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August 17, 2015

MEMO

TO: District Board
FROM: Vernis & Bowling, P.A.
RE: KLFR&EMS Staff Assistant County Employee Issue

ISSUE:

Is the District liable for reimbursement to County for monies owed by County to Staff Assistant, Elizabeth Elkoury in the amount of \$20,603.18.

ANSWER:

The Monroe County BOCC for MCFR (“County”) submitted an invoice on June 11, 2015 for a total amount of \$20,603.18 for reimbursement for wages and benefits payable to staff assistant Elizabeth Elkoury based on 80 hours.

On September 20, 2006, the District and the County entered into an Interlocal Agreement (“ILA”). Pursuant to section 2.12 of the ILA: “The DISTRICT shall reimburse the COUNTY an amount equal to the wages and benefits for the position of Staff Assistant 1 which shall be staffed by a County employee.”

The only other section of the ILA that refers to the Staff Assistant position is section 3.7, which affirms that the County shall staff the position of Staff Assistant 1 contingent upon annual budget approval.

The language of section 2.12 is broad and lacks specifics or limitations. Under a plain reading of the section, it appears that the District is responsible for reimbursement of wages and benefits for the position of Staff Assistant 1.

The question remains whether unused vacation pay is considered “wages and benefits”. There is no definition provided in the ILA for “wages and benefits,” nor is there reference to any other body of work for such a definition. Under plain meaning, it would seem that unused vacation would be considered “wages and benefits.”

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