

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

June 30<sup>th</sup>, 2022

At 3:30pm, Chairman Copenhaver called the Foster County Commission Special meeting to order. Roll call included Commissioner Pat Copenhaver, Commissioner Becky Hagel, and Commissioner David Utke. Also present was Interim Auditor Ellen Roundy, and Sheriff Justin Johnson.

The Personnel Committee has met regarding overtime and the Sheriff's Department. The Sheriff proposed moving his Chief Deputy Kruse to the vacant Sergeant position. This would allow him to legally collect overtime. Commissioner Utke made a motion to accept the Sheriff's proposal to move Chief Deputy Kruse from Grade 13 Step 7 to Grade 12 Step 9 and for the hourly rate to remain the same at \$28.04 and to allow him to receive any COLA for 2023 with his rate only being \$0.02 above the max, seconded by Commissioner Hagel. Roll call vote: Commissioner Hagel – aye, Commissioner Copenhaver – aye, and Commissioner Utke – aye. The motion passed.

The Personnel Committee also proposed to move the deputies from salary (exempt status) to hourly for payroll which allows for the payment of overtime. Moving personnel from the salary schedule to hourly also impacts the rate of pay at which our current policy for overtime for Sheriff Department from 1.25 approved at the May 17<sup>th</sup>, 2022, meeting to 1.5. According to the department of labor, employees paid on an hourly basis are paid overtime at the rate of 1.5 x their hourly rate. Commissioner Hagel made a motion to accept the proposal to pay Sergeant and Sheriff Deputy on an hourly basis and accrue overtime for actual hours worked at the rate of 1.5 effective July 1, 2022. Holiday Pay for the special Holidays actually worked as listed will be paid at 1.5 (Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day), seconded by Commissioner Utke. Roll call vote: Commissioner Hagel – aye, Commissioner Copenhaver – aye, Commissioner Utke – aye. The motion passed.

The County's current policy is that overtime is calculated on a 40-hour work week from Sunday to Saturday. This policy does not work well for how the Sheriff's office is scheduled on a 11.50-hour workday which constantly rotates. The County does not have to abide by the FLSA standards for Law Enforcement because there is less than five staff, but there is nothing that prevents the county using it to calculate overtime. The 7 k exemption for Law Enforcement is based on 171 hours determined at a rate of 6.11 hours per day. The personnel committee is considering a 14-day cycle at 86 hours. The cycle would start on July 1, 2022, and employees must be notified of the adoption of the FLSA 7 k exemption. Anyone newly hired would start in the same cycle dates. The County must also adopt an amendment to our Employee Policy manual. Commissioner Utke made a motion as of July 1, 2022, the County Board amend the Employee Policy Manual to adopt the Fair Labor Standards Act (FLSA) 7 k exemption for Law Enforcement with a 14-day cycle for 86 hours (6.11 hours FLSA formula x 14 days) to determine the calculation of overtime for hours worked. Any future hires will use the same cycle dates. The Sheriff Sergeant and Deputy will be notified of this amendment, seconded by Commissioner Hagel. Roll call vote: Commissioner Hagel – aye, Commissioner Copenhaver – aye, and Commissioner Utke – aye. The motion passed.

The state is behind on getting grant information out to health departments. There is nothing new to report for grants/contracts for Public Health.

With no further business, Chairman Copenhaver adjourned the meeting at 4:24pm.

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Ellen Roundy  
Foster County Interim Auditor

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Patrick Copenhaver, Chairman  
Board of County Commissioners