the given test.
- (3) A passing score is based on minimum performance standards for each event. Applicants shall be strongly advised that prior physical preparation is essential to perform to the best of their ability.
- (4) The Recruiting and Selection Section shall take the fingerprints of applicants who successfully pass the MCOLES Physical Fitness Test. Fingerprints shall be forwarded to the Criminal Justice Information Center, Criminal Background Check Unit, for state and federal criminal history examination.

47.5 PRE-EMPLOYMENT BEHAVIORAL SCREENING, MEDICAL EXAMINATION, AND DRUG SCREENING

47.5.1. PRE-EMPLOYMENT BEHAVIORAL SCREENING

The purpose of the Pre-Employment Behavioral Screening is to screen applicants for characteristics and behavior patterns that make them high risk for law enforcement positions. After receiving a conditional offer of employment, each applicant shall be required to have a behavioral screening prior to and within 180 days of attending recruit school.

- A. The personality assessment tests will be administered to applicants after a conditional offer of employment is made and shall be administered by the Office of Behavioral Science (OBS), licensed psychologists, or Michigan State Police members trained in the administration of these tests. The assessments may include the Minnesota Multiphasic Personality Inventory 2 Restructured Form (MMPI 2-RF) and the Personality Assessment Inventory (PAI).
- B. The OBS shall maintain custody of testing materials to ensure test security and confidentiality.
- C. The OBS shall score the Minnesota Multiphasic Personality Inventory 2 Restructured Form (MMPI 2-RF) and the Personality Assessment Inventory (PAI) of each applicant.
- D. All applicants are scheduled for an in person, face-to-face interview with a psychologist from OBS. All applicants must obtain a "Recommended to Continue" status for the face-to-face interview to qualify for moving forward in the psychological screening process.
- E. If an applicant receives a "Not Recommended to Continue" status for the face-to-face interview, they shall undergo an additional behavioral evaluation with a contract psychologist. A copy of the background investigation report, the summary report from the Personal History Questionnaire, results from the PAI and the MMPI 2-RF, and any notes from the OBS psychologist shall be send to the contract examining psychologist.

The following information defines the responsibilities of contractual psychologists who perform assessments for the department's Pre-Employment Behavioral Screening Program.

- (1) The psychologist shall review and interpret applicant data provided by the MMPI 2-RF, the PAI, background investigation report, Personal History Questionnaire, and notes from the face-to-face interview from the OBS psychologist.
 - (2) The psychologist shall conduct a clinical interview with the applicant employing, at minimum, the Hilson Research Interview Protocol for Screening Public Safety Applicants.
 - (3) The psychologist shall submit a report of the findings and recommendations concerning the applicant's application status to the OBS.
- F. Contracted psychologists shall report their findings to the OBS as soon as possible after completion of the interview with the applicant.
 - G. Applicants who are "Not Recommended" to continue in the selection process shall be reported by the OBS to the Recruiting and Selection Section. Applicants shall receive notification advising them of the "Not Recommended" results from the Recruiting and Selection Section.

- H. If the screening by the contract psychologist finds an applicant may continue in the selection process, the applicant status of "Recommended to Continue" shall be reported by the OBS to the Recruiting and Selection Section.
- I. All pre-employment behavioral screening data shall be held in confidential custody of the OBS. Test data obtained in the pre-employment screening process shall be the property of the department and not the individual applicant.

47.5.2. MEDICAL EXAMINATION

The medical examination shall be used to screen applicants to ensure they have the required medical and physical abilities to efficiently perform the essential job functions of a law enforcement officer within the department. This process also serves to screen applicants with conditions that may pose a direct threat to the lives of others or the law enforcement officer, placing them at an unacceptable risk for law enforcement positions. An applicant's physical condition shall be adequate for performance of tasks that will be assigned during training and later as an enforcement member. This determination shall be made by an examining physician before appointment to the Academy.

- A. After receiving a conditional offer of employment, each applicant shall be required to have a medical/physical examination prior to and within 180 days of attending recruit school.
- B. The applicant shall schedule their medical/physical examination after receiving their conditional offer. The Recruiting and Selection Section will provide contact information for the department-authorized medical provider to the applicant at the time of their conditional offer. The applicant shall submit the Medical History Statement which will be presented to the department's physician during the scheduled appointment for review and shall become a part of the applicant's personnel file. The applicant shall also sign an Authorization for Release of Medical Record Information.
- C. Prior to the medical/physical examination, the applicant shall obtain medical history and records from their family physician. The applicant is required to supply this information at the time of the scheduled appointment with the department physician. The medical records and history will be reviewed by the physician at the time of the appointment. This information shall be forwarded to the Recruiting and Selection Section for inclusion in the applicant's personnel file upon completion of the examination. All medical record information shall be made available to the medical staff responsible for injury care of the recruits during recruit school.
- D. The applicant's medical/physical fitness relative to essential functions of the job shall be determined by the department physician. The determination will be based on a medical analysis of the job requirements articulated in the position description for the enforcement position for which the applicant received the conditional offer of employment. Applicants obtaining an acceptable recommendation from the department physician may be placed on a recruit school/applicant acceptance list for possible appointment to the next recruit school.
- E. Applicants who, in the physician's opinion, have a medical condition that would prevent them from performing the essential job requirements of the position shall be advised that their condition would endanger their life or the lives of others and that they would be considered an unacceptable risk for a law enforcement position.
- F. Department physicians shall report their findings to the Recruiting and Selection Section as soon as possible after completion of the examination of the applicant.

- (1) The physician will review and interpret the applicant's medical reports supplied by the family physician. The department physician will determine the applicant's suitability to perform essential job functions.
 - (2) The physician shall conduct a clinical medical/physical examination on each applicant. The examination includes areas that would reveal potential medical conditions that would place the applicant at an unacceptable risk.
 - (3) The applicant examination shall consist of evaluations of the following areas:
 - a. History and Physical Examination
 - b. Blood Analysis
 - c. Dipstick Urinalysis
 - d. Visual Acuity Testing (corrected and uncorrected)
 - e. Audiogram, with interpretation
 - f. Peak Flow (Asthma Screen)
 - g. HDL Cholesterol
 - h. Collection of drug screening specimens to be sent to the State's drug screening contractor
 - i. Hepatitis B Titer Testing
 - j. OSHA Respirator Questionnaire and Fit Testing
 - k. Immediate Post-Concussion Assessment and Cognitive Testing
 - (4) The physician shall submit a report of the findings and recommendations regarding the applicant's medical/physical status to the Recruiting and Selection Section.
- G. The department physician shall report applicants who either pass or do not pass the medical/physical examination to the Recruiting and Selection Section. If the applicant does not pass, the applicant shall be advised by the Recruiting and Selection Section that the conditional offer of employment is withdrawn and shall be told the reason why the offer has been withdrawn.
- H. If the examination by a department physician finds that an applicant may continue in the application process, but the applicant receives a marginal recommendation, the applicant shall be sent a letter by the department physician. The letter will outline areas where improvement is needed and advise the applicant to contact a personal physician for assistance on improving the problem areas. This information shall be provided to the Recruiting and Selection Section for possible appointment to the next recruit school.
- I. Hearing Standard
- A trooper, motor carrier officer, or state properties security officer applicants shall pass the minimum hearing standard as set forth by the Michigan Commission on Law Enforcement Standards (MCOLES), either Unaided Criteria I, Unaided Criteria II, or the Aided Criteria. For Unaided Criteria I and II, all testing shall be done on each ear unaided. The Aided Criteria involve testing with one or both ears aided. Testing for the aided criteria shall be made not sooner than 30 days following the fitting of the hearing aid(s).

The minimum standards for licensing law enforcement officers is under the authority of 2016 PA 289. Failure to meet the minimum standards will result in removal of the selection process. If an applicant does not meet the minimum requirements, the Recruiting and Selection Section will notify the applicant.

Throughout the standard, the intensity of auditory stimuli shall be expressed in decibels relative to normal hearing level as defined by the American National Standards Institute S3.6-1989. The testing shall be performed by an audiologist at a hearing clinic accredited by the Professional Services Board of the American Speech-Language-Hearing Association, or an audiologist who has a Certificate of Clinical Competence. The audiologist shall be licensed, if applicable.

J. Vision Standard

A trooper, motor carrier officer, or state properties security officer applicant's visual acuity must meet the vision standard criteria as set forth by the Michigan Commission on Law Enforcement Standards (MCOLES). The Michigan State Police visual acuity standards follow the MCOLES standards. Failure to meet the minimum standards will result in removal of the selection process. If an applicant does not meet the minimum requirements, the Recruiting and Selection Section will notify the applicant.

47.5.3 MANDATORY DRUG SCREENING

- A. Prospective enforcement applicants shall be drug screened during the pre-employment selection process.
- B. Drug screening for enforcement applicants is mandatory. A positive result or refusal to submit to urinalysis for the purpose of detecting a controlled substance shall render the applicant ineligible for hire. Recruits shall be drug screened during recruit training.
- C. Pre-employment drug screening procedures for enforcement applicants are outlined in the department's Drug Testing Policy and Guidelines manual.
- D. Pre-employment medical/physical examination information shall be held in confidential custody of the Recruiting and Selection Section. All information obtained in the medical/physical process is the property of the department and not the applicant. If the applicant is appointed to recruit school and successfully graduates the entire file, including the medical/physical examination, is turned over to the Human Resources Division. If the applicant is not appointed to recruit school within 180 days, the medical/physical information is destroyed.

47.6. APPLICATION PROCESS FOR MOTOR CARRIER APPLICANTS

Much of the process for motor carrier applicants is the same as trooper applicants. The Law Enforcement Civil Service Test and the NEOGOV application are the same for the motor carrier applicant process. The following areas follow a slightly different process. If the process is not described below, refer to the application and selection process for trooper applicants.

47.6.1. RESPONSIBILITIES FOR CONDUCTING BACKGROUND INVESTIGATIONS

- A. Commercial Vehicle Enforcement Division (CVED)
 - (1) Commercial Vehicle Enforcement Division (CVED) members or authorized personnel shall conduct background investigations to determine an applicant's suitability for the position of motor carrier officer.

Note: Background investigations conducted to assess suitability for motor carrier officer positions may also be used for state properties security officer applicants. Motor carrier background investigations can be used to assess trooper applicants with additional investigation by an enlisted member with the information needed as it applies to the trooper position.

- (2) The CVED commander shall ensure that background investigations conducted by the division comply with specifications of this Order. The commander shall be responsible for the thoroughness and accuracy of background investigations conducted by CVED members. The CVED commander shall review all completed investigations and forward the reports to the Recruiting and Selection Section for attachment to the applicant's profile in NEOGOV.
- (3) The CVED commander shall enforce due dates set for background investigations assigned to the CVED. On receipt of an applicant's file for investigation, the CVED commander shall establish a due date (if not previously set by the Recruiting and Selection Section) and shall immediately forward the file to the district supervisor in the area where the applicant resides.
- (4) CVED district supervisors shall ensure that members within their districts comply with this Order. They shall also keep the respective district commanders informed of the status of motor carrier background investigations conducted by members of their command.
- (5) If it is necessary to conduct part of the investigation in other districts, the district supervisor originally receiving the file shall correspond directly with the district supervisors of the districts in which the additional investigation is required. A copy of this correspondence shall be sent to the CVED commander and Recruiting and Selection Section.

Note: An Authorization for Release of Information, PD-044, shall accompany the request for supplemental checks.

- (6) The supervisor of the district in which the additional investigation is required shall send the completed supplemental report to the CVED commander for review. The supervisor shall also provide an assessment of the applicant's suitability for employment on the Field Investigation Report, PD-2, when sufficient information is present to allow such an evaluation.
- (7) CVED worksite commanders shall be responsible to their respective district supervisors for ensuring that members at their worksites comply with this Order and meet designated time limits.
- (8) The division commander, district supervisor, and background investigator shall submit comments concerning the applicant's suitability for employment in the background investigation report.

B. Background Investigation Updates

When applicants have had background investigations completed at some time in the past, the Recruiting and Selection Section may request a partial update investigation of those backgrounds to obtain the most current information.

- (1) An updated background investigation shall be conducted when new information is obtained from an applicant.

- (2) All backgrounds over one year old shall be updated.
- (3) An applicant background investigation that needs an update shall be sent to the appropriate district and assigned background investigator.
- (4) A copy of the original background investigation and other applicable paperwork shall be provided to the background investigator.
- (5) Once the updated investigation is complete, new information shall be reported via email to the Recruiting and Selection Section and district on interoffice correspondence.
- (6) Copies of birth records, transcripts, etc., are not necessary unless they have changed from the original background investigation.

47.7 APPLICATION PROCESS FOR STATE PROPERTIES SECURITY OFFICERS

Much of the process for state properties security officer applicants is the same as trooper and motor carrier applicants. Unless as described below, refer to the application and selection process for trooper applicants.

47.7.1. RESPONSIBILITIES FOR CONDUCTING BACKGROUND INVESTIGATIONS

A. State Properties Security Officer (SPSO)

- (1) The State Security Operations Section (SSOS) commander or Recruiting and Selection Section shall conduct or assign background investigations to determine an applicant's suitability for the position of SPSO.
- (2) The SSOS commander shall ensure that background investigations conducted comply with specifications of this Order. The commander shall be responsible for the thoroughness and accuracy of background investigations conducted. The SSOS commander shall review all completed investigations and forward the reports to the Recruiting and Selection Section.
- (3) The SSOS commander shall enforce due dates set for background investigations assigned. On receipt of an applicant's file for investigation, the SSOS commander shall establish a due date (if not previously set by the Recruiting and Selection Section) and assign for investigation.
- (4) If it is necessary to conduct part of the investigation in other districts, the SSOS commander will contact the Recruiting and Selection Section for assistance.
- (5) Once the investigation is complete, it shall be reported via email to the Recruiting and Selection Section and SSOS commander on interoffice correspondence.

B. Background Investigation Updates

When applicants have had background investigations completed at some time in the past, the Recruiting and Selection Section may request a partial update investigation of those backgrounds to obtain the most current information.

- (1) An updated background investigation shall be conducted when new information is obtained from an applicant.
- (2) All backgrounds over one year old shall be updated.

- (3) An applicant background investigation that needs an update shall be sent to the SSOS commander or appropriate district and assigned background investigator.
- (4) A copy of the original background investigation and other applicable paperwork shall be provided to the background investigator.
- (5) Once the update investigation is complete, new information shall be reported via email to the Recruiting and Selection Section, SSOS commander on interoffice correspondence.
- (6) Copies of birth records, transcripts, etc., are not necessary unless they have changed from the original background investigation.

47.8 PRE-EMPLOYMENT AND SELECTION PROCESS FOR CIVILIAN APPLICANTS

A. The seven major steps of the selection process for civilian applicants are as follows:

- (1) Recruitment
- (2) Civil Service Examination/Credential Review
- (3) Interview
- (4) Background investigation including, but not limited to, a check of the following databases:
 - a. LEIN (SOS and CCH)
 - b. Sex Motivated Crimes files
 - c. Electronic Record Management System
 - d. Confidential Informant Files
 - e. Intelligence Files
- (5) Conditional offer of employment
- (6) Drug screening by urinalysis

Applicants shall submit to drug screening by urinalysis at the discretion of the department following the conditional offer of employment.

- (7) Fingerprinting
 - a. Fingerprints and palm prints shall be obtained within the first pay period of employment to check criminal and traffic records.
 - b. The prints shall be taken on non-criminal (applicant) fingerprint cards. One set of fingerprints shall be taken and forwarded to the Criminal Justice Information Center, Criminal History Section, for state and federal criminal history examination.

47.9 REINSTATEMENT

Any member who resigns may request reinstatement by submitting a request in writing to the Director, provided such request is submitted within three years from the effective date of resignation. Licensed officers must comply with the certification requirements of the Michigan Commission on Law Enforcement Standards (MCOLES). Reinstatement is at the discretion of the Director.

- A. To request reinstatement, the former member shall first submit a letter to the Director requesting reinstatement. The letter should include:
 - (1) Date the individual left department service
 - (2) Reason the individual left department service
 - (3) A description of what the individual has been doing since leaving the department
 - (4) Reason the individual seeks reinstatement
- B. Upon receipt of the reinstatement request, the Director will forward the reinstatement request to the Human Resources Director.
- C. Background Investigation
 - (1) The Human Resources Division (HRD) Director will review the following information:
 - a. Personnel file
 - b. Performance appraisals
 - c. Any internal affairs investigations
 - d. EEO/MDCR complaints
 - e. Recruit School records
 - f. Background investigation.
 - (2) The HRD will conduct an investigation into the individual's activity since departing department service including, but not limited to, a criminal history check, LEIN hit query, and any other background investigation deemed necessary.
- D. Upon completion of the background investigation detailed in Section 3, the HRD Director will brief the Director regarding the findings and make a recommendation regarding reinstatement.
 - (1) The Director, at their discretion, may decline to reinstate the individual and may require the individual to undergo a full, pre-employment background check or attend and successfully complete the next available trooper recruit school.
- E. The Director will then make a determination regarding whether to grant reinstatement. The decision to grant reinstatement is at the sole discretion of the Director. The Director's decision is final and without appeal.

- F. If the Director elects to grant reinstatement, the HRD Director will work with the appropriate bureau commander, the MSPTA, and the individual to identify the location to which the individual will be assigned upon reinstatement as well as a start date.
- G. Upon reinstatement, the following process will be adhered to:
- (1) HRD staff will coordinate a fingerprint background check and drug screening
 - (2) The worksite commander of the worksite that the individual is assigned to will bring the individual to department headquarters to have the individual take the oath of office. The individual should make an appointment with HRD personnel immediately following the oath of office for on-boarding purposes.
 - a. The worksite commander will arrange receipt of necessary uniforms and equipment for the individual through the warehouse.
 - b. The worksite commander will arrange receipt of department firearms and badges from the Quartermaster.
 - c. The worksite commander will arrange a new department photograph and identification card for the member by submitting a Photo Lab Request for Service, BID-013, to the BID Photo Lab Unit at: MSP-PhotoLab@michigan.gov.
 - (3) Before working in an enforcement capacity, the member shall complete all annual training required for the individual based on job assignment as provided in the PD-034 and the member shall qualify with all firearms and document qualification on the TD-007 as required by Official Order No. 71.
 - (4) Once the member has completed steps a and b above, the member should be assigned to work with another member for whatever period of time the worksite commander deems necessary to train the member in policies, procedures, and familiarization with the assigned work area.
- H. Upon becoming reemployed, the returning individual's time in service will be calculated in accordance with the MSP/MSPTA Collective Bargaining Agreement.

47.10. OFFICIAL WORK STATION

The following work station definitions shall be used to determine travel expense reimbursement eligibility:

- A. Administrative Personnel
- (1) The official work station for administrative personnel not delineated below is the city in which the office is located.
 - (2) If the office is located outside the city limits, the official work station is the city nearest to the office location.
 - (3) For members in the Lansing area the official work station is the Lansing metropolitan area, as that term is defined in the Standardized Travel Regulations.
- B. Field Personnel
- (1) Post Members

For post members, the official work station is the entire post area, as shown in Official Order No. 22.

(2) Forensic Science Division Personnel

For Forensic Science Division laboratory personnel, the official work station is the entire post area in which the laboratory is located, as shown in Official Order No. 22.

(3) District Headquarters Members

For district headquarters members, the official work station is the entire post area in which the district headquarters is located, as shown in Official Order No. 22.

(4) Headquarters and Capitol Security Members

The official work station for Headquarters and Capitol Security members is the entire Lansing Post area, as shown in Official Order No. 22.

(5) Field Operations Bureau Teams

- a. The official work station for multi-jurisdictional teams encompasses the primary coverage area of the team.
- b. The official work station for specialized teams is the entire post area in which the office is located, as shown in Official Order No. 22.
- c. The official work station for fugitive teams is the entire post area in which the office is located, as shown in Official Order No. 22.
- d. Exceptions: For the purposes of meal allowances only, any of the foregoing that contain Wayne County as the official work station shall not include the area within the corporate limits of the City of Detroit.

C. Remote Work Agreements

- (1) A member's official work station does not change with an approved Remote Work Agreement

47.11. TIME ACCOUNTING

This section outlines Civil Service Commission and department rules and regulations that pertain to members' use of and accounting for time. For additional information, refer to the Civil Service Commission Rules and Regulations. The standards and procedures contained in this section are not intended to expand or lessen compensation or other terms and conditions of employment of members under collective bargaining agreements. Therefore, the provisions of these standards and procedures do not apply in all instances to such members.

47.11.1. WORK SCHEDULES

A. Work Schedule

- (1) The normal work shift of members is from 8 a.m. to 5 p.m., Monday through Friday, with one hour off for lunch.
- (2) At the discretion of the division commander, members may work a mutually agreed upon work schedule with one hour off for lunch.

- (3) The appropriate division commander must approve alternate work schedules, consistent with the provisions of the Fair Labor Standards Act.

B. Alteration of Work Schedules

Work schedules may be adjusted as necessary for efficiency of operations as determined by the department using a PD-215 form, Alternative Work Schedule Request. A member's work shift may be rescheduled for any of the following reasons including, but not limited to:

- (1) Scheduling problems brought about because of member absence due to approved use of sick leave.
- (2) In case of disasters and/or emergencies requiring total or partial mobilization of enforcement members for the protection of public health, welfare, and safety.
- (3) Court time as the result of a subpoena served within a biweekly work period.
- (4) Special projects creating an unusual demand for overtime require special approval from the Civil Service Commission. (This applies only to levels not eligible for overtime.)

C. Scheduling and Control for Assistant Division and District Commanders and Above

- (1) Work schedules shall be established by the member's immediate supervisor in conformity with Civil Service Commission Rule 5-2.1, which provides that 80 hours of work shall constitute a basic biweekly work period.
- (2) Members are normally expected to be present during the regular course of the work day.
- (3) The member's immediate supervisor shall certify that the member has completed the equivalent of a full pay period.
- (4) Members working less than 80 hours in any pay period shall use authorized leave to cover absences.

D. Lunch Period

- (1) The normal eight-hour workday for members engaged in a continuous operation shall include not more than one-half hour paid lunch period. A continuous operation is defined as being assigned to a work situation where the nature of work restricts and/or prohibits a member from enjoying regularly scheduled lunch periods.
 - a. This section shall not apply to those members covered by applicable collective bargaining agreements.
- (2) All other members are involved in non-continuous work situations and are expected to take a one-hour unpaid lunch period, unless otherwise approved by their division commander.

47.11.2. TIME ACCOUNTING REPORTS

A. Daily Reports

- (1) Enforcement members shall complete and submit their Officer's Daily Report according to instructions associated with the Field Operations Bureau

Automated Daily, UD-2X.

- (2) Members shall complete and submit an Employee Time and Attendance Report, PD-089, or in the SIGMA payroll system at the end of each biweekly pay period.

B. Leave Requests

- (1) The PD-089 or officer's daily are the official documents for recording the use or accrual of annual leave, duty-related and non-duty related sick leave, administrative leave, jury duty, initial leave grant, military leave, deferred Plan B hours, banked leave time, compensatory time, school and community leave, and union activity (organizational leave).
- (2) Leave time submitted requires initials of approval on the PD-089 or the officer's daily. Administrative leave and union leave requires a reason noted in the comments portion of the PD-089 or officer's daily and SIGMA timesheet. American with Disabilities Act (ADA) regulations restrict the ability of the employer to inquire as to the nature of an employee's illness/injury when requesting the use of sick leave. After three consecutive days of sick leave usage, certification or other evidence may be requested by the worksite supervisor, unless in conflict with a collective bargaining agreement.
- (3) The member shall present the PD-089 or officer's daily report to the supervisor for approval at the time the request is made for the leave.

C. Time and Attendance Reporting

The member shall enter the biweekly time and attendance into the payroll system by the end of each biweekly pay period. To assure timely generation of pay warrants, worksite entries shall be certified on schedule. The PD-089 shall be maintained according to the retention schedule, Official Order No. 5.

- D. Pay warrants shall not be cashed before the date on the warrant.

47.11.3. OVERTIME REGULATIONS

- A. All overtime is subject to supervisory approval and overtime scheduling shall be the responsibility of bureau, district/division, post/section, and unit commanders. Overtime shall be scheduled as equally as practical among members who normally perform the assigned duties.
- B. Civil Service Equitable Classification Plan (ECP) group codes used in overtime and compensatory time regulations are defined as follows:
 - Group One - Technical, Office, Paraprofessional, and Service Occupations (Non-Supervisory)
 - Group Two - Business, Human Service, Scientific, and Engineering Professional Classes (Non-Supervisory)
 - Group Three - Supervisors and Managers
 - Group Four - Executives and Administrators
- C. The Civil Service Commission Compensation Plan has a column labeled "Exempt" adjacent to the various classifications. "Exempt" refers to the application of the Fair Labor

Standards Act (FLSA) to that group of employees.

- (1) A "Y" (yes) in this column indicates that employees in that classification are exempt from the FLSA.
 - (2) A "N" (no) indicates that these employees are not exempt and are, therefore, subject to the FLSA.
- D. Civilian members with the FLSA exempt code of "Y," who are directly engaged in law enforcement or crime prevention activities are eligible for paid premium overtime by special permission of the Civil Service Commission.
- E. Enlisted Lieutenant 14 members (all categories) are eligible for overtime by special permission of the Civil Service Commission. This level may earn overtime, approved by management, as it is accrued during a biweekly pay period. The hourly rate of overtime is determined by the Civil Service Commission.
- F. Overtime and overtime opportunities may not be bought or sold between members for any reason.
- G. Further detail on overtime regulations is available in the Civil Service Commission Rules and Regulations.
- (1) Offers of voluntary overtime may be made to members who routinely perform the job duties.
 - (2) If enough members normally performing the duties do not volunteer, the department may offer overtime to other members qualified to do the work.
 - (3) If enough members do not volunteer, or in the case of an emergency, the department may mandate overtime.
 - (4) Members who incur overtime as a result of in progress work (e.g. work they did not or were unable to complete during their regularly scheduled shift) will not have such time counted towards the overtime equalization.
- H. Offers of overtime must be equalized among members who routinely perform the job duties no less than once per calendar year. Allegations of inequitable offers of overtime are subject to the grievance procedure under Regulation 8.01, but relief is limited to overtime chances. This shall not apply to members covered by the MSPTA.

47.11.4. COMPENSATORY TIME

A. General

- (1) All compensatory time is subject to supervisory approval.
- (2) The operation of compensatory time is similar to accounting for annual leave, where all time earned is added and time used is subtracted, as long as the 80-hour maximum limit is observed.

B. Enlisted

- (1) Lieutenant 14 members (all categories) may earn compensatory time in place of overtime, when approved by management, as it is accrued during a biweekly pay period. Compensatory time is earned at the rate of time and one half up to the

maximum of 80 hours.

- (2) Compensatory time up to a maximum of 80 hours will be paid at the current rate of pay upon retirement for enlisted members at the 14 level and above.
- (3) A member who is to be appointed to an enlisted position outside of the MSPTA bargaining unit shall be paid for unused compensatory time credits in excess of 80 hours at the member's most recent hourly base rate within the bargaining unit, or at the average base rate received during the last three years, whichever is higher. A maximum of 80 hours of unused compensatory time can be retained by this member.
- (4) When a waiver has been signed, a Lieutenant 14 may accumulate compensatory time up to 120 hours. Any balance over 80 hours at the time of departure shall be forfeited by non-represented members.

C. Civilian

- (1) Civilian members in ECP Groups 1, 2, or 3 who are eligible for overtime may accrue compensatory time in place of overtime at the rate of time and one half. Consistent with the Civil Service Commission Rules, the compensatory time not used may be paid at the member's current rate of pay at the time of departure.
- (2) Civilian members in ECP Groups 1, 2 or 3 who are not eligible for overtime may be eligible to earn compensatory time at the rate of time and one half. There will be no payment for compensatory time balances for civilian members covered by this paragraph.

47.11.5. TIME ACCOUNTING FOR SPECIAL SITUATIONS

Enlisted Members on Extradition

Unless inconsistent with a collective bargaining agreement, members who leave the state for extradition or other purposes for which administrative leave is not used shall carry a normal workday of eight hours during the period of their absence. If they are out-of-state and are not required to work on their regular pass day, they shall take their pass day at that location. If the member is required to work a major portion of the pass day, it shall be considered overtime and shall be paid.

47.11.6. ADMINISTRATIVE LEAVE

- A. A member may be granted administrative leave with pay for necessary absences from duty for which annual, sick, or other leave is not appropriate.
- B. Activity for which administrative leave is authorized differs from on-duty activity in that it is likely to be more formalized and involve specific individuals for distinct purposes rather than an entire group of members.
- C. Administrative leave requires a reason noted in the comments portion of the PD-089 or officer's eDaily and SIGMA time sheet.
- D. Administrative leave may be approved in the following instances:
 - (1) Attendance at professional and technical conferences and conventions.
 - (2) Participation in in-service training activities, including institutes and workshops.

- (3) Authorized attendance at Civil Service Commission hearings.
- (4) Serving on authorized committees or with special groups.
- (5) To take Civil Service Commission examinations offered during work hours and review results of such examinations with authorized Civil Service staff members.
- (6) To participate in an interview for an intradepartmental promotion.
- (7) For scheduled grievance adjustment meetings with supervisors, Civil Service Commission representatives, or the Civil Service Commission Hearing Officers and for Civil Service Commission appeal meetings.
- (8) To take a G.E.D. test to establish high school equivalency for Civil Service Commission examinations.
- (9) To appear, if subpoenaed, in connection with litigation related to one's work involving the federal government, the State of Michigan, or a subdivision thereof.
- (10) To donate blood to individuals, hospitals, and the American Red Cross.

The above list of examples of the use of administrative leave is not intended to be all inclusive. Since prior approval is required for administrative leave, the time shall be approved by the member's supervisor before it is used.

47.11.7. ADMINISTRATIVE LEAVE FOR SPECIAL EVENTS

- A. Members frequently request administrative leave to attend special events as a department representative. Due to the large number of such requests each year, this section's policy is a guide to approving future requests.
- B. The special events listed below are pre-approved for use of administrative leave, subject to the following:
 - (1) Fifty percent of the event's actual length in days, including travel time, shall be approved.
 - (2) This calculation will be rounded off to the nearest full day, i.e., one day leave for a one day event, one day for a two-day event, two days for a three-day event, etc.
 - (3) A member shall be limited to a total of six administrative leave days for all special events per year.
- C. Pre-approved special events include:
 - (1) Law Enforcement Torch Run for Special Olympics
 - (2) National Shooting Matches (selected team members and alternates only).

Pre-approved matches include:

 - a. Camp Perry
 - b. Police Combat National Championship
 - c. Ohio State Championship

d. Secret Service Match

- D. Requests to consider additional special events or exceptions to this section's policy shall be submitted to the Leadership Team for approval 30 days in advance of the event. This section's policy only affects administrative leave for special events and shall not alter supervisory authority to grant leave for other appropriate uses, including attendance at training programs, etc.
- E. Administrative leave shall not be granted for a member's attendance at non-job related programs.

47.11.8. ADMINISTRATIVE LEAVE DUE TO INACCESSIBILITY

- A. The Operations Section is designated as the sole 24-hour-a-day contact point for dissemination of office closing information throughout the state of Michigan.
- B. When a worksite commander believes the worksite is inaccessible, the commander shall communicate that concern to the Operations Section.
- C. When so notified, the Operations Section Commander shall issue instructions and shall immediately advise the Human Resources Division.

47.11.9. DUTY OF COMMANDERS/SUPERVISORS TO REPORT SICKNESS AND INJURY CASES

When a member suffers a critical or serious injury or illness, the member's commander/supervisor shall promptly notify the Human Resources Division of such injury or illness, together with the name of the hospital or other place where the member is receiving medical care. It shall be indicated whether the injury or illness is duty or non-duty incurred.

47.11.10. DISABILITY MANAGEMENT

- A. The Human Resources Division shall facilitate the continuation of, or return to, active employment for members who have experienced an inability to function due to an injury or illness. This return to work may entail worksite accommodations and/or reassignment to different work activities for which the member qualifies. Each circumstance shall be individually reviewed to determine whether disability management placement, continued leave of absence, or retirement is the best option.
- B. Members of the department shall notify their supervisor or the Human Resources Division as soon as possible when they become aware of any physical or mental condition that could result in an illness, temporary disability, or medical leave of absence.
- C. Commanders, when so notified, shall advise the Human Resources Division of the details.
 - (1) The member shall provide medical documentation to the Human Resources Division.
 - (2) If the member's supervisor or the director of the Human Resources Division wish to have additional medical information or clarification of the attending physician's statement, the Human Resources Division may consult the department physician for a second opinion or reexamination.
 - (3) The department's physician may elect to refer the member to a medical specialist.
- D. The final decision shall be communicated by the Human Resources Division to the member and the supervisor.

47.11.11. DISABILITY RETIREMENT

Upon receipt of medical information verifying that a member cannot perform the essential job functions, the member and/or employer may request immediate retirement of the member due to the disability circumstances.

47.11.12. RETURN TO WORK

- A. Unless inconsistent with a collective bargaining agreement, when a member has been absent from work for more than three calendar days due to an injury, temporary disability or condition, or medical leave of absence, a medical statement may be requested. This statement shall be provided to the Human Resources Division.
 - (1) In cases where a member suffers an injury, illness or condition which, according to the physician's certification, would prohibit the member from performing the member's regular duties, the member may, with the approval of the supervisor, district/division commander, and the Human Resources director, be allowed to return to limited duty, with restrictions, if there is a management need for the member's services.
 - (2) Work duties shall not be created for the purpose of returning the member to work.
- B. Before a member may be returned to duty, the Human Resources Division shall be furnished a doctor's statement of approval to return.

Lacking such certification, the Human Resources Division may require the member to submit to a physical examination by a doctor chosen by the department for an unbiased medical opinion.
- C. Upon receipt of the doctor's certification authorizing a member to return to work, either with restrictions or without restrictions, the member's supervisor shall seek advice from the Human Resources Division regarding whether or not the member should be returned to duty. Supervisors shall not permit a member to return to duty until clearance has been received from the Human Resources Division.
- D. Whenever members experience psychological or substance abuse problems that result in their being unable to perform their normal duties and responsibilities, the Human Resources Division and the Office of Behavioral Science shall be notified.
 - (1) Such notification may be initiated by members or their respective supervisors.
 - (2) The Office of Behavioral Science shall offer information regarding services and/or assistance that they can provide, should members so desire.
 - (3) A member's return to duty shall be contingent on verification to the Human Resources Division that they are fit for duty.

47.11.13. DUTY INCURRED INJURY OR ILLNESS AND REPORTING COMPENSABLE INJURIES

Refer to Section 47.20. DUTY-INCURRED INJURIES/ILLNESSES: REPORTING, BENEFITS, AND EXPENSES

47.11.14. HOLIDAYS

- A. A pass day shall not be scheduled on a holiday.
- B. If a holiday occurs during a period of a member's absence during which time the

member is using administrative, sick, and/or annual leave credits, such holiday shall be carried as holiday time.

47.11.15. ANNUAL LEAVE

Accumulation and Use of Annual Leave Time

- A. Annual leave may be used only with the prior approval of the member's immediate supervisor.
- B. Members shall plan their annual leave usage to avoid forfeiture situations. Requests for special leave for the purpose of reducing accumulated annual leave to avoid forfeiture will require prior approval.

47.11.16. LOST TIME

- A. Lost time is incurred when a member lacks sufficient leave credits (sick leave, annual leave, and/or compensatory leave) to cover their absence from the worksite.
- B. Unapproved lost time is considered being absent from duty without authorization and as such, is subject to disciplinary action up to and including dismissal.

47.11.17. VACATIONS

- A. Annual Leave Scheduling (All Members other than MSPTA)
 - (1) Annual leave is only available in biweekly pay periods after the period when it is earned. Annual leave cannot be credited or used in anticipation of future accruals.
 - (2) Members can only use annual leave with prior approval.
 - (3) Annual Leave shall be scheduled and approved in accordance with Civil Service Commission Rules and Regulations.
 - (4) Annual Leave scheduling shall be the responsibility of bureau, district/division, post/section, and unit commanders. Annual Leave shall be scheduled to maintain the staffing levels necessary to adequately perform all normal services and to meet the department's needs.
- B. Summer and Winter Vacation Schedule (MSPTA Members)
 - (1) A member shall accumulate sufficient annual leave credits to cover planned vacation periods.
 - (2) Supervisors shall not approve use of annual leave when a member has insufficient annual leave hours.
 - (3) Vacations shall be scheduled and approved in accordance with the applicable bargaining agreement or the Civil Service Commission Rules and Regulations.
 - (4) Scheduling vacations for members shall be the responsibility of bureau, district/division, post/section, and unit commanders. Vacations shall be scheduled to maintain the staffing levels necessary to adequately perform all normal police services and to meet the department's needs in the event of emergencies and mobilizations.

C. Guide for Selection of Vacations (MSPTA Members)

- (1) Summer vacations shall be selected prior to April 1 and winter vacations prior to October 1.
- (2) The order in which vacations are allocated shall be determined as follows:
 - a. First by class level. If members are of the same class level, seniority in class level shall be used.
 - b. If both class level and seniority in class level are equal, seniority in length of service in lower classes, considered successively when necessary, shall be used.
 - c. In the event of a tie between members having identical class levels, seniority in class levels and seniority in length of service, priority shall be determined by the commander in a manner of their own choosing.
 - d. Military service credits are solely for the purpose of additional annual leave and longevity compensation and shall not be used to determine seniority for the purpose of selecting vacations.

47.11.18. MILITARY LEAVE

- A. Requests for military leaves shall be submitted through channels to the Human Resources Division well in advance (at least 14 calendar days) of the beginning date of leave. Requests shall include the dates of leave.
- B. A copy of the military document ordering the member to report for military service or training shall be submitted with the request if it is available; if not, it shall be submitted as soon as it is received by the member.
- C. While on military leave, a member shall submit Leaves and Earnings Statements (LES) to the Human Resources Division.
- D. A member shall not be required to submit a request for temporary military leave if the member uses annual leave credits and/or compensatory time to cover the entire period of leave. It is not necessary to submit a copy of the military document or statement of earnings in this situation. If a member is receiving preference to use annual leave for military service over another member's request to use annual leave, documentation should be submitted to ensure the annual leave was indeed used for military service. Otherwise, it is a misrepresentation and the agency may take disciplinary action.
- E. Adjustments in compensation shall be reflected in the member's paycheck following receipt of the statement of earnings from the military paymaster. This must be done within 28 days of the member's return from military absence.
- F. The Biweekly Time and Attendance Report or officer's daily report shall be the official document referred to for time accounting purposes for members requesting temporary military leaves of absence.
- G. While on military leave, the member's insurance coverage will be provided by the armed forces. Insurance coverage for their dependents will continue to be provided by the Michigan State Police.
- H. Before going on a military leave, the member must turn over their weapon and equipment

to their post commander who is responsible for storing these items.

- I. To receive credits for the military leave towards retirement, the member must submit a copy of their DD-214 to the Office of Retirement Services.
- J. While on military leave, it is necessary for the member to keep their worksite commander and the Human Resources Division updated as to any changes in address.
- K. Upon discharge from military service, the member must provide both their worksite commander and the Human Resources Division with a copy of discharge papers along with a return-to-work date. A copy of the DD-214 must be sent to the Human Resources Division to be included in their personnel file before the military leave of absence expires.

47.11.19. LEAVE OF ABSENCE, RESIGNATION, AND TRANSFER

- A. Members who request a leave of absence shall submit the request in writing through channels to the Director. The request shall contain necessary information to explain the reason for the leave and the length of time for which it is desired.
- B. A member who wishes to resign or transfer to another state department may do so by submitting a resignation memo in writing, through channels, to the Director and stating therein the reason and the effective date.
- C. When an enlisted member retires, resigns, transfers, or is placed on an authorized leave of absence, the commander shall fill out the Employee Departure Checklist PD-056, secure keys and identification cards, and assure that the member:
 - (1) Turns in issued equipment,
 - (2) Signs necessary separation papers,
 - (3) Pays outstanding liabilities, and
 - (4) Turns in procurement card(s).
- D. Suspensions shall be treated as outlined in Official Order No. 1.

47.11.20. UNION LEAVE

Union leave shall be requested and approved in accordance with applicable bargaining agreement and Civil Service Regulation 6.09.

47.11.21. SICK LEAVE

NOTE: When conflict occurs between this Order and a collective bargaining agreement, the collective bargaining agreement supersedes the Order.

- A. A career member in the classified service is credited with 4 hours of sick leave with pay for each completed 80 hours of service. A member paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of sick leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.
- B. Any sick leave use must have the appointing authority's approval.
- C. Sick leave may be used, but is not limited to: personal illness, injury, medical appointments, the death or attendance at the funeral of a relative (commonly referred to as

bereavement). For further sick leave information, see respective collective bargaining agreements or Civil Service Commission Rules and Regulations.

47.12. DEPARTMENT TRANSFER POLICY

47.12.1. GENERAL DEPARTMENT TRANSFERS

Transfers, reassignments, and promotions involving exclusively represented (with the exception of MSPTA members) and non-exclusively represented members shall be at the discretion of the appropriate bureau commander, or designee. Lateral transfers or reassignments into command officer positions may be considered first. However, the bureau commander or designee may waive this consideration if a candidate is identified with expertise and/or skills that make them the best candidate for the position through an open and competitive selection process.

Members covered by the MSPTA shall only be transferred according to the terms of that agreement.

47.12.2. REQUESTS FOR TRANSFER

- A. Requests for transfer and/or reassignment shall be initiated by that member.
- B. Consistent with procedures outlined in Section 47.12.1. above, vacancies for which transfers will be considered will be posted in the job postings site.
- C. MSPTA members shall submit requests for transfer through the appropriate voluntary transfer request process designated for their bargaining unit, during the window period specified by their respective collective bargaining agreement.

47.12.3. HARDSHIP TRANSFERS

A MSPTA member may request a hardship transfer in accordance with Article 13 of the MSPTA collective bargaining agreement.

47.12.4. TIME ACCOUNTING

Unless prior arrangements have been made, a member being transferred shall report to the new work station at 8 a.m. on the effective date of the transfer. Preparation and travel time shall be taken while assigned to the previous worksite.

47.12.5. ALLOWABLE MOVING EXPENSES

NOTE: When conflict occurs between this Order and a collective bargaining agreement, the collective bargaining agreement supersedes the Order.

- A. Members covered by a collective bargaining agreement shall comply with provisions of their agreement regarding time spent on a transfer and other allowable expenses.
- B. For enlisted members not covered by a collective bargaining agreement, the following procedures shall apply:
 - (1) The transferred member shall be allowed two days off, with pay, for moving.
 - (2) Regular meal allowance and necessary travel expenses shall be given to members on official transfers, according to Section 47.19. (Expense Allowances and Approvals).

- C. Civilian members not covered by a collective bargaining agreement are not eligible to receive transfer benefits.

47.13. MOVING HOUSEHOLD GOODS OF TRANSFERRED MEMBERS

NOTE: When conflict occurs between this Order and a collective bargaining agreement, the collective bargaining agreement supersedes the Order.

Under the existing rules of the Michigan Civil Service Commission, Civil Service Regulation 5.15, the expense of moving household goods of a member transferred from one station to another may, with certain limitations, be paid by the State. To qualify for moving expenses, the member must move closer to the new work station, and the residence they are moving from must be more than 50 miles from the new work station. This does not apply to the moving of a newly hired member from a place of residence to a work station or the moving of household furnishings of a retired member.

47.13.1. TYPE OF TRANSPORTATION AVAILABLE

Moves shall be made by common carrier or by trailer rented by the member, except for mobile homes, which may be moved by the State.

A. Common Carrier

(1) The State shall pay:

- a. Transportation charges for actual weight up to a maximum of 14,000 pounds for normal household goods. The State shall not pay for transportation of motorcycles, snowmobiles, boats, fence posts, etc., which are not considered normal household goods.
- b. Packing allowance up to a maximum of \$800. This allowance will cover charges for packing, unpacking, container or packaging material; appliance service (tie down, blocking or bolt down in preparation for moving), flight or distance charges, elevator charges, piano, organ, or freezer handling and carrying charges and extra labor charges.
- c. When housing is not available, storage of household goods at a commercial storage facility with tariffs regulated by the Michigan Public Service Commission (MPSC), not to exceed 60 days.
- d. Detroit area surcharge.
- e. Bridge toll.

(2) The member shall pay:

- a. Transportation charges for all weight in excess of 14,000 pounds.
- b. Packing charges in excess of \$800.
- c. Additional insurance (see paragraph 3 below).
- d. Moving expenses for household goods not considered normal, i.e., motorcycles, snowmobiles, boats, cement blocks, etc.

(3) Insurance Coverage

- a. Carrier's liability without additional insurance is \$.60 per pound per article.
- b. If the member wishes to purchase additional carrier provided insurance for lost or damaged items, the State shall reimburse the member \$.65 per pound of the actual weight of the shipment.

(4) Member Responsibilities

- a. A member shall discuss some preliminary plans and obtain quotes from at least three moving companies before submitting a Request for Moving, ADM-012. The Procurement office of Department of Technology, Management and Budget (DTMB), usually approves any common carrier licensed by the MPSC to handle intrastate moves. The department does not endorse any particular carrier nor does DTMB Procurement.
- b. The ADM-012 and the three quotes shall be completed and submitted to the Budget and Financial Services Division, MSP Accounting Service Center at least two weeks before the anticipated move. Use of the common carrier shall be approved in advance by the MSP Accounting Service Center travel contact and arranged by DTMB Acquisition Services.
- c. Following approval of the move by DTMB, the designated carrier shall be contacted by the member to confirm details of the move such as weight and cost estimate, insurance, packing, moving date, arrival time of goods at destination, storage, etc.
- d. The weight of the member's goods may be estimated on the estimating form provided by DTMB. (Check the items in your home, add up the cubic feet and multiply by seven pounds to arrive at the estimated weight.) Regardless of any prior estimate of shipping charges, members shall pay transportation charges and charges for additional services, computed according to the tariff filed with the MPSC. The final charges which members are required to pay may be more or less than the estimate received from the carrier and shall be paid by the member.
- e. The member shall be completely ready to move at the time and date arranged with the movers with all packing previously completed, with the exception of items to be packed by the movers.
- f. The member shall arrange for service to secure power units of any pieces of equipment such as automatic washers, dryers, refrigerators, freezers, etc., which may require attention.
- g. Before the shipment leaves the point of origin, the member shall obtain a bill of lading from the carrier, signed by the member and the carrier, showing the date of shipment, the names of the consignor and consignee, the point of origin and destination, a description of the goods, and declared or released valuation. Special attention is directed to the Rule 10 section of the Bill of Lading. Do not sign under Rule 10 of the Bill of Lading. To do so may guarantee a weight in excess of the actual weight of the shipment. If requested to do so by the carrier, the member shall advise the carrier to contact DTMB Procurement for authorization.
- h. After the move is completed, the member shall examine the furniture for damages. All damages shall be recorded on the moving bill. The billing shall

include the following documents: bill of lading, weight tickets with name of consignee shown, and the inventory sheet. All copies of the moving bill shall be signed and retained for the member's record. A report of damages shall be furnished to DTMB Acquisition Services, which will assist in settling damage claims.

- i. The member shall pay the carrier for all charges in excess of the State allowance. These charges shall be paid at the time of delivery by cash, certified check, or money order, unless credit arrangements have been made in advance with the carrier.
- j. DTMB Procurement in Lansing shall be contacted to resolve questions or complaints concerning the move.

B. Mobile Homes

- (1) A member who owns a mobile home that is used as a regular residence may request the State to move the mobile home in lieu of requesting a common carrier.

The ADM-012, Request for Moving, shall be completed and forwarded to the MSP Accounting Service Center at least two weeks in advance of the requested moving date.

- (2) The MSP Accounting Service Center shall process the necessary papers and forward them to DTMB Acquisition Services, which will select the carrier or approve the member's suggested carrier.
- (3) Only the actual moving cost, plus a maximum of \$1,000 for blocking, unblocking, and securing contents or expando units, will be paid. Mobile homes shall be ready to move when the carrier arrives. Standard weight limitations do not apply to moving mobile homes. "Actual moving cost" includes only the transportation cost, escort services when required by a governmental unit, special lighting, and permits.
- (4) The member is responsible for repair or replacement of mobile home equipment including tires, axles, bearings, lights, etc. It is also the member's responsibility to move all items outside the mobile home, i.e., oil tanks, steps, storage shed, etc.
- (5) Mobile home liability is limited to damage to the unit caused by negligence of the carrier and to contents up to a value of \$500. Additional excess valuation and/or hazard insurance may be purchased from the carrier at the expense of the member.

C. Trailer

- (1) A transferred member who has only a small amount of furniture and prefers to rent a trailer to personally move household furnishings shall contact the MSP Accounting Service Center for approval.
- (2) If approval is granted, the member shall pay the rental fee, obtain an itemized receipt, and forward the receipt to the MSP Accounting Service Center, who shall process payment to the member.

47.13.2. MOVING ASSISTANCE AND TIME ACCOUNTING

- A. The transferred member shall be allowed two days of administrative leave for moving.

- B. No other member shall be assigned to assist in the move.

47.13.3. MOVING EXPENSE

Payments made by the State to a third party or reimbursement to a member for costs incurred in relocating upon transfer shall be considered as other compensation and shall be included in the amount reported on the member's Wage and Tax Statement (W-2). This includes payments made by the State for a moving van, packing, storage, moving a mobile home, and trailer rental.

47.14. ON-CALL POLICY FOR COURT APPEARANCES

47.14.1. WORKSITE COMMANDER RESPONSIBILITIES

- A. Worksite commanders are authorized and encouraged to develop an on-call (stand-by) policy to provide for a member's availability for scheduled court cases during the member's off-duty hours.
- B. Under the policy, members with cases scheduled for a court appearance during their off duty hours shall be scheduled for on-call duty and shall be recalled to duty if their case proceeds as scheduled, or released from on-call duty if the case does not proceed on the day it is scheduled. The member's work schedule need not be altered.
- C. Post commanders shall contact the courts and prosecutors in their area and implement the policy where the courts and prosecutors are willing to cooperate.

47.14.2. POLICY REQUIREMENTS

- A. Where an on-call policy is feasible, with cooperation of the court and prosecutor, the post commander shall develop a policy addressing the following:
 - (1) A method of determining whether a case will actually proceed and whether the member should be recalled to duty.
 - (2) A pre-established method of communication to recall the member to duty if a case proceeds.
 - (3) The maximum response time in which the member shall respond to duty once notified that a case will proceed, as agreed to by the court and prosecutor.
 - (4) The specific hours of on-call duty that are necessary to determine whether a case will proceed requiring the member to be recalled to duty (e.g., 9 a.m. to 11 a.m.), or a method whereby the member is notified that the on-call obligation has terminated.
 - (5) A method of providing notice to the member of the scheduled on-call duty as soon as possible after the post receives a court notice or subpoena.
 - (6) A method of providing notice to the member of removal from on-call duty if the proceeding is canceled or postponed prior to the day scheduled.
 - (7) Members shall be compensated for on-call hours in accordance with applicable collective bargaining agreements and Civil Service rules. On-call duty shall be reported in the Employee Time and Attendance Report, PD-089, according to the guidelines found in Section 47.11 of this Order.
 - (8) Members who are recalled to duty when a case proceeds shall be compensated in accordance with applicable collective bargaining agreements and Civil Service rules.

Once called to duty, the on-call obligation shall terminate. The member shall not receive on-call pay and recall pay (overtime) for the same time worked.

- (9) Members are not required to remain in any particular place while on-call. However, they shall remain available through the pre-established method of communication and shall respond within the response time requirement.
- (10) Members who fail to remain available while on scheduled on-call duty are not entitled to on-call compensation and are subject to discipline.
- B. This on-call policy shall be viewed as an alternative to existing policies and procedures for ensuring a member's availability for court appearances and its application is strongly encouraged.
- C. Wherever this policy conflicts with the member's collective bargaining agreement, this policy shall be superseded by that agreement.

47.15. APPEARANCE FEES AND EXPENSES

This section establishes department policy concerning the receipt and reporting of witness fees and other court-reimbursed expenses, including the use of personal vehicles.

47.15.1. APPEARANCE FEES AND EXPENSES

- A. Unless otherwise noted in this section, the department shall pay members' expenses related to their on-duty appearance in department-related court proceedings and administrative hearings.
- B. Use of Personal Vehicles
 - (1) Worksite commanders may authorize members to use their personal vehicles to travel to and from court in the worksite's area of responsibility when there are no department vehicles available for that purpose.
 - (2) When a member has been authorized to use a personal vehicle, the department shall pay mileage to the member in accordance with Section 47.18.4 of this Order. Such mileage shall only be for miles driven to and from the official work station to the proceeding. The department shall not reimburse the member for miles driven to or from the member's residence. Mileage reimbursement is not permitted for travel between a member's home, remote work location, and official work station.
 - (3) When a member uses a personal vehicle, they shall comply with the insurance requirements of Official Order No. 10.
- C. Civil Infraction Hearings

Members shall not accept witness fees for appearance in civil infraction hearings.
- D. Civil Lawsuit – Department-Related
 - (1) At the conclusion of a member's participation in a department-related civil suit proceeding, the member shall collect all witness fees and other reimbursed expenses.
 - (2) Members shall not cash checks or retain fees received in conjunction with a civil suit arising out of the member's employment with the department.

- (3) The department shall pay the member's expenses for appearing at all department related civil suit proceedings, and members shall turn over to the state all witness fees and expense reimbursements as outlined in Section 47.15.2 of this Order.

E. Civil Lawsuit – Non-Department Related

- (1) The department shall not pay members' expenses incurred as a result of their appearance in civil proceedings not arising out of their employment with the department.
- (2) Members may retain all witness fees and other reimbursements issued in non department related suits.

F. Criminal Proceedings

- (1) The department shall pay members' expenses related to their on-duty appearance in any criminal proceeding arising out of their employment with the department except where the member is the defendant.

- (2) State Court Proceedings

Members required to appear in a state court criminal proceeding shall not accept witness fees or other expense reimbursements.

- (3) Federal Court Proceedings

Members shall collect witness fees and other available expense reimbursements and turn them over to the state in accordance with Section 47.15.2 of this Order.

47.15.2. RECEIPTING AND REPORTING FEES AND EXPENSES

- A. When a member turns over to the department a witness fee or expense check, the member shall endorse the check and legibly print "FOR DEPOSIT ONLY, STATE OF MICHIGAN" on the back of the check.
- B. When a member turns witness fees or expense reimbursements over to the department in compliance with this Order, such transactions shall be noted in the Official State Police Receipt Book, and an Official State Police Receipt, ADM-027, shall be issued to the member and their supervisor.
- C. Witness fees or expense reimbursements shall be listed on the Record of Money Collected/Deposited, ADM-028. The ADM-028 and the appropriate deposit slips shall be forwarded to the Budget and Financial Services Division.

47.16. JURY DUTY

This section establishes department policy regarding member attendance at jury duty.

47.16.1. MEMBER RESPONSIBILITIES

- A. Members required to report to court for jury duty shall promptly give a copy of the jury duty summons or notice to their supervisor.
- B. Members shall notify their supervisor of the jury duty schedule at least two hours before the start of any shift that may be affected.

- C. If administrative leave is used for jury duty, the affected member shall record the actual hours in SIGMA, using code JUR1.
- D. Except as otherwise required by this Order, members shall retain their court pay and submit a copy of the jury duty pay stub to their supervisor, together with a personal check made out to "State of Michigan" in the amount of their court pay. Members who do not reimburse the state for jury duty pay received shall be charged annual leave.

47.16.2. MEMBER DUTY STATUS

- A. Members required to appear for jury duty may, subject to restrictions in this Order, elect any of the following duty status options:
 - (1) Administrative Leave
 - a. Administrative leave may be taken for the scheduled work shift on which the majority of hours scheduled fall on the same calendar day the member is required to report to court.
 - b. When a member uses administrative leave for jury duty, their supervisor shall submit a copy of the jury duty summons, a copy of the jury duty pay stub, and the member's personal check in the amount of the jury duty pay to the Budget and Financial Services Division.
 - (2) Leave

Members may use accumulated annual leave or compensatory time to attend jury duty. When this option is selected, members may retain jury duty pay.
 - (3) Work Regularly Scheduled Shift

With supervisor approval, members may work their regularly scheduled shift on days they are required to report for jury duty. When this option is selected, members may retain jury duty pay.
- B. Members shall not be entitled to administrative leave or compensation by the department if the member is required to report to court for jury duty on a scheduled pass day.

47.16.3. MEMBER WORK SCHEDULE

- A. Supervisors shall attempt to schedule the member to a day shift during the period of jury service, if practical to do so.
- B. Members scheduled for a day shift who are released from jury duty by the court shall notify their supervisor of their availability and shall return to work for the remainder of their scheduled shift unless otherwise authorized by their supervisor. If a member is not required to report for court, the member shall report for their scheduled work shift.
- C. A member who is scheduled for a night shift and is required by the court to remain immediately available for jury duty shall be entitled to administrative leave.

47.16.4. TRAVEL EXPENSES AND USE OF DEPARTMENT VEHICLES

- A. Mileage reimbursement allowances paid to the member by the court may be retained by the member. The department shall not reimburse a member for travel expenses in connection with jury duty.

- B. Members shall not use a state-owned vehicle for travel connected with jury duty.

47.17. EXPENSE ALLOWANCES AND APPROVALS

The Standardized Travel Regulations of the Civil Service Commission and the Department of Technology, Management, and Budget establish maximum State of Michigan Travel Rates for members traveling while on duty. Departments may establish lower rates, but cannot establish higher rates without authorization of the aforementioned departments. Those regulations govern travel expense reimbursement to our members. This section is a supplement to those regulations in areas specific to our operation. Members who are covered by a collective bargaining agreement shall refer to their agreement to determine the benefits for which they are entitled.

47.17.1. OFFICIAL WORK STATION

Standardized Travel Regulations prohibit allowances for meals and/or lodging for members at their home or official work station, except members in attendance at conferences or as otherwise provided in Section 47.18 of this Order.

"Home" means the city in which the member's family residence is located or the closest proximity.

"Official Work Station" is defined in Section 47.10 of this Order for determining travel expense reimbursement eligibility.

47.17.2. TIME SCHEDULE

The Standardized Travel Regulations, show the time schedule on which eligibility for meal reimbursement is based.

- A. Allowances for individual meals for daytime travel are based on the following schedule:

Breakfast - When travel commences before 6:00 a.m. and extends beyond 8:30 a.m.

Lunch - When travel commences before 11:30 a.m. and extends beyond 2:00 p.m.

Dinner - When travel commences before 6:30 p.m. and extends beyond 8:00 p.m.

- B. Members frequently work other than the regular 8:00 a.m. to 5:00 p.m. daily hours worked by most state employees. When such tour of duty involves mainly nighttime hours, allowances for individual meals shall be based on the following schedule:

Dinner - When travel commences before 6:30 p.m. and extends beyond 8:00 p.m.
(evening rate)

Lunch - When travel commences before 11:30 p.m. and extends beyond 2:00 a.m.
(noonday rate)

Breakfast - When travel commences before 6:00 a.m. and extends beyond 8:30 a.m.

- C. If the Director, bureau commander, or district/division commander schedules a meeting through breakfast, lunch, or dinner that participants are required to attend, group meal rates shall apply. Payment shall be made from the vendor's invoice using a direct voucher.

47.17.3. MOBILIZATION

- A. Regardless of the location of their official work station, enforcement members are entitled to expense reimbursement if they are restricted to the mobilization area and are unable to return to their residences. Members of squads shall enter directly in SIGMA any reimbursable expenses, which will then be approved by their squad leaders.
- B. Enforcement members assigned within their post area shall use the time they began the assignment as their travel departure time and the time they are relieved of the assignment as their return time. Departure and return times shall be listed directly in SIGMA. Troopers and sergeants shall indicate times for the start and finish of work shifts.
- C. The commander of the local post shall use the following guidelines to approve meal reimbursement expenses under these circumstances for post members:
 - (1) Reimbursement is not allowed if there is no interference with the member's ability to obtain meals as accustomed.
 - (2) Reimbursement is allowed when the member is restricted to the mobilization area and obtains meals in the same manner as members mobilized from other posts. This pertains to all meals obtained after arrival at the mobilization area regardless of arrival or departure time.
 - (3) Both (1) and (2) above apply in a like manner to those members restricted to the post premises. This includes both the local post and other posts under these circumstances.
 - (4) Both (1) and (2) above apply in a like manner to members assigned command, investigative, surveillance, or other work in their home post area during periods of official mobilization when such assignment relates to the same incident as the mobilization.
 - (5) When the mobilization is in the district headquarters post area, the district commander shall use these guidelines to approve meal reimbursement expenses for the district headquarters' members.
- D. As a general rule, not more than three meals per day shall be reimbursed to a member.
- E. During mobilization, meals may be furnished by the department or others free of charge to the members. No expense reimbursement shall be requested by the member for such meals.
- F. During mobilization periods, more hours per day are generally worked by members remaining at posts due to being short-handed both for desk duty and policing the post area. This greater number of work hours per day does not entitle members to meal cost reimbursement.
- G. Due to the circumstances and unusual hours involved in a mobilization, the Mobilization Meal Rate found in Section 47.17.4 shall be allowed for each meal regardless of the time of day or night the meal is obtained, provided it meets time requirements listed in this Order.
- H. Meal charge reimbursements shall be allowed to post and district members confined to their home posts by Signal 7. Reimbursement shall also be allowed for members of other divisions of the department who are confined to their offices or, because of their assignments, are not allowed to return to their residences for meals because of Signal 7

being in effect. Eligibility for individual meals shall be determined by arrival and departure times. Beginning time shall be the time of arrival at the post/office after Signal 7 becomes effective. Ending time shall be time of removal of Signal 7. This reimbursement does not apply when members are allowed to return to their residences for meals. This reimbursement also does not apply to Signal 5. The meal allowance rate under this section shall be the Mobilization Meal Rate found in Section 47.17.4, regardless of the time of day or night the meal is obtained, provided it meets time requirements listed in this Order.

47.17.4. MOBILIZATION MEAL RATE

- A. Troopers and sergeants shall be reimbursed in accordance with their collective bargaining agreement.
- B. All other members shall be reimbursed one-third of the total in-state daily meal allowance for each eligible meal.

47.17.5. SPECIAL DETAILS

Enforcement members of a local post forming part of the detail who are not allowed to return to their residences when off duty due to the necessity of keeping them immediately available for emergencies shall be allowed meal reimbursement. The meal allowance shall be the Mobilization Meal Rate found in Section 47.17.4 for all members of the detail who qualify for meal reimbursement.

47.17.6. MOTEL AND HOTEL CHARGES

- A. Individual motel and hotel charges shall be paid by the member in travel status. A proper receipt shall be obtained and attached within SIGMA.
 - (1) If a worksite sets up direct billing with a lodging facility, a direct voucher payable to the facility may be entered through the SIGMA system using applicable processing guidelines.
 - (2) Sales tax charges are deleted when paid on direct voucher for in-state lodging.
- B. Sales or use taxes applicable to lodging charges are reimbursable, in addition to the regular lodging allowance, when paid by the member.
- C. Reimbursed lodging shall be at a location that is in the business of furnishing lodging and is registered with the State of Michigan or another State, Commonwealth, Province, etc., for that purpose.

47.17.7. EXPENSES ALLOWED - NOT ALLOWED

Travel expense payments shall be made to reimburse members for expenses actually incurred within established limits. Section 47.18 of this Order provides some examples of expenses that are allowed and not allowed. Questions regarding expense reimbursement shall be directed to the Department of Technology, Management, and Budget's Financial Services staff at the Accounting Service Center.

47.17.8. PERSONAL CREDIT CARDS

Use of generally recognized credit cards shall be accepted as evidence of payment if supported by the usual receipt form required to support cash payments, appropriately annotated. An itemized receipt or statement chargeable to the member's private individual account shall be

accepted as evidence of payment in lieu of paid receipts.

47.17.9. CHARGE FOR USE OF STATE VEHICLE

When a travel expense is paid by something other than state funds and a department vehicle is used, the fleet coordinator in the Budget and Financial Services Division shall be contacted to determine the rate to be charged for use of the state vehicle. The department vehicle shall only be used in these cases when necessary.

47.17.10. GHOST ACCOUNT CHARGING PROGRAM

The following is a quick reference guide for the Corporate Charge Card Program.

- A. No actual cards are issued. Ghost account charging numbers have been assigned to worksites. These ghost account charging numbers are as much an extension of state funds as a cash advance and shall be treated as such.
- B. Ghost account charging numbers shall be protected and used with as much care as an actual credit card.
- C. The ghost account charging numbers shall be used exclusively for travel arrangements with the contracted travel agent.
- D. Questions not answered in this Official Order should be referred to the Travel Arrangement Contact.

47.17.11. AIRLINE TRAVEL

- A. Travel arrangements shall be made through the contract vendor, regardless of the member's location.
- B. Discounted airfares with major airlines have been negotiated for cities frequently visited by state employees. These rates shall be considered the ceiling price to those city fares. Exceptions shall be reported to the Department of Technology, Management, and Budget.

47.17.12. MEMBER EXPENSE REIMBURSEMENT

- A. Travel expenses, including meals, lodging, mileage, or other expenses that relate directly to travel by a member, shall be submitted for reimbursement by entering directly in SIGMA. Each worksite has been set up with either employee self-entry or travel coordinator entry for designated staff.

Except as provided in subsection (B), the member shall submit one Employee Expense Reimbursement through SIGMA per month, in the month following the travel period, when:

- (1) The member has any expenses for travel, lodging, or personal meals.
- (2) Expenses have been incurred in a transfer.
- (3) Expenses may be carried over to the following month's Employee Expense Reimbursement entry in SIGMA if the current month's travel total is less than \$25.00.
- (4) If the Director, bureau commander, or division/district commander schedules a meeting through breakfast, lunch, or dinner and participants are required to have their

meal together, the group meal rate shall apply and payment shall be made from the vendor's invoice using a direct voucher. When a member attends a convention, conference, or meeting called by an outside agency, the appropriate standard rate (in-state or out-of-state) or actual meal and lodging expense (supported by receipts and subject to approval by the department) will be allowed. These expenses shall be included on the SIGMA entry.

- B. The restriction on submitting only one Employee Expense Reimbursement submission in SIGMA per month does not apply in cases involving out-of-state travel. Out-of-state travel must be submitted separately in SIGMA.

47.17.13. MEMBER EXPENSE REIMBURSEMENT APPROVALS

All member reimbursement requests must include receipts and be entered into SIGMA. All requests shall be reviewed for propriety and mathematical accuracy and shall be approved by a member's supervisor. Approval of the immediate supervisor may be placed on the Employee Expense Reimbursement or on the SIGMA summary sheet. The original documents shall be retained in department files for reference.

- A. Reimbursable travel costs incurred by board, commission, and council members, and all other persons submitting requests for payment by the department require approval by the commander (or designee) under whose command the costs are incurred.
- B. Members shall not approve their own reimbursement requests.
- C. Reimbursement requests for the Director shall be approved by a deputy director.
- D. In the absence of the designated approving commander, the approval of an acting commander shall be accepted.
- E. Commanders may require approvals from supervisors not mentioned herein in addition to the approvals required for pre-audit purposes.

47.17.14. APPROVAL FOR OUT-OF-STATE TRAVEL

- A. Out-of-state travel requires submission of an Out-of-State Travel Request, ADM-049, and approval through the bureau chain of command.
- B. When traveling out-of-state to perform law enforcement related duties, members shall notify the Operations Unit.
- C. When out-of-state travel commences without advance notice, the traveler's supervisor shall immediately notify the Operations Unit of the travel.

47.17.15 TRAVEL ADVANCES

- A. Travel must be a minimum of three nights in duration.
- B. Total estimated out-of-pocket travel expenses must be at least \$560.00.
- C. The travel advance must be submitted to the Michigan State Police Travel Liaison at least two weeks prior to the start of the travel, when practical.
- D. The submission will include the following:
 - (1) Signed ADM-048, Travel Advance Request.

- (2) Signed ADM-049, Out of State Travel Request, for travel outside the state.
 - (3) Confirmation on the hotel reservation, or Conlin Travel Code.
 - (4) Information on the conference or training, including an agenda/schedule of events.
- E. Members who are in continual travel status may be authorized long-term advances in an amount to be determined by the Budget and Financial Services Division.
 - F. All travel advances will be issued at 90% of the requested amount.
 - G. The ADM-040 and receipts must be submitted within 30 days of the last day of travel.
 - H. If no receipts are submitted within 45 days from the last day of travel, the advance will be liquidated at a rate of \$250 per pay period.

47.18. TRAVEL EXPENSES ALLOWED/NOT ALLOWED

Members traveling on official business shall exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

47.18.1. MEALS

A. Training Academy Cafeteria

- (1) Meals at the Training Academy cafeteria are provided at state cost, which permits a lower selling price than comparable items obtained at a commercial restaurant.
- (2) Members temporarily assigned at Headquarters, as well as members attending training at the department training facility who are eligible for meal cost reimbursement, shall obtain their meals at the Training Academy cafeteria when the facility is open and their work assignment or lodging makes eating there possible.

B. Meeting at Work Station Called by Independent Organization

Members required to attend a prearranged meeting called by an independent organization and held at the member's official work station, shall be reimbursed for meal expenses according to the established rates, provided such meeting terminates 2 1/2 hours or less prior to the beginning of the official work shift or commences 2 1/2 hours or less after the end of the official work shift. The member shall be representing the department at such meeting, and it shall be established that it was not practical for the member to return home for the meal.

C. Guest Meals

The cost of guest meals shall be allowed only if it can be shown that such cost was incidental and necessary to the conduct of official state business. In no case shall the amount allowed be in excess of the maximums established in the Standardized Travel Regulations for group meetings. Full explanation shall be given on the Employee Expense Reimbursement Request ADM-040, including the name of and position held by the guest. Meal expense for no more than five non-state guests, invited for a meal only, for consultation and advice on matters of state business, shall be reimbursed at actual cost, not to exceed group meeting rates. An identification of state business shall be stated on the voucher. Receipts are required. Participating members shall be reimbursed up to the group rate amount. Other employees of the Executive Branch of state government shall not be claimed as guests.

D. Service Club Event Meals

Meals purchased by worksite commanders while attending service club events (e.g., Rotary, Lions, Kiwanis, Chamber of Commerce, or Exchange Club) may be submitted for reimbursement in SIGMA, up to the group rate amount.

E. Overtime Not Allowed During Reimbursed Meal

When requesting reimbursement for meal expenses, members shall not claim overtime salary payment or compensatory time for the time involved in obtaining such meal.

F. Prisoner Meals

(1) Reimbursement for meals furnished to prisoners shall be for the actual amount spent, but shall not exceed amounts provided in the Standardized Travel Regulations.

(2) The incident number shall be shown in the SIGMA report.

G. Civilian Trainees

During the training period, new members required to report to Headquarters for an initial training period before going to a work station outside the Lansing Post area shall obtain meals at the Training Academy cafeteria when available and the work assignment makes eating there practical. When not available or when impractical, meals may be obtained elsewhere. Trainees maintaining a home in the Lansing Post area, or employed to fill a position in the Lansing Post area, shall not qualify for the expense reimbursement.

H. If meals are furnished free of charge to members by the department or others (e.g., training, special events, conferences, etc.), no expense reimbursement shall be requested by the members.

47.18.2. LODGING

A. Lansing Post Area

(1) Since housing is available at the Training Academy, transient, temporarily assigned, and officially transferred members in the Lansing Post area are not eligible for reimbursement of commercial lodging expenses unless room is not available at the Academy.

(2) Rooms shall be reserved in advance. To reserve rooms at the Training Academy, commanders shall call the Training Academy, advising the proposed time of arrival and estimated length of stay for members of their command who will be using the quarters.

(3) Reimbursement requests for tips and incidentals shall not be claimed while lodging at the Training Academy.

B. Outside the Lansing Post Area

Members eligible for reimbursement of expenses according to the Standardized Travel Regulations (including transient, temporarily assigned, and officially transferred members) who must stay outside the Lansing Post area, may obtain reimbursement for lodging accommodations of their own choice. Members shall check with the post or district commander about facilities offering special rates advantageous to the department. When the department has an arrangement for leased or rented space, the members shall stay

there.

C. Temporary Assignment

Members on temporary assignment from other work stations shall have living quarters furnished by the department for the entire period of their temporary assignments. However, members shall not be kept on extended temporary assignment primarily for the purpose of qualifying them for room consideration.

D. Civilian Trainee

New members who are employed at a location other than Headquarters, but are required to report to Headquarters for an initial training period before going to their work stations, shall be housed at the Training Academy. Reimbursement for commercial lodging shall only be allowed when room is not available at the Academy. Trainees maintaining a home in the Lansing Post area or employed to fill a position in the Lansing Post area shall not qualify for the expense reimbursement.

E. Michigan Accommodations

Members shall stay in Michigan accommodations and facilities whenever possible.

F. Lodging shall not be reimbursed for a location that is not in the business of furnishing lodging and is not registered with the State of Michigan or another State, Commonwealth, Province, etc., for that purpose.

G. Schools and Seminars

When attending schools or seminars of more than one-week in duration, where the rental of a room is necessary, members shall take advantage of any reduced rate for a lengthy occupancy. In these cases, the department shall pay a reasonable room charge. Receipts for lodging are required.

H. Room Shared with Non-Member

If a hotel room or other lodging is shared with one non-member who receives no travel reimbursement from another source, reimbursement to the member shall be at the single room rate or the maximum established by the Standardized Travel Regulations, whichever is lower. The member shall have the room clerk make a notation on the hotel bill as to the single room rate charge.

I. Tips and Incidentals

Members may claim tips/incidentals up to \$5 for each overnight stay at a non-state owned lodging facility to reimburse for hotel or motel service gratuities (e.g., porter, maid).

47.18.3. CONVENTIONS, MEETINGS, AND REGIONAL LAW ENFORCEMENT ASSOCIATIONS

A. Conventions, Conferences, and Meetings Called by an Independent Organization Over Which the State Has No Control

(1) Actual meal and lodging expenses at the convention location are allowed. This expense applies to both in and out-of-state conventions, conferences, and meetings.

(2) Reimbursement for expenses to and from the convention, conference, or meeting shall be at the normal out-of-state or in-state rates, whichever applies. A full

explanation shall be given, including the name of the convention, conference, or meeting.

- (3) The amount of expense reimbursement is subject to approval by the department, shall be supported by receipts and shall be entered directly in SIGMA.

B. Conventions, Conferences, and Meetings called by a Commission or Agency Head

- (1) Actual meal and lodging expenses shall be permitted up to the maximum allowed according to Standardized Travel Regulations for group meetings for each member or official guest.
- (2) The Director has delegated the authority to call meetings, conventions, or conferences to bureau, division, and district commanders.
- (3) Advance approval of the Department of Technology, Management and Budget (DTMB) is required for any charges in excess of Standardized Travel Regulations amounts. When expenditures are expected to exceed the approved amount, a memo shall be prepared 30 days in advance of the expenditure being made and sent to the DTMB Financial Services, Accounting Service Center explaining the reasons for the excess charges. If the variance is not granted, payment will be made at the maximum amount per the Standardized Travel Regulations.
- (4) If the group attending is from one state agency, payment shall be made by direct voucher payment in the SIGMA system based on a vendor invoice. A list containing the names of all persons attending the meeting shall be attached with the receipt to the direct voucher documents retained locally. If charges are in excess of \$2,500, a copy of the receipt with approval and document number together with the list of names of persons attending the meeting shall be faxed to Financial Services, Accounting Service Center according to established direct voucher procedures. The names of all persons attending the meeting shall be shown on the voucher. Extra charges for meeting rooms shall be shown on the voucher as a separate item.

C. Regional Law Enforcement Associations

Expenses in connection with attendance of periodic regional law enforcement associations shall be reimbursed when the member has a specific assignment from the department to attend in an on-duty status.

47.18.4. MILEAGE ALLOWANCE

A. Allowance

The approved private car rate mileage allowance for use of a personal car when no state car is available can be found on the DTMB website. The lower rate applies when a member elects to drive a private car although a state car is available. These rates apply both in state and out of state.

- (1) See Official Order No. 1, Article 3 for policy concerning authorization for use of a personal car for department business.
- (2) The State Administrative Board also approved the following: "In lieu of using state owned vehicles, heads of principal departments may drive privately-owned vehicles for official state business and be reimbursed at the maximum rates approved for privately-owned vehicles."

B. Calculating Mileage

An Internet accessible site such as MapQuest.com shall be referenced to provide mileage figures. The mileage provided may be used to assist in determining transfer and other reimbursable mileage.

- (1) Open a web browser and go to MapQuest.com
- (2) Click on "Get Directions."
- (3) Type in the starting street address and the destination street address.
- (4) Click on "Get Directions."

The results will display the one-way distance (mileage), as well as directions and approximate travel time.

C. Return from Military Leave

A member returning from military leave who is required to report to Lansing Headquarters for assignment and/or equipment may request cost reimbursement for a personal vehicle from Lansing to the official work station at the approved private car rate.

D. Attendance at Court while on Annual Leave

- (1) When a member who is on a scheduled vacation has to leave from the vacation point to attend court for the department, mileage reimbursement at the approved private car rate shall be allowed for their personal car from the vacation point if no state car is available. Enlisted members shall obtain a department vehicle from a local MSP post if one is available.
- (2) Mileage reimbursement from residence to court shall not be allowed when a member elects to drive a personal car to court in order to take their family and spend annual leave time in the area. Expenses outlined in Section 47.18.4.A.(1) above shall be allowed when applicable.

47.18.5. OTHER TRAVEL EXPENSES

A. Long Distance Telephone Calls and Internet Services

- (1) Requests for reimbursement of long-distance calls and Internet services on hotel bills shall identify the person called and why, or an incident number or some other specific justification for the usage.
- (2) Occasional charges on local telephone calls shall not be reimbursed.
- (3) Business calls made on a personal cellular phone shall be reimbursed if approved by the commander. Reimbursement shall not be made for monthly lease charges.

B. Parking Charges

- (1) Lots - Receipts are required.
- (2) Metered - A record of actual amounts charged shall be maintained. Minor amounts are not eligible for reimbursement.

47.18.6. PERSONAL EXPENSES

A. Uniform Repair and Dry Cleaning

- (1) Charges for minor repairs to uniform equipment shall be reimbursed.
- (2) Members shall pay for dry cleaning of uniforms.
- (3) When department issued shoes become worn to the extent that both soles and heels are required, they shall be turned in for replacement rather than repair.

B. X-Ray Charges

- (1) The department shall pay for a member's X-ray charges after exposure to a tuberculosis carrier while on duty if the X-ray cannot be obtained free of charge from a state or county facility.
- (2) A statement shall be attached to the SIGMA summary report, stating why the X-ray could not be obtained free of charge.

C. Dues Payment

Dues payment to organizations or associations shall not be reimbursed unless authorized by the member's commander.

- (1) Division commanders shall attempt to coordinate memberships to minimize the number of memberships for which the department pays.
- (2) The department encourages participation in service clubs (e.g., Rotary, Lions, Kiwanis, Chamber of Commerce, or Exchange Club) and payment for such membership dues for worksite commanders may be paid from their CSS&M account, up to a maximum of \$300 per year with district/division commander approval. An additional \$100 may be spent (up to \$400 per year maximum) with bureau commander approval.

D. Receptions/Retirements

Gift expenses shall not be reimbursed for retirement receptions or meetings of a similar nature honoring an individual.

- (1) The district or division commander or their designee may attend the retirement of a member under their command on duty status. The district/division representative (one member only) is eligible for actual meal reimbursement costs, not including any gift.
- (2) With prior district or division approval, one district or division representative may attend the retirement of local dignitaries while on command duty status. The representative is eligible for actual meal reimbursement costs, not including any gift.
- (3) The Director, bureau commanders, or their specifically designated representative are eligible for actual meal reimbursement costs, not including any gift, when representing the department at retirement functions while on duty status.
- (4) When submitting employee expense reimbursement requests for a retirement function, a notation shall be made indicating the member is the designated representative, the retiree's name, and retiree's position.

E. Attendance at Funerals

Members designated as official representatives of the department at a funeral may claim reimbursement for travel expenses in accordance with the Standardized Travel Regulations.

47.18.7. SPECIAL DETAILS

A. Mackinac Island

- (1) Mackinac Island is considered to be outside of the St. Ignace post area for determination of expense allowances. Time of departure from and return to the official work station governs eligibility for reimbursement. Enforcement members permanently assigned to the St. Ignace Post shall not be eligible for meal reimbursement on pass days.
- (2) Reimbursement for one personal round-trip ferryboat fee per week is allowed for enforcement members who are assigned to police Mackinac Island for the summer season.

B. Executive Protection

Members assigned to the Executive Protection Detail shall be reimbursed for their actual expenses while in travel status with the Governor.

47.18.8. CHANGES IN OFFICIAL WORK STATION

- A. Except as provided by collective bargaining agreements, members are eligible for expenses pursuant to a change in their official work location only if the distance between the old and new work location exceeds 15 road miles.

B. Eligibility for Travel Allowance

- (1) Reimbursement of expenses shall be determined on the basis of the individual being in "travel status" according to the Standardized Travel Regulations.
- (2) A member shall be allowed standard travel allowances up to 60 days at the new work station or until such time as the member's residence is changed, whichever occurs first.

When a mobile home is regularly used as a residence, the spotting of the mobile home on its new location shall be considered to be establishing residence in the new location.

- (3) The 60-day allowance shall not commence until the member starts working out of the new work station.
- (4) A member transferred, but required to remain at their former work station for a period after the effective date of transfer, shall be eligible for meal expense reimbursement if the member has moved residence to their new work station.
- (5) Duty time spent at the prior work station, such as returning for court, shall not be counted as part of the 60 days. Annual or sick leave time spent at the prior location shall not be counted against the 60 days.
- (6) Members returning to their residences at prior work stations during the 60-day period

shall not be reimbursed for meals during those days. Mileage charges for a personal car used in such commuting shall be the actual mileage between the points at the approved private car rate, not to exceed the amount which otherwise would be reimbursable for one day's meals.

- (7) New members temporarily in school before being assigned to their work stations, such as trooper recruits and dispatchers, shall not be eligible for transfer expenses except mileage.
- (8) Continuing members, such as service troopers who have been employed by the department for some time before entering a recruit school, shall be entitled to the 60 day expense allowance provided to transferred members. They shall also be eligible for the department moving their household furnishings from their former work stations to the new work stations to which they are assigned after graduation from recruit school.

C. Lodging

- (1) Members requiring lodging upon change of work station shall be provided lodging for the first 60 days. Extensions may be granted according to subsection D below.
- (2) See Section 47.18.2 to determine type of lodging eligible for reimbursement.

D. Mileage

A member officially transferred from one work station to another may request a one-time mileage cost reimbursement at the approved private car rate for transporting a personal vehicle from the old to the new work station. This one-time mileage cost reimbursement applies to one vehicle only.

E. Trip to Secure Housing

When a transfer is made for the benefit of the department, a continuing member and one additional family member shall be allowed three round trips to a new official work station for the purpose of securing housing, with prior approval of the department. Travel, lodging, and food costs shall be covered up to nine calendar days for all three trips under the Standardized Travel Regulations. No other expenses shall be allowed for the family.

F. Extensions

- (1) In cases of hardship in securing or occupying a new residence, the department may grant an extension of travel allowances or lodging with approval of DTMB. In no case shall the total period exceed 180 calendar days.
- (2) Extensions, determined on an individual case-by-case basis, of up to 60 calendar days may be granted to a trooper or sergeant.
- (3) Hardship requests for an extension of the standard travel allowable, or the lodging provided for by the department, shall be submitted through channels on interoffice correspondence to the Human Resources Division director. The request shall contain full documentation of the reason for the need of an extension. The immediate supervisor shall conduct an interview with the member and, if appropriate, shall cause further checks of the member's contentions and conditions and provide any other necessary documentation to clarify the need of an extension. Each level in the chain of command shall review and comment on the request. Approval or disapproval shall be given by the Human Resources Division director who shall notify the member. If

the member is not satisfied with the response, an appeal may be made to the Director.

47.18.9. TAX CONSIDERATIONS

- A. Transfer expenses reimbursed by the state to a member or paid by the state on behalf of the member (such as lodging costs) shall be included on the member's Wage and Tax Statement (W-2) as "Other Compensation."
- B. All taxable travel expenses, including transfer expenses, reimbursed by the state to a member or paid by the state on behalf of the member shall be included on the member's Wage and Tax Statement (W-2) as "Other Compensation."
- C. All taxable transfer expenses are reported through the payroll system for tax reporting purposes, and appropriate tax amounts shall be withheld from member payroll warrants.
- D. The member shall keep accurate records to use in deducting qualifying amounts when preparing tax returns.

47.19. CLOTHING AND DRY-CLEANING ALLOWANCES

47.19.1. CLOTHING ALLOWANCE FOR PLAINCLOTHES ENLISTED MEMBERS

A clothing allowance shall be provided for enlisted members working in plainclothes assignments. Payment shall be included with each biweekly paycheck to enlisted members meeting the criteria outlined below.

- A. This allowance shall be granted to enlisted members appointed to positions established under the Civil Service Commission requiring department work be done in civilian clothing. Enlisted members temporarily assigned to such a position, or to such work, do not qualify for clothing allowance.
- B. The allowance applies to all enlisted ranks.
- C. The issuance of rubber boots, raincoats, and fatigue uniforms for enlisted members in specialized work, such as fire investigator and forensic science, shall not disqualify them for this allowance.
- D. The clothing allowance shall be provided to troopers and sergeants according to their collective bargaining agreement.

47.19.2. DRY-CLEANING ALLOWANCE FOR MEMBERS IN UNIFORM

A dry-cleaning allowance shall be provided for members wearing uniforms that require dry cleaning. Payment shall be included with each biweekly paycheck to such members. The general rules that govern are as follows:

- A. Eligible members are those working in uniform, including uniform enlisted members, state properties security officers, supervisors, emergency dispatchers/radio operators, and motor carrier officers.
- B. The dry-cleaning allowance shall be provided to troopers and sergeants according to the provisions of their collective bargaining agreement.
- C. Payment for state property security officer, motor carrier officer, and vehicle inspector uniform cleaning is provided for in the Michigan State Police/Michigan State Employees

Association (MSP/MSEA) secondary agreement.

- D. Payment for emergency dispatcher uniform cleaning is provided for in the Michigan State Police/United Auto Workers (MSP/UAW) secondary agreement.

47.19.3 CLOTHING AND DRY-CLEANING DISBURSEMENTS

Represented members	In accordance with the respective collective bargaining agreements
Clothing/cleaning allowance for plainclothes enlisted lieutenants and above (\$34.62 payable biweekly)	\$900.00 per year
Dry cleaning allowance for enlisted lieutenants and above (\$20.19 payable biweekly)	\$525.00 per year
Dry cleaning allowance for motor carrier sergeants and above (\$17.31 payable biweekly)	\$450.00 per year
Dry cleaning allowance for state properties security officer supervisors (\$17.31 payable biweekly)	\$450.00 per year
Dry cleaning allowance for emergency dispatcher supervisors (\$13.47 payable biweekly)	\$350.00 per year

47.20. DUTY-INCURRED INJURIES/ILLNESSES: REPORTING, BENEFITS, AND EXPENSES

This section establishes the procedure to be followed to report illnesses and injuries arising out of and in the course of employment and serves as a guide for commanders to process the required forms. This section is not designed to answer all specific questions regarding Workers' Disability Compensation. Questions or special problems shall be directed to the Human Resources Division.

47.20.1. COMPENSABLE/NON-COMPENSABLE INJURIES AND ILLNESSES

A. Compensable Injury/Illness

A compensable injury/illness is an injury/illness arising out of and in the course of employment that incapacitates the member for more than seven days and meets other criteria of the Workers' Disability Compensation Act. Compensability refers to payment of benefits for time lost from work.

B. Non-Compensable Injury/Illness

A non-compensable injury/illness is an injury/illness arising out of and in the course of employment in which the member's disability is seven days or less in duration. Medical benefits may be paid for a non-compensable injury/illness. Example: a trooper closes the door of the patrol vehicle on one of their fingers. The injury requires that medical bills for services rendered by the attending physician and/or hospital be submitted.

47.20.2. REPORTING INJURIES AND RETURN TO DUTY

A. Reporting Injuries to the Supervisor

A member shall immediately report all injuries arising out of and in the course of employment to their commander.

B. Reporting Injuries to the Human Resources Division

The commander shall, within 24 hours, report such injuries to the Human Resources Division as directed in Section 47.20.3 below.

C. Return to Duty

Members shall return to duty as soon as possible following an injury or illness. If return to full duty is not appropriate, return to limited duty should be considered.

Commanders shall immediately report to the Human Resources Division when a member returns to either limited or full duty. While limited duty is encouraged, limited duty shall not be used for the purpose of creating work.

- (1) Full Duty - upon receipt of satisfactory medical information certifying the member as physically/mentally unrestricted in the activities required to perform the duties of the position, the member shall be returned to full duty.
- (2) Limited duty assignments and the procedures for implementing them shall be in accordance with the department's collective bargaining agreements.
- (3) Temporary Limitations - members with temporary limitations may be returned to work for a period dictated by the physician. These circumstances require coordination with the district/division commander and the Human Resources Division director and will be considered providing limited duty assignments are available.

Members may be referred to the department physician if their medical documentation requires clarification on the diagnosis or prognosis, or members may be required to have their physician complete an "Essential Job Functions" questionnaire. The decision of the department physician is final, subject to Civil Service Commission rules and/or collective bargaining agreements.

- (4) At the discretion of the worksite commander, in consultation with the district/division commander, members may be in uniform for limited duty assignments providing the member is not directly involved in law enforcement duties and the nature of the member's illness/injury does not prevent it.
- (5) At the discretion of the Human Resources Division director and the district/division commander, limited duty assignments may be approved in situations where a member may be the sole person in a building that is not accessible to the public. Other limited duty assignments may be approved providing a law enforcement member is readily available to assist in an emergency.

47.20.3. REPORTS REQUIRED

A. Worker's Compensation Claim Form, ENC-004

- (1) The Worker's Compensation Claim Form, ENC-004, shall be used to report all injuries/illnesses involving members. State and federal laws require all employers to file reports on the number, type, and severity of occupational injuries.
- (2) The Worker's Compensation Claim Form shall be completed immediately for all work-related injuries/illness, both compensable and non-compensable, and shall be emailed directly to the Human Resources Division at:
MSPWORKCOMP@michigan.gov

- (3) The medical bills for services rendered by the attending physician and/or hospital shall be forwarded to the Human Resources Division for processing as soon as possible. The date of injury/illness must accompany all bills.
- (4) Completion and distribution instructions for the Worker's Compensation Claim Form, ENC-004 are contained on the Official Forms website.

B. Supplemental Report of Fatal Injury

A supplemental Report of Fatal Injury shall be completed by the Human Resources Division and forwarded to the third-party administrator for workers' compensation within eight days after the death of a member.

47.20.4. COMMUNICABLE DISEASE

A. Coverage

The Workers' Disability Compensation Act contains certain provisions dealing with compensable cases due to communicable diseases that are contracted by members arising out of and in the course of their employment.

B. Reports of Exposure to Communicable Disease

When a member is exposed to or contracts a communicable disease in the course of their duties, the commander shall promptly complete an Accident Illness Report Form and forward it to the Human Resources Division. All information pertaining to the case; i.e., exposure, diagnosis; will be weighed by the third-party administrator for workers' compensation to determine whether or not the claim is compensable.

47.20.5. RESPIRATORY AND HEART DISEASES

A. Coverage

The Workers' Disability Compensation Act provides certain benefits to members who contract a respiratory or heart disease or resulting illness in the course of their employment.

B. Reporting

- (1) The commander shall promptly report cases of respiratory and heart disease to the Human Resources Division by completion of a Worker's Compensation Claim Form, ENC-004.
- (2) The Worker's Compensation Claim Form shall include facts that reflect unusual and out of the ordinary work or conditions that could have caused the disease. In the case of respiratory diseases, the elements of the weather, time of exposure, or other conditions that may have caused the disease shall be indicated.
- (3) Upon receipt of the Worker's Compensation Claim Form, the Human Resources Division shall notify the third-party administrator for workers' compensation. A thorough investigation will be conducted by the third-party administrator for workers' compensation to determine if the disease occurred in the course of the member's employment.
- (4) See Official Forms, Worker's Compensation Claim Form, ENC-004.

47.20.6. RESPONSIBILITY FOR MAINTAINING RECORDS

- A. The Human Resources Division shall maintain records on compensable and non-compensable injury cases.
- B. The member's commander shall email reports on compensable and non-compensable injuries directly to the Human Resources Division at MSPWorkcomp@michigan.gov.

47.20.7. EXCERPTS OF BENEFITS

A. Medical Care

A member who receives a personal injury arising out of and in the course of employment shall be furnished reasonable medical, surgical, and hospital services and medicines or other attendance or treatment recognized by the laws of this state as legal when they are needed.

- (1) For the first 28 days, the department has control of medical care. After 28 days from the inception of medical care, the member may treat with a personal physician by giving the name of the physician to the Human Resources Division. However, the department or the third-party administrator for workers' compensation may file a petition objecting to the physician selected by the member and the reasons for the objection. The Bureau of Workers' Disability Compensation must give notice and promptly hold a hearing. If the department or the third-party administrator for workers' compensation can show good cause why the member should not be allowed to continue treatment with the personal physician, the Bureau of Worker's Disability Compensation may order that the member discontinue treatment with the physician or pay for the treatment received from the date of the order.
- (2) A member who, as the result of an injury/illness, is unable to perform work for which they have previous training or experience, shall be entitled to prompt medical rehabilitation and to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore the member to useful employment.

B. Death Benefits Payable

- (1) Workers compensation death benefits shall be paid to the dependents, if any, who are wholly dependent on a member's earnings for support at the time of the injury or death. Compensation shall be paid prior to death in cases in which the member suffered disability before death.
 - a. The Michigan Supreme Court has ruled that widows are not considered conclusive dependents. Actual dependency is required before the widow may acquire benefits.
 - b. The widow's payment upon remarriage is \$500, or the remaining compensation due, whichever is less.
- (2) In addition, death benefits for enlisted members shall be paid from the Michigan State Police Pension, Accident and Disability Fund.

C. Burial Expense

- (1) For enlisted members, burial expense up to \$1,500 may be paid from the State Police Pension, Accident and Disability Fund after approval of the State Administration

Board.

- (2) This payment is in addition to the \$6,000 maximum burial allowance authorized by the Third-party administrator for workers' compensation.
- (3) The combined amount shall not exceed the actual funeral expense.

D. Total Temporary, Total Permanent, and Partial Disability

- (1) Compensation shall be paid for the duration of the disability. The conclusive presumption of total and permanent disability shall not extend beyond 800 weeks from the date of injury, and thereafter the question of permanent and total disability shall be determined according to the current facts.
- (2) Compensation payable is subject to the maximum and minimum weekly amounts established by the Workers' Disability Compensation Act.
- (3) Workers' compensation benefits for enlisted members are in addition to those payable from the Michigan State Police Pension, Accident and Disability Fund.

47.20.8. LIMITS ON COMBINED COMPENSATION

The total benefits payable under the Workers' Disability Compensation Act and the benefits payable under the Michigan State Police Pension, Accident and Disability Law, because of death or permanent duty disability, shall not exceed the average annual salary paid to the member for the two years immediately prior to the death or disability.

The total benefits payable due to death or permanent duty disability under the Workers' Disability Compensation Act and the Michigan State Employees Retirement System are coordinated commencing at age 60.

47.20.9. WORKERS' DISABILITY COMPENSATION ACT CHECKS

- A. The first payment from the third-party administrator for workers' compensation is sent to the department and shall be used for repayment of up to two-thirds (2/3) of any leave credits used during the determination.
- B. If a member exhausted sick leave while waiting for a determination and was on lost time, the member shall receive a modified check from the department for any balance due them after all re-crediting has been completed.
- C. If a member continues on disability after the first check is received, the member shall be charged one-third (1/3) leave credits and shall retain the workers' compensation checks until released to duty.

47.20.10. PAYMENT OF HOSPITAL AND PHYSICIAN EXPENSES

- A. Medical bills or bills for services rendered by an attending physician and/or hospital shall be forwarded to the Human Resources Division.
 - (1) The member's full name and date of injury shall be indicated on the bill.
 - (2) All bills shall be marked "compensation" or "duty-incurred."
- B. Hospitals and physicians familiar with the procedure of payment for bills by the third-party administrator for workers' compensation may submit their billings directly to the third-party

administrator for workers' compensation for payment.

47.20.11. PAYMENT OF MINOR MEDICAL AND PRESCRIPTION EXPENSES

- A. Minor medical and travel expenses incurred by a member due to a duty incurred injury or illness may be compensated by the third-party administrator for workers' compensation.
 - (1) The member shall submit an itemized receipt to the Human Resources Division for payment.
 - (2) A list of travel expenses detailing dates, including but not limited to number of miles and the name of physician or treatment facility, may be submitted for consideration of payment.
- B. The bills shall be submitted in the same way as hospital and physician expenses are handled in Section 47.20.10 above.

47.20.12. SIGNING RELEASES

- A. The third-party administrator for workers' compensation has the responsibility to act for and on behalf of the department in third party liability matters.
- B. Members shall not sign releases relieving a third-party of possible liability until cleared through the Human Resources Division and the third-party administrator for workers' compensation.
- C. The Budget and Financial Services Division shall handle damage claims to state property. The procedure detailed above shall in no way affect handling of vehicle damage claims outlined in Official Order No. 10.

47.20.13. APPEALS

- A. Appeal Procedure
 - (1) A member who disagrees with the decision rendered by the third-party administrator for workers' compensation may appeal to the Workers' Compensation Agency. The member will be afforded a hearing. Hearings before an administrative law judge (magistrate) are scheduled at the county seat where the injury occurred or the disease was contracted. Magistrates have the authority to make awards. A member who disagrees with the award may appeal to the Workers' Compensation Agency Board. Cases may be further appealed to the State Court of Appeals or the State Supreme Court.
 - (2) A member who wants to enter an appeal shall contact the Workers' Compensation Agency for the Petition for Hearing and the procedure to follow in filing an appeal.
- B. Matters That May Be Appealed
 - (1) Any controversy concerning compensation.
 - (2) Any other case in which a member is not in agreement with the decisions as rendered by the insurance carrier.

47.21. PROCEDURES FOR PROCESSING CLAIMS FOR PERSONAL PROPERTY LOSSES

This section defines procedures to file a claim for personal property losses. MCL 600.6419 provides the state administrative board exclusive jurisdiction to hear, consider, determine, and allow any claim against the state for an amount less than \$1,000. Claims of \$1,000 or more shall be filed with the Michigan Court of Claims.

Pursuant to MCL 600.6420, the department's director or designee has delegated authority to approve claims up to \$500 with the following exceptions: eyeglasses; personal vehicle damage; jewelry over \$50; and cash over \$100. All claims against the state-by-state employees must adhere to State Administrative Guide Procedure 0620.02.

47.21.1. PROCESS FOR REPORTING CLAIMS

A. Claims of \$500 or Less

- (1) MSPTA members with reported claims of \$500 or less which do not include eyeglasses, automobile repairs, jewelry over \$50, or cash over \$100, shall submit in writing to their commander on the MSPTA reimbursement Request for Duty-Related Loss or Damage to Personal Property form (PD-187). These claims will be evaluated by the MSP/MSPTA Safety Committee at their regular meeting.
 - a. The original shall be sent by the supervisor to the district or division involved and then to the Human Resources Division.
 - b. After approval at the Safety Committee meeting, the Human Resources Division will forward a memo to the Budget and Financial Services Division claims coordinator stating the claim has been approved and requesting reimbursement for the member.
- (2) Non-MSPTA department members reporting a claim less than \$500 and MSPTA members with claims which do include eyeglasses, automobile repairs, jewelry over \$50, or cash over \$100 shall forward a DTMB-1104 (Claim Against the State of Michigan) and memo requesting approval to their supervisor. The memo and DTMB 1104 should be forwarded to their district or division commander for approval before being sent to the Budget and Financial Services Division claims coordinator for review and reimbursement.

B. Claims Over \$500

Department members reporting a claim over \$500 and less than \$1,000, shall prepare a DTMB-1104. The DTMB-1104 provides instructions for the required information needed for the type of claim reported and information for filing the claim. MSPTA claims over \$500 shall be processed according to statute, MCL 600.6419.

47.22. DRUG AND ALCOHOL TESTING

- A. Civil service rules and collective bargaining agreements provide for drug and alcohol testing in a myriad of circumstances. This Order provides information for members and commanders regarding the kinds of tests permitted and when they are appropriate. When a member is sent for drug and alcohol testing pursuant to this Order, the supervisor shall complete and submit the PD-093, Drug and Alcohol Testing, to the Drug and Alcohol Testing Coordinator.
- B. The drug testing vendor that the department uses tests for five classifications of drugs. While some of the drugs tested for may be available by prescription, members should be

aware that if a member is taking medication prescribed by a doctor as directed by that doctor, this information shall be disclosed to the facility at the time of the drug and alcohol testing. Members should note that prescribed medication, taken as directed, will not result in a positive test result. However, taking medications that are not prescribed to the member or taking them in excess of the prescribed dosage may result in a positive test result.

47.22.1. RANDOM DRUG AND ALCOHOL TESTING

- A. Pursuant to Civil Service Rules and collective bargaining agreements the department conducts random drug and alcohol testing. If a member's name comes up for random drug and alcohol testing, the member's supervisor will be contacted by Human Resources Division personnel.
- B. Refusal to submit to a random test, including delaying the test, will result in discipline up to and including termination for violation of the Code of Conduct, Sections 4.23 and 4.23a and, depending upon the bargaining unit, such refusal may constitute grounds for discipline equivalent to the discipline imposed for a positive test result.

47.22.2. REASONABLE SUSPICION TESTING

- A. While on duty, a member may be required to submit to urinalysis drug screening or breath alcohol testing based on reasonable suspicion. Reasonable suspicion means objective, articulated, and specific facts which would support a reasonable, individualized suspicion that the member is using or may have used drugs or alcohol in violation of the Code of Conduct.

By way of example only, reasonable suspicion may be based upon any of the following:

- (1) Observable behavior or evidence of drug or alcohol use or the physical symptoms or appearance of being impaired, or under the influence of, a drug or alcohol.
 - (2) A report of on-duty or sufficiently recent off-duty drug or alcohol use provided by a credible source.
 - (3) Evidence that an individual has tampered with a drug test or alcohol test during employment with the State of Michigan.
 - (4) Evidence that a member is involved in the use, unauthorized possession, sale, solicitation, or delivery of drugs, or unauthorized possession and/or use of alcohol while on duty, while on department premises, or while operating an official vehicle (or approved use of a personal vehicle), machinery, or equipment.
- B. Supervisors shall contact the drug and alcohol testing coordinator before sending a member for reasonable suspicion testing.
 - C. Refusal to submit to a reasonable suspicion test, including delaying the test, will result in discipline up to and including termination for violation of the Code of Conduct, Sections 4.23 and 4.23a and, depending upon the bargaining unit, such refusal may constitute grounds for discipline equivalent to the discipline imposed for a positive test result.

47.22.3. POST CRITICAL INCIDENT TESTING

- A. The department will conduct post incident testing of members when an incident involving the member either causes the death or serious personal injury of either the member or another person. This post incident testing is not for criminal evidentiary purposes.

Therefore, if the incident is being investigated as a criminal incident, the investigators of that incident shall neither be involved in ensuring the test is completed nor provided the results of the test. If the investigators of the criminal incident have probable cause to believe the member is under the influence of either drugs or alcohol, they shall seek a test by either obtaining consent or a search warrant.

- B. Refusal to submit to a post incident test, including delaying the test, will result in discipline up to and including termination for violation of the Code of Conduct, Sections 4.23 and 4.23a and, depending upon the bargaining unit, such refusal may constitute grounds for discipline equivalent to the discipline imposed for a positive test result.
- C. The member will receive notice of the results of the post critical incident testing from the Drug and Alcohol Testing Coordinator.

47.22.4. TESTING BEFORE AND AFTER SENSITIVE DUTY ASSIGNMENT

- A. member may be required to submit to urinalysis drug screening prior to, and preceding assignment from, any position in which a member, due to the nature of their work assignment, routinely works with or has continuous access to any controlled substances.
- B. Questions concerning this policy may be directed to the Human Resources Division.

47.23. DISCIPLINARY PROCEDURES

NOTE: When conflict occurs between this Order and a collective bargaining agreement, the collective bargaining agreement supersedes the Order.

47.23.1 COMMANDER'S RESPONSIBILITY

- A. Commanders may resolve work performance problems involving work unit operation and general work supervision functions that do not involve citizen complaints regarding personal actions of a member after consultation with Labor Relations. Such disposition shall only be made when there is no question that the violation by a member did in fact take place. District or division commanders may dispose of incidents of misconduct involving complaints of a minor nature only after consultation with the Labor Relations Section. All serious violations of department rules and regulations, Official Orders, the Code of Conduct and established policy directives shall be handled at the Headquarters level according to these articles.
- B. In proceeding with any administrative investigation, discipline, or counseling measures, commanders and investigators shall comply with the requirements of any applicable collective bargaining agreement. Commanders should consult with the Labor Relations Section to determine which labor agreement applies.
- C. All citizens' complaints and complaints by a member made to a commander or supervisor against another member for alleged violations of rules and regulations, Official Orders, Code of Conduct, or law shall be documented on a BlueTeam Complaint Against Member. When a commander initiates corrective action against a member on their own volition, a BlueTeam Complaint Against Member is not required to be submitted if the proceedings do not go beyond written sanctions (formal counseling, written warnings, written reprimands).
- D. A member making a complaint against another member shall complete a BlueTeam Complaint Against Member within 90 calendar days from the date of the alleged misconduct, or from the date that the individual became aware or reasonably should have

become aware of the alleged misconduct. Complaints received beyond 90 days shall not be accepted unless approved by the Director.

- (1) This requirement does not apply to matters of a criminal nature. See Section 47.23.7 below for complaints against members involving possible violations of criminal law.

47.23.2. FORMS OF DISCIPLINE

Discipline of members may include written warnings and written reprimands for troopers and sergeants, and written reprimands for command officers and civilian members. Discipline also may include suspensions without pay, demotion, unsatisfactory performance ratings, interim service ratings, probationary extension, and termination.

47.23.3. COMPLAINTS INVOLVING A MEMBER BY OUTSIDE PERSONS OR AGENCIES

- A. All complaints against a member shall be accepted at any level to which they are reported.
- B. The complainant shall be notified in writing of the complaint.

47.23.4. INVESTIGATION AND REPORTS SUBMITTED ON ALLEGATIONS AGAINST A MEMBER

- A. A BlueTeam Complaint Against Member shall immediately be completed by the receiving member or the commander initiating the complaint against the member. A copy of this shall be forwarded to the district or division commander of the member involved and the original shall be immediately forwarded by e-mail to the Professional Standards Section. Refer to Official Order No.1, Article 5, Enclosure (1) and the BlueTeam Complaint Against Member instructions, for completion and distribution instructions.
- B. If the investigation is assigned to the district or division, the district or division commander shall cause a complete and thorough investigation to be conducted.
- C. When an investigation is assigned to a district or division, a field investigator shall be designated by the district or division commander. The field investigator shall arrange the interview of the complainant and all pertinent witnesses, gather all relevant information and exhibits, and complete a report for review by the Professional Standards Section. Members who are on leave as a result of illness or injury may still be interviewed with the authorization of the Human Resources Division and/or Office of Behavioral Science.
- D. See Official Order No. 1, Article 5, Enclosure (1) for a detailed guide to internal affairs investigations.

47.23.5. MEMBER'S RESPONSE TO COMPLAINT OR ALLEGATION

- A. The involved member shall be advised of complaints and allegations associated with the member by their commander. The member may be directed to relate, in writing, all facts and circumstances that have a bearing in the matter. If the offense involves a criminal matter, this special report shall not be required, requested, or submitted without prior approval of the Director. When required, the member's response to such allegations shall be submitted through channels to the Director with the final investigative report, unless otherwise ordered. The involved member shall be promptly notified of the disposition of the allegation.
- B. Any statement made in a required special report prepared under orders or a threat of discipline shall be for department administrative proceedings only, and derivative evidence

cannot be used against the accused member in a related criminal prosecution. Exclusively represented members shall be afforded all of the rights and contractual protections listed in their respective collective bargaining agreements.

47.23.6. CORRECTIVE ACTION

- A. Upon receipt of the completed investigative report, the Professional Standards Section, in consultation with the district or division commander will make the closing determination. The report will then be forwarded to the Labor Relations Section and respective bureau to determine the proper corrective action. The recommendations of the offender's immediate supervisor may also be considered in determining what, if any, corrective action is appropriate.
- B. The Labor Relations Section shall be contacted whenever discipline of a department member is anticipated. A review of the case facts, the work and disciplinary records of the member involved, and the discipline imposed for similar offenses shall be conducted.
- C. In those instances where a department member has been convicted of or pled guilty or no contest to a criminal offense, the Human Resources Division Commander shall consult with the Director prior to proposing any administrative sanctions.
- D. Upon receipt of the completed investigation report, the Labor Relations Section shall prepare the Statement of Charges, or provide language for other documents that may be required by any contract or Official Order. A difference of opinion concerning the appropriateness of the charges or penalty proposed by the Labor Relations Section shall be directed to the appropriate bureau commander for resolution. Should an agreement fail to be reached; the matter shall be reviewed by the Director for final resolution.
- E. Once the charges and the proposed penalty have been established, the Labor Relations Section may consider and accept a proposed offer of settlement from a member or their representative in lieu of a hearing.
- F. The Labor Relations Section is responsible for the development and presentation of cases before boards or arbitrators in any disciplinary matter appealed to the arbitration step.

47.23.7. POSSIBLE VIOLATIONS OF LAW

- A. If a complaint against a member involves a possible violation of criminal law, in addition to submitting a BlueTeam Complaint Against Member, the member's commander or supervisor shall immediately notify the district or division commander. The district or division commander shall notify their bureau commander. Under the direction of the bureau commander, investigations into any such cases shall be made or assigned by the Professional Standards Section. The local prosecutor and/or the Attorney General's Office shall be contacted when criminal prosecution is indicated.

See Official Order No.1, Article 5, Enclosure (1) and Official Order No. 63 for additional information.

- B. Investigators shall coordinate their investigation with any related investigation that may have been done previously. During the course of the investigation, a personal interview shall be conducted with the complainant. At the conclusion of the investigation, the investigator's report shall be reviewed by the respective bureau commander.

47.23.8. COMPLAINTS REGARDING DEPARTMENT POLICY OR PROCEDURE

Complaints about department procedure or policy shall be reported on interoffice memorandum directed through channels to the appropriate deputy director who shall take whatever action the complaint warrants. Such action may consist of an explanation of policy to the complainant, or steps may be taken to change policy or procedures if justified complaints indicate that a revision is necessary.

47.23.9. INVESTIGATORY INTERVIEW REPRESENTATION RIGHTS OF PRIMARY SUBJECT

- A. There are several types of interviews that may be conducted in conjunction with the investigatory process. During an interview that occurs as part of a criminal investigation, members are entitled to the same constitutional protection afforded any citizen. An investigatory interview is an administrative interview of a principal or witness conducted in accordance with, Official Order No. 1, Article 4, Sections 4.35 and 4.35a, of this Order.
- B. Members who are covered by a collective bargaining agreement must consult their specific labor contract for the provisions governing their representation rights.
- C. Non-exclusively represented members of the department may request representation during an investigatory interview regarding allegations or charges of misconduct against the member which, if substantiated, could result in suspension, demotion, or dismissal. Subject to the department policy entitled, NERE's - Representation Rights at Investigatory Interview, and consistent with Civil Service rules and regulations, the member will be permitted to obtain representation of their own choosing, if such request is made. However, Civil Service Commission rules prohibit an exclusively represented employee from representing a non-exclusively represented member.

47.23.10. EXPUNGEMENT OF RECORDS

Records of discipline shall be removed from a member's personnel file in accordance with applicable collective bargaining agreements or Civil Service Rules and Regulations. These provisions shall not prohibit the employer from maintaining records of corrective action arising out of violations of prohibited practices consistent with relevant state and federal law.

47.23.11. RELIEF FROM DUTY

- A. After consultation with the commander of the Human Resources Division, work unit commanders or their authorized representative may relieve from duty, with pay, any subordinate member, either of their command or who is within their command jurisdiction, whenever it is necessary for the preservation of good order, efficiency, and discipline. This action is limited to violations that necessitate immediate action. In every instance, the commander or their representative shall immediately advise the Director, through channels, of such action stating the reason and status of the involved member. The Director, upon receipt of such notification, may order the member suspended if necessary, in accordance with Civil Service rules and the appropriate collective bargaining agreement, or take such other action as is deemed appropriate. Such member shall not be restored to duty without authorization of the Human Resources Division Commander and the Director or the Director's designee.
- B. Whenever it is necessary to relieve a member from duty, the appointing authority shall notify the member in writing giving specific reasons for the action.
- C. When the discharge of a firearm by a member inflicts injury or death to another, the member shall be placed on administrative leave by their commander. This action is not considered discipline.

- (1) The member may be restored to limited or full duty on the recommendation of the member's worksite commander after consultation with the Office of Behavioral Science.
- D. A member charged with a criminal offense may be suspended without pay by the Director or the Director's designee in accordance with the rules of the Civil Service Commission and any other applicable labor agreements.
- E. The Director or the Director's designee may take any action deemed necessary in accordance with Civil Service rules and the appropriate collective bargaining agreement.

47.23.12. SURRENDER OF DEPARTMENT PROPERTY

Except as otherwise directed by a higher authority, an enforcement member relieved from duty or suspended shall immediately surrender their badges, identification cards, and department firearms to the supervisor(s) relieving them. Following relief from duty, the member may be required to surrender to their commanders, or other designated persons, all state property that has been issued to them.

47.23.13. CONDUCT OF RELIEVED OR SUSPENDED MEMBER

- A. Enforcement members relieved or suspended from duty shall not have police authority. However, they are liable for any violation of these rules and regulations, Official Orders, established policy directives, and the Code of Conduct, except those which specifically apply to police functions. When members are relieved or on suspension, they shall not wear the department uniform.
- B. A member relieved from duty shall comply with Civil Service outside employment rules and Official Order No. 33. Any member suspended without pay shall notify the Human Resources Division of interim employment. Suspended members who contemplate returning to the department shall not become engaged in types of employment that would be prohibited by the department under Official Order No. 33.

47.24. DISCIPLINARY PROCEEDINGS

47.24.1. DISCIPLINARY CONFERENCE

NOTE: When conflict occurs between this Order and a collective bargaining agreement, the collective bargaining agreement supersedes the Order.

- A. In accordance with Civil Service Rules and/or Regulations or respective bargaining agreement, a bureau or office commander shall convene a disciplinary conference when a member is to be formally charged with a violation of Civil Service or department rules, regulations, policies, or job responsibilities. The conference shall be conducted by the commander of the bureau in the direct chain of command of the accused, or their designee, and a representative from Labor Relations.
- B. The disciplinary conference shall serve as an informal department meeting to review discipline charges against the member. This conference is intended to fairly apprise members of the nature of the charges against them and provide an opportunity for members to respond to the charges. It shall be the final department review of disciplinary action before the imposition of discipline.
- C. Any member whose case is being reviewed at a disciplinary conference shall appear, and may have representation of their choosing in accordance with applicable collective

bargaining agreements and Civil Service Rules and Regulations. The member shall be notified in writing of the alleged charges at least three days in advance and be given a reasonable time to report to the disciplinary conference in compliance with appropriate Civil Service Commission Rules and Regulations and/or respective bargaining agreements.

- D. The written notice of the disciplinary conference shall contain the specifications of the charges, date, time, and location of the conference, and any other information as specified by the Civil Service rules and regulations and/or respective bargaining agreements. Any proposed disciplinary penalty may be included in the notice of the disciplinary conference, or the Director or the Director's designee may withhold the penalty determination until after the disciplinary conference.
- E. During a disciplinary conference, members have the right to represent themselves, be represented by a limited recognition organization, a fellow member, or others of their choosing, including an attorney except as limited by respective labor contracts or Civil Service rules and regulations. A "fellow member" representative means another non-represented member within this department. Non-represented members may not be represented by members covered by a collective bargaining agreement, or by a member of an organization certified as an exclusive representative.
- F. The representative's role during a disciplinary conference is as a source of support for the member and to make certain the member understands the charges. The representative shall not interfere with, interrupt, or otherwise obstruct the proceedings. Member representatives shall not be allowed to answer questions on behalf of a member during a disciplinary conference. Members are required to give prompt, full, and accurate answers to questions put to them by the employer. Should the representative violate any of the above parameters, the representative may be ejected, and the disciplinary conference shall continue without the presence of a representative.
- G. As a result of the disciplinary conference, the presiding officer may settle upon or recommend an appropriate resolution in accordance with applicable bargaining agreements and Civil Service Rules and Regulations.
- H. Following receipt of the charges, a member may request in writing to resign in lieu of participating in a disciplinary conference. The granting of such a resignation shall be at the sole discretion of the Director or the Director's designee. The resignation and the circumstances surrounding the resignation are not grievable.
- I. Failure of the member to attend the disciplinary conference waives the member's right to such conference. Where a member is not immediately available or is convicted in a court of law for the act(s) that precipitated department disciplinary action, the disciplinary conference may be held in absentia after proper notification to the member. Acquittal or any other outcome in a court of law shall not bar the department from holding a disciplinary conference and taking administrative action. When the member fails to attend the disciplinary conference, the Director or the Director's designee may immediately impose the recommended penalty.
- J. Nothing in this policy shall be construed to restrict the department's authority to suspend a member without pay under the provisions of Civil Service Rules and Regulations and respective collective bargaining agreement before conducting a disciplinary conference. The department shall not be prohibited from imposing an emergency disciplinary suspension and/or removal of a member from the premises in cases where, in the judgment of the employer, such action is warranted.
- K. Where appropriate, the Human Resources Division may prepare an official bulletin for issuance by the Director reporting the action taken.

47.24.2. RESIGNATION UNDER CHARGES

Any member who resigns after a statement of charges has been issued, and before their case is heard, shall not be considered for reemployment.

47.24.3. PROBATIONARY TROOPERS

- A. Probationary troopers may be dismissed from the department by the Director for failure to render satisfactory service, or for any infraction of these rules and regulations or Official Orders, during their probation period, in accordance with the MSP/MSPTA collective bargaining agreement. Such dismissal shall take place only after review of the documentation by the Human Resources Division.
- B. Where probationary troopers are alleged to have committed misconduct, or where their work performance is unsatisfactory, or where necessary for other reasons, probation may be extended by the Appointing Authority in accordance with the MSP/MSPTA agreement and applicable Civil Service rules and regulations.

47.24.4. LABOR RELATIONS REPRESENTATIVE'S RESPONSIBILITY

- A. The Labor Relations Representative is responsible for ensuring that formal disciplinary proceedings are processed in a proper and uniform manner. This Labor Relations Representative shall become involved at the time corrective action or discipline is contemplated and/or the Complaint Against Member is submitted to the Professional Standards Section. The Labor Relations Representative, with concurrence of the Human Resources Division Director, shall determine to what extent Labor Relations will become involved in incidents of a minor nature.
- B. The Labor Relations Representative shall attend disciplinary conferences and shall be responsible for ensuring that the proceedings are conducted and documented in accordance with Civil Service rules and procedures.
- C. The Labor Relations Representative shall prepare and present:
 - (1) Cases to disciplinary hearing bodies and shall handle any other related disciplinary issues as deemed appropriate.
 - (2) Discipline/affirmative assistance matters and other related grievances pursued to hearings under the MSP/MSPTA collective bargaining agreement.
 - (3) Department cases that are being appealed to the Department of Civil Service.
- D. All cases of appeal beyond Civil Service to the courts shall be handled by the Attorney General. If requested by the Attorney General, the Labor Relations Representative may assist in the preparation of department cases.

47.24.5. PROFESSIONAL STANDARDS SECTION (INVESTIGATIVE RESPONSIBILITIES)

- A. The Professional Standards Section is responsible for investigation of complaints made by or against department members. Professional Standards Section shall receive assignments from the Director or the Director's designee.
- B. Investigations may be made regarding any allegations of misconduct, shootings, or civil rights violations/complaints. During the course of such investigations, all members shall fully cooperate with the Professional Standards Section. Specific questions directed to members, regardless of position, shall be answered truthfully and

completely in accordance with the code of conduct, specifically, Official Order No. 1, Article 4, Sections 4.35 and 4.35a. Failure to do so shall constitute insubordination and be grounds for discipline.

- C. All investigations conducted by the Professional Standards Section shall be done for the purpose of determining the truth in all matters. Rank or position shall not have a bearing on investigations as the Professional Standards Section is investigating under authority of the Director. When an internal complaint is sustained, the investigative reports prepared by the Professional Standards Section shall be directed to the affected bureau commander.
- D. Investigations shall be conducted from the viewpoint that all accused persons are considered innocent, and they shall be treated accordingly unless evidence to the contrary overcomes this presumption. In situations where the evidence indicates that a supervisor is involved in a rule violation by a lower-level member, the matter shall be pursued to its highest level and an appropriate investigation conducted to determine its validity. The Professional Standards Section shall diligently investigate all accusations made by or against any level member in an equally fair and impartial manner, and reports to the affected bureau commander shall show all facts revealed by the investigation. When conducting an investigation, the Professional Standards Section may use any member to assist, except as limited by respective collective bargaining agreements. Final reports from this section shall be complete. If the charges are found to be valid, the investigation shall show sufficient cause and proofs to enable the matter to be adjudicated by a department discipline body.

47.25. IMPACT OF DISCIPLINE OR CORRECTIVE ACTION ON SELECTION ELIGIBILITY

This section contains the department's policy regarding the effect of various forms of discipline and corrective action upon selection eligibility.

A. Written Warning – MSPTA

MSPTA members who receive a written warning are precluded from selection eligibility for one year from the date the written warning was issued.

B. Written Reprimand – All Members

Members who receive a written reprimand are precluded from selection eligibility for one year from the date the written reprimand was issued.

C. Suspensions – All Members

Unless otherwise provided in a settlement agreement, any discipline imposed that includes a period of suspension, including days held in abeyance, preclude a member from selection eligibility for two years from the date of final disposition. Final disposition is defined as the date the discipline is imposed (typically either by settlement or imposition at a discipline conference).

D. Retraining Order – MSPTA

Members who have been subject to a retraining order are precluded from selection eligibility for one year from the date the retraining order concluded.

E. Interim Service Rating – All Members

Members who have been subject to an interim service rating shall be precluded from

selection eligibility for one year from the date the interim service rating concluded, provided the follow-up rating was satisfactory.

47.26. PERSONAL PROTECTION ORDERS AGAINST ENFORCEMENT MEMBERS

This Section establishes administrative guidelines relating to the issuance of a Personal Protection Order (PPO), against a law enforcement member of the department. [The Revised Judicature Act of 1961, MCL 600.101 et seq.](#), permits citizens of the state to request PPOs from the court. It includes a provision that allows the courts to prohibit a person from purchasing or possessing a firearm. When an enforcement member has been served with a PPO that specifically restricts or disqualifies the member from carrying a weapon, the department will administratively handle the situation in the following manner:

- A. Members of the department shall report any legal action that restricts or impedes their ability to use or carry a departmental weapon. The report should be made to the member's worksite supervisor as soon as practicable, but no later than the beginning of the first work assignment following the member's knowledge of the legal action.
- B. When the department becomes aware of the issuance of a PPO against an enforcement member that prohibits the purchase or possession of a firearm, the appropriate worksite commander will immediately take possession of all department issued firearms.
- C. [MCL 600.2950](#) provides that if a law enforcement member receives a PPO prohibiting the purchase or possession of a firearm, the court shall schedule a hearing on a motion to modify or rescind the PPO within five days of the filing of the motion. It is the sole responsibility of the member to file such a motion and take such other action as is necessary to obtain legal relief from the PPO prohibitions. Any contact or action with the court pertaining to the PPO and firearms restriction is the responsibility of the member. The member's access to department weapons shall, at all times, comply with the provisions of any current court order.
- D. The member's police authority to carry a firearm and the obligation to intervene while off-duty is suspended while the PPO is in effect.
- E. If there has been no hearing on a motion to modify or rescind a PPO that prohibits a member's right to possess or carry a firearm, the member shall be relieved from duty. A member may, at their discretion, use available leave credits (annual leave or compensatory time) in lieu of going without pay. In the event the member exhausts all leave credits or does not have appropriate leave credits, they will be placed on unpaid leave for accounting purposes.
- F. The member shall not be returned to duty until the PPO is rescinded or the PPO has been modified to permit the member to carry a firearm while on duty.
- G. If the court states that a member may carry a firearm only while on duty, the member will take possession of their firearms at the beginning of each shift and said firearms shall be returned to a supervisor at the conclusion of their shift or other scheduled work hours. If there is no supervisor available during the member's work hours, the member may surrender the weapons to a trooper assigned to the worksite or the member may secure the weapons at the worksite. Under no circumstances will the member leave the worksite with a firearm in their possession in violation of a court order.
- H. If the member's worksite supervisor has knowledge of conduct related to the issuance of the PPO that may constitute a violation of the Code of Conduct, the supervisor shall complete a BlueTeam Complaint Against Member.

- I. Any loss of pay resulting from an enforcement member's inability to carry a department weapon due to the issuance of a PPO does not constitute discipline. Discipline may be proposed for the conduct giving rise to the firearms restriction or prohibition in accordance with applicable department rules.

47.27. ANTI-NEPOTISM POLICY

The following department policy establishes operational guidelines and restrictions for the assignment of members of the department who are related to each other.

47.27.1. POLICY STATEMENT

Effort shall be made to avoid placing members in situations where they supervise, or are supervised by a member who is a relative. This policy is founded on the need to avoid work-related conflicts of interest, the perception of improper influence or favor, and any detrimental impact on the morale of other members that may result from the perception of preferential treatment based on personal relationships.

47.27.2. EFFECT ON PERSONNEL TRANSACTIONS

- A. Members will not be hired, transferred, demoted, promoted, reassigned, recalled or "bumped" into positions where they will supervise, or be supervised, by a relative or cohabitant except where the personnel transaction is governed by a collective bargaining agreement.
- B. Members shall notify the employer within 30 days of the creation of a relative or cohabitant relationship with another member whom they are currently supervising, or are supervised by, or whenever they are seeking a position where they will be supervising, or will be supervised by a relative.
- C. Members who supervise a relative may be moved to another work location based on the operational needs of the department.

47.27.3. DEFINITION OF RELATIVE

Relative" is defined as one of the following: relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, and first cousin; and relationships by marriage— spouse (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, and spouse of any of the above.

DEFINITION OF COHABITANT

"Cohabitant" is defined as two people living together and involved in a close and intimate romantic or dating relationship. Persons living together as housemates or roommates are not cohabitants for the purposes of this policy.

47.27.4. EXCEPTIONS

Exceptions to this policy may be made on a case-by-case basis by the Director of the Human Resources Division.

47.28. VOLUNTARY BENEFIT PLAN

The Voluntary Benefit Plan (VBP) was adopted by a vote of department members in 1936. It is not an insurance plan, but a contribution plan that was started after the death of a sergeant with no savings or insurance at that time. In 1956, the rules were revised by a committee selected by the membership and the revised rules were approved by a vote of the membership. The rules enumerated below are substantially the same as those adopted in 1956 with some amendments recommended by the Voluntary Benefit Plan Committee, voted on by the membership, and approved by the Director.

47.28.1. ELIGIBILITY FOR MEMBERSHIP

- A. Full-time members under 37 years of age become eligible for membership in the VBP on their date of hire. This membership includes trooper, motor carrier officer, and state properties security officer recruits at the time they enter the Training Academy.
 - (1) Members on official sick leave approved by the department and by the Civil Service Commission may continue to participate.
 - (2) Members off the payroll due to suspension are eligible to continue their participation.
 - (3) Members leaving the department who are in good standing with the VBP are eligible to again participate in the VBP, regardless of age, if they become reemployed by the department.
 - (4) Members who are immediately eligible for retirement benefits from either the department or State Employees Retirement System, and are in good standing upon retirement, may continue to participate in the VBP.
- B. A member who fails to join the VBP within six months after becoming eligible to do so will no longer be eligible to participate.
- C. Temporary, part-time, or permanent-intermittent members are not eligible to participate.
- D. Members of the VBP, whether active or retired, who cease participation in the VBP will be ineligible for further participation, with the following exceptions:
 - (1) Members who discontinue their participation in the VBP due to dismissal, but who are later reinstated by arbitration, court, or Civil Service order, may again participate.
 - (2) Members returning to active duty from a military leave, during which participation is prohibited, may again participate.
 - a. Members may continue participation during annual two-week training periods with the Reserves, National Guard, or other military service.
 - (3) Members returning to active duty following leaves of absence of 90 days or more without pay, during which participation is prohibited, are again eligible to participate.
- E. A member is not eligible to participate after their resignation or dismissal date even though they may be carried on the payroll after that date due to accumulated leave (i.e., annual leave days).
- F. A member of the fund who has less than the required service credit for immediate retirement benefits, and who through no fault of their own has been separated from the department due to a total and permanent disability that precludes other

gainful employment, may remain a member of the voluntary benefit VBP by maintaining their contribution at the rate paid by retired members.

(1) Upon such member's death, the contributions due from the membership and the benefits paid to the beneficiaries shall be the same as for retired members.

G. At the sole discretion of the Director, members in good standing who are transferred to another state agency by decision of this department may continue membership in the VBP with the same status as if they continued their employment with this department.

47.28.2. CONTRIBUTIONS AND BENEFITS

A. Members of the VBP shall be liable for contributions when there is a death of a member of the VBP who is in good standing. The VBP embodies no expressed or implied guarantee of benefits to participants, as benefits are based on voluntary participation by the members. The VBP is dependent on the good faith and integrity of its members.

(1) For purposes of this Order, members in good standing are defined as those who have:

- a. Paid all contributions for which they were liable prior to the final date of their active employment.
- b. Paid all contributions due for members who died 30 or more days prior to the member's own death.
- c. Maintained an adequate escrow account to cover contributions for which they are liable.

(2) Active members of the VBP shall pay a contribution of \$5 on the death of another active member and \$2 on the death of a retired member.

(3) Retired members of the VBP shall pay a contribution of \$2 on the death of an active member and \$5 on the death of another retired member.

(4) Contributions shall be due and payable within 30 days following the death of a member in good standing. Members who fail to pay a contribution due within these 30 days shall be notified by certified mail of their delinquency. Failure to respond and pay within 10 days following receipt of the certified letter or return of the certified letter showing that the letter could not be delivered to the address on file shall be just cause for exclusion from further participation in the VBP.

- a. The mailing of three certified letters regarding delinquencies within one year to any member shall be just cause for exclusion from further participation in the VBP.
- b. It shall be the responsibility of the member, whether active or retired, to assure that the department has a current address to which contribution notices may be sent for prompt payment.

(5) Any member of the VBP may establish an escrow account with the Budget and Financial Services Division for the purpose of paying contributions due at the time of a VBP member's death. All new members of the VBP and those who retire after October 1, 1989, shall be enrolled as escrow members.

- a. It shall be the member's responsibility to maintain the escrow account with sufficient funds to pay contributions due on the VBP.
 - b. The Budget and Financial Services Division shall periodically send statements on escrow accounts indicating the balance in the account and a listing of contributions paid from the account.
- B. The proceeds collected from the membership in the event of the death of a member in good standing shall be paid to the designated beneficiaries of the deceased member. It is the intent of this Order that at least 90% of the total benefits will be paid to the beneficiaries within 30 days after the member's death.

47.28.3. VOLUNTARY BENEFIT PLAN (VBP) COMMITTEE

- A. A committee shall be established to assist in the administration of the VBP.
- B. The committee shall be composed of a Budget and Financial Services Division representative, who shall serve as permanent chairperson, a representative of the Human Resources Division director, a lieutenant, a sergeant, a trooper, and a retired member of the VBP.
 - (1) The Director shall appoint the committee's retired member.
 - (2) The Field Operations Bureau commander shall appoint the committee's lieutenant, sergeant, and trooper.
 - (3) The committee of six shall include two active members who are not stationed at headquarters.
- C. When the committee becomes aware of an issue not addressed in this Order, the application of a rule would appear inequitable, a grievance complaint is received, or a suggestion for rule change is received, the committee shall review the matter and forward its recommendation to the Director.
 - (1) The committee may take an advisory vote of the membership before to making a recommendation to the Director.

47.29. REVISION RESPONSIBILITY

Responsibility for continued review and revision of this Order lies with the Human Resources Division in cooperation with Executive Operations.

DIRECTOR