

Menominee County Personnel Committee
Minutes of Meeting
March 6, 2015

*****APPROVED – 7.31.15*****

The Personnel Committee met on March 6, 2015 at 11:00 AM at the Menominee County Courthouse, Administrative Office – moved to the Jury Room on 3rd floor.

Present at the meeting were Coms. Lang, Piche, Williams, Furlong and Brian Bousley & Sherry DuPont. Other members of the public.

Call Meeting to order: Chairperson Furlong called the meeting to order at 11:00 AM.

Pledge of Allegiance: The Pledge of Allegiance was recited

Roll Call: Roll call was taken; all Commissioners are present.

Agenda was approved by Com. Piche and supported by Com. Williams to approve the agenda as written. Motion approved 4/0.

Previous Meeting minutes: Previous minutes from 8/21/2014 were approved. Moved by Com. Williams and seconded by Com. Lang 4/0.

Public Comment: None

Business:

- a. **Menominee County DMG wage and Classification plan:** Bousley: Sherry did a lot of digging on this. Basically what happened, back in 2001 the county went through a DMG study...all employees were listed with salary Grades of 1-25 and steps 1-6. We've found two different DMG pay scales. The one approved by the board for employees and another listed as "Department Head" employees. (*Emergency Management Coordinator, E911 Director, Friend of the Court, Undersheriff, Building & Grounds/Parks Superintendent, Equalization Director, & Asst. Prosecuting Attorney*). We could find no evidence of a "department head" pay scale ever being approved. The original DMG was approved 9.24.2001. Due to the DMG being created on a 35 hour work week, and our people were, at that time, working 40 hour work weeks, the Board approved (9.16.2002) a 9.1% pay increase to compensate for the correction in time worked. The only reference that we found that ever mentioned the "department head" pay scale was 8.22.2005 when Peggy Schroud was hired. DuPont: Basically what we're saying is, the only thing that we found evidence of ever being approved by the County board is the "original" DMG. We never found any evidence of the "department head" DMG being approved by the board, anywhere. The motion of the

hiring of Peggy Schroud is the only evidence of the “department head” DMG payscale. Furlong: When was the original DMG payscale done? DuPont: The first one was beginning on Oct. 1, 2001. Then in September of 2002 the 9.1% increase was added. Oct. 1, 2002 was the first year I found evidence of the DH payscale. This is the scale that the department heads followed beginning 10.1.2002...but we found no evidence of this ever being approved. Their individual contracts said they would start following the DMG beginning 10.1.2002, however they fell into the “Department Head” DMG payscale, not the one approved by the board. Furlong: We’ve been going with this payscale since 2002. Where did this come up? DuPont: It came up with the FOC. We have a union employee going into a department head position. Currently that employee is a grade 10 step 6 (\$22.95/hr.) To become the FOC, that person would, under normal circumstances, fall into the department head pay scale under grade 14 step 1. (\$22.20). So as you see, we have an issue. The department head would be making less money than the highest paid employee. Furlong: Well I can see where we have a problem here. In order to fix the problem for all of the people effected. We’re looking at a 9.1% pay raise. Bousley: We’re looking at \$1.91 to 2.80/hr. for everyone to jump into the DMG study and out of the “DH” DMG. Bousley: I did speak to Stoker about this. He asked if it was done deliberately, I said not that we can find, no. We really don’t know what happened. His suggestion was to have a new DMG study done on those department heads. I told him that they already have their pay grades, I don’t see where we’d have to do a new DMG Study. Jodie Barrette: The step increases, Judge Barglind appoints me. She can decide where to place me on the payscale up to a level three depending on how she feels my experience is. Furlong: Why can’t she put you in at a level six? Barrette: Because your personnel manual says you can hire with at least a 3% higher pay rate than their current pay rate. The problem with that is, if she would have appointed someone from outside, that person would be making less money than the highest paid employee in that department. Which is a clear red flag...so we wondered about that. The Second thing. The caseworker that replaced me is making a grade 10 step 1 salary. She is making more money/hr. than the Emergency Services department head, whom is a grade 10 step 1. It doesn’t make any sense. The contracted department heads (appointed people) were, in 2001, all on their own contracts which said they would follow the DMG for the next few years until they fall out of contract. During that timeframe we discovered that the numbers were based on counties that were on a 35 to 37.5 hr/work week, so when you say pay raise, that’s not really true. It’s not a pay raise, we’re just asking to be paid based on a 40 hr. work week. When those department heads fell out of contract, there was already, I assume that DH DMG list of employees; those positions listed are those who were on contracts, it’s not a separate study. I assume as every year, people with the contracts got increases...the list was just increased from year to year. It was never really noticed until you put them side by side that the “DH” list never received the 9.1% increase. It’s not a separate study. Lang: This was all routine business in those days. I think this was an honest occurrence of events, it’s hard to straighten out now, but we’ll have to try to flatten out somehow. Furlong: It’s not going to be hard to straighten out, but it’ll be very costly. The people that were classified under the DH DMG, what do we do with them, up to this point? Lang: I never was aware there were two DMG’s. Furlong: Apparently no one else did either. They happily worked their 37 hour work week under the 40 hour rule. DuPont: We spoke with the previous administrator and he said that it (the DH DMG) was in place when he came, so it was always followed

and increased from year to year based on the % increases approved by the board. Furlong: The question is now, how do we fix it? Bousley: We did have a discussion at the department head meeting this morning. We have to fix it moving forward. The thing is, how do we do that? Will the board approve a one lump sum across the board, will they approve it a few years out? I think the sooner the better. Lang: Do we settle this on a one year basis...or do we go back retroactive? Bousley: I don't know if we can go retroactive. It wasn't a...Renee is retiring, she'll be shortchanged three years pay for retirement purposes. Renee Herrild: My last three years will be shorted. I virtually worked 35 hrs/wk putting in 50 hours a week most of the time without saying a word. I feel really hurt by this. Schroud: And I started in 2005 so I have 9.5 years that should have been going toward my retirement. Furlong: We obviously have a problem with this payscale and the two DMG's. In order to fix the problem we need to put everyone into the one DMG. At the other end of the coin, we didn't create this problem. In good faith, the employees went along with the program and agreed to their pay. To look back at retroactivity, and everyone going back to 2002, that's just opening a can of worms. We have a problem my feeling is, lets fix the problem in one lump sum. But as far as going back and find out who was under this scale and that scale. That should have been the employee's job. You have to take care of yourself somewhere along the line. As far as retroactivity, I'm not for that, but I am for fixing the problem. Lang: Once we acknowledge a problem, is that attitude the last word on the subject, or is there room for discussion...Furlong: In my opinion, in order to solve the problem would be to make the adjustments in one lump sum. Get everyone out of the DMG that doesn't really exist and put everyone where they're supposed to be on one DMG. Herrild: According to the fair labor standards act, you are required to pay back wages for two years or three years. If done willfully, three years. Furlong: I've dealt with the Fair labor standards act. If this was done willfully, I would be all for fixing it. Just like I'm saying right now, we have to fix this so we don't willfully continue doing the same things wrong over and over again. But I'm also a firm believer that, we as an individual have to take care of ourselves a little bit. If the individual didn't catch it and the county didn't willfully do it, I would have to say I'm sorry. Today we've identified a problem; if we continue with the same problem, then we have a willful act of disregarding our policy and procedure in moving forward would be detrimental to the employees. Barrette: Why does it take board approval, it's obvious it's a mistake, you're just prolonging it. Furlong: The county board consists of nine people, this is just a partial representation of the board, we bring our recommendation to the full board and hope the full board accepts our recommendation and moves forward. Herrild: Our boss, Judge Barglind signed a personnel action form to fix my wages according to the correct DMG effective Dec. 21, 2014 and also fixed Jodies' when she became interim. Brian says he can't sign it, why would that be, I don't understand that. If our judge says, this is what I want the wages to be, why isn't that form being signed? Furlong: that's why we're here today, because there's a big question on the DMG. The only way for Brian to fix the problem is to go through County Board action. Barrette: But even according to the fair labor standards act, you don't want to go back the two years? Furlong: No, my opinion, it wasn't a willful disregard of policy and procedures. Bousley: I'll check with Stoker on this. Piche: I'm a little out in the cold here, but learning. Furlong: Does anyone have a solution? Williams: I agree we need to go to one DMG. Furlong: Let's make a motion to adopt one county wide DMG. Recommend to the County Board to adopt one county wide DMG. Also, put in the motion that the discrepancy of

hours worked and paid goes back two years for the affected employees. Bousley: OK let's go with two motions. One to adopt the county wide DMG and the second to address the six employees go back two years. Now we have past employees that no longer work for us, what do we do with them? Com. Williams recommends to the CB that we disregard the DH DMG and put all of our employees under the county wide DMG supported by Com. Lang. all commissioners concur. Piche recommends that the six positions currently held under the DH DMG to be moved to the county wide DMG approved above and according to the Fair Labor Standards Act, will be compensated for two years of recovery of back pay for the six employees. (*Emergency Management Coordinator, E911 Director, Friend of the Court, Undersheriff, Building & Grounds/Parks Superintendent, Equalization Director, & Asst. Prosecuting Attorney*) supported by Com. Williams. All commissioners concur. Bousley: Where will the money come from? Piche: it should be up to the Finance committee to figure out where the \$ come from?

Public Comment: Barrette: Thank you for all of your hard work, Sherry and Brian and the board for understanding.

Commissioner Comment: Lang: I'm surprised we came to a tentative solution this easy, I thought it would be a bigger problem. Williams: I don't know if it's that difficult of a solution, the solution seemed to stare us in the face relatively easy, one DMG. Furlong: When I first heard about the problem, I was a bit perplexed, up until today, I was against any type of back pay, but I was totally unaware that Jodie was taking a pay cut in order to take a promotion. That to me, the problem is real, it's today and we have to do something about it. In my opinion, the department head has the responsibility of managing the employees and that person should not be paid less than the highest paid person in their department. Piche: We have Brian and Sherry, I guess the county board should be the leader, but they're the ones being paid to help solve the problem, keep things running smooth. They see it every day. I'd like to ask Sherry and Brian if they're comfortable with what we're thinking. Bousley: This is something that we knew, when it was brought up, was going to be a mess but it needed to be cleaned up. The county will feel a little bit in their pocketbook, but it's the right thing to do. DuPont: I feel the same way. I've never found evidence of the DH payscale being approved by any board, I feel it shouldn't be there, nor should it have ever been. So to put them all into the payscale that they should have been in all along, is the right thing to do. Furlong: We need to start looking at the personnel manual. So if the Admin. staff could be sure all members get a copy and start making changes according to what we currently do within the county, then we can bring it back to the board for discussion of changes.

Adjourn: Moved by Com. Lang supported by Com. Williams to adjourn the meeting at 11:48 A.M. Motion approved 4/0.