

**PATHWAYS BOARD**

*George Botbyl, Elizabeth Brotherton, Patricia Bureau,  
Katie Carlson-Lynch, Bill Davie, Frederick Margrif, Julie Moker, Nancy Morrison,  
Kristin Peterson, Cathy Pullen, Gerard Tatrow, Glenn Wing*

**PATHWAYS MISSION STATEMENT**

*We serve and empower people with Severe Mental Illnesses, Severe Emotional Disturbances, or Developmental Disabilities to enhance their quality of life.*

**PATHWAYS APPROVED  
REGULAR BOARD MEETING MINUTES WITH **AMENDMENT****

**September 2, 2020 12:15 P.M.**

**Via Lifesize Connection**

Alger, Delta, Luce, and Marquette County

Present:

|                       |           |                   |           |
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| Botbyl, George        |           | Moker, Julie      |           |
| Brotherton, Elizabeth |           | Morrison, Nancy   |           |
| Bureau, Pat           |           | Peterson, Kristin |           |
| Carlson-Lynch, Katie  | (Excused) | Pullen, Cathy     |           |
| Davie, Bill           |           | Tatrow, Gerard    | (Excused) |
| Margrif, Frederick    | (Excused) | Wing, Glenn       |           |

Alger Staff/Guest: None

Delta Staff/Guest: Terry Burkhart, Jeanne Lippens, Lindsey Reinhart, Michael St. John, Shelly Sundstrom, Danielle Taylor, Debbie Wilson.

Luce Staff/Guest: None

Marquette Staff/Guest: Nick Kolinsky, Karen LaFave, Cindy Lawrence, Matt Maskart, Mary Swift, Jackie Syrjala, Derick Wall

**CALL TO ORDER AND ROLL CALL**

Chairperson Pullen called the meeting to order at 12:16 p.m. Roll call was taken by Dawn Mercier, Executive Assistant, a quorum was present.

**ADOPTION OF AGENDA**

**Additions/Changes** – Finance items to be heard after Public Comment, Closed Session item will be heard in Open Session

**MOTION/SECOND/CARRIED TO ADOPT THE AGENDA AS AMENDED.**

Wing/Brotherton

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| <b>APPROVAL OF PREVIOUS MEETING MINUTES</b> |
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**MOTION/SECOND/CARRIED**

Wing/Morrison

**TO APPROVE THE MINUTES FROM THE AUGUST 5, 2020 REGULAR BOARD MEETING AND THE AUGUST 12, 2020 SPECIAL BOARD MEETING**

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| <b>PUBLIC COMMENT</b> |
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Alger - None

Delta – None

Luce - None

Marquette – None

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| <b>ACTION ITEM</b> |
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**Finance**

- Contracts/Leases/Agreements – Contract Manager, Jeanne Lippens summarized the contracts as presented.

**MOTION/SECOND/CARRIED**

Wing/Brotherton

**TO APPROVE THE FOLLOWING CONTRACT AS PRESENTED: Good Looks Auto Detailing (Vehicle Cleaning of Fleet – Mqt Outpatient, Mqt ACT, and Ishpeming Offices), TJ’s Auto Spa (Vehicle Cleaning), NorthCare Network Amendment (UP Health Care Solutions and Data Sharing Agreement), Cornerstone Amendment (Residential Services), Little Ones of the UP, LLC (Social Emotional Consultation), MDHHS Grant (Social Emotional Consultation), Portia Properties (Lease Agreement), North Shores Center (Respite Care Services).**

- Medicaid Lapse at the NorthCare Level – Performance Incentive. CFO Nick Kolinsky summarized his report as presented.

**MOTION/SECOND/CARRIED**

Wing/Morrison

**TO APPROVE THE ONE-TIME PERFORMANCE INCENTIVE IN THE COMBINED AMOUNT OF \$1,605,000.00 EFFECTIVE SEPTEMBER 2, 2020.**

- Medicaid Lapse at the NorthCare Level – MERS DB Pension Contribution. CFO Kolinsky summarized his report as presented.

**MOTION/SECOND/CARRIED**

Wing/Davie

**TO APPROVE OPTION 1 AS PRESENTED AS RECOMMENDED BY THE EXECUTIVE TEAM. AN ANNUAL REQUIRED CONTRIBUTION TO THE MERS DEFINED BENEFIT PENSION PLAN OF \$4,970,376.00 FOR FY20'. THIS IS AN INCREASE OF \$1,621,380.00 OVER OUR CURRENT PAYMENT LEVEL.**

**Abstention: Botbyl**

- Year End Budget Review FY20' – CFO Nick Kolinsky summarized his report as presented.

**MOTION/SECOND/CARRIED**

Wing/Brotherton

**TO APPROVE THE YEAR END BUDGET REVIEW FOR FY20 AS PRESENTED**

- Initial Operating Budget FY21' – CFO Nick Kolinsky summarized his report as presented

**MOTION/SECOND/CARRIED**

Botbyl/Brotherton

**TO APPROVE THE INITIAL OPERATING BUDGET FY21 AS PRESENTED**

**CONSIDER COMPLAINTS AGAINST PATHWAYS EMPLOYEES**

Attorney Terry Burkhart introduced himself and advised he has 15 years of corporate compliance auditing work. He proposed to the Board, for purposes of confidentiality, that throughout he will refer to the charging party as the “charging party”, the adult resident of the facility in question as “AB” and the guardians of the recipient as “Mr. and Mrs. B”. He explained this case does not involve an employee, or a contractor, or an application for employment, or even a recipient of Pathways services. Pathways policy provides anonymous complaints have to be investigated and the charging party has demanded Board review. Further, he stated he will not be repeating any information that was provided, to the Board, in the privileged investigation report. The charging party disclosed Pathways employees in November 2019 that she was claiming to be a person with a disability. She resigned from her employer ALS, who is a Pathways contract service provider, about six weeks earlier on September 27, 2019. Since November 2019 her only involvement with Pathways was the filing of the charges under consideration here.

It is up to the Board to take her information and decide whether any further investigation or remedial action is warranted. A unique feature of the investigation is that the charging party, despite agreeing to be interviewed twice, she backed out of her agreement and refused to be interviewed. Her failure to do so complicated the investigation, increased its costs, and led to some credibility issues being resolved against her. In the overall big picture, most of the facts were undisputed except as addressed in the report.

One of the principle allegations that is in dispute is her contention that as an employee of ALS she was in fact subject to and required to be trained by Pathways relative to its code of conduct and its policies and procedures manual. The investigator agrees with Pathways staff that she is entitled to the protections of the ALS ethics policy and ALS policies and procedures manual but she is not an employee of Pathways nor is she vital to any protection or rights that might be established under Pathways policies. With one exception, the corporate compliance investigation policy which addresses retaliation for third-party complainants. However there is no evidence of retaliation in this case.

There were three claims that were substantiated during the course of the earlier investigations and the question for the Board with respect to the substantiated claims is whether further investigation or remedial action is warranted. With respect to the unsubstantiated claims the issue is whether the correct decision was reached by Pathways personnel and whether further action or remedial action is warranted.

Significant expenses have incurred relative to this investigation and that is money that could have been better spent in the fulfillment of Pathways mission and providing mental health services. If any recommendations are accepted the future course will be streamlined to that extent and further drains of expenses and Board attention can be minimized.

The charging party alleges procedural errors and substance of error. The procedural errors are all addressed individually and they basically assert a violation of Pathways policy, rule or regulation that has nothing to do with her two principle claims which are was she discriminated against by Pathways and did Pathways fail to protect her and others from harassment by the guardians of "AB".

The proposed findings of fact and conclusions of law are in the form of a proposed letter to be sent to the charging party.

Attorney Burkhart addressed the complaints as outlined in his report. After discussion by the Board it was the consensus they accept the recommendations and investigative findings.

**MOTION/SECOND/CARRIED**

Botbyl/Bureau

**TO ACCEPT ATTORNEY BURKHART'S  
RECOMMENDATIONS AS PRESENTED AND ACCEPT AND  
FOLLOW THROUGH WITH SENDING THE FACT AND  
FINDINGS OF THE INVESTIGATION TO THE  
COMPLAINANT.**

Roll Call Vote:

Ayes: Botbyl, Brotherton, Bureau, Davie, Moker, Morrison, Peterson, Pullen, Wing

Nayes:

**MOTION CARRIED**

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| <b>CHAIR REPORT</b> |
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No report.

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| <b>CEO REPORT</b> |
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CEO Swift advised that the Pathways Recipient Rights team went through their 3 year annual audit and received 100%. She opened the floor to questions.

*No formal action was taken regarding the CEO Report.*

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| <b>TRAINING – CORPORATE COMPLIANCE – JEANNE LIPPENS COMPLIANCE MGR</b> |
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Jeanne summarized her training as presented and opened the floor to questions.

*No formal action was taken regarding the training.*

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| <b>ACTION ITEMS</b> |
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**Personnel – HR Director Shelly Sundstrom**

- Personnel Updates. Shelly summarized her report as presented and provided updates.
- Hazard Payment. Shelly explained they have recently finalized a payment for those staff who have continued to provide face to face services during the pandemic. Mary, John and Shelly set up a program to review contacts from March 16 (when services were rescheduled or done via Lifesize), all of April, and up to May 15 (when we had proper PPE to protect our staff). Individuals were reviewed for their face to face services and also those individuals who have been taking temperatures. Payments were recently made and the amounts were based on contacts. The payment to staff totaled just short of \$80,000.00.
- PTO Balance Discussion – Shelly summarized her report as presented and answered questions.

**MOTION/SECOND/CARRIED**

Botbyl/Moker

**TO APPROVE A ONE-TIME ADDITIONAL PTO SELL  
BACK OPTION TO EMPLOYEES WHICH WILL  
ALLOW THEM TO SELL BACK UP TO 80 HOURS AT  
80% OF THEIR HOURLY WAGE TO BE PAID ON  
THE SEPTEMBER 30, 2020 PAYCHECK. TO  
QUALIFY THE EMPLOYEE MUST KEEP A  
MINIMUM OF 160 HOUR IN THEIR PTO BANK.**

Botbyl requested a status regarding the CEO Search. Shelly explained we are waiting on the results from the supervisor CEO search survey. The survey expires end of business September 4. The next step will be to compile the results for the Board.

**Planning/Programming – Jeanne Lippens, Contract/Compliance Manager**

- Consumer Data Quality Policy – Jeanne advised this is a new policy.

**MOTION/SECOND/CARRIED**

Morrison/Brotherton

**TO APPROVE THE CONSUMER DATA QUALITY POLICY AS PRESENTED**

- Risk Assessment FY19/20 – Jeanne explained this an annual report and highlighted the changes.

**MOTION/SECOND/CARRIED**

Botbyl/Brotherton

**TO APPROVE THE RISK ASSESSMENT FY19/FY20 AS PRESENTED****OTHER BUSINESS**

None

**BOARD MEMBER COMMENT**

Botbyl complimented all staff.

Morrison advised she is always amazed at what staff do. Moker agreed.

**MEETING SCHEDULE – VIA “LIFESIZE”**

|                                     |  |            |
|-------------------------------------|--|------------|
| Board Meeting                       | September 2, 2020                              | 12:15 p.m. |
|                                     | <i>**Training – Corporate Compliance**</i>     |            |
| Recipient Rights Advisory Committee | September 17, 2020                             | 12:00 p.m. |
| Committee of the Whole              | September 22, 2020                             | 12:15 p.m. |
| Board Meeting                       | October 7, 2020                                | 12:15 p.m. |
|                                     | <i>**Training – Person Centered Planning**</i> |            |

**ADJOURNMENT**

Chairperson Pullen adjourned the meeting at 2:15 p.m.