

July 1, 2009

PERSONNEL COMMITTEE REPORT

The Personnel Committee met Wednesday, July 1, 2009 at 3:00 p.m., in the Quorum Court Meeting Room, Third Floor, County Administration Building, 215 East Central, Bentonville.

Committee Members Present: Wolf, Sandlin, Harrison, Winscott, Allen

Others Present: Comptroller Richard McComas, Circuit Court Judge Jay Finch, Juvenile Probation Director Petie Cobb, Election Commission Chairman Bill Williams, HR Manager Barbara Ludwig, Public Defender Jay Saxton, District Court Judge Jeff Connor

Media: Anny Frye - Morning News, Tabatha Hunter - Benton County Daily Record

JP Wolf called the meeting to order.

NEW BUSINESS

Juvenile Probation (Petie Cobb/Judge Finch)

State Funding for Additional Juvenile Probation Workers

Circuit Court Judge Jay Finch stated the State Legislature has capped the number of Juvenile Probation Officers that the State will reimburse for, and this year Benton County qualifies for three. He added the county would have to pay the entire salary the first year for each new officer, and then would be reimbursed one-half of the salary the following year. He stated a long-term consequence if the county says "no" may be that it could be a number of years before the Legislature decides to add new Probation Officer positions again. Furthermore, he added, if the county says "no" and does not add the new positions this year we may not ever get reimbursement as the open positions would go to other counties, and we might not get another opportunity for new positions for several years. He added that in this circumstance, if the county had to hire a Probation Officer at a later time, it would be at full cost to the county, and the county would not receive the \$15,000 reimbursement for the new Probation Officers which we currently receive.

JP Allen asked if we would be reimbursed each year for every subsequent year, and what would be the total cost to the county. Comptroller Richard McComas stated that with benefits, it would cost the county \$40,000 to \$44,000 a year, without the reimbursement from the State.

Petie Cobb stated that they have worked for years to get the caseloads down to the 60's, and even though they cannot say they desperately need another officer they just do not want to miss this opportunity.

JP Wolf questioned when the Legislature capped the positions and how long they have been capped.

Judge Finch stated that it has been four years since the Legislature capped the positions, and since then the caseload has gone up considerably. He further stated, using the State's figures, Benton County could qualify for up to three new Probation Officers. He said they cannot honestly say the need is there now, but they wanted the committee to be aware of the situation, because they do not know when the reimbursed positions will be available again. He added that the new people would be used to supervise alternative dispositions.

JP Wincott asked if the decision has to be made within a certain time frame, and what would that time frame be. Judge Finch stated that there is nothing in the legislation that says when a decision has to be made and when a position would be added.

JP Wincott asked if the county could take action now to add one position, and make it effective one year from now. Judge Finch stated that he did not know.

JP Sandlin asked if they funded one position, would that hold the other two funded positions for the county.

Discussion was held on the number of positions to be filled and what the county and the state would be responsible for.

JP Allen stated he would like to get more clarification from someone who can interpret precisely what the Legislature's intent was, and if there is a deadline. He added that he would like to think about it more and see where the county stands.

JP Wolf asked Judge Finch to bring back the Legislative information to the Personnel Committee next month.

JP Wincott made motion to table the request until next month's Personnel Meeting, seconded by JP Allen.

Motion passed by unanimous voice vote.

Election Commission (Bill Williams)

Request for part-time budget addition to Schedule 4

Election Commission Chairman Bill Williams stated that for 15 years we have had a part-time Election Coordinator. He stated that since both the size of our county and complexity of our elections have increased enormously, the way elections were done in the past is not necessarily effective at this time. He reported that Pulaski County, the only other county larger than Benton County with 60-70% more voters, has a full time

staff of six people, and Washington County, with fewer voters, has a part-time staff of six or seven. He added that earlier this year the Commission became concerned, realizing that there is only one person who can actually prepare for an election. He said they have come before the committee today to ask to add a second position. He added that in the meantime, the Election Coordinator has resigned, and the next election the county will be faced with will be the School Election on September 15, 2009. He added that the Election Commission is one of the few agencies in the county that brings back a substantial income, which exceeds 50-60% of their costs. He said they are asking for a part-time position that will be responsible for administration and election preparation, and they do have salary money in their budget to fund this position.

JP Marge Wolf questioned if all of the Election Commissioners are in agreement for the positions, and asked what positions they currently have.

Bill Williams stated that they have one part-time Election Coordinator, one associate from the clerical pool, and the three Commissioners, who have historically been hands-on to help with the county's elections. He further stated that it would be a mistake to depend on them to instruct the poll workers, because they need to focus on creating a policy, as they do not have a policy manual.

Richard McComas stated that the current Election Coordinator does receive retirement benefits, which means that he works over 80 hours per month, but does not receive medical benefits. He said the county does pay FICA, and the budgetary impact is \$35,700 which comes out of the Election Commission, Department 26 in the County Judge's budget. He said the annual salary is \$30,000.

JP Allen stated that it is alarming that Benton County has one part-time associate as compared with Washington County with six part-time employees and Pulaski County with six full time employees.

County Judge David Bisbee stated the last thing he wants to be responsible for is a botched election, and he does not want any input into the conduct of an election; so he will defer to the Election Commission as long as they are unanimous. He added that he would be opposed to having the county's Information Systems staff doing the programming. He stated that the Commission needs to contract out all of the programming, and that the type of person they might be looking for would be a process person.

HR Manager Barbara Ludwig stated that normally, they do not require job descriptions for part-time positions. She stated they have been working on a job description, and that it will probably be an exempt salary position like the Election Coordinator. She suggested scheduling a JESAP meeting before the next Personnel Committee meeting as this is not a typical part-time position.

JP Allen stated that he felt that this part-time position is a significant part of the Election Commission's budget and a significant part of the way the department is run, so he would like to see a job description for this position as he is at a loss without looking at one.

Bill Williams stated that the problem the Election Commission is facing is one of urgency, and it would help if they had the committee's sentiment on whether they can fill this position or not, so they can move forward in the interview process. He said they would like to be able to train the two people together.

JP Sandlin stated that since the committee is going to receive a job description, they would they be able to weigh the Assistant Coordinator position against the existing Coordinator position.

JP Wolf stated that she felt that this is a new job description which needs to go to JESAP. She added that the position would be under the County Judge's office.

Richard McComas stated that he would like to move approximately \$10,000 from Department 19 to the Election Commission budget for a part-time clerical position. He added that it will not require a budget adjustment, just a change on Schedule 4.

JP Winscott made motion to amend Schedule 4 to move \$10,000 from Department 19 Part-time Clerical, to Department 26, seconded by JP Harrison.

Motion passed by unanimous voice vote.

Public Defender (Jay Saxton)

**Delete: One (1) Legal Secretary position (Grade 6)
One (1) Juvenile Case Manager (Grade 6)**

**Add: Two (2) Case Managers (Grade 7)
(No change in budget or salaries)**

Public Defender Jay Saxton stated that he now has five people on his support staff in his office and that four of them do the exact same job--three work with the Circuit Courts, and one with the District Courts, but they are labeled with different titles. He said he would like to change all of their titles to "Case Manager", and it would not involve any change in salary or benefits. He added that they all perform the same duties, working with the attorneys to make sure that their calendars are up to date, files are in order, and that discovery is in. He stated that their biggest job is dealing with the dockets, and noted that on every Monday one of them is working with a twenty- to thirty-page docket, which involves dealing with 150 to 200 defendants.

Discussion was held on the different job titles and positions.

JP Sandlin made motion to forward proposed Schedule 4 changes to the July 7, 2009 Finance Committee agenda, seconded by Winscott

Motion passed by unanimous voice vote.

Add one (1) Deputy Public Defender (Total compensation \$55,509.06)

Public Defender Jay Saxton noted that District Court Judge Jeff Conner is here to answer any questions that he may not be able to. He stated that the total budgetary impact with benefits and salary to hire a new Deputy Public Defender would be \$55,509.06, with a starting salary of \$42,000. He explained that he has one attorney funded by the county who is doing all of the District Court cases in the county. He added that Deputy Public Defender John Bassett is currently handling about 700 cases, and the national standards recommend 400 as the maximum.

He added that John Bassett has one day each month to meet with clients, and that for the last three years, he has worked from 8:00 a.m. to 5:00 p.m. with a 30-minute lunch break. He stated that he would probably assign two District Courts to the new attorney, and two to John Bassett. He further explained that the Public Defender's Office is obligated to turn away clients if it does not have adequate time to dedicate to the cases. He added they are getting to the point where the District Courts are going to have to appoint private attorneys to handle these cases, and if private attorneys are appointed, the amount billed to the county will easily and quickly exceed the \$55,500 needed to hire another attorney.

JP Allen stated that it is obvious that the need is there, and from the Personnel Committee standpoint he will support it, but when the request comes before the Finance Committee on July 7, he may take a different view.

JP Allen made motion to forward the position request to the July 7, 2009 Finance Committee agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

JP Winscott stated that this comes across to him as an unfunded mandate, since we are taking case loads from the city into the county, and why are we not receiving money from the city.

District Court Judge Jeff Conner stated that cities cover the bulk of the court costs. The county pays for the Public Defender, one-quarter of the judge's salary, and half of one clerk's salary. He added that the county collects \$700,000 to \$800,000 from the District Courts, so the county is getting a lot more back than it is putting in. The county pays between \$200,000 to \$300,000 to fund the courts. He added that they also assess Public Defender fees and user fees.

Public Defender Jay Saxton reported that in 2008, 2007, and 2006 roughly \$700,000 to \$737,000 was returned to the county through the District Court system.

Motion passed by unanimous voice vote.

Other Business:

Schedule 4 Changes to Reflect Mid-year Budget Changes and Reorganizations

JP Wolf stated the reorganization changes to Schedule 4 would be moving the Comptroller position from Department 19 to the County Judge's Office, Department 01, and moving the Grants Administrator position from Department 01 to Department 19, Accounting and Human Resources.

HR Manger Barbara Ludwig stated that this does not have any budgetary impact.

JP Allen made motion to approve changes to schedule 4, seconded by JP Sandlin

Employee Policy Language - Hiring Below Requirements of Job Description

JP Winscott stated that it is his understanding that there is a Personnel Manual for county employees, and that it has come to his knowledge recently that although we have job descriptions for all these employees, that none of the Department Heads have to hire per the job description. He asked why we write job descriptions with a minimum requirement if we didn't intend for that job description to be used. He said that it is up to the elected official's discretion to use the job description, and he felt that there should be a statement in the Personnel Manual stating that "Job description contains the minimum requirements that must be met by every person that comes into that pay grade for that job."

Lengthy discussion held on the personnel manual, and the requirements to hire per job description.

Barbara Ludwig stated that in a situation when a person meeting the job description cannot be found, the department head or elected official should bring the problem back to Human Resources. She added that she would like to take the manual back to JESAP to be re-evaluated.

JP Wolf stated that this needs to be put on the next JESEP agenda, and then forwarded to the Personnel Committee for review.

Discussion held on the travel policy to be developed. Richard McComas stated that at this time they are still gathering information from the state and the IRS regarding per diem, and they will take it to the Finance Committee when ready.

Meeting adjourned at 4:59 p.m.