

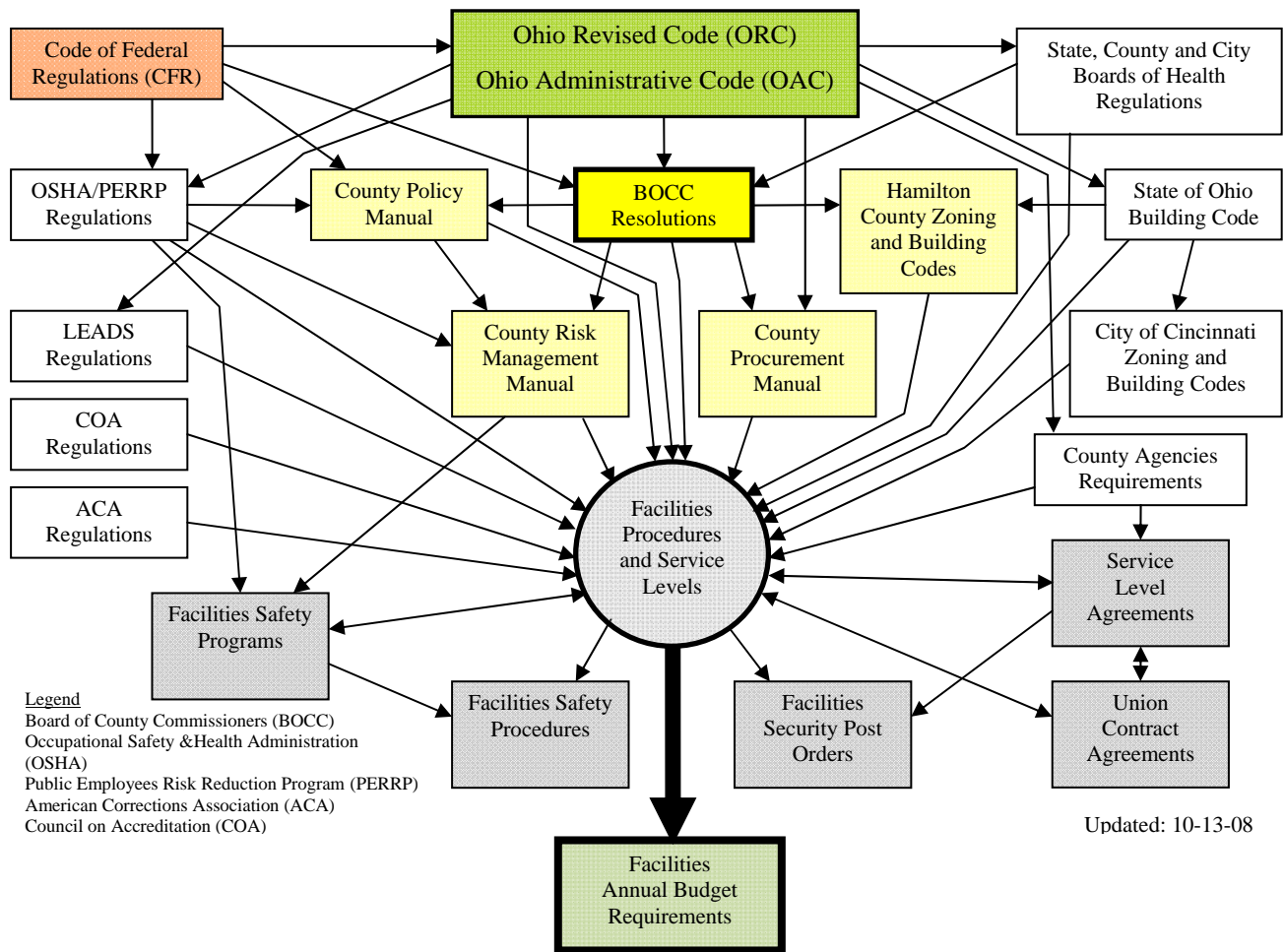
# 2009 Non-Mandated Expenditures Department Response

DEPARTMENT: COUNTY FACILITIES  
 DEPARTMENT HEAD: Ralph Linne  
 OCA TITLE: 060060 Construction/Trades

*Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.*

1. Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.

Below is a Flow Chart showing the Laws, Rules, and Agreements which determine the budget and staffing levels for the Hamilton County Facilities Department (HCFD).



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The Director of County Facilities feels that **ALL SERVICES AND STAFFING**, provided under this OCA, are required in order to support the maintenance and renovation of BOCC owned and leased facilities as listed below:

- 230 East Ninth Street
- 237 William Howard Taft
- 250 William Howard Taft
- 264 William Howard Taft
- 2611 Highland Avenue
- Administration Building
- Alms & Doepke Building
- B&B Parking Lot
- 800 Broadway Building
- Clerk of Court's Record Center
- Communication Center
- Coroner's Office
- Courthouse - Hamilton County
- County Engineer's Garages
- Hillcrest Training School Campus
- Justice Center – North Building
- Justice Center – South Building
- Juvenile Youth Detention Center
- Memorial Hall
- Parkhaus Garage
- Patrol Headquarters Complex
- Public Works Garage – Burlington
- Sheriff's Target Range

Below are several sections of the ORC which clearly states this opinion:

*ORC 307.01(A) states “(A) A courthouse, jail, public comfort station, offices for county officers, and a county home shall be provided by the board of county commissioners when, in its judgment, any of them are needed. The buildings and offices shall be of such style, dimensions, and expense as the board determines.*

*ORC 305.16 states “The board of county commissioners may employ a superintendent, and such watchmen, janitors, and other employees as are necessary for the care and custody of the court house, jail, and other county buildings, bridges, and other property under its jurisdiction and control.”*

*ORC 307.92 states “As used in sections 307.86 to 307.91, inclusive, of the Revised Code, “contracting authority” means any board, department, commission, authority, trustee, official, administrator, agent, or individual which has authority to contract for or on behalf of the county or any agency, department, authority, commission, office, or board thereof.”*

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### **BOCC RESOLUTIONS**

**The following are resolutions (copy in reference materials) that must be followed during the maintenance, design and renovation of County building:**

- Resolutions Adopting Hamilton County Risk Manual – Dated 4-5-1995, 5-31-1995, 10-27-1995, 10-4-1995, and 8-20-2003
- Resolution Adopting Hamilton County Purchasing Manual – Dated 4-15-1995
- Resolution Approving the Hamilton County's GREEN Building Policy for New Construction and Major Renovations – Dated 4-23-2008
- Resolution Approving an Energy Policy for Hamilton County – Dated 4-23-2008
- Resolution Modifying Selection Procedures for Building Equipment Based on Life Cycle Costing – Dated 9-27-2000
- Resolution Modifying Selection Procedures for Professional Services of Architects, Engineers, Construction Managers and Environmental Professional – Dated 9-30-1998 – Per ORC

### **LEGAL SERVICE LEVELS**

**The following are references other that ORC/OAC (total descriptions can be provided upon request) that must be followed during the maintenance, design and renovation of County buildings:**

- All design and construction activities shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act ("ABA") Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004.
- All design and construction activities shall be completed in full compliance with the City of Cincinnati Building Code within the City limits
- All design and construction activities shall be completed in full compliance with the Hamilton County Building Code when there is no other municipality which has adopted their own Building Code
- All construction activities shall be in full compliance with the OSHA regulations
- All construction activities shall be in full compliance with the EPA regulations

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### SERVICE LEVELS

**The following are Service Level Agreements (copy in reference materials) that must be followed:**

- Service Level Agreement (SLA) between BOCC and Job and Family Services
2. Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.
- Board Of County Commissioners
  - Auditor
  - Administrative Services
  - Board of Elections
  - Budget and Strategic Initiatives
  - Building Inspections
  - CAGIS
  - Cincinnati Museum Center (CMC)
  - Communications Center (911)
  - Community Development
  - Coroner's Office
  - Court of Appeals
  - Court of Common Pleas
  - Court of Domestic Relations
  - Court Jury Commissioner
  - CLEAR
  - Clerk of Courts
  - Economic Development
  - Emergency Management Agency
  - Engineer's Office
  - Environmental Services
  - Fairgrounds
  - Family and Children First
  - General Health District (Board of Health)
  - Greater Cincinnati Automobile Dealers Association
  - Homeland Security (Regional)
  - Job and Family Services
  - Juvenile Court
  - Law Library
  - Mental Retardation and Developmental Disabilities Board (MR/DD)
  - Municipal Court
  - Personnel
  - Planning, Zoning and Community Development
  - Probate Court
  - Prosecutor's Office
  - Public Works
  - Public Defender's Office
  - Purchasing
  - Recorder's Office
  - River City Correctional Center
  - Sheriff's Office
  - Soil and Water
  - Treasurer
  - Veterans Service Commission
3. Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.

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- All services/activities under this OCA are in the county's indirect cost plan
  - Services provided to MRDD, and other County organizations for which when project(s) are funded with restricted funds and charged back to that funding source
4. If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township. – N/A
  5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion? – Yes – These are noted above
  6. Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms. – N/A
  7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment). – N/A
  8. Do any of the non-mandated services include employees represented by a bargaining unit? If so, please note the union and provide information as to reduction-in-force and job abolishment considerations. – Yes – Building Trades
    - Carpenters
    - Plumbers
    - Iron Workers
    - Electricians
    - Painters
    - Plasterers

### **BUILDING TRADES CONTRACT ARTICLE 9 LAYOFF AND RECALL**

Section 9.1. When the Employer determines that a layoff is necessary, employees shall be laid off on the basis of the seniority within the job classification, and those with the least seniority shall be laid off first.

The Board of Commissioners may also determine it is necessary to abolish a position or positions. Abolishment means the permanent deletion of a position or positions from the organization or structure of the appointing authority (the Board of Commissioners) due to lack of continued need for the position. The Board of Commissioners or its designee may abolish positions as a result of reorganization for the efficient operation of the Board of Commissioners, for reasons of economy, or for lack of work. The determination of the need to abolish positions shall indicate the lack of continued need for positions within the Board of Commissioners. The Board of Commissioners shall itself determine whether any position should be abolished and the Board of Commissioners or its designee shall provide a statement of rationale and supporting documentation to the Union prior to sending the notice of abolishment to the affected employee(s). Notices of abolishment shall be provided to the Union and affected employees at least forty-five (45) days prior to the effective date of the abolishment. If an abolishment results in a reduction of the work

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force (layoff), the Board of Commissioners or its designee shall follow the procedures for laying off employees, subject only to the layoff procedures in this Article.

Section 9.2. Employees remain on a recall list for 730 calendar days from the date of the layoff. When the Employer determines that a recall is necessary, employees shall be called back from layoff according to his/her seniority in the classification from which the employee was laid off.

Section 9.3. Recall to laid off employees and the Union will be made by certified mail to the last address as show in the county records. The laid off employee shall have ten (10) calendar days after the notice has been sent by certified mail in which to notify the Board that he/she will return to work. If the employee fails to respond in that time period, he/she shall forfeit all recall rights. It is the responsibility of the employee to provide the Employer with written notice of any change of address or phone number during the layoff.

Section 9.4. Employees recalled from layoff within seven hundred and thirty (730) calendar days from the date of layoff shall retain their seniority and re-employment rights.

Section 9.5. In the case of a job abolishment, the employees affected by such abolishment must initiate any alleged grievance on the abolishment directly to arbitration as provided in Article 12 of this Agreement within fourteen (14) calendar days of the receipt of the notice of abolishment.

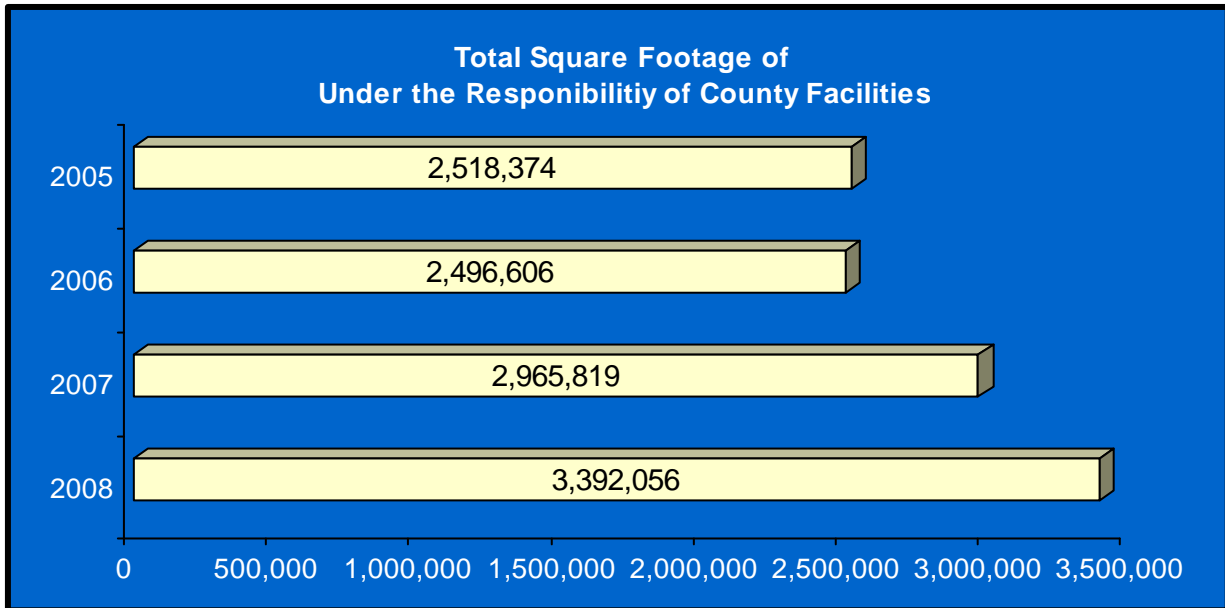
9. For positions within non-mandated services, are there are special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy). - No

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10. In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions.

With the position identified to be eliminated the proposed trades' staff cannot maintenance the 3.4 million square feet of space this is due to the increase in maintenance responsibilities, assigned to the Facilities Department, over the last two years. These additional facilities were:

- Alms and Doepke – Funded by JFS thru indirect Cost Plan
- Hillcrest Training School – Funded by Children's Levy
- Youth Detention Center – Funded by General Funded



The additional space to be maintained has grown by over 870,000 square feet since 2005; this is a 35% increase in space to be maintained as noted in the above chart.

The Director in his budget submittal for 2009 requested that the staffing be increase by eight positions as a direct result of the BOCC's agreement with the building trades to maintain the additional space in these facilities. These additional positions were:

- **Ironworker (Locksmith)** – 100% General Fund - This a contractual obligation agreed to by the BOCC with the Building Trades Unions to submit this position in return for dropping a UFLP against the County
- **Painter** – 100% General Fund - To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at Youth Detention Center
- **Painter** – 100% reimbursed from Children's Levy - To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at Hillcrest Training School
- **Plasterer** – 50% General Fund and 50% reimbursed from Children's Levy - To meet increase demand on services as a result of the Facilities Department

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assuming maintenance responsibilities at Youth Detention Center and Hillcrest Training School

- **Electrician** –100% JFS Indirect Cost Plan -To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at 222 Central Parkway
- **Painter** – 100% JFS Indirect Cost Plan - To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at 222 Central Parkway
- **Plasterer** – 100% JFS Indirect Cost Plan - To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at 222 Central Parkway
- **Carpenter** – 100% JFS Indirect Cost Plan - To meet increase demand on services as a result of the Facilities Department assuming maintenance responsibilities at 222 Central Parkway

The Budget Analyst as determined and recommended as a part of this process that maintenance for over 3.4 million square feet of space can be done with only a Trades staff of 11 positions, which is a 35% reduction from the present staffing level of 17 positions:

- Three Electricians instead of the present approved staffing level of five
- Three Plumbers instead of the present approved staffing level of four
- Two Carpenters instead of the present approved staffing of level of three
- One Plasterer instead of the present approved staffing of level of two
- One Painter instead of the present approved staffing of level of three

Also it is to be noted that this a 56% reduction from the Director's requested staffing level for 2009

The affect of this staffing level of only 11 positions would be:

- Inability to provide Job and Family Services the level of service per the Service Level Agreement
- Major increase in defer maintenance, resulting in increase in costs for County in future years
- Major backlog of work orders, resulting in increase in complaints from Elected Officials and Department Heads
- Not being able to deliver optimum customer service, resulting in increase in complaints from Public, Elected Officials and Department Heads
- A decline in the quality of workmanship, compliance with policies, codes and adherence to working drawings and specifications due to more workload than staff capable of getting done
- Shops and trade areas would not be maintained in a proper, clean, safe and secure manner as they are presently done
- Not being able to properly update and maintain various records reflecting status of maintenance work orders, problems encountered and other related information in a detail and timely manner
- Not being able have enough staff available to respond twenty-four hours a day, seven days a week, to building emergencies, which then would require calling in

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less knowledgeable and more expensive contractors, most likely at a higher cost to the County.

- Not being able to have enough staff available if the any number of employees and off for vacation, sick leave, and/or unplanned vacancies, which then would require calling in less knowledgeable contractors, at a higher cost to the County.

11. What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service. –

The Director of County Facilities feels that **ALL SERVICES AND STAFFING ARE MANDATED**

12. Are there any alternatives that result in savings to the general fund? – No - In 2007, County Facilities maintenance functions were reviewed by the Competition and Efficiency Committee. The report found that County Facilities managed properties to the best, most cost-effective standards and recommended that “the County Administration should move forward with encouraging consolidating property maintenance within the Facilities Department to the largest extent possible.”

13. Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service? - No

14. Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)? – Yes at year end based on actual hours to other funding sources

15. Does your department have any fees that could be raised to offset the cost of a mandated service?  
- No

Other Considerations and Comments: