
Michigan Commission on Law Enforcement Standards
Public Hearing on Regular Employment
January 8, 2007
Auburn Hills Department of Public Safety
Auburn Hills, Michigan

MCOLES MEMBERS PRESENT:

Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Deputy Chief Deborah Robinson, representing Chief Ella Bully-Cummings, Detroit
Police Department

Mr. Raymond Beach, Executive Director

Mr. Tom Furtaw, Commission Counsel

COMMISSION STAFF PRESENT:

Ms. Cheryl Hartwell

Mr. David King

Mr. Dale Rothenberger

GUESTS (completing cards):

Sgt. David Mailloux, Oakland County Sheriff's Office

Chief Michael S. Martin, Woodhaven Police Department

Director Rick Matott, Bloomfield Hills Department of Public Safety

Chief James A. McLellan, Clio Police Department

Chief Jerry L. Narsh, Lake Orion Police Department

Chief Howard B. Smith, Armada Police Department

Mr. Beach convened the Public Hearing on Regular Employment at 10:08 am. He thanked Chief Doreen Olko for hosting the public hearing at the Auburn Hills Department of Public Safety.

Mr. Beach explained that everyone in attendance should have received a handout that will correspond with the presentation. He further explained that there are cards at the registration table that should be completed by all in attendance. Those wishing to make formal testimony on this issue during the hearing should indicate their desire to speak on the card. Participants who are undecided with regard to providing testimony, may voice their concerns during an informal question and answer period toward the end of the hearing, in which anyone would be able to participate regardless of whether or not formal testimony was provided.

INTRODUCTIONS:

Mr. Beach introduced the Commission's Regular Employment Committee panel members that consisted of: Deputy Chief Deborah Robinson, representing Chief Ella Bully-Cummings of the Detroit Police Department, Chief Doreen Olko, Auburn Hills Department of Public Safety and the Chair of this Committee, Sheriff Robert Pickell, Genesee County Sheriff's Office. Mr. Beach also introduced the MCOLES staff assisting with the hearing; Mr. Dale Rothenberger assisting with the recording of this hearing, Mrs. Cheryl Hartwell official timekeeper and recorder of the hearing, Mr. Tom Furtaw, Legal Counsel to the Commission who will be one of the presenters, and Mr. David King who will moderate the public testimony as well as the question and answer section of the hearing.

On behalf of the Commission, Mr. Beach thanked all in attendance for taking the time to participate in this public hearing. He explained that the Commission is very sincere in their efforts to make sure that they totally understand the issue of regular employment. Mr. Beach asked all participants to feel free to be open and share with the Committee their thoughts on this issue.

Sheriff Pickell expressed his appreciation for everyone taking the time to come and represent their department. He explained that the reason for the hearings is that some law does exist regarding regular employment and MCOLES is concerned that some may be outside the compliance of law. What the Commission wants to do is to ensure that everyone is in compliance with the law. This is the sole purpose for these hearings. The Commission doesn't want to make it difficult for anyone. The intention of the Commission is to try to be sensitive to everyone's needs, including seasonal employees, while ensuring that all agencies are in compliance with the law. With that said, Sheriff Pickell introduced Mr. Tom Furtaw, from the Attorney General's Office, legal counsel to the Commission, who will provide a legal perspective on this issue.

LEGAL CONSIDERATIONS:

Mr. Tom Furtaw explained that the issue of regular employment has been in existence for some time. There has been some debate over the scope of regular employment and what is the legal definition. He explained that the purpose of his presentation is to provide a background of the legal issues surrounding regular employment. Mr. Furtaw explained that it is key to keep in mind when we speak about compliance; the law provides MCOLES, as a public body, with some flexibility in defining what constitutes regular employment as a law enforcement officer in Michigan. As it stands right now, there is no definition of regular employment in the Michigan statute relative to law enforcement. Mr. Furtaw explained that he was surprised at the lack of a clear definition when he joined the Commission. He further explained that he then began to look at some of the

statistics where, in some cases there are officers who are licensed, and recognized as regularly employed, but are working less than 40 hours per year for example.

Mr. Furtaw began his formal presentation by looking at where the language “regular employment” comes from. Public Act 203 of 1965, as amended, defines who a police officer is and what entities are law enforcement agencies. In Section 2, the Act defines a law enforcement officer as “a regularly employed member of a law enforcement agency authorized and established pursuant to law.” What does this mean? MCOLES licenses individuals who meet the statutory definition of a police officer. MCOLES has authority and is required by law to set certain standards regarding who qualifies. MCOLES doesn’t determine what a law enforcement agency is, that is done by independent authority. MCOLES looks at individuals who are employed by a recognized law enforcement agency to determine whether or not they meet state standards. Some of these standards are obvious and easy to understand such as the physical requirements, academic requirements, etc., but the question remains of what regularly employed means. The words appear in the statute, but are not clearly defined.

Over the years, the courts have gone back and forth and the Attorney General has issued opinions on who qualifies as a peace officer. Some of the issues have been the authority of an auxiliary officer, reserve officers, DNR agent, or a motor carrier officer? MCOLES sets standards for selection, employment, licensing, revocation and provides funding for the training of law enforcement officers in the state. MCOLES then issues licenses to those individuals who qualify as law enforcement officers in Michigan. There is nothing in the law that requires or compels MCOLES to license an individual. An independent judgment is made on each individual. A key point under Public Act 203 is if an officer from a law enforcement agency separates employment, whatever the reason, and they have been employed by a law enforcement agency for less than one year, they remain eligible to return to law enforcement employment for a period of one year. The statute also recognizes additional years of experience and provides for an increased amount of time, up to two years, that a license of a law enforcement officer will remain active and allow the officer to return to work without having to meet any additional requirements. This is an important point because the legislature is identifying that service or years of experience count. Mr. Furtaw stated that he doesn’t think however, that what was contemplated here was that an individual qualifies as working one to five years because they worked three weeks in year one, and three days in year two. From the legal perspective that doesn’t make sense, however, it is clear that work experience counts and the term regularly employed counts; it has meaning.

Mr. Furtaw stated that he looked to other areas of the law to provide assistance in determining what the term regularly employed means. He stated that the federal Fair Labor Standards Act (FLSA) requires overtime and minimum wage for individuals who are employed. This is federal law and states can not trump the FLSA. The question of who qualifies for overtime and minimum wage is addressed in the Code of Federal

Regulation that speaks to an exemption for overtime where the employment is only occasional or sporadic.

Under the Workman's Compensation law compensation is required for regular employment. One view is to be employed full time for 13 weeks per year. There is also a case that is referenced in one of the Attorney General Opinions that looks at whether or not there is a pattern or course of conduct. Mr. Furtaw also spoke about researching if and when a substitute teacher is considered regularly employed. The courts look at a daily per diem. Are they casual and temporary? Are they on call? Are they free to decline work or work for other employers? If the answer to any of these questions is no, then it is going to gravitate towards them being recognized as regularly employed.

Mr. Furtaw explained that there have been four Attorney General Opinions that talk about Public Act 203 (the MCOLES Act) and the term regular employment that has existed in the MCOLES definition for a number of years and was looked at in the following Attorney General Opinions:

Attorney General Opinion No. 4792 (1973) - The issue raised was, are constables exempt from the Carrying a Concealed Weapon (CCW) requirements?

Historically, constables have been defined as peace officers. The question arose as to whether or not they were exempt from the CCW requirements? Police officers do not have to apply for a CCW permit. Attorney General Frank Kelly opined that only peace officers who were regularly employed and paid by an agency qualify as exempt from a CCW requirement. This opinion also defined the work load. The work must be substantial rather than occasional and would constitute a large part of the officer's daily activity. This is in the context of a CCW permit and is interpreting MCL 28.602.

Attorney General Opinion No. 5265 (1978) This issue dealt with sheriff posses or members of a police auxiliary and whether or not they are subject to MCOLES training requirements.

The Attorney General referred to these individuals as emergency peace officers under a special exception in the statute, where, in emergency circumstances, a police chief or sheriff can engage individuals who otherwise are not regularly employed for purposes of dealing with an emergency situation. The opinion stated that while the language in the statute says temporarily engaged, these officers would be subject to the MCOLES requirements if they are regularly employed. This opinion also refers to a pattern of conduct where employment is concerned, meaning something not merely occasional or incidental. The opinion also said that temporarily engaged means irregular or ad hoc and would therefore not be subject to the MCOLES requirements.

Attorney General Opinion No. 5806 (1980) - The issue dealt with reserve police officers and whether or not they were CCW exempt.

Again, Attorney General Frank Kelly said that these individuals must be regularly employed which means substantial rather than merely occasionally working. Opinion 5806 left the decision of regular employment to the 83 county gun boards. The opinion is saying that there is legal issue that is driven by a factual inquiry. The factual question will be settled by a county gun board.

Attorney General Opinion No. 7098 (2002) Attorney General Jennifer Granholm undertook a question regarding reserve and regular police officer exemption to the CCW requirements.

The Attorney General couched this issue with the same basic analysis: Does the officer perform substantial work that constitutes a large part of the officer's daily activity. If so, then they could be found to be regularly employed and exempt. The county gun boards will once again decide this question.

Mr. Furtaw explained that there is an issue that is being raised with these opinions. MCOLES is getting questions that have legal ramifications about what constitutes regular employment. What the Attorney General Opinions are telling us is that regular employment means substantial work, something greater than sporadic or infrequent. The bottom line is that regular employment is recognized in law. MCOLES, as a state agency, is a licensing body and is bound by Attorney General Opinions that don't directly address the question, but clearly state that regular employment is recognized in law as meaning something more than casual or infrequent.

Ultimately, in Mr. Furtaw's opinion, the courts will define regular employment if law enforcement doesn't. Sooner or later there is going to be litigation either as a result of an incident where someone is injured during an arrest or there is a jurisdictional issue raised, or a union gets involved and has an issue. Sooner or later the question of what constitutes regular employment will get into the courts. The law currently provides a great deal of flexibility and it would be preferable that law enforcement define regular employment, as apposed to a judge that will suit law enforcement needs. MCOLES specifically needs a policy to address the requirements to define regular employment.

As it stands right now, absent a definition, MCOLES is being compelled to recognize individuals that, as a matter of common sense, clearly fall outside the rational definition of regularly employed. Mr. Furtaw explained that he would be hard pressed to defend a license in a case where a jurisdictional question or an injury during an arrest had occurred and to carry the freight in front of a circuit judge claiming that MCOLES pretty much recognizes anyone as long as they are carried on a law enforcement roster. The judge's first question would be "don't you take some due diligence to ensure that they are

regularly employed?" So, as a licensing body, MCOLES is being forced to deal with this issue. But the key is that we currently have a lot of flexibility to craft a definition that is going to be workable for law enforcement policy across the state and will get us through the courts in the event of litigation.

COMMENTS ON SURVEY RESPONSES:

Sheriff Pickell explained that Chiefs and Sheriffs across the state responded to the MCOLES survey with respect to the regular employment issue in a substantial way. To date, MCOLES has experienced about a 75% response rate.

Mr. Beach explained that one of the hallmarks of the Commission carrying out their responsibilities has always been that MCOLES values taking issues out to the field. MCOLES has definitely benefited by the input received that has allowed us over the last eight years to tackle some pretty monumental issues. Mr. Beach further stated that he is extremely happy with the response rate and results of the survey. The calls incidental to the survey that he has received as well as the discussions at various meetings that he has attended have all been very positive. Law enforcement sees the Commission attacking this issue more from a proactive standpoint.

As Mr. Furtaw indicated, MCOLES feels much better about dealing with this issue with the assistance of the people that we serve verses having the courts dictate us. This was clearly evident to MCOLES in 2002 with some serious dialogue with Attorney General Granholm's office. She, through her legal counsel, was very specific to the Commission that this was an issue that needed to be resolved. It was very difficult for her as she looked at issuing an opinion in this area given the rich history that this issue has had.

Prior Commission's have tried to tackle this issue and as some of the participants in the hearing today remember the last try in the late 80's to resolve this issue. There was a debate that resulted, which was quickly stopped, and the issue was placed back on the shelf. Mr. Beach reiterated his appreciation for the replies to the survey by law enforcement agencies and staff hopes to be able to, within the next three weeks, do a complete analysis of the information provided in the survey. The analysis will be shared during the last public hearing on this issue which will be in conjunction with the Michigan Association of Chiefs of Police (MACP) conference on January 31, 2007. With the public outing of the final analysis of the survey, staff will also then mail the results to all law enforcement agencies. Mr. Beach explained that when this issue was looked at a number of years ago, the Commission did not know the extent to which part time law enforcement officers were being used or any of the issues related to part time law enforcement officer employment. Mr. Beach then asked Mr. David King to make comments relative to what the Commission has seen and heard from the surveys, with

respect to the use of part time law enforcement officers, from which some conclusions can be drawn.

Mr. David King provided the participants with a handout that gave an overview of the survey information that has been received to date. He explained that one of the interesting points that the survey responses indicate is that among the employers of part time law enforcement officers, better than 57% of the responses indicated that there is an increasing dependency on the use of part time law enforcement officers to provide services. The survey also posed the question of whether or not there should be some type of minimum requirements for part time officers. Among the agencies who employ part time officers, 79% of the survey responses indicated that there should be some type of minimum requirements; and among those agencies who do not employ part time officers, the response rate for minimum requirements was 89%. Mr. King explained that the numbers in the survey are currently fluid as surveys continue to be received by staff on a daily basis. He stated that the following changes should be noted on the second page of the hearing handout to bring the survey statistics current with surveys received to date:

- 343 agencies employ part time law enforcement officers instead of 337
- 21,609 law enforcement positions as of January 5, 2007 instead of 21,621
- MCOLES is currently aware of 1,636 part time law enforcement positions in Michigan

Mr. King explained that the summary in the handout provides a starting point of what we know regarding part time law enforcement employment. He asked that those present provide testimony as to their specific use/non use or concerns regarding part time law enforcement officer employment.

PUBLIC TESTIMONY:

Mr. King called the names of the following individuals to provide the public testimony as summarized:

Lake Orion Police Department – Chief Jerry Narsh – Chief Narsh stated that his department currently employs 4 full time officers and 10 part time officers. The department also has reserve police officers who work separate from the part time force. Part time officers receive approximately 50% of a full time officer's pay with no benefits. He explained that if the minimum number of hours worked were to be set at 500 hours or more, then his agency would have a problem meeting that requirement without cutting positions, unless the number of hours could also include training hours.

The Lake Orion Police Department has utilized part time law enforcement officers for over forty years. All part time officers employed with the Lake Orion Police Department

are academy graduates who have met all the MCOLES requirements. The part time officers are union members (POLC). These officers are well accepted by the courts and the public. They are regularly scheduled (28 day schedule) to work weekends, back fill for vacations, special events, just about everything. Part time officers are also on call in addition to their regular schedule. They work regular patrol and the union contract requires that part time officers work a minimum of 8 hours a month, approximately 100 hours a year. Most officers work at least 500 hours a year. They are scheduled as second man in a car or a second car on patrol on weekends as well as any function in which a full time officer would be scheduled. Part time officers also are called in to fill a position of a full time officer who is ill. There is an agreement with the union which provides that the part time officers can also receive overtime pay. Part time officers receive the same in-service training as the full time officers. They are expected to qualify with their weapon monthly, the same requirement of full time officers. If they fail to qualify, they are suspended the same as a full time officer who fails to qualify.

Chief Narsh explained that one of the advantages to this type of system, from a union perspective, is that almost every officer on the department started as a reserve officer. As there was a need for licensed officers, reserves were sent to the academy to meet the MCOLES requirements. Instead of utilizing a pre-service candidate, the department sends someone from their reserve force, which allows the department to get a good look at an individual before employing them as a licensed officer. The community has accepted this practice and there is a good working relationship with the union as a result of this practice.

As to who should define the requirements for part time officers, Chief Narsh believes that the requirements would best be defined by MCOLES as opposed to the courts or anyone else. One of the important components in defining the requirements is the amount of on-going education. He further stated that his department can also see a possible need for a minimum number of hours as he agrees that 8 or 16 hours a year is not a regular schedule. These few hours should be looked at as only a special event not a regular employment. In Chief Narsh's opinion, if a department posts a regular schedule each month and the part time officers are on that schedule each month, then they should be considered regularly employed.

Chief Narsh stated that absent the use of part time officers, his agency could not provide the level of police service to his community that his department currently provides. He further stated that by setting a minimum number of hours to be worked too high, could result in agencies utilizing fewer part time officers, who would be required to work more hours, and may negatively impact an agencies ability to provide police services as well. Since the economy is driving the utilization of part time law enforcement officers, the definition should be beneficial to agencies and be reasonable. Chief Narsh stated that he is totally in support of MCOLES moving ahead to set requirements for part time law enforcement officers and he will continue to share information with MCOLES in the

coming months. MCOLES also needs to be careful that it does not set the requirements too high, which would then create what could be considered an unfunded mandate. In addition, Chief Narsh stated that MCOLES needs to define the terms part time officer, reserve officer, and auxiliary officer so that all agencies are working from the same page.

Oakland County Sheriff's Office – Sgt. David Mailloux –Sgt. Mailloux stated that the department employs 80+ MCOLES licensed officers that are regularly scheduled. The department has 86 MCOLES officers that work in the courts. Sgt. Mailloux also suggested that MCOLES not set the minimum number of hours too high. He further stated that their department is currently utilizing part time officers, mostly retired law enforcement officers, who are working approximately 100 – 200 hours per year. Sgt. Mailloux further stated that part time officers employed in Oakland county are under a 1,000 hour cap, however, most officers work 150 – 200 hours.

Sgt. Mailloux explained that Oakland County utilizes part time officers for courts, mounted division, the parks and marine divisions. Sgt. Mailloux stated that these are not traditional positions but are positions that enforce the law. All of these positions are regularly scheduled; however, part time officers are not utilized for patrol. Sgt. Mailloux stated that he liked what Chief Narsh said about continuing education and he hopes that MCOLES is considering continuing education as a requirement.

Armada Police Department – Chief Howard Smith – 80% of his force are part time law enforcement officers. Part time officers are paid approximately 60% of a full time officer's pay. He currently has 3 part time officers, but a full compliment is 6 part time positions. The department currently employs 2 full time officers along with a full time detective position.

Chief Smith agreed with the points made by others who had testified. He further stated that without the ability to employ part time police officers his agency would not be able to continue to function. Chief Smith stated that in his opinion, training is the key. All of his part time officers are MCOLES licensed. A couple of officers are fresh out of the academy and a number of officers are retirees from other law enforcement agencies. He explained that with the high costs of health care and retirement, small communities like his are looking for adequate police coverage while attempting to contain costs. His officers are regularly scheduled, in advance, a month ahead. Setting a minimum number of hours to be worked is a concern to Chief Smith. He would like to see a continuing education requirement instead as he has the ability to get his officers trained, but can not guarantee them a set number of work hours. He further stated that if the requirement was 8 hours per month or 100 hours per year, he would have no problem meeting this type of requirement. A non-manageable number of hours that he would not be able to guarantee for all of his officers would be in the 800-1200 hours per year range. His officers

perform the entire range of police officer functions but they work less than 32 hours in a week.

Clio Police Department – Chief Jim Mclellan – The department currently employs 6 full time officers and 4 part time officers who work at least 400 hours per year.

Chief Mclellan explained that when he became chief of his department there were personnel and other problems with the part time law enforcement officers. However, the part time officers now are regularly scheduled and attend training the same as the full time officers. Basically they are treated the same as full time officers, with the same equipment, held to the same policies & procedures and disciplinary actions. Chief Mclellan agrees that there needs to be standard requirements that are reasonable.

Chief Mclellan stated that he is aware that there are abuses going on in the state and posed a question as to who is the authority to investigate these matters. Mr. Beach explained that MCOLES is the governing body and since 1998, when the statutory authority for MCOLES was expanded, MCOLES has taken these additional regulatory responsibilities very seriously. Since the original census was taken in 2000, to identify the legitimate law enforcement agencies and secondly, the personnel that meet the current standards, MCOLES has vigorously enforced the requirements. The problem is that new information being provided to MCOLES is identifying a bigger issue, that part time employment lacks a standard. MCOLES has been receiving contacts from Chiefs and Sheriffs asking for guidance in this area. As the economy is driving the use of part time law enforcement officers to maintain law enforcement coverage, agencies are looking to MCOLES to provide them with guidelines or requirements of what is the threshold for regularly employed.

Chief Mclellan expressed concern over work assignments in larger law enforcement agencies, such as impounds, jails, courts, etc., wherein officers have not worked regular patrol for a number of years. His concern is whether or not these types of officers will be held to the same requirements. He receives employment applications regularly from individuals employed in these types of positions that have not worked the road for a considerable number of years. Chief Mclellan further expressed his concern over MCOLES narrowing the requirements to smaller agencies and not the larger agencies that employ officers in positions other than road patrol but maintain their MCOLES license. He suggested that there may need to be a definition as to what is working as an MCOLES licensed law enforcement officer.

Bloomfield Hills Department of Public Safety – Director Rick Matott

Director Matott explained that his agency does not employ part time officers. He explained that from a public safety perspective, the fire side of his agency has enacted a set of rules nationwide that have made it more difficult for volunteer type departments to

operate. He stated that requirements should be a combination of number of hours scheduled (placed on an advance schedule) and a number of hours of training. He agreed that 8 hours of work a year is not satisfactory. Director Matott stated that the driving force behind setting a minimum number of hours worked is going to be the smaller agencies and that the number may need to be much less than 1,000 hours per year.

Woodhaven Police Department – Chief Mike Martin - Chief Martin agreed with previous testimony that the requirement should be made up of both work hours and training hours.

Mr. King asked that if training is to be a mix in the equation for defining regular employment, then should consideration be given for experience or should the continuing educational requirement be the same for all officers regardless of experience? He asked Chief Mclellan what he thought, from his own agency's perspective, how should this be handled?

Clio Police Department – Chief Jim Mclellan

Chief Mclellan stated that the training should be geared toward the function of the officer. If they are a patrol officer, they should be receiving training as it relates to the patrol function regardless of their years of experience. In his department, all patrol officers receive the same training regardless of years of experience. He further stated that it sounded like all the departments in attendance were doing the same thing, ensuring that their part time officers were receiving the same training as their full time officers. Training should be the same for consistency, frequency, and liability reasons. Training is a key component. Training can be easily documented by all of us, but he did not know how one could quantify how well a 28 year veteran handles a domestic situation as opposed to a first year officer.

SYNOPSIS:

Mr. King stated that the question of hours worked keeps coming up over and over again, which is the most obvious consideration. He further stated that the parameter of training and experience has also been mentioned throughout the testimony. The issue of work assignment was also brought up for consideration.

According to the survey the average number of hours being worked by part time officers is being reported to MCOLES as being 500 hours per year. However, some of the part time officers are actually working at multiple law enforcement agencies with a total number of hours worked equal or exceeding a full time level, so we suspect that this number is a little skewed. MCOLES believes that the number that more accurately

reflects the average part time officer's number of hours worked is closer to 350 hours per year as opposed to the average.

QUESTIONS, COMMENTS, AND CONCERNS:

Sheriff Pickell asked Chief Mclellan if he was suggesting that an officer has to work the street in order to be regularly employed? In other words, detective, lieutenants, or captains that are not on the street are not considered regularly employed?

Chief Mclellan responded that no, that is not what he was saying. He was just asking what MCOLES consider working as a police officer. For instance, if someone is assigned to the impound yard for the last five years and has never worked the street, is that person going to be subject to the same minimum maintenance requirements as a part time officer for a small agency.

Deputy Chief Robinson asked Sgt. Mailloux, Oakland County Sheriff's Office, to verify his statement that the department has 86 MCOLES licensed officers working part time. He replied in the affirmative. She further questioned whether or not the department has any officers who are not part time that are MCOLES licensed (working as a police officer), and if so, how many?

Sgt. Mailloux responded no. The entire police officer function are the 86 part time individuals who are under the 1,000 hour per year cap.

Chief Doreen Olko questioned if this cap is a union contract requirement or a county rule.

Sgt Mailloux's response was that the 1,000 hour requirement it is a county rule. He further stated that the department tries to have each officer work a minimum of 100 hours. The total part time strength for the department is 216, but only 86 are MCOLES licensed. The part time officers are not unionized. The pay for a part time officer is 30 to 40 percent less, plus no benefits.

Mr. King asked for further comments. There were no further comments.

Mr. Beach explained that there are a number of Public Hearings on Regular Employment scheduled during the week. The next hearing will be in Escanaba on Wednesday. Thursday the hearing is in Gaylord and Friday's hearing is at the Library of Michigan in Lansing. He encouraged all interested law enforcement agencies to participate in the hearings so that MCOLES can hear all suggestions. Mr. Beach stated that MCOLES has no preordained agenda as far as how we see solving this issue. MCOLES sees the benefit of gathering as much testimony, suggestions, and possible solutions to be considered.

Mr. Beach stated that he is pleased as there seems to be wide spread support for who better to define regular employment but ourselves, which includes all interested agencies, as we look to the future.

As the definition of regular employment is crafted, our attorneys will have to look at what the MCOLES authority is in this area. Whether that will be a policy clarification, within the means of the Commission, our history has always been that once the Commission comes up with a plan, that plan will be taken back to the field for reaction. If any rules or administrative law need to be changed as a result, then public hearings are required by law. Mr. Beach stated that whatever the Commission comes up with as far as framework for defining regular employment, will be taken back out to the general public.

Panel members were asked to share their visions as far as the areas to be used to define regular employment. Each of the panel members stated that they have no predetermined vision regarding the defining of regular employment. They further stated that they are here to listen and remain open to all suggestions relative to the development of a reasonable definition of regular employment that will meet the needs of law enforcement.

The Public Hearing on Regular Employment concluded at 11:44 am.