

FINAL
Minutes of Open Session
Legislative Council Meeting
Wednesday, September 23, 2020 • 9:00 a.m.
Harry T. Gast Senate Appropriations Room • State Capitol Building
100 S. Capitol Avenue • Lansing, Michigan

ATTENDANCE

Present:

Speaker Lee Chatfield, *Chair*
Senate Majority Leader Mike Shirkey, *Alternate Chair*
Senator Jim Ananich, *Member*
Senator Ken Horn, *Member*
Representative Jim Lilly, *Member*
Representative Yousef Rabhi, *Member*
Senator Wayne Schmidt, *Member*
Senator Jim Stamas, *Member*
Representative Jason Wentworth, *Member*
Representative Triston Cole, *Alternate Member (voting for Representative Hernandez)*
Representative LaTanya Garrett, *Alternate Member (voting for Representative Clemente)*
Representative Mary Whiteford, *Alternate Member (voting for Representative Wentworth)*

Absent/Excused:

Senator Stephanie Chang, *Member*
Representative Cara Clemente, *Member*
Representative Shane Hernandez, *Member*

ITEMS I and II. Call to Order and Roll Call

Pursuant to Legislative Council Rule Chapter 1, Rule 2, Speaker Chatfield called the meeting to order at 9:00 a.m. and asked the clerk to call the roll. A quorum was present. **Senator Stamas moved to excuse absent members. There was no objection. The motion prevailed by unanimous consent.**

ITEM III. Election of Officers

Senate Majority Leader Shirkey nominated Speaker Chatfield be Chair of the Legislative Council for 2020. Speaker Chatfield asked if there were any other nominations. There were no other nominations. **Speaker Chatfield declared that, pursuant to Legislative Council Rule, Chapter 1, Rule 4, he will be Chair of the Legislative Council for 2020.**

Chair Chatfield nominated Senate Majority Leader Shirkey to be Alternate Chair of the Legislative Council for 2020. The Chair asked if there were any other nominations. There were no other nominations. **Chair Chatfield declared that, pursuant to Legislative Council Rule, Chapter 1, Rule 4, Senate Majority Leader Shirkey will be Alternate Chair of the Legislative Council for 2020.**

ITEM IV. Approval of the Proposed Minutes of the October 15, 2019 Legislative Council Meeting

The Chair directed the members' attention to the proposed minutes of the October 15, 2019 Legislative Council meeting included in the members' information packet. **Representative Lilly moved to adopt the minutes of the October 15, 2019 Legislative Council meeting as proposed. There was no further discussion. The motion prevailed by unanimous consent.**

ITEM V. FY 2021 Legislative Council Budget and Allocations

The Chair asked members to review the proposed FY 2021 Legislative Council Budget and Allocations. He noted that the proposed allocation is based upon FY 2020 funding levels since FY 2021 appropriations are in the process of being finalized. Legislative Council Administrator Jennifer Dettloff was available to answer questions. **Senator Horn moved to approve the FY 2021 Legislative Council Budget and Allocations as proposed. There was no further discussion. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the Council, voting as follows:**

Yeas—10

Speaker Chatfield	Senate Majority Leader Shirkey
Representative Lilly	Senator Ananich
Representative Wentworth	Senator Horn
Representative Cole (voting for Rep. Hernandez)	Senator Schmidt
Representative Garrett (voting for Rep. Clemente)	Senator Stamas

Nays—0

Proposed FY 2021 Legislative Council Budget Allocations

Line Item	FY 2020 Appropriations (PA 56 of 2019)	Proposed FY 2021 Legislative Council Allocations	Total FY 2021 Budget
Legislative Corrections Ombudsman	1,006,900		1,006,900
Worker's Compensation - Legislative Council	151,400		151,400
Legislative Service Bureau Automated Data Processing	1,775,500	491,300	2,266,800
Legislative Council	13,853,500	(13,853,500)	
Legislative Council (use to transfer to Capitol Donations) Private-Gifts and Bequests Revenue	400,000		400,000
National Association Dues	601,800		601,800
Michigan Veterans' Facility Ombudsman	315,200		315,200
Legislative Council Administrator		450,000	450,000
Michigan Law Revision Commission			
Michigan Manual Fund		11,000	11,000
State Drug Treatment Court Committee			
Legislative Service Bureau		12,901,200	12,901,200
Legislative Information Technology Systems Design Project	765,000		765,000
TOTALS:	18,869,300		18,869,300

ITEM VI. Adoption of Employee Policy in Response to the Families First Coronavirus Response Act (FFCRA)

The Chair stated that in response to the Families First Coronavirus Response Act, some changes to the Council's Leave and Attendance Policy are needed. The proposed policy in response to the Families First Coronavirus Response Act is as follows:

Legislative Council Leave and Attendance Policy Families First Coronavirus Response Act (FFCRA) Supplement

In the spirit of the Families First Coronavirus Response Act (FFCRA), passed by Congress and signed into law on March 18, 2020, the following policies* will be implemented to supplement our current Leave and Attendance policies.

Emergency Paid Sick Leave (EPSL)

EPSL will be available to all full- or part-time employees who are in a paid status or on an approved leave of absence as of March 18, 2020.

Full-time employees will be provided up to 80 total hours of EPSL and part-time employees will have a pro-rated amount based on their average number of hours worked.

The total number of EPSL hours will be provided to each employee as a one-time supplement and is intended to provide increased flexibility to all employees during this uncertain time. EPSL may be granted for any of the following uses:

- To self-isolate because the employee is diagnosed with coronavirus.
- To obtain a medical diagnosis or care if the employee is experiencing symptoms of coronavirus.
- To comply with a recommendation or order by a public official with jurisdiction or a health care provider on the basis of the exposure of the employee to coronavirus or exhibition of symptoms of coronavirus.
- To care for or assist a family member of the employee who is self-isolating because such family member has been diagnosed with coronavirus or is experiencing symptoms of coronavirus and needs to obtain medical care.
- To care for the child of the employee if the school or place of care has been closed, or the child care provider of such child is unavailable, due to coronavirus.

The EPSL hours are intended to supplement employees when they are physically unable to work (including remotely), whether due to their own illness or their responsibility to care for others.

EPSL is subject to the following:

- EPSL time will be granted under this policy to all new hires with start dates effective from March 19, 2020, to December 31, 2020, based on their initial hire status.
- Employees will not be paid out EPSL time upon separation of employment.
- Use of EPSL will be available until December 31, 2020.
- We will continue to review this policy and may amend or revise at a future date based on changing circumstances.

EPSL will be available for use starting April 1, 2020. Balances for EPSL will be tracked by Human Resources outside of the Sigma online portal due to system limitations.

If you need to access EPSL, please coordinate directly with your supervisor and Jennifer Bucienki.

Public Health Emergency Parental (PHEP) Leave of Absence

A partially paid leave of absence, as explained below, will be available to all full- or part-time employees who have been employed by the Council for at least 30 days prior to beginning a PHEP Leave of Absence.

Criteria:

An employee qualifies for a PHEP leave of absence if the employee is unable to work (or unable to telework) due to a need for leave because the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to coronavirus. The criteria must be met to qualify for a leave of absence under this policy.

Duration of Leave and Rate of Pay:

An employee is eligible for up to 12 weeks of leave. The first two weeks are unpaid; however, leave time (annual leave, sick leave, comp time or EPSL) may be used to supplement the leave of absence during the first two

weeks. The subsequent 10 weeks of PHEP leave will be paid at a rate of 2/3 of the employee's regular salary or hourly rate up to \$200 per day.

Number of Eligible Hours per Week:

Full-time employees will be eligible for 37.5 or 40 hours per week, depending on their regular schedule. Part-time employees will be eligible for a pro-rated amount of sick leave based on their average number of hours worked.

Term of this Policy:

Use of this PHEP leave will be available until December 31, 2020.

Administrative:

Employees must submit a written request for a PHEP leave of absence to their Director for approval. The leave is subject to Council Administrator approval, as well. Once approved, Human Resources staff will work individually with employees to determine eligibility and administer the request.

Overpayment:

Because of system limitations, some employees who use EPSL or PHEP may initially be over compensated. All use of EPSL or PHEP remains subject to audit and may result in a need for repayment via later gross-pay adjustments.

*Please note that the implementation of these policies is considered to be in draft form and subject to Legislative Council approval. These policies are also considered to be consistent with the FFCRA based on the information and federal guidance available as of the date of this memorandum. These policies may be revised, pending additional guidance from the Department of Labor or the Legislative Council. If applicable, any changes will be communicated to all employees in a subsequent correspondence. Please contact Jennifer Buciencki at jbuciencki@legislature.mi.gov with any questions.

Senator Ananich moved to adopt the proposed change to the Legislative Council's Leave and Attendance Policy. There was no further discussion. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the Council, voting as follows:

Yeas—10	Speaker Chatfield	Senate Majority Leader Shirkey
	Representative Lilly	Senator Ananich
	Representative Wentworth	Senator Horn
	Representative Cole (voting for Rep. Hernandez)	Senator Schmidt
	Representative Garrett (voting for Rep. Clemente)	Senator Stamas

Nays—0

ITEM VII. Appointment of Corey Doan as Michigan Veterans' Facility Ombudsman

The Chair noted that, pursuant to Public Act 198 of 2016, the Legislative Council needs to approve the appointment of Corey Doan to serve as the Michigan Veterans' Facility Ombudsman. **Representative Cole moved that the Legislative Council appoint Corey Doan to serve at the pleasure of the Legislative Council as the Michigan Veterans' Facility Ombudsman. There was no further discussion. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the Council, voting as follows:**

Yeas—11	Speaker Chatfield	Senate Majority Leader Shirkey
	Representative Lilly	Senator Ananich
	Representative Rabhi	Senator Horn
	Representative Wentworth	Senator Schmidt
	Representative Cole (voting for Rep. Hernandez)	Senator Stamas
	Representative Garrett (voting for Rep. Clemente)	

Nays—0

ITEM VIII. Public Participation

The Chair asked for public participation. There was none.

ITEM IX. Adjournment

The Council having no further business, Senator Stamas moved to adjourn the meeting. Without objection, the motion prevailed by unanimous consent. The meeting was adjourned at 9:06 a.m.

Respectfully submitted,

Jennifer Dettloff, Secretary

(Minutes were approved at the March 10, 2021 Legislative Council meeting.)