

Open Work Session

Discussion on Premium Pay for Eligible Employees in the Department of Corrections and Department of Emergency Services

September 17, 2021

Mrs. Pam Oland, Director of Finance, and Mr. John Psota, Acting County Executive, came before Council. Mr. Psota thanked the Council for bringing this back to a Work Session so they can clarify some items regarding this request on the proposed Resolution.

Mr. Psota said nationwide there are currently systemic critical staffing challenges in safety areas of Corrections, 911 specialists in the Department of Emergency Services, and communications specialists in the Sheriff's Office. He said there are two major time-critical issues involving the public safety sector, which are recruitment and retention.

Mr. Psota said, in the Department of Corrections there are currently 27 open positions, and Corrections requires 24-hour shift coverage every day of the year, and staffing issues compromise public, employee, law enforcement, and inmate safety. He said, in addition to significant overtime costs, Correctional Department costs to the taxpayer include liability, academy training, and ongoing training expenses. He said, as a regional hub, they have more inmates than other detention centers in their area, and inmate population has become more labor and cost intensive. He said enhanced State and Federal regulations, a less-healthy population both physically and mentally, and an increased propensity for inmate-officer physical engagement have led to a more challenging and dangerous working environment. He said COVID outbreaks have been an ongoing occurrence in the institution, among other issues including shift coverage and sick leave, which have led to a disruption in the central booking program. He said this impacts all law enforcement departments in the County, whereby the direct negative impact to all citizens of the County is in taking a police officer literally off the street as they spend hours processing a detainee. He said there are also increased overtime costs to those individual law enforcement agencies.

Mr. Psota said, due to this increasingly unstable working environment, the State of Maryland and correctional facilities in their region have increased their hiring incentives and recruitment approach. He said, for example, the State of Maryland recently announced a \$5,000 new-hire bonus, an increase in salaries, and a \$2,500 regional hiring bonus.

Mr. Psota said the Department of Emergency Services is experiencing major difficulties in attracting and retaining 911 specialists. He explained, 911 specialists or communications specialists are responsible for screening inbound 911 calls to determine disposition dispatching fire and EMS calls for service along with transferring law enforcement calls to the appropriate agency on a 24/7/365 basis, and the career is considered to be one of the most stressful in the United States. He said what the Department of Emergency Services is experiencing as a small 911 center is the same as other centers across the country – a high turnover rate, and the length of constant on-the-job training up to ten months before they are cut loose is the same that other centers are experiencing across the country. He said the County is also at a disadvantage in attracting applicants because of the starting salary being lower than the same agencies targeting the same applicant pool, and the overtime cost is very significant.

Mr. Psota said, as they have previously advised, County Administration is in the process of conducting a comprehensive salary survey, the completion of which is due by December of this year. He said, upon receiving the results of the study, an evaluation will be conducted to determine its most effective,

economically efficient, and expedient implementation across all County Departments included in the study. He said, until such time, as stated, time-critical public safety issues in Corrections, and 911 specialist and communications specialist Departments require addressing, and this Resolution request is a measure to address these concerns.

Mr. Psota said funding for this request has been identified through the American Rescue Plan and, based upon the most current guidance from the U.S. Treasury Department, the use in this manner qualifies, which is very important. He said they continue to research and evaluate the most efficient and permitted use of this funding source as well as their ability to extend American Rescue Plan funding to additional Departments, but they have not received guidance which confirms that a wider application would be permitted, and they continue to seek such guidance. He said he recommends Council's approval that these nonrecurring costs be implemented to address this public safety issue.

Mr. Holloway said they have not had anything come in front of the Council in a long time that has probably generated more phone calls to him from other County employees who are not happy about this and seem to think it is very unfair. He said these folks are very important, and what they do is very important to the County. He said he is just wondering if the \$1,500 bonus and then another \$1,500 later is going to be enough to keep these people employed when the State, as Mr. Psota said, is offering larger bonuses and such. He then asked if it is worth what it is going to cost them in morale with other employees in the County. He said they are talking about December for the salary study, so that is only three months away from the possibility of trying to get these salaries up for everybody in Wicomico County. He said they are talking about handing out \$520,000 to a very small number of employees, and he is not discounting their importance, but he is also looking at all the other people in this County who had to work during the pandemic. He said they did all the things they were required to do, and he wishes the Human Resources Director was here tonight because he has some questions for her about a lot of the other Departments being down employees also. He said he thinks this could cost the County a lot more in the long run by not spreading this \$520,000 out among other employees.

Mr. Cannon said he thinks what Mr. Holloway is trying to get at is, what does the Administration see as the role of the correctional officers and 911 specialists that was so much different and set them so far apart from the other County employees, to which Mrs. Oland responded, they were working 24 hours a day in close contact and could not be away from other employees or inmates. She said the 911 facility is a room and they do not have separate offices, so before they even had the opportunity for vaccines, they had to be there, and the correctional officers had to interact with the inmates. She said there was no way of avoiding that in those jobs.

Mr. Psota clarified, they appreciate every employee, and trust him, he appreciates every single employee in the County system. He said they come to work, they ask nothing, they do so with less than competitive salaries, and, as they mentioned in the vacation buyback work session, they come to work when they are losing time. He said the issue is that they are addressing what they can address with the American Rescue Plan money the way the guidance tells them they can do it, so, therefore, they are taking their frontline public safety employees and trying to retain them and recruit them to stay here so they remain frontline employees so that when someone calls 911 there is an experienced individual on the other side of the line, and when there is an issue in Corrections there is a qualified individual there to handle that situation. He said the Warden can attest to that, and he can bring her here and she will let the Council know exactly what the Correctional Officers go through, but that does not mean that

there are other employees or Departments in this County who have not sacrificed their time or their family and lives in coming here every day. He said they get it, but they are trying to help where they can right now, and they are going to address those other Departments as they can.

Mr. Psota said, as far as the salary survey not coming back until December, that is kind of why in his statement he said they are going to take a look at that and try and implement what they can where they can and when they can, and possibly use the American Rescue Plan should they get the guidance that allows them to do that.

Mr. Holloway said he understands the dangers these folks go through and the Correctional Officers having to deal with prisoners, but the State's Attorney's Office has to deal with them, and the Sheriff's Office has to deal with them, so they are in contact with these people too. He said, if they are talking about whether they are dangerous or whether they are just breathing on them, that is the same thing. He clarified, he is not saying these people do not deserve it, believe him, but he is also saying that their County Roads employees came to work and were in contact with other employees, and their General Services people were in this building handling trash and stuff that other people had handled, so there was a myriad of dangers across anything that anybody was doing. He clarified, he understands what they are trying to do, and he understands the importance, but this is coming from the American Rescue Plan, so if they had to increase it they could spread it out amongst the other employees. He said another question is if this includes Supervisors and Department Heads, to which Ms. Oland responded, it does not include Department Heads. She said it includes every employee in the Corrections Department who is a certified or can be certified Correctional Officer, and it is only the 911 specialists and communication specialists in the Sheriff's Department, but it is all ranks of the 911 specialists including if someone is a supervisor in 911, but the Director of Emergency services and the Sheriff are not included.

Mr. McCain said he appreciates Mr. Psota's comments because he thought it was very well said, and he thinks they all highly value the employees of Wicomico County and their commitment to their jobs, and a lot of them are tough jobs, and that is all going to be looked at. He said they have the salary study coming up, but he gets that this is an immediate need and funding is provided for this immediate need through the American Rescue Plan. He said, at the end of the day, this pie, like it or not, can only be divvied up in pieces at a time, and at the moment this is somewhat of a crisis situation they are facing, so this is trying to do something to improve this situation. He said he certainly very much supports this, particularly as opposed to not doing anything because that is certainly not going to improve morale, so he commends Mr. Psota for what he is doing, to which Mr. Psota responded, thank you very much.

Mr. Psota then addressed Mr. Holloway and said, just so they are clear, they are saying they are addressing the other employees, it is just they can only do what they can with the American Rescue Plan, and that does not mean they cannot use other sources, such as reserves or savings in salaries, but they are looking at that in addition to the salary survey, so they are looking at a whole host of things. He said they can use this American Rescue Plan funding now to take care of two critical areas for public safety, and they are allowed to do it.

Mr. Holloway asked if the \$520,000 is all that is available from the American Rescue Plan at this time, to which Mr. Psota responded, no, it is not. He said, minus what they budgeted for, they could use that, but, again, \$20 million dollars over a \$164 million dollar general fund budget only goes so far, so they need to be extremely cautious in how they use it and how they are allowed to use it.

Mr. Cannon said they do not want to miss the one point – it says the American Rescue Plan allows for premium pay for eligible workers. He said the Administration is not defining the eligible workers, the American Rescue Plan is defining the eligible workers.

Mrs. Acle asked if there are any other Departments that have eligible workers because, to her, an eligible worker is someone who came to work when others were able to work from home, to which Mrs. Oland responded, she stated at the last meeting that the guidance keeps changing, and she feels very comfortable that the guidance is not going to change on these Departments, and that they can use the American Rescue Funding for these employees at this moment.

Mrs. Oland said they met with the Directors of these Departments and heard their issues. She clarified, they understand there are issues in other Departments, and she is continually doing research on the American Rescue Plan. She said they have had other people approach them, and they are looking at all of those possibilities, but, going back to Mr. Cannon's question during the previous Work Session, the most important thing they feel right now is to try to stabilize these positions so the employees they currently have do not want to go anywhere else or lose their longevity with the County's retirement system and lose their longevity with the County, and they can use these funds now to help meet that.

Mr. Holloway asked if there is a list of the eligibility for this money, to which Mrs. Oland responded, the guidance is still interim. Mr. Holloway said, so they do not know what the guidance is, to which Mrs. Oland responded, as she stated, from the guidance she has received she feels these will not change. Mr. Holloway said he understands that, but public safety is one of them, and Roads are public safety. He said stop signs get knocked down and somebody has to run out and put up a stop sign, to which Mr. Psota responded, absolutely. Mr. Holloway said he is trying to get this, but what else is eligible, to which Mrs. Oland responded, that is what she is continuing to research, and she is comfortable with what she has placed in front of Council at this moment. She clarified, that does not mean that at the next meeting or two meetings from now that she will not come back and say she is comfortable with additional employees and additional Departments, but this is what she feels qualifies at this moment that will not cause the County any issues when they are audited on the use of these funds.

Mr. Dodd said he appreciates the explanation and he was trying to follow along, but he heard Mrs. Acle ask a question, and he thinks Mr. Holloway asked the same question, but he does not know if they answered it. He then asked, is there a list that shows who is eligible other than these, and is there anybody else who is on the list who is eligible, or are these the only ones, to which Mrs. Oland responded, what she is saying is that the guidance is still interim so she cannot give Council a definitive list at this moment. Mrs. Acle said then they should probably hold off until they get a definitive list, to which Mrs. Oland responded, what she is saying is, if they hold off, they are postponing the critical issue they have right now, and, as she said, she feels comfortable that these meet the requirements. She said, again, as she just stated, she feels that as they continue to get guidance that there could be other areas, but she does not want to put this County at risk of having to return these funds for an ineligible use.

Mr. Holloway said, if they did not have the American Rescue Plan money coming in, they would have to be paying this themselves, to which Mr. Dodd added, they should be. Mr. Psota responded, as he said before, there is salary savings or reserves, but that is something the Administration will look at. He clarified, they are trying to take care of these two Departments, and they are looking at the other Departments as a whole, and looking at what funds they can use to do that with.

Mrs. Acle asked if they can get Council a copy of the documents that support these specific positions being qualified, to which Mrs. Oland responded, yes, she can get Council the section she read. Mrs. Acle said she thinks that would be helpful.

Mr. Psota said, if he understands it correctly, to clarify Mrs. Acle's point, there is not going to be guidance that says 911 specialists, correctional officers, and police department people get it, but the Roads Department people do not. He clarified, it is an interpretive guidance and there is no guarantee that in a month or six months from now they will have anything clearer than they have now, so, therefore, they may have to make a decision as to what that guidance tells them.

Mrs. Acle said her thought is whether this says that it is anyone who reported to work during the pandemic. She said that is her interpretation and she has heard from other Counties, but if they are saying they just think it is this specific job title, to which Mrs. Oland responded, she is not saying that she thinks it is just this specific job title. She said she does not know how else to state it because she feels like she is repeating herself. Mr. Psota said he thinks Mrs. Oland has said it.

Mr. Cannon said he thinks they are just saying that this is a first step they feel safe and secure with, to which Mrs. Oland responded, yes. Mr. Cannon said there is no doubt that more steps will follow in the future, but for right now they do not have a crystal ball, and this is the one step they know is secure and safe, to which Mrs. Oland responded, yes, they believe it is secure and safe.

Mr. Dodd said he thinks the Council agrees with that 100 percent, but they do not want them to stop there, to which Mrs. Oland responded, they are not saying they are stopping there. Mr. Psota clarified, they have not said that at all, and if that is an interpretation the Council has, they apologize because that is not true. Mr. Dodd said the Council is hoping they are going to move forward with their word, to which Mr. Psota responded, I beg your pardon? Mr. Dodd said he hopes they go through with their word as far as helping the rest of the County employees, to which Mr. Psota responded, he usually does.

Mr. Dodd said they did a good presentation and he wrote a number down but he was not sure exactly what they were talking about when they said 27 positions. He said he thinks they were talking about Corrections, to which Mr. Psota responded, there are 27 positions open in Corrections, which is the highest one, unless the Sheriff's Department has more. Mr. Dodd said at the last meeting it was 12, according to the Sheriff, to which Mr. Psota responded, it is 27 as of Friday in Corrections. Mr. Dodd asked, what about the Sheriff's Office, to which Mr. Psota responded, he does not know.

Mr. Holloway asked how long those positions have been open in Corrections, to which Mr. Psota responded, he does not know. Mr. Holloway said he knows for the past few years every time they look at the budget he has never seen them fully staffed, and he cannot remember them ever being fully staffed. Mr. Psota said he cannot tell him other than there are 27 open positions at this time. Mrs. Oland added, five just recently resigned, to which Mr. Holloway responded, well County Roads has lost ten.

Mr. Hastings said, above all else, the one thing he is hearing is that they need to get more money to these individuals, and that Council wants to see more funds go to the folks who need it, and the Administration is already doing that with a salary survey. He said this specific section is in regards to American Rescue funds and they are doing their best to stay as close to the letter of the law and what is available with federal guidance, which, by the way, the federal government is not exactly known for their leadership these days. He said he is glad they are taking a step to try to take care of the folks who

are on the frontlines, and he guarantees just from listening that it sounds like they already have other ways in mind that they can hopefully make this work with other positions. He said he just wants to go out of his way to commend them for doing this because no good deed goes unpunished, and he is sorry they feel like they are getting a beating or being asked a lot of questions, but they are doing a very good thing in the sense of trying to get funds to the folks who need it the most. He said he hopes they come out of this with a better understanding with the salary survey so they will know going forward where they should be and how they can be very competitive. He said this is only a short period of time that they have these funds and who knows how things will go forward, but this is a positive thing, and he is very happy they have put this forward, and he hopes they can see this go to more folks. He said he does not think they could have a better person in charge than Mrs. Oland being here to be able to go through the guidance, which is very limited, very sketchy, and constantly changing on the hour.

Mr. Dodd said, back to his question about the 27 positions, ironically, he went to the Civic Center yesterday to drop off some recyclables and he saw on that nice billboard the County just bought that there is an advertisement for Maryland corrections – “Your new correctional officer career is calling,” and it has the Maryland State website. He said he waited and looked at the rest of the ads and he did not see anything about Wicomico County Department of Corrections, so he is wondering why they are putting a State advertisement up there for employees but nothing about the County. Mr. Holloway asked, the County is advertising for State employees, to which Mr. Dodd responded, on that big billboard. Mr. Holloway said no wonder the County is not winning. Mr. Dodd said he thought that was odd, and ironically, they are talking about it today. He then asked how they explain that, to which Mrs. Oland responded, that board is an advertisement tool that their sponsors at the Civic Center are allowed to utilize, and they pay for the right for that sponsorship. She said they put County stuff up there, and they put the County Job Fair up there, so she knows that was advertised, to which Mr. Dodd responded, he thinks he saw that. He said his point is, if they need 27 correctional officers, it would be nice to see that advertisement up there as well since the County owns that board.

Mr. Holloway suggested having another Work Session on this because he knows they are down a lot of employees, and, in fact, he was hoping the Human Resources Director would be here. He then asked if they find out what kind of money they have left over in salaries since they are down those employees, and, if nothing else, add to this. Mrs. Oland responded, she did an analysis on overtime and their salary savings is being eaten up by the fact that they have to pay overtime, which is adding to the woes because people feel they cannot even work just a normal week because there are shifts that have to be filled. Mr. Psota added, this is relief to two critical areas in public safety, and, to that point, they are on a trajectory to double the overtime rate in Corrections, to which Mr. Holloway responded, but this is not going to solve the overtime problem because they are not hiring new people with this money, they are giving it to the people who are already here. Mr. Psota said there is a retaining and a recruitment angle for this. Mrs. Oland said, again, the second payment is for anybody who gets recruited between now and December 31, so there is a recruitment aspect to this. Mr. Holloway thanked them for correcting him on this and said the first \$1,500 is not going to solve this, to which Mrs. Oland responded, the first \$1,500 is retaining employees they have so they do not try to go somewhere else and they maintain their longevity with the County and the County keeps well-qualified employees they currently have.

Mrs. Oland said her personal fear is that postponing this another Work Session means that they are telling the employees that they need to just keep waiting, and the County might do this.

Mr. Cannon asked if this will be a Legislative Bill or just a Resolution, to which Mrs. Hurley responded, Resolution. Mr. Cannon said he would like to see this as a Resolution at the next meeting, and at the next meeting they will certainly have a discussion on this as well, so he thinks that should suffice. Mr. Dodd said, with a Resolution they get the opportunity to vote on it, to which Mr. Cannon responded, but they will also have discussion, and they can have all the discussion they want, and he thinks that would suffice. Mrs. Oland clarified, this would be a budget amendment as a Resolution. Mr. Hastings said he thinks that sounds good, to which Mr. McCain agreed and said they can still discuss it.

Mr. Davis said he is okay with it being put on as a Resolution at the next meeting as long as Council gets the information Mr. Holloway wants. Mr. Dodd said they will still have the opportunity to have discussion and vote on it. He then asked if Mrs. Oland will be bringing Council more information, to which Mrs. Oland responded, at this point in time, this is the information she has. Mr. Dodd said she said earlier it is going to change, to which Mrs. Oland responded, she is hoping with the fact that Council is willing to move this forward to a Resolution that the numbers will not change and they will still have the same number of employees. Mr. Dodd clarified, Mrs. Oland stressed that the guidance may change, to which Mrs. Oland responded, yes, the guidance may change.

Mr. Dodd said some of the Councilmembers want to see that list of eligible employees. Mr. Holloway said that is one question that has never been answered tonight. He then asked if the Council will get to see the guidance, to which Mrs. Oland responded, she can send Council the interim guidance she has, but it is very thick and is legalese, but she will gladly send Council what she has. She clarified, it is still interim, and, again, she feels it is her responsibility to be as conservative and fiscally responsible so they do not have to turn around and return this money.

Mrs. Acle asked if Mr. Psota would be willing to look at any other Departments that have worked through the pandemic and add them to this at this time, to which Mr. Psota responded, he is sorry, but they have already addressed all of this. He said they are looking at these two Departments, and they are looking at the other Departments as to whether they can use the American Rescue Plan funding. He said, as he said in his statement, they are also looking at other ways to address that. Mrs. Acle asked, is that a yes or a no for right now, to which Mr. Psota responded, yes. Mrs. Oland clarified for Mr. Psota, Mrs. Acle would like them to add other employees to this Resolution right now, to which Mr. Psota responded, that contradicts everything they have been talking about using the guidance, so it would be contradicting the guidance. Mrs. Acle said, so the answer is no, to which Mr. Psota responded, the answer is no. Mrs. Acle clarified, she just wanted a yes or a no, so that is good.

Mr. Hastings clarified, they are saying they are looking for other Departments, but not for this particular situation. Mrs. Oland said they would like this Resolution to be this Resolution. Mr. Hastings said their intent is to continue to go back as the guidance, which, by the way, guidance from the federal government is not exactly clear, steady, or on time, but they will be getting that guidance and in due time they will review that and find something from that.

Mr. Psota said, as a CPA, Mrs. Oland is advising that this is the best course of action. He said Mrs. Oland has a license and ethics, and, quite frankly, they all do as employees to make sure this is done as fiduciarily responsible as possible for the taxpayer. He said just because it is \$20 million in federal money does not mean it is not their tax dollars, so they want to make sure that they use this the best way possible. He said they are looking at these three Departments to make sure they address these systemic

issues now, and they are looking at the other employees and Departments in the salary survey and possible use of American Rescue Plan money as well as reserves and salary savings in each Department.

Mr. Cannon said he would like to ask that they move forward.

Mr. Dodd said they did a great presentation and he knows there are some questions that need to be answered, but he wants to get a consensus on moving forward with this Resolution.

Mr. Cannon and Mr. Hastings were in favor of moving this forward. Mrs. Aclé was not in favor and said not until they get more information. Mr. McCain was in favor. Mr. Davis said, if they are going to bring the information at the next meeting, that would be fine, to which Mr. Holloway responded, Mrs. Oland said she did not have any more. Mrs. Aclé clarified, Mrs. Oland said she could give Council the interim guidance. Mr. Holloway said he is not in favor of this until they have the other information. Mr. Dodd said he votes yes based on Council getting more information.

There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



William B. McCain, At-Large



Ernest F. Davis, District 1



Nicole Aclé, District 2

Josh Hastings, District 4



Laura Hurley, Council Administrator