

**WALDO COUNTY COMMISSIONERS COURT SESSION  
(SPECIAL SESSION)  
AUGUST 03, 2010**

**PRESENT:** Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey. Also present was County Clerk Barbara L. Arseneau.

Commissioner Berry called the meeting to order at 9:00 a.m.

**NEW HIRE:**

Present for this discussion was Sheriff Scott Story and Chief Deputy Robert Keating. S. Story recommended hiring Jordan Tozier of Unity as part-time Deputy for summer work, as he is also a full-time teacher. Mr. Tozier already has completed the 100-hour certification and will need to receive FTO training.

**\*\*A. Fowler moved, W. Shorey seconded to approve the hire of Jordan Tozier of Unity as part-time Deputy Sheriff at \$14.09 per hour, effective August 3, 2010. Unanimous.**

D. Berry asked that S. Story look at salaries for his department in preparation for the 2011 budget.

**DISCUSSION OF INVOICES RELATED TO EOC/SHERIFF'S PROJECT:**

Present for this discussion with the Commissioners was EMA Director Dale Rowley.

1. D. Rowley submitted the "Finding of No Significant Impact" from the Department of Homeland Security to the Commissioners.
2. D. Rowley submitted a spreadsheet listing funds that had been committed and expended, with the division of expenditures for this shared project between the Sheriff's and EMA Departments at 65% and 35% respectively. Some expenditures for WBRC, Gorrill-Palmer Consulting, and the Department of Environmental Protection VRAP program, etc. were unanticipated and were related to meetings with the City Planning Board. When asked about the invoices to the City of Belfast, D. Rowley explained that this was to pay for the Peer Group Traffic Study. He felt that in spite of the additional expenses incurred, they were "still fairly well on track." D. Rowley reported that WBRC has the design nearly done and likely will complete it by next week. Then the specifications and construction plans will start, with the goal to have those completed by the end of August, followed by the bidding process. He advised publishing this in a number of newspapers. It was noted that this project will take care of the current storm water management and the odor issues. W. Shorey believed that one day most citizens will agree that putting the EOC/Sheriff's Office on the 45 Congress Street property was the right decision because "it really was the only game in town in view of the timeframe we're living in."
3. Friday, Dale said that he had learned he will be receiving a 40' tower at no charge, and delivered at no charge. The National Guard had called notifying him that they had a 40' tower to give away and wondered if anybody would be interested. D. Rowley replied that he was. It would be stored temporarily until it could be determined where it could best be used.

**CORRESPONDENCE**

Present to review correspondence with the Commissioners was County Clerk Barbara Arseneau with Deputy County Veronica Spear taking minutes.

1. Eaton Peabody Attorney Andy Hamilton's Invoice through June has been received in the amount of \$19,537.28. There was brief discussion of how this should be paid. W. Shorey and D. Berry expressed

their views that these were bona-fide construction costs and should come from the EOC/Sheriff's project funds and not the Commissioners Professional Services line.

**\*\*D. Berry moved, W. Shorey seconded to pay all project related invoices from the Reserves earmarked for the EOC/Sheriff's project. Unanimous.**

2. Caremark has sent the County a refund check in the amount of \$2,275.81.
3. The Commissioners noted that Probate Clerk Cari Carver successfully completed two years of employment on July 27, 2010 with a pay increase to \$14.21 per hour.
4. District Court Rent for the month of July was still at the previous year's rate, so B. Arseneau sent a letter to State Court Administrator Ted Glessner reminding them of the current rate.
5. A request has been sent to the Deputies Association for them to submit a letter to the Commissioners confirming their vote to be represented by the Fraternal Order of Police, with not response as yet.
6. Registration for the MCCA Annual Convention September 9-11, 2010 is due in the Treasurer's Office for accounts payable processing by August 6, 2010.
7. The next round of mandatory training for the Emergency Management Agency EOC is EMA August 19, 2010 from 12:30 to 3:30 p.m. B. Arseneau will send reminders to the Commissioners.
8. The Auditor has submitted to the Commissioners the Internal Control Policy that the Commissioners asked to be developed for County departments. B. Arseneau asked how this should be paid, as this was not in the Audit budget.  
**\*\*A. Fowler moved, W. Shorey seconded to pay the \$2,000.00 in voice for this policy from the Commissioners Professional Services line. Unanimous.**
9. Commissioner Fowler will be attending the Knox and Waldo Homeless Conference on September 8, 2010 and has already been registered.
10. None of the Commissioners will be attending the Time & Tide Resource Conservation and Development Area Council meeting on August 4, 2010.

#### **MINUTES APPROVED:**

B. Arseneau submitted the draft minutes from the July 13, 2010 Meeting with State of Maine Board of Corrections, State of Maine Department of Corrections, State Senators and Representatives, Etc. to the County Commissioners and Treasurer David Parkman. She asked them to review these and notify her of any changes that need to be made.

**\*\*D. Berry moved, A. Fowler seconded to approve the minutes from the following Waldo County Commissioners Court Sessions for August 26, 2008. Unanimous.**

#### **MISCELLANEOUS COMMISSIONERS BUSINESS:**

1. Poverty Abatement Appeal: The Commissioners briefly discussed the poverty abatement appeal recently submitted by a Winterport citizen, whose name was not revealed according to the statutes. The Commissioners agreed to hold a hearing and to schedule it on September 14, 2010.

#### **PERSONNEL POLICY DISCUSSION:**

Present for this discussion with the Commissioners were Human Resources/Payroll Director Michelle Wadsworth and County Clerk Barbara Arseneau, who have been working with Commissioner Shorey to update the Waldo County Personnel Policy. Following were items discussed by the County Commissioners that will become effective upon release of the revised Personnel Policy:

#### **CURRENT POLICIES:**

1. Dismissal of an Employee: Wording needs to be added to the Personnel Policy as suggested by legal counsel that details pre-approval by the Commissioners when a department head needs to dismiss an employee, in accordance with the statutes, noting that it should be amended to state that the Commissioners, not the department head, will communicate this pre-approval to the employee.

**\*\*A. Fowler moved, W. Shorey seconded to accept wording from legal counsel regarding dismissal of an employee, as amended. Unanimous.**

2. Pay on Holidays for Part-time Employees: There was discussion regarding the current situation in which the Sheriff's Office does not pay over-time pay to part-time employees working a holiday while the Communications Center does pay over-time pay to part-time dispatchers. The Commissioners all agreed that all part-time employees should be treated the same in this regard and not some part-time people being paid overtime pay while others are not. This will be effective when the updated Personnel Policy is released.

**\*\*A. Fowler moved, W. Shorey seconded for all part-time employees working holidays will receive holiday pay, effective upon the release of the updated Personnel Policy. Unanimous.**

3. Family Medical Leave Act (FMLA) leave running concurrently with Workers' Compensation: After brief discussion, the Commissioners voted as follows:

**\*\*A. Fowler moved, W. Shorey seconded to run Workers' Compensation concurrently with FMLA leave, effective upon release of the updated Personnel Policy. Unanimous.**

4. Health Insurance Plan: Updated wording will clarify that that eligible employees may elect to participate, that if the plan changes the County will notify employees at least 45 days in advance of the change, that shared costs of group health insurance will be determined annually by the County Commissioners, with at least 30 days advance notice to employees and that deductions for employee's portion of the premium will be deducted from the employee's bi-weekly paychecks for the following month's coverage. An example will provided for further clarification, such as: If coverage is effective in January, the employee's monthly premium will be deducted from the employee's bi-weekly paychecks in December.

**\*\*W. Shorey moved, A. Fowler seconded to accept the new wording for the health insurance plan, as based on wording already existing in union contracts. Unanimous.**

5. Closing Offices/Non-essential Employees: A question was raised several months ago by the Facilities Manager regarding the policy related to closing offices of non-essential employees during inclement weather. The Facilities Manager had mentioned that he and the Facilities Technician often come in either during, before or after closing of offices for non-essential employees due to inclement weather to clear snow, etc. and had wondered if this constituted comp time. The Commissioners discussed this matter and believed that the Facilities Management Department employees should be considered "Essential Employees," since the court houses often remain open for Superior and District Court even if the County has closed, and because the other facilities of essential employees stay open and still need to be managed by the Facilities Management Department.

**\*\*A. Fowler moved, W. Shorey seconded to change the status of the Facilities Manager and Facilities Technician positions from Non-Essential to Essential Employees, to be effective at a date to be determined. Unanimous.**

6. Mileage Reimbursement Rate: The policy will state that employees using their personal vehicles to travel for County business for which travel would be compensable, mileage will be reimbursed at the IRS in effect at the time of travel. Reimbursement is contingent on submission of an accurate record of miles traveled.

**\*\*A. Fowler moved, W. Shorey seconded to add this clarifying language to the Personnel Policy regarding the Mileage Reimbursement Rate. Unanimous.**

7. Update old information related to MainePers (Retirement): The Commissioners discussed and agreed to add wording related to eligible employees that all must comply with IRS rules related to MainePers. In 9.2 in second paragraph, add "...and vacation..." after "sick." There is no more "open enrollment," as employees only have one opportunity to enroll.

**\*\*W. Shorey moved, A. Fowler seconded making these changes to the Personnel Policy related to MainePers. Unanimous.**

#### **NEW POLICIES:**

8. Handling monetary errors: Regarding setting a time limit for addressing compensation errors, after checking with an attorney, the following policy will be added: Wage errors may be addressed up to six years, and reimbursement errors (such as travel, mileage or tuition benefits) may be addressed up to one year.

**\*\*W. Shorey moved, A. Fowler seconded to allow up to six years to address wage errors with an amendment to this vote to allow up to one year to address reimbursement errors, effective upon release of the updated Personnel Policy. Unanimous.**

9. Rehiring Employees: According to a vote made by the Commissioners in 2007, the policy has been that an employee re-hired for the same position within six months of leaving employment in good standing may be hired back "as he/she was when he/she left," including being reinstated at the same pay level and seniority level. After some discussion of the problems that have come to light when this was put into practice, the Commissioners decided to change this to read that the employee may be hired back at the pay level when the position terminated. Seniority and benefits start over as reflected by the new date of hire.

**\*\*W. Shorey moved, A. Fowler seconded to accept the wording of this re-hiring policy, effective upon release of the updated Personnel Policy. Unanimous.**

10. Paid Administrative Leave: The Commissioners discussed the need for a written policy that is similar to the Deputies Association contract wording that allows for an employee to be placed on paid administrative leave of absence at the discretion of the Department Head or his/her designee, listing examples in which an employee may be placed on paid administrative leave.

**\*\*A. Fowler moved, W. Shorey seconded to use the wording in the Deputies Association contract, with necessary changes to reflect all departments, (as is already the practice.) Unanimous.**

11. Recycling: As is already the practice, a policy will be added stipulating that employees will comply with whatever recycling programs the County has implemented.

**\*\*A. Fowler, W. Shorey seconded to accept the policy that employees will comply with whatever recycling programs the County has implemented. Unanimous.**

12. Clothing Allowances: Since the amounts allowed for law enforcement-related clothing allowances change periodically, it was decided not to specify an amount, and to state when the allowances would be paid as follows: "Clothing allowances approved by the Sheriff will be paid by the 15<sup>th</sup> of January on a separate payroll.

**\*\*A. Fowler, W. Shorey seconded to accept this wording change in the clothing allowances policy, effective. Unanimous.**

13. Employees promoted from hourly to FLSA-exempt salaried positions: After brief discussion on previous experiences with not having a policy on paying compensation leave, as well as earned vacation and sick leave for those employees who have changed from hourly positions to elected positions, the Commissioners decided that a policy would be established as follows: For an employee promoted from an hourly position to a salaried (FLSA-Exempt) position, any compensation time earned up to 120 hours will be paid at the hourly wage, or the employee has the option to use the accrued compensation as leave time within three (3) months of being promoted. Also, an employee who changes from an hourly position to an elected position will be paid all earned compensation and vacation leave, and up to 360 hours of sick leave the pay period following the effective date of taking the elected office.

**\*\*A. Fowler moved, W. Shorey accepted this policy wording, effective upon release of the updated Personnel Policy. Unanimous.**

17. Volunteers: There was discussion of the potential security issues related to volunteers who perform work within County buildings. Currently, the Commissioners are not notified of volunteers, lists are not kept of volunteers, background checks are not performed, etc. The Commissioners decided that all volunteers performing work within Waldo County facilities and in programs conducted by the County will have a background check done and be approved by the County Commissioners prior to commencement of volunteer work.

**\*\*A. Fowler, W. Shorey to create a policy that all volunteers doing work within Waldo County facilities and in programs for the County will have a background check done and be approved by the County Commissioners prior to commencement of volunteer work, effective upon release of the updated Personnel Policy. Unanimous.**

18. There was brief discussion of occasional requests from employees to take time off without pay, if they have no accrued leave. The Commissioners decided to add no further policies regarding this but noted that it would be a Leave of Absence matter covered by the LOA policy.

19. The Commissioners briefly discussed the concept of establishing an age cap for retirement from employment once “fully vested in Social Security.” The Commissioners asked that the County Clerk consult with legal counsel on this matter.

20. Use of personal vehicles for plowing snow on County property: The Commissioners decided that snowplowing County property with personal vehicles will be allowed only at the direction and approval of the Facilities Manager.

**\*\*A. Fowler moved, W. Shorey seconded to accept the wording above related to snowplowing County property. Unanimous.**

21. Official Pay Day: A memo several years ago from the Commissioners had established Friday as the official pay day for Waldo County employees, but the practice has been to release bi-weekly paychecks on Thursday. Nothing has ever been noted in the Personnel Policy and on a few rare occasions, the Commissioners Office was closed on a Thursday due to inclement weather. Therefore, the Commissioners decided that the personnel policy would include a policy naming the Friday following each bi-weekly period as official pay day, adding that as a courtesy to employees, paychecks may be issued prior to Friday as available. In the event that the Commissioners Office is closed on pay day, checks will be issued the next business day that the office is open. Employees are strongly encouraged to utilize direct deposit.

22. Health insurance buyout: There was brief discussion on the Health Insurance Buyout provision currently offered to both Communications Center and Sheriff's Deputies' employees as part of their union contracts and whether or not this could be opened up to all eligible employees. The Commissioners decided to discuss this further during their special health insurance workshop session on August 17, 2010.

**NEXT COURT SESSION:**

The next Commissioners Court Session is scheduled for August 10, 2010.

**\*\*A. Fowler moved, W. Shorey seconded adjourning the Commissioners Court Session at 12:34 p.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*  
Waldo County Clerk