

MINUTES OF THE HOUSTON COUNTY COMMISSION
NOVEMBER 13, 2012

PRESENT: Commissioner Curtis Harvey, Commissioner Doug Siquefield, Commissioner Jackie Battles, Commissioner Melinda S. McClendon, Pat Jones, Acting County Attorney, Barkley Kirkland, Acting County Engineer, and William J. Dempsey, Chief Administrative Officer

ABSENT: Chairman Mark S. Culver, Gary Sherrer, County Attorney

Commissioner Curtis Harvey, Acting Chairman, called the 10:00 A.M. meeting to order, declared a quorum present, and welcomed everyone. Major Alan Phillips, The Salvation Army, led in the Pledge of Allegiance. Commissioner Harvey led in the Pledge of Allegiance.

Commissioner Siquefield made a motion to approve the minutes of the last meeting. Commissioner McClendon seconded; and the motion carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Acting Chairman Harvey reminded everyone about the Employee Health Fair scheduled from 7:00 A.M. until 3:00 P.M. on November 15th at the Farley Media Center.

He reported the next Admin meeting would be on Wednesday, November 21st due to Thanksgiving.

Commissioner Harvey reported on December 2nd, at 1:30 P.M., Probate Judge-Elect Patrick Davenport's Swearing In Ceremony would be held in the Commission Chambers.

Acting Chairman Harvey stated the Admin meeting scheduled for December 6th would be cancelled due to the ACCA Legislative Conference in Montgomery.

Commissioner Harvey reported Commissioner McClendon would be celebrating her birthday on Wednesday, November 14th, and he wished her a very Happy Birthday. Commissioner McClendon thanked everyone.

Acting Chairman congratulated the Houston County Queens for their float winning Best Overall in the National Peanut Festival Parade.

Acting Chairman congratulated President Obama on his re-election, and asked that everyone be in prayer for our Nation.

Commissioner Harvey reported as most everyone knows, Houston County is the Awarding Authority for ACCA Region 2, on the Debris Monitoring bids. He stated the bids were rejected recently, and the new bids have been opened by ACCA and will be awarded at a later date. He pointed out the commission had been requested to read this into the minutes.

Acting Chairman Harvey reported on November 15th, Farley would be testing the emergency sirens from 1:00 P.M. – 1:30 P.M.

Awards and Presentations

1. Proclamation – “The Salvation Army” – Major Alan Phillips

Commissioner Harvey asked Major Phillips to come forward. Commissioner Siquefield made a motion to approve the Proclamation recognizing the Salvation Army for all they do to provide for the needy in our community. Commissioner McClendon seconded the motion, and it carried unanimously. Acting Chairman Harvey then read the Proclamation and presented it to Major Phillips. Major Phillips urged people who are out and see the kettles to please put money in them. He reported on December 11th, he was going to attempt to break the record ringing the bell that stands at 61 hours, in an effort to try and help them out. The Acting Chairman thanked Major Phillips.

2. Proclamation – “Retired Teachers’ Day” – Ms. Sharon Snell Cole, Dothan City/Houston County Retirees (AREA)

Acting Chairman Harvey asked Ms. Sharon Snell Cole to come forward. Commissioner Siquefield made a motion to approve the Proclamation declaring November 13th as Retired Teachers’ Day. Commissioner McClendon seconded the motion; and it carried unanimously. Acting Chairman Harvey then read the Proclamation and presented it to Ms. Cole. Ms. Cole thanked the commission. She pointed out this is American Education Week and Houston County has excellent educators, support personnel, and they are so proud of each person that takes a part in an effort to make the schools the best. Commissioner Harvey thanked her.

Regular Agenda

1. Appointment to the SE Alabama Regional Planning and Development Commission – Ms. Addie Buzé

Commissioner Siquefield made a motion to appoint Ms. Addie Buzé to the SE Alabama Regional Planning and Development Commission. Commissioner McClendon seconded; and the motion carried unanimously.

2. Appointment to fill unexpired term on SE Alabama Regional Planning and Development Commission Revolving Loan Fund – Rob Goldsmith

Commissioner Battles made a motion to appoint Mr. Rob Goldsmith to fill the unexpired term on the SE Alabama Regional Planning and Development Commission Revolving Loan Fund. Commissioner Siquefield seconded the motion; and it carried unanimously.

3. Appointment to the Wiregrass Area United Way Food Bank Board – Commissioner Melinda McClendon

Commissioner Sinquefield made a motion to appoint Commissioner Melinda McClendon to the Wiregrass Area United Way Food Bank Board. Commissioner Battles seconded; and the motion carried unanimously.

4. Request to award ACCA Joint County Bids.

Commissioner Battles made a motion to award the ACCA Joint County Bids on Heavy Equipment, Herbicides, and Signs to the low bidders meeting specs in each category. Commissioner Sinquefield seconded; and the motion carried unanimously. (Please see attached in Minute Book)

5. Request to approve item to be sold on Gov Deals.

Commissioner McClendon made a motion to approve the item to be sold on GovDeals. Commissioner Battles seconded the motion; and it carried unanimously. (Please see attached in Minute Book)

Staff Reports:

Chief Administrative Officer – there was no report

County Engineer – there was no report

County Attorney – there was no report

Commissioner Sinquefield asked Mr. Barkley Kirkland to give an update on the Rocky Creek Road project? Mr. Kirkland reported they would begin work on November 14th for 2-3 weeks, and he requested that the public pay attention to the flagmen. He reported the road will not be closed, but there would be some delays.

Acting Chairman Harvey reported Sheriff Andy Hughes had something he wanted to address.

Sheriff Hughes reported there has been a fine imposed on county employees who did not attend the Health Fair last year. He reported he was told before last year's Health Fair that 80% of the employees were needed to participate in order to keep the current rates for Health Insurance with Blue Cross/Blue Shield. The Sheriff pointed out his department had a number of people who did not go to the Health Fair for numerous reasons. He reported he knew some employees compelled their employees to go to the Health Fair, but he did not feel he could compel someone who did not want to get blood drawn to do so. The Sheriff stated if it was a condition of employment, or pre-employment, that would be one thing, but he did not feel he could compel people to go. He pointed out no one was ever told they would be fined or charged a fee for not attending the Health Fair. Sheriff Hughes reported after the Health Fair, employees were told they were being charged \$10.00 per pay period because they did not attend the Health Fair. The Sheriff stated if he understood it correctly, the insurance rate did not go up. He asked Mr. Dempsey where the \$10.00 per pay check for those employees who did not attend the Health Fair was going? Commissioner McClendon reported she was not on the Commission last year, and she asked Mrs. Sheri Thompson, Personnel Director, to come and respond? Sheriff Hughes reported he had an employee present who was going to speak for several employees. He stated he did not think

the employees were told they would be charged a fee. Sheriff Hughes reported this issue did not affect him personally because he is not the county's insurance but he felt the need to stand up for his employees. He pointed out this has been an issue that has been brought to his attention, and he really did not think it was fair for these individuals being charged a fee for not participating in the county's Health Fair. He reported if the employees had been informed earlier that the rates would be going up if they did not attend the Health Fair then that would be a different situation. Sheriff Hughes reported he was told the county needed 80% of the employees to attend last year. Acting Chairman Harvey reported he thought the employees were going to be informed or they should have been informed. Sheriff Hughes stated they have been informed for this year's Health Fair, but these charges are from last year. Mrs. Thompson reported everyone who did not attend, was notified on their pay check. Sheriff Hughes asked Mrs. Thompson if everyone received a letter before last year's Health Fair stating they would be fined if they did not attend last year's Health Fair? Mrs. Thompson stated no, because she did not know their intent. She pointed out the employees had between November and May 31st to meet the requirements. Sheriff Hughes asked if there is a difference in the health rate between those who attended the Health Fair and those who did not, or is the county just charging the rate and putting it into an account? Mr. Dempsey reported there is not a difference in the health rate, but there would have been a difference if the county had not had the participation. Mrs. Thompson reported there is an 80% requirement to stay on the same rate. Sheriff Hughes reported there should be a County Personnel Policy in place. Mrs. Thompson stated she thought every department within the county with the exception of the Sheriff and Jail had 100%, and other employees felt their insurance rate was important enough to them to make the effort to attend sometime between November and May 31st. Commissioner Siquefield reported this was discussed several months ago, and he thanked the Sheriff for coming and bringing it to the Commission's attention. He reported notification was sent out for the November 14th & 15th Health Fair. Commissioner Siquefield stated going back to what the Sheriff says that there was no notification prior to, but according to the Personnel Director there was something put in the paychecks. Commissioner Siquefield stated he did not know if they could go back retroactively to last year's Health Fair due to some extenuating circumstances for employees in the Sheriff's Department due to duty calls, and he felt some consideration should be given. Sheriff Hughes stated the Sheriff's Department is the only department that works shift work. He stated most of the employees are in the Jail and they work 12 hour shifts from 6:00 A.M. – 6:00 P.M. or 6:0 P.M. – 6:00 A.M. He pointed out the hours for the Health Fair are from 7:00 A.M. – 3:30 P.M. Mrs. Thompson reported the Health Fair is two days that the county gives free to their employees. She pointed out the State of Alabama tells their people to go to their own healthcare provider and get it. Mrs. Thompson reported if an employee does not go to the Health Fair where it is provided free, then they have until May 31st of the same year to get their screenings done and reported to the State Employees Insurance Board. Mrs. Thompson reported everyone who did not attend last year was notified and told that this was not optional that it needed to be done because it was going to affect everyone. She stated the employees had until May 31st to get their screening done by their healthcare provider. Mrs. Thompson reported there were a lot of employees who did not go to the Health Fair but they had their healthcare provider forms turned to the State Employees Insurance Board. She pointed out what happens during that term establishes the insurance rate for the next year. Mrs. Thompson reported employees can go to the Health Fair on November 14th and 15th of this year, and if they do not they have the option to go

to their own healthcare provider and get the screening done, and that will qualify them not to have the surcharge next year. Mrs. Thompson reported the State Insurance Employees Board state employees do not have an option and they are charged \$25.00 per pay period for their wellness screenings. Mrs. Thompson reported this is being done all over the state. Acting Chairman Harvey stated the county did not know if they would reach the 80% rate and it would be beneficial for everyone to attend the Health Fair. He stated those who do not attend cause everyone to suffer. Sheriff Hughes agreed and he stated if he was on the county's insurance and had the opportunity to receive the free health screenings he would go. The Sheriff stated if the employees not attending did not cause the county's health insurance rates to go up, he did not think the people should be penalized \$10.00 per paycheck. He stated he did not feel the employees should be arbitrarily charged a fee or fine even though the 80% requirement was met and the rates remain the same. The Acting Chairman asked the Sheriff what should have been done if the county did not make the 80% participation? The Sheriff stated he guessed the county could have fined all employees. Sheriff Hughes reported he felt the Health Fair was a benefit and the employees needed to go. He stated he just felt it was wrong for those who did not participate to be charged when the county's rate stayed the same. Sheriff Hughes asked where the money these 47 employees are being charged is going and why? Acting Chairman Harvey asked Mrs. Thompson if the employees had between November and May 31st to get their health screenings and submit them to the State Employees Insurance Board? Mrs. Thompson stated yes. Sheriff Hughes stated he had an employee who wanted to come up and address the commission. Kelly Landreau, Correction Deputy, Houston County Jail, then came forward. He reported he did have the copy that was dated February 1st, informing them they had until May 31st. He stated that was almost 3 months after the Health Fair that the employees were told about it. He pointed out he was personally off on a 5 week leave for the birth of his first child when the Health Fair was held last year. Officer Landreau reported when he came back to work he knew nothing about it. He stated the basic reason they are addressing the commission is because they are being fined, they have not been given due process and he has not had any appeal process regarding this matter. Officer Landreau reported the only thing he knew to do was to go and see the Sheriff and he had the idea to come up and address the commission. He reported they were told the entire time that this was not mandatory, and he did not feel it should be because it is health care and a person cannot force health care on someone. Acting Chairman asked Mrs. Thompson why the employees did not receive the letter before February 1, 2012? Mrs. Thompson reported they did get notice of the Health Fair before then and her department worked that list of employees who did not attend every month when they received it back from the State Employees Insurance Board. Mrs. Thompson stated the first letter went out to those in February informing them of their time running out to get their wellness screenings and stating there may be a surcharge on them in October, 2012 and that their participation was not optional. Mrs. Thompson reported the letters were sent out individually and by February 1st, the employees had not contacted their office, they did not have any questions about it, and they had not gone for their wellness screening. She stated they had completely ignored every other notice, and they started sending the letters stapled to their paychecks. Officer Landreau reported he did not think Mrs. Thompson understood that he does not take orders from her but he takes orders from his boss, and what she said and what his boss told him were different. Acting Chairman Harvey stated he did not think Mrs. Thompson was trying to give orders. Officer Landreau stated he received something from Mrs. Thompson stating it was mandatory and his boss says it was not. He stated he just wanted to know

who was correct. Acting Chairman Harvey asked Officer Landreau why his boss would tell him it was not mandatory? He stated there was a mix up on new hires and they were told they had to go as a condition of employment and there was a mistake made saying the only people who have to go are the new hires. He stated all of this is above his head and he can only do as he is told. Officer Landreau stated he did, and it has cost him and others, and he did not feel it was right. Acting Chairman Harvey stated he appreciated his concerns and the commission would discuss this. Officer Landreau reported Captain Reed stated he was told it was not mandatory. Commissioner Battles asked Captain Reed to come and speak. Captain Reed stated from the beginning of the process the jail staff was made aware that attendance at the Health Fair was voluntary with the exception of the employees who were on duty the day of the Health Fair because that was part of their duty day unlike the enforcement deputies where the Sheriff made it optional. Captain Reed stated from the beginning his position has always been that the Health Fair was optional because he was not going to pay overtime funds for the Health Fair. He reported as Mrs. Thompson pointed out the notices went to individual employees, and he was not aware of the notices. Captain Reed pointed out that he participated in the Health Fair. He reported at issue is whether or not Sheri Thompson, Personnel Director, can force the jail staff into a mandatory paid program? He stated Mrs. Thompson cannot tell his staff to go and do something and it come out of his budget. Captain Reed reported from the beginning that the jail staff was made aware that this was voluntary, and they were not going to be paid for it. Captain Reed reported when it came to his attention, he stated Mrs. Thompson could not force them into overtime. Captain Reed stated the heart of the matter is that the employees were told by him that if the county did not get their 80% participation there was a possibility of a healthcare premium increase that would be passed on to all employees. He reported later they were made aware there was some support just to pass on the increase just to those who did not participate. He stated it was always a health insurance increase, and the possibility of a fine came up later. Captain Reed reported Deputy Landreau failed to mention that the issue is who has the authority to impose a fine on a county employee? He stated there is nothing in the county's Personnel Rules about imposing fines. He reported there are rules stating if an employee does something wrong they would be suspended without pay. Captain Reed reported these employees are having to work about an hour and their pay is being taken from them. He stated the issue is who has the authority to impose a fine? He asked where the due process was for the employees affected by the fine, and where is the right to appeal? The Sheriff asked where the charge on the premium is going? Mrs. Thompson reported the Health Fair was optional and they had an option to go or not to go but there are consequences for the choices that we make all the time. She stated she had a choice not to go also, but if she had not gone, then there would be a penalty for not participating. Acting Chairman Harvey stated he appreciated everyone's comments and they would all be taken into consideration at another time.

Adjourn.

Commissioner Siquefield made a motion to adjourn. Commissioner Battles seconded; and the motion carried unanimously.