

**Minutes of Meeting  
Elected Officials  
October 22, 2014  
9:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Human Resources Director Skye Reynolds, Sheriff Ben Wolfinger, Undersheriff Dan Mattos, Prosecutor Barry McHugh, Coroner Deb Wilkey, Clerk Jim Brannon, Chief Deputy Clerk Pat Raffee, Finance Director David McDowell, Treasurer Tom Malzahn, Assessor Mike McDowell, Chief Deputy Assessor Richard Houser, Civil Deputy Prosecuting Attorney Darrin Murphey, and Deputy Clerk Daniel Robertson. Commissioner Dan Green was excused. Citizen Tina Kunishige was also in attendance.

**A. Call to Order:** Chairman Tondee called the meeting to order at 9:00 a.m.

**B. Introductions:** There were no introductions made.

**C. Changes to the Agenda:** There were no changes to the agenda.

**D. Old Business:** There was no old business discussed.

**E. New Business:**

Assessor Mike McDowell stated that in Calendar Year (CY) 2015 there will be twenty-seven (27) pay days instead of the usual twenty-six (26) pay days. He advised the group that a personnel policy required a change to the definition of the exempt employees' salary, though he was unable to cite what policy provision was involved. Mr. McDowell said this change was needed to avoid reducing by three point seven percent (3.7%) the pay amounts of approximately 165 managers affected by this problem.

Human Resources Director Skye Reynolds and Civil Deputy Prosecuting Attorney Darrin Murphey were unable to locate the policy referred to by Assessor McDowell to confirm his hypothesis.

Clerk Jim Brannon said this extra pay date occurred every few years, that pay for only 125 managers was involved in CY 2015, and stated that those exempt employees' salaries total about \$300,000 per pay period. Chief Deputy Clerk Pat Raffee reported that every eleven (11) to twelve (12) years there are twenty-seven (27) pay periods. She said that when this last occurred, in CY 2004, the County made no change to the managers' pay. Finance Director David McDowell stated that the salaries in any fiscal year's budget were always based on the number of work days in each year. He said the number of pay days in any calendar year is irrelevant to the fiscal year's budget.

Assessor McDowell disagreed, stating that the Family Labor Standards Act (FLSA) definition of annual salary has been changed since 2004, and that the precedent set in that year would not be appropriate for calendar year 2015.

The Board directed Human Resources, the Auditor's office, and the Assessor's office to work together to come up with an appropriate recommendation to bring to the next Elected Officials Meeting.

Sheriff Ben Wolfinger stated that a one and a half percent (1.5%) pay raise has been budgeted for all employees in fiscal 2015, yet a Board decision withheld pay raises from the elected officials, in the amount of about \$10,000. Sheriff Wolfinger requested approval from the Board to use his portion of these funds, about \$1,300, to address the remaining pay compression issues in his department.

Chairman Tondee was in favor of increasing the merit pool funds for each elected official by one and a half percent (1.5%), which the Sheriff could use for this purpose. Commissioner Nelson stated that she was not in favor of increasing the merit pools, but that each elected official could make an individual request to the Board, to be reviewed and approved on a case-by-case basis. Chairman Tondee stated that the Board would discuss the available options for utilizing these funds at the next Commissioners' Debriefing, scheduled on November 3, 2014.

Civil Deputy Prosecuting Attorney Darrin Murphey updated the attendees on the policy for using compensatory (comp) time. He stated that non-exempt employees can accrue up to forty (40) hours of comp time, which is to be used within ninety (90) days of accrual. He also stated that all comp time for non-exempt employees is paid at time and a half rate. Mr. Murphey noted that time flexed within a given work week (or within a two (2) week pay period for law enforcement) would not be considered comp time and therefore would be paid at the regular hourly rate. Mr. Murphey said that the County could elect to pay a non-exempt employee for comp time earned rather than grant the time off. He also said the County must pay for any accrued comp time upon employee termination, at the prevailing wage rate at that time.

Ms. Raffee inquired whether a written agreement was necessary for any departments choosing to utilize comp time. Mr. Murphey said the Personnel Policy Manual being delivered to each employee satisfies this need, but if an elected official had their own policy on comp time that was different than the County's, he recommended that department have a written agreement for comp time use signed by each employee.

Sheriff Wolfinger reported that his department sometimes allows employees to use comp time outside of the ninety (90) day accrual window. Chairman Tondee stated that any departments that do something different from what is outlined in the Personnel Policy Manual should have a separate written policy, which should be approved by the Board. Chairman Tondee also stated that some departments are not currently tracking comp time on the timesheets, which should be corrected.

Mr. Murphey updated the attendees on usage of comp time for exempt employees. He stated that time for these employees should not be tracked, as this could jeopardize their exempt status; however a department could develop a written policy allowing for tracking of comp time for exempt employees as a management tool. Human Resources Director Skye Reynolds stated that any department adopting a written policy on comp time for exempt employees could be considered as taking away from the flexibility of the exempt employees, which may affect recruitment efforts.

Mr. Murphey stated that he would deliver example written policies for exempt and non-exempt comp time usage to each elected official, who may choose to adopt or alter them for their departments as necessary.

With no further business, Chairman Tondee adjourned the meeting at 10:08 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: \_\_\_\_\_  
Daniel Robertson, Deputy Clerk

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