

Human Resources Committee Meeting Douglas County, Nebraska

Wednesday, May 7, 2014

The meeting convened at 9:03 a.m. in Room 903 of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE 68183. A copy of the Open Meetings Act is located on the wall near the entrance of the room. A notice of the meeting was published in the April 30, 2014 issue of The Daily Record. County Commissioners present at the start of the meeting were Mary Ann Borgeson, Mike Boyle, Marc Kraft, and PJ Morgan. Others present at the start of the meeting were Patrick Bloomingdale, Diane Carlson, Joe Lorenz, Marcos San Martin, Mike Dwornicki, and Karen Cole of Administration; Public Defender Tom Riley; Lee Lazure and Kathy Adair of Human Resources/Civil Service Commission (HR); Jerry Leahy and Jeff McGill of Public Property; Leslie Douglas of County Court; Dan Esch of the Clerk/Comptroller's office; and Dan Stockman, private attorney. Commissioner Borgeson conducted the meeting.

1. Discussion regarding whether to establish an alternate Public Defender's office.

County Commissioners Chris Rodgers and Pam Tusa arrived during this item, as well as Ray Curtis of Juvenile Court, Doug Johnson of District Court, Theresa Urich of the County Attorney's office, and Tracy Krause of Aon. Ms. Cole left the meeting during this item. Speaking to the item were Commissioner Borgeson, Public Defender Riley, Mr. Curtis, Commissioner Boyle, Commissioner Rodgers, Commissioner Kraft, Mr. Stockman, Commissioner Morgan, and Ms. Carlson. Highlights from the discussion included the following:

- Commissioner Borgeson said other jurisdictions have set up a second public defender's office that's under the direction of the County Board.
 - Commissioner Borgeson said this item is on the agenda so there can be a discussion about the pros and cons of this type of set up, as well as discussion about the types of cases that would go to an office like this.
- Public Defender Riley talked about conflicts for the Public Defender's office.
 - Public Defender Riley said the Public Defender's office conflicts out of 350-400 cases per year.
 - Public Defender Riley said if there multiple defendants charged with the same crime, the Public Defender's office can defend one defendant, but ethically cannot defend all three, so the Courts will appoint attorneys from outside of the Public Defender's office to represent the other defendants.
 - Public Defender Riley said one step taken to help minimize the cost of conflicting out of cases is the County Attorney will tell the Public Defender who they're target defendant is.
 - Public Defender Riley said the Public Defender's office will then represent the target defendant and then private counsel will be appointed to the other defendants.
- Public Defender Riley said many states have GALs (Guardian Ad Litem) who aren't lawyers.
 - Public Defender Riley said the Bar Association would not support that idea, even though a law degree is not required to do a lot of the work a GAL does.
- Public Defender Riley said a deeper look into the information available is necessary.

- Public Defender Riley said any time a private attorney submits a bill, he/she has to outline what he/she spent their time doing and at what cost.
- Public Defender Riley said to only say the County pays “x” amount of money for “x” amount of cases won’t cut it, the County needs to dig deeper into the information.
- Public Defender Riley said with regard to the ethics of a stand-alone, alternate Public Defender’s office, different states provide indigent defense services differently.
 - Public Defender Riley said the County Board needs to talk to the County Attorney about whether or not the County could do it.
 - Mr. Bloomingdale said there is an opinion from the Attorney General pending.
- Mr. Bloomingdale said his thought process on an alternate Public Defender’s office was if the County hires attorneys who do GAL work, and they’re attorneys who the judges are comfortable with, the judges would look first to those attorneys before appointing somebody else.
 - Mr. Bloomingdale said the office would focus on Juvenile Court cases at first.
 - Mr. Bloomingdale said these attorneys would be full-time and they would only deal with these types of cases.
 - Mr. Bloomingdale said the judges honor the current GAL contracts 80% of the time, so if they honor the alternate office 80% of the time, the County will save money.
 - Mr. Bloomingdale said even if the County saves no money with this alternate office, at least the County would have the ability to audit and monitor the cases because the attorneys are reporting to the County.
- Public Defender Riley said the key to monitoring the Public Defender’s cases is the case management system his office uses.
 - Public Defender Riley said with his office’s case management system, he can see who has how many cases and what type of cases they are.
 - Public Defender Riley said the attorneys can go to the system and log in when they visited their clients and what they talked about during those visits.
 - Commissioner Boyle said he would like to visit the Public Defender’s office to see how its case management system works.
- Mr. Curtis gave examples of when judges will appoint outside of the GAL contracts:
 - Both groups have conflicted out.
 - A special skillset is necessary for a particular case.
 - If the attorney started out with a contracted firm but then takes up employment with another law firm, the court will keep the case with that attorney.
- Public Defender Riley said there may be new standards passed that could affect court-appointed attorneys.
 - Public Defender Riley said the Supreme Court has been quiet on the issue, so he doesn’t know yet if the standards will be a pro or a con.
- Commissioner Borgeson said she’d like to get some more details gathered, and bring the idea of an alternate Public Defender’s office back for review.
 - Commissioner Borgeson said the idea will be focused on Juvenile Court cases for now.
- Public Defender Riley, Ms. Douglas, and Mr. Stockman left the meeting after this item.

2. Review proposed parking policy for Midtown Campus.

Mr. Curtis and Mr. Johnson left the meeting during this item. Speaking to the item were Ms. Carlson, Commissioner Boyle, Commissioner Borgeson, Commissioner Morgan, Ms. Beisheim, Mr. Leahy, and Commissioner Kraft. Highlights from the discussion included the following:

- Ms. Carlson handed out three documents regarding the proposed parking policy for the Midtown Campus.
- Ms. Carlson said she's been working with Public Property and Jennifer Beisheim of the Health Center to come up with a policy for parking at the Midtown Campus.
- Ms. Carlson said the idea behind this policy is to make sure there is adequate parking throughout the campus by having employees park in areas designated for their department.
- Ms. Carlson reviewed a summary of the proposed policy:
 - Ms. Carlson said this policy applies to employees of the Health Center, Community Mental Health Center, General Assistance, Health Department, Juvenile Assessment Center, Youth Center, and Veterans' Service Office.
 - Ms. Carlson said the employees will be required to register their vehicles with security at the Health Center.
 - Ms. Carlson said employees can register more than one vehicle.
 - Ms. Carlson said employees will be given a tag that can be hung on the rear view mirror.
 - Ms. Carlson said currently different departments have different tags at the Midtown Campus. This policy is going to make the tags more uniform, and the tags will be color-coded to indicate what lot the vehicle should be parked in.
 - Ms. Carlson said security will monitor the parking lots.
 - Ms. Carlson said security will issue a written warning on vehicles that either don't park in the correct lot or don't display the appropriate parking tag.
 - Ms. Carlson said a third incident during a 12-month period will result in the vehicle being towed.
 - ❖ Ms. Carlson said vehicles that are parked in no parking zones (i.e. fire lane, handicapped zone) may be ticketed by law enforcement and subject to tow.
 - ❖ Commissioner Kraft said there needs to be language added to the policy that says the car owner is responsible for the cost of towing and any associated storage fees.
- Ms. Carlson said the policy tries to make it so that employees are parking near the building they work in, and tries to ensure enough space for visitor parking.
- Commissioner Borgeson said the next step is to bring the policy to the County Board for approval.
- Ms. Beisheim, Mr. Leahy, and Mr. McGill left the meeting after this item.

3. Discussion regarding dependent eligibility verification audit.

Speaking during this item were Mr. Lazure, Commissioner Kraft, Ms. Adair, Commissioner Boyle, Commissioner Morgan, Ms. Krause, Mr. Bloomingdale, Commissioner Borgeson, Mr. Dwornicki, and Mr. Lorenz. Highlights from the discussion included the following:

- Mr. Lazure said HR reached out to other organizations who have done a dependent eligibility verification audit (audit) to get feedback on their experience with the audit.
- Mr. Lazure said HR contacted Creighton University, Lancaster County, and the State of Nebraska.
 - Aon performed the audit for all three of these organizations.
 - Mr. Lazure said the HR Director at Creighton University mentioned the following to him:
 - Creighton's employee population is a diverse population from around the world, so they felt they needed a company who had the resources to verify the accuracy of the documents being submitted (i.e. birth certificates, marriage licenses).
 - Commissioner Boyle said the County doesn't have the international diversity that Creighton would have amongst its employees.
 - The HR Director said he and Fr. Lannon heard from many people who were upset about having to provide documentation for the audit.
 - Mr. Lazure said the HR Director at Lancaster County mentioned the following to him:
 - He (Lancaster County's HR Director) used to be the HR Director at Bryan Memorial Lincoln General Hospital. During his time there, the hospital did an audit in-house.
 - It was a "nightmarish" process that lasted between 5 and 6 months.
 - There were numerous employees who submitted requests asking to have an exception from providing the documents needed for the audit.
 - There were employees who were angry that they had to provide the documentation to the hospital's benefits staff.
 - It required two employees working full-time to gather the certificates, making several attempts to get it, and verifying the documents resulted in staff being bogged down by the project.
 - Lancaster County went with an outside agency to perform their audit and it was "the difference between night and day."
 - Lancaster County HR staff was able to do their everyday jobs.
 - There were no issues with employees complaining about internal staff seeing their personal information.
 - Mr. Lazure said the HR Director for the State of Nebraska mentioned the following to him:
 - There were complaints from many employees.
 - There were several attempts to get the documentation from all of the employees.
- Mr. Lazure there around 1,300 employees with the County who have dependent coverage.
- Mr. Lazure said Aon has said they can do the audit for \$33,275.
- Mr. Lorenz said he's confident the audit will find 3%-5% non-compliance, and that translates into a minimum savings of \$500,000 per year.

- Mr. Lorenz said dividing \$500,000 by 12 months is about \$40,000 per month, so the audit by Aon will pay itself back quickly.
- Commissioner Boyle said he doesn't think the County needs to pay to gather the information needed for the audit.
 - Commissioner Boyle said he thinks each County office could have a person designated to gather the documentation needed for the audit.
- Mr. Bloomingdale and Ms. Adair expressed concerns about verifying the authenticity of documentation.
 - Commissioner Borgeson said there is no verification process in place currently, yet new employees are required to submit documentation to HR if they're claiming dependents.
 - Commissioner Boyle said the County's Vital Statistics office could be asked to verify the birth certificates since they issue birth certificates.
 - Mr. Dwornicki told Ms. Krause that he'd like to know how much time is spent verifying the documents that are received, and how much of the cost for the audit relates to that process.
- Mr. Bloomingdale said he believes there is a difference between asking a new employee to provide information, as opposed to asking an employee who's been working with the County for decades.
- Mr. Bloomingdale said the interpersonal dynamics within a department could be an issue.
 - Mr. Bloomingdale said a designated person within each office may have to deal with employees not wanting to give them their information. Mr. Bloomingdale said an outside agency doing the audit would keep fellow employees from having to deal with that.
 - Commissioner Boyle said if an employee is giving the designated person collecting the information a difficult time, the designated person could report that to the department head/office holder.
- Ms. Krause reviewed some statistics from the audit Aon did for the City of Lincoln.
 - Ms. Krause said the City of Lincoln has around 1,900 employees.
 - 638 phone calls were fielded by Aon.
 - 5,799 total documents were received by Aon.
 - 1,577 website portal hits.
 - Ms. Krause said employees can log onto an Aon website and upload their marriage license and/or birth certificate(s).
 - Ms. Krause said her colleagues told her the amount of inbound calls and documentation received for the City of Lincoln audit was similar to companies of comparable size.
 - As a result of the audit, Ms. Krause said the City of Lincoln removed 77 dependents.
 - Ms. Krause said the City of Lincoln's audit started in July, project close was at the end of September, and at the end of October they terminated people from coverage.
- Commissioner Boyle said he thinks the initial communication piece notifying County employees of this audit would be more effective if it was on United Healthcare letterhead, since United Healthcare is the insurance group for the County.
- Commissioner Morgan left the meeting during this item.

- Mr. Dwornicki and Ms. Urich left the meeting after this item.

4. Discussion regarding recognition program for retirees.

Speaking to this item were Mr. Lazure, Commissioner Borgeson, Commissioner Kraft, and Mr. Lorenz. Highlights from the discussion included the following:

- Mr. Lazure said going forward when an employee notifies HR that he/she will be retiring, HR will provide to that employee a form where the employee can indicate if he/she wants to:
 - Be recognized at a County Board meeting for their years of service, or
 - Receive via mail a recognition document for their years of service, or
 - Not be recognized at all.

5. Other business.

Speaking to this item were Ms. Adair, Commissioner Borgeson, Mr. Lorenz, Commissioner Boyle, Ms. Krause, Mr. Bloomingdale, and Commissioner Kraft. Highlights from the discussion included the following:

- Ms. Adair gave an update on the County's wellness program and Viverae, the wellness program administrator.
 - Ms. Adair said the wellness program will launch on July 1st.
 - Ms. Adair said after this year, the program will be run on a calendar year basis.
 - Ms. Adair said the County Attorney's office is reviewing the master agreement with Viverae, which will need to be signed no less than 30 days prior to the launch date.
 - Ms. Adair said there are 2,030 employees eligible to participate in the wellness program.
 - Ms. Adair said at this time employees who have their insurance through Douglas County are the only employees eligible.
 - Ms. Adair said the 2,030 figure does include retirees who are covered under the County's plan.
 - With the wellness program through Viverae, employees earn points by doing various wellness activities.
 - Ms. Adair said a County employee participating in the wellness program will earn a \$100 gift card if the employee obtains 200 points by December 1st.
 - Ms. Adair said \$100 was the amount chosen because she and those working on the wellness program believe \$100 is enough of an incentive to get employees to participate.
 - Ms. Adair said employees earn points by doing two mandatory items, a biometric screening and a health risk assessment, and points can be earned by participating in various webinars and challenges offered by Viverae.
 - Ms. Adair said Viverae will provide on-site biometrics screening at four County locations at four different times: Corrections, Health Center, Civic Center, and a County site out west.
 - Ms. Adair said the employee will record the activities he/she completed through the Viverae website.

- Ms. Adair said based on what Viverae's experience has been, she expects there to be 50% employee participation for the first year of the wellness program.
- Ms. Krause said Viverae tracks the engagement of the employees, and then forwards that information to Ms. Adair at the end of the year.
 - It is after this when Ms. Adair will know which employees met the 200 points needed for the gift card.
 - Ms. Adair said the employees who earned 200 points will receive their \$100 gift card in January.
- Possibly implementing a premium reduction as the reward for points earned was discussed.
 - This was discussed as an option for future years, not for this year.
- Ms. Adair said there will be various ways the wellness program will be communicated to employees.

The meeting adjourned at 11:10 a.m.