

Special Meeting of the  
**Hillsborough County Board of Commissioners**  
**December 22, 2011**  
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. S. Ziehm, Comm. C. Holden, Comm. Pappas, P. Coughlin, D. Hogan, D. Dionne, C. Kirby, D. Reidy, G. Wenger

**Call to Order**

Comm. Ziehm called the meeting to order 9:03 a.m.

**Pledge to the Flag**

Comm. Pappas led the Pledge of Allegiance.

The Board discussed moving into Non-Public Session.

**Motion:** To move into Non-Public Session with C. Webber consistent with RSA 91-A:3 II ( b) relative to the hiring of a public employee. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public session at 9:05 a.m.

The Board met with C. Webber and discussed the hiring of a new Superintendent for the Department of Corrections. No action was taken during Non-Public Session.

The Board moved out of Non-Public Session at 11:06 a.m.

**Motion:** To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Ziehm asked if the Board wished to take any action.

**Motion:** To appoint David Dionne as Superintendent at the Hillsborough County Department of Corrections, and to discuss salary negotiations with him at a later date. Motion by Comm. Pappas, second by Comm. Holden for the purpose of discussion.

Comm. Holden noted that she had intended to move to seal the minutes of the Non-Public Session. The Board agreed to first address the motion on the floor. Comm. Pappas noted that the Board has completed its interview with Mr. Dionne, and received lots of input from the community relative to the operation of the facility; she noted that there is a sense that there is a culture at the facility that is very positive and beneficial to the community. She added that the people she has heard from are anxious that this continues and that Mr. Dionne is the person that can most successfully lead the institution. Comm. Holden noted that since there is only one candidate, she would prefer to open the employment opportunity to other candidates across the State. Comm. Ziehm thanked Mr. Dionne for the interview and the role that he plays at the DOC, adding she is caught somewhat in middle. She explained that in order to be fair to

both fellow Commissioners and to the stakeholders in the community as well as doing everything possible to look at every alternative, she would vote with Comm. Holden to open the position to other candidates. She added that this does not mean that Mr. Dionne will not get the job, it means that she wishes to work peacefully with the Delegation and create the impression that consideration has been given to all options. Comm. Holden noted that this does not exclude Mr. Dionne from the position and it does not reflect on him in any way, and in fact, she is hoping that he will keep his application in.

Comm. Pappas asked to move the question. The motion to appoint a Superintendent failed with Comm. Pappas supporting the action and Commissioners Ziehm and Holden voting against the action.

**Motion:** To encourage Mr. Dionne to keep his application in and to open up the search. Motion by Comm. Holden.

Comm. Ziehm asked Mr. Dionne if today's action was acceptable with him. Mr. Dionne responded, *"It's going to have to be, Commissioner; this does send a signal to my staff that I wasn't good enough today, and that you are going to look for somebody else who may come from somewhere else who has no history with Hillsborough County, with the staff, or with the operations of the building, which I have. You know what I brought to the table, you know Dave Dionne, you know I am a hard worker, a good person, that I have perfect attendance, there have been no disciplinary actions against me for 26 years, and I have been promoted through every rank in that building, but yet the message to me is that (you are saying) I might like somebody better from somewhere else that you don't know anything about...whether the person is a good worker, has an alcohol problem, has domestic violence problems that you might bring from the outside...you don't know. But being here 26 years, you know what is sitting in front of you today, and that's what I am going to take back to the jail today; I guess I wasn't good enough, that they want to interview somebody else that they know nothing about from Boston, New York, or California who has no idea how the culture of NH politics play in Hillsborough County. I am attuned to that; I've been there and I've been doing it for 26 years. That's where I stand on this."*

Comm. Holden's motion failed for lack of a second.

Comm. Ziehm added that trying to keep everyone happy is a very difficult role and that thinking was part of her consideration, but she noted that she after hearing Mr. Dionne's response, she has to consider which is more important...the opinions of the Delegation or the safety of the Department of Corrections. She noted that she admired and respected Mr. Dionne's ability to respond without anger, and to remain calm. She added that she would like to reconsider her position and entertain another motion.

**Motion:** To appoint David Dionne as Superintendent at the Hillsborough County Department of Corrections, at a salary to be negotiated after further discussion with him. Motion by Comm. Pappas; the Chair stepped down to second the motion. Second by Comm. Ziehm. Motion carried with Comm. Pappas and Comm. Ziehm supporting the action and Comm. Holden voting against the action.

**Motion:** To seal the minutes of the Non-Public Session. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

Comm. Pappas requested that the Board move into Non-Public Session to discuss salary with Mr. Dionne.

**Motion:** To move into Non-Public Session with Mr. Dionne consistent with RSA 91-A:3 II ( a) relative to a personnel matter. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session with Mr. Dionne at 11:20 a.m. No action was taken during Non-Public Session.

The Board moved out of Non-Public Session at 11:37 a.m.

**Motion:** To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

Comm. Ziehm asked if the Board wished to take any action. Comm. Pappas requested that the Board move into Non-Public Session to discuss salary with Mr. Dionne.

**Motion:** To set the Superintendent's salary at \$103,000 per year. Motion by Comm. Holden, second by Comm. Pappas.

Comm. Holden added that there was discussion and negotiation, following which; the Board agreed that this is an appropriate salary. Comm. Pappas added that the new Superintendent will be taking on more responsibility than he has had in the past and she is pleased that the Board was able to successfully negotiate a salary. Comm. Ziehm added for the record, that she will vote against this, not because of a lack of confidence in the new Superintendent, but because she does not feel the County can afford the \$100,000.

Motion carried with Commissioners Pappas and Holden voting in favor of the motion and Comm. Ziehm voting against the motion.

Superintendent Dionne expressed his thanks to the Board.

In response to a question from Mr. Wenger, Comm. Pappas answered that the intent is for the salary to be effective immediately. Mr. Wenger noted that he will direct the HR Department to initiate the appropriate Employee Information Sheet (EIS Sheet) for the Board to sign.

Everyone present congratulated Mr. Dionne. He thanked the Board for its confidence.

## **Old/New Business**

### Payroll Journal

**Motion:** To approve Payroll Register dated December 16, 2012, in the amount of \$1,144.10, subject to review and audit. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

### Accounts Payable Journal

**Motion:** To approve Accounts Payable Registers:

- December 14, 2012 in the amount of \$1,206.50
- December 16, 2012 in the amount of \$105,752.48

- December 21, 2012 in the amount of \$695,509.05 for a total \$802,468.03, subject to review and audit. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** To go into Recess.

The Board moved into Recess at 11:45 a.m.

The meeting reconvened at 11:55 a.m.

**Motion:** To reconvene the meeting. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

### **Policies & Procedures Work Session**

Mr. Wenger offered to review the Revised Draft Policies & Procedures that have been presented for the Board's consideration. He added that one of the first objectives is to make the document user friendly; it has been re-formatted and has a more detailed index. A second consideration is to clarify which employees a particular policy would cover i.e., affiliated and/or non-affiliated employees.

Mr. Wenger referred the Board to Section 2, Page 5, Equal Employment Opportunity; he added that this incorporates subtle changes that have occurred in the law over the years.

In response to a question from Comm. Ziehm, Mr. Wenger addressed the standards for evaluation, noting that there will be a discussion relative to change.

The Recruitment Procedure was discussed; the intent is to bring practices in line with policies and to establish the Human Resources Department as the official repository of personnel records. He noted that at the present time, any changes to a Job Description are done by the Department Head or Elected Official; however, the Policy requires that once that process is completed, the revised Job Description be brought to the Personnel Commission, i.e. the Board of Commissioners. He added that a suggestion included a request that it is not feasible to bring all requests to the Personnel Commission; he added that this is an ongoing process with frequent changes. The concern is that this is a Policy that has not been followed, thus it is a Policy that should be addressed. The Board concurred that this Policy should be deleted and changed except in the case of administrative positions.

The Board addressed the Posting Policy. The Board concurred that the process could be streamlined.

The Board addressed clarification of the wording of the County's advertising policy and the Equal Employment Opportunity position statement to bring the Policy in line with statutory language.

The Board discussed expanding the means that are used to post employment opportunities to include utilizing internet sites including the Department of Employment Security website.

Mr. Wenger addressed Applications for Employment; he noted that County Policy currently requires that the Human Resources Department send a response letter to every application that is received; he added that the County is no longer doing that because of the expense, so he is suggesting that this requirement and the financial burden be eliminated. He added that the Human Resources Department will keep a record of the applications received, noting that this is a statutory requirement so the County is able to show that it is not discriminatory.

The Board addressed Selection Procedures; Mr. Wenger addressed changes that will bring the County in line with the Policies it has been following, eliminate the ranking requirements, and other changes. Mr. Wenger recommended the deletion of superfluous language and changes to the selection that will bring the Policy current and consistent with County practice.

There was discussion relative to the Commissioner's ability to purchase County benefits at their own expense, and the possibility of looking into Health Savings Accounts for the Commissioners so that they would be able to use pre-tax dollars for the health expenses.

The Board addressed changes to the Probationary Period for new employees with the goal of better defining the Policy and making it more effective.

Mr. Wenger addressed clarification of employees that are entitled to benefits, noting that it is only full-time probationary employees who would become eligible.

Mr. Wenger referred to Employee Records, noting that training records has been added to the list of records that shall be maintained. Mr. Wenger added that there is a NH statute that requires that records of former employees shall be maintained for 50 years.

Comm. Ziehm inquired about employees who keep time cards and those who don't; she added that she wondered if it should be more detailed. Ms. Robinson added that hourly employees are required to keep a record of hours worked; salaried employees, based on Labor Laws, are not required to maintain a record of hours. Mr. Wenger added that with respect to a Department's operation, the Policy provides that the Administrator shall set the hours of operation, which addresses the issue of when employees are expected to be at their desk; this applies to everyone. He added that it is his belief that those issues are addressed by Labor laws or by the Administrators of the Departments who set the hours. Comm. Ziehm inquired if those management people who do have time cards are expected to work 40 hours. Several people responded that salaried employees typically work 40 hours or more. Mr. Wenger added that everyone is keeping track of time worked and submitting a weekly time sheet; the salaried employee's record indicates that the person is salaried while an hourly person's time card indicates the actual time worked. Mr. Wenger added that salaried employees have to show which days they worked and offered that perhaps Comm. Ziehm's concern relates more to the Commissioner's authority to oversee the operation rather than one that could be addressed in a policy. Mr. Wenger added that the requirements for a job are outlined in the engagement letter.

Mr. Wenger explained the change in the Health Insurance policy and offered a recommendation to add that when a full-time employee declines health insurance, he/she will be required to sign a waiver. He added that the change to the policy regarding Life Insurance will bring the policy in line with a change in the Life Insurance benefit implemented several years ago. He added that the policy related to Disability Insurance should read that the employee is entitled to the benefit on the first day of the month following 45 days of employment; the income benefit will be 2/3 of their regular base weekly salary, not to exceed \$600.

Mr. Wenger explained a change to clarify that an employee may elect to take off his/her birthday or swap that day for Martin Luther King, Jr. Civil Rights Day; he noted that this is consistent with contracts and is the practice the Board has followed for several years.

Comm. Ziehm addressed a concern regarding Medical Leave and step increases. Mr. Wenger added that all references to step increases should be removed because the County no longer has a step program.

Comm. Ziehm questioned the policy regarding employee's access to personnel files and the cost of copying. Mr. Wenger explained that the copy cost is set by the Board and is currently 25 cents per page.

The Board held a discussion relative to transfers within a Department and the impacts such transfers can have within the County.

A lengthy discussion ensued related to how vacation is earned, and what occurs when an employee transfers from a part-time to a full-time position.

Mr. Wenger referred the Board to the Pay Increases Section; he explained that the change in this section is related to removing all references to step increases. The changes are necessary following elimination of the step program.

The Board discussed eligibility for the Retirement System contributions and vesting.

Comm. Ziehm requested information regarding carrying forward vacation time. Mr. Wenger responded that while County Policy does not allow vacation time to be carried forward, there have been special circumstances when the Board has approved an exception such as in a situation when an employee is required to be on duty.

The Board agreed to address Sick Leave at a later time.

Comm. Ziehm inquired about Medical Leave. Mr. Wenger explained that the Policy is that vacation time must be used for the first five days; after five days, if the employee qualifies, the employee's Short-Term Disability Insurance would kick in. He added that with a Family Leave, an employee is entitled to up to 12 weeks during a 52-week window; there is no pay unless the person has vacation or personal time.

The Board discussed Pay Policy and Plans; Mr. Wenger explained that the intent in this section is to incorporate the Performance Evaluation language into this Policy.

Mr. Wenger addressed proposed changes in the Pay Increases section; he explained that the change incorporates the word acceptable and deletes the word satisfactory and addresses the option of whether or not to grant an increase if an employee is not performing at an acceptable level of performance; it also incorporates the language that is in the Performance Evaluation form.

The Board discussed approval of changes made to this point; however, it was mentioned that there is a requirement to post and hold a public meeting so that those who are interested may have an opportunity to attend and provide input before the Policies & Procedures are accepted by the Board.

The Board agreed to continue the Policy & Procedures work session at a later date.

The Board will meet with the Chief Justice and Mr. Goodnow on December 27<sup>th</sup> at 9:00 a.m.

Mr. Wenger expressed a request to meet briefly with the Board in Non-Public Session.

### **Non-Public Session**

**Motion:** To move into Non-Public Session with Mr. Wenger consistent with RSA 91-A:3 II ( a) relative to a personnel issue. Motion by Comm. Holden, second by Comm. Pappas. Ziehm-yes, Pappas-yes, Holden-yes. Motion carried.

The Board moved into Non-Public Session at 1:52 p.m.

The Board met with Mr. Wenger regarding a personnel matter in the business office. No action was taken during Non-Public Session.

The Board moved out of Non-Public Session at 1:59 p.m.

**Motion:** To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

**Motion:** To authorize the County Administrator to settle an employee issue as discussed. Motion by Comm. Pappas, second by Comm. Holden. Motion carried.

## 11. Adjourn

There being no further business, Comm. Ziehm entertained a motion to adjourn.

**Motion:** To adjourn the meeting. Motion by Comm. Holden, second by Comm. Pappas. Motion carried.

The meeting adjourned at 12:22 p.m.

*Approved on 2/22/2012*

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Comm. Carol H. Holden  
Vice Chairman/Clerk  
Hillsborough County Board of Commissioners

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Date