



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING
NOVEMBER 16, 2011
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Laura E. Evans, Esq., Chief Clerk; William Tully, Esq., Solicitor; Randy Baratucci, Director of Purchasing; Brad Winnick, Chief Public Defender; Fred Lighty, Esq., Human Services Director's Office; Dave Schreiber, Human Resources; Kay Lenge, Human Resources; Leila Brown, Solicitor's Office; Amy Richards, Press Secretary; Abby Gabner, Commissioners' Office; Julie Mackey, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Matt Miller and Saba Berhe

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:13 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Haste: We have a number of meeting minutes that we'll take up at next week's meeting.

PUBLIC PARTICIPATION

Mr. Haste: We're at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board? (There was none.)

DEPARTMENT DIRECTORS/GUESTS

A. Garry Esworthy, Risk Manager

1. Policy Renewal and Update on Workers Compensation

Mr. Esworthy: There are two things we are going to talk about today. One is the renewal with the Excess Workers Compensation Insurance. I'll give you a small update on the workers compensation concerns that we have here at the County.

The first thing is from Murray Insurance. We changed from RCMD Broker to Murray. RCMD was not providing the service that we needed. They were charging us a \$6,000 fee and a \$27,000 service fee. We eliminated those two fees this year. I'm glad to announce that the premium is \$300 lower than last year's premium. However, being a Risk Manager, I would like to request that you take a little risk. Currently our risk retention is \$750,000. For that we pay \$60,708 a year. I would like to move that up to \$800,000 SRI and lower the payment to \$55,830. In all my time here at the County we never ever came close to the SRI of \$750,000. I'm willing to take that risk and move it up to \$800,000 and lower the premium cost with your approval.

Mr. Haste: Explain that to me so I understand it.

Mr. Esworthy: We are self-insured. So, we pay everything up to \$750,000. If a claim exceeds \$750,000 our excess workers comp will kick in and pay anything above that. Our highest claim we've ever had was \$243,000 and that was with a settlement. Medical only on that indemnity was \$174,000.

Mr. Haste: You're moving up.

Mr. Esworthy: I'm moving it up \$50,000 and lowering it by about \$5,000.

Mr. Haste: I'm okay with that.

Mr. Esworthy: That's all I have on the renewal.

Mr. Haste: Bill, do you have any issues with that.

Mr. Tully: No.

Mr. Esworthy: I would like Donna to go over a couple of claims and some information with you.

Ms. Miller: We submitted to the Department of Labor and Industry a report of compensation paid for the 2010 calendar year of \$776,000. That was for the amount that was paid for that year. That was for all of our claims that we had. The amount of claims that we started with in 2010 was 80 and this year currently we are at 75 right now. That is for medical and indemnity claims. There are three different kinds of claims that we have and there are two of them that we have to report to the Bureau. The breakout sheet that I gave you, we currently have nine claims open right now for lost time claims. That means employees that are out of work, getting workers compensation wages. Out of those nine claims, seven of those are Schaffner employees. The workers compensation by employee grid that I gave you is one that Garry had asked me to show to you to see the breakdown per employee of how much we've paid just in the year of 2011, which is very substantial. Out of the seven Schaffner employees, five of those employees I could get back to work if the Schaffner contract was conducive to our needs and they are not. So, they are still out collecting workers compensation.

Mr. Haste: What does the shading mean?

Ms. Miller: The shading means that those people are currently out of work and we're in litigation with them.

Mr. Haste: That is eight.

Ms. Miller: This is as of September.

Mr. Haste: So, the seven that you are referring to aren't those....

Ms. Miller: They are not all the seven. The last shaded one; he is on light duty right now. He is due to come out on December 16 due to the contract. That is since September. We've put him back to work light duty. This report only goes through to September.

Mr. Haste: What do you need from the contracts?

Ms. Miller: The contract states that they can be on light duty for 90 days, and then they have to come out of workers comp lost time wages for 90 days. We got an extension from Kevin for putting them back to work for another 120 days and then after the 120

days they go back out on workers compensation again. I don't have anything...I have doctors' notes to get these folks back to work light duty, but the contract says that they can't go back unless they go back full duty.

Mr. Haste: Dave, are you aware of that?

Ms. Schreiber: Yes, we tried to get that modified in the last contract and they wouldn't agree to that. There were other more substantial things that we were trying to get done.

Mr. Haste: Are there any questions?

Mr. Pries: I think the two of you do an outstanding job of staying on top of these types of claims and the activities and getting these folks back to work. They know that there is no vacation when Donna Miller is on the case. I think that is something that has gotten around the county very quickly over the last couple years. That's a tribute to the both of you and the great work that you are doing.

Ms. Miller: Thank you very much!

Mr. Haste: That's why you have the nickname you have.

HUMAN RESOURCES

Ms. Lenge: Do you have any questions on any of the items in the Personnel Packet, either Salary Board or Personnel listings? (There was none.)

Mr. Haste: I may. We were going to try to approve the Prison, filling positions, without names, because they are in the middle of the testing. Part of the reason for that is if the Warden gives you fits, I'm trying to keep him within windows. He asked if he could identify positions to fill without having the names, because they are in the interviewing process. We want to keep him within the window.

Ms. Lenge: I do have the names of the individuals that are being replaced, the vacant positions. They have been requesting permission to fill the vacancies as we go along.

Mr. Haste: Does anyone else have any questions? (There was none.)

PURCHASE ORDERS

Mr. Baratucci: You should have your Purchase Order Packet for next week. As usual we have a couple of budget items that we'll clean up. I don't know if you have any questions on it right now. If you do, I'll try to answer them. Otherwise, I can answer them between now and next week.

The other item should have been attached to your PO Packet. It is a remote access requisition, the air cards. There is an explanation there from Tom Guenther as to why

he is requesting this. It is for Juvenile Probation, one of the school-based areas at Harrisburg. There is a note there where he had a conversation with Commissioner Haste about trying some different ways to make it work that we wouldn't have the monthly recurring costs, but could not really come up with one. So, with Carolyn's approval and Tom's approval, he is asking that you okay the air card for this one. I do know that this is part of something that Tom is working on. We had a meeting regarding this, the whole Blackberry, cell phone, remote access and all that stuff. I know there is a bigger plan hopefully coming down the road, but in the meantime there are a few that he'll have to get taken care of just because they need the access from the field.

Mr. Haste: Apparently they had difficulty trying to access our network by way of the network in the school. There were too many security issues on both sides.

Mr. Baratucci: I think they have those issues, because they have their own security procedures to follow. This one can be voted on next week. I just wanted to update you on it. If there are any other questions and if Commissioner Hartwick has any questions Tom could probably give him some more details. It is kind of explained there in the attachment.

TRAINING PACKET

Mr. Haste: We have Item #1 that we need to act on.

It was moved by Mr. Pries and seconded by Mr. Haste that the Board approve Item #1 in the Training Packet.

Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

ITEMS FOR DISCUSSION

(There was none.)

Mr. Haste: Is there anything that needs to be brought up? (There was none.)

SOLICITOR'S REPORT – WILLIAM TULLY, ESQ.

Mr. Tully: I have no changes to the draft report. If you have any questions I would be happy to answer them.

CHIEF CLERK'S REPORT – LAURA E. EVANS, ESQ.

Ms. Evans: I wanted to note that the County's THANKS Program is partnering with the Bar Association this Saturday at their Wills for Heroes event. It runs from 9:00 in the morning until 5:00 p.m. at Widener University.

I also wanted to note that we are continuing to conduct the budget hearings this week.

COMMISSIONERS' COMMENTS

Mr. Haste: Are there any comments by the Board? (There was none.)

PUBLIC PARTICIPATION

Mr. Haste: We are again at the point in time in the meeting for public participation. Is there anyone that would like to address the Board at this time?

Ms. Berhe: My name is Ms. Berhe. My address is 115 Worchester Avenue, Harrisburg. I live in Swatara Township. I talked with Commissioner Hartwick before. I have a concern about Dauphin County Mental Health/Mental Retardation Program. That is what the address was on my envelope, because my son was going through something. He was receiving some treatment. I got a phone call from your office yesterday that it won't be on the envelope, but the name won't change. That made me really frustrated. I'm really angry. I really want Dauphin County to reconsider, all the Commissioners, everybody that works for Dauphin County. If it meant to be positive, I really am pissed off to come up with the name Mental Health/Mental Retardation Program. I'm pissed off. I'm coming to you. I was sent to Secretary Alexander and they said it has nothing to do with them whatsoever.

Mr. Hartwick: It was Secretary Alexander. He is the Secretary for the Department of Public Welfare.

Ms. Berhe: They said that they have nothing to do with it. I'm angry right now. I'm pissed off to tell you the truth. I want you to know that. With what we are seeing at Penn State, a little information to show some people, because they don't get it to the right point. They don't consider doing something then oops. I want you to think this. Check people's background. I'm very offended by the words. I don't want you to think that American ways are always, because you Americans think the American way. I am not. I am offended by the words. How about the people that come from different cultures, they think different ways? They are offended by the words. Do you ever think about other cultures that they try to work with their American kids taking treatments? Do you ask any other doctors that come from other countries on what they think about this to get people to treatment to fix things? Right now I am offended by this word. I don't want my son to get treatment if he is going to be labeled. That is how I see it.

Mr. Hartwick: We've had a conversation.

Ms. Berhe: I am in disagreement right now.

Mr. Hartwick: Just for the Board's clarification. I believe the concern is there was a letter that was communicated to the family that included on the external side of the envelope the words "Mental Health" and now it is Intellectual Disabilities. Because the

envelope included mental health or intellectual disabilities, there is a stigma that is associated with the external portion of the envelope that she didn't want to have in any way associated with her child. One of the things that I had talked about...one we can't change Federal regulations or the definition of those departments. We've already taken steps to change the name of Mental Health/Mental Retardation to Mental Health/Intellectual Disabilities to be more sensitive towards some of those issues that are the stigma related to mental retardation. The issues that were involved here were some mental health issues. I had suggested and what I agreed to was maybe not having an identifying factor on the external side of the envelope, just having it come from Dauphin County and a way to get that back to the appropriate department. That suggestion was not satisfactory to the constituent. From our standpoint I suggested that she talk to the Secretary of the Department of Public Welfare if she is unhappy with the name of Mental Health/Intellectual Disabilities. That change needs to come from the Health and Human Services Department of the Federal Government (HHS) or the Department of Public Welfare. Of course, he didn't even accept the call and said that has nothing to do with me, go talk to your county commissioners. I think we've taken the appropriate steps to do it. In this case, the suggestion of not having an identifier on the external portion of the envelope was something that I believe is a step beyond what other counties would do in order to protect the integrity of the process. There is nothing that I can do for you to change the actual overall name of the Federal program that is run through the County level.

Ms. Berhe: That's not the only thing that I have a concern with. I really wanted to know what does Dauphin County do as far as when a doctor has a concern if they call to crisis, how much power do they have when they call the police? How much do they have to share with any other communities? How much is mine also? How much am I protected, my privacy? If we are talking about privacy and for example if I was upset about something and I call my doctor and also I get a treatment and my doctor called crisis because he thought I was harmful or whatever and the police were calling every friend that I had. They were telling my friends that I was harmful to myself. Was my privacy protected then?

Mr. Hartwick: There are HIPPA regulations that determine what can and cannot be communicated either through law enforcement at that level or through you...

Ms. Berhe: Why did they have to share it with my friends that I'm harmful to myself?

Mr. Hartwick: There are steps that Dauphin County has taken to comply with HIPPA regulations to ensure that we are not placing...

Ms. Berhe: Again I'm disagreeing that you don't know my background whether I was harmful or not. That is what I'm trying to tell you that you need to learn about people's background from different cultures. I'm disagreeing again.

Mr. Hartwick: I took a significant time to meet with you. We made some changes. There is not...

Ms. Berhe: I'm talking to the whole county, not just one person.

Mr. Hartwick: There is not anything that we can do to a Federal name change of a Mental Health/Intellectual Disabilities Department and we are attempting to try to on the external portion of any kind of notification not include that externally. If there is going to be a need to change the overall...

Ms. Berhe: I am disagreeing. I just want someone to take...

Mr. Hartwick: You have disagreed with everything that anybody has said so far. I appreciate your concerns. We tried to take steps to remedy them and I don't know from our standpoint, which I'm probably more flexible and responsive particularly in this area than anybody else you will talk to, there is not a whole lot more that I can do for you.

Ms. Berhe: I'm talking to everybody to take it under consideration.

Mr. Pries: Have we provided her with Congressman Holden's phone number, since it is a Federal matter.

Mr. Hartwick: She has called everybody.

Ms. Berhe: Tim Holden is taking it further, but the only frustration that I have is with Senator Casey. They said the State is responsible and the Commissioners are responsible. Actually everyone is blaming you. The Commissioners are responsible for this.

Mr. Pries: For the name change?

Ms. Berhe: Yes.

Mr. Hartwick: She just doesn't want anything to be called Mental Health/Intellectual Disabilities at all. There is no identifying way that you can talk about issues.

Ms. Berhe: I don't have to waste your time or mine. I'm hardheaded, but I'm trying to understand in every way to get my point across. I don't want everybody to say oops.

Mr. Hartwick: I'm still having a hard time understanding. There is no mental retardation name.

Ms. Berhe: That's what I got on my envelope.

Mr. Hartwick: What would be a satisfactory response for you from this Board?

Ms. Berhe: Maybe challenges. It is not even mental retarded.

Mr. Pries: She'll no longer be receiving any type of correspondence that states Mental Health/Mental Retardation, because that is out of the system, but she apparently did at one point.

Mr. Hartwick: That's not the issue. She wants any kind of communication related to Mental Health/Intellectual Disabilities, Mental Health/Mental Retardation to be excluded from any correspondence that she has.

Ms. Berhe: I'm saying that if the County has this agency doing good things, why do we have to have a negative name? If we really meant to do good to guide people why do we have to say mental retarded? I'm really disagreeing and I'm getting pissed off.

Mr. Hartwick: There is no name of Mental Retardation in Dauphin County.

Ms. Berhe: You saw the envelope that I got.

Mr. Hartwick: We changed the name to Mental Health/Intellectual Disabilities. That is now what the Department's name is. I've agreed to in any formal correspondence that comes out to residents in excess to what we are actually supposed to be communicating we will not have any identifying external envelope information at all. It will just come from Dauphin County. Even saying that is not satisfactory. Again, I asked you what would be satisfactory for you and I still haven't heard a definitive answer.

Ms. Berhe: You have more doctors and psychiatrists in Dauphin County that could come up with better words, a more positive name. If you meant to do well, if this County is really about doing good I think it should come with a positive name instead of saying retarded. Even intellectual is not that far from mental. I don't think it is that far.

Mr. Hartwick: I appreciate you bringing the concerns forward again.

Ms. Berhe: I'm not just here for you. I want everybody to hear me. They work with you, even though they are not my commissioners. I just want everybody to hear me.

Mr. Pries: We are your commissioners too, all three of us are.

Ms. Berhe: He doesn't have to just push me away. I'm not going to go away.

Mr. Hartwick: I'm not pushing you away. I think you should meet with Commissioner Pries.

Mr. Pries: I would be more than happy to sit down and chat with you.

Ms. Berhe: Everybody is saying it is the Commissioners' problem. I'm going to make it everybody's problem. That is what the Senator is saying and that is what the Secretary says. They are telling me it is your problem. I'm not just going to go away.

Mr. Pries: This name change that was brought forth, it is not just Dauphin County. This was a statewide county department.

Mr. Hartwick: I don't even know...

Mr. Haste: In most other counties it is still referred to as mental health/mental retardation. We've taken the steps ahead of the other counties. The State in many cases still refers to it as mental health/mental retardation.

Ms. Berhe: In Perry County they don't say mental retardation. They don't say that. I have been pushed to everywhere in Pennsylvania. I have every county phone number. That is how much I was pissed to call every county.

Mr. Pries: As you've heard, Dauphin County has taken the proper steps to make that change. We are responsible for Dauphin County and the name has been changed within Dauphin County as opposed to some of our neighboring counties that still utilize the name Mental Health/Mental Retardation. We don't. We have changed the name. That is a big step that we have taken. As you are aware no correspondence going to you will state mental health/mental retardation.

Ms. Berhe: I disagree.

Mr. Pries: That's factual.

Ms. Berhe: I think it is negative.

Mr. Haste: Thank you for your concerns.

Ms. Berhe: Where do we go from here? I'm still going to come back. I'm not going to go away.

Mr. Haste: You are welcome every Wednesday.

Is there anybody else that would like to participate at this time? (There was none.)

ADJOURNMENT

There being no further business, it was moved by Mr. Hartwick and seconded by Mr. Pries that the Board adjourn.

Transcribed by: Richie-Ann Martz