

## Survey to Chief APOs

### Issue: Supervision Fund & Issuance of Checks

#### Question: (from Lebanon County)

We are currently facing a “denial” by the Commissioners of Supervision Fund use for an incentive salary/”bonus” for an employee and the PJ is contemplating how he would like to handle it. We know that the statute dictates that the fund must be managed by the Treasurer’s Office, it does not discuss whose name should be on the checks. We currently have the Commissioners’ names on our checks, but we are thinking that it makes more sense to have the PJ’s name on the checks in support of his statutory authority. We have discussed Board of Commissioners of Bedford County v Ling, but wondering if there are any other issues that counties have encountered and how those checks are disbursed.

- 1) In your county, when the PJ directs the utilization of Supervision Funds for department use, do the checks get signed by the PJ, Treasurer or the Commissioners? Or someone else?
- 2) Has your PJ ever issued an employee an incentive salary or supplementary “bonus” from Supervision Funds based on performance? If so, did he/she seek the permission of the Commissioners?
- 3) If the Commissioners have ever “denied” or “disagreed” with the use of Supervision Funds by the PJ, how was that handled by your PJ?

#### Armstrong County

Ours process in Armstrong County is with non-salary request we follow the normal purchase order request with the Commissioner’s office. Along with that request we get a signed letter from our PJ directing the Treasurer to transfer the amount of the purchase from the ACT 35 fund to the General Fund. A few years ago the commissioners at that time were fighting us on making purchases with ACT 35 monies. The PJ at that time met with them and presented court cases (Jefferson Co case) which clearly showed they could not deny an expense the PJ approves. Our PJ felt that there were no court cases covering paying towards salaries and didn’t want to file suit therefore he made an agreement with the Commissioners that they would not deny any non-salary purchases and any request concerning salary is brought to the salary board for Commissioner’s approval.

We have a different PJ now and a different BOC however the process continues and there has been no issue. If we ask for an increase in salary and can show that it does not cost the County they agree.

- 1) Explained above. Checks are signed and paid the same as any other County purchase.

- 2) PJ has set up programs paid for by ACT 35 and officers who participate get paid, ex: bar sweeps/warrant sweeps after hours. This program was set up by Probation and PJ but he did have the Commissioners at the time approve it. If the Commissioners would have objected I am not sure what would have happened. I did try once to have officers who took on extra duties receive a "stipend" in their pay as an incentive however, the PJ at the time made a deal with the Commissioners that instead of the stipend we went from 37.5/hrs a week to 40hrs/wk and ACT 35 pays the extra 2.5hrs. with a transfer letter from the PJ. I was not happy about this because it benefited everyone instead of just those who go above and beyond but it was out of my hands!
- 3) Explained above, so far it works. Current BOC has not denied anything.

### Beaver County

Same as Fayette, Greene, York

### Bedford County

- 1) Account is not a checking account. It was set up as savings account. 3 signatures have control; PJ, Treasurer and Chief PO. Requires 2 of the 3 signatures for withdrawal. Commissioners have nothing to do with deposits/distribution.
- 2) We do use a stipend scale for POs. Been doing it for 12-15 years.
- 3) See the Jefferson Co. case and a Bedford Co. Commonwealth Court case that went on from 2012-2014. The Bedford case deals with supervisory fund (Commissioners have no control over it) and DUI school/oversight. As long as your supervisory fund is solvent, disbursements are made at the discretion/control of the PJ. Good luck with your battle. Been there, done that. Just stick with it.

### Clinton County

- 1) Check gets signed by Treasurer after approval by PJ. We also have debit cards (Chief and Deputy Chief) that can be used for online purchases with approval of the PJ.
- 2) We have a weapon stipend (\$3,000 for pistol with 1 year of service and \$2,000 for long gun with 2 year of service). Once certified and years of service have been met, staff receive the increase in salary in addition to anything negotiated by the union. The stipends are reimbursed to the County from the Supervision Fee Fund annually. This was approved at a prior Salary Board meeting. I keep track of the stipends on a spreadsheet and the Chief Clerk for the County makes the request to the PJ for reimbursement.
- 3) The Commissioners don't always agree but understand the funds are at the discretion of the PJ.

### Dauphin County

Same as Fayette, Greene, York. We have an agreement with the County Board of Commissioners (for the past 20 years) that these are our dollars so we do not require their approval for how we spend it.

### Fayette County

All supervision fund monies are placed in the general fund and used to pay for existing salaries.

### Franklin County

We just recently switched to the Treasure maintaining the account, previous it was a Court controlled account with checks issued by the PJ.

- 1) Treasurer is the signature; The PJ will approve a memo that I prepare for an expense or purchase. Once approved a normal County requisition is prepared and coded from our Act 35/77 account.
- 2) No
- 3) There have been disputes about utilizing certain vendors but not a direct denial of the use of the fund

### Greene County

Same as Fayette County

### Jefferson County

- 1) Treasurer or Commissioners can sign. 2 required.
- 2) We have done clothing allotments out of supervision fees, but direct cash payments from OSF have never been done.
- 3) We have never had this issue.

JEFFERSON COUNTY v. COURT OF COMMON PLEAS OF JEFFERSON COUNTY 54 JUDICIAL DISTRICT (1999)

<https://caselaw.findlaw.com/pa-commonwealth-court/1122349.html>

### Lancaster County

Controlling statute for supervision fees is 18 P.S. § 11.1102 which reads in part: "...The county treasurer shall disperse money from this fund only at the discretion of the president judge of the court of common pleas. The money in the fund shall be used to pay the salaries and employee benefits of all probation and parole personnel..." That in my mind, is Judge T's answer to the commissioner's "denial" of the request. That is the same statute that one of my previous PJ's used to essentially take control of the supervision fee account (Administrative Order attached).

I do not have a checkbook for our supervision fee account. When I need funds from this (or any of our escrow accounts) fund, I first get my PJ's approval. Then I email our Controller's office requesting that they transfer the funds into one of our expense accounts. The commissioners are never involved in that process.

We have not used the supervision fund to provide any type of salary increases, bonuses, etc.

### Northampton County

Same as Fayette, Greene, and York.

### Somerset County

- 1) The PJ does not sign off on the check, the Treasurer does.
- 2) Although the PJ holds control over the use of the supervision fee money, the Salary Board determines any salary, benefits, incentives issues.
- 3) Our PJ has always utilized the monies for whatever we have requested, within the guidelines. He is reluctant to use for salary issues, as the Commissioners can't do the same for other departments within the county.

### Westmoreland County

- 1) All funds are deposited into the County's general fund. We currently only use Supervision Funds to pay the partial salary of our Reentry Coordinator. This was the result of our previous PJ increasing our Supervision fee by \$5.00. The remainder of the money stays in the general fund and is used to offset the costs of the Probation and Parole Office. Quarterly, I prepare a memo to our County Treasure requesting that a certain amount (I have a formula) is to be transferred from the general fund to the cost center that is with the Reentry Program. The PJ also signs off on the memo.
- 2) No
- 3) No

### York County

Same as Fayette County & Greene County