

October 8, 2020

**Minutes of the Washington County Commissioners'  
Regular Meeting  
held October 8, 2020  
in the Superior Courtroom  
Machias, Maine**

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**Attending the meeting were:  
Commissioner Christopher M. Gardner  
Commissioner Vinton Cassidy  
Betsy Fitzgerald, County Manager  
Carla Manchester, Administrative Assistant  
Dean Preston, Unorganized Territories  
Lynn Dwelley, WNEMA  
Jill C. Holmes, Treasurer  
Mike Crabtree, Chief Deputy  
Josh Rolfe, RCC Director  
Rich Rolfe, Jail Administrator**

**Commissioner John Crowley was not present.**

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Executive Department business was called to order at 4:15 p.m.

**Approval of the Public Hearing on the FY 2021 Proposed County Budget minutes held on September 10, 2020. (Cassidy / Gardner, 2-0)**

**Approval of the minutes for the Regular Commissioners' meeting held on September 10, 2020. (Cassidy / Gardner, 2-0)**

**AGENDA ITEM: Monthly and Quarterly Reports**

The Commissioners were provided a written report from EMA and it was accepted under the gavel. (See attached)

**AGENDA ITEM: Payroll Change Notices**

By consensus, the Commissioners accepted the resignation of Kathy Lugdon as part-time Corrections Officer effective 09/17/20. Captain Rolfe noted Kathy resigned due to medical issues.

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**\*MOTION\* Commissioner Cassidy moved to hire Jayme Myrick as part-time ECS effective 09/18/20 not to exceed 30 hours per week except for training and emergency purposes.**

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**(Cassidy / Gardner, 2-0)**

**\*MOTION\* Commissioner Cassidy moved to hire Brynn Jellison as part-time ECS effective 09/18/20 not to exceed 30 hours per week except for training and emergency purposes.  
(Cassidy / Gardner, 2-0)**

**\*MOTION\* Commissioner Cassidy moved to hire Madelyn Gardner as part-time ECS effective 09/18/20 not to exceed 30 hours per week except for training and emergency purposes.  
(Cassidy / Gardner, 2-0)**

Commissioner Gardner stated Madelyn is his daughter and noted he would normally abstain from the vote but had no option with only two Commissioners present.

**\*MOTION\* Commissioner Cassidy moved to hire Carlen Jay as part-time ECS effective 09/18/20 not to exceed 30 hours per week except for training and emergency purposes.  
(Cassidy / Gardner, 2-0)**

By consensus, the Commissioners accepted the resignation of Gavin Gardner as full-time Corrections Officer effective 09/23/20. Commissioner Gardner stated Gavin has enlisted in the U.S. Army.

RCC Director Josh Rolfe recommended the promotion of Dennis Perry from ECS Shift Supervisor to ECS Operational Supervisor effective 10/12/20. Josh explained the purpose of the promotion is to restructure the department of RCC to mirror the structure of the Sheriff's Office. Commissioner Gardner verified that union matters are in order. By consensus, the Commissioners approved the promotion as presented.

After twenty-six years of service to Washington County, Richard Moore offered his resignation as a full-time ECS effective 10/31/20. The Commissioners accepted Richard Moore's resignation by consensus and wished him the absolute best in his retirement.

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**AGENDA ITEM: Signatures on six-month certificate**

A six-month certificate for Matthew Carter was signed as presented.

**AGENDA ITEM: Introduction of Personnel Policy Changes**

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County Manager Betsy Fitzgerald presented changes to the Personnel Policy Manual. Betsy stated the amendments primarily are due to the new Earned Paid Leave Law that will become effective January 1, 2021. Betsy reviewed each amendment page by page.

- ☐ Page 8 – Full-time employees are those employees who have been hired to work at least 40 scheduled hours per week, not 32 to 36 hours per week. Those employees that are considered full-time at 32 to 36 hours per week are those that were hired before November 6, 2008.
- ☐ Page 10 – All employees will not only be given a copy of the Washington County Personnel Policy Manual at the time of hiring, but also when amendments are made.
- ☐ Page 11 – The definition of a standard work week for employees is 40 hours or more.
- ☐ Page 12 – Part-time employees work less than 40 hours weekly, are used on a call-in basis to fill temporary needs, are paid on an established wage scale and are ineligible for fringe benefits except as provided by law.
- ☐ Page 13 – Added the reference to the Maine Human Rights Act in regards to accommodations available for disabled employees and applicants as described under the Americans with Disabilities Act of 1992.
- ☐ Page 14 – Explanation for accumulation of vacation/earned paid leave during the introductory period under the new Paid Leave Law. Commissioner Gardner asked if the ability to use paid leave after the employee has been employed for at least 120 days referred to 120 work days or 120 days from the date of employment. County Manager Betsy Fitzgerald stated she will get clarification on this.
- ☐ Page 15 – The language for an extension of the introductory period for part-time employees has been removed.
- ☐ Page 16 – Section H regarding employee disability was removed as it has already been addressed on page 13.

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- ☐ Page 20 – The description of employee benefits for Vacation/Earned Paid Leave applies to part-time people only. Full-time employees already have benefits that cover more than the minimum required under the new Paid Leave Law.
- ☐ Page 21 – The schedule for leave accruals has been amended to add the calculation for hours earned per work week for full-time employees. The Paid Leave Law spelling out accruals for employees other than full-time employees has been added to this

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section. Chief Deputy Crabtree asked how earned leave time will affect those employees that do civil process. Employees who provide civil process service are paid per civil process served and not per hour. County Manager Betsy Fitzgerald stated the employees that do civil process will need to account for hours worked. Dean Preston asked if the policy to pay out vacation/earned leave for accruals include part-time employees. County Manager Betsy Fitzgerald stated this policy pertains to all employees.

- ② Page 22 – The language for carry-over was revised to state the procedure that is already used for those employees that may need to request carry-over amounts of leave greater than the established 10 days. Captain Rolfe explained the protocol used in his department for vacation requests; employees with seniority have the first opportunity to request vacation beginning January 1, then after January 31 it is first come, first served.
- ② Page 23 – Vacation/earned paid leave may not be taken in advance; it can only be taken when it has been accrued.
- ② Page 25 - #12 stated accrued unused sick leave is not payable to the employee upon separation from employment. This statement will be deleted as the county does pay up to 480 of unused sick time at the time of termination.
- ② Page 45 – The prohibition of the use of marijuana has been added to the smoking policy. The smoking policy revision dates at the bottom of the page have been removed for housekeeping purposes. Commissioner Gardner noted that police officers take an oath that binds them to Federal Law and the use of marijuana is still a violation of Federal Law.

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- ② Page 46 – The policy prohibiting the use of marijuana on County property or in County-owned vehicles applies to visitors as well as employees. U.T. Supervisor Dean Preston asked what the consequences are if someone violates this policy. Manager Betsy Fitzgerald recognized there are no consequences stated in the policy but the consequence should be termination. Captain Rolfe stated the policy should state the consequences and asked that disciplinary actions be listed. County Manager agreed and stated a revision will be made to add the consequences to the policy.
- ② Page 56 – The notation for the date when the policy on Classification and Compensation Plan was approved has been

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eliminated.

- ☐ Page 57 – The notation for the date when the policy on Repayment of Overpaid Wages was approved has been eliminated.
- ☐ Page 58 – The procedure for repayment of overpayment of wages has been revised to reflect the law. If an employee is overpaid, the County may withhold up to 10% of the amount of any subsequent pay until the overpayment is repaid.
- ☐ Page 59 – The policy specifies that if an employee is repaying an overpayment and voluntarily resigns from employment, the County may deduct the full amount of overcompensation from any final wages due.
- ☐ Page 61 – The notation for the date when the policy on Charges for Returned Checks and the policy for Treatment of Carry-over was approved has been eliminated.

County Manager Betsy Fitzgerald stated there will be a final form presented at the next Commissioners' meeting. Betsy stated all department heads will have a copy for review. Commissioner Gardner encouraged everyone to read the county policy draft before the next meeting.

#### **AGENDA ITEM: Confirmation of Part-time Wage Increase**

During the August meeting the issue of the need for part-time wages to be increased was discussed and approved. There was no definitive effective date set for that increase. Commissioner Cassidy stated that he assumed the effective date was immediately. Commissioner Gardner stated that, although he was not present for the vote, it is

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reasonably implied that the effective date is the date the gavel is dropped if no effective date was set otherwise. The increase for all part-time employees' wages to \$16.00 per hour is effective August 14, 2020.

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**ADJOURNMENT**  
**4:50 p.m.**

**ATTEST:** \_\_\_\_\_  
**Carla J.R. Manchester, Admin. Asst.**