

CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 2, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Larry Lancaster

MEMBERS ABSENT: Commissioner Charles Evans

OTHER COMMISSIONERS
PRESENT: Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance/
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Phyllis Jones, Assistant County Attorney
Rob Hasty, Assistant County Attorney
Vicki Evans, Finance Director
Sheriff Earl Butler, Sheriff's Office
Chief Deputy Ennis Wright, Sheriff's Office
Major Larry Trotter, Sheriff's Office
Sgt. David Dowless, Sheriff's Office
Captain Tandra Adams, Sheriff's Office
Julean Self, Human Resources Director
Buck Wilson, Public Health Director
Wanda Tart, Public Health Department
Kim McLamb, Public Health Department
Dr. John Lauby, Animal Control Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Jay Barr, Wrecker Review Board Chairman
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MAY 5, 2016 POLICY COMMITTEE
REGULAR MEETING

MOTION: Commissioner Adams moved to approve the minutes.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL OF JAIL HEALTH MEDICAL PLAN
CHANGES

BACKGROUND

Wanda Tart, Director of Nursing, and Kim McLamb, Jail Health Administrator, will be doing a brief overview of the significant changes to the Jail Health Medical Plan, since the last adoption of the Plan in May 2015. The Jail Health staff works closely with the Sheriff's Detention Facility staff to manage this document on an ongoing basis.

The manual provides the plan for providing medical care for inmates at the Cumberland County Detention Center. The plan is designed to protect the health and welfare of the inmates, avoid the spread of contagious diseases, provide for medical supervision of inmate and emergency medical care for the inmates to the extent necessary for their health and welfare, and provide for the detection, examination and treatment of inmates who are infected with tuberculosis or venereal diseases. It includes a procedure in the event of a death and discharge planning for patients to another facility.

The Plan complies with 10A NCAC 14J.1001 titled Medical Plan. NC G.S. 153A-225 states the plan must be adopted by the governing body.

The plan is updated each year to remain compliant with standards and procedural changes. The revised plan will be available for review in the Clerk's office until approved by the Board of County Commissioners.

RECOMMENDATION/PROPOSED ACTION

Approve the Jail Health Medical Plan.

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above. Mr. Wilson stated the Jail Health Medical Plan is updated regularly throughout the year and has to be approved by the Board of Commissioners annually. Mr. Wilson introduced Kim McLamb, Jail Health Administrator, and Wanda Tart, Director of Nursing over Jail Health. Mr. Wilson stated Ms. McLamb and Ms. Tart would point out a few of the proposed changes to the Jail Health Medical Plan. Mr. Wilson further stated all changes made to the Jail Health Medical Plan are needed for national accreditation in the jail.

Ms. McLamb stated JA06 of the plan refers to “Continuous Quality Improvement” and requires staff to look at processes and outcomes and identify any weaknesses to develop a plan on how to address those weaknesses. Ms. McLamb further stated the last survey identified issues with access to care and the number of inmates refusing a physical exam within fourteen (14) days of coming in to the jail. Ms. McLamb stated staff is currently working on a study regarding the access of care and what can be done to decrease the amount of refusals. Ms. McLamb stated JE04 of the Jail Health Medical Plan refers to “Initial Health Assessments” where staff would like to see inmates with chronic issues be seen within two (2) days to continue medication so treatment is not interrupted.

Ms. McLamb stated JG02 of the plan refers to “Patients with Special Needs” which is a new standard in which Sickle Cell has been added. Ms. McLamb stated inmates with special needs are being monitored more closely. Ms. McLamb stated JE09 of the plan refers to “Segregated Inmates” explaining that these inmates are monitored by a psychologist and the licensed clinical therapist does rounds bi-weekly on this population to see if there are any concerns or special needs that were not discovered in the initial physical exam.

Ms. McLamb stated JG05 refers to the “Suicide Prevention Program” and explained there are an average of 7-10 inmates on suicide watch that are monitored daily by mental health staff. Commissioner Keefe asked what percentage of inmates are mental health patients. Ms. McLamb stated 60% of the jail population currently has mental health issues.

Ms. McLamb stated JG07 refers to “Intoxication and Withdrawal” and explained there has been an increase in inmates coming in to the jail that have substance abuse problems. Ms. McLamb stated if the inmate has used alcohol or drugs within the past few hours of coming in to the jail an assessment is initiated during booking by the nurse and it requires the inmate to be monitored closely for signs and symptoms of withdrawal so the inmate can receive the necessary care. Ms. McLamb stated this requires a lot of staff time but reduces the number of sick individuals due to withdrawals.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed revisions to the Jail Health Medical Plan.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF APPROVAL OF REVISED CUMBERLAND COUNTY PERSONNEL ORDINANCE

BACKGROUND:

The County’s personnel ordinance has not been comprehensively updated since 1998, though there have been numerous amendments since that time with the last amendment having just been adopted March 15, 2016. This proposed ordinance incorporates the recent amendments, revises some provisions of the existing ordinance, eliminates some

provisions from the existing ordinance that have not been followed in years, adds a few new provisions and makes the ordinance provisions consistent with the practices currently being used for the administration of the County's personnel system.

The only significant substantive change in the proposed ordinance is that it greatly expands the authority of the county manager to establish policies to administer the County's personnel system. It is not intended to create a personnel system that will qualify as substantially equivalent to the state system that is applied to county employees in DSS and the Health Department; however, since those employees constitute approximately one-third of the County's employees, the proposed ordinance does adapt more of the state personnel system's requirements than the existing ordinance does.

The differences between the old and proposed ordinances are discussed as follows:

Article I: In General

Section 102: The list of classes covered by federal and state equal employment opportunity laws and regulations has been updated to conform to the current law.

Section 103: The applicability of the ordinance to the special classes of employees among the many departments has been revised to accurately reflect all the special classes of employees.

Article II: Position Classification Plan

Although the language has been revised, there are no substantive changes affecting the requirements for the position classification plan.

Article III: Salary Plan

Section 301: This is a new provision that states the statutory requirement that the board of commissioners must fix all pay schedules, expense allowances and other compensation as the guiding principle for the salary plan. Because of this state law, personnel policies that establish any form of compensation must be approved by the board of commissioners.

Section 304: A new provision is added to authorize training appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Subsection (6) is added because this form of salary adjustment has been used since 1998 under the authority of a Board of Commissioners approved policy.

Article IV: Recruitment, Selection and Appointment

Section 403: A new section has been added to provide for a veteran's preference in hiring, promotion, reassignment, transfer, and reduction-in-force situation.

Section 404: The background check section has been completely rewritten to comply with the process that has been used since the ban-the-box policy was adopted. The

discretionary use of fingerprinting was eliminated because fingerprinting has not been used outside the sheriff's office and this section does not apply to the sheriff's office.

Section 405: This section has been completely rewritten to authorize new appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Language has also been added to extend the probationary period to one year and to clarify that probationary employees can be dismissed at any time during the probationary period upon the department head's making a determination that the probationary employee is either not meeting performance or conduct standards or will not be able to do so before the end of the probationary period. This section also establishes that an employee transferring to different position retains his or her regular status and does not serve a new probationary period, except as is required for employees covered by the State Human Resources Act.

Article V: Conditions of Employment

Section 501: The Code of Ethics in the existing ordinance has been moved to be the first section in Conditions of Employment and there have been minor revisions to the language.

Section 502: This is a new section to simply formally establish the unlawful workplace harassment policy and to be consistent with the state personnel system's requirements that apply to DSS and Health Department employees.

Section 509: This is a new section that gives employees and job applicants who are not subject to the State Human Resources Act the right to place a written objection to material in their personnel file that they believe to be inaccurate or misleading and a process for seeking to have such material corrected. A separate statute governing this process applies to those employees who are subject to the State Human Resources Act. It has frequently been an issue in the past for employees who wished to do this but were not expressly permitted to do so by the existing ordinance.

Article VI: Employee Benefits

Section 606: Only change is that part-time employees working less than 40 hours per week shall be paid for their annual leave balance up to a maximum of 120 hours upon separation.

Section 607: Sick leave benefits are now considered to be a continuation of wages and subject to leave accruals.

Section 608: Family and medical leave will require that any paid leave available to an employee must be used by the employee concurrently with the twelve (12) weeks of unpaid leave that must be provided by the employee under the *Family and Medical Leave Act*. Employees have the right to elect to do this under the Act and employers have the right to require employees to do this under the Act. This has been the practice of the county without the election having been made by the board of commissioners.

Section 609: Employees receiving workers' compensation benefits will now be limited to only those benefits provided by the state law. In the past, workers receiving workers' compensation were allowed to supplement the workers' compensation with accumulated annual or sick leave.

Section 612: The language in the section for school participation leave has been conformed to the statutory language.

Section 613: Leave to obtain or seek to obtain relief under certain domestic law processes has been added to conform to state law.

Section 614: Paid leave is allowed for going to the employee wellness clinic to encourage use of the clinic.

Section 617: Administrative leave with pay is limited to no more than 30 days without prior approval of the county manager. The existing ordinance does not contain a cap.

Article VII: Employee Discipline

The only significant changes in the employee discipline provisions are in Section 703, Dismissal of permanent employees. The proposed ordinance follows the state personnel provisions that apply to DSS and Health Department employees for the first eleven grounds of dismissal. The grounds for dismissal listed as numbers 12-16 are continued from the existing ordinance.

Article VIII: Grievances

The only significant changes in the proposed ordinance grievance provisions is the addition of the statement that the county manager shall establish the rules governing how appeals are to be conducted.

Article IX: Claims against County Officers and Employees

The changes in the proposed ordinance are to create a single process for processing claims made against the sheriff's office employees and other county employees. The existing ordinance identifies a claims adjustment committee which has not functioned and that committee has been eliminated from the proposed ordinance.

RECOMMENDATION:

Consider the proposed ordinance and direct any changes the board desires to be made to it. The county attorney advises that the proposed ordinance complies with applicable employment laws and gives management greater flexibility to address changes in the labor market and future amendments to state and federal employment laws through policy directives.

Rick Moorefield, County Attorney, reviewed the background information and recommendation recorded above. Mr. Moorefield stated the proposed revisions have

been requested by county management and the new ordinance creates a comprehensive single document with all amendments in place.

Commissioner Adams asked about Section 403 of the ordinance which is the Veterans Preference and stated he feels the new section should only provide a veteran's preference in hiring of initial employment. Commissioner Adams stated he feels "subsequent employment, promotions, reassignments, horizontal transfers and reductions-in-force situations" should be taken out because he feels once you are an employee that everyone should compete equally. Commissioner Council stated she agrees with Commissioner Adams and would also recommend those changes.

Commissioner Adams stated Section 614 of the ordinance which is the Wellness Clinic Leave section that allows leave for employees to use the Employee Wellness Clinic should have further provisions so employees are not taking advantage of using the clinic. Ms. Cannon stated there is a process for employees to use the clinic and the supervisor has to sign off on any visits to the clinic. Ms. Cannon stated she believes the policy includes detailed provisions on employee visits to the clinic and she will make sure those provisions are detailed in the policy.

Commissioner Edge asked if changes are made in the future to the personnel ordinance or any long document it would be helpful for any changes to be made in red font so the changes are clear to anyone reading the document. Mr. Moorefield responded that was also his preference but the new ordinance had been completely reorganized with portions of old sections being combined in new sections to the extent that this document did not lend itself to tracking the changes. Mr. Moorefield stated that was why the existing section numbers were referenced in the section headings in this draft.

Commissioner Council asked how county employees would be notified of the changes to the ordinance. Ms. Cannon stated the next step is to get the policy document completed and reviewed by the Board of Commissioners and then the Human Resources Department would have specific training sessions for department heads and employees to be trained once the policies have been approved. Ms. Cannon further stated after the training sessions the document would be uploaded on the intranet for employees.

Ms. Cannon thanked the legal staff for the time invested in making the proposed changes to the personnel ordinance available in time for the committee meeting.

Consensus of the Policy Committee was to follow Commissioner Adams' recommended changes indicated below:

Sec. 10-403. Veteran's preference. (New)

Preference in employment for positions within the county subject to this ordinance shall be given to those who served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

The preference to be accorded shall apply in initial employment, ~~subsequent employment, promotions, reassignments, horizontal transfers and reductions in force situations.~~

The county manager shall develop and implement policies that administer the preference granted herein.

Sec. 10-614. Wellness clinic leave. (New)

Employees shall be granted leave for visits from the employee's worksite to the county employees' wellness care clinic under such terms as may be established by the county manager.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed ordinance with the recommended changes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF APPROVAL OF REVISION TO RULE 24 OF THE "WRECKER AND TOW SERVICE RULES AND REGULATIONS"

BACKGROUND:

County Ordinance 9-64 states "The Board of Commissioners from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners." The Wrecker Review Board recommends that Rule 24 be revised as follows to make it uniform with the Rules and Regulations with the City of Fayetteville Wrecker Review Board and to assist in securing payment for towing services.

Current Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Proposed Rule 24: Upon request or demand, and proof of ownership or right of possession, an operator shall return personal property stored in a vehicle, provided that all authorized charges for towing of the vehicle have been paid. An operator may not require payment of any storage fees as a prerequisite to release personal property. Any items attached to the vehicle such that a tool of any type is required for removal is not considered personal property under this provision.

The Wrecker Review Board previously came before the Policy Committee on September 4, 2014, with proposed revised language for Rule 24. The consensus of the Policy Committee at that time was for the Wrecker Review Board to return with a different proposal at a later date. The new proposal presented at this time mirrors the rule for the City of Fayetteville's Wrecker Review Board.

RECOMMENDATION/PROPOSED ACTION:

The Wrecker Review Board recommends that Rule 24 be revised as set forth above.

Rob Hasty, Assistant County Attorney, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Adams moved to recommend to the full board approval of the Wrecker Review Board's recommendation of the proposed revised Rule 24 as listed above.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (3-0)

5. CONSIDERATION OF APPROVAL OF REVISIONS TO SECTION 3-75 OF THE ANIMAL CONTROL ORDINANCE REGARDING HORSES AND ROOSTERS AT THE REQUEST OF THE CITY OF FAYETTEVILLE

BACKGROUND:

The County Animal Control Ordinance has been adopted by the municipalities in Cumberland County and Animal Control enforces the ordinance throughout the entire County by interlocal agreement with municipalities. Recently, staff from the City of Fayetteville reached out to staff from Cumberland County regarding changes desired in the Animal Control Ordinance. City Council members have received complaints that Fayetteville residents have horses in their back yards as well as roosters crowing in neighborhoods, neither of which is specifically prohibited by the relevant provisions of the animal control ordinance (Section 3-75. "Provisions only applicable within the corporate limits of any municipality"). Tracy Jackson, John Lauby, Rob Hasty and Lisa Childers met with City staff members Lisa Harper (Assistant City Attorney) and Scott Shuford (Code Enforcement) to learn about the City's concerns and to discuss possible solutions.

The following revisions to Section 3-75 (b) and (c) have been prepared by staff to resolve the City's concerns.

(b) No horse, mule, pony, cow or goat shall be stabled or housed within 100 feet of any dwelling, house, school, church or eating establishment of on a lot less than one-half acre within the corporate limits of any municipality in which this chapter is applied.

(c) No more than ten ~~chickens~~ hens or rabbits shall be kept, housed or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this chapter is applied.

The City requests that Dr. Lauby appear at the City Council work session on June 6, 2016 and present the proposed changes to the ordinance for discussion. Ultimately, the City Council of Fayetteville will likely recommend that the Board of Commissioners revise the ordinance as above or otherwise.

This ordinance provision applies to all municipalities in the County, so the language will need to be provided to them for comment.

RECOMMENDATION/PROPOSED ACTION:

No action is requested at this time. This is presented for information purposes only.

Dr. Lauby, Animal Control Director, reviewed the background information and recommendation as recorded above. Dr. Lauby stated for fiscal years 2013-2015 the Animal Control Department received approximately 123,000 calls and almost 61,000 of those calls were in the City of Fayetteville. Dr. Lauby stated last year the Animal Control Department received 18,900 calls in the City of Fayetteville which consisted of 6 crowing complaints.

Commissioner Keefe stated he recommends Dr. Lauby take this forward to the other municipalities first and bring this item back to the Policy Committee.

MOTION: Commissioner Lancaster moved to have the Animal Control Director and staff consult with the other municipalities and bring this item back to the August 2016 Policy Committee meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:39 AM