

Re: ORDINANCE TO ESTABLISH AN UNEMPLOYMENT COMPENSATION PLAN FOR CERTAIN
EMPLOYEES IN THE SERVICE OF THE COUNTY OF INGHAM

Adopted: May 13, 1975

Amended: September 16, 1975

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO ORDAIN:

ARTICLE I

ESTABLISHMENT OF PLAN

Section 1. There is hereby established and created an Unemployment Compensation Plan to provide benefit payments to certain employees of Ingham County as hereinafter defined.

Section 1.2 This plan is established and created pursuant to the provisions of Act 170 of the Public Acts of Michigan, 1958, as amended.

ARTICLE II

ADMINISTRATION

Section 2. The Plan shall be administered by the Ingham County Personnel Office.

Section 2.1 The Director is hereby authorized to establish all necessary rules and regulations for the administration of the Plan, subject to approval by the Board of Commissioners of Ingham County (hereinafter referred to as the "Board of Commissioners").

ARTICLE III

DEFINITIONS

Section 3. For purposes of this Ordinance, the following definitions shall apply to the terms respectively designated for each:

Section 3.1 "AVERAGE WEEKLY WAGE" with respect to a base period of employment, shall be the amount determined by dividing total wages paid by Ingham County for credit weeks earned in the employment of Ingham County by the number of such credit weeks chargeable to Ingham County as employer.

Section 3.2 "BASE PERIOD" means the period of 52 consecutive calendar weeks ending with the day immediately preceding the first day of an individual's benefit year.

Section 3.3 "BENEFIT YEAR" with respect to any individual, means the period of 52 consecutive calendar weeks beginning with the first calendar week with respect to which the individual, who does not already have a benefit year in effect, files a claim for benefits under this Ordinance, provided that the individual has worked at least 14 or more Credit Weeks within the Base Period.

Section 3.4 "BENEFITS" means the money payments payable to an eligible and qualified individual, as provided in this Ordinance, with respect to unemployment.

Section 3.5 "CREDIT WEEK" means any calendar week of an individual's Base Period during which such individual earned wages in excess of \$25.00 from Ingham County.

Section 3.6 "DIRECTOR" or "PERSONNEL DIRECTOR" means the Personnel Director of Ingham or the designee of such.

Section 3.7 "UNEMPLOYED": An individual shall be deemed unemployed with respect to any week during which such individual performs no services and with respect to which no remuneration is payable to such individual, or with respect to any week of less than full-time work if the remuneration payable to such individual is less than such individual's weekly benefit rate.

Section 3.8 "WAGES" means remuneration paid for employment but shall not include any employee payment for life or health insurance, pension, uniform and equipment allowance, longevity, pay for unused sick leave, or similar payments.

Section 3.9 "WEEK" means calendar week, ending at midnight Saturday, but all work performed and wages earned during a work shift which starts before midnight Saturday shall be included in the week in which such shift begins.

ARTICLE IV EMPLOYEES COVERED

Section 4. Except as provided by Article V, employees covered by this Ordinance shall consist exclusively of regular full-time employees in positions authorized by or approved by or designated by resolution of the Board of Commissioners.

ARTICLE V EMPLOYEES AND PERSONS NOT COVERED

Section 5. Employees and persons not covered by this Ordinance shall be:

Section 5.1 All elected officials.

Section 5.2 Members of Boards, Committees or Commissions appointed for either definite or indefinite terms by the Chairman of the Board of Commissioners and/or the Board of Commissioners.

Section 5.3 Persons providing contractual services as specialists, consultants, independent contractors, counsel, or employees of any of such.

Section 5.4 Employees hired on a temporary, part-time, seasonal, provisional or emergency basis.

Section 5.5 Employees hired for less than eight (8) hours per day, forty (40) hours per week, or 2,080 hours per year.

Section 5.6 Employees who are or were, at the time of their employment, students enrolled on a regular basis in high school, college, graduate school or any other school in which their primary status is clearly that of a student or any persons hired as students.

Section 5.7 Employees under the age of 18 regularly attending either a public or private school below the college level and the employment was part-time or within the vacation period of school, or a part of the school curriculum.

Section 5.8 Individuals receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of: (i) rehabilitation for individuals whose earning capacity is impaired by age, physical or mental deficiency or injury; or (ii) providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market.

Section 5.9 Employees whose compensation is derived at least fifty percent (50%) from federal funds received under a specific federal program for which application was made and whose employment is terminated due to discontinuance of such federal funding, unless otherwise specifically agreed as a condition of the grant contract, provided this Section, 5.9, shall not apply after midnight, December 31, 1976.

ARTICLE VI

EMPLOYEES OF SEPARATE EMPLOYERS NOT COVERED

Section 6. The following boards and agencies are deemed to be separate employers, and employees of such are not covered by this Ordinance:

Section 6.1 Ingham County Library Board

Section 6.2 Ingham County Medical Care Facility

Section 6.3 Ingham County Road Commission

Section 6.4 Ingham County Social Services Board

Section 6.5 Ingham Medical Center

Section 6.6 Lansing Tri-County Regional Manpower Consortium

Section 6.7 Tri-County Regional Planning Commission

ARTICLE VII

ELIGIBILITY

Section 7. A claimant to be eligible for benefits must be unemployed, as defined, make a claim for benefits in the manner prescribed by the Director, and further, must:

Section 7.1 Be an employee covered by this Ordinance; and

Section 7.2 Be able and available to perform full time work of a character which such claimant is qualified to perform by past experience or training, and of a character generally similar to work for which such claimant has earned wages; and

Section 7.3 Be registered with the Michigan Employment Security Commission and be in compliance with registration and reporting requirements of both the Michigan Employment Security Commission and Ingham County; and

Section 7.4 Be seeking work; and

Section 7.5 Must not have refused a bona fide offer of employment, which is reasonable with respect to such claimant's qualifications.

ARTICLE VIII

DISQUALIFICATIONS

Section 8. A claimant is disqualified from receiving benefits if the Director finds that an individual is unemployed due to an ineligible termination or separation as specified in Article IX, has left his work voluntarily, or has accepted work with another employer which provides compensation equal to or in excess of their unemployment benefits, or has failed, without just cause, to apply for available suitable work which provides compensation at least equal to their unemployment benefits.

ARTICLE IX

INELIGIBLE TERMINATIONS AND SEPARATIONS

Section 9. An employee shall not be eligible for benefits under this Ordinance if unemployment shall result from any of the following terminations and separations:

Section 9.1 Retirement under any retirement system covering Ingham County employees.

Section 9.2 Discharge for just cause.

Section 9.3 Disciplinary suspension for just cause.

Section 9.4 Resignations, including resignations in lieu of discharge.

Section 9.5 Leaves of absence for any reason.

Section 9.6 Temporary separations or voluntary layoffs at the request of the employee.

Section 9.7 Participation or direct interest in a labor dispute including any strike, unauthorized work stoppages, or other concerted action.

ARTICLE X

COMPUTATION OF BENEFITS

Section 10. Benefit payments to eligible employees shall begin with the effective date of the unemployment and shall be calculated according to the following rules:

Section 10.1 The weekly benefit rate and amount of the weekly benefit payment shall be determined in accordance with all of the relevant provisions of Act 1 of the Public Acts of Michigan, Extra Session, 1936, as amended, and as set forth in the Michigan Employment Security Act Weekly Benefit Rate Table in effect at the time an employee becomes unemployed.

** Section 10.2 The dependency class category of an unemployed individual shall be determined as stipulated and provided by the provisions of Act 1 of the Public Acts of Michigan, Extra Session, 1936, as amended. A dependent shall be defined by the Provisions of Act 1 of the Public Acts of Michigan, Extra Session, 1936, as amended. THE DEPENDENCY CLASS TO WHICH AN INDIVIDUAL IS ASSIGNED SHALL BE DETERMINED WITH RESPECT TO EACH WEEK OF UNEMPLOYMENT FOR WHICH AN INDIVIDUAL IS CLAIMING BENEFITS. (Amended 9/16/75 by 75-235)

Section 10.3 Employees shall be entitled to three (3) weeks of benefits for each four (4) credit weeks earned for Ingham County up to a maximum of twenty-six (26) weeks for thirty-five (35) earned credit weeks, provided that the claimant has worked at least thirty-five (35) weeks in the fifty-two (52) weeks preceding the week in which the claimant applied for benefits. If an employee has worked only for Ingham County, only thirty-four (34) credit weeks worked are required to establish eligibility for maximum benefits.

Section 10.4 Each individual shall be paid a weekly benefit rate with respect to the week for which such individual earns or receives no remuneration or remuneration equal to one-half of such individual's weekly benefit rate. Also, an individual shall be paid one-half of such individual's weekly benefit rate with respect to the week for which such individual earns or receives remuneration equal to at least one-half but less than such individual's weekly benefit rate.

ARTICLE XI

PAYMENT AND BENEFIT PROCEDURE

Section 11. Payment of unemployment benefits shall be based on a certification from the Director to the Ingham County Controller. Such certification shall contain all information necessary for payment. A record of the benefits received by each individual shall be maintained by the Director.

Section 11.1 Benefits shall be paid biweekly at a time and place fixed by the Director, or at the option of the Director, may be mailed to the last designated address of the beneficiary. It shall be the responsibility of the beneficiary to notify the Director of changes of address. All beneficiaries must report at such times as required by the Director for periodic determinations of continuing eligibility.

Section 11.2 Rules and procedures including any necessary forms may be established by the Personnel Office to administer the Plan. The Director may bring suit in the name of the County of Ingham to recover any monies paid upon a fraudulent or untrue application or claim.

Section 11.3 The Director shall promptly make a determination, after an application for benefits is filed, whether the claimant is a covered individual eligible and qualified to draw benefits based upon the available information. The issuance of each benefit check shall be considered a determination that the claimant receiving the check was a covered individual eligible and qualified for benefits. Where a claimant refuses work or fails to apply for work or in any other way is or becomes disqualified or ineligible for benefits, the Director shall promptly make a written determination of such disqualification or ineligibility and shall send the claimant notice thereof.

Section 11.4 Any claimant may request a redetermination in writing within fifteen (15) days following any determination or decision respecting qualification, eligibility or rate of benefits, to the Director, who shall promptly review the prior determination, and if necessary, may order a hearing with the claimant thereon. Upon review with or without hearing, the Director shall issue a redetermination affirming, modifying or reversing the prior determination and stating the reasons therefor. Such redetermination shall be final unless an appeal is filed as provided below.

ARTICLE XII

APPEALS

Section 12. There is hereby established an unemployment compensation appeal board, to consist of the Controller, the County Corporation Counsel and the Chairperson of the Personnel Committee of the Board of Commissioners. It shall be the duty of the appeal board to review determinations and decisions pertaining to this Plan provided that a claim of appeal is filed within fifteen (15) days of such decision of determination. The time to file a claim of appeal shall not begin until an employee has been notified in writing of his right to appeal.

Section 12.1 The appeal board may, on its own motion, affirm, modify, set aside or reverse any decision or order on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision or order to initiate further appeals before it.

The appeal board shall promptly notify parties of its findings and decisions and its reasons therefor but may omit the giving of any reasons if the previous order, decision or determination is affirmed without any alteration or modification.

Section 12.2 The manner in which appeals to the appeal board shall be presented, the reports thereon required from the interested party or parties, and the procedure governing such appeals shall be in accordance with rules prescribed by the appeal board. A record shall be kept of all proceedings in connection with an appeal. Space and such clerical service as is needed shall be provided by the Director to the appeal board.

ARTICLE XIII

EQUIVALENCY PROVISION

Section 13. Any change in the rate of regular benefits and their duration that would be mandated to meet the requirements for equivalency within the meaning of Act 1 of the Public Acts of Michigan, Extra Session, 1936, as amended, shall become effective on the same day to change the rate of regular benefits and their duration as provided in this Ordinance.

ARTICLE XIV

FUND

Section 14. An Unemployment Compensation Plan Fund is herewith established to account for related revenue and expenditures, including payment of unemployment benefits provided by this Ordinance. Financing of benefits shall be accomplished through said Fund. The Director shall recommend to the Board of Commissioners annual appropriations to be made for the Plan.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section 15. Whenever the last day of the period to apply for redetermination or to appeal any decision, determination or redetermination, falls on a Saturday, Sunday or legal holiday, such period shall run until the end of the next day which is not a Saturday, Sunday or holiday.

Section 15.1 No person shall, with intent to deceive, make any false or untrue statements or reports. In lieu of criminal action based on any false or untrue statements or reports, the appeal board may recommend disciplinary or other action.

Section 15.2 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 15.3 Headings shall be for purposes of convenience and shall in no way be a limitation on the contents of any Article or section of this Ordinance.

ARTICLE XVI

EFFECTIVE DATE

Section 16. The effective date of the Plan and benefits established by this Ordinance and of coverage hereunder shall be January 1, 1975.