

## **Commissioners' Special Board Meeting**

February 12, 2009

The Berks County Board of Commissioners held a special meeting on Thursday, February 12, 2009 pursuant to due notice to Board members and the public, with representatives of the PA Department of Public Welfare (**DPW**) including, Estelle B. Richman, Secretary of Public Welfare, Theodore Dallas, Executive Deputy Secretary, Jay Bausch, Director, Bureau of Human Resources and Jeff Wallace, Executive Director, Civil Service Commission. (it is noted that Jeff Wallace, Executive Director of the Civil Service Commission was invited but did not attend the meeting)

Commissioner Chair Mark C. Scott, Esq. called the meeting to order at 9:00 A.M. with Commissioner Christian Leinbach and Commissioner Kevin Barnhardt in attendance. Also present were the Chief Clerk Terry L. Styer, County Solicitor Alan Miller, Esq., County Administrator William E. Dennis, Jennifer Biehn Human Resource Director, George Kovarie Executive Director Children and Youth Services, Barbara Coffin Executive Director Office of Aging and Jonathan Vipond, III, Esq. Special Counsel for the County.

Commissioner Scott opened the meeting by thanking the representatives from DPW for agreeing to attend this meeting to discuss Berks County's withdrawal from the State Civil Service Commission requirements.

Secretary Richman stated that the DPW is not opposed to Berks County developing its own merit based system; her only concern was that the DPW not be in contempt of the Federal Government requirements so as to avoid jeopardizing federal funding for both the state and counties. She said that with the exception of Philadelphia, Berks County is first in this process of separating itself from the Civil Service Commission, but other counties will likely follow.

Deputy Secretary Dallas said that it is their understanding that they (DPW) are required to approve the County's alternate merit based system to assure continued federal funding and felt that only a few items regarding grievances and arbitration remain on the list of items to be addressed.

Atty. Vipond said that the County's interest is in hiring the best qualified employees in a merit based system. He said that he understands that the system needs to be compliant with the regulations and certified by DPW or the DPW can be held accountable. He said that the County has adopted an Alternative Dispute Resolution process to address the final concerns expressed by the DPW and feels confident that when the DPW reviews the policy they will also be comfortable.

Deputy Secretary Dallas said that the policy adopted by the County will be reviewed against the latest letter from the DPW that listed the 6 components needed in the merit based system.

Secretary Richman indicated that the Civil Service has a concern for this as it will in effect "turn on the spigot" for other counties to follow Berks County's lead but she reiterated that the DPW remains supportive of Berks County's intent. She said that the DPW's main concern is to avoid any financial penalties for the Commonwealth and that all employees have an adequate method to resolve employment disputes.

George Kovarie reported that his employees are aware of the County's position in this process but no formal letters of notification have been issued due to these ongoing discussions with the DPW and Civil Service Commission.

Secretary Richman said that when her department reviews the County's Alternative Dispute Resolution process and assures that the deficiency components previously identified by the DPW have been resolved, the County should expect to receive an opinion letter by the end of February indicating that the Berks County merit based system meets the federal compliance requirement.

Jennifer Biehn stated that County's Alternative Dispute Resolution process was in direct response to the concerns of the DPW and she is confident that they have now been addressed.

Commissioner Scott asked if the DPW and/or Civil Service involvement in future disputes would continue and was told that the DPW would only be involved to the extent of the required audit procedures. A discussion was then held regarding the effective date of this opinion letter from the DPW and it was the general consensus that the opinion letter from DPW could be stated to be retroactive to January 1, 2008 which is when Berks began operating without the Civil Service Commission involvement.

Secretary Richman then provided some words of caution with regards to some proposed budget cutbacks that are looming in Harrisburg. She indicated that the last figure presented by the Governor was a 10% reduction to the DPW which she said translated in \$1 Billion reduction to funding streams for Counties. She encouraged the Commissioners to contact their State Delegation regarding the impact this will have on the County tax payers since the services are mandated by the State and recognizing that the only other source of income for the County is Real Estate Tax increase to make up the difference. She ended by saying that she believes that Counties are going a good job of providing services and administering these programs for the State and that "we need to find ways to solve these problems without adding new taxes regardless of who is levying them." Secretary Richman also commended the Commissioners for the success in the operation of the County Nursing Home (one of very few County homes operating with a balanced budget.)

There being no further business, the meeting adjourned at 9:45 A.M.

Respectfully Submitted,

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Terry L. Styer, Chief Clerk