

Unsealed by Board of Commissioners 06/24/2013.

**SEALED MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
March 25, 2013 – CLOSED SESSION**

Per NCGS 143-318.11 (a) (3) to consult with an attorney, closed session was entered into at 8:50 p.m. Present were Chairman Hawkins, Commissioners Chappell, Hogsed and Lemel, County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

On March 11, 2013 during a meeting of the Board of Commissioners, retired employee Jeff Hubbard presented to Commissioners a memo from his superior officer stating that detention officers were to report to work 15 minutes before shift change. Mr. Hubbard indicated he had spoken with his superiors about this but no action regarding additional pay was taken.

The County Attorney investigated the issue. He found that by requiring the detention officers to report 15 minutes prior to shift change the officers should have been paid for those 15 minutes of time. He found this violation to be non-willful. The Fair Labor Standards Act limits the payback to two years on non-willful violations. Staff estimates the payback to be approximately \$50,000. Staff has devised a system to determine how to calculate the payback for each detention officer.

The Manager presented a draft letter in response to Mr. Hubbard for the Board's consideration. The letter was direct in stating that the County was made aware of a problem, investigated the matter, and intends to correct the problem. Commissioners had no objections to the letter and authorized staff to proceed with calculating the amount of payback to the employees.

**Chairman Hawkins moved to leave closed session, seconded by Commissioner Lemel and unanimously carried.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board