

March 17, 2010

On the above date the Luzerne County Board of Commissioners convened a Salary Board Meeting with the following present: Maryanne Petrilla, Chairman; Thomas P. Cooney, Commissioner; Stephen A. Urban, Commissioner; Walter Griffith, Controller; Douglas Pape, County Manager for Legislation/Chief Clerk; Vito DeLuca, Solicitor; Thomas Burke, President Judge; Jacqueline Musto-Carroll, District Attorney; Michael Morreale, Treasurer; Charles Guarnieri, Acting Sheriff.

**Commissioner Petrilla**

Vito, Commissioner Urban has a question as to why all the contracts are on Salary Board now. Could you please brief him on your discovery?

**Vito DeLuca, Solicitor**

Over the past few years we have been trying to reign in and get ourselves on the right track with how, as far as approvals go. The Administration, myself, Doug Pape met with the Controller's Office because Walter had some concerns about some overtime issues and whether or not the overtime was authorized. This is what should have happened every time a contract was approved by the County Commissioners. A Salary Board should have approved the contract as well. What would happen when they did have Salary Board in years past they would merely include the salaries. There were many times during the year where there would be salary changes and Salary Board would not act on those changes. This was a way, that, because the County Commissioners have approved these contracts already, this would be a way that when we are looking to determine whether or not a salary increase or salary change or change in compensation is authorized you could look to one place; and that would be the contract. It wouldn't be necessary anymore to take a look and find one obscure entry in the minutes of a Salary Board meeting. Once the Salary Board approved the contract the County Controller and the Administration could basically look to the contract itself to determine whether or not it was authorized. That's the reason why we decided to put these on the agenda, to begin with. The other consideration that went into today's meeting, and I think that everyone should be aware of this before any voting takes place, many of these contracts cover over a number of different Row Offices or departments where there are different individuals that vote. And I'll just give you an example: if you look to the back of the first page at the top, there are a number of individuals that are voting, including the three Commissioners and the Controller as well as Row Officers and the Public Defender and the District Attorney's office. When we calculate the votes on those the individuals that vote on every single department would be Petrilla, Cooney, and Urban and Mr. Griffith and each Row Office would have a single vote toward whether or not they approve that contract and the terms of that contract for their department. It may be a moot point. I would expect because the Salary Board is basically obligated to approve the terms of these agreements, I would expect that it would not pose a problem. In the event it does, and those additional votes are actually critical then we'll address that when the time comes. Do you have any questions as to how we set this up? If we didn't set it up this way this agenda would have been 40 pages and we would've been here all day going through each individual contract and having the DA's office vote on a certain contract, then having the Public Defender, then having the Clerk of Courts, and so on and so forth. This is a way that we could make the process a little bit tighter.

**Commissioner Petrilla**

Thank you, Vito. We need to wait for the voting members to arrive.

**Vito DeLuca, Solicitor**

Are there any questions that I could answer?

**Commissioner Petrilla**

No, thank you. Yes, Paul?

**Paul McGarry, Courts Human Resource Director**

I've noticed on the agenda that the issue of On Call time for Supervisors is included in this. The Courts have the same issue. We were not informed that these items would be on the agenda for today.

**Commissioner Petrilla**

The Courts are coming; the President Judge is on his way.

**Paul McGarry, Courts Human Resource Director**

But, yet the matter of Supervisor On Call is not on the agenda.

**Doug Pape, County Manager of Legislation/Chief Clerk**

I guess the question is, Walter, was that one too that was an issue?

**Walter Griffith, Controller**

Probation Department.

**Commissioner Urban**

But the Probation Department is a Union contract.

**Commissioner Petrilla**

Are you talking Supervisors?

**Paul McGarry, Courts Human Resource Director**

Supervisors, yes.

**Commissioner Petrilla**

We could have a motion to go off the agenda and then if you could, at least, prepare it, work with Vito to get the wording right, we'll go off the agenda and then vote on it at the end. Is that ok, Vito?

**Vito DeLuca, Solicitor**

Yes, I would suggest that whatever language that we have in here regarding Supervisors from another department

**Commissioner Petrilla**

Just, if someone would jot it down on a piece of paper so that the meeting minutes are correct. I'd appreciate it.

**CALL TO ORDER.....Maryanne C. Petrilla, Chairperson**

**PUBLIC COMMENT:**

No Public comment.

COMMUNICATIONS:.....Douglas A. Pape, County Manager/Chief Clerk

**REQUEST A MOTION TO APPROVE THE MINUTES FROM THE SALARY BOARD MEETING ON FEBRUARY 19, 2010.**

It was moved by Controller Griffith, seconded by Commissioner Cooney  
“AYES’PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY AND APPROVE THE ACT 195 INTEREST ARBITRATION AWARD ENTERED RELATIVE TO LUZERNE COUNTY AND LIUNA PSEU LOCAL 1310 (CORRECTIONAL FACILITY) EFFECTIVE JANUARY 1, 2009 ONLY TO THE EXTENT SAID AWARD AFFECTS CALENDAR YEARS 2009 AND 2010 AND TO DECLARE THAT THE REMAINING TERMS OF SAID AWARD SHALL BE DEEMED BY THE LUZERNE COUNTY PRISON BOARD TO BE ADVISORY ONLY AND SUBJECT TO FUTURE ACTION OF THE LUZERNE COUNTY PRISON BOARD AND BOARD OF COMMISSIONERS.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN LUZERNE COUNTY AND THE COURT APPOINTED PROFESSIONAL EMPLOYEES ASSOCIATION EFFECTIVE JANUARY 1, 2010 THROUGH DECEMBER 31, 2014.**

**Commissioner Petrilla**

These next two motions, Judge Burke, reflect the Courts.

It was moved by President Judge Burke, seconded by Commissioner Cooney  
“AYES” BURKE, PETRILLA, COONEY, “NAYES” URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN LUZERNE COUNTY AND AFSCME AFL-CIO DISTRICT COUNCIL COURT APPOINTED SUPPORT GROUP EFFECTIVE JANUARY 1, 2005 THROUGH DECEMBER 31, 2009.**

It was moved by President Judge Burke, seconded by Commissioner Cooney  
“AYES” BURKE, PETRILLA, COONEY, “NAYES” URBAN,  
“ABSTAIN” GRIFFITH

**MOTION TO GO OFF THE AGENDA.**

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
“AYES” PETRILLA, COONEY, URBAN, GRIFFITH

**Commissioner Petrilla**

The purpose of going off the agenda is to include the Probation On Call pay for Supervisors.

**PUBLIC COMMENT:**

No public comment.

**REQUEST A MOTION TO APPROVE/RATIFY THE FOLLOWING SALARY BOARD ACTION:**

**PROBATION:**

**Create:** Probation Supervisors On-Call Supervisors Rates as follows:

\$200.00 / Week

**Create:** Juvenile Detention On-Call Supervisors Rates as follows:

\$100.00 / Week

**Walter Griffith, Controller**

These are strictly management people, not union contractual, right?

**Paul McGarry, Courts Human Resource Director**

Yes.

It was moved by President Judge Burke, seconded by Commissioner Cooney  
“AYES’ BURKE, PETRILLA, COONEY ‘NAYES’ URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN LUZERNE COUNTY AND AFSCME DISTRICT COUNCIL 87 , AFL-CIO COURT RELATED EFFECTIVE JANUARY 1, 2007 THROUGH DECEMBER 31, 2011.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**DISTRICT ATTORNEY**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ MUSTO-CARROLL, PETRILLA, COONEY, URBAN, GRIFFITH

**SHERIFF**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ GUARNIERI, PETRILLA, COONEY, URBAN, GRIFFITH

**CLERK OF COURTS**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REGISTER OF WILLS**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**PROTHONOTARY**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**PUBLIC DEFENDER**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN LUZERNE COUNTY AND AFSCME, AFL-CIO, DISTRICT COUNCIL 87 RESIDUAL EFFECTIVE JANUARY 1, 2009 THROUGH DECEMBER 31, 2013.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE AGREEMENT BETWEEN LUZERNE/WYOMING COUNTIES AND THE TEAMSTERS LOCAL 401 FOR MENTAL HEALTH/MENTAL RETARDATION EFFECTIVE JANUARY 1, 2006 THROUGH DECEMBER 31, 2010.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE AGREEMENT BETWEEN LUZERNE COUNTY AND THE TEAMSTERS LOCAL 401 FOR LUZERNE/WYOMING COUNTIES TRANSPORTATION DEPARTMENT EFFECTIVE JANUARY 1, 2006 THROUGH DECEMBER 31, 2010.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE AGREEMENT BETWEEN LUZERNE COUNTY AND THE TEAMSTERS LOCAL 401 FOR LUZERNE COUNTY OFFICE OF CHILDREN & YOUTH SERVICES EFFECTIVE JANUARY 1, 2006 THROUGH DECEMBER 31, 2010.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE AGREEMENT BETWEEN LUZERNE COUNTY AND THE TEAMSTERS LOCAL 401 FOR AREA AGENCY ON AGING FOR LUZERNE/WYOMING COUNTIES EFFECTIVE JANUARY 1, 2006 THROUGH DECEMBER 31, 2010.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO RATIFY THE AGREEMENT BETWEEN LUZERNE COUNTY AND THE TEAMSTERS LOCAL 401 FOR ASSISTANT DISTRICT ATTORNEYS AND ASSISTANT PUBLIC DEFENDERS EFFECTIVE JANUARY 1, 2007 THROUGH DECEMBER 31, 2009.**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
“AYES’ MUSTO-CARROLL, PETRILLA, COONEY, URBAN,  
“ABSTAIN” GRIFFITH

**REQUEST A MOTION TO RATIFY / APPROVE THE AGREEMENT  
BETWEEN LUZERNE COUNTY AND THE LUZERNE COUNTY  
DETECTIVES' ASSOCIATION EFFECTIVE JANUARY 1, 2007 THROUGH  
DECEMBER 31, 2011.**

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
"AYES" MUSTO-CARROLL, PETRILLA, COONEY, "NAYES" URBAN,  
GRIFFITH

**REQUEST A MOTION TO AFFIRM THE FOLLOWING SALARY BOARD  
ACTIONS FOR:**

**LUZERNE COUNTY 911:**

**Create the following position effective March 17, 2010:**

One (1) Luzerne County 911 Director at an annual salary of \$60,000.

**Commissioner Urban**

This is setting the salary rather than having a range. They are reducing that salary substantially.

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
"AYES" PETRILLA, COONEY, URBAN, GRIFFITH

**REQUEST A MOTION TO AFFIRM THE FOLLOWING SALARY BOARD  
ACTIONS FOR:**

**MENTAL HEALTH/MENTAL RETARDATION:**

**Create:** On-Call Management Rates as follows:

\$ 575.00 / Per Week  
\$ 4.58 / Hour (125.5 hours)  
2.84 / Hour if Administration only  
50.00 / Phone Call  
60.00 / Holiday Flat Rate

**Walter Griffith, Controller**

Just so the Salary Board is aware of how much that makes a dent in our budget; that costs the county a substantial amount of money over a period of time for management to have On-Call pay. And with that in mind, I will not vote for On-Call pay for any management. It cost the county about \$270,000.00 last year alone on On-Call pay for management and union combined. I don't see a reason for it. So, those are my comments on that.

**Doug Pape, County Manager of Legislation/Chief Clerk**

I would just like to make public comment about that too.

**Commissioner Petrilla**

Joe, do you want to address that, too?

**Joe DeVizia, Human Services Executive Director**

It's really the preceded the budgets from the State that comes down through the county.

**Commissioner Petrilla**

And what is the reason for On-Call and to have people On-Call? Perhaps Pete, and

**Joe DeVizia, Human Services Executive Director**

It's really; it's a very essential service. It's a life/death kind of situation. People make decisions about whether or not we should proceed with a psychiatric involuntary commitment.

**Commissioner Petrilla**

The same thing when a child is being abused in the middle of the night?

**Joe DeVizia, Human Services Executive Director**

Yes. Someone needs to make judgment calls to help the workers, support the worker, and also make good decisions that they are proceeding in the right direction.

**Doug Pape, County Manager of Legislation/Chief Clerk**

Joe, those have always been. The region, the State is aware of this On-Call and they've always been supportive of it?

**Joe DeVizia, Human Services Executive Director**

It's something that's required. If for some reason we wouldn't do it someone else would have to do it. But, it has to be done in order to really complete the service.

**Commissioner Urban**

Joe, we have our union employees that have On-Call pay, correct? And they're On-Call and they are the ones that usually respond to the calls?

**Joe DeVizia, Human Services Executive Director**

They respond but, they also need someone to supervise them and that's the management part of it, which is being considered right now.

**Commissioner Urban**

I believe that the managers, that ought to be part of their job description and they shouldn't get any extra pay. I was around, door to door, talking to people, people in the past told me that they were on call in the private sector; they only get paid if they get called. I would entertain something like that or I would entertain relooking at their job descriptions and paying them a slight increase in salary for these people. But, I don't support this On-Call motion.

**Walter Griffith, Controller**

Also, on the question, if I may? Is Joe DeVizia on the Salary Board?

**Commissioner Petrilla**

No.

**Walter Griffith, Controller**

So, he's not voting. Because it has his name here.

**Commissioner Petrilla**

Where?

**Walter Griffith, Controller**

On the On-Call, create the On-Call Management rates as follows, for MHMR.

**Commissioner Petrilla**

Joe DiVizia is not on there.

**Walter Griffith, Controller**

It's on mine.

**Commissioner Petrilla**

It's not on mine.

**Walter Griffith, Controller**

This is the one that I received through email. This is the one that I received from Nancy (Marilynn).

**Vito DeLuca, Solicitor**

That may have been before we reviewed it.

**Walter Griffith, Controller**

I apologize then, he's not on there.

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
"AYES' PETRILLA, COONEY, "NAYES" URBAN, GRIFFITH  
MOTION FAILS.

**REQUEST A MOTION TO AFFIRM THE FOLLOWING SALARY BOARD  
ACTIONS FOR:**

**CHILDREN & YOUTH:**

**Create:** On-Call Management Rates as follows:

- \$ 575.00 / Week
- 45.00 / Face to Face Contact
- 50.00 / For Holiday While on Call

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
"AYES' PETRILLA, COONEY, "NAYES" URBAN, GRIFFITH  
MOTION FAILS.



**REQUEST A MOTION TO AFFIRM THE FOLLOWING SALARY BOARD ACTIONS FOR:**

**AREA AGENCY ON AGING:**

**Create:** On-Call Supervisors Rates as follows:

\$575.00 / Week  
675.00 / Holiday  
430.00 / Caseworker / Week

**Commissioner Cooney**

What is that 675.00 for a Holiday?

**Doug Pape, County Manager of Legislation/Chief Clerk**

Mary Beth could you clarify for the Holiday? Is that for when; Holiday week, is that what this is?

**Mary Beth Farrell, Executive Director Area Agency on Aging**

Yes.

**Doug Pape, County Manager of Legislation/Chief Clerk**

Also, the caseworker, your Supervisors are non-union. Is that correct?

**Mary Beth Farrell, Executive Director Area Agency on Aging**

Correct.

**Doug Pape, County Manager of Legislation/Chief Clerk**

And your caseworkers are union?

**Mary Beth Farrell, Executive Director Area Agency on Aging**

Yes.

**Commissioner Petrilla**

So we need two separate motions.

**Commissioner Urban**

The caseworkers are already covered in the Collective Bargaining Agreement. They don't need to be on there.

**Vito DeLuca, Solicitor**

I'm concerned about not approving these management On-Call without further inquiry into what the possible consequences to funding could be. What the possible consequences could be to liability to the County for not having a manager on call to make life and death decisions. I'm just concerned about a 'No' vote on the On-Calls. I don't, other than what Mr. DeVizia said; I haven't looked separately into this issue. Is this what they are paid now?

**Joe DeVizia, Human Services Executive Director**

They get paid to be On-Call. It's over and above their salary. But, these are very essential services and I am, like yourself, very concerned. Because especially with the delicate services. If we have a psychiatric emergency right now and someone is threatening suicide or harm to someone else we have to call a delegate to review an involuntary. That's a real essential service of MHMR and I'm sure that some how or other the State's going to want that to take place one way or another. Like you are saying, it could jeopardize funding, I'm not sure. But, it's an essential service for MHMR and it's an essential service for Children & Youth.

**Doug Pape, County Manager of Legislation/Chief Clerk**

And another thing, I guess they could go to the Department of Labor and do an unfair labor practice. Because essentially they are being held up their pay but they did work their On-Call and had got paid in the past.

**Vito DeLuca, Solicitor**

The larger issue here is that you will have, you will possible not have qualified people by statute or by regulation to make decisions on a number of different matters.

**Joe DeVizia, Human Services Executive Director**

In addition to that, and I'm not sure, Vito I think you're right, it certainly needs to be further reviewed by yourself. But, involuntary is an essential part of the Act of 1966. It allows people to be involuntarily committed who are a danger to themselves or others. The delegate is that piece of that Act that insures that someone is reviewing that. So it's an essential service that really needs to be carried on by someone. And I would say the same with Children & Youth. You are talking about somebody who, through the service Act, that someone needs to help make a judgment. But, especially in MHMR it's in the Act of 1966 that involuntary service is a key service.

**Commissioner Urban**

Joe, are those duties in their job description of these managers and departments? Could you check those job descriptions and see if they're in there? If they're in there then that's their responsibility.

**Walter Griffith, Controller**

And also, do they fall under the County Personnel Policy if they are management?

**Commissioner Petrilla**

Pete, if you have something to add please feel free.

**Peter Rubel, Administrator MHMR**

My only concern is that the Act of 66 and appendages of 1997 on the Mental Health Procedures Act requires that the delegate be present. The delegate is supposed to be appointed by the County Administrator and if he doesn't do it then he delegates that responsibility to one of his staff. Now, in delicate situations Joe mentioned, it's very, very serious, because you are actually relieving citizens of their right to be free. You are issuing a body warrant. So you have to be knowledgeable, you have to be extremely sensitive to the issues of the Act and Regulations. Because no one wants to be relieved of their freedom for 72 hours to be evaluated by a psychiatrist, but, it's a mandated service. We really don't have a choice but to provide it. It's a 24 hour, 7 day a week service. The other thing is the State pays \$9.00 toward every \$10.00 that's drawn down from the service.

**Commissioner Urban**

Can you provide us with a list of people that are currently doing this and their salaries and their job descriptions? I'll be glad to address it again.

**Walter Griffith, Controller**

And if it's required by law, also.

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
**“AYES’ PETRILLA, COONEY, “NAYES” URBAN, GRIFFITH  
MOTION FAILS.**

**Commissioner Petrilla**

Could we have a motion for the caseworkers, being that they are union positions, please? Are the caseworker's union positions for Aging?

**Doug Pape, County Manager of Legislation/Chief Clerk**

We don't need it because there is a union agreement, would that be correct?

**Commissioner Petrilla**

We've addressed every other union agreement.

**Doug Pape, County Manager of Legislation/Chief Clerk**

The Area Agency on Aging there's a caseworker rate and they are union, would they have been covered by the union contract that was just approved?

**Mary Beth Farrell, Executive Director Area Agency on Aging**

Yes.

**Vito DeLuca, Solicitor**

I'm not aware of that issue.

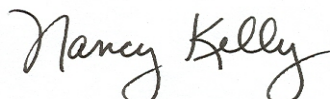
**Commissioner Petrilla**

Ok, alright then, we're good. It's in the contract. Mary Beth is saying 'Yes'.

**MOTION TO ADJOURN**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES’ PETRILLA, COONEY, URBAN, GRIFFITH**

Respectfully submitted,



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Nancy Kelly