

**MINUTES OF JOINT MEETING OF ADMINISTRATION AND JUDICIARY & LAW
ENFORCEMENT COMMITTEES**

November 3, 2010

KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

- Members Present:*** Doug Noble, Fred Ekornaas, Dennis Elverman, Gail Gentz, William Michel II, Bob Haas, David Singer, Ronald S. Frederick
- Youth In Governance:*** Members from both Committees (Katie Yarger, Jenna Ciszewski, Emily Kenney, and Alice Wei) were excused. They were attending another YIG function.
- Others Present:*** Capt. Larry Apker, Capt. Paul Falduto, Lt. Tom Puidokas, Lt. Ed VanTine, Lt. Richard Heyden, Lt. Mark Krueger, Lt. Ken Weyker, Sgt. Gilbert Benn, Sgt. Sgt. Horace Staples, Sgt. Bill Beth, Bob Reidl, Al Swartz, Nancy Otis, Pam Brumback
- Meeting Called to Order:*** 6:30 p.m. by Chairman William Michel II
- Citizen Comments:*** None
- Supervisor Comments:*** None
- Chairman Comments:*** None

An Ordinance to Amend 4.01(14)(b) of the Civil Service Ordinance:

Motion by: Fred Ekornaas ***Seconded by:*** Ronald Frederick

***Administration Committee Approved with Fred Ekornaas against and David Celebre absent
Judiciary & Law Approved with Bob Haas against and Ronald Johnson absent***

Supr. Clark explained that committee chairs met to discuss items to accomplish and areas to review to get closer to a 2.75% budget increase. Included in this discussion were vacation payouts in excess of \$180,000. In 2011 budgets, the County Executive did eliminate payouts for non-represented personnel, however, could not include non-represented sworn personnel because they are under a Civil Service Ordinance. Changing this ordinance is contingent upon passing the two Committees tonight and two readings on the County Board Floor.

Clark stated that this does not take away a benefit. It does not take away vacation; just whether or not to allow un-used vacation payouts. In 2003 sworn non-represented employees received \$24,000 in vacation payouts. Last year the payout was almost \$76,000. Clark stated that things made sense to him after reading an email from the Sheriff. Clark believes that the justification is that this is a way to make up for supervisors that sometimes make less than the people they supervise. He does not believe this was the original intent of allowing vacation payouts. If there is a problem with the non-represented pay plan; this should be addressed in another manner. Clark received detail of how many weeks were given and used. Some employees were paid for up to four weeks.

Supr. Singer asked Bob Reidl if anyone has a clause that states they cannot get less than others. Reidl replied no.

Supr. Haas commented that since 2003 population has grown. To get qualified people (Sergeants and up) they must be paid more and should be treated better.

Supr. Ekornaas explained that he wrote the language. At the time, Sheriff Dept. represented employees were getting benefits year after year and upper ranks were being left behind. This was a compromise. After a promotion, the person is often transferred to an undesirable shift. They do not receive overtime. Ekornaas commented that if he supported this resolution he would be a hypocrite.

These ranks should be encouraged to take vacation because of the stressful nature of the job, however, sometimes they just can't. Paying out vacation is cheaper than overtime. Overtime is needed to cover vacations.

Supr. Michel asked Bob Reidl if non-represented employees who are not sworn would be affected no matter what. Reidl responded yes. Michel said that then there is the argument for consistency; that all employees be treated the same. He wants vacation to be taken, not used to compensate salary. Some get \$6-7,000 added to their income. Pay package should be looked at in other ways. This is not the purpose of vacation. He asked if other groups of employees are being looked at. Reidl stated that he doesn't believe others get payouts. Clark added that bargaining unit employees are not a problem; they don't get vacation payouts.

Reidl reported that up to two weeks can be carried over. Personal Days are not included; these are lost if not used.

Supr. Frederick commented that you cannot budget for something that is not a set amount. He believes that vacation should be taken and not paid out. He will support this resolution.

Supr. Noble asked for clarification as to how payouts affect Employee Trust Funds. Reidl replied that the income including payouts has been used to calculate benefits. Income totals from the highest three years are used. Noble commented that if benefits are increased, this would be an incentive to not use vacation. This is unlike the private sector where it is desirable to have more time off with pay.

Haas commented that in the past seven years for which payouts have increased; the County and amount of work has grown. Some don't take vacation because they are so swamped. Maybe increasing the pay should be looked at first then decrease vacation. He believes this resolution is penalizing staff.

Singer stated that he supports policy not to give vacation payouts. The usual argument is that sworn personnel want to be treated the same, however, they want different here. Singer asked how long vacations have been paid out. Ekornaas replied that he believes since the mid 90's. Singer said this language should have never been because you are creating a "Special Class." Singer commented that all language after "Determined by the County Board" should be struck and made a motion for this. This motion was not seconded.

Supr. Elverman commented that there is obviously a problem with the sworn rep payouts. Based on the tables, the non-reps have not changed much but sworn non-reps have more than tripled. He thinks this resolution needs to pass to take control. The County Board is sworn to control. He does feel that this should be kept to this one specific item; not all language.

Supr. Gentz asked if all fall under the Civil Service Commission. Reidl replied only the Deputy Sheriff's Association. Gentz commented that there are more limits on other cash outs.

Haas said that if they are forced to take all vacation; there would be turmoil and additional higher management would be needed, costing more money. If they are not on vacation they are being productive. He asked if they get casual days. Reidl explained that they get personal days that cannot be cashed out. Singer asked why non-reps get personal days and not casual days. Reidl explained that the intention of casual days was to cover represented employees' Accident & Sickness time; which has a 5-day waiting period. Non-reps do not have a waiting period.

Clark stated that when the proposal was made, it was not under the assumption that it would be imposed immediately. Being so late in the year it would be difficult and problematic for all to use their time before year-end. This would be discussed on the County Board Floor. Noble commented why not allocate from 2010 reserves to be paid in 2011. Clark said he can bring this to Finance.

Any Other Business Allowed by Law: None

Meeting Adjourned: 7:45 p.m. on motion by Frederick, seconded by Ekornaas.

Respectfully Submitted,

Donna L. DeBree