

# KNOX COUNTY COMMISSION

**Special Meeting**

**Monday – April 9, 2012 - 1:00 p.m.**

A special meeting of the Knox County Commission was held on Monday, April 9, 2012, at 1:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Carol L. Maines, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3.

County staff present included: County Administrator Andrew L. Hart, Administrative Assistant Candice Richards, Finance Director Kathy Robinson, Register of Probate Elaine Hallett, Judge of Probate Carol Emery, Sheriff Donna Dennison, and Chief Deputy Tim Carroll.

Others present: Laurie Bouchard, HR Consultant; George Chappell of the *Courier Gazette* (arrived at 1:27 p.m.).

## Special Meeting – Work Session – Agenda Monday – April 9, 2012 – 1:00 p.m.

- I. 1:00 Meeting Called To Order**
- II. 1:01 Discussion Items**
  - 1. Elected Officials (Sheriff, Judge of Probate, Register of Probate) Compensation.
- III. 2:00 Executive Session**
  - 1. Convene in Executive Session for Consultations with Legal Counsel pursuant to M.R.S.A. §405(6)(E).
- IV. 2:10 Action Items**
  - 1. Act on Whether to Approve and Authorize the County Administrator to Sign a Resignation Agreement.
- V. Adjourn**

### **I. Meeting Called to Order**

Commission Chair Roger Moody called the special meeting of the Knox County Commission to order at 1:00 p.m.

### **II. Discussion Items**

#### **1. Elected Officials Compensation.**

County Administrator Hart gave some background, explaining that last fall the Sheriff and the Judge of Probate argued that their positions are governed by federal and state statutes, and should not be described in a job description. Since job descriptions are the basis for the Position Classification/Job Evaluation System, all three elected officials (Judge of Probate, Register of Probate, and Sheriff) requested, and were granted, to be removed from the new Grade and Salary Range structure. That left the Commission to come up with some other way to fairly evaluate the compensation and future pay increases for the three elected officials. An action item had been placed on the April 10<sup>th</sup> Regular Commission meeting agenda even though the Commission may not be ready to make a decision. It will likely be placed on the May 8<sup>th</sup> Regular Commission meeting agenda as an action item.

Commissioner Moody commented that the Budget Committee meets quarterly and they will probably discuss this. There is also a request coming from MCEA. The County's budget was passed with no funding for MCEA but they have a bill for their executive director contract that they cannot pay.

It was explained that HR Consultant Laurie Bouchard had sent each of the three elected officials a memo explaining some history as well as her recommendations. A complete memo containing info on all three, as well as the Commission, had been provided to the county administrator and the three commissioners. *(Portions of the memo are recorded verbatim in blue.)*

**Judge of Probate – Carol Emery**

Judge Emery asked Ms. Bouchard to explain the memo to her because she felt unclear as to what it meant and what the recommendations were. She added that she appreciated the time and effort that went into this.

Ms. Bouchard said that the Judge had sent her an email about wanting the County to compare benefit packages as well as pay across other counties. She said that’s exactly what she tried to do. She stated that she had emailed all 15 other counties asking for information but only six counties responded, while nine did not. Three of the six that responded indicated that they budgeted for the judge’s annual conference. Not all counties treat the Judge position as all other county employees. Judge Emery asked if Ms. Bouchard meant all other employees or just elected officials. Ms. Bouchard briefly looked through her materials and stated that Kennebec lists that the county contribution for retirement is 3.5% for elected officials, while non-elected employees get 9.6%.

Judge Emery asked if Ms. Bouchard was unable to make a statement of majority because the counties are all different. Ms. Bouchard said that was correct. Judge Emery commented that it’s really up to the Commission, then, to make those choices.

Here are the facts relative to the Judge of Probate:

1. Judge Emery's current annual salary is \$26,381. While this position is on call 24/7, it is not considered a full time position. The County Judges do not track their hours, so there is no way to convert this to an hourly rate for comparison.
2. Judge Emery has held her position since 1990.
3. The average annual salary for County Judge's is \$30,075.
4. Not all counties pay for health insurance or make a retirement contribution for their Judge. Here is a chart showing this information for 14 counties, including Knox:

<b>County</b>	<b>% Health Insurance Cost Sharing Employee/Dependent</b>	<b>County Retirement Contribution</b>
Kennebec	0/0	3.5
Hancock	0/0	6.5
Franklin	100/0	3.5
Cumberland	100/64	0
Aroostook	100/100	0
Washington	95/95	0
Waldo	88/88	0
Somerset	100/25	3.5
Sagadahoc	90/0	3.5
Piscataquis	0/0	0
Penobscot	92.5/82	6.5
Oxford	100/80	??
Lincoln	0/0	2.8
Knox	100/100	7.0
<b>Average</b>	<b>61.8/45.3</b>	<b>2.63</b>

Judge Emery has family health insurance coverage through the County, at an annual cost of \$14,745.72. Using the average cost sharing among the 14 counties, Knox County is provided Judge Emery with an additional \$6,991.36 annual benefit. For retirement, the difference between Knox

County's 7% retirement contribution and the average of 2.63% equates to \$1,152 annually on Judge Emery's current salary. Due to the County's ongoing discussion regarding grandfathered health insurance, we have looked into the legality of potentially eliminating the grandfathered health insurance coverage for the Judge of Probate under the Maine Constitution. The legal opinion is not black and white, but raises a substantive question about whether or not the County could change the cost sharing arrangement in her case. If the County elects to eliminate the grandfathering for all other County employees and it is kept in place for the Judge, this should be considered in her total compensation package.

Finally, we attempted to survey the other counties relative to annual training, education, travel, and wellness budgets, as well as any other compensation. Six counties responded at this point. Three counties provide Education budgets to the Judge of Probate (\$1,000, \$1,500 and \$2,500), two of the three specifically mentioning the annual conference. There were no other special allowances or compensation in any other categories.

**Recommendation for Judge Emery:**

- If the Commissioners elect to set aside the differences in health insurance cost sharing and the retirement contribution, and allow that the additional amounts help to negate the need to provide an additional education budget, I recommend a 9% increase for Judge Emery, bringing her salary to \$28,755 for 2012.
- I recommend that an additional adjustment be considered in 2013 to bring Judge Emery to the average paid rate for all County Judges of \$30,075.
- Future increases should be in line with the increases approved for other County employees. For example, a step increase equates to 2%, and cost of living increases are determined by the relative Index used.

Ms. Bouchard commented that it would be an equity adjustment, not a merit or pay raise.

Judge Emery asked if these were her recommendations based on the current levels of retirement contributions and health insurance grandfathering. Ms. Bouchard responded that right now Judge Emery is not being treated any different from other county employees.

Commissioner Maines commented that the judge's health insurance is far above the average. She asked if Ms. Bouchard would recommend making no special allowance for the education to balance it out.

Judge Emery explained that there's a twice-annual Probate Judge's assembly and that the County used to make a contribution towards that. She added that there is also a Maine State Judge's meeting where judges learn about child protection, termination of parental rights, etc. There's a grant from the State to pay for that so she only charges the County mileage for that. She said that if the County is not paying for any portion of the nationwide conference, then in order to keep up and do her job properly, she has to pay for it herself.

Commissioner Maines asked how much the County used to contribute for the national conference. Administrator Hart commented that there was money budgeted in 2011 to cover airfare, but the money wasn't spent. Judge Emery explained that she did not go to the conference during her re-election year.

Administrator Hart commented that funding for airfare has been cut from every department budget for 2012. He said that he felt it was a luxury and that he thought that Judge Emery could get training locally. Judge Emery responded that she can't get local training as a judge; she has to travel to the training. She noted that the increase recommended by Ms. Bouchard is around \$2,000, which creates a wash if she personally pays for airfare, etc. to go to the conference.

Commissioner Moody commented that he felt that the three elected officials should all have the same retirement and health insurance packages as all other County employees.

*George Chappell arrived at 1:27 p.m.*

Based on Ms. Bouchard's recommendations, the Commission considered increasing Judge Emery's annual salary from \$26,381 to \$28,755 for 2012, an increase of \$2,374 or 9%, retroactive to January 1st. There was further discussion to consider another increase to \$30,075 in the 2013 budget. In the future, the Judge will be eligible for the same increases as other County employees. In addition, on an annual basis the County will determine an average of Probate Judge's pay for Maine Counties and ensure that Knox County's Judge of Probate is paid equitably in comparison.

### **Register of Probate – Elaine Hallett**

[Here are the facts relative to Register of Probate:](#)

1. Ms. Hallett's current pay is \$25.48 per hour for 30 hours, \$39,754 annually.
2. Ms. Hallett started work for the County in 1979 as a Microfilm Clerk. She became Probate Clerk in 1980, Deputy Register of Probate in 1981, and was elected Register of Probate in 1999.
3. The average paid rate for the Register of Probate in the Survey was \$20.41 per hour. Using this as midpoint in our Salary Range System, this would place the position of Register of Probate as Grade 13, and this is also where Gary Thornton placed the position in his Position Classification System.
4. Using our formula for evaluating prior experience, Ms. Hallett would have 4 years of prior related experience (from 1995), and 11 years as Register of Probate, placing her on Step 13 of Grade 13 - which equates to \$22.93 per hour.

### **Recommendation for Ms. Hallett:**

- Since Ms. Hallett's current rate of \$25.48 per hour exceeds Step 13 of Grade 13, and in fact her hourly rate exceeds the maximum of Grade 13, I recommend no increase in pay at this time.
- Future increases should be evaluated in light of the salary range for Grade 13. Once the Salary Range catches up with Ms. Hallett's hourly rate, increases in line with those for other County employees should be considered.

Probate Register Hallett commented that the reason why she is paid so much more than other registers is because she's been working at Knox County so long. Other registers are newer and some have a lighter work-load than her.

Ms. Bouchard said that Ms. Hallett wanted her to try to use the wage study method as a way to evaluate the elected officials but to do that you have to have an accurate job description, which is set by statute for the Register and not the County; therefore, the most accurate way to determine her pay is to look at the average pay across the counties and look at years of service.

Register Hallett commented that she was just hoping to get a cost of living increase.

Ms. Bouchard explained to the Commission that if the commissioners felt that the Register is at or above the range for that position, they had the option of giving the amount of the increase as a bonus at the end of the year instead of building it into the pay as an hourly wage increase. She explained that Register Hallett was currently getting \$25.48 per hour, which is over the top of both the range and the grade which ends at \$22.93 per hour; so, like some other County employees, Register Hallett would not get an increase for 2012.

Commissioner Parent asked how the 30 hours that Register Hallett works compares to other counties.

Ms. Bouchard listed the following data:

Franklin	32.5
Aroostook	40
Waldo	35
Somerset	25
Sagadahoc	35
Piscataquis	35
Penobscot	37.5

Ms. Bouchard explained that the other counties responding to her email did not list that information, but previously when Gary Thornton did the study, he was able to get that data from all of the counties.

Register Hallett commented that she is only paid for 30 hours but she is often at work early on court days, etc. and is not compensated for any extra time beyond the 30 hours.

Commissioner Parent asked if Register Hallett increased her number of hours if that would cause someone else in her office to lose hours. Register Hallett responded that she hoped not.

Sheriff Dennison asked what would happen if Register Hallett was put in a higher grade. Ms. Bouchard replied that there would be no rationale for that. The averages across other counties puts Register Hallett essentially in grade 13.

It was noted that Register Hallett and her other two staff essentially do the same job. Judge Emery commented that Register Hallett is well respected around the state and people often call her directly because of her knowledge.

Commissioner Parent asked if the recommendations in the organizational study mentioned anything about increase in the register's hours. Administrator Hart said no. The recommendations for Probate were more about increasing use of technology, etc. and no recommendation was made regarding employee work hours.

Ms. Bouchard suggested that another method would be to not tie the register's pay to the County's pay range at all and just poll the other counties each year and the Commission could come up with its own decision on what her pay will be.

Commissioner Maines commented that Register Hallett was just asking for a COLA but Commissioner Moody said that he was uncomfortable singling out an employee by giving her a COLA. Commissioner Parent said he thought that elected officials are a different category so there's not necessarily anything wrong with treating them differently than the regular workforce.

Commissioner Moody asked what would happen if Register Hallett didn't run for election again and the County ended up with a new register as of January 1, 2013? He said he was more comfortable with operating within a pay range matrix. He asked if Register Hallett would still be at the top step if she was placed in Grade 14. Ms. Bouchard responded that there has to be a rationale for putting her in a grade rather than just picking a grade higher just so she's not at the top already.

Register Hallett stated that there was a mistake in Ms. Bouchard's memo about her years of service as first a Deputy Register of Probate and then as the Register. She said that she became the Deputy Register in 1980, not 1981 and that she has been the Register for 13 years, not 11. Ms. Bouchard did some calculating and said that she had made a mistake and that Register Hallett actually should be Grade 14 / Step 15, which is an hourly pay rate of \$25.76. That is a 1.1% increase over what she's currently making. Register Hallett felt that made more sense than Grade 13 / Step 13.

Based on Ms. Bouchard's recommendations and the meeting's discussion, the Commission considered using Grade 14 / Step 15, increasing Register Hallett's pay from \$25.48 to \$25.76 per hour for 2012, an annual increase of \$436.80 based on 30 hours per week, retroactive to January 1st.

### **Sheriff – Donna Dennison**

#### Here are the facts relative to the Sheriff:

1. Sheriff Dennison's current annual salary is \$59,788.
2. Sheriff Dennison worked for the County as a Corrections officer for 7 months in 1986. She returned 1990 as a Dispatcher and has worked for the County since that time. She became a Patrol Deputy in 1995, a Patrol Supervisor in 1997, a Detective in 1999, and Sheriff effective 1/1/2007.
3. The average paid rate for 14 Counties reported in the Survey was \$64,230. Using this as midpoint in our Salary Range System, this would place the position of Sheriff as a Grade 18, and this is also where Gary Thornton placed the position in his Position Classification System.
4. Using our formula for evaluating prior experience, Sheriff Dennison would have 12 years of prior related experience (from 1995), and 5 years as Sheriff, placing her on Step 11 of Grade 18 (if you were to use the same system for her position) - which equates to \$32.38 per hour or \$67,350. Increasing her pay to this level would be a 12.6% increase.
5. Capping the increase at 9% would result in a pay rate of \$65,166.
6. The position of Chief Deputy was reclassified by the Job Evaluation Committee as a Grade 18 position. Effective January 1, 2012 Chief Deputy Carroll's pay rate increased to \$30.51 or \$63,460, putting his pay above Sheriff Dennison's current rate. Due to the 9% cap, his rate has been lowered to \$28.63 or \$59,550 for 2012.
7. With the position of Chief Deputy at Grade 18, it could be argued that the position of Sheriff should be at Grade 19. Step 11 of Grade 19 is \$34.97 or \$72,737. However, only the Sheriff of Cumberland County is paid more than \$72,737. This grade seems too high relative to the Market.

#### **Recommendation for Sheriff Dennison:**

- I recommend an increase of 9% be considered for Sheriff Dennison, bringing her salary to \$65,166 for 2012. This would equate to an increase of \$5,378 in the budget.
- I recommend that an additional adjustment be considered in 2013 to bring Sheriff Dennison to Step 11 of Grade 18.
- Future increases should be in line with the increases approved for other County employees. For example, a step increase equates to 2%, and cost of living increases are determined by the relative Index used.

Sheriff Dennison said that she had emailed Ms. Bouchard this morning. She said that she understands that the Commission is trying to come up with a methodology. Ms. Bouchard said that she had received the email but only she and Administrator Hart have seen it.

Ms. Bouchard explained that Gary Thornton had scored the Sheriff's position at Grade 18 but that the Sheriff felt very strongly that the County should not have a job description for her. Without a job description there is no way to put a person in a Grade. She said that she looked at the average pay for sheriffs across the state. Past experience puts Sheriff Dennison on Step 11 of Grade 18. It would increase her pay by 12.5%. The Job Evaluation Committee agreed that the chief deputy position should be a grade 18. It was noted that Chief Deputy Carroll is on the Committee but was not in attendance at the meeting so he had no say in that decision. Ms. Bouchard said that her recommendation for sheriff is 9% for 2012 and next year look at getting her to Grade 18 / Step 11 since a 9% increase doesn't get her all the way there.

Chief Deputy Carroll explained that he had appealed his Pay Grade not because of the pay but because Gary Thornton had put him in the same grade as a subordinate (the jail administrator reports to the

chief deputy). Therefore, the sheriff shouldn't be in Grade 18 because the chief deputy is subordinate to the sheriff. If the chief deputy is Grade 18, the sheriff should be in a higher Grade.

Commissioner Maines asked how many sheriffs are making more than \$32.38 per hour (\$72,737 annually). Ms. Bouchard responded that there are only four, but those sheriffs had a lot of experience. She added that her data only shows total years of service – not how many years spent just as a sheriff.

Commissioner Moody asked what point the sheriff was trying to make. Sheriff Dennison said that her issue is not about the pay but what Grade the elected officials are put in.

Ms. Bouchard commented that the Judge of Probate can't be put in a grade either. The Commission was just looking at an average. The same thing could be done with the sheriff. If elected officials receive the same COLA's and step increases as all other employees in the future, the chief deputy wouldn't surpass the sheriff in pay.

Sheriff Dennison told the Commission to do what they think is fair. She said that she was happy with what she gets. She added that if the County was going to put her in a Grade, however, that she should be in Grade 20 because the sheriff is the top position in the County.

Commissioner Moody asked Sheriff Dennison how she was going to explain to the voters that she would then be the highest paid sheriff in the state.

Ms. Bouchard commented that the grade system just doesn't work for the sheriff. The Commission has to come up with their own method of paying her in a way they think is fair.

Commissioner Maines stated that would mean so the chief deputy stays in the wage scale but the Commission treats the sheriff differently. Commissioner Parent commented that probably in a couple years the Commission should look at all three of the elected officials again to make sure they aren't falling behind.

Administrator Hart commented that he would put this on the May Commission agenda for the Commission to vote in these changes.

Based on Ms. Bouchard's recommendations and the meeting's discussion, the Commission considered increasing Sheriff Dennison's annual salary from \$59,788 to \$65,166 for 2012, an increase of \$5,378 or 9%, retroactive to January 1st. There was further discussion to consider another increase to \$67,350 for 2013. In the future, the Sheriff will be eligible for the same increases as other County employees. In addition, on an annual basis the County will determine the average of the Sheriff's pay for Maine Counties and ensure that the Knox County Sheriff is paid equitably in comparison.

### **Commissioners – Roger Moody, Richard Parent, Carol Maines**

#### **Here are the facts relative to Commissioners' pay:**

1. The average annual salary for the Chair (13 counties reporting data that can be compared) is \$9,236. The average annual salary for other commissioners is \$8,826.
2. Knox County Chair Moody receives \$7,600 annually, and Commissioners Parent and Maines each receive \$7,000 annually.
3. To increase the Chair and the other two Commissioners to the average would equate to 21.5% and 26.0% in salary increases respectively.

#### **Recommendation for Commissioners:**

- In keeping with the 9% cap, I recommend that Chair Moody's annual salary be increased 9% to \$8,284 (an annual increase of \$684), and that Commissioner Parent and Commissioner Maines annual salaries be increased to \$7,630 (an annual increase of \$630 each).

Commissioner Maines asked if there was any truth to the statement that the Budget Committee sets the commissioners' pay.

Administrator Hart responded that in a sense that is true because the Budget Committee approves the budget as a whole and the Commission can't set their own salary.

Ms. Bouchard commented that eight of the fourteen responding counties have some level of health benefits for their commissioners. Commissioner Maines said that she thought the job was worth having the County pay part of the health insurance. Commissioner Parent said that he doesn't need the health insurance and would have to think about it before supporting that because that would be considered quite an increase for commissioners to get that.

Administrator Hart commented that towns supported having commissioners lose benefits when an administrator is hired. Town elected officials don't get benefits – just wages.

Finance Director Robinson said that she felt the commissioners' pay should be re-evaluated to go up, especially since the Chair is spending so much time doing County business right now.

Ms. Bouchard suggested that if the Commission pay was changed to do that going forward and not make it retroactive.

Commissioner Moody said that he was more comfortable leaving it as it currently is for this year and look at changing it for 2013. Commissioner Maines said that she would prefer having the suggested rates begin in May. Commissioner Parent was unsure which direction the Commission should take.

No consensus was met on commissioners' pay; however, it was noted that this would be discussed with the Budget Committee at their quarterly meeting on May 3<sup>rd</sup>, with the possibility of a vote being taken by the Commission at the Regular Commission meeting on May 8<sup>th</sup>.

### III. Executive Session

1. Convene in Executive Session for Consultations with Legal Counsel pursuant to 1 M.R.S.A. §405(6)(E).

- A motion was made by Commissioner Carol Maines to go into executive session pursuant to 1 M.R.S.A. §405(6)(E) for consultations with legal counsel. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The executive session convened at 3:08 p.m.

The executive session concluded at 3:35 p.m.

### IV. Action Items

1. Act on Whether to Approve and Authorize the County Administrator to Sign a Resignation Agreement.

- A motion was made by Commissioner Carol Maines to approve and authorize the county administrator to sign a resignation agreement involving a current employee. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

### IV. Adjourn

- A motion was made by Commissioner Carol Maines to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 3:37 p.m.

Respectfully submitted,

Candice Richards  
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting held on May 8, 2012.**