

- √ The Entity should also develop and implement a policy and procedure, which addresses the driver's license status of current employees. As with potential applicants, there needs to be a preset number of points established which would bring about the review of an employee's driving habits.
- √ One of the main concerns when reviewing driving records is whether any of the moving violations an employee has received are alcohol or drug related. One conviction for an alcohol-related driving offense does not necessarily constitute grounds for dismissal but could give grounds for prohibiting the employee from driving municipal vehicles for a period of time (usually six months to one year). It could also prohibit the driver from responding as an emergency vehicle with his or her personal vehicle (this would include running lights and sirens). If within this probationary period the employee has another alcohol-related driving offense, the municipal entity could enact further disciplinary action.
- √ Another area to look for when reviewing driving records is patterns with moving violations (speeding, disregarding traffic control devices, etc.). If a person displays bad habits when driving his or her personnel vehicle he or she may also commit the same offenses when driving municipal vehicles.
- √ The municipal entity should also consider requiring those persons placed on probation for exceeding the point standard to attend a defensive driving training program.



THE PAR-PLAN NEWS

State Program Offers Help

Once your entity has developed and adopted an MVR policy, the process is in motion and not as cumbersome as it may sound. The State of Michigan has implemented a program to assist governmental agencies in this area at no cost. The steps are simple.

- Step 1.** Review and update any employment applications to include notification to applicants/employees that MVR checks will be conducted as a condition of employment and continued employment.
- Step 2.** Develop, adopt and implement a driver policy. Every entity should have this policy contained within their employment policies, including clear and specific instructions on how the MVRs will systematically be obtained, and what effect the records will have on the driving requirements and abilities of the entities' employees or volunteers.
- Step 3.** The entity will need to request to participate in the Subscription Program by mail, e-mail or fax. A packet will then be forwarded by Commercial Services to the entity containing the necessary forms and agreement for participation. Once completed and returned, enrollment will be established and the State will set up an account for the entity. To obtain the forms to participate in the Subscription program, you will need to submit your request on entity letterhead with the following information:

Program you are interested in (Subscription Program)
 Department/Entity name and address
 Contact person / Contact person's telephone, and e-mail address (if applicable)

All submits of your request should be made to the following addresses:

www.michigan.gov/documents website or contact: (on line)
 Michigan Department of State
 Bureau of Driver and Vehicle Records
 Attention: Marcia Gales
 7064 Crowner Drive, Lansing, Michigan, 48918
 Fax Number: (517) 322-3456
 E-mail: CommercialServices@Michigan.gov
 Any questions call: (517) 322-6281

Remember that MVR checks can only benefit the entity in reducing costs, assist in managing exposures for liability, and minimize potential claims situations.

*****NOTICE OF BOARD MEETING*****

The Michigan Township Participating Plan's quarterly Board of Directors meeting is schedule for Tuesday, January 8, 2008 at 3:00 pm in the Detroit Marriott Renaissance Center. The board meeting will be held in the Brule Room located on the 5th floor of the Renaissance Center.

All members are invited to attend.

Par- Plan News Editorial Staff:

- Pat Mead**-Benzonia Township
Benzie County
- John Buckhout**-Kalamazoo Township
Kalamazoo County
- Jon Sherwood**-Beaverton Township
Gladwin County

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*****ANNOUNCING 2008 SCHEDULED MTPP BOARD MEETINGS*****

MTPP BOARD OF DIRECTORS

Term: July 1, 2007 through
June 30, 2008



ZONE 1

Paul Lehto
Calumet Township
(906) 337-2410

ZONE 2

Marvin Besteman, Jr.
Vice Chairman
Kinross Charter Township
(906) 485-5381

ZONE 3

Pat Mead
Secretary
Benzonia Township
(231) 882-4411

ZONE 4

Terry Wright
Grayling Township
(989) 348-4361

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Beaverton Township
(989) 465-9175

ZONE 7

John Jones
Ira Township
(586) 725-0263

ZONE 8

John Buckhout
Charter Township of Kalamazoo
(269) 381-8080

ZONE 9

William Bamber
Oceola Township
(517) 546-3259

MTPP Quarterly Board Meeting *January 8, 2008*
3:00 pm
Detroit Renaissance Center
Detroit, MI

MTPP Quarterly Board Meeting *April 16, 2008*
4:00 pm
Par-Plan Office
Auburn Hills, MI

MTPP Annual Business Meeting *July 17, 2008*
9:00 am
Grand Traverse Resort
Acme, MI

MTPP Quarterly Board Meeting *July 17, 2008*
1:00 pm
Grand Traverse Resort
Acme, MI

MTPP Quarterly Board Meeting *October 17, 2008*
8:00 am
Allendale Charter Township
Allendale, MI

PAR-PLAN PARTICIPATION / MTA CONVENTION

The January MTA Annual Educational Conference will be here before we know it. Your Par-Plan Convention Committee has been hard at work making sure that our involvement in this year's convention will prove to be as good as in the past.

In keeping with the MTA's Theme this year of "Township Pride Michigan Wide", the Par-Plan has planned an evening of fun beginning with a cocktail reception followed by our **Motown Review**. Enjoy the ride from beginning to end, as the Michigan Township Participating Plan brings all things Motown together on one stage for a sensational review of the Motor City's chart topping history. Tapping into Michigan's legendary musical pool to extract some of the top vocalists and band members who have performed live with Motown legends such as the Temptations, Four Tops, Mary Wilson, The Contours, Aretha Franklin, and the Spinners, this event is sure to have you "dancing in the aisles." Prepare to travel back in time and experience the Motown classics the way we did in the 50's, 60's, and 70's with great choreography, costume changes and showmanship.

Look for your tickets in your delegate bags!

MTA has confirmed our participation for a Business Solutions workshop session with Jim Youngblood, President of Midwest Claims Service along with Par-Plan's appointed legal council. The panel will be speaking on the topics of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA).

- Learn the vital facts on what to do, what not to do, when, where, how and why. Find out what you MUST know to be compliant and how to avoid unnecessary litigation.
- This workshop will be held on Thursday, January 10th from 11:45 am to 1:00 pm in the Ambassador III Room located on level III of the Marriott Hotel.
- Our workshop content will then be converted into a training video due out soon after the convention. Please contact the MTPP Risk Control Department at 800-536-7425 to schedule your free training seminar for the spring.



**Jim Nelson Receives
Attorney of the Year Award**

left: Attorney of the Year, Jim Nelson, Scholten Fant of Grand Haven, MI
right: Jim Youngblood, President of Midwest Claims Service, Inc.

At our annual Midwest Claims Service, Inc. fall attorney claims conference Mr. James Nelson was named Attorney of the Year. This is the second time that Mr. Nelson has received this prestigious award. In addition to number of very complicated litigated cases that Jim has handled he was successful in winning a very complicated case that went to the Court of Appeals regarding a zoning matter and alleged violation of Open Meetings Act. (Leemreis v Sherman Township). This decision is being used by our team of appointed counsel through out the state.

Jim attended Michigan State University where he majored in business pre-law and graduated with a BA degree, cum laude in 1969. Jim then attended Detroit College of Law where he received his Juris Doctorate degree, cum laude, in 1972. From 1972 to 1978 he practiced civil litigation with a large litigation firm in Southeastern, Michigan. He then established his own litigation firm which was located in Grand Rapids, Michigan until moving to Hudsonville on August 1, 2000. Jim joined the firm of Scholten Fant on January 1, 2007. Jim has achieved the highest available AV Rating as an attorney by Martindale-Hubbell.

Jim has been defending members of the Michigan Township Participating Plan for the past 19 years in the western part of the state and was one of the original appointed attorneys on the team of Midwest legal counsel.



**MANAGING YOUR RISK
ARE YOU CONDUCTING MOTOR VEHICLE RECORD CHECKS?**

Rita Evans, Vice President, Risk Control Department
Michigan Township Participating Plan

Most public entities employ persons who are required to drive municipal-owned or emergency vehicles during their daily course of employment. Motor Vehicle Reports (MVRs) are a key component of reducing the frequency and severity of motor vehicles accidents.

An important fact to remember is, it is not a violation of privacy to conduct these checks, according to the Federal and State Driver's Privacy Protection Act of 1994, 18 USCA 2721 *et. Seq.* The act does restrict disclosure of "personal information" including an individual's photograph, social security number, driver identification number, name, address, telephone number, and medical or disability information. Excluded from this definition is information on vehicle accidents, driving violations and driver status for employment purposes.

Develop a MVR Policy

Conducting, developing and implementing a policy for MVR checks can assist entities in providing a better defense posture. Prescreening MVRs of potential employees will assist an entity with minimizing liability exposure in the event a claim situation occurs where there may be a personal injury due to an employee or third party's involvement in an accident. When developing your policy a few key items to consider;

- √ The Entity should set guidelines for the reviewing of driving records of potential employees. Many entities have set the number of points allowed on a driving record as four to six, with no more than two points in the last six months. One of the main concerns is speeding violations and alcohol related citations. Once established, these guidelines should be consistently followed.