



Board of County Commissioners - Staff Report

Meeting Date: March 6, 2018
Submitting Dept: Public Health

Presenter: Jodie Pond
Subject: Consideration of selection of a Public Health Nursing Model to provide Public Health Nursing Services in Teton County.

Statement / Purpose: The purpose of this decision is to select a public health nursing model for the provision of Public Health Nursing services in Teton County.

Background / Description (Pros & Cons): During the 2016 Legislative Budget session, the Wyoming State Legislature passed W.S. 35-1-243, which specifies options for the public health nursing (PHN) cooperation between the state and counties. Counties shall have at least the following choices for organizing PHN services (i) A partnership memorandum of understanding (MOU); (ii) A state administered PHN system with a county contribution; or (iii) A system under which the state contracts with a county for the provision of all or a portion of the PHN services. Please see attachment #1 for detailed list of pros and cons.

Next Steps – Once this decision has been made the legislation states after July 1, 2018 a county shall not be allowed to change the system under which public health nursing services are provided unless the WDH consents to the change.

After a decision has been made regarding the model Teton County would like to follow, staff will work with the Human Resource Director and the Chief Deputy County Attorney to negotiate the 2 year contract and statement of work with the Wyoming Department of Health. Staff will bring back a negotiated contract and statement of work at a future regular Board of County Commissioner’s meeting.

Stakeholder Analysis & Involvement: The Teton District Board of Health voted at their meeting on 1-23-18 for Option (i) A partnership memorandum of understanding. Meetings were held with State Public Health Nursing Staff and the Wyoming Department of Health. In addition, meetings were held with the BCC Administrator, the Chief Deputy County Attorney and the Director of Human Resources.

Fiscal Impact: Please see attachment #2 for a detailed financial analysis.

Staff Impact: N/A

Legal Review: Reviewed by Keith Gingery, Deputy County Attorney

Staff Input / Recommendation: Staff Recommends continuing with Option (i) A partnership memorandum of understanding.

Attachments: 1. Pros and Cons list; 2. Financial analysis; 3. Teton District Board of Health recommendations; 4. Wyoming Department of Health guidance; 5. W.S. 35-1-243; 6 Map of County Health Departments/PHN Offices.

Suggested Motion: “I move to approve Option (i) A partnership memorandum of understanding with the Wyoming Department of Health for the provision of Public Health Nursing Services in Teton County.”

Pros and Cons Worksheet for Nursing Models

	All State	All County	Hybrid
Pros	<p>Housing stipend for all Nurses</p> <p>One system of HR/payroll etc. Nurse Manager is associated with State PHN</p> <p>Pay equity across Nurses</p>	<p>Salaries can grow based on the salary matrix</p> <p>All under the Director Local Control</p> <p>One system of HR/payroll etc. Pay equity across Nurses</p>	<p>Nurse Manager is associated with State PHN</p> <p>Balance of Power (Local and State) 4 State Nurses with a housing stipend</p> <p>Cost neutral Currently working well</p>
Cons	<p>Increase cost to County. County must pay 100% of housing stipend for County Nurses</p> <p>No local control</p> <p>Director would supervise County Administrative Staff - not involved in the day to day operations</p>	<p>4 Nurses lose housing stipend</p> <p>No direct access to State PHN</p> <p>State can cut annual grant funds, wages will increase creating larger and larger amount covered by the County over time</p>	<p>2 Systems of HR/payroll</p> <p>Discrepancy in pay and housing stipend between County and State Nurses</p> <p>State employee supervising County employees</p>
To Consider	<p>Vacation and Sick Leave accruals</p> <p>Vacation earned for years of service in the State system</p>	<p>Vacation and Sick Leave accruals</p> <p>Vacation earned for years of service in the State system</p>	<p>Majority of Counties in Wyoming are the Hybrid model-possible funding considerations if we become outliers.</p>

FINANCIAL ANALYSIS FOR PH NURSING MODELS

State Employee becoming County Employee	\$ 138,246.91
<u>State Employee staying State Employee</u>	<u>\$ 140,010.61</u>
Additional Cost to County to switch State Employee to County Employee	\$ (1,763.70)
County Employee becoming State Employee	\$ 336,229.52
<u>County Employee staying County Employee</u>	<u>\$ 291,643.31</u>
Additional Cost to County to switch County Employee to State Employee	\$ 44,586.21
All State Employees	\$ 476,240.13
Current Hybrid State and County Employees	\$ 431,653.93
All County Employees	\$ 429,890.22

Assumptions: All Nurses are full time and Insurance is at the Family rate.

Notes from Teton District Board of Health Meeting 1-23-18

Agenda Item -

Public Health Nursing Models – Jodie Pond

- o Jodie is requesting the Board to choose a public health nursing model as a recommendation to the Board of County Commissioners. A Workshop is scheduled for February 12 at 10:30 a.m. Commissioners will decide which model we will choose for our County for Public Health Nursing. Once we choose the model we will work with the Wyoming Department of Health to create a contract related to the model. The legislation states once we choose a model we can't change to another model.

- o Re-cap Public Health Nursing models. The County has the option to choose one of the following options to provide Public Health Nursing services - (i) A partnership memorandum of understanding (MOU); (ii) A state administered PHN system with a county contribution; or (iii) A system under which the state contracts with a county for the provision of all or a portion of the PHN services. Hybrid system State and County employees current model. Explained all options. A Financial analysis was done for all three models. Lowest cost – all county currently. This could change because the State would give us a grant in year one. This amount could go down based on budget cuts. The 2 independent counties that receive a grant to fund their county positions were subject to the Department of Health across the board budget cuts in the last two fiscal years. In addition, as County employees move through the salary matrix the State grant does not increase. The most expensive option is going all state. This is due to the State requiring the County to pay the housing stipend for the County employees that become State employees. Currently the State employees receive \$1,500 month in a housing stipend.

- o Jodie believes hybrid model is working well. Cost wise, already paying that amount. Program wise – get the most out of this model. It is more work managing two systems and it is difficult where two employees working in the same office, one gets a housing stipend and the other does not.

- o Questions?

- o Keith agrees with hybrid. Do recognize it'll present conflict. "Ignore personalities, think of worst case possibilities in the future." More difficult to manage a hybrid system.

- o Timeframe for decision? We must let the Wyoming Department of Health of our decision so that we can begin working on the contract that will be effective on July 1, 2018.

- o Hand vote:

All state-0

All county-Larsen

Hybrid- Dornan Forman, Burke, Krasnow, Petersen

- o Larsen explains why he likes county. Over time less difficult to manage one system.

- Burke explains. Do not think +- to get employees to reside here. Think that state and county has + and clearly model has worked. Maybe in future, we have model to work by. No perfect solution.
- Forman – The housing stipend is taxable. Likes fluidity between state and county.

O Jodie –The housing stipend doesn't count toward retirement. Over time the County wages grow and count toward retirement. Yes, majority is hybrid but only 2 additional counties based on legislation that can go independent. Majority can't become independent.

o Dornan – counties are stronger with good collaboration with the State.

o Petersen – which model is most adaptable. Flexibility is key.

Krasnow - asked how long this vote would be in effect for. Keith responded that the current legislation will lock us in for the foreseeable future. The legislature can create a new law that could change this in the future.

County Guidance related to W.S. 35-1-243
Applicable July 1, 2016 to July 1, 2018

During the 2016 Legislative Budget Session, the Wyoming State Legislature passed W.S. 35-1-243, which specifies options for public health nursing (PHN) cooperation between the state and counties. Counties shall have at least the following choices for organizing PHN services: (i) A partnership memorandum of understanding (MOU); (ii) A state administered PHN system with a county contribution; or (iii) A system under which the state contracts with a county for the provision of all or a portion of the PHN services. This document provides supplemental information and guidance necessary for County Commissions or Boards of Health when considering which option to select for the provision of PHN services in their county.

Option (i) is a partnership MOU where the Wyoming Department of Health (WDH) and county cooperatively provide services. Counties providing services under option (i) or option (ii) may choose a different model of service provision described below at any time on or before July 1, 2018. After July 1, 2018 a county shall not be allowed to change the system under which public health nursing services are provided unless the WDH consents to the change.

- Fiscal:
 - The MOU delineates what the WDH and county provide.
 - The WDH bills the county for 35% of the cost of state positions.
 - The county directly pays 100% of the cost of each county employee position.
 - The county pays for the facility/office/utilities/background checks and all other expenses currently covered by the county.
- Human Resources (HR):
 - State employees supervise county employees.
 - County employees follow county personnel policies.
 - State employees follow state personnel policies.

Decision points for the county:

- No action is necessary if the county decides to maintain this arrangement for the provision of PHN services.

Request to the WDH:

- No request is needed to maintain this model.

Option (ii) is a state-administered PHN system with a county contribution. Counties providing services under option (i) or option (ii) may choose a different model of service provision described below at any time on or before July 1, 2018. After July 1, 2018 a county shall not be allowed to change the system under which public health nursing services are provided unless the WDH consents to the change.

- Fiscal:
 - The MOU delineates what the WDH and county provide.
 - The WDH bills the county for 35% of the cost of state positions.
 - County positions are eliminated. State employee positions are created and the WDH bills the county for 100% of the cost of the former county position salaries and benefits.
 - The county continues to pay for the facility/office/utilities/background checks and all other expenses currently covered by the county.
- HR:

County Guidance related to W.S. 35-1-243
Applicable July 1, 2016 to July 1, 2018

- All employees are state employees, supervised by a state public health nurse manager or other state public health nursing supervisor.
- The number of county positions transferred to state positions under this option shall not exceed the largest number of public health nursing positions in the county between July 1 and December 31 of the year prior to the transfer.
- The county shall request either at-will employee contract (AWEC) positions or permanent state positions.
- Below are approximate figures and potential classifications under which county positions could be classified within the state personnel system.
- All positions and processes will follow the state personnel rules and state compensation policy.
- If the county fails to make all payments as required in the MOU, the WDH shall follow the State of Wyoming personnel rules for reductions in force (RIF).

Permanent state position is a position that an employee can be hired into as a probationary employee who has no expectation of continued employment and may be dismissed at any time during the 365-day probationary period without cause or reason. The following are items to consider:

- Benefits:
 - Employee may elect one of the coverage insurance options (prices identified are employer contribution):
 - Employee - \$753.43
 - Employee and Children - \$1,145.55
 - Employee and Spouse - \$1,499.35
 - Family - \$1,714.94
 - Retirement benefits - 14.565% of total gross earnings
 - Vacation Leave:
 - Vacation leave accrual base rates shall be determined by the amount of completed continuous service as follows:
 - 0 through 48 months - 8 hours per month
 - 49 through 108 months - 10 hours per month
 - 109 through 168 months - 12 hours per month
 - 169 through 228 months - 14 hours per month
 - 229 or more months - 16 hours per month
 - Vacation leave accrual base rate shall be prorated for hours worked over 40 in a month. Worked hours are multiplied by continuous service hours (identified above), this total is divided by 160.
 - Sick Leave:
 - Sick leave accrual base rate shall be prorated for hours worked over 40 in a month. Worked hours are multiplied by eight hours, this total is divided by 160. Sick leave may not exceed eight hours in a month.
 - Holiday Leave:
 - Employees are eligible to receive holiday leave and shall be granted paid leave not to exceed eight hours per holiday from regularly scheduled work hours. Holiday leave shall be prorated for hours worked over 40 in a month. Worked hours are

County Guidance related to W.S. 35-1-243
Applicable July 1, 2016 to July 1, 2018

multiplied by eight hours; this total is divided by 160. Holiday leave may not exceed eight hours in a month.

- o FICA - 6.2%
- o Medicare - 1.45%
- o Unemployment .5%
- o Workers Comp 2.62%

Permanent positions cost more than an AWEC position. Permanent positions are easier to recruit and retain based on the stability and the additional benefits offered. The additional cost for the benefits far outweighs the cost of turnover, which the State of Wyoming estimates at \$19,665 per employee.

At-Will Contract Employee (AWEC) is a position that provides technical or professional services through a contract which clearly states the duties, responsibilities, and benefits for a specific period of time. The terms and conditions of employment are defined in the contract. The following benefits are allowed:

- Single employee insurance coverage - \$753.43
- FICA - 6.2%
- Medicare - 1.45%
- Unemployment - 0.5%
- Workers Comp - 2.62%

AWEC positions cost less than permanent positions based on the overall benefits offered. AWEC positions do not receive any accrued or holiday leave which often cause a recruiting and retention issue with these positions. The AWEC process can take up to 30 days longer than permanent positions due to the contract process.

Classification and Cost of Positions

Positions are paid hourly and cost is approximate and may change based on current market rates, pay for performance, or legislatively driven pay increases. Classification and Compensation is determined by the Department of Administration and Information (A&I) per the State Personnel Rules and Compensation Policy. Below is salary information for potential state classifications of county positions.

<u>Working Title</u>	<u>Class Code</u>	<u>Min Rate</u>	<u>Max Rate</u>
Office Receptionist	BAAS04	\$12.60	\$15.75
Office Manager	BAAS06	\$17.09	\$21.36
Nurse	HSNU08	\$24.19	\$30.24

- Administrative Fee: The WDH will charge the following administrative fees to counties that chose option (ii).
 - o Annual administrative fee charged to the county= \$4727 plus
 - o Administrative fee charged for positions:

County Guidance related to W.S. 35-1-243
Applicable July 1, 2016 to July 1, 2018

- \$230 charged for each AWEC position for new hires and contract renewals
- \$164 charged for each permanent state position new hires

Decision points for the county:

- County determines whether they prefer to have the state administer public health nursing services.
- The county shall choose if they want all state at-will employee contract (AWEC) positions or permanent state positions. A county may not have a mixture of both types of positions.

Request to the WDH:

- The County Commission or the Board of Health must submit a written request to the WDH State Supervisor for Public Health Nursing stating their desire to operate under option (ii) for public health nursing services. The request must also delineate the number of county positions they wish to become state employees and whether they want those positions to be AWECs or permanent state positions.

Important note: The process of going from option (i) to option (ii) could take up to six months (processes for classification of positions, advertising and hiring positions and contract processes). All positions will go through state processes for classification and hiring. WDH and the county will work closely during the transition to ensure services continue.

Option (iii) is a system under which the state contracts with the county for provision of all or a portion of the PHN services. Any entity which maintains a city, county or district board of health (under W.S. 35-1-301 through 35-1-309) may enter into an MOU with WDH to provide public health nursing services under option (iii); jurisdictions without a board of health in place are not eligible for this model. Once a county begins to provide public health nursing services under option (iii) they cannot change to any other option because the state will not retain the eliminated positions.

- Fiscal:
 - Funding for state employees (65% of each state position) will be moved from the salary expenditure series to the contract expenditure series.
 - The County or Board of Health will receive, through an MOU, the funding that the state pays into state positions (65% of state positions) and will be required to meet specific contract deliverables.
 - Funding for the MOU is conditioned upon the availability of appropriated funding. If the WDH has budget reductions, the funding in this MOU could be reduced.
 - If requirements of the MOU are not met, the WDH may withhold funding until the requirements are met.
- HR:
 - All existing state positions within the county will go through the state reduction in force (RIF) process.
 - WDH's authorization for employee positions will be reduced.
 - County or Board of Health will be responsible for positions, supervision, classification, salary, etc.

Decision points for the Board of Health:

County Guidance related to W.S. 35-1-243
Applicable July 1, 2016 to July 1, 2018

- Determines whether they will provide, administer and manage public health nursing services within the county.

Request to the WDH:

- Submit a written request to the WDH State Supervisor for Public Health Nursing stating the desire to operate under option (iii) for public health nursing services.

Important note: The process of going from option (i) or (ii) to option (iii) could take up to three months (RIF process for state personnel and contracting process). Once a county begins to operate under option (iii) there will be no opportunity to go back to option (i) or (ii) for provision of services.

If you are interested in learning more or asking questions of the WDH we can set up a conference call with the county. Please notify Angie Van Houten, Community Health Section Chief (angie.vanhouten@wyo.gov or 307-777-2067), if you are interested in setting up a call for further discussion/questions.

ORIGINAL SENATE
FILE NO. SF0060

ENROLLED ACT NO. 42, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

AN ACT relating to public health and safety; specifying options for public health nursing cooperation between the state and counties; repealing temporary provisions related to public health nursing; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-1-243 is created to read:

35-1-243. Public health nursing.

(a) In exercising its powers and duties under W.S. 35-1-240(a)(xx), the department of health may enter into memoranda of understanding with the several counties separately for the organization, management, delivery and financing of public health nursing and related functions. The county commissioners of each county shall have at least the following choices for organizing public health nursing and related functions:

(i) A partnership memorandum of understanding system;

(ii) A state administered public health nursing system with a county contribution; or

(iii) Subject to the limitation stated in subsection (e) of this section, a system under which the state contracts with a county for the provision of all or a portion of the public health nursing and other public health functions.

ORIGINAL SENATE
FILE NO. SF0060

ENROLLED ACT NO. 42, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
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(b) A memorandum of understanding entered into pursuant to this section may:

(i) Specify how the state and county employees will be supervised and disciplined;

(ii) Specify the hours that public health offices will be open and the holidays that will be observed and may require both state and county employees in the public health functions to conform to a common work schedule, which may be different in different counties;

(iii) Specify which resources, including financial and physical resources, will be furnished by the state and which by the county or other local entity;

(iv) Contain any other provisions useful in the organization, management or delivery of public health services.

(c) Any county entering into a memorandum of understanding with the department to provide public health nursing services under the systems specified in paragraph (a)(i) or (ii) of this section shall be allowed to provide services under a different system specified in paragraph (a)(i), (ii) or (iii) of this section at any time on or before July 1, 2018. After July 1, 2018, a county shall not be allowed to change the system under which public health nursing services are provided unless the department consents to the change.

(d) If the commissioners of a county enter into a memorandum of understanding to provide public health nursing services under the system specified in paragraph (a)(ii) of this section, at the request of the

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commissioners of the county, county employee positions assisting in providing public health functions may be transferred to state at-will employee contract positions under W.S. 9-2-1022(a)(xi)(F) or to permanent state positions, provided that the number of positions transferred under this subsection shall not exceed the largest number of public health nursing positions in the county between July 1 and December 31 of the year prior to the transfer. A transfer under this subsection shall mean payment of monies to the department for the purpose of creating a position under W.S. 35-1-243(a)(ii). Any state employee position created shall comply with the state of Wyoming personnel rules. The department may charge an administrative fee and accept county or other local funds to defray the cost of transferred positions as provided in the memorandum of understanding. The funds shall be deposited by the state treasurer in a separate account. The funds in the account are continuously appropriated to the department of health and shall be paid out upon request of the department as provided by law. Positions transferred under this subsection into state permanent positions shall be paid benefits in the same manner and at the same rates as for comparable state employees pursuant to the state of Wyoming compensation policy. The department's authorization for employee positions shall be expanded by operation of law to accommodate all positions transferred to the state under this subsection and shall continue so long as the county that requested the transfers satisfies its obligations under its memorandum of understanding with the department. Upon a county's failure to make all payments required by its memorandum of understanding with the department or upon the county's request, the department shall no longer have any state positions transferred by the county under this subsection and, upon written notice to the transferred employees and the county, shall follow the

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state of Wyoming personnel rules regarding reductions in force. All positions created under this subsection shall be included within the department's standard or supplemental budget request.

(e) Any entity providing public health nursing services under paragraph (a)(i) or (ii) of this section and which maintains a city, county or district board of health under W.S. 35-1-301 through 35-1-309 may enter into a contract with the department to perform public health nursing services under paragraph (a)(iii) of this section pursuant to subsection (c) of this section. This subsection and any contract made pursuant to it shall be operable only for the period for which the department is specifically authorized by law to transfer funds between expenditure series for the purpose of making payments to those entities that operate public health nursing services pursuant to this subsection. The department's authorization for employee positions shall be reduced automatically to correspond with any transfer of funds from a salary expenditure series to a contract series. All contracts made pursuant to this subsection shall be conditioned upon the availability of appropriate funding and the authority to transfer funds as provided in this subsection. A contract made pursuant to this subsection shall provide, with as much specificity as is reasonable and practical given the time available, the services to be performed, the resources and other assistance to be provided by the state and the outcomes expected.

(f) If the commissioners of two (2) or more counties desire to form a joint powers board to manage all or part of the public health functions in the respective counties, the relevant memoranda of understanding may be modified accordingly and may provide for transition to a joint

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powers board upon its creation pursuant to the Wyoming
Joint Powers Act.

(g) The county commissioners of each county may
choose for all or a portion of their county to use, for the
delivery and management of public health nursing and
related functions, any existing organization which
currently delivers any or all public health services.

Section 2. W.S. 35-1-242 is repealed.

Section 3. This act is effective July 1, 2016.

(END)

Speaker of the House

President of the Senate

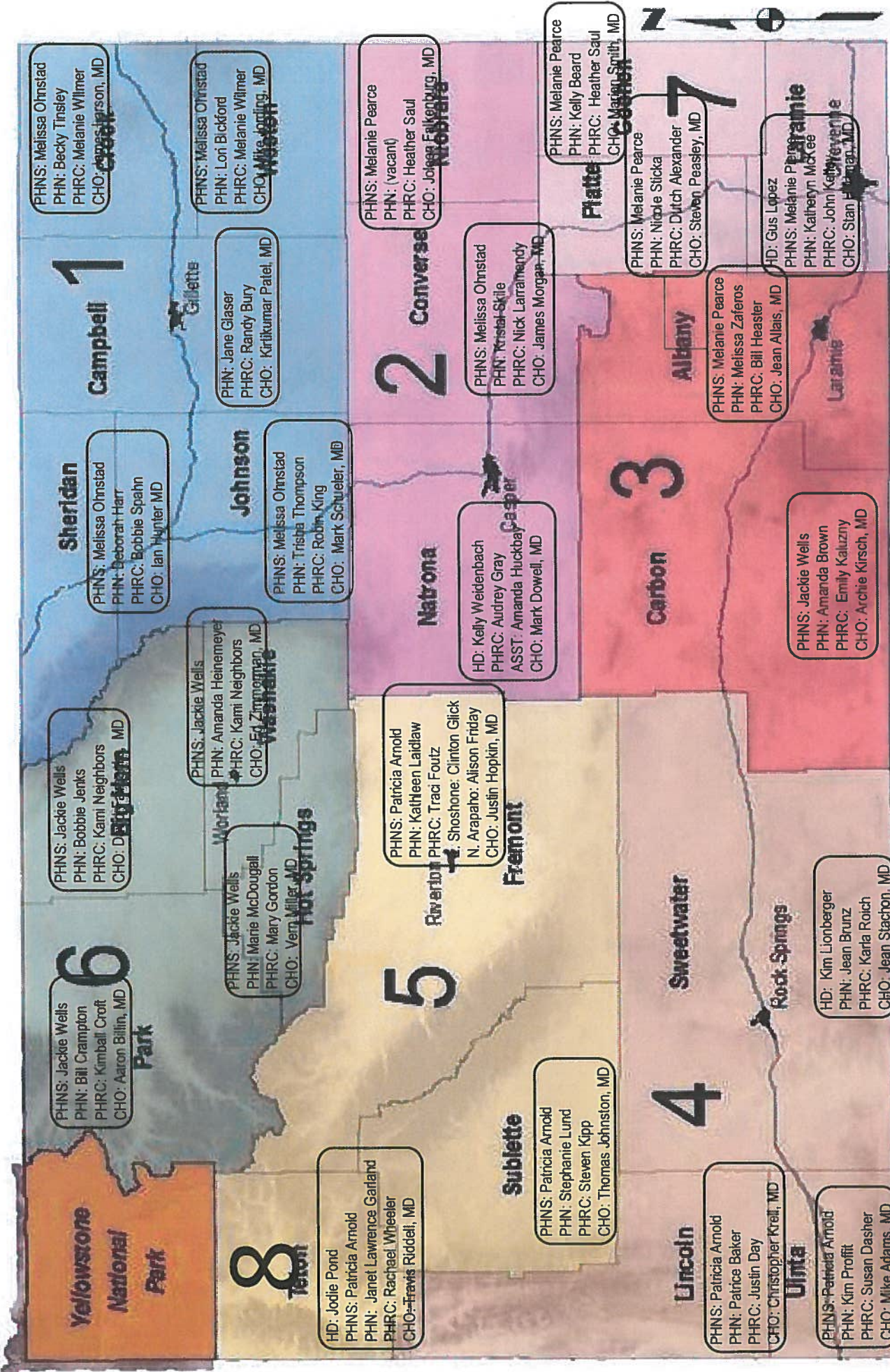
Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk



- Legend**
- HD – Health Director
 - PHNS – Public Health Nursing Supervisor
 - PHN – Public Health Nurse Manager
 - PHRC – Public Health Response Coordinator
 - CHO – County Health Officer
 - ASST- Assistant
- Region 1 Counties – Sheridan, Johnson, Campbell, Crook, Weston
 Region 2 Counties – Natrona, Converse, Niobrara
 Region 3 Counties – Carbon, Albany
 Region 4 Counties – Sweetwater, Lincoln, Uinta
 Region 5 Counties – Fremont, Sublette
 Region 6 Counties – Washakie, Big Horn, Hot Springs, Park
 Region 7 Counties – Laramie, Platte, Goshen
 Region 8 Counties – Teton