

COUNTY PERSONNEL COMMITTEE MEETING
NOVEMBER 10, 1993, 8:15 A.M.

PRESENT: John Keefe
Billy King
Cliff Strassenburg, County Manager
Major James Bowser, Sheriff's Department
Doug Canders, Trial Attorney
Danny Higgins, Deputy County Attorney
Pat Jones, Personnel Director
John Nalepa, Finance Director
Jerry Thrasher, Library Director
Marsha Grove, Library
Rhonda R. Davis, Deputy Clerk
Press

ABSENT: J. Lee Warren, Jr.

Meeting was called to order by Chairman Billy King at 8:15 A.M.

AGENDA ITEMS

1. Discussion of Eligibility of Jailers for Enrollment in Law Enforcement Retirement System.

Cliff Strassenburg presented a handout to the committee summarizing the current situation and possible solutions and reviewed the information.

Chairman King asked how many personnel in the jail were sworn law enforcement officers.

Major Bowser advised there were approximately 10 to 15 sworn officers and 50 to 60 who are not.

Mr. Strassenburg then reviewed the possible solutions for the problem from the handout.

Major Bowser advised there is a job description for a deputy/jailer. The reason there are sworn officers in the jail is because they are the only ones who can move prisoners in and out of the jail and serve papers on them.

Danny Higgins asked Major Bowser how much time the sworn officers spend doing those types of tasks.

Major Bowser stated these tasks are performed every day, but the amount of time spent doing them is different each day. There are two sworn officers working each shift and they are supervisors.

Mr. Higgins advised that the state is saying in order for an officer to qualify for LEO, at least 51% of their duties must be law enforcement and not tending to prisoners. He is trying to ascertain if that is the case for the sworn officers. If that can be established, those 10 to 15 sworn officers will be eligible and they can show this to the people with the state retirement system.

PERSONNEL COMMITTEE

November 10, 1993

Page 2

Major Bowser stated most of these officers are supervisors and when they are not serving papers, etc., they are acting in a supervisory position.

Doug Canders stated he has looked at the number of people who were working in the jail and who were in the system prior to 1986 when the law was changed. He feels the majority of the officers involved were on staff prior to that time and therefore, can be grandfathered into the system. If the 10 to 15 Major Bowser mentioned were employed prior to 1986, then we may not have a problem.

Major Bowser stated there may be 2 or 3 that were hired after that date.

Chairman King asked who has the correct number on the people who were hired after the law change.

Major Bowser stated he has the list from Raleigh and will compare it to our list and come up with the correct number that may be grandfathered into the system.

Mr. Strassenburg also stated that a sworn officer in the jail has a rate of pay one grade lower than a sworn officer who is assigned to road duty. If the job description is to be changed, this must be specified. This rate difference does not apply to supervisors.

He stated the non sworn officers must be moved to the LGE retirement system and the Sheriff concurs on that issue. However, the county has been making 401K contributions for these officers and the committee must decide if that is to continue once they are moved out of the LEO retirement system. Other county employees enrolled in LGE do not get county 401K contributions. When these jailers were brought on board they were told they would get this benefit. This committee must decide if it is to continue.

Chairman King asked if these employees would get anything from the state.

Danny Higgins replied they would not receive the same benefits as a certified law enforcement officer.

Mr. Strassenburg advised we pay money into our own fund for these employees. We have not lost any of that. If the committee decides to take these employees out of the LEO retirement system, they must decide if the county is going to continue the 401K contributions. If so, they are getting a benefit that other county employees do not get. However, jailers do work more time in a 28 day period than other employees do. The committee must also consider how new employees are to be handled. He then reviewed a letter received from Edmond W. Caldwell, Jr., who is an attorney in Raleigh that the Sheriff and he visited last week. Mr. Caldwell is a former policeman and is a member of the Attorney General's staff. His position is that any money paid into the 401K plan is held in the individual's name and is that individual's money. Mr. Strassenburg stated they were under the impression that all funds the county paid into the system would be lost.

PERSONNEL COMMITTEE

November 10, 1993

Page 3

Mr. Higgins advised there are two separate funds, the 401K fund and LEO fund. Mr. Caldwell's letter does not cite any law or backup of his position. The county attorney's office must contact BB&T and other people who are experts in the pension field. He was not aware the Sheriff was talking to anyone about this situation.

Mr. Strassenburg stated they were gathering information on the issue, and it was suggested that he speak with Mr. Caldwell. However, they are unresolved issues, but have been narrowed down and now more work and verification needs to be done. The committee needs to accept what has been presented as information and know that more work is to be done. We then need to consider the discrimination issue with the 401K benefits being paid to jailers in LGE and not to other county employees.

John Nalepa stated the county can always put money into the system. Based on the action of the board of commissioners he has initiated action to remove non sworn officers who are enrolled in the LEO and move them to the LGE. He has also requested a refund of the money contributed to 401K for these employees. Does he need to change any of the actions he has taken? He needs to know if all of the personnel in the jail are going to qualify.

Commissioner Keefe stated they need to know the number of sworn law enforcement office that will be working in the jail.

Major Bowser explained the guidelines for the number of sworn officers to be working in the jail may change. He cannot say what number of sworn officers will always be in the jail.

Mr. Nalepa stated he needs to know what to do with the 401K contributions.

Mr. Strassenburg stated the officers who are not sworn and are enrolled in LEO need to be taken out and the 401K contributions should be held in abeyance until a decision is made.

MOTION: Commissioner Keefe offered a motion to accept the documents presented as information.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. Consideration of Vacant County Attorney Position.

Chairman King stated he forwarded a memorandum to Danny Higgins concerning the advertisement of the staff county attorney position and suggested he move slowly considering the situation. He has since received notice that the position has been advertised and wants to know what is going on with this obvious disregard for his suggestion.

Mr. Higgins stated prior to Bob Bartelt's death there were only two attorneys and all outside litigation was "farmed out". The office is now down to a Deputy County Attorney and Trial Attorney. Mr. Canders has been doing all the litigation since May. It may be some months before the

PERSONNEL COMMITTEE

November 10, 1993

Page 4

County Attorney position is decided on by the Commissioners and he has been given no direction by the board in a regularly scheduled meeting.

Chairman King stated he understands the work load. His memo meant there should be some discussion about the position. He feels Mr. Higgins' disregard for the memo says that he does what he wants to do. He does not feel that is the way things should be handled.

Mr. Higgins stated he felt he should be told that the board will be giving some direction on what the board wants him to do considering what has happened in the past.

Chairman King stated that the board may want to consider whether or not the Deputy County Attorney should be hiring personnel. He feels the whole issue should be looked into.

Mr. Higgins stated that the acting director of EMS is performing these very same tasks with regard to personnel. If, during the Commissioners' meeting on Monday, the board decides it will be a few months before something is decided, then they need to advise him what is to be done with the cases the county attorney's office now has. The new cases are taking a lot of Mr. Cander's time. The situation in the office was not critical until David Clegg resigned.

Mr. Canders stated the office is really down to one attorney because he is consumed in litigation.

Chairman King stated he wants to put this item on the agenda for the whole board. His sentiment is shared by several commissioners.

Mr. Higgins stated that if the Commissioners want to talk about his department concerning instructions on operations, they need to speak to him.

Commissioner Gonzalez stated she would also like to have discussion of the County Attorney and Staff Attorney positions placed on the next meeting agenda.

Chairman King stated he asked Mr. Strassenburg to do some research and background concerning the operations of legal department around the state. He found that most counties the size of Cumberland have a full time County Attorney.

Commissioner Keefe stated the county is overwhelmed by outside attorney fees and feels we need a full time County Attorney.

Commissioner Gonzalez stated some other commissioners have been approached with a proposal from an attorney to serve on a retainer. We could pay someone full time for what we could hire someone on a retainer for. She also feels we need someone full time.

PERSONNEL COMMITTEE

November 10, 1993

Page 5

Mr. Canders stated if the commissioners hire an attorney on retainer, there may be a stronger necessity to have three attorney's in-house.

Chairman King stated they want to have a quality county attorney's office that produces quality work. The idea of outside counsel appealed to him at first because he felt it would give the commissioners time to make a decision on the county attorney position, but he now feels they may need to hire full time counsel.

He also stated he asked Mr. Strassenburg to compile the necessary information so they could see the total number of dollars spent throughout county departments on legal fees. He made mention that the Mental Health Board has their own counsel. He asked if this could be handled by the County Attorney's office staff.

Mr. Higgins explained all contracts go through their office and he would like to have input in this area. He would need to look at whether or not this would cause a conflict. It may be economical to combine staff of departments to work together. For an example, if one office needs 2 1/2 persons and the legal office needs 1/2 person, three people could be hired and one would work for one department part of the time and the other part of the time as assigned by the County Attorney. There are chances for economy.

Chairman King stated he has always felt there should be some coordination among services.

Mr. Strassenburg explained the information he presented giving the breakdown of the money being spent in the other departments for outside counsel. The total for the entire county is \$878,000.

MOTION: Commissioner Keefe offered a motion to recommend to the full board that they hire a full time county attorney.

SECOND: Commissioner King

VOTE: UNANIMOUS

3. Consideration of Request for Additional Positions in the Library.

Jerry Thrasher advised the committee that the Library Board of Trustees met in October and studied library use. Use of the library increased 62% over the last four years. During the last four years the main library's use has increased 42%. Only one person has been added to the headquarters public staff during that time. He is requesting an increase in staff to meet the current workload. This would also allow the library to be open an additional three hours on Thursday night. They are also requesting a janitorial position that was pulled from one branch and moved to the main branch. They have experienced increasing problems at the other branches and need an additional janitor. They need these positions to keep up with demand and increased workload.

Commissioner Keefe asked if the janitorial position was traded one for one.

PERSONNEL COMMITTEE

November 10, 1993

Page 6

Mr. Thrasher stated they worked on the size of the buildings and amount of use in determining his janitorial staff.

Pat Jones stated there is a vacant janitorial position that could be transferred to the Library. The Facilities Committee determined that the additional janitorial position was not needed in the new courthouse.

Commissioner Keefe advised Mr. Thrasher he would look into the janitorial position.

Chairman Bacote asked Mr. Thrasher how many people he had working at peak times in the mail branch.

Mr. Thrasher gave the number of people working at the different circulation desks. He has already shifted his staff to accommodate the different hours, and they are doing a good job.

Commissioner Keefe advised Mr. Thrasher that the county is about to build some new libraries that will require staff. We are in tough financial times right now.

Mr. Thrasher stated the Board of Trustees wanted to let the Commissioners know about the situation. The library needs these positions.

MOTION: Commissioner Keefe offered a motion to send this information to the full board for review.

DISCUSSION: Commissioner Gonzalez stated that half of the departments in the county have the very same problem as the Library. If these are approved, it will start an avalanche of requests.

Mr. Strassenburg stated that the appropriate time to consider this request is at budget time.

Motion died for lack of a second.

MOTION: Commissioner Keefe offered a motion to table this item until the budget sessions begins.

Motion died for lack of a second.

MOTION: Commissioner King offered a motion to forward the request to the full board.

Motion died for lack of a second.

Mr. Strassenburg suggested that the Library include this request in their next budget request.

4. Risk Manager

Pat Jones advised she had checked with the City of Fayetteville and Cape Fear Valley Medical Center and what she has comprised does not represent all available options. She advised the City Risk Manager is responsible

PERSONNEL COMMITTEE

November 10, 1993

Page 7

for employee and retiree health plans. It is not organized for effectiveness and efficiency as the Safety Director and Risk Manager are not under one umbrella.

The Safety Director and Risk Manager are all under one umbrella at Cape Fear Valley Medical Center.

She advised that risk management is a big area and there has been no assessment of risk in Cumberland County. There is no organized system of determining risks. Risk Management at Cape Fear Valley is a program in itself. The county cannot piggy-back with the hospital program because they deal with malpractice, etc. All contracts go through the risk manager at the hospital.

Mr. Strassenburg stated that the committee needs to decide if they want to create this position and if the person should report to the Safety Manager. We need this position in the county.

Pat Jones advised that a job description and salary have already been developed for a Risk Manager.

Mr. Strassenburg suggested that the committee meet again in two weeks. There are other issues that need to be discussed. In the meantime, he can get with Mr. Jones and finalize the details on this position.

MOTION: Commissioner Keefe offered a motion to adjourn.

SECOND: Chairman King

VOTE: UNANIMOUS

Meeting adjourned at 10:08 AM.