

GRAND FORKS COUNTY APPEAL HEARING

December 18, 2014 – 9:32am

The Board met pursuant to adjournment with Commissioners Knauf, Malm, Schmisek, Pic and Falck present. Commissioner Pic joined the meeting at 9:34am.

The appeal hearing is for the 24 grievances received from Ellison Dahl, Kyle Deziel, Thomas Durkin, Randy Flaten, Ryan D. Hanson, Robert Hatt, Marvin Jensen, Gary Johnson, Daryl Lund, Allen Madson, Steve Rakoczy and Lee Stadstad. Each of the twelve individuals had two grievances which were:

The Grand Forks County Commission, at its meeting on November 5, 2014, violated Policy No. 103-08, Administrative Pay Corrections, when they passed a motion that a county employee did not have to repay an overpayment in salary.

The Grand Forks County Commission made an arbitrary decision, at its meeting on November 5, 2014, to pass a motion to allow an employee to keep overpayment of his salary by giving him a 2-step increase, retroactive to March 1, 2014, to cover the overpayment.

All twelve of the grieving employees were present at the appeal hearing.

Randy Flaten, Highway Department Equipment II Operator, said they are seeking similar compensation for all Highway Department equipment operators to what was given to one employee.

Mr. Flaten said it is not true what was said at November 5, 2014 Commission meeting that no supervisor was in place when the employee went to full time.

Mr. Flaten also said that employee is paid more than employees that have more experience than he does. And there are two employees with six years of experience that are paid at the same rate of pay as he is.

Allen Madson, Highway Department Equipment Operator, said the Commission was advised to consider the motion before passing the motion, the policy was broke. In the pass county employees that have been over paid, have had to pay back the overpayment. Mr. Madson said he feels he is also entitled to a two-step increase, effective March 1, 2014 and the same amount of money that was forgiven for the overpayment of the fellow employee.

Marvin Jensen, Highway Department Equipment Operator, said at the November 5, 2014 meeting Peter Welte and Debbie Nelson said you need to go by policy and the Commission did not. This has caused problems with the Highway Department employees. Mr. Jensen said the only way they can see to solve the problem is if all the Highway Department employees receive the same compensation. Mr. Jensen does not agree with what happened and the Commission needs to repair it before it gets worse.

Commissioner Schmisek said everyone needs to be aware that we do have a policy that prohibits retaliation.

Commissioner Schmisek said we have already started a process that will hopefully address some of these issues that he believes have been caused by how the last pay study was implemented, when time in position was used instead of time of service for placement in the salary grid. We are already researching with another consulting firm to help us address that situation and try to rectify it.

Mr. Jensen said they stated in their grievance that this has to do with the two step increase and the overpayment; it has nothing to do with compression.

Commissioner Schmisek said the County Commission has the right to put any new employee into a step that they believe is correct or has been asked for by the Department Manager based on the employee's experience.

Mr. Jensen said that is not what he is saying. The Commission said when he was hired there was no supervisor in place but there was an assistant supervisor in place.

Commissioner Falck does not believe the suggested two step increase remedy would work because that would have to be given to all county employees. The Commission will try to resolve the problem.

Commissioner Falck said he doesn't believe the board gave the two step increase to the employee so the employee would have less to pay back. He believes they gave the increase because that was the fair wage for that employee.

Vicky Hendrickson, Payroll and Human Resource Assistant, said the employee has agreed to reduce his last three paychecks of the year so there will be no overpayment for the year. Based on Grade 8, step 3, effective March 1, 2014. The amount paid to NDPERs, Social Security and Medicare have all been adjusted, so there has been no overpayment of any benefits.

Mr. Jensen said \$7,300 was mentioned at the meeting November 5, 2014, did that number include overtime, because that the overtime should have to be paid back as well.

No one was aware of the \$7,300 figure.

Nick West, County Engineer, said the employee did not have any overtime for this year.

Moved by Schmisek, seconded by Malm, to hold the grievance process open, without prejudicing the employees appealing, until more information can be gathered from the consultant. Motion carried with Falck, Pic, Schmisek and Malm voting aye and Knauf voting nay.

Mr. Jensen said their grievance is not a compression issue.

Moved by Schmisek, seconded by Pic, to adjourn. Motion carried unanimously. The meeting adjourned at 10:27am.

Diane Knauf, Chair
Grand Forks County Commission

Debbie Nelson, County Auditor