

**PROCEEDINGS OF PERSONNEL COMMITTEE
WEST BLOOMFIELD TOWN HALL
4550 WALNUT LAKE ROAD
CONFERENCE ROOM 75/76
FRIDAY, OCTOBER 30, 2009 – 12:30 P.M.**

CALL TO ORDER

Trustee Larry Brown called the meeting to order at 12:40 p.m.

ROLL CALL

Members present: Trustee Larry Brown
Trustee Howard Rosenberg

Members absent: Trustee Steve Kaplan

Staff Present: Denise Maier, Human Resources Director

General Public: Pat Riney, Fire Department
Dave Olsen, Fire Department
Tom Walsh, Community Development Director
Howard Shiffman, Township Labor Attorney

APPROVAL OF AGENDA

Motion by Mr. Rosenberg and supported by Mr. Brown to approve the agenda as submitted.

Ayes: Rosenberg, Brown

Nays: None

Absent: Kaplan

Motion carried

APPROVAL OF MINUTES

Motion by Mr. Rosenberg and supported by Mr. Brown to approve the minutes of September 30, 2009 as presented.

Ayes: Brown, Rosenberg

Nays: None

Absent: Kaplan

Motion carried

UNFINISHED BUSINESS

None

NEW BUSINESS

FIREFIGHTER UNION GRIEVANCE #2009.01 (BCBS AND MEDICARE COVERAGE FOR RETIREES)

Mr. Olson stated that a former employee who retired in 1997 and was covered under a contract learned that after filing for Medicare, his deductible increased. He contacted the former Personnel Director, Kent Herbert who was aware of the issue and the employee was reimbursed. However, for a subsequent doctor visit, Mr. Herbert informed the former employee that he would not be reimbursed for the visit. This is a violation of the contract and hence, the reason for filing a grievance.

Mr. Olson read the language in the contract which indicated, "*The retiree must apply for Medicare or any other government sponsored program when eligible. Upon the retiree's receipt of Medicare health insurance benefits, the Township may provide Blue Cross complimentary coverage, which together with Medicare, provides the same level of coverage as is currently provided to employees.*"

Mr. Riney stated that some of the confusion may be due to the language in the contract. He believed that at the time the contract was written, the intent was that if Blue Cross were to change or become unavailable, the coverage would be shifted to the comparable package provided at the time. Therefore, it does not refer to what the current employees receive.

Mr. Rosenberg asked about the grievance process. Mr. Olson stated the grievance was first heard by the Fire Chief who denied the grievance. It then went to the next level, which is the Township Supervisor. At that time, Mr. Herbert was in the process of leaving and the grievance was put in abeyance to allow the new Personnel Director to review the matter.

FIREFIGHTER UNION GRIEVANCE #2009.01 (BCBS AND MEDICARE COVERAGE FOR RETIREES) (Continued)

Mr. Brown asked about the Township Supervisor's decision. Mr. Olson stated the grievance was denied by the Supervisor.

Mr. Rosenberg asked if he had an opportunity to review the grievance and denials. Mr. Shiffman replied, "Yes." Mr. Rosenberg asked why the grievance was denied by the Township Supervisor. Mr. Shiffman stated the grievance was denied for the following reasons: (1) the grievance could not be processed because the retiree was under a prior collective bargaining unit and the union does not represent retirees for purposes of processing a grievance and (2) the language in the collective bargaining agreement did not support the position advanced by the union even if it could be processed by the grievance procedure. He added that the issue would be moot as of January 2010 for any potential retirees moving forward.

Mr. Olson asked if Mr. Shiffman was suggesting that an individual who left under a previous contract received the benefits of a later contract. Mr. Shiffman stated that was not suggested in the grievance answer; rather, grievances could not be processed under the current contract because the union does not have the ability to do so since retirees are not covered by the current contract. The retiree's rights were determined back in a contract dated 1997. Therefore, the Township cannot negotiate with the union nor can the union process grievances on the retiree's behalf.

Mr. Olson asked if he was suggesting that a retiree who has been wronged by the employer would have to file a lawsuit. Mr. Shiffman stated he was not suggesting that; rather he was indicating that retirees cannot process grievances that go to arbitration.

Mr. Riney stated the union needed clarification from the Township for future retirees who may find themselves in a similar situation. Mr. Shiffman did not believe there was any dispute up to Medicare age.

Mr. Brown asked if this issue becomes a moot point as of January 2010. Mr. Olson stated that has been indicated at this meeting; however, he disagreed. He indicated that as of January 2010, any future retirees will have another contract which will have a different health care coverage that includes a deductible that is higher than Medicare. Therefore, it becomes a moot point for those retirees and future retirees not currently on Medicare.

Mr. Olson stated his understanding is that the union represents violations to the contracts. Mr. Shiffman stated the union has no legal obligation to represent retirees.

FIREFIGHTER UNION GRIEVANCE #2009.01 (BCBS AND MEDICARE COVERAGE FOR RETIREES) (Continued)

Mr. Olson stated the union was representing a previous contract that was violated. Mr. Shiffman stated the union has a right to decide how they want to handle those issues; however, with respect to the union's legal obligation, retirees are not represented by the union.

Mr. Riney stated the union has decided to represent the retirees because they felt this was a viable thing to do since it would impact all future retirees. He stated that precedent has been set since the Township has reimbursed retirees in the past for similar instances.

Mr. Shiffman stated the Township understands the position of the union with respect to their interpretation of the prior collective bargaining agreement. The union's position is that regardless of what happens in terms of benefits that are negotiated in subsequent contracts, the retirees benefits are locked in not only prior to Medicare but post Medicare and if there are Medicare changes, an employee should receive a reimbursement. However, the Township disagrees with that interpretation because of the language in the contract. The language in Medicare is different than the language pre-Medicare. As a result, there is a different interpretation and that is where the dispute lies.

Mr. Brown asked if he agreed with the Township Supervisor's decision. Mr. Shiffman replied, "Yes."

Mr. Rosenberg stated that although he understood the union's position, he disagrees with it.

Motion by Mr. Rosenberg and supported by Mr. Brown to uphold the decision for denial by the Township Supervisor for the reasons as presented: (1) that the union does not represent current retirees and cannot file a grievance on their behalf and (2) the language in the contract does not support a grievance.

Ayes: Brown, Rosenberg
Nays: None
Absent: Kaplan
Motion carried

CONSIDERATION TO FILL ELECTRICAL INSPECTOR VACANCY (DUE TO RETIREMENT) IN THE COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION WITH PROPOSED CHANGES TO THE EXISTING JOB DESCRIPTION

Mr. Walsh stated that due to the retirement of Richard Nicholson, the department is currently operating with a part-time Electrical Inspector. He provided an outline as to the reasons it was necessary to have full-time trade inspectors within the department. He stated that the Electrical Inspector also works closely with the Fire Department performing annual inspections.

Mr. Riney stated that having a full-time Electrical Inspector enhances the Fire Department's annual inspection program in that it provides for an additional inspector in the field. In addition, a large number of fires are due to electrical circuitry power. The Building Code does not allow for the Building Inspectors or any of the building trades to go into a building once it has been built. The Fire Code is the only code that allows for that and therefore, the Electrical Inspector accompanies the Fire Department into a building that has been damaged by fire.

Mr. Walsh stated that in addition to the typical electrical inspections, the Electrical Inspector was also conducting inspections for the Vacant Property program. Since July 1st, the Electrical Inspector conducted 525 vacant property inspections.

Mr. Rosenberg asked how a violation is handled on vacant properties. Mr. Walsh stated that it was handled under the Property Maintenance Code. Mr. Rosenberg asked who is responsible for making the corrections. Mr. Walsh stated that it is either the bank or the bank's property access manager. Mr. Rosenberg asked if fees were charged for the violations. Mr. Walsh stated that fees were charged only in those instances in which there is no compliance. However, there is compliance majority of the time since the goal of the bank is to re-sell the property.

Mr. Brown asked if the inspections conducted with the Fire Department takes up half of the full-time job. Mr. Walsh replied, "Yes." Mr. Olson stated that it is also dependent on the workload of the Fire Department. He added that approximately 25 inspections are conducted in a week.

Mr. Brown stated it appears there is a need for a full-time inspector and without one, the Township cannot perform inspections at the schools or the JCC. Mr. Walsh stated that was correct. He stated there is a school located in a commercial building at the JCC.

Mr. Rosenberg stated the public schools conduct their own inspections. Mr. Riney stated that under Public Act 54, if the Township has a full-time Electrical Inspector, the State defers inspections to the local entity. If there is no full-time Electrical Inspector, the State conducts the inspections.

CONSIDERATION TO FILL ELECTRICAL INSPECTOR VACANCY (DUE TO RETIREMENT) IN THE COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION WITH PROPOSED CHANGES TO THE EXISTING JOB DESCRIPTION
(Continued)

Mr. Rosenberg asked if the State conducted fire inspections. Mr. Riney stated that under Public Act 207, the State conducts inspections when a school is being constructed. However, once the school is built, it is the decision of the superintendent to invite the local entity to conduct inspections. Once the inspection is conducted, the State must be contacted to have any violations corrected.

Mr. Rosenberg stated the recommendation is to start an individual at pay grade level 6A. Mr. Walsh stated that for an individual who is not already registered with the State, the Township has historically started the individual at level 6A and then requires that the individual register with the State. For an individual who is already registered with the State from a previous community, the individual is paid at level 6B.

Mr. Rosenberg asked about the pay grade level of the former Electrical Inspector. Mr. Walsh replied, "Level 6G." Mr. Walsh stated in hiring a new individual, the base pay would be \$43,000 at level 6A or \$45,000 at level 6B.

Mr. Brown stated that although the Township is under a hiring freeze, this particular position is required for continuing the work currently being done by the inspectors. He asked if the inspections could have been conducted by two part-time inspectors. Mr. Walsh stated the workload alone could not have been conducted by two part-time individuals. As retirements occur in the future, the Township could look at possibly hiring part-time positions.

Mr. Rosenberg stated that the hiring freeze does not mean the Township will not hire anyone. Rather, the department heads do not have the discretion to fill a position and the Board has to review each position for compelling and thorough reasons as to determine why the position needs to be filled.

Mr. Walsh asked that if the position were to be filled in-house by the part-time Electrical Inspector, would he be required to come back to the Committee to fill the part-time position. Mr. Rosenberg replied, "Yes."

CONSIDERATION TO FILL ELECTRICAL INSPECTOR VACANCY (DUE TO RETIREMENT) IN THE COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION WITH PROPOSED CHANGES TO THE EXISTING JOB DESCRIPTION
(Continued)

Motion by Mr. Rosenberg and supported by Mr. Brown to recommend to the Township Board to approve filling the full-time Electrical Inspector position in the Community Development Department.

Ayes: Brown, Rosenberg

Nays: None

Absent: Kaplan

Motion carried

AUDIENCE GENERAL COMMENTS/QUESTIONS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:15 p.m.

Respectfully submitted,

Marya Duncan

Marya Duncan
HR Specialist

NOTE: Approved minutes of this meeting are maintained as part of the public record and are available upon request. A fee will be required for copies of all meeting tapes and and/or approved minutes. Please contact the Human Resources Department for information.