

**Meeting Minutes**

**Board of County Commissioners  
Hyde County**

**Special Meeting – EMS Review Committee**

**October 18, 2010**

Chairman Tom Davis called the Special Meeting of the Hyde County Board of Commissioners to order at 4:00 PM on Monday, October 18, 2010 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Tom Davis, Sharon Spencer, and Anson Byrd; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; and members of the public. The following members were present on Ocracoke: Commissioners Darlene Styron and Ken Collier; Deputy Clerk to the Board Paula Privett; and members of the public.

David Smitherman, the Interim County Manager, said he generally believed the County could provide a cost effective service with the proper management, an adequate number of staff, and proper scheduling of the staff members. Mr. Smitherman outlined three types of schedules that would be more cost effective:

**48 On/144 Off**

The Interim County Manager stated the 48/144 schedule rotation requires that each employee work 48 hours every 8 days, but when the employee is scheduled on a weekend the following week's schedule would only require 16 hours of work. Therefore, every eight weeks the employee works five 48 hour weeks, one 40 hour week, one 24 hour week and one 16 hour week. Mr. Smitherman said the total annual hours worked would be 2080 hours and the staff members would receive compensation for 130 hours of overtime annually.

**Weekday/Weekend**

Mr. Smitherman said this scheduling option would split the weekdays and weekends between two rotating crews, therefore two rotating crews would work weekdays and two rotating crews would work weekends. The Interim County Manager further stated that at full staffing, no part time employees would be needed unless an employee takes a vacation day or is sick.

## **Nights On-Call**

The Interim County Manager said the final scheduling option takes advantage of a provision in the Fair Labor and Standards Act (FLSA) that permits “sleeping time” during a 24 hour (or greater) shift. Mr. Smitherman reported during FY2010 there were a total of 148 calls between the hours of 11PM and 7AM, therefore there were at least 217 nights in FY2010 in which the service responded to zero calls. The Interim County Manager informed the Board that FLSA permits employers to exclude bona fide regularly scheduled sleeping periods from employee compensation if certain conditions are met. Generally, the sleeping period may be no more than 8 hours in duration, the employer must provide proper facilities, and the employee must usually enjoy an uninterrupted night’s sleep, but if there is less than five hours of sleep taken the employer must compensate the employee for the entire eight hour period.

## **Service Reduction to EMT-Intermediate**

Mr. Smitherman informed the Board of the necessary steps to change the level of emergency medical services to be provided:

1. Seek approval from Medical Director for the change.
2. Revise the Emergency Medical Service system plan.
3. Submit the plan to the NC Office of EMS for approval.
4. Trucks inspected and recertified.

The Interim County Manager stated if the System Medical Director agrees to serve over the EMT-Intermediate level service, the entire recertification process should be complete by January 1, 2011. Mr. Smitherman further stated it is required for an exception to be granted by NCOEMS to allow the County to operate at two different levels of care on Ocracoke and the Mainland.

## **Third Party Outsourcing**

Mr. Smitherman said a final option for operating the County’s EMS system is to contract with a third-party to provide the necessary equipment, personnel and management. The Interim County Manager reported the County received a proposal from American Medical Response (AMR) to operate the system for the next five years at a cost of \$1,200,000.00 with an inflationary increase of five percent. Mr. Smitherman stated that they propose to begin the service on January 1, 2011 and continue through December 31, 2015 and the final year compensation is listed at \$1,458,608.00, which is \$119,553.00 less than the County’s FY2011 budget.

## **Billing and Collections**

The Interim County Manager said the County has an employee that dedicates approximately 60% of their time to billing and collections. Mr. Smitherman stated the County does not use a collection agency for past due accounts, but does send

delinquencies to the NC Debt Set-off Program for garnishment of income tax refunds. The Interim County Manager said even though the County does a reasonably good job with this function presently, it does not have the knowledge, technology or experience to adequately manage the billing and collections. Mr. Smitherman recommended the County consider outsourcing the billing and collections, pending competitive proposals.

Robert Swain, Beaufort County Community College, said Tyrell County has a contract with EMS Management Consultants for billing and collection services. Mr. Swain stated the third-party has a collection rate of 61% and charges a fee of ten percent.

Chairman Davis asked if the “sleep time” allowed by FLSA has to occur at night. The Interim County Manager replied that it did not, but the call volume was drastically reduced during the time period from 11PM to 7AM.

Commissioner Collier asked what level of service would be provided if the County decided to approve the proposal provided by American Medical Response. Mr. Smitherman said the proposal was for paramedic level service.

Commissioner Spencer asked if the EMS personnel had any input regarding the scheduling option they preferred. Jeff Hibbard said they had not discussed the scheduling options with the staff.

Chairman Davis asked how they would handle calls that occurred at shift change. The Interim County Manager said the employees would receive compensatory time and part-time employees would be utilized when compensatory time was used.

Commissioner Spencer asked how many paramedics would need to be hired to reach full staff and why they had not been able to hire these required personnel. Mr. Smitherman said they needed to hire three paramedics, but they had not aggressively pursued filling these positions. Mr. Smitherman further stated that they currently had 13 EMTs on staff, but only needed eight to adequately operate the EMS system.

Brian Carter, Ocracoke Lead Paramedic, informed the Board there had been three paramedics who had inquired about full-time work within the County, but they had not advertised the positions because they were never given authorization. Mr. Carter also stated that the staff on Ocracoke preferred the 48/144 scheduling option.

Commissioner Collier asked if spending would continue to increase once the EMS system was at full staff. Mr. Smitherman said he believes the County will save money once the system was at full staff.

David Daye, Paramedic, asked if the County would consider hiring an EMS Director because there is a lack of direction and it seemed as if the County was operating to separate services with one budget.

Chairman Davis asked the Interim County Manager if he could offer the Board some direction as to how to proceed.

The Interim County Manager said the Board needed to set a deadline for a decision to be made regarding the future of the EMS system. Mr. Smitherman also informed the Board that the Reduction in Force Policy would need to be exercised due to an overage of five EMTs and the employees deserved to be given proper notice.

Commissioner Collier stated he needed more time to review the information provided before making a decision of that magnitude.

Chairman Davis recommended the Board discuss this matter further at the 7 PM Regular Meeting of the Hyde County Board of Commissioners.

### **Public Comments**

**Franklin Swindell**, Engelhard resident – thanked Commissioner Spencer for allowing the public to comment on matters discussed at this meeting.

Mr. Swindell asked if the paramedics that had expressed interests in working for the County specifically requested to work on Ocracoke or the Mainland. Brian Carter said the paramedics did express any preferences.

Mr. Swindell asked when a cap would be placed on the EMS budget to regulate the spending.

**David Fletcher**, Engelhard resident – wanted to know why no training had been offered within the County for the current staff. Mr. Fletcher said the County needed trained staff to provide medical services while the Engelhard Medical Center searched for a doctor.

**Jeff Hibbard**, Mainland Lead Paramedic – said he did not want to see any of the EMTs lose their jobs.

**David Daye**, Paramedic – informed the Board there was an EMT-Basic class scheduled to begin on November 1<sup>st</sup> and they were offering continuing education with the County. Mr. Daye said he came to Hyde County to help establish the EMS system.

**Eddie Newman**, Swan Quarter resident – said he agreed the County should train the current staff to the paramedic level and the Board should consider hiring an EMS Director. Mr. Newman further stated that he was satisfied with the services currently being offered in the County.

**Daniel Edgar**, Engelhard resident – agreed with the need for an EMS Director and stated he did not want to see any jobs cut.

**Cheryl Ballance**, Ocracoke Health Center Administrative Director – stated during the process of recruiting a physician, most of the candidates inquired about the level of Emergency Medical Services being provided by the County. Mrs. Ballance also stated she would be willing to assist the County in any way she could.

With no further comments offered, Chairman Davis asked for a motion to adjourn the October 18, 2010 Special Meeting of the Hyde County Board of Commissioners.

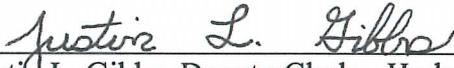
Commissioner Byrd made a motion to adjourn the October 18, 2010 Special Meeting of the Hyde County Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

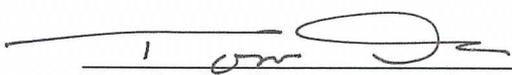
Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

The October 18, 2010 Special Meeting of the Hyde County Board of Commissioners adjourned at 5:00 PM.

Respectfully submitted:

Minutes approved on the 1<sup>st</sup> day of November, 2010.

  
Justin L. Gibbs, Deputy Clerk – Hyde County Board of Commissioners

  
Tom Davis, Chairman – Hyde County Board of Commissioners

