

DEKALB COUNTY BOARD OF HEALTH
MINUTES OF EXECUTIVE SESSION
JANUARY 25, 2011

BOARD OF HEALTH MEMBERS PRESENT

Linda Liston, MD, President
Jesus Romero, Vice President
Kevin Buick, JD, Secretary
Dennis Diemer, DVM
Tim Duez, DDS
Karen Hagen, RN, MS
Todd Latham
Scott Starkweather
Paul Stoddard

BOARD OF HEALTH MEMBERS ABSENT

David Phillips, MD
E.Sue Thompson, RN, MS

STAFF PRESENT

Karen Grush, Public Health Administrator

DISCUSSION

Layoffs and Grievance Filed

Mrs. Grush reported after all the layoffs were completed, the Union filed a grievance reporting we violated the contract regarding lay off notice and recall. Mrs. Grush reported that the contract language called for laying off probationary and part-time employees first by division. There was a disagreement over contract language regarding whether temporary part-time employees needed to be laid off in a specific division if there were no layoffs in that division. The Employer laid off all permanent and temporary part-time employees, knowing some of those positions would need to be replaced for the business operation of the agency. All the positions to be replaced were posted on 12-15-10 to give those being laid off ample notice to apply if interested. No one applied. Mrs. Grush reported recall could not be done until after 12/31/10 and was completed on 1/4/11. There was also disagreement regarding wording of classification titles. An example is the CBA lists a job classification as Animal Control Officer, and the posting stated it as Animal Control Warden. Mrs. Grush informed the Union they were the same classification. The Employer denied the grievance.

Litigation Settlement

Mrs. Grush reported to the Board she had informed them in April, 2008 of a suit filed against the Home Care Program. She said she did not give periodic updates on the advice of the States Attorney's Office, who was representing the Health Department. It was alleged a home care nurse left a sponge in the abdomen of a home care patient. Initially, the Health Department was the only defendant named in the suit. We stated there were other providers involved with this patient. In June 2008, the patient's surgeon and associated clinic were included as defendants. After all the depositions were completed, our position was we were not at fault. The sponge left in the plaintiff was white. Our sponges were black. John Farrell, States Attorney, presented our position that we did not think that it was our fault. In November 2010, the plaintiff's attorneys wanted \$250,000 to settle. Though we did not want to settle, to support our position we were not at fault, we would have to hire costly expert witnesses. The judge recommended a nuisance settlement with DeKalb County paying \$62,500, the patient's surgeon \$62,500 and the associated clinic \$35,000. The judge's recommendation was accepted. The \$62,500 was paid out of the County's Tort fund.

Personnel Compensation

Mrs. Grush recommended a 10% salary increase for the Home Health Aide – Intake Co-ordinator to function as Acting Director of Home Care.

Mrs. Grush reported the Home Care Director position has been advertised. There have been few applicants. Mrs. Grush reviewed the experience of the applicants. Only one applicant has the experience we feel is adequate to do the job. Mrs. Grush asked for direction from the Board for a maximum salary offer to negotiate with the applicant. Approval was given to offer up to \$88,000 with a comparable salary adjustment for the Director of Personal Health Services.

Public Health Administrator Retirement

Mrs. Grush informed the Board she will be retiring in June. She will provide them with an exact date soon. The Personnel Committee will function as the Search Committee. Mrs. Grush informed the Board there will be a qualified internal candidate. Mrs. Grush suggested the Board provide guidance to the Committee regarding promoting from within vs. doing an outside search. Discussion held with the consensus being an outside search should be done as it validates the best candidate was chosen.

Kevin Buick, JD, Secretary
DeKalb County Board of Health
Executive Session Minutes
January 22, 2011