

Regular Meeting of the
Hillsborough County Board of Commissioners
September 2, 2009
Bouchard Building, Goffstown, NH
Minutes of the Public and Non- Public Session
(Not Official Until Approved by the Board and signed by the Clerk.)

Present: Comm. T. Pappas, Comm. C. Holden, Comm. M. Clemons, P. Coughlin, L. Movsesian, J. Dimick, A. Durette, C. Kirby, B. Moorehead, J. O'Mara, D. Reidy, E. Robinson, M. Rusch, G. Wenger, and L. Stonner.

Also present: K. Covert, S. Lyons, C. Kehoe, P. Martel, and H. Bernier

1. Pledge to the Flag

Comm. Pappas called the meeting to order at 9:05 a.m., followed by the Pledge to the Flag by Comm. Clemons.

2. County Attorney

- Personnel Issue

The County Attorney was unable to attend today's meeting.

4. Administrative Business

Minutes

August 19, 2009

Motion: To accept the minutes of the August 19, 2009 Board of Commissioner's meeting. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Payroll Registers

Motion: To approve the Payroll Register 8/20/2009 in the amount of \$1,160,730.23, subject to review and audit. By Comm. Clemons, second by Comm. Holden. Motion carried.

Approval of Accounts Payable Registers

Motion: To approve the Accounts Payable Register dated 8/31/2009 in the amount of \$1,546,507.53, subject to review and audit. By Comm. Holden, second by Comm. Clemons. Motion carried.

Telephone Poll

Motion: To approve a Telephone Poll conducted on August 27, 2009 at the request of the Department of Corrections seeking approval to accept the transfer of a male inmate from the Sullivan County Department of Corrections and to authorize the Superintendent to accept the transfer of the male inmate. By Comm. Clemons, second by Comm. Holden. Motion carried.

3. AFCSME Grievance

AFSCME Grievant # PM 0579 – Grievant: Cheryl Kehoe, LNA

Comm. Pappas noted that the Board would address the grievance before it, and welcomed K. Covert and H. Bernier representing management; Cheryl Kehoe, the Grievant; and P. Martel and S. Lyons representing the bargaining unit. The Grievant requested to proceed in public session.

Mr. Lyons presented the Grievant and stated the Union's position as it relates to a memorandum that was received on 5/5/2009, which is the result of a meeting held in accordance with Section 10.2 and 10.3 of the collective bargaining agreement. He noted that the Union's position is that the employer and the Union are required to attempt to resolve the matter, further noting that the matter has not been resolved. The memorandum cites a continuing pattern of the use of sick leave as a result of calling in sick on six Thursdays-1/17/08, 3/27/08, 7/10/08, 10/9/08, 2/12/09 and 4/7/09. Mr. Lyons noted that when the employee was evaluated for the period of July 6 2007 to 2008, there is no mention of pattern; there was a discussion of general sick leave use. He noted that there were four occurrences since July 1, 2008; the dates are 7/10/08, which was contiguous with a day off, for which there was a Doctor's note. He further noted that the sick day taken on October 9, 2008 was not contiguous with a day off and also had a Doctor's note. He explained that of the four sick days taken since July, 2008, two had Doctor's notes; only one was associated with a day off, yet the employee received a memorandum initiating the discipline process. Mr. Lyons offered the opinion that it is unreasonable to say that two days of sick use out of ten months worth of Thursdays is excessive. He noted that it is the Union's belief that the Nursing Home administration does not see any legitimate use for sick leave at all based upon this case and former cases. He noted that "use is not abuse," and asked that the Board agree with the Grievant and withdraw the memorandum.

Miss Kehoe read a statement: "On the weeks that I have Tuesdays and Saturdays off, the only day I can call in other than a weekend day of Sunday after, is Thursday. All of the other days would fall before or after my day off and I thought that would be a bigger problem so I would try to tough out an illness, ache, pain or injury until it wasn't before or after a day off. I also thought that because I had two doctor's notes for the Thursdays in 2008, I was safe. Had I realized I would be called on the carpet for 2009 only having used two Thursdays, I would have contacted my physician-although it does appear that doctor's notes no longer do any good since each year is not even separate. I guess it also means we need to keep a pattern journal so as to change our patterns of our illness or pain. How ridiculous to try to make our illnesses fit a pattern to satisfy someone. I hope you realize that if days off are a scheduled pattern, then paid calls out will also be patterned because this is the only day not before or after a day off. I do feel I am working hard not to use large excessive amounts of sick time even though we are constantly working with people who aren't well and are more often than not working a skeleton crew and causing many aches, pains, illness, injuries and exhaustion to our bodies."

Mr. Moorehead noted that Mr. Lyons mentioned two different things; one item was the Grievant was talked to in a meeting on May 5th relative to days off prior to a day off, and he mentioned that the issue is a Thursday issue. Mr. Moorehead explained that the issue is that the Grievant called out six times on Thursdays, and there was a meeting that included the Grievant, K. Covert, and he believes it included H. Bernier to discuss that there was a successive pattern of sick time use for the time off identified on the previously mentioned Thursdays. He noted that the pattern was not discussed in July because the majority of days off occurred after the evaluation. He also concluded that the meeting seems to have resolved the issues, because to his knowledge, there have been no subsequent call outs on Thursdays. Mr. Moorehead explained that in reference to discipline, there has been no discipline imposed. He noted that discussing the issue at the May 5th meeting was not a warning, but was an attempt to resolve the issue.

K. Covert explained that it is extremely problematic for the County to try and staff the facility when the Grievant is calling out six times on Thursdays. Ms. Covert explained that the meeting of May 5th was an attempt to sit down and discover if there is an issue...to see if there is something going on in her life that the Nursing Home can address to make it work for everyone, or to see if she needs to change her day off. She went on to explain that it is the responsibility of the management team to sit down with the Union representative and the employee to discuss a pattern that is continuing and if there is something that can be done to rectify it. She explained that issue is the pattern of the time off taken on six Thursdays, not time taken before or after a day off. She further noted that since the meeting, there have been other days taken, but no further call outs on Thursdays. Ms. Covert went on to explain that Ms. Kehoe is an excellent, valued LNA at the facility, and administration wanted to work with her to see if there were something it could do. Mr. Moorehead noted that particularly when a scheduled person is absent on the 7-11 shift that creates a problem for the remaining staff when staffing is already lighter, and it creates more of an impact than it would on the day shift when staffing levels are higher. Mr. Moorehead noted that administration does not feel that it violated 10.2 or 10.3, and recommended that this grievance be denied.

Comm. Clemons inquired if the memorandum would remain in the Grievant's file, to which Mr. Moorehead noted that it is his belief that these types of memorandums remain in the file for a year, and then they will be removed if there are no subsequent similar issues. Comm. Clemons asked to verify that the Grievant was absent six out of sixty-eight Thursdays from January 2008 through April 2009, and that she had Doctor's notes for two of the days, thus the unexplained absences would be four out of sixty-eight weeks. Mr. Moorehead noted that administration typically look at patterns after three or four occurrences; he noted that if you eliminate two days, the criteria is met with the remaining four days used. Comm. Clemons inquired how many sick days employees receive. Mr. Moorehead noted that AFSCME contract provides sixteen days.

Comm. Clemons asked the Grievant how many sick days she took; she replied that she believes that she used ten days of sick time in one and one-quarter years, noting that others in addition to the two previously mentioned had Doctor's notes. Comm. Clemons observed that six of them were on Thursday.

P. Martel explained that the bargaining unit is asking for clarification relative to the timeframe...when does it start, and when does it end? She explained it is confusing, and it is difficult to know the appropriate way to react when one is sick; does one come in and then go home?

S. Lyons noted that sick leave is to be used for legitimate purposes; the Union believes that this is a legitimate use of sick time and that it is not appropriate to require a Doctor's note every time an employee is sick, and that it will only add to health insurance costs. He noted that the bargaining unit is looking for clarification and a realistic utilization of sick leave, and stressed that illnesses cannot be scheduled.

Comm. Clemons inquired of the Grievant how many days she works each week, to which she responded that she is a full time employee working five days a week.

K. Covert indicated that on the evening shift there might be fifty people being cared for by three people; when one person is absent that leaves two people caring for fifty people, which is a real hardship. She stressed that administration strives to sit down and discuss issues with staff in an attempt to resolve them, which is what was done in this instance. She explained that the goal is to be all working "on the same page" to staff the facility so we can make sure the patients are cared for."

Comm. Holden inquired if it is common for the employees not to sign the meeting report, to which Ms. Covert responded that it is not uncommon; employees have a choice whether to sign or not. Comm. Holden asked Ms. Kehoe why she did not sign it; she responded that she did not sign it because she did not feel it was correct.

Mr. Moorehead noted that this is a past practice that has gone back for at least four years; it was not a warning; it was an attempt to try to get the Grievant to change a pattern that was identified at the meeting of May 5th. He noted that the issue was a pattern, not excessive use of sick time, and it has been addressed; while the meeting did occur, there was no disciplinary action taken.

Comm. Clemons asked, "Looking at the memorandum, how do you explain 'Continued patterns of such use may result in disciplinary action including suspension' and termination if it is not a disciplinary issue?"

Mr. Moorehead responded that this is because it has not started the disciplinary process; this is just a preliminary meeting with the employee to try to resolve the issue. He noted that if it continues, then it would result in verbal warning, then a written warning, a written suspension, then a termination, to which Ms. Covert added that it is administration's responsibility to keep the employees informed about that process. She added that this was a communication effort to keep the employee in the loop and on the same page.

There were no other comments; Comm. Pappas informed those attending that the Board would take the matter under advisement.

Comm. Holden addressed a proposed change for the minutes of August 19, 2009, which were approved earlier in the meeting. She asked that a change be made to page 5 of 6, in the third sentence of the first paragraph where it reads: "*Comm. Holden noted that she will attend the Selectmen's meeting on August 24th to question them about it,*" She noted that she indicated that she would be attending the meeting to support a Rails to Trails grant; she was not there to question them about the letter that the Board sent us about the Fire Station. She asked to have the words: "*to question them about it*" deleted because she did not state that, nor was it her intent to question them. Comm. Holden made the following corrective motion:

Motion: To delete the words "*to question them about it*" from the minutes of August 19, 2009 on page 5 of 6, in the paragraph at the top of the page, third sentence. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

5. Public Comment on Agenda items

No one from the public indicated a desire to speak relative to the agenda.

6. Department of Corrections

Census

Supt. O'Mara presented the DOC Census, noting that as of September 1st, the Census was 564, which included 507 men of whom 363 are being held pre-trial, and 144 have been sentenced. There were 57 women of whom 37 are being held pre-trial and 20 have been sentenced.

7. Nursing Home

Census

Comm. Pappas recognized Mr. Moorehead who presented the Nursing Home Census. He explained that as of August 27th, the Census was 269, which included 201 Medicaid residents, 38 private pay residents, and 30 Medicare Part A residents

July Revenue

Mr. Moorehead presented an overview of the July revenue; he referred the Board to the lower notes that refer to Room and Board, noting that the budget for the month is \$1,712,651; the actual July revenue was

\$1,720,955, resulting in a positive variance of \$8,304. He referred the Board to the Total Revenue Budget, noting that the average monthly budget is \$1,870,905 while the Nursing Home brought in \$2,846,001, a positive variance of \$874,016. He explained that the reason for the positive variance is that they received a quarterly Bed Tax payment in July of \$812,000, and a Stimulus payment as the Federal Government increased the total percentage of the FMAP funding, resulting in a payment of \$340,845; he further noted that this detail is reflected in the A/R Cash Receipts section of the Revenue Statement.

Mr. Moorehead noted that the auditors are at the facility today and are expected to be there for two days.

Bid # 04-2010 – Oil Tank Cleaning (Emergency)

Mr. Moorehead presented Bid # 04-2010 which is for Oil Tank Cleaning. He requested that the bidding process be waived under RSA 28:8-e IX because this was an emergency that required immediate correction. He explained that sludge had built up in the oil tank resulting in a boiler shut down, subsequently causing the facility to lose most of its capacity to heat water, which affected the Nursing Home's ability to do dishes and laundry. He further explained that the three vendors that were involved were Enpro, M.B. Maintenance, and Granite State Plumbing; they had to clean the 15,000 gallon tank, dispose of the sludge, and clean the piping between the tank and the boiler; once that was complete, they had to re-tool the boilers and adjust the airflow. Mr. Moorehead recommended that this bid be approved as an emergency at a cost of \$9,562.84.

Motion: To approve Bid # 04-2010 for Oil Tank Cleaning as an emergency consistent with RSA 28:8-e IX, and to waive competitive bidding because of the emergency at the Nursing Home. The vendors involved include Enpro Services for \$6,313.04, M.B. Maintenance for \$2,010 and Granites State Plumbing for \$1,239.80 for a grand total of \$9,562.84. By Comm. Holden, second by Comm. Clemons. Motion carried.

8. Sheriff's Office

2006 Civil Process Fees

Chief Deputy Sheriff A. Durette requested that the Board authorize the Sheriff's Department to write off \$12,675 of uncollectable funds from fiscal year 2006, in preparation for the annual audit. He explained that this represents one-half of one percent of the department's total receivables and noted that this is the second time the Department has done a write-off and the department is sharpening its pencils and staying on top of the process on a more timely basis.

Comm. Holden asked for documentation, and Chief Deputy Sheriff A. Durette provided a tally.

Motion: To approve a write-off the 2006 civil process fees in the amount of \$12,675 in the Sheriff's Department. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Bid # 04-2010 – Two (2) Handheld Data Terminals

Chief Deputy Sheriff A. Durette presented Bid # 04-2010 for two Handheld Data Terminals, he noted that this relates to grant funds approved last year will offset the cost of these sixteen months of service and the purchase of two handheld computers so that the department can receive Criminal Justice information from the State directly without having to call on the radio or find a desktop. He noted that this is a State bid; there is no contract; the service can be discontinued at any time.

Motion: To approve Bid # 04-2010 from the Sheriff's Department to Verizon Wireless for a total of \$234.92 plus \$259.98 per month for service, noting that this is a request to waive bidding under

RSA 28:8-e VI, and noting that all items are funded and approved under a USDOJ (US Department of Justice) grant. By Comm. Clemons, second by Comm. Holden.

Mr. Durette noted that the total for sixteen months is \$4,655. Mr. Wenger explained that the funding is not in the Sheriff's Department budget line; it is the contingency line, and there is a transfer to be presented after this motion, which will cover the cost.

Comm. Holden added that the approval would be contingent upon approval of the transfer that is the next item before the Board as well as being contingent upon Executive Committee approval. Motion carried.

Transfer No. FY 2010-01 – Contingency Grant to Sheriff's Office Communication Expense

Chief Deputy Sheriff Durette presented Transfer No. FY 2010-01 and explaining that this transfer requests approval of transferring \$4,655 from the Contingency Grant Expense line 4199-7740, and to transfer \$4,655 to the Sheriff Communications Expense Line 4211-7394.

Motion: To approve Budget Transfer No. FY 2010-01 to move \$4,655 from the Contingency Grant Expense line 7740, and to transfer \$4,655 to the Sheriff Communications Expense Line 4211-7394, noting that if is approved at this level, it will require approval at the Executive Committee level. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Comm. Pappas recognized Register Coughlin, who in turn noted that she had no business to present at this meeting, but she was present to hear about the repairs at the Temple Street building.

Comm. Pappas recognized Rep. Movsesian, who represented the Delegation. Rep. Movsesian informed the Board and those present that the next meeting of the Executive Committee is scheduled for September 25th at 9:00 a.m.

9. Old/New Business

Ms. E. Robinson updated the Board with respect to the repairs and roofing project at Temple Street. She explained that:

- the roof replacement is finished
- the dumpsters have been removed
- the skylights are not complete; they are being re-built to fit
- she is in the process of selecting colors for the interior repair
- bid specs are being prepared for the interior repairs and painting
- the back door is closed again temporarily so that the bucket loader can be employed in that area
- the metal work is being re-fabricated to match that which was previously in place

Ms. Robinson offered that the Board may wish to meet at the Temple Street building once the work is complete.

Supt. O'Mara noted that he had the administrative transfer request with him that is consistent with the earlier Telephone Poll, and requested that the Board execute the document.

Supt. O'Mara informed the Board that on the previous Friday, nine candidates graduated from the Hillsborough County Corrections Academy. Supt. O'Mara informed the Board that the Department of Corrections has lost nine officers since the beginning of May.

He explained that six of the nine have moved out of state, one six-year veteran who was a top-shelf employee was lost to the Derry Police Department at a starting wage of \$5 more per hour. The others simply decided on a career change.

Supt. O'Mara read a hand-delivered letter from a person who was arrested in Hollis and brought to the County's facility under the protective custody statutes. The letter read: *"Thursday morning I was arrested in Hollis, and brought to your holding facility. While under your supervision, my actions were unacceptable towards all officers of the jail. I'm sorry for anything I said, and I'm sorry you had to listen to me. All the officers were very professional towards me, and I know that their job is not easy, and you don't need some little brat like me making things harder. Again, I apologize for my actions. I want to thank you for tolerating me. This won't happen again."*

Supt. O'Mara informed the Board that in June, the 46 staff members from the DOC ran in the Special Olympics race to show their support, which was quite impressive. He indicated that 32 staff members from the DOC also ran in the Cigna Road Race through the city. He noted that people have indicated that they look forward to the DOC staff running the race as they sing cadence for the whole route.

Supt. O'Mara shared that the City of Manchester and Local # 298 have come to a consensus and the DOC has approval to continue the Community Service program on traffic islands throughout the city as well as a section of the Valley Street Cemetery.

Supt. O'Mara conveyed information relative to an inmate who received very unique sentence; a woman was sentenced to one year in the House of Corrections; her sentence will be suspended immediately upon commencement of labor and admission to the hospital. He described the sentence as essentially a "save the fetus program;" this sentence comes from a judge who understands that the woman has an alcohol or drug problem, and in order to insure that the baby stays healthy, the woman has been incarcerated, and the DOC then becomes involved in a "save the baby program." He explained that if the fetus is compromised in any way because of the abuse, the case will have to be managed medically as well.

Supt. O'Mara informed the Board that yesterday the DOC received a gentleman who was given \$2,000 cash bail, and who has yet to be arraigned; he was charged with aggravated DWI. The man blew over 4.0 on his alcohol test; Supt. O'Mara explained that .08 is considered intoxicated. Supt O'Mara explained that the man consumed a liter of alcohol outside a liquor store. Supt O'Mara noted that within 24 hours of his arrival, the man experienced the onset of DT's (delirium tremens); he was treated medically for the symptoms. The staff later noticed the inmate had bruising from an accident that included bruising on his sternum from the steering wheel; he began bleeding internally, and he was taken to the Elliot Hospital immediately; he was then taken by Medivac to Boston; the cost of the Medivac will be great, and will have a huge impact to the County budget, and this for a person who was sentenced with only a \$2,000 cash bail. Supt O'Mara offered that because of the man's behavior, he poses a threat to society.

Supt. O'Mara stated that Comm. Holden might wish to read the names, as is her custom.

Motion: To approve the following graduates, noting that they have successfully completed the requirements pursuant to the Hillsborough County Department of Corrections Correctional Officer Certification Policy (A-129), and set forth by the Hillsborough County New Hampshire Commissioners Certification Board, this Certificate Affirms the following graduates of the 41st Hillsborough County Department of Corrections Training Academy as Certified Correctional Officers: Jonathan Arnold, Nicholas Berbube, Ryan Donovan, Erik Jerome, Marc Jigarjian, Timothy Sharich, Scott Shelto, Joshua Streicher, and Nicholas Valade. Motion by Comm. Holden, second by Comm. Clemons. Motion carried.

Mr. Wenger informed the Board that the Auditors are working on site.

Mr. Wenger mentioned the upcoming NHAC Annual Conference, noting that the early bird registration deadline is September 10th.

Mr. Wenger informed the Board that a grievance for the Department of Corrections that he has mentioned at an earlier meeting has been withdrawn.

Mr. Wenger informed the Board that the previous two weeks has been a challenging time for the County and CIS Department with issues related to the telephone and email systems; he explained that the Nursing Home was without telephones for an entire Saturday, noting that this is unacceptable. The CIS Department has spent a large amount of time resolving the issue. He noted that there have been telephone conferences that he participated in with both related vendors and it appears that they have a handle on the problem, and they have recognized that the County does have issues, and they are in the process of identifying and resolving them. He explained that it is his understanding that the entire County's email is up and running. He noted that it has been a difficult process, but he believes everyone's expectations will be met. Mr. Wenger explained that he is anticipating a joint meeting of One Communication, Presidio, and Cisco to review the County's "fail-over" procedure, noting that he would like to have a representative from the Nursing Home and the Department of Corrections there so that there is an understanding of what the system is and how it should work.

Mr. Wenger noted that the County was granted the appeal with respect to the Energy, Efficiency and Conservation Block Grant that had been submitted, and the information needs to be submitted within 20 days; he noted that he is working to gather necessary information to secure the grant money. He added that it is his hope, that at the very least, the money would pay for an Energy Plan for the County.

Mr. Wenger referred to a discussion at the Association of Counties meeting relative to the Economic Revitalization Zone Programs. He noted that it has been suggested that there is money available that the County can distribute or it can be returned to the State to be added to its pool to distribute; action must be taken to give it back to the State, otherwise, it will go back to the Federal Government. He noted that it was his impression that this appears to be a very complicated process requiring a great deal of time and effort, and the amount of money Hillsborough County receives is minimal. He noted that he has raised the issue to learn of the Board's preference relative to the funds; it includes qualified Energy Conservation Bonds, and Build America Bonds as the financing tool to generate projects. There was discussion of how this relates to bonds. Comm. Clemons inquired if Mr. Wenger's recommendation is to send the funds back to the State, to which Mr. Wenger responded that, at this point, he would probably recommend it going back to the State unless there are projects in the communities that the County knows about, in which case, the County could explore the program further. A discussion ensued relative to the type of projects as well as the amount of money involved. Mr. Wenger explained that the monies have to be designated for the projects and to be committed by next May.

Mr. Wenger informed the Board of his wish to re-schedule the Department Head meeting and asked the Board if it wished to participate. Mr. Wenger explained that the goal of the meeting is to allow the Department Heads to provide input relative to the Capital Improvements Plan, input for the Charrette that is scheduled for October 2nd and 3rd that identifies their perceived needs, and to provide information from the Department's perspective relative to future needs. He further noted that there will also be a discussion of the EEOP report, and an evaluation of the budget process as well as the County Safety program and energy efficiency.

There was a discussion among the Commissioners, and a comment made that suggested that the Department Head might be more open if the Commissioners were not present. This resulted in a decision that it would not be necessary for the Board to attend, and the meeting need not be posted; however, Comm. Holden noted

that a Commissioner should be a part of the policy discussion; Mr. Wenger responded that any policy change will get to the Board for its approval, and the Board has the opportunity to submit its recommendations.

Mr. Wenger reported that he will meet with Steve Lorenzen and his assistant as well as with M. Wageling and A. Durette to discuss dates for the Chestnut Street move. He indicated that he will be meeting with the State's Architect on September 23rd relative to the County Attorney's space; this meeting will discuss "nuts and bolts" issues, such as where electric outlets will be located, etc. Mr. Wenger informed the Board that he and the Sheriff met to resolve the outstanding issues, and they are waiting for a plan.

Comm. Holden informed the Board that the State Finance Committee will be meeting on September 20th at 2:00 p.m., which she will attend. She also offered that she has contact information for former Commissioner Charbonneau, who will be going home in two weeks.

10. Public Comments

There were no members of the public who wished to comment.

11. Non-Public Session

Comm. Pappas offered that the Board has received a request for a Non-Public Session. She entertained a motion to discuss the Grievance.

Motion: To move into Non-Public session to discuss a grievance under RSA 91 A:3 II (a) with Attorney Kirby. By Comm. Clemons, second by Comm. Holden. Holden-yes, Pappas-yes, Clemons-yes.

Attorney Kirby suggested that the Board may have misspoken when it mentioned discussion a grievance in Non-Public session as the Board cannot deliberate in Non-Public Session, and she offered that it probably was not their intent, but was perhaps simply a choice of the wrong words. She added that if the Board wished to consult with Counsel for the purpose of this discussing the strategy and the potential viability of this grievance, then it could do so; however, it is clearly not a deliberation of the grievance.

The Board discussed recessing the meeting.

Motion: To recess the meeting to consult with Counsel. By Comm. Clemons, second by Comm. Holden. Motion carried.

The Board reconvened at 11:08 a.m. and a motion to come out of recess was considered.

Motion: To move out of Recess. By Comm. Holden, second by Comm. Clemons. Motion carried.

Motion: To deny grievance #PM 0579 presented earlier in the meeting. By Comm. Holden, second by Comm. Clemons.

Comm. Clemons noted that while he will vote to deny the grievance, he is a bit troubled with this grievance; he expressed his belief that further negotiations have to be done between the Union and the Nursing Home regarding how this type of situation is handled. He noted that as he reviews the grievance, he feels that administration was within its rights to send the memorandum that was discussed, and he suggested that the grievant should have rebutted it, and all of that information should have gone in the file. He suggested that it has to be made clear that this is not a disciplinary procedure and that the employee has a right, and should, rebut the claims if he/she feels it is not valid. He asked the administrator to be a little bit careful with this in

the future, and maybe talk to the Union and its employees because we don't want employees coming in sick. He summarized by saying that in this case, he did not feel that the contract had been violated.

Motion carried.

Mr. Wenger informed the Board that he has a large stack of invitation letters for the Design Charrette and requested that the Commissioners sign them. This batch of letters will go to Town Officials throughout the County.

There was a discussion of the Audit Letter; the Chairman will sign the letter.

12. Adjourn

There was no further business for consideration; the Chair entertained a motion to adjourn.

Motion: To adjourn the Board meeting. By Comm. Clemons, second by Comm. Holden. Motion carried.

The meeting adjourned at 11:10 a.m.

(SIGNED 9/16/2009)

Comm. Michael Clemons, Clerk
Hillsborough County Board of Commissioners

Date