
Michigan Commission on Law Enforcement Standards
Public Hearing on Regular Employment
January 10, 2007
M-TEC Center
Escanaba, Michigan

MCOLES MEMBERS PRESENT:

Chief Kurt Jones, representing the Michigan Association of Chiefs of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Mr. Raymond Beach, Executive Director
Mr. Tom Furtaw, Commission Counsel

COMMISSION STAFF PRESENT:

Mr. Dale Rothenberger Ms. Cheryl Hartwell
Mr. David King

GUESTS (completing cards):

Captain Mike Bath, Northern Michigan University Department of Public Safety
Assistant Controller Jamie Beauchamp, Northern Michigan University
Sheriff Gary A. Ballweg, Delta County Sheriff's Office
Sheriff Brett Botbyl, Menominee County Sheriff's Office
Sheriff Don Charlevoix, Dickinson County Sheriff's Office
Director Paul R. Geyer, Gladstone Public Safety Department
Director James Hansen, Escanaba Public Safety Department
Lt. James Harrington, Delta County Sheriff's Office
Undersheriff Thomas Hayward, Menominee County Sheriff's Office
Captain David Lemire, Marquette County Sheriff's Office
Sheriff Michael Lovelace, Marquette County Sheriff's Office
Risk Consultant William Page, Michigan Municipal Risk Management Association
Undersheriff Ed Oswald, Delta County Sheriff's Office
Lt. Scott Rutter, Dickinson County Sheriff's Office
Sheriff Larry Sanders, Gogebic County Sheriff's Office
Chief Jeremy J. Vandermissen, Stephenson Police Department
Greg Zyburt, Chocolay Township Police Department

INTRODUCTIONS:

The Public Hearing on Regular Employment began at 11 am. Mr. Beach introduced the committee members. He thanked everyone in attendance for taking time from their busy schedules to attend the hearing. Mr. Beach explained the format that would be followed for the hearing and encouraged everyone to provide testimony relative to their use or concerns associated with establishing a definition for regular employment.

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:

Delta County Sheriffs Office – Sheriff Gary Ballweg – Sheriff Ballweg thanked the Commission for traveling to the upper peninsula. He explained that his agency employs 14 full time and traditionally employs 3 part time officers on road patrol. The department is currently down below the 3 for part time officers due to problems finding qualified applicants to test and train. These numbers do not include the administration. The full time officers are paid approximately \$18.00 per hour and the part time officers are paid approximately \$10.50 per hour. After a certain amount of time on the job, they would qualify for a .50 raise. FICA and workman's compensation is paid for part time officers but they receive no additional benefits.

Sheriff Ballweg explained that the department utilizes the part time officers mainly as relief officers to fill in when officers are on vacation or gone for extended period of training, or when an officer is on some kind of leave whether it be sick or injury. These officers are also utilized to perform seasonal work mainly in the marine and snowmobile patrols. In addition, for the last several years they have also been utilized to help fill out the shift at the airport as security officers. It is not unusual for part time officers to work 1500-2000 hours per year, if they respond to the overtime calls and call-outs.

Part time officer positions are also used for a training and evaluation tool for the department. When a full time position becomes available, the department looks to the ranks of the part time officers to fill those positions. Part time officers have been reviewed and evaluated over a period of time so that the department knows at the time of offering them a full time position that they meet the department's expectations. Prior to part time officers working independently, they are put through a Field Training Officer program. The department looks heavily on the part time program as a great tool to evaluate an officer instead of hiring someone off the street for a full time position that the department may not know anything about. In addition, the part time program also helps the department weed out the individuals who are not suitable for the law enforcement profession. A lot of the part time officers hired by the department are later hired as full time officers, however, many of them go on to other agencies who have full time openings prior to our department being able to hire them full time. That is a risk that the department takes to be able to train and evaluate these individuals before making a full time offer to them.

Most of the part time officers are graduates from the police academy, and we are the first job normally that they get. The department pays for their medical examinations to get the academy graduates licensed. They are then sent to as much training that is available. The department has had part time officers stay for up to two years. Part time officers are not members of the union and are not used to fill a full time position unless someone is gone for an extended period of time. By utilizing the part time officers to fill in when full

time officers are sent to training, the department doesn't have to pay a lot of overtime for backfill. The department finds that a number of local law enforcement agencies appreciate the part time program at the sheriff's office as they are also able to hire qualified candidates with experience. The department is currently not experiencing budget difficulties and doesn't see the department increasing the need to utilize part time officers over and above what we do now. However, the department is having a difficult time in finding qualified applicants to fill our part time positions.

Sheriff Ballweg stated that they do have one officer who has been assigned to the jail for the past two and a half years. However, he does investigate crimes in the jail and would be put through the department's Field Training Officer program should they decide to reassign him to road patrol.

Dickinson County Sheriffs Office – Sheriff Don Charlevoix - The department has 50 employees at the department, 18 individuals are part time. There are 10 MCOLES licensed officers working road patrol. Seven of the 18 part time officers are working road patrol. Part time officers are paid \$13.50 per hour and the full time officers are paid \$18.50 - \$19.00 per hour after three years.

Sheriff Charlevoix stated that he understands that MCOLES has an obligation to look at this part time issue. He asked that MCOLES looks at it but don't tighten it to the point where law enforcement agencies can not provide the law enforcement coverage to their communities. Sheriff Charlevoix further explained that the full time officers like the part time officers because without them there would not be any vacations or other time off. In addition, in-service training would be greatly impacted as the department would not be able to send officers to training as there wouldn't be anyone to backfill their positions.

The Dickinson County Sheriff hires their part time officers from the academy at Northern Michigan University Public Safety Institute. The department belongs to the consortium at Northern Michigan University which enables them to train their part time officers the same as the full time officers. The consortium is very cost effective. Currently, the department has part time court officer security, two officers who work at the airport, a D.A.R.E. officer, and an off road vehicle/snowmobile officer who also works marine patrol. Without the part time officers, none of these services could be provided.

Since 1991, individuals who have worked part time with the sheriff's department have gone on to other employments. Sheriff Charlevoix stated that there are 15 of his previous part time officers that have taken full time employment with other city departments, 5 that are Michigan state troopers, 1 went to the FBI, 1 employed with the Wyoming State Patrol, 4 are prison guards, and 4 sheriff deputies. These officers received valuable training during their part time employment with the Dickinson County Sheriff's office. These officers work part time and the department provides them with valuable training and their MCOLES license.

Sheriff Charlevoix stated that part time officers are the best tool that his law enforcement agency has. The department has experienced no union problems, as the full time officers know that without these officers there would be no time off. He further stated that some of his part time officers work the jail if necessary. This is not their primary duties, but if a shift needs to be covered they are utilized. The part time officers investigate any crimes that occur in the jail, not the corrections officers.

Chocoday Township Police Department – Chief Greg Zyburnt – The department currently employs 3 part time officers and 4 full time officers. Part time officers are paid \$10.50 per hour for the first six months and then \$11.00 per hour after that. They receive no benefits.

Chief Zyburnt stated that the department relies heavily on part time officers which allow the department to put two-man cars on the road at night. He further stated that in his 21 years as chief, he has hired a little over 50 part time officers and most have gone on to take full time positions. These part time officers have taken positions all across the country.

The part time officers tend to stay about six months to three years with the department. The department just hired a part time officer to fill a snowmobile patrol position that will work 500 hours a year. This officer is a 20 year veteran from Marquette City and the Marquette County Sheriff Department. Part time officers are trained the same as the full time officers and the department pays for the training. Part time officers attend training during their off-duty hours, however, the department pays for the training and per diem during the training through the consortium at Northern Michigan University.

Chief Zyburnt stated that training is key and needs to be a part of the requirements that MCOLES develops. He explained that the department depends heavily on the part time officers in order to provide police coverage to their community.

Marquette County Sheriffs Office – Captain David Lemire – The department currently employs 17 full time officers and 3 part time officers, two of which are MCOLES licensed and one is not. The part time officers are in the bargaining unit for pay purposes and disciplinary procedures. The part time officers are paid approximately \$12, and approximately \$18 – 19 for full time officers.

Captain Lemire spoke from personal experience with regard to part time employment. Fifteen years ago he left the military, attended the academy, and was hired part time by Marquette County Sheriff's Office and the Chocoday Township Police Department. Part time officers are extremely valuable and his main concern is that departments are not restricted on hours to the point where the department's budget is negatively impacted by setting a high minimum number of hours requirement.

Part time officers with Marquette County do not work road patrol by themselves. The reason for this is the department doesn't have the budget to put the part time officers through a Field Training Officer program like they do the full time officers. Part time officers are utilized for court security, however, they work with full time officers for a time before they are allowed to work independently. Court security is the only area where part time officers are allowed to work alone. Part time officers are also used for snowmobile patrol, marine patrol, and transports, which is the bulk of their work. Captain Lemire thanked the Commission panel for coming to the upper peninsula and allowing agencies to be heard.

QUESTIONS, COMMENTS, AND CONCERNS:

Sheriff Pickell asked Sheriff Charlevoix, Dickinson County Sheriff's Office, what number of hours he was thinking about that would put him out of business as he mentioned during his testimony. Sheriff Charlevoix replied that his part time officers are working an average of 32 hours a week. What he was referring is restricting the use of part time officers to less than 20 hours per week.

Director Jones asked what minimum number of work hours per year would be comfortable for his department (200 – 300 hours?). Sheriff Charlevoix replied he wouldn't like to set that number as he works his part time officers more than other departments.

Mr. Bill Page from the Michigan Municipal Risk Management Association stated that maybe the Commission may want to look at the workers compensation laws to see what minimum number of hours are used and may be a good benchmark for MCOLES. He suggests that MCOLES get some information from other workman's comp carriers in the state. He stated that he thought that these other carriers like to see a minimum of 400 hours when they charge premiums. If you are going to employ someone and cover them on your workman's comp, whether they work 400 hours or not, the employer is going to get charged a worker's comp premium for the 400 hours at the minimum benchmark.

Sheriff Mike Lovelace, Marquette County Sheriff's Office, stated that 1,040 hours is your part time cap. He thought that if he extended any work time to deputies past 1,040 hours, then according to their contract these deputies become full time employees. So MCOLES may want to look at 1,040 as a benchmark for the top side (maximum) of the part time officer regular employment.

Sheriff Pickell reiterated that the Commission doesn't have any preconceived notions on how to solve this issue. That is why the Commission is here, to get input on current uses of part time officers and listen to suggestions on how to address this issue.

Captain David Lemire asked if the Commission has looked at other states, maybe a region like the mid-west to see how they tackled this issue.

Mr. Beach explained that the MCOLES staff was charged by the committee to look at our counterparts around the country. Unfortunately, Michigan is a little bit behind the times relative to how this matter is regulated in other states. Some states have competency testing and mandatory in-service training. There are 38 states that have this type of requirements. Michigan doesn't have this. As Mr. Furtaw indicated in his presentation, MCOLES sees people on rosters working 8 hours a year with no training at all. Mr. Beach stated that he thinks that everyone was in agreement that this is unreasonable from a professional standpoint. Mr. Beach explained that during the hearing in Auburn Hills the panel heard maybe the requirement needs to be a combination of so much time and training. Obviously if this were to become the requirement, another problem would present itself in that training would need to be required for full time officers as well as part time officers. The training issue would then need to be tackled at the same time.

Captain Lemire also asked if the numbers in the survey regarding part time officers may be high as a result of double counting an officer who works part time for more than one agency. Mr. Beach explained that this is addressed in the handout. Of the total part time positions, 509 are dual employment officers who would not be affected by whatever requirement is established as they are working a full time equivalent at multiple agencies or are full time officers at one agency and work part time at another agency.

Sheriff Pickell asked Sheriff Gary Ballweg, Delta County Sheriff's Office, if he correctly understood him to say that his part time officers work 1,500 to 2,000 hours per year. Sheriff Ballweg replied that this is not uncommon at all for his part time officers to work that number of hours. They are willing and able to work and there is that much time available. A lot of this time is time that other officers do not want to work. Overtime call-outs are offered and the other officers are unavailable or simply don't want to work that in addition to their regular hours.

Sheriff Pickell asked if most of the people in the room find that you are so dependent on part time officers that you are working them more than what you would like to. Some agreed and others did not.

Sheriff Ballweg stated while this is a substantial amount of hours to work as a part time officer, he feels guilty that he can not offer these officers full time benefits.

Captain Lemire explained that in 2004 their department experienced massive layoffs and lost 12 people. Before this happened, he stated that he was of the philosophy that he didn't want to utilize part time officers. For him it is easier to utilize full time officers as there are less liability issues to deal with and scheduling was easier with full time

officers. But once the department lost those 12 officers, he found it hard to fill regular shifts and found it especially difficult to deal with overtime situations.

Sheriff Pickell asked the group if it was fair to assume that your village councils, city commissions, or boards are forcing agencies to utilize part time officers. The general reply was that departments weren't being forced to utilize part time officers but were being encouraged to look in that direction strictly because of economic conditions.

Mr. Bill Page stated that from a risk management viewpoint he has seen what a city council views as a cost saving measure sometimes creates a different problem and in moderation comes back to haunt you. Part time officers play a good role but may have negative impact in other areas such as training, their in-service and loyalty are not the same as with a full time officer.

Sheriff Bosscher stated that what he had heard so far was that the majority of the departments utilizing part time officers are utilizing the majority of the part time officers for functions that typically would not have to be MCOLES licensed such as snowmobile patrols or court security. However, as a tradeoff you are giving them the MCOLES license and maintaining the license. He asked how many are utilizing part time people that you are not keeping MCOLES licensed. Three departments indicated that they have part time people that they are utilizing but not licensing through MCOLES for court security, transports, and other functions that don't require licensure.

Sheriff Bosscher went on to ask the agencies who are utilizing part time officers that they license through MCOLES, if they didn't continue to license these part time officers would the agency lose them? Sheriff Charlevoix replied that he wanted these officers to be MCOLES licensed so, for instance, when they make a stop on a snowmobile and need to take law enforcement action they don't need to call a car off road patrol to handle the matter. He further stated that is what he wants on patrol, well trained law enforcement officers.

There were no further questions from the panel so Mr. King asked the audience if anyone had questions for the panel.

Sheriff Charlevoix stated that he only had one question. He stated that the panel had not said anything about some of the departments utilizing licensed MCOLES officers in the jails. Sometimes when he has an open shift in the jail he assigns a licensed officer to fill that shift. Is this going to be looked at by MCOLES?

Mr. Beach explained that MCOLES has never taken a position on job assignment. If an agency head tells MCOLES that these individuals are fully empowered then that is accepted. MCOLES purpose is not to second guess your assignment of your personnel to

a specific job as long as you are maintaining that the individual in question has full law enforcement authority.

Director Paul Geyer, Gladstone Public Safety, asked if there was ever a breakdown done as to the type of agencies that employ part time law enforcement officers whether they are sheriff, municipalities, or public safety agencies. He stated that his agency is public safety so they have never had part time employees at his agency.

Mr. King responded that this type of breakdown has not been done. However, one of the things that MCOLES did look at part time law enforcement employment in comparison with the size of the agency. Mr. King stated that he thought it was somewhere in the neighborhood of 70% of agencies who utilize part time law enforcement employees are agencies of 20 or fewer officers.

Mr. Beach explained that this type of breakdown could be done when the law enforcement distribution reporting is completed in March.

Since there were no additional questions, Sheriff Pickell thanked everyone who took time from their busy schedules to attend this hearing and provide valuable input regarding the use of part time officers to the panel. He further explained that the next hearing will be tomorrow in Gaylord and in Lansing on Friday. In addition, the panel will also be at the Michigan Association of Chiefs of Police conference in Grand Rapids on January 31st.

The Public Hearing on Regular Employment concluded at 5:05 pm.