


Open Work Session
May 2, 2017
Personnel Manual-Chapter 12, Overtime and
Compensatory Time-Correctional Officers

Mr. George Kaloroumakis, Director of the Department of Corrections, and Mr. Wayne Strausburg, Director of Administration came before Council. Mr. Strausburg said the background is that the Executive held a series of meetings with their correctional officers. He said Nationally, and certainly here in the State, and here on the Lower Shore, sourcing and retaining correctional officers is a real issue. He said Nationally, they are understaffed anywhere from 15 to 20 percent in any given time. He said their interest was talking with their correctional officers to see what things the County could do that would improve their working environment. He said he believes Council went and visited the Detention Center, and they can understand what a stressful environment that is to work in. He said one of the key issues that came out was a request that they be paid overtime once they have worked in excess of 40 hours in a week, like most of the rest of the working population in the country. He said they took a look at that and what the funding impact would be for the budget. He said they calculated it to be \$250,000, and they have embedded that in their budget proposal. Mr. Strausburg said in order to appropriate that, you have to modify the County Personnel Manual to stipulate that Correctional Officers will be paid overtime after 40 hours worked. Mr. Dodd asked why they were not paid overtime after 40 hours, to which Mr. Strausburg said there is a provision in the FLSA that allows you to pay overtime after 171 hours in a 28-day pay cycle. Mr. Dodd asked if other public safety officials fall under this, to which Mr. Strausburg responded, yes, 171 hours in a 28-day cycle. Mr. Kaloroumakis said that was exacerbated by the fact that their definition of a workday, if they took off any time during that 28-day cycle, holiday, sick leave, annual leave, personal leave, now for every hour that they took an entitlement, you have to add that on to the 171 hours worked. He said so they could have over 200 hours before they would make any premium overtime. Mr. Kilmer said he has a brother-in-law that is a prison guard in North Carolina and his shifts are not the standard 8 hours, 5 days a week. It is 12 hours for 3 days, along those lines. He asked if that is how the shifts operate at their detention center, is it non-standard shifts, to which Mr. Kaloroumakis responded that it is a 5 and 2 and a 5 and a 1 day on, and 1 day off, and it rotates through cycles so the days off eventually begin to become weekends. They do not have every other weekend off, those kind of things. Mr. Strausburg said it is an 8-hour shift. Mr. Kilmer clarified it is not like they are going to have a lot of people who accidentally one week you have more than 40 hours, but the next week they are working less, to which Mr. Kaloroumakis responded, yes. Mr. Cannon said he knows there are differentials that are paid when people work different shifts, and he is sure that is done a lot in their industry. Mr. Kaloroumakis said it is part of the current manual. Mr. Cannon asked if the reason they established the 171 hours/28 day cycle because they understand that there will be a differential paid any way, which helps to offset whatever the losses might be on overtime, to which Mr. Kaloroumakis responded, no, totally different. Mr. Cannon then asked if the differential exposes them to more expense if you are looking at overtime and differential as well, if they are paid overtime on their base salary, to which Mr. Kaloroumakis responded, yes. He said right now the manual does stipulate 50 cents an hour, and then if there are premium overtime it would

be 75 cents an hour. Mr. Kaloroumakis said they are the lowest shift differential in the State out of 23 counties. He said another county did a survey and Wicomico County came up at the bottom. Mr. Joe Holloway said if you have done the studies, and if he was someone looking for a job, and he looked at that survey, he would say I could go to Delaware, or go to the State of Maryland. He said it is pretty much the same training. He asked why would they want to work here and have to work that many hours before they get overtime. He said he was fine with this legislation. Mr. Joe Holloway further said there is a lot of competition for correctional officers right now. He said Northern Delaware made it even more so. Mr. Cannon asked why did they establish that 171 hours/28 day cycle as there had to be some logic behind it. Mr. Strausburg said, it is permissible under the Fair Labor Standards Act that you can do this in law enforcement and corrections. He said he thinks the original intent of it, many years ago, was because they often had a 30-minute role call in these agencies, and to allow for shift change and overlapping and so forth. This allowed them to pay up to that amount for the restarting, to account for it. He said in 28 days, if you did 30 minutes a day for each work day, it would add up to 171 hours. He said that is his assessment of it, having looked at it over 20 years, but this is the first agency he has worked with where it was in place when he got there. It was seen basically from the employees' perspective, as a way to shortchange them. Mr. Joe Holloway said it was probably a different hiring environment at that time too, a lot of people looking for jobs. Mr. Dodd said, there may have been a lot of down time back then too. Mr. Strausburg said corrections has changed, particularly when the federal and state government essentially pulled out of mental health care. He said their correctional facilities are de facto mental health institutions. He said that environment has completely changed as to what it would have been 20-30 years ago, totally different. He said it really needs to be addressed. Mr. Strausburg said there are a number of facets to this that need to be addressed. They viewed this as one that when you are sitting there, and you are talking with an employee and they ask a question, "is this federal law mandated, does federal law make you pay overtime after 171 hours, or is it something you can do if you choose to?" He said the answer, of course, is it is not mandated, it is something that they choose to do, and the question then is, why are they not like every other employee in the County who gets overtime after 40 hours. He said it is very hard to answer that question, except that they should be. Mr. Kilmer said, in terms of the budget, you want this to go into effect July 1st, to which Mr. Strausburg responded, yes. Mr. Kilmer asked if there is enough time with the process of changing the manual and those kind of things, to which Mr. Strausburg responded, yes, they are fine. Mr. Kilmer said he means legislatively for the manual, to which Mrs. Hurley responded, they could propose a legislative bill at the next Council meeting. Mr. Strausburg said you have to adopt this before you adopt the budget, as this gives you the authority to pay it essentially. Mr. Joe Holloway said when this was done, they did not have the prison in Princess Anne, so there was not the competition on the shore like it is now. Mr. Matt Holloway asked Mr. Kaloroumakis if they have lost anyone. He said he saw that Maryland had a Job Fair. Mr. Kaloroumakis said not at this time, but they have had recruiters from Delaware coming to do background checks. It was the Council's consensus to move forward with legislation to make this change. Mr. Kaloroumakis thanked Councilmembers for coming to visit the Detention Center.

Signatures on next page.

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John T. Cannon, President



Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Marc Kilmer, District 2

John B. Hall, District 4



Joe Holloway, District 5



Matt Holloway, At-Large



Laura Hurley, Council Administrator