



CROOK COUNTY COURT AGENDA

Friday, March 8, 2024 at 10:00 am

Crook County Annex I 320 NE Court St. I Prineville OR

SPECIAL SESSION

Members of the public and media are welcome to attend in person or via Zoom: Phone: 1-253-215-8782; Meeting ID: 950 5694 7209; Passcode: 085661

<https://zoom.us/j/95056947209?pwd=WE5sR3VIOE5EdEIZWGFsMIBYdVNNQT09>

PUBLIC COMMENT

DISCUSSION

- 1. Consider enrollment of deputy district attorneys (DDAs) in PERS**
- 2. Consider an order related to revising the form of Crook County Governance**
- 3. Consider approval of amended County Administrator (Manager) job description**
- 4. Consider authorizing Human Resources staff to solicit proposals from executive recruiting firms to recruit a County Manager**

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If you are interested in obtaining additional copies of any of the documents contained herein, they may be obtained by completing a Crook County Public Records Request form. Request forms are available on the County's website or at the County Administration office at 203 NE Court Street, in Prineville.

Additional items may be discussed that arise too late to be included as a part of this notice. For information about adding agenda items, please contact the County Administration office at 447-6555. Assistance to handicapped individuals is provided with advance notice.

Contact: Seth Crawford (seth.crawford@co.crook.or.us (541) 447-6555) | Agenda published on 03/07/2024 at 9:37 AM



Agenda Item Request

Date:

March 6, 2024

Meeting dates desired:

March 8, 2024, Special Meeting

Subject:

Consider enrollment of deputy district attorneys (DDAs) in PERS

Background and policy implications:

In January 2024, County finance staff initiated PERS contributions for its DDAs. The contributions were based upon communications with PERS staff and were without the knowledge or approval of the County Court. Upon learning of the contributions a legal opinion was sought as well as communications with PERS. Based upon the opinion of legal counsel, confirmed by PERS, the County is not required to enroll its DDAs into PERS, and should it choose to do so, must enroll all County employees in PERS.

Budget/fiscal impacts:

Enrolling the DDAs into PERS is projected to cost the County approximately \$100,000 annually, and county-wide approximately \$1.3 - \$1.4 million annually.

Legal Review:

Legal opinion by Aaron Landau, Harrang Long P.C.

Requested by:

Andy Parks, Contract County Administrator

Presenters:

Andy Parks, Contract County Administrator

Attachments

Legal opinion

PERS communication



Andy Parks <aparks@geloregon.com>

PERS - Update

Aaron J. Landau <aaron.landau@harrang.com>
To: Andy Parks <aparks@geloregon.com>
Cc: Ginger Fullerton <ginger.fullerton@harrang.com>

Tue, Feb 27, 2024 at 4:30 PM

Andy:

Your questions to me regarding PERS implicate two distinct issues: (1) Whether Crook County must provide PERS benefits to employees of the DAs office, and (2) whether doing so would require it to also provide PERS benefits to all other county employees. As I understand the governing statutes, the answers to those questions are (1) no, the county is not required to provide PERS benefits to the DAs office, but it may do so if it wishes, and (2) yes, doing so would require the county to treat all employees under PERS.

Not all public employers are required to join PERS. All state agencies and all school districts must do so under ORS 238.015(1), but for cities and counties (as well as most districts), it's not required. (We know that's the way PERS understands the law, too. For one example, [this page](#) on PERS' website states that "All Oregon public schools, charter schools, community colleges, state universities, and state agencies automatically participate in PERS. Local governmental entities such as cities, towns, counties, fire districts, health districts, utility districts, library districts, housing authorities, and ports are also welcome to join PERS.")

However, ORS 237.620(1) requires that that "all public employers of police officers or firefighters shall provide retirement benefits to those employees under the Public Employees Retirement System." (The term "police officer" is defined under ORS 237.610 to include all sheriffs and deputy sheriffs, as well as all city police.) That is why Crook County's Sheriff's Office must be part of PERS.

But that statute does not require the County, simply because it has law enforcement personnel, to provide PERS benefits to *all* county employees, or to DAs specifically. Rather, the statute states that it must provide such benefits "to those employees" who are "police officers" or "firefighters." In turn, whether someone is a "police officer" or "firefighter" for purposes of ORS 237.620 *isn't* defined by the statutes in ORS Chp. 238 that distinguish P&F from General Service members for purposes of which benefits particular PERS members are entitled to. Rather, ORS 237.610 defines "police officer" for purposes of ORS 237.620 -- and it doesn't encompass DAs.

Thus, it's my understanding that Crook County, by providing PERS benefits to employees of the Sheriff's Office, is not required to provide PERS benefits to all other county employees, and is not required to provide PERS benefits to employees of the DA's office. It certainly has the *option* to do that, but it is not required to do so. However, outside the mandatory coverage provision of ORS 237.620, a county can't pick and choose individual employees or departments to cover under PERS. Rather, if the County opts into PERS for other employees (whether, say, the DAs office or the Road Department or another part of the county), then it must provide PERS benefits across the board to all county employees.

-Aaron

Aaron Landau
Attorney and Shareholder



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Firm: 541.485.0220 Direct: 541.334.1349

www.harrang.com

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immediately and delete the original message. Thank you.



Andy Parks <aparks@geloregon.com>

PERS ER# 02044 Crook County PERS changes

Andy Parks <aparks@geloregon.com>

Wed, Mar 6, 2024 at 12:38 PM

To: Kari Hathorn <Kari.Hathorn@crookcountyor.gov>

Cc: Seth Crawford <Seth.Crawford@crookcountyor.gov>, Brian Barney <Brian.Barney@crookcountyor.gov>, Susan Hermreck <susan.hermreck@crookcountyor.gov>, Eric Blaine <Eric.Blaine@crookcountyor.gov>, Sarah Puerner <Sarah.Puerner@crookcountyor.gov>

Kari,

Please see the email communications below with PERS.

The communication is consistent with the independent advice provided by Mr. Landau.

Glad to discuss.

Andy Parks
541.913.9779

----- Forwarded message -----

From: **GALEGO Laurel * PERS** <Laurel.GALEGO@pers.oregon.gov>

Date: Tue, Feb 27, 2024 at 4:03 PM

Subject: RE: PERS ER# 02044 Crook County PERS changes

To: Andy Parks <aparks@geloregon.com>

Hi there

Sorry I forgot about acronyms ETOB is Equa to or Better Than PERS p an

Yes to your second question and yes to your third question

I appreciate your clarifying questions

Laurel Galego Business Operations Supervisor

Public Employees Retirement System

Employee Service Center

503-603-7628

**use name for pronouns*

From: Andy Parks <aparks@geloregon.com>
Sent: Tuesday, February 27, 2024 3:26 PM**To:** GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov>**Subject:** Re: PERS ER# 02044 Crook County PERS changesYou don't often get email from aparks@geloregon.com. [Learn why this is important](#)

Thank you Laurel.

Help me with the acronym ETOB please.

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I'm confirming that in order to enroll the DDAs the County would need to enroll all County employees and that the DDAs would be Police and Fire under the PERS definition.

One last question; is it PERS's understanding that ORS 237.620 -- requiring equal to or better plan ... only applies to P&F, and therefore would not apply to DDAs?

Thank you very much.

Andy Parks

541.913.9779

On Tue, Feb 27, 2024 at 2:45 PM GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov> wrote:

Hi Andy;

There is a process that the board will need to go through if they decide to actually cover the Deputy DAs. If they want to add their DDAs to PERS they could bring in all their employees under a **new participation agreement under ORS 238A.070** meaning that they would no longer be ETOB. As a participating PERS employer they would need to cover their DDAs as P&F under the PERS definition.

This gets a bit crazy but willing to help in any way you need.

Laurel Galego Business Operations Supervisor

Public Employees Retirement System

Employer Service Center

503-603-7628

**use name for pronouns*

From: Andy Parks <aparks@geloregon.com>
Sent: Tuesday, February 27, 2024 2:11 PM
To: GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov>
Subject: Re: Crook County PERS changes

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Hi Laurel

I wanted to follow up on this issue.

I meet with the County governing board tomorrow morning. They may want a little more time to consider whether to un-enroll the deputy district attorney positions. Can you advise me of a date the County needs to make this decision and inform you of that decision please.

Thank you.

Andy Parks

Crook County Contract County Administrator

541.913.9779

On Thu, Feb 15, 2024 at 10:37AM GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov> wrote:

Hi Andy

I just to let you know [redacted] was on y doing what she thought was being asked of her I was not aware of Crook County on y covering their Po ice and Fire fo ks

PERS has said since Crook County does not cover Genera Service then the county wou d not PERS cover their Deputy DA s

[redacted] knows how to back these records out and correct our misunderstanding

P ease be patient with this process as it does not fix overnight

Laurel Galego Business Operations Supervisor

Pub ic Emp oyees Retirement System

Emp oyer Service Center

503-603-7628

**use name for pronouns*

From: Andy Parks <aparks@geloregon.com>
Sent: Thursday, February 15, 2024 8:47 AM
To: GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov>
Subject: Re: Crook County PERS changes

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Can we talk at 9 am?

Andy Parks

541.913.9779

On Thu, Feb 15, 2024 at 7:36AM GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov> wrote:

Hi there

I wou d ove to make time to chat with you Do you have any time this morning open on your schedu e?

Laurel Galego Business Operations Supervisor

Pub ic Emp oyees Retirement System

Emp oyer Service Center

503-603-7628

**use name for pronouns*

From: Andy Parks <aparks@geloregon.com>
Sent: Wednesday, February 14, 2024 5:09 PM
To: GALEGO Laurel * PERS <Laurel.GALEGO@pers.oregon.gov>
Subject: Crook County PERS changes

You don't often get email from aparks@geloregon.com. [Learn why this is important](#)

Laurel

██████████ indicated you have been helping her out with the County's addition of its deputy district attorneys to PERS effective January 1, 2024.

The County governing board and I have some questions regarding this issue. Would you have time in the next few days to talk to me about this?

Thank you.

Andy

Andy Parks
Contract County Administrator
Crook County
541.913.9779



Agenda Item Request

Date:

March 6, 2024

Meeting dates desired:

March 8, 2024, Special Meeting

Subject:

Consider an order related to revising the form of Crook County Governance

Background and policy implications:

The County Court initiated a change in governance process in August 2022. In October 2022, Andy Parks was contracted to assist the Court with this process. In April 2023, the scope of work was expanded to include implementation of the County Administrator position into the organization. In September 2023, the County held three public meetings to receive public input. Susan Hermreck was appointed to Commissioner Jerry Brummer's vacated position in December 2023. Commissioner Hermreck has been provided all the research documents provided the other Court members. The Court has indicated previously that an action was desired prior to the filing deadline, March 12, 2024, for candidates filing for the commissioner and Judge position. The proposed order changes the County Court to a board of commissioners effective immediately, retains the Judge as chair through the end of the present term, the Judge position becomes a commissioner position, the chair is rotated annually, the positions are equal and anticipated to require full-time commitment.

Budget/fiscal impacts:

The fiscal impacts of the change of governance are anticipated to be neutral to less than present costs.

Legal Review:

Order prepared by Aaron Landau, Harrang Long P.C.

Requested by:

*Brian Barney, County Commissioner
Susan Hermreck, County Commissioner*

Presenters:

Andy Parks, Contract County Administrator

Attachments

*Order 2024- as proposed
Order 2024- with alternatives for chair, administrative functions, and effective date*

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

IN THE MATTER OF REVISING)
THE FORM OF CROOK COUNTY)
GOVERNANCE) ORDER NO. 2024-13

WHEREAS, ORS 203.230(1) authorizes the county court of any county which has not adopted a county charter pursuant to ORS 203.710 to 203.770, and in which the county judge has no judicial function, to order the office of county judge abolished and create in lieu thereof a third county commissioner, and to transfer all powers and duties of the county court and county judge to the board of county commissioners; and

WHEREAS, Crook County has not adopted a county charter pursuant to ORS 203.710 to 203.770; and

WHEREAS, jurisdiction of the Crook County Court over matters of probate was divested by operation of ORS 111.055 (1969), and jurisdiction of the Crook County Court over juvenile court matters was divested by operation of Crook County Order No. 93-27 (1993), such that the County Judge in Crook County no longer has any judicial function under Oregon law.

NOW, THEREFORE, the County Court of Crook County hereby resolves and orders as follows:

1. As of the operative date below, the office of County Judge in Crook County is abolished, and the office of a third Crook County Commissioner is created in its place.
2. The Crook County Judge shall, until the expiration of his existing term of office, serve as the third Crook County Commissioner and Chair of the County Board of Commissioners.
3. At the general election next preceding the expiration of the term of office of the current County Judge, there shall be elected, in addition to the two existing county commissioners, a third county commissioner who shall possess the same qualifications and be subject to the same provisions of law as the other county commissioners. The county commissioner positions shall be full-time.
4. Chair of the Board of Commissioners:

Before the beginning of each calendar year following the current County Judge's existing term of office, the Board of County Commissioners shall select a County Commissioner to serve as Chair of the Board of County Commissioners for the upcoming calendar year, beginning with the first County Commissioner. Each year thereafter, selection of the Chair shall be made on a rotating basis, with each of the three positions serving as Chair in turn.
5. County Administrative Functions:

The Board of Commissioners shall appoint a County Manager who shall be the Chief Administrative Officer of the County. The County Manager shall serve at the pleasure of the Board of County Commissioners and be subject to its policymaking and oversight. The County Manager shall be responsible to the

Board of County Commissioners for the administration and management of the County and shall have control and supervision of all administrative departments, divisions, offices, districts, and agencies of the County, except as otherwise provided by law. Delegation of specific powers to the County Manager shall occur by Board Order, Resolution, or county ordinance.

6. Crook County Order 2011-39 is rescinded.
7. The changes described in this Order shall be operative as of March 8, 2024.

DATED this _____ day of March, 2024.

CROOK COUNTY COURT

Judge Seth Crawford

Commissioner Susan Hermreck

Commissioner Brian Barney

<u>Vote:</u>	Aye	Nay	Abstain	Excused
Seth Crawford	___	___	___	___
Susan Hermreck	___	___	___	___
Brian Barney	___	___	___	___



Agenda Item Request

Date:

March 6, 2024

Meeting dates desired:

March 8, 2024, Special Meeting

Subject:

Consider approval of amended County Administrator (Manager) job description

Background and policy implications:

In January 2023 the initial County Administrator job description was developed through a collaboration of the County Court. That job description is incorporated into the current contract to implement the position into the organization. At the March 1, 2024, goal setting session, the Court came to consensus for several changes. Those are included in the red-lined version of the job description attached.

Budget/fiscal impacts:

No changes.

Legal Review:

NA

Requested by:

Andy Parks, Contract County Administrator

Presenters:

Andy Parks, Contract County Administrator

Attachments

Red-line version of job description

County ~~Administrator~~Manager

Department: Administration

Reports to: County Court

Classification: Exempt

Grade: Estimated 1376

Salary Range: TBD

Summary

The County ~~Administrator~~Manager is appointed by and serves at the pleasure of the County Court. The County ~~Administrator~~Manager manages the activities of the County by implementing the policies and goals of the County Court. The incumbent is responsible for coordinating operations between independent departments and county service districts, and for providing advice and policy recommendations to the Court. The County ~~Administrator~~Manager oversees appointed department directors and coordinates with elected department directors to accomplish objectives that support County goals.

Crook County is a full-service local government with the following operations:

- Community Justice including the Sheriff's Office, Patrol and Special Services, Jail, and Parole and Probation; District Attorney and Victims Assistance, and Juvenile services.
- Public Infrastructure including Roads, Landfill, and Airport.
- Community services including Health and Human Services, Veterans Services, Fairgrounds, Library, Clerk, Community Development and Weed Control.
- Administrative and support services including Assessor, Facilities, Information Technology, Human Resources, Finance, Legal and Administration.

The County has two collective bargaining units; the Crook County Deputy Sheriffs Association and Oregon AFSCME Council 75/AFL-CIO.

Essential Job Functions

The information provided below encompasses the essential functions and capabilities linked with this position.

The County ~~Administrator~~Manager serves as an experienced ~~administrator~~Manager with proficiency in overall municipal operations and exceptional communication and interpersonal skills.

Demonstrates efficiency, organization and ability to prioritize effectively. In working with staff, the County ~~Administrator~~Manager is approachable, supportive, and maintains a positive outlook while mitigating difficult and/or sensitive situations.

Empowers staff by providing clear direction, establishing high standards of accountability and allowing directors/managers to manage their departments. The County

Administrator/Manager has the ability to foster an atmosphere of teamwork and collaboration and embodies honesty with a strong sense of personal and professional integrity.

Develops and maintains an excellent working relationship with the Court on both an individual and collective basis. Maintains the ability to keep the Court accurately informed in a timely manner, has an open-door policy for the Judge and Commissioners and provides timely, well-researched recommendations, analysis and alternatives to the Court so that they may make informed decisions.

Adept at assisting the Court in translating their vision and goals into action plans with the ability to carry out their intentions and directions in a positive and transparent way.

Directs and coordinates the overall management of County Government in accordance with policies set by the County Court, and state statutes; acts as liaison between the Court, departments, elected officials, the public, and federal, state and local government agencies.

Prepares/Oversees preparation of Court meeting agendas consistent with Court operating practices.

Works with the Court and County staff to ensure that Court orders, ordinances, and resolutions are prepared consistent with the direction of the Court.

Supports and coordinates the Court's development of goals, both short- and long-term. Develops objectives and strategies to achieve goals, ensures the development and alignment of department strategic plans and annual work plans with County goals. Implements goals and reports to the Court on the performance of the organization relative to the goals.

Serves as the County's Budget Officer. Reviews requested budgets submitted by all County departments and the Road District; and presents proposed budgets and department work plans that support Court goals consistent with fiscal policies for consideration by the County Budget Committee. Forecasts and monitors revenues and expenditures throughout the year, proposing budget adjustments as needed.

Ensures coordination and cooperation between County departments, service districts and statutory entities; facilitates interdepartmental communication and problem solving; encourages County-wide consensus on the elimination of service duplication.

Oversees, coordinates and performs special projects as necessary to accomplish goals.

Work ~~with the Court to develop~~ and execute a County-wide ~~communications plan and intergovernmental relations and legislative strategy to ensure program funding and program activities meet the needs of Crook County residents, maintain positive relationships with intergovernmental partners and timely with other government agencies inclusive of the development of intergovernmental programs and projects and~~ resolution of intergovernmental problems and issues.

Work with the Court to develop and execute a ~~a~~ County-wide ~~communications plan and strategy, inclusive of a~~ public relations and information program ~~inclusive of oversight, responses to complaints and inquiries from the news media, the public and County employees.~~

Consults with the County Court on the hiring and dismissal of appointed department directors; County ~~Administrator~~Manager recommends hiring and dismissal of -department directors to the Court, with the Court, by majority ratifying hiring and dismissal of appointed department directors. The County ~~Administrator~~Manager evaluates, disciplines, including recommending dismissal, and directs directors in accordance with Court policies and applicable legal requirements. The County ~~Administrator~~Manager may recommend reorganization, with Court approval to improve operation and organization effectiveness.

Directs the daily operations of the Court office; hires and supervises professional and administrative support staff to provide quality service to citizens and County staff; prepares performance evaluations; administers progressive discipline; conducts and/or facilitates staff training and development programs.

Work with the Court and departments to update the County's purchasing policy, practices and processes.

Work with the Court and departments to review the organization's oversight, practices and processes for contracts and grants, risk management and property management.

Competencies: Knowledge, Skills, Abilities

The individual in this position is expected to possess and exhibit the following knowledge, skills, and abilities.

Strong budget and financial management skills and the ability to continue the County's excellent budgeting and fiscal policies. The County ~~Administrator~~Manager must be fiscally responsible and possess the ability to manage within established budgetary constraints. The individual works effectively with department heads, elected officials, the Court and the community to develop the best financial solutions for the County while possessing the ability to prioritize and innovatively meet County needs. They County ~~Administrator~~Manager must have advanced knowledge and background in Oregon Budget law.

The County ~~Administrator~~Manager maintains advanced working knowledge of labor and employment law and maintains a positive reputation for working in a collaborative manner with all groups of employees. In addition, the person possesses excellent problem-solving skills, has the ability to develop solutions and make good decisions. The County ~~Administrator~~Manager must be impartial, fair and able to generate trust within the organization.

The County ~~Administrator~~Manager has the ability to develop and maintain effective partnerships with other governmental entities and recognize that regional involvement, cooperation and collaboration is essential to the overall welfare of the County. They are a part of local, regional and other professional networks in order to bring new ideas to staff and the Court and to gain insight into challenges and solutions.

The County ~~Administrator~~Manager is a creative problem solver. They have the ability to multi-task all of the different ongoing County business needs while simultaneously communicating

with staff and members of the community and generating a feeling of trust that things are being taken care of properly and effectively. The County ~~Administrator~~Manager has an affinity and a feel for small, rural growing communities and an appreciation of the community values.

Required Education, Training, and Experience

Bachelor's degree in public and or business administration or related field.

Five or more years of local government management experience as a County and or City ~~Administrator~~Manager/Administrator/Manager, Assistant County and or City ~~Administrator~~Manager/Administrator/Manager or multi-department head position or equivalent combination of education and experience required. Certification as an ICMA Credentialed Manager, and Oregon experience is preferred.

Supervisory Responsibility

This position supervises approximately fourteen appointed department directors/managers and administrative support staff. Additionally, the position works with an additional six elected officials that oversee various departments and functions and collaborates with two managers overseeing County special districts.

Work Environment

The following work environment(s) exist in the performance of this position.

- Remain in a stationary position (sitting or standing) for extended periods of time, occasionally stand, walk, stoop or kneel for extended periods of time.
- Exert up to 20 pounds of force occasionally and/or up to 10 pounds of force frequently, to lift, carry, push, pull or otherwise move objects.
- Maintain sustained concentration on computer screens and use keyboards and a variety of peripherals.
- Work is generally performed in an office setting.

Reasonable accommodations may be made to individuals with disabilities to perform the essential functions

Position Type and Expected Hours of Work

This is an exempt position

Work Environment

This position requires occasional travel



Agenda Item Request

Date:

March 6, 2024

Meeting dates desired:

March 8, 2024, Special Meeting

Subject:

Consider authorizing Human Resources staff to solicit proposals from executive recruiting firms to recruit a County Manager

Background and policy implications:

The County Court has indicated a desire to recruit a County Manager. The County's HR operation is presently without the capacity to properly recruit this key position. An executive recruiting firm can assist the County with a successful recruitment.

Budget/fiscal impacts:

Executive recruiting firms typically charge approximately twenty percent (20%) of the first year salary, e.g., \$35,000 for a beginning salary of \$175,000.

Legal Review:

NA

Requested by:

Andy Parks, Contract County Administrator

Presenters:

Andy Parks, Contract County Administrator

Attachments

Schedule of firms to solicit proposals

Preliminary recruiting schedule