

January 22, 2014

APPROVED on 2/11/14

Proceedings of a Special Meeting of the Board of Commissioners in and for the County of Menominee and the State of Michigan were held in Courtroom A, Courthouse, Menominee, Michigan.

Chairman Meintz called the meeting to order at 2:00 P.M. followed by the Pledge of Allegiance.

A call of the roll indicated that the following Commissioners were present/absent:

**Present:** Coms. Hafeman, Krienke, Lang, Meintz, Nelson, Piche, Plutchak, and Schei.

**Absent:** Com. Furlong (excused).

Moved by Com. Piche, seconded by Com. Nelson to amend the agenda by removing Action Item #1 and #2 and only discuss the letter from Sheriff Marks. Discussion ensued about the purpose of the meeting if they were not going to take any action today. Com. Piche stated they could still make a motion after discussion, he just did not agree with the two motions as they were presented on the agenda. Motion was approved 6-2 on a roll call vote. Coms Lang and Schei voted nay.

**Public Comment:**

- William Hanson – Commented that he would like to see the board remove the hiring freeze.

**Presentations:** None.

**Department Head/Elected Officials Reports:**

- County Sheriff Kenny Marks discussed his letter that he sent to the county board, and the staffing issues at the jail. He explained that he is required by law to provide sufficient staffing to maintain a safe and secure jail. He is also required to provide Bailiffs to serve in the courtrooms while court is in session, execute civil process and to transport prisoners and mental commitments. He is now facing a manpower shortage of (8) temporary part-time deputies. Corrections deputies have to be certified within 12 months of being hired. There are only two Corrections Academies held in the state, and they are held once a year. The only one that is held in the U.P. starts on February 3, 2014 in Marquette and is four weeks long. He is requesting that the board waive their hiring freeze in regards to (3) temporary part-time positions. So that he can hire the candidates in time to send them to the academy. Com. Lang asked Kenny what is the lowest level of staffing allowed for him operate the jail. Sheriff Marks stated he has to have a minimum of 3 deputies working in the jail at all times. Also, those 3 deputies do not count the number of deputies required to bailiff court and transport prisoners. Kenny explained that one corrections officer works in the back of the jail, one in the control room and one works between the back and front of the jail doing the cell checks and other duties. Com. Nelson asked what is the maximum number of prisoners Delta County can house compared to Menominee County? (Delta – 80 and Menominee – 51). Com. Meintz asked if minimum and maximum security made up two different sections and

required more deputies. Kenny explained that they both make up one section. Com. Schei asked about who monitors the inmates that are taken out on the work van. Sheriff Marks explained that the Department of Corrections provides the employee for the work van. He also stated that Menominee County owns the van and the DOC pays the employee. Com. Hafeman asked how long an employee stays on average. Undersheriff Holmes stated that the average was probably around 3 years. Com. Schei asked how long the Sheriff's Department has been using part-time employees. Sheriff Marks explained that his department has been utilizing part-time employees dating all the way back to Sheriff Reindl. It was also asked that when part-time employees are hired, do they have an expectation that at some point they will become full-time employees. And is there anything in writing promising them a full-time position. Kenny explained that there is nothing in writing guaranteeing them a full-time position in the future. Com. Plutchak asked if we pay the employee a salary while they are attending the academy. Sheriff Marks stated yes. It was also asked if they could just leave Menominee County after the training. Sheriff Marks said yes, but that does not normally happen. Com. Hafeman asked what the hourly wage is paid to full-time and part-time employees. (Full-time \$16.94/hr, Part-time \$11.80/hr) Undersheriff Holmes discussed the significant cost savings by using part-time employees. Com. Nelson asked the sheriff about using non mandated positions at the sheriff's department to cover the jail on a temporary basis. Sheriff Marks explained again how corrections deputies are certified and the cooks and administrative professional are not trained or certified. Sheriff Marks explained how he has reorganized as much as he can to cover the jail. He stated that if he used someone like the investigator to work in the jail it would take him away from the important duties that he needed to attend to. Com. Nelson asked if the sheriff has gone to the judges to have those inmates sentenced to minor offenses released early to reduce the number of inmates in the jail. Kenny explained that it does not matter how few or how many inmates are incarcerated, he still is required to have the same minimum number of corrections officers on duty. Further discussion regarding employees entering the MERS retirement plan ensued. A major concern of the commissioners is that if a part-time employee is hired under the current correction officer's contract, and they become a full-time employee later on they will be under the defined benefit retirement plan and not the defined contribution retirement plan. It was asked if it was possible to write a separate contract with part-time employees having them agree they would have the defined contribution retirement plan if eventually hired full-time. Administrative Assistant Sherry DuPont told the board that the Correction's Contract does not cover part-time employees like the Courthouse Contract does. Com. Meintz asked Prosecuting Attorney Dan Hass if he could review the contract and give his opinion on this at the next meeting. Administrator Brian Bousley has told the board that the part-time corrections officers would fall under the Correction's Contract. Com. Lang stated that the only real solution to this is to lift the hiring freeze. Com. Krienke read from Article 7 of the Correction's Contract. It states that the part-time employees are not covered under this collective bargaining agreement. Prosecutor Hass stated that he would feel more comfortable reviewing the contract if he did so in conjunction with one of the commissioners, Brian Bousley and a union representative. The consensus of the board is that they would not have a problem with the Sheriff hiring part-time employees if it is understood legally that these employees would not fall under the defined benefits retirement plan if hired full-time in the future. The board would like this as an action item on the January 28, 2014 regular county board meeting. It was also stated that the board needs to verify how

having the part-time employees work 40 hours/week during training effects the MERS ten days of 8hr/day work during a month rule.

**Public Comment:**

- Charlene Peterson – Commented that MERS seems to be at the root of some of our biggest problems. Let's just get this fixed.

Moved by Com. Hafeman, seconded by Com. Plutchak to adjourn at 3:28 p.m. Motion was approved 8-0.

---

Charlie Meintz, Chairman

---

Marc Kleiman, County Clerk