

**LUZERNE COUNTY CORRECTIONAL FACILITY
BOARD MEETING**

OCTOBER 18, 2011

The Luzerne County Correctional Facility Board met on the above date in the Commissioner's Meeting Room of the Luzerne County Court House. The following Board Members were present: Commissioner Maryanne Petrilla, Commissioner Thomas Cooney, Commissioner Steve Urban, Controller Walter Griffith, District Attorney Jackie Carroll and Sheriff Gilligan. Also in attendance were Attorney Steve Menn, County Solicitor, County Manager Doug Pape, Collective Bargaining Officer Max Blaskiewicz, Tony Seiwel Union Business Manager and Tom Borum, Union Representative. (Absent: Judge Tina Gartley)

Commissioner Petrilla called the Meeting to **ORDER**.

The Pledge of Allegiance was recited.

Commissioner Petrilla opened the Meeting to the **PUBLIC**.

Charles Hatchko, Jenkins Township addressed Board Members, stating in looking at your Prison employees since the end of 2004 you hired, until 2007 you hired on hundred thirty two, 2008 you hired twenty-five, 2009 thirty-five, 2010 twenty-five, 2011 five and there are two more coming. You have to hire good people, I know that Rostock kid, I know him from the gym he's a very respectful good person. I'm here for one thing to call a freeze on hiring any more guards. I'll tell you why, Columbus Day you had 16 holiday vacations in the proximity of 180.00 a day you pay a guard, that's thirty thousand dollars, that's people sitting home. 200 days a year you had sixteen to eighteen over the minimum. The minimum staffing, for people who don't know means you need x amount to man the jail or you call for overtime. 200 days a year that a proximity of thirty six hundred dollars a day, four hundred thirty thousand dollars a year. I'm gonna tell you what's causing it, shaughtey collective bargaining. It's management's right clause to set the standard on standard operating procedures. Whoever's writing this contract, I've been involved in collective bargaining in 1960 and 70 with the Teamsters and I'm gonna tell you what this is horrific, you have to cut the cost. I don't know what your goal to try to privatize that in the end or something but it's crazy. If you ran a business like your running this jail you'd be bankrupt, that's the way I'm seeing it. I'm for the prison employees, I'm a former prison employee, a guard has a brutal job it is a very stressful job for the employees. And I would think right now you should call for a freeze on hiring, especially with the new government coming in I don't want to see this place privatized or any situation. I'm a former guard and I care about the dignity of every person and every economic decision should be put on whether it protects or undermines the dignity of every person and the County. This kind of stuff is absolutely crazy. I don't know who's doing your collective bargaining but, my God almighty, I can see it myself it's just out of hand. Thank you very much.

Commissioner Petrilla stated just for the record Mr. Hatchko, the collective bargaining agreement that we're living with right now is something that was handed down by an arbitrator which basically leaves the board with no choice but to enforce what the Arbitrator hands down. The purpose behind the hiring is when people leave, terminations, retirement, or whatever we have a collective bargaining agreement that says we have minimum manning requirements that say we have to hire these people. So that's where we're at.

Tony Seiwel, Local 1310 Business Manager, stated first on Mr. Hatchko's comments the Collective Bargaining Agreement language that refers to minimum manning has been there since I started working there seventeen years. I'm not going to debate, I just wanted you to know that that language has been in effect and Mr. Hatchko's talking about hiring now for minimum manning and I don't know exactly what he's getting at. That contractual language we have been living with that particular language

Facility Board Minutes
October 18, 2011
Page II

was not handed down by the Arbitrator that was existing language and has been in existence for at least the last seventeen years.

Mr. Hatchko stated I'm not talking about manning, I'm talking about.

Commissioner Petrilla stated I'm sorry but we're not going to get into a back and forth argument here.

Mr. Hatchko stated I'm talking about bad scheduling, its management's right to correct that.

Commissioner Petrilla stated thank you Mr. Hatchko.

Terry Morgan, Times Leader stated she had a question regarding the Work Release and the payment of the inmates, do you want me to bring it up now or do you want me to bring it up at the time.

Commissioner Petrilla stated you can bring it up at public comment.

Terry Morgan asked about the payment coming from the commissary fund, it is my understanding that the commissary can only be used for the benefit of the inmates for law books for the legal library and television I don't understand how it is and you could correct me if I'm wrong but I don't understand how this would qualify under that. Can you clarify that for me what the Commissary Fund can be used for.

Warden Piazza informed Board Members that we had an individual who conducted our inspection. I forget what his name was, Fitzer. When I first was appointed Warden we asked him exactly what the commissary funds could be used for and he sent us a letter stating that the Commissary Funds could be used for almost anything that is pertinent to the inmate, whether it be pay, whether it be construction of something the inmate could use and according to our understanding we believe that this contribution, this pay to those inmates for doing that work would fall under this category of the use commissary funds without any problems.

Tony Seiwel requested an Executive Session to discuss personnel issues.

Commissioner Petrilla asked if it's something that would require action today.

Mr. Seiwel stated it may or may not it's just something that I want to clarify before you move.

Commissioner Petrilla stated in the future I would ask that you bring it to us a couple of days ahead of time so we know. But for now we'll just do it after the meeting go into Executive Session.

It was moved by Sheriff Gilligan and seconded by Commissioner Cooney to approve the Minutes from the Facility Board Meetings held on September 12, 2011.

Controller Griffith stated I spoke with Jackie about this, could we post these after the Board approves the minutes and Jackie thought that was prudent.

Ms. Grimes stated I've been posting them prior to the meetings.

Controller Griffith also stated I asked Jackie, if the Board doesn't have any problem, I asked Jackie to have the Financial Reports, as part of the minutes to be put on line as well. I asked her if she could do that but I want the Board to know or if they have

**Facility Board Minutes
October 18, 2011
Page III**

any objections to let us know. I think the Financial Report is part of the minutes and should be on line as well.

MOTION CARRIED. (5/0)

It was moved by Controller Griffith and seconded by Commissioner Cooney to **RATIFY and CONFIRM** payment of the bills for September, 2011 totaling \$1,862,886.07.

MOTION CARRIED. (5/0)

Warden Piazza noted the Facility's population as follows:

Males: 392 Female: 80 Work Release: 38 Pre Work Release: 18
Weekenders: 00 Minimal Offenders Unit: 80 Housed at other Institutions: 05
Miscellaneous Out Count: 74

Total Population: 687

It was moved by Sheriff Gilligan and seconded by Commissioner Urban to accept the resignation of Nurse Nadia Usher, effective 9/19/11, Correctional Officer II Justin Lewis, effective 9/22/11 and Correctional Officer Lauren Muller, effective 9/26/11.

MOTION CARRIED. (6/0)

It was moved by Commissioner Cooney and seconded by Commissioner Urban to compensate Work Release and Pre-Work Release Inmates who worked during the recent flooding at a rate of \$50.00 per person, 61 inmates at a total of \$3,050.00 payable from the Inmate Commissary Funds as subject to Solicitor's approval.

Commissioner Urban asked if this was ok through the policy.

Warden Piazza stated this was done years back we saw that it was approved at a Prison Board Meeting. These guys, they deserve it, they were dealing with all types of mud and we've seen them leaning over and getting sick but they did a heck of a job.

Controller Griffith stated when I called the Department of Corrections yesterday, for the State they sent me a copy of the Act for the Commissary Fund and I asked when we did our audit last year we don't have a written policy for the Commissary Fund, that I'm aware of and if we do we didn't see it when we did our audit.

Warden Piazza stated we basically follow Title 37.

Controller Griffith stated Title 37 is only like five lines so we revert back to the State Policy obviously. Here's the State Policy and there isn't anything in the State Policy that says you can take commissary funds out to pay salaries other than administrative salaries of the person who actually runs the Commissary. And I certainly can agree that if we're going to take money out of there to benefit all the inmates but this does not benefit all the inmates, this benefits only 61. I wouldn't have a problem with saying we're not going to charge them their room and board because we obviously charge them fifteen dollars a day for their room and board or five dollars if their work release. So I wouldn't have a problem with allowing that waiver for the room and board but I think fifty a day, I mean fifty per person inmates I think we're going a little over the edge. I certainly can appreciate the work they did but after all they are inmates and not that gives us the right to use them for anything other than what their entitled to but I think we should not compensate them over and above what we would normally compensate them.

MOTION CARRIED. (5/1 – Controller Griffith vote no)

Facility Board Minutes
October 18, 2011
Page IV

A **MOTION** was presented to the Board to allow Correctional Officer Thomas Borum an unpaid leave of absence effective October 1, 2011 to conduct full time business as a Union Representative, in accordance with Article XX; Leave of Absence of the Collective Bargaining Agreement.

Commissioner Urban asked for a copy of the Article.

Warden Piazza read from the Collective Bargaining Agreement: Employees who are elected or appointed to a full time position as a Union Official or Representative may, at the written request of the Employee be granted leave without pay for the maximum term of office without a break in seniority.

Commissioner Petrilla stated so this will be the second union person to leave to do full time union business.

Warden Piazza stated it's the third, Mr. Seiwel left years and years and years ago and I believe he's being promoted to a Regional Union Person and his unexpired term, correct me if I'm wrong Tony, your unexpired term is being filled by Tommy Borum.

Mr. Seiwel stated not yet, it's just to help me out with the work load.

Warden Piazza stated we also have another Correctional Officer who is on Union Leave by the name of Mr. Clark. I believe his term expires in December.

Commissioner Petrilla asked what happens to their position.

Warden Piazza stated we have to hold it for them.

Commissioner Urban asked if that affects our minimum manning.

Warden Piazza stated their on our books and then we hire to fill.

Commissioner Petrilla called for a **MOTION**.

MOTION DIED

It was moved by Commissioner Urban and seconded by Commissioner Cooney to accept the retirement of Counseling Supervisor Joseph Morris, effective October 12, 2011.

MOTION CARRIED. (6/0)

It was moved by Commissioner Urban and seconded by Sheriff Gilligan to send Treatment Coordinator Grace Franks and Counselor Robert Hetro to the PA Client Placement Criteria Conference in Allentown, on October 18, 2011. A county vehicle will be utilized if available.

MOTION CARRIED. (6/0)

It was moved by Sheriff Gilligan and seconded by Commissioner Urban to approve sending DRC Director Jennifer Lombardo to the 2011 PA Association of Drug Court Professional Conference from November 13 to November 15, 2011 being held at the Sheraton Harrisburg/Hershey Hotel, registration, which includes membership for on year of \$150.00 and hotel accommodations of \$130.00 per night, plus expenses will be reimburse to the County from PCCD.

Controller Griffith asked how many seminars have we send Ms. Lombardo on this year this has got to be about five or six.

Facility Board Minutes
October 18, 2011
Page V

Warden Piazza stated I don't have the exact number this might be the 3rd one, I wasn't prepared for that but I don't think it's five or six.

MOTION CARRIED. (5/1 – Controller Griffith voted no)

Warden Piazza advised Members of the Financial Reimbursement.

Warden Piazza advised Members on the status of the Commissary. Warden Piazza informed Board Members that a health care bill for inmates was paid out of the Commissary in the amount of two hundred and seventy four thousand.

Warden Piazza advised Members on the Monthly Statistics.

Warden Piazza asked to discuss Act 22, stating Act 22 is a new Law that was put into effect, effective July 1, 2010 inmates who are inpatient and some may qualify for outpatient services will be paid for at the Medicare rate rather than what is being contract with your private medical vendor right now. I need your permission to send money into an escrow account. The account is going to be funded by the Department of Public Welfare and CCAP, this account is money that we have to put into to help pay for the cost of the inmate being treated. I think it's a fifty-fifty match. We have to have our figures and total in by October 31. So far we've been working on this and we have thirty-five inmates, possibly five additional ones between the time when this law went into effect up until October 1 on who may qualify for this Medicare reimbursement. We're working with Geisinger so that we can get the actual cost so that we can fill in the formula to determine how much we have to pay into this escrow account. I don't think we can wait until the next Prison Board Meeting so if it has to be by October 31, please give me the permission, I'll get our figures together and run them by you and let you know what they look like so that we may get that money into the account because they're asking to have it in by October 31.

Commissioner Urban asked right now these are being paid by contract from Geisinger.

Warden Piazza stated correct, right now by Geisinger but they told us, according to this law, to go back to 2010 and determine all those people who were there. Now we will be reimbursed.

Commissioner Cooney asked if they will be recovered back to when this was actually initiated.

Warden Piazza stated no, from July 1 2010 until July 1 2011 the number of people and the amount you spent will determine how much you have to pay into the escrow starting July 1 of this year to October you can be reimbursed for those people who were inpatient and from here into the future we will be under that Medicare guideline for payment. It's going to be a substantial savings I'm going to have to meet with Geisinger and we're going to have to discuss this because there is a contract in place. I spoke with Mr. Buckley once prior to getting all the information on this Act 22 and he seems to be willing to sit down and discuss it and see where we go but this the law this is what we have to do.

Commissioner Urban asked when it went into effect.

Warden Piazza stated July 1 of this year.

Commissioner Urban asked if it's Federal.

Facility Board Minutes
October 18, 2011
Page VI

Warden Piazza stated it is.

Controller Griffith asked you have to escrow the money.

Warden Piazza stated there is an escrow account that's going to be managed by CCAP because it's fifty-fifty the Feds pay fifty and the State pays and we have to contribute into the fund and they will be drawing out of that fund.

Controller Griffith asked if we know what that contribution is going to be.

Warden Piazza stated we're working on it right now. We had to go back to all the inpatient inmates that we had for the previous year and find out what their total cost was and there's a formula that you have to work out to determine.

District Attorney Carroll stated this isn't discretionary this is something we have to do.

Controller Griffith stated and that's in lieu of what we're paying now for Geisinger.

Warden Piazza stated we're on top of it, hopefully we'll have everything in place by the 31st and we'll move from there.

Ms. Grimes asked if we needed a motion to proceed with this.

Commissioner Petrilla stated its Federal Law.

It was moved by Commissioner Urban and seconded by Sheriff Gilligan to **ADVERTISE** for a Slicer and Warming Cabinet.
MOTION CARRIED. (6/0)

It was Moved by Commissioner Urban and seconded by Sheriff Gilligan to **APPROVE** purchasing Bread, Dairy Products, Fresh and Frozen Foods, Meats, Paper Products, and Groceries and Non-Perishables.
MOTION CARRIED. (6/0)

It was moved by Commissioner Urban and seconded by Commissioner Petrilla to **RE-ADVERTISE** for Onion Soup.
MOTION CARRIED. (6/0)

It was moved by Commissioner Urban and seconded by Commissioner Petrilla to correct the minutes of July 20, 2011 meeting in which it was stated there were no bids received for Personnel Care Item #8 (Razor Bags) for LCCF. Uniforms Mfg. did place a bid in the amount of \$33,240.00. Bags did not meet specifications and were rejected.

Controller Griffith asked if that is uniform bags did not meet specifications or is that razor bags.

Frank Pugliese stated it was Uniform Mfg. was the manufacturer and the bags that they submitted did not meet specifications.

MOTION CARRIED. (6/0)

It was moved by Sheriff Gilligan and seconded by Commissioner Urban to **RE-ADVERTISE** Item #8
MOTION CARRIED. (6/0)

Facility Board Minutes
October 18, 2011
Page VII

It was moved by Commissioner Cooney and seconded by Commissioner Urban to **RESCIND** the award to Bob Barker for Personal Care Items #4 (Admission Bags), item #6 (Lockable Storage Bags), item #9 (Bath Mats) and item 10 (Shower Curtains) for LCCF approved at the July 20, 2011 Commissioner's Meeting in the amount of \$8,868.00.

MOTION CARRIED. (6/0)

It was moved by Sheriff Gilligan and seconded by Commissioner Urban to **AWARD** Bob Barker for Personal Care Items #4 and #6 in the amount of \$3,324.00

MOTION CARRIED. (6/0)

It was moved by Commissioner Urban and seconded by Sheriff Gilligan to **AWARD** Bob Barker items #9 (Bath Mats) and Item #10 (Shower Curtains) for LCCF in the amount of \$5,544.00

MOTION CARRIED. (6/0)

Commissioner Petrilla called for **PUBLIC COMMENT** on non-agenda items.

It was moved by moved by Controller Griffith and seconded by Commissioner Urban to **ADJOURN** the Meeting.

MOTION CARRIED. (6/0)

MEETING ADJOURNED.

Respectfully Submitted,

Jacqueline Grimes
Recording Secretary