

Randolph County Commissioners

November 21, 2013

The Randolph County Commissioners and Randolph County Council met at a special meeting at 6:30 PM in the Commissioners and Council Room in the Courthouse with the following members present: Board President William Terrell, Michael Wickersham and Gary Girton. Council Members: Board President Max Holaday, Rick Brown, David Lenkendorf, Gary Friend, Bob McCoy, Tom Kerns and Jay Harris. Also present was Randolph County Auditor Mary Ann Lenkendorf, Sheriff Ken Hendrickson and County Attorney Meeks Cockerill.

Presidents William Terrell and Max Holaday presided over the meeting.

Floating holidays-

Meeks Cockerill started the meeting talking about floating holidays. He had a copy of Allen County's policy with language that could be used. Michael Wickersham asked if you are not scheduled to work a holiday then you do not get the holiday? Wickersham said that would affect the Highway Department in 2014 on three holidays since they are not scheduled to work on Fridays. He asked if that would affect any unscheduled jailer or sheriff deputy. Jessica Olson stated the holiday policy that is in all four handbooks reads the same. If you do not work on a holiday then you do not get paid. The employee receives monetary compensation for holiday pay and cannot be credited with compensatory time. Currently not every department is doing it the same way. If a Sheriff's deputy works on a holiday they are paid for that eight hour shift and comps twelve hours. The holiday and compensatory time need to be kept separate, eight hours holiday and four hours comp time. The Highway Department has half of their employees off the day before a Friday holiday and the other half after the holiday. In July, the 911 director told her employees if you do not work on the holiday you do not get paid. The standard handbook affects the EMS. They also follow a guideline, if you do not work you do not get paid. They get eight hours for the holiday and can bank the additional time. When 24 hours is reached they can take a day off their shifts are 24 hours.

Gary Friend stated he would like to consider the holiday's to be paid in hours instead of days. Fourteen holidays equates to 112 hours. Friend stated everyone in the County should get the same amount of holiday hours. Michael Wickersham stated the five-day week people get all the holidays anyway because they are scheduled to work. From an employee standpoint is it a benefit to work four days a week, ten hours a day which benefits the County. If it is, should they get the same extra benefits. Kevin Slick highway department stated they like the (4) 10 hour working days. Michael Wickersham stated ten hour days are a benefit to the county, more in the summer than the winter. The question becomes is that benefit to the employee enough to justify having them lose three holidays. In order to make it fair for everybody we would pay 112 hour for 14 holidays for everybody but it will increase our holiday, compensation or pay out liability for those people who now get holiday pay when they are scheduled to work. Jay Harris asked if EMS gets eight hours for a holiday. Jessica Olson stated only if they are scheduled to work. Dianna does not pay them their hourly rate if they work but they get eight hours off some other time. If we go with the policy where you get holiday pay whether you work or not, then you will not be having people to work those shifts and will need to increase the line items within part time. This schedule would be the same for 911. Jessica Olson reminded the boards that in the County policy if EMS uses part time employees they are only allowed to work 28 hours a week. Olson asked if everyone was in agreement that the holiday time will be in hours and that this time can be banked. She also said if we implement the floating holiday policy, the Standard Handbook will be 7 hours per holiday with the exception of EMS which is 8 hours. 911 and Sheriff's Department will be 8 hours per holiday and the Highway Department will be 10 hours. The floating holidays carried over need to be kept separate from comp time and used by March 1 of the following year. Michael Wickersham asked if they could vote on the handbook, but Meeks Cockerill stated Commissioners could vote on it at the next regular Commissioners Meeting.

Exempt/Non-exempt positions

Meeks Cockerill's overview on the purpose of the exempt and non-exempt is that FLSA allows employers to qualify certain people as exempt and non-exempt. Employees have to meet a certain requirements to be exempt. This means the County is exempt from paying overtime and compensatory time so if you meet the qualifications as an exempt employee then the employer does not have to make those payments on compensatory time. The recommendation for the County on job descriptions came from Irwin's office in Muncie with the analysis of whose position is exempt. Positions are exempt if you are a political appointee such as a chief deputy. Cockerill's recommendation is to be consistent on who is exempt or non-exempt. The second recommendation is if we make a person exempt that has been considered as non-exempt in the past, we need to pay them for compensatory time that was earned and accumulated. Wickersham asked if one of the benefits to the employer is that you do not have to pay overtime or comp time but an exempt employee is paid for the job they do and not the hours they work. Cockerill agreed. Meeks Cockerill stated in some instances there might be a non-exempt employee over an exempt employee such as the Health Department. An RN is exempt under professional job degrees (LPN's are non-exempt) so the only one who would be exempt right now in the health department is Dr.

Sowinski. Gary Friend commented that some employees are making more than their supervisors. Michael Wickersham asked if you make the chief deputy sheriff an exempt employee then can the chief deputy auditor not be exempt. Cockerill stated doing that exclusion could become a liability problem.

William Terrell mentioned that the EMS manager, Airport manager and 911 director are non exempt. Dan Love highway supervisor was hired as an exempt employee. Jessica Olson stated exempt status does not afford anyone flex-time. Meeks Cockerill clarified the job duties test. An employee who meets the salary level test and the salary basic test is exempt only if he or she also performs exempt job duties.

These exemptions are limited to employees with a relatively high level of work whether the duties of a particular job qualifies as exempt. Michael Wickersham stated he understands that an employee has the discretion to manage their time and not answer for hours worked or the number of tasks before them. They are paid by the general value of services they provide. Diana Sutliff, director of EMS stated she has people working for her who make more money than she does because they are paid overtime. Right now she received compensatory time. Gary Friend stated he does not know how to possibly fund this without a workshop. Jessica Olson asked if Council is suggesting on picking a monetary compensation based on how much compensatory time is earned. Gary Friend stated he believes compensation should go back to the job description and what the employee actually does. Michael Wickersham asked if was okay to take the health department nurse off this list of exempt employees. Everyone was in agreement that it was okay. It was stated if she becomes an RN then she could be put on the exempt list.

Paula Albin, deputy auditor stated payroll time sheets would still need to be filled out for everyone except elected officials. Tom Kerns stated we cannot put the exempt status in effect until all the job evaluations are done. Jessica Olson clarified that the Commissioners did not want to make a decision on exempt status prior to determining monetary compensation.

Meeks Cockerill stated Council will need to have a budget workshop to figure out if we make these people exempt, and what we are going to pay. Then Council can make that recommendation to the Commissioners for the exempt policy. This would include all chief deputies because they are appointed by a political appointee. The status of the Veterans office, EMA director, airport manager, 911, Health officer and assistant highway supervisor came back exempted from the job descriptions.

Dr. Ken Sowinski health officer asked to speak to the boards. He stated right now the current nurse is an LPN but it may not always be an LPN position so she might need to become exempted upon receiving the RN status. Secondly, he didn't believe the administrator position in the Health Department reflected all the job duties. As pointed out earlier, exempt status and non-exempt status does not have to do solely with degrees but rather the actual jobs performed. Our administrator meets the standard for exempt status so he thinks they needed to accurately consider her job description. Meeks Cockerill stated he would send out another questionnaire to Val Gibson, administrator of the Health Department to see if she meets the exempt test.

Deb Preston, Recorder wanted clarity of chief deputy verses first deputy. She wanted to know if everyone was going to be classified as a chief deputy because there is a pay difference. Tom Kerns stated there might be a pay difference in every department. It will go by the job evaluation from now on, not just job title. Meeks Cockerill stated the first deputy or chief deputy are considered exempt because they are the next in line under the elected official. It is not really an exempt or non-exempt question but a job's duty question.

Gary Friend stated Council needs to talk about a workshop date. Max Holiday stated they need to deal with responsibilities of the jobs when evaluating these questions. We should involve a Commissioner on a sub-committee. Meeks Cockerill suggested Council meet jointly with Commissioners at 9:30 AM December 3rd in their regular meeting. Tom Kerns stated he thought there could be questions asked of how much comp time is accumulated in each department. Everyone was in agreement that it was unlikely that additional compensation to employees could not happen before 2015.

Adjournment

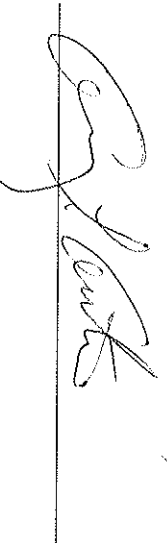
Rick Brown made a motion to adjourn. Gary Friend seconded the motion. All aye votes cast. Motion carried.

Commissioners reviewed and signed this 15th day of January, 2014 and County Council signed this 15th day of January, 2014.

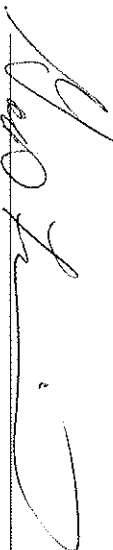
RANDOLPH COUNTY COMMISSIONERS

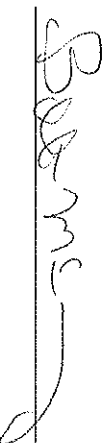


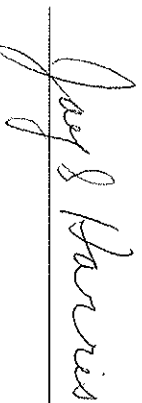





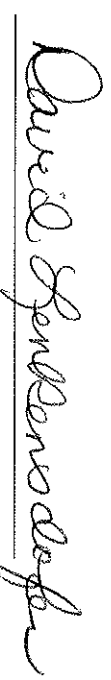
RANDOLPH COUNTY COUNCIL













ATTEST: 
Mary Ann Penkensdoler, Auditor of Randolph County