

**MACON COUNTY BOARD
FINANCE COMMITTEE MEETING**

**MACON COUNTY OFFICE BUILDING
COUNTY BOARD ROOM #514
121 S. MAIN STREET DECATUR, IL 62523**

May 3, 2021 5:15 P.M.

MEMBERS PRESENT

Kevin Greenfield, Chair
Ryan Kreke
Jim Gresham
Greg Mattingley

MEMBERS ABSENT

Linda Little
Marcy Rood
Helena Buckner

COUNTY PERSONNEL PRESENT

Josh Tanner, County Clerk
Jeff Entler, County Board
John Jackson, Treasurer
Rocki Wilkerson, Workforce Investments
Carol Reed, Auditor's Office
Sheriff Brown
Chief Deputy Adam Walter
Mike Baggett, State's Attorney
Bruce Bird, Co Highway Engineer
Kim Fowler, S of A
Jessie Smalley, HR
Brandi Binkley, Health Department
Sheree Zalanka, Health Department
Jeannie Durham, County Board Office

CALL TO ORDER

The meeting was called to order by Chairman Greenfield at the Macon County Office Building.

APPROVAL OF THE MINUTES FROM PRIOR MEETING

Mr. Gresham made a motion to approve minutes of the 3/29/2021 Finance Committee meeting, seconded by Mr. Mattingley & the motion carried 4-0

CLAIMS

Mr. Gresham made a motion to approve the claims, seconded by Mr. Mattingley, and the motion carried 4-0.

REPORTS

Audit Sub Committee –

Ms. Reed reported that the audit is starting to wind down. There is still some field work involved. No reports yet, but it is starting to come closer to fruition.

Auditor –

Ms. Reed gave an update on the American Rescue Plan Act funds. We are still waiting for the approximately \$10 million to come in by the end of next week, by the 11th according to the federal timeline. A bank account has been opened and assigned a separate fund to it, the ARPA funds so we can keep track of them. It has been discussed that a committee or small group needs to be formed to assist in moving forward when it does come. Things like hiring a grant

monitor, grant writer or administrator to oversee the funds have been talked about. We have until 12/31/202 to spend the funds, \$20 million - \$10 million of which we should be getting soon.

Ms. Reed said she had reached out to the Economic Development Corporation (EDC), Nicole Bateman and also discussed with Julia Livingston at CASA who writes a lot of grants. They both said that trying to hire a grant writer at this point in time is difficult as there are few of them and work is plentiful. So, Ms. Reed said they had thought about hiring a firm to assist with taking care of the funds. She said they talked to a couple of firms and are asking for hourly rates and other information from them. It is not to the point of doing anything yet because we are still waiting on the guidelines, but we need to start thinking ahead and have a plan in place. Chairman Greenfield asked if there was any idea as to when the guidelines would come. Ms. Reed said no, but when they send the money, there should be more with it. We should have that within the next week.

Board of Review –

Ms. Fowler reported that they received the final Equalization Factor of 1 from the State. That means that there is no further equalization required for the 2020 assessments that are payable 2021. That gives the go ahead to continue on with the tax bills.

GIS -

Ms. Fowler reported that they are completing the changes for the 2021 mapping changes. That is the parcel splits, combinations, new subdivisions, right-of-way changes throughout the county. That is right on target for those to be wrapped up.

Supervisor of Assessments –

Macon County Board Resolution Authorizing Donation or Disposal of Surplus Property by the Macon County Supervisor of Assessments Office

Ms. Fowler explained that this consists of a refrigerator and some random desk drawer dividers, etc.. that have accumulated. Chairman Greenfield asked if there would be anyone else in the county that might be able to use the items. Ms. Fowler said she would send out an email to see if anyone wants any of it before they dispose of it.

Motion to approve forwarding on to the full board made by Mr. Kreke, seconded by Mr. Gresham, and the motion carried 4 - 0.

Treasurer –

Macon County Board Resolution to Execute Deeds to Convey Property on Which Taxes were Delinquent

Mr. Gresham made a motion to forward the resolution on to the full board consent calendar with recommendation to approve, seconded by Mr. Kreke, and the motion carried 4-0.

Mr. Jackson reported that as soon as MCK has completed the audit, he would put together a plan to cover all of the open items from last year and will include anything from this year as well.

Citizen Remarks – No citizens were present that wanted to address the committee members.

NEW BUSINESS –

County Board

Macon County Board Resolution Approving the Creation and Maintenance of Official Email Addresses for County Board Members

Mr. Tanner was present to answer questions. There were none.

Mr. Mattingley made a motion to forward the resolution on to the full board with recommendation to approve, seconded by Mr. Gresham, and the motion carried 4-0.

Transportation Department

Macon County Board Resolution Appropriating Funds for Engineering for Macon County Beltway RAISE FY21 Grant Application

Mr. Bird explained that they use a grant writer based out of Washington to put together the grant applications for the large grant programs that come out of Washington DC and this is one of those. RAISE is the new acronym that used to be BUILD. Before that it was TIGER.

Chairman Greenfield said he had had a conversation with Congressman Davis and Reas Bridge should be #1 on his priority list as well as the overpass for Decatur.

Mr. Gresham made a motion to forward the resolution on to the full board with recommendation to approve, seconded by Mr. Kreke, and the motion carried 4-0.

Health Department discussion in regard to a meeting and discussion concerning payroll and overtime with Health Department employees dealing with COVID-19 pandemic

Chairman Greenfield explained that there had been questions raised about the Health Department and some of the salaries and overtime, how it is designed, set up and paid out. He said he thought the best thing would be to ask the Director come and explain it.

Ms. Binkley addressed the committee members saying that she knew they had received an email from the Auditor and she wanted to give some main points of information and to clarify that the bulk of what was seen in that information is not overtime in a sense of being paid out as time and a half. It is what they call, at the Health Department, flex time. They have had a policy at the Health Department for at least as long as Ms. Binkley has been there, 16 years, where if someone works over their regular 35 hours, which they have unpaid lunch, so it is a 35 hour work week. If someone works over that, they do have to receive permission to do that and be able to earn flex time. In order to take that flex time, they would also have to receive permission from their supervisor. She said they have had that for many years and it is straight

time. That would be for any employee, exempt or non-exempt. Non-exempt employees, when they hit 40 hours, they are able to receive compensatory hours or compensatory time. There are about 4 people on the list that Ms. Reed sent out that would have qualified for some overtime. They are non-exempt level employees. The rest are exempt level employees so that time would have been paid as straight time.

Chairman Greenfield asked for a clarification of exempt and non-exempt employees. Ms. Binkley explained that the law dictates that. There is a pay grade scale at the Health Department. They are classified according to that. Anyone level 1-7 is classified as non-exempt and anybody level 8 and up are considered exempt.

Mr. Mattingley asked what divides the two levels. Ms. Binkley explained that according to the law, it is by types of job duties and also level of pay. As far as the Health Department pay grade scale, examples would be:

- Level 1 – front desk receptionist where duties are very simple such as answering the phone
- Level 2 & 3 – dental assistants, depending on how much training they have
- Level 4 – clerical people and more advanced trained dental assistants.
- Level 5 – LPN
- Level 6 – Administrative Assistant – a higher level clerical person
- Level 7 – Office Manager – some additional duties over an Administrative Assistant
- Level 8 – Professionals – people with bachelors or higher level of work experience such as nurses, RNs, Case Managers
- Level 9 – Assistant Director or Supervisor position
- Level 10 – Division Director
- Level 11 – Assistant Public Health Administrator
- Level 12 – Public Health Administrator
- Level 13 – Dentists or Doctors, which there are none

Ms. Binkley went on to explain that anything that was paid out was done so by the policy the Board of Health adopted, which was reviewed by legal (Ed Flynn) and then given to the Board of Health and approved. Because of the emergency situation, staff were allowed to accrue over the 35 hours. That was all approved. It went through the Board of Health and was just for the time of the pandemic. Normally, that is not allowed unless there is some really extenuating circumstances. Then the person would have to use the time immediately after that. The Health Department does not usually pay out flex time unless someone were to leave and not able to get it off the books before they left. She said they make sure they cannot accrue very much so that that financial risk and obligation is not there for the Health Department or for the County. Usually, it is not paid out, but because of the emergency situation and because all of the grants and the funding that it was paid out of all allowed for this to be paid out. She said they had made the choice to do that since it was allowable and because when the pandemic started, they had a very small group of people doing all of the jobs; the contact tracing, the COVID enforcement, the respond liaison with businesses, nursing homes, schools, etc... Over time, they have been able to grow the staff. They have onboarded 106 people, some full time and some part time, since August 11th which was the first date they were able to bring contact tracers in to assist with some of these roles. The people seen on the list were covering in some cases, up to 4 positions, for a certain amount of time. Those people were also working 7 days a

week, every holiday, numerous days. Some people were working, literally, all waking hours of the day toward the beginning of the COVID-19 response.

All of the payments came out of either a grant or Local CURE. It was the Contact Tracing Grant, the COVID Crisis Grant, Local CURE and the Mass Vaccination Planning Grant. All of those allow for this time to be paid out. Other Health Departments are doing it as well because of the burden on the staff and the number of hours they have worked. Now, the hours burden for most of the staff is not the same as it was for a significant part of the response because of the fact that more staff has been hired. Some staff has also been lost. There have been some retirements, some people that decided to leave because they just couldn't take it any more, and some people with health problems that had to leave. The Contact Tracing team is getting a little smaller as a result. It is being evaluated if more people need to be hired. Until that was able to be done, the people on the list were the ones that were helping do everything. There were about 150 employees. Some of the people on the list are not even with the Health Department any longer. This was 33 people that ended up being paid out. In the grand scheme of things and with the number of staff, it was not very many. Most of the people were able to keep their time down so that the financial risk and obligation was limited. These people were allowed the time off so that they did not accrue too much time off.

Mr. Kreke asked what dates the flex time payout covered. Ms. Binkley said it was the middle of March.

Ms. Binkley went on to say that anytime she was paid out, it was for over 50 hours, not 35. That was approved and not done by her on her own. The higher level was also approved. The policy manual says 35 hours and that is the condition under which Ms. Binkley said she had accepted the position and previous Administrators had done it as well. Obviously, in an executive position, you work more and Ms. Binkley said she was fine with that and grateful to take whatever she was allowed to have.

Chairman Greenfield asked Ms. Binkley if she had a contract with the Health Department. Ms. Binkley said her Offer of Employment was just like any other staff and she is an At Will employee there.

Mr. Mattingley asked if there were employees that got flex time or compensatory time that were working from home. Ms. Binkley said there were some. Mr. Mattingley asked how the hours were monitored. Ms. Binkley said there are a lot of people that were in the building. A lot of the staff, specifically dedicated to Contact Tracing are working remotely. The reason for that is that there is not enough room to fit all of those people in the building. Since approximately 70 or 80 people were hired, there was nowhere to put them in the building. They are still working from home at this time. That operation, in addition to the normal hours, is running 7 days a week from 7 a.m. to 8:30 p.m. To put them in the building, they would have not only had to find or rent space, but they would have had to purchase supplies, desks, etc. They opted to go remote, but adopted a policy and something they have to sign off on. Most of these people on the list are primarily in the building. Some of them might work remote. For example, Ms. Binkley said she and some of her director level staff work Saturdays and Sundays and evenings. They are not just there during business hours. As far as accountability of the hours, they do

have a time clock. Anybody could cheat on any type of a time clock whether they are writing it down or doing it on a computer. You have to have a level of trust in your employees because if someone is going to cheat, they are going to cheat. If and when it is found out that someone is doing that, they are held accountable. They work with Ed Flynn anytime they have to take some very serious disciplinary action with anyone. Ms. Binkley explained that they do have an electronic timeclock. They had used Timeclock Plus for about 3 years. All employees have to clock in and out throughout the day or they have to record their time every day. Then that time has to be submitted to their supervisor. The supervisor reviews it. The Supervisor then has to approve it. The employee, every week, has to verify that they did actually work those hours so that we have all the paper trail. Again, someone could clock in and do nothing whether they are at their desk or at home. For contract tracing, there is a serious amount of accountability because they are able to watch how many cases they have. All of the contact tracing is done in a computer program and the number of calls made and answered is monitored. With the County's adoption of the MIP software, the Health Department has adopted the time clock piece of that as well. That is called EWS and they are about a month and a half in. That time clock program comes with even more accountability. So, people not only clock in and out all of the time, but they clock in and out specifically of the program that they are working in. That is a really great benefit to this. In addition to the fact that it speaks right to payroll, they are able to show the grant and grant reviewers that when they say someone is working on that grant 30% of the time, they can show when they clocked in and out and that they are indeed working that 30%. That is some of the ways that the accountability is assured. Ms. Binkley repeated that most of the people on the list are primarily in the building but working weekends, holidays, etc. at home.

Mr. Gresham asked about the balances left in the grants and how long the operations could be sustained with the money that is left in them. Ms. Binkley said that some of the grants are either over or they have been extended, such as the Local Cure which had to be spent by December 30th. The COVID Crisis Grant has already been taken care of. The Contact Tracing Grant gave \$2.8 million and additional funds have just been requested because the State said that if additional funds are wanted, they are expected to continue the work through December 31st. Those funds had to be requested if the additional funds were needed to support the operation. That was put in last Thursday and they are waiting to hear back. If that additional funding is not received and they are still expected by the state to continue Contact Tracing operations, they would be able to do that. If cases continue to rise or if the variants get out of control, it may get more difficult. But, as discussed during budget hearings, there is a healthy Health Fund Balance. Part of the reason that responsible fund balance was maintained was in case there was an outbreak. A TB outbreak was talked about in the past. This was not a TB outbreak. This was much bigger and additional funding was made available and thankfully, they were able to maintain some of that Health Fund Balance. If that is needed, it will be used. These payouts that have been done have not been promised to employees for X amount of time. She said they did not know they were getting funding until about July or August. These employees on this list put in all of those hours never knowing they would get a dime for it. Nothing was paid out until September. That reflected back to that time in March, but they put the time in without ever knowing that they would get anything for it. A lot of the people on the list are supervisors who worked many hours, days off, weekends & holidays. That has been exacerbated with the Pandemic where there was no choice. You will see supervisors on the list

that maintained entire divisions while also helping with contact tracing before they were able to hire more people. The initial contact tracing staff at the Health Department was 2 or 3 people with one person dedicated to it, one person trained as a back up and the Director. Everyone was quickly trained as COVID arrived in the County and got heavier and scarier. The team of about 7 people in nursing was handling that. As it continued to get worse, more people throughout the building offered to assist. Those would have been any level of person who was appropriate to be trained, completed all the state required training, and who were able to work the extra hours. Most of those people are not on the list, but the supervisory people seen on the list were all helping with contact tracing. There were people that were covering several positions because of the fact that they could not yet hire or once they did hire, it took a while to get people in certain spots, for example a COVID Project Coordinator which was someone to coordinate the entire operation of Contact Tracing, Implementing a brand new online software called Sales Force in order to implement contact tracing in a virtual way. It took a very long time to get someone hired. The Director of Nursing retired. Her replacement also resigned after about 3 months. So, another replacement had to be hired. The Communicable Disease Coordinator resigned as well as three nurses resigned. All of these positions had to be replaced. All of the positions had to be covered. Your supervisory staff at the Health Department are the ones who have stepped up and covered all of that. Every time someone called to ask a question; every time someone needed a space reviewed; every time someone called and said this child at a school is positive and they had 52 contacts who all need to be called tonight by 7:30 p.m. – your Health Department staff covered that.

Ms. Binkley said she is very grateful for the staff and everything they had done. All of the steps were done as far as getting this approved by the Board of Health, taking through EEHW, Finance, County Board via resolutions and reports as far as what staff were doing and that this time was going to be paid out and that it was an allowable way to pay the time out. There is a system of checks and balances and accountability for the staff and for the Director.

Chairman Greenfield asked if someone were to call at 7 p.m. and ask questions, do you put down for that amount of time or is there a set guarantee of so many hours or how does that work? Ms. Binkley explained that the policy is a 7/8 minute. If you are 7 minutes or under, you get no time. If you are 8 minutes through 15, you get 15 minutes. Most of the supervisory people do not log all of their time. They are answering calls, checking emails, etc with a couple minutes here and a couple of minutes there and they don't always log that. This time on the payout list is under recorded. There is not guaranteed amount of time, you have to earn every minute.

Chairman Greenfield asked if the first grant allowed for the Health Department to go back 3 or 4 months and pay out the overtime and if the overtime is normally kept track of regardless of whether it is going to be paid out or not. Ms. Binkley explained that yes, one of the grants could go back to January and one back to March. Yes, they were definitely allowed to go back. But, prior to the March 17 board meeting, there was a policy in place that stated that employees could not accrue over the 35 hours unless they received permission. So, they had to get special permission and the circumstances had to be extenuating. So, it was very, very rare. The reason it was capped and the policy was adopted to cap that time is because it can really get away from you. She said they wanted to limit the financial obligation of the Health Department and

County and to make sure there was not financial risk. There was that rule. If someone was allowed to go over 35, it was generally a supervisor that had some extra large project or review where they worked an exorbitant amount of hours and then they would either leave early on Friday with permission or take a day off the following week to hurry up and get it back down. The internal practice is that if someone's time gets close to 30 hours, they are directed that they are to make a plan in writing to tell their supervisor how that time will be used within a couple of weeks or so. It has to be done pretty much immediately after that. At the March 17 board meeting, the Board of Health did adopt the policy referenced earlier that was reviewed by Ed Flynn that said they could go over the 35 hours if that was approved, but they would still have to get permission. So, it is not like they can do whatever they want. They have to have it approved. It is checked off every single day or week. In most employee examples, they cannot receive it or use it unless they have permission. It is not usually even going over that 35, but if it did, if there was an extenuating circumstance that was approved, there is a paper trail of that in the time clock system. It would show in the time clock, Ms. Binkley approved this person to earn X hours and then there would be an email trail to show when the time would be used. Ms. Binkley said she has always kept all records of her time for accountability purposes and even if it went over 35 hours, it was put into the time clock software, but always communicated with the CFO, the Assistant Public Health Administrator and with the BOH. That time was just put in there for accountability to show that Ms. Binkley was accountable and would never claim it and that it was over policy. So, there is record of that, but that was time that was never paid out, will not be paid out and Ms. Binkley stated that she will never ask for that time because it was over policy and that is the rule. She said she does want to be accountable and wanted to show and reflect that she was working the hours and having a paper trail with it.

Mr. Greenfield stated that he had been under the assumption that if you draw a salary, you don't get overtime. But, with this flex time, the policy is set up where you can? He asked Mr. Baggett if there was any law or stipulations on salary people drawing overtime.

Mr. Baggett said absolutely not. What Ms. Binkley was referencing earlier with respect to the distinction between exempt and non-exempt employees is under the Federal Labor Standards Act. She did a great job in delineating some of the basis in how you distinguish between and exempt and non-exempt employee. There is nothing in the Fair Labor Standards Act and nothing in State Law, County's Code or anything like that that prohibits an exempt employee from being paid overtime if that is what the employer chooses to do. In this case, the Board of Health acts, in a similar fashion, as an elected official would normally act. They have what is referred to as "internal control power". They are the employer of the Public Health Administrator and through her, the staff of the Health Department. They adopt employment practices and policies. If the BOH has adopted a policy that allows for the payment of flex time or overtime to exempt employees, there is nothing in the law that prohibits them from doing so.

Mr. Greenfield asked Ms. Binkley about her overtime and who ok's her personal overtime, the full board or just the President of the Board? Ms. Binkley explained that the full board approved the conditions of her employment, the offer of employment, all of that, that she is subject to the personnel manual as are the rest of the employees with the 35 hours, the flex time, all of that. As far as with this specific straight time, over the flex time being paid out, which is not the normal practice, that was approved by the President of the Board of Health. She said

she does also input all of her time into the time clock program and did so in the previous time clock program just for accountability purposes. There is a system of checks and balances with that as well. The Assistant Public Health Administrator reviews Ms. Binkley's time and approves it and then it goes to the Administrative Assistant who approves it and looks at all payroll to make sure everything checks and is correct. The CFO, the Assistant Public Health Administrator or Ms. Binkley herself signs off on it before it goes to the Auditor's office.

Mr. Greenfield asked if the President of the Board is someone that is familiar with the department and would know how to go in and check things out. Ms. Binkley said that the Board of Health President, at time of approval, was Candace Clevenger and she does have a background in dealing with financial information. She has been on the Board for a very significant amount of time so she is very familiar with the policies and there is very much ongoing and very open communication with everything that is going on. Ms. Binkley said she keeps her informed. There is also a system with the expenses that goes to her and she checks it before it is sent on to the Auditor's office. Ms. Binkley said she also signs off on those and the entire board gets them. Yes, she is very familiar with the Health Department's operations and policies. She has been involved and has been able to see the flex time policy, manual, and all of that well before the pandemic arrived.

Mr. Gresham thanked Ms. Binkley for the good explanation in answering the questions he had. The only other thing, as discussed previously, is that Ms. Binkley and her department have been subjected to a very stressful period of time having to learn as they go along as well as having to be subjected to second guessing in all areas of the community. He said he appreciates the staff and all the hard work. He reminded the committee that they do have the COVID related money coming in and even though there is a good balance in the fund, he feels that it needs to be explored how they can be helped financially. Ms. Binkley expressed appreciation and will share the comments with her team. Many of the supervisors have been at the Health Department for a very long time and have worked well over the required hours for a very long time. She said she just cannot be more grateful for everything they have done. They have stepped up and supported one another through this ridiculously difficult year for everyone. She said they are looking forward to hearing if they will be getting the additional funding from the state and when there might be a finish line, if ever, for things like Contact tracing. She said they will provide any type of information they need.

Chairman Greenfield asked if all the overtime is paid out at the end of each month, but in November there were two payments and asked if there was a reason for that. Ms. Binkley said that the first one was to cover several months because they had just found out about the funding. The CFO was then able to get them on a more regular schedule to get it paid out more often and so the amounts would not be so large each time. Nothing has been paid now for about a month and a half because that is when the EWS system was adopted and they wanted to make sure all of the time was accruing correctly in that system. There were some glitches as there always are with the adoption of any new system. They wanted to make sure it was correct to avoid paying wrong amounts. That will be done in the near future and then they will be getting right back on that regular system. Mr. Greenfield asked about an estimate for the month of April. Ms. Binkley did not know exactly, but felt it would not be as much as the earlier months were because there is now more staff and the duties are more spread out. Another thing, is that when

there is a payout, there is a thorough system to ensure it is being done correctly. The CFO goes over the entire thing to make sure it is all accurate with the time clock.

CLOSED SESSION None needed

NEXT MEETING - 6/1/2021 This is a Tuesday, not a Monday, due to Memorial Day Holiday

ADJOURNMENT

Motion to adjourn made by Mr. Kreke & seconded by Mr. Mattingley & Chairman Greenfield adjourned the meeting at 5:50 p.m.

Minutes submitted by Jeannie Durham, County Board Office