

## DEKALB COUNTY COMMISSIONERS' MEETING

December 28, 2020

Commissioners Present: President William L. Hartman  
Vice President Donald D. Grogg  
Vice President Jacqueline R. Rowan

Others Present: Auditor Jan Bauman  
Attorney James P McCanna

### **MATTER OF PAYROLL**

Donald Grogg made a motion to approve payroll for the period December 6-December 19, 2020 as presented. Jacqueline Rowan seconded, and all approved.

### **MATTER OF CHANGE TO OVERTIME CALCULATION**

To start the conversation, President Hartman said that the consensus is that PTO and Holiday should no longer be used toward the calculation of overtime. The Highway should be exempted and call it Emergency Call-Back for weather related events on any Saturday or Sunday. If Mr. Parker calls employees from vacation, it would be an automatic time and a half.

If something catastrophic happened, those situations would need to be handled on a case-by-case basis.

Brian Humbarger said for Central Communications, call-back would mean automatic overtime for the person who is called back. He would like to see PTO be able to count toward overtime calculation but not Holidays. Bonnie Emerson from Community Corrections believes that neither PTO nor Holidays should be counted toward the calculation of overtime.

Labor Law Attorney Shane Mulholland has said it is very unusual for both PTO and Holidays to be counted toward the calculation of overtime. Dotty Miller will get Mr. Mulholland's opinion. Due to time constraints, President Hartman asked Attorney McCanna whether the Commissioners could act on this today, even before Mr. Mulholland's input. Mr. McCanna thought it would be best to act on it now and put it in writing later.

Shane Mulholland was able to join the meeting via conference call to talk about removing PTO, Holiday, Bereavement, and Jury Duty from the calculation of overtime and carve out the Highway in that if they are called back for any reason on the weekend, they are paid time and a half. Also, if a January 1, 2021 effective date is used, then the year-end holidays would be paid in January but would not be counted toward the calculation of overtime.

Mr. Mulholland said the Fair Labor Standards Act only requires an employer to pay overtime for time worked. He said that when you factor in other types of leave toward the calculation of overtime, budgets can easily get out of hand. His preference as an attorney is to count only time worked toward overtime. The difficulty can be with the changing back of a policy as far as employees are concerned. The Emergency Call-Back policy should be clearly differentiated from On-Call pay. Mr. Mulholland read what is currently in the new handbook for Emergency Call-Back pay, and he said it is for all employees—not just Highway Department employees. When they are called back to work and they work outside of their normal scheduled shift, they would be paid time and a half. This is for hourly employees only.

Commissioners Grogg said that he feels that changing this policy is taking something away from the employees. He doesn't agree with it. President Harman said that it either needs to get fixed this week or it will get fixed next week. First Deputy Auditor Susan Sleeper reminded the Commissioners that they give generous holidays and PTO.

Central Communications and Community Corrections said that their employees were previously under the old policy and realize that they may have to go back to the old policy. It is costing a tremendous amount of money. Their staff understands that it may not last.

Jacqueline Rowan made a motion to go back to the old way of calculating overtime, which means removing PTO, PTO Repository, Holiday, Jury and Bereavement time toward the calculation of overtime, effective for all DeKalb County Departments, for all payroll being paid in 2021 and going forward. The Call Back provision (also for all DeKalb County Departments) as described in the new employee handbook shall be effective immediately. Williams Hartman seconded. With two ayes and one nay, motion passed.

#### **MATTER OF EXPIRATION OF FEDERAL EMERGENCY PAID LEAVE DUE TO COVID-19**

The federal government's expiration date of the Emergency Paid Sick Leave or Emergency Paid Family Leave is December 31, 2020. Employees have PTO and PTO Repository they can use after December 31<sup>st</sup> in lieu of the EPSL and EFML. The Commissioners will not be extending the Emergency Leave benefits.

#### **MATTER OF VETERANS SERVICE OFFICER POSITION**

Since last week's meeting, Travis Holcomb has given the Commissioners who he thought are the top 3 candidates for the Veterans Service Officer position. He added what he thought were positive and negative attributes of each person. One of the people is the same person who was the Commissioners' second choice when Mr. Holcomb was hired. After each person was discussed (without using names), Donald Grogg made a motion to hire Ronda Hunkler as the Veterans Service Officer. Jacqueline Rowan seconded, and all approved. Ms. Hunkler had been interviewed last year. The VSO position begins January 11, 2021. Ms. Hunkler's bi-weekly pay will begin at \$1,576.92. Pending Council approval, Mr. Holcomb will be paid \$22.52 per hour for the assistance he offers Ms. Hunkler. Ms. Hunkler can help train her replacement in the Auditor's Office even after January 11<sup>th</sup>, but her pay will come out of the VSO budget.

#### **MATTER OF MILITARY GUNS**

Commissioner Grogg wanted to notify incoming Commissioners of military guns that are in the name of the DeKalb County Commissioners and were being stored at the National Military History Center. On November 12, 2001, Mr. Dean Kruse purchased several military guns for his museum. Some were demilitarized, but others will still live guns. Since the guns could not be owned privately, they were deeded to DeKalb County and kept in the vault at the military museum. When Dean Kruse recently sold the museum to John Kruse, the weapons were no longer in the vault, and John Kruse did not know where they were.

Commissioner Grogg continued to say that Andy Budowski is the local district ATF. Don Lauer, Don Grogg and Andy Budowski had a conversation about this, and it seemed that the fact that the guns could not be found made the issue a moot point. However, Mr. Budowski's superior, Scott McCart, in Chicago, said these guns need to be found. The last Commissioner Grogg knew, Mr. Budowski seems to accept the

fact that the guns cannot be located. Mr. Grogg will give the file on this subject to the Auditor for safekeeping in case this becomes an issue in the future. The Auditor will file it in her office.

### **MATTER OF JACK KROUSE, PRIOR PROJECT MGR FOR CENTRAL DISPATCH**

Commissioner Grogg wanted the new Commissioners to know about work done by Jack Krouse when Central Dispatch was being built. Mr. Krouse was the Project Manager, and he did not catch many problems. Commissioner Rowan said that she even found things that were wrong (“ridiculous”) that the project manager didn’t.

Recently Tony Vie called Commissioner Grogg to inform him that Jack Krouse had approached Mr. Vie and said that the Commissioners had hired him as the new project manager for the new jail. (Mr. Krouse has not been hired.) Commissioner Grogg said you cannot trust him. RQAW designed Community Corrections. The building was going to be built in a big hole. The contractor caught it—not the project manager. The hole had to be filled in before building. Also, the ladies restroom is not wheelchair accessible. This is something that Mr. Krouse should have caught. He added that Mr. Krouse will tell you anything you want to hear. Mr. Grogg said the new Commissioners can also talk to Randy Deetz (former Commissioner) about Mr. Krouse. Mr. Deetz had worked with Mr. Krouse more extensively when he was on the school board. Mr. Krouse’s company was hired for the County Meadows school.

He wanted to impress upon the new Commissioners that you need to question everything he says. President Hartman said they will take this information under advisement.

### **MATTER OF ENGINEERING CONCERNS FOR PROPOSED 208 EAST 7<sup>TH</sup> BUILDING**

Whose responsibility will it be to pay Jeremy Bowers for the engineering work he has done regarding the proposed 208 East 7<sup>th</sup> Street building? The Hefty’s were not notified that they would be responsible for paying him. No one knew that the issues would become as significant as they have. Commissioner-Elect Todd Sanderson wonders why the Hefty’s haven’t dug a hole yet to see what the soil situation is. The Commissioners would not have had a problem giving them permission. Attorney McCanna had prepared a letter he would like to send to Zach Kessie of MKS this week to review with 3:16 Real Estate, LLC, proposing terms upon which the Commissioners can all agree that will govern the construction process as it relates to protecting the County’s 220 East 7<sup>th</sup> Street Building. The Commissioners do not have a problem with the letter being sent.

### **MATTER OF MINUTES**

Donald Grogg made a motion to approve the minutes dated December 21, 2020. Jacqueline Rowan seconded, and all approved.

### **MATTER OF TRAVEL REQUESTS**

Donald Grogg made a motion to approve the following travel requests:

- 1) Jordan Banker and Branden Pope (Sheriff) to travel to Plainfield January 11-13 for Leadership Training on Human Behavior. Estimated cost of \$316 to be paid from Commissioners’ travel.
- 2) Matthew Bieberich and Jebadiah Swartz to travel to Johnson County for Leadership Training for Troubling Times. Estimated cost of \$320 to be paid from Commissioners’ travel.

Second by Jacqueline Rowan. A vote was taken. With 2 ayes and 1 nay, motion passed.

**MATTER OF DISPLAY CASE AGREEMENT**

Commissioner Grogg tried to get in touch with Sam Grate who is the curator at the ACDA. Attorney McCanna thought that an extension of the current agreement would be sufficient if the Museum would like to extend it. A couple of additions would be needed, including the insurance on the items. There is a possibility of making the agreement an automatic rollover, with a provision for ending the agreement by either party. Mr. McCanna will work on this verbiage.

**MATTER OF APPOINTMENT TO BOARD OF ZONING APPEALS**

Donald Grogg made a motion to appoint Mary Diehl to the Board of Zoning Appeals to complete the term of Ruth McNabb, which will end on December 31, 2023. Jacqueline Rowan seconded, and all approved.

**MATTER OF HIGHWAY**

President Hartman explained the Call-Back policy that will be instituted and that only time worked will be taken into account for the regular overtime calculation.

Ben Parker thanked Commissioners Grogg and Rowan for everything they have done for the County and the Highway Department. He said it takes everyone to do a good job. He has appreciated them for their support and wished them a happy retirement.

**MATTER OF OTHER DISCUSSION**

Other discussion topics included: Council-Commissioners’ discussion topics for January 4, 2021 Council meeting; property that the City of Garrett would like a building given to them that had gone through tax sale; and Standards and Poors Teams conference on January 7<sup>th</sup> for the refinancing of the Central Communications General Obligation Building Bond; property in Garrett for which the City of Garrett would like the Commissioners to sign over the Certificate to them so they can begin the process of getting that property taken to deed.

**MATTER OF CLOSING REMARKS BY PRESIDENT HARTMAN**

When President Hartman came into the Commissioners’ position a couple of years ago, he was apprehensive and an outsider. Commissioners Grogg and Rowan were willing to listen to the ideas he had and accepted him. He appreciates the work they have done for the County.

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William L. Hartman

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Michael Watson

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Todd Sanderson

Attest:

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Jan Bauman, Auditor