

# Capital Comments

BY BILL NOBLITT

Suppose that a lady decides to have her spouse killed by a hired gun, the act is done, and she subsequently stands trial on a charge of conspiracy to commit a felony.

## Conference Set May 12 On Employee Assistance

Sandhills Mental Health Center is sponsoring a one day conference on Employee Assistance Programs (EAP) in Southern Pines on May 12.

The conference will bring together experts on EAP from throughout the Carolinas to discuss the "increase development of these health benefit programs in southern North Carolina."

EAPs provide organized, confidential counseling services for "troubled" employees, whose job performance deteriorates for medical reasons. EAPs are a recent innovation to meet employee needs and improve productivity. The programs have been shown to be successful investments for large and small employers throughout the region.

Dr. John McBride, EAP consultant for the Sandhills Mental Health Center, stated "The goals of this program (EAP) are to identify problems at the earliest possible stage, to motivate employees to seek help, and to refer employees to the most appropriate service available."

The May 12 conference, which is titled "Employee Assistance Program—Positive Strokes for Troubled Folks," will focus upon the reasons for EAPs and how employers in southeastern North Carolina can establish these programs. Following introductory remarks by Dr. Stephen Dingfelder, area director of the Sandhills Mental Health Center, and A. Richard Rhyne, director of N.C. Occupational Programs, there will be a presentation on the "positive outlook for EAP programs in North Carolina" by Dr. R. J. Blackley, director of the N.C. Division of Mental Health, Mental Retardation, and Substance Abuse. Presenting the view of an employer who has used EAP will be Don Cumming, personnel superintendent of Universal Polymer Products Corporation in Fuquay-Varina, who will discuss "the structure of an Employee Assistance

Sentencing Act which takes full effect July 1 this year, that defendant could go to prison for 56 days; then freedom.

As always, with new laws and modified laws which are passed back and forth from Senate to House of Representatives;

Program." Concluding the morning session will be Barney Rickenbacker, Jr., president of the Metroline Chapter of the Association of Labor-Management Administrators and consultants on alcoholism, who will discuss the value of "EAPs as a vital management tool." Following a buffet luncheon, there will be presentations by Carl Williams, occupational program consultant for the South Central Region of N.C. Department of Human Resources, Bob Sheer of the South Carolina Council on Alcohol and Drug Abuse in Columbia, S.C., and Nelson Hodgkins, occupational program consultant of Industrial Counseling Service in Greensboro. Small group discussions will be held to provide specific help in developing EAPs.

Cardinal Health Agency has identified Employee Assistance Program development as a priority health care need for southeastern North Carolina in its 1981-1982 "Annual Implementation Plan." Gary Jennings, executive director of Cardinal, explained the regional health planning agency's support for EAPs. "These programs reduce the cost burdens upon the health care system and industry with a proven service. Approximately 25 percent of the annual wages and salaries paid to troubled employees, which are nearly 10 percent of the work force, are lost due to lower productivity and increased absenteeism. "There are 39 Employee Assistance Programs in Cardinal's 15 county region and 425 state-wide.

All interested employers and supervisors are invited to attend the conference which will be held at the Sheraton Inn Conference Center in Southern Pines. There is a charge of \$10 to cover lunch and program materials. Registration by May 5 is required. For further information, contact Dr. John McBride at (919) 673-9111.

mulled by committees; such amended and fought over, the opportunity is great for things to be done which may or may not have been the intent of those who sponsored the law.

Gov. Jim Hunt sponsored the Fair Sentencing Act. It died in Committee in 1977, was rewritten and came back from a special committee of the N.C. Bar Association in 1978; passed the General Assembly in 1979, but was delayed until refinements could be made.

Legislators who opposed the measure fell in several camps. Primarily, though, there were trial lawyers who didn't want

things nailed down too tightly nor with sentences too severe; friends of judges who wanted to give those court officials additional leeway in sentencing; and, legislators who feared that guaranteed sentences of generally longer duration would cause prison population to swell at a time when more than 16,000 inmates already overcrowded the system and construction dollars are in short supply.

Shorter Consider that conviction for conspiracy to commit a felony. At this time, the sentence maximum is 10 years with the individual eligible for parole

after two and one-half years. Parole, of course, subject to the commission finding good behavior and likelihood the lady will not commit another crime.

After a number of amendments, the Fair Sentencing Act establishes a three-year maximum sentence, with one year being the "presumptive" term. That is, the judge should give one year unless he finds, and puts in writing, reasons such as past criminal record, an offense against a law officer, committing the offense for hire, etc., for which is a longer term can be given; or reasons like good character,

mental condition, age, and so on to make the court hand down a lesser sentence.

But presuming all things are equal (and that is what the law seeks to do) the defendant will get one year. The paroles commission will not enter the picture until near the end of that sentence. Automatically, the law says you get one day off for every day of "good time" served without "serious" breaking of the rules. The term is now down to 182 days.

Then, to further help relieve overcrowding, the new law allows the Secretary of Correction to give six days each

month off for meritorious conduct and work, including work release. That's called gain time. The term is now down to 146 days.

Freedom Then, to eliminate the delays which often accompany action by the paroles board, and to guard against politicking on that board, the new law says prisoners except those on life sentences "must" be given "reentry" parole 90 days before the term ends. That is to allow them to readjust to society.

So, 90 days before the end of that presumptive one-year term, minus good time, minus gain

time, and minus any time spent in jail before the trial—our convicted felon walks out of prison free. That would be 56 days behind bars—less, if any time were spent in jail before the trial.

As for the fellow hired to do the deed, if a first degree murder charge were reduced to second—a not uncommon happening—and the presumptive sentence were applied, he would get 12 years. Minus good time, gain time and re-entry (and jail time) he would be out in about four and one-half years. The present maximum for second degree murder is life in prison.

## Job Service Is Facing Hit From Budget Cuts

The North Carolina Employment Security Commission may lose more than 400 positions and be forced to close many of its offices across the state if Congress approves budgetary cuts proposed by the Reagan Administration for fiscal year 1982.

ESC Chairman J.B. Archer, in a letter to all commission employees this week, said the U.S. Senate-approved cuts would mean a loss of approximately \$5 million in federal funding to the North Carolina agency, which currently operates 90 Job Service offices and employs more than 2,600 people. ESC is completely federally funded and receives no state monies for its operations.

"If the cuts are sustained by Congress, it will mean a reduction of approximately 220 positions in the agency and the great possibility that we will have to close most of our branch offices and even some of our full service local offices," he said in the letter. "Other budget cut proposals relating to CETA, if sustained, could require ESC to eliminate approximately 200 CETA-funded positions by Sept. 30, 1981."

Archer said the cuts represent a 17.3 percent reduction in Employment Service Grants-to-states funding and a 3 percent reduction in funding for the unemployment insurance program.

Archer's staff is conducting a cost-effectiveness study on each of the 35 branch offices and the 55 local offices that the agency operates to determine which ones may need to be closed if the budget cuts are sustained.

"In some cases, it may cost us more to close a branch office than to leave it open," he said. "A number of factors will be taken into consideration before any final decisions are made about office closings."

Archer said the employment service function of the commission, more popularly known as Job Service, is not the typical federally-funded program. Unlike many other federal

programs which have significantly expanded over the past decade, the nationwide staffing of Job Service during the past 16 years has remained constant each year while the labor force has grown approximately 42 percent.

"The employment service in many parts of our state is the only labor market mediator available to either employers or workers," Archer said. "It's a free labor exchange where workers can find jobs and employers can find workers. With unemployment running about one percent above last year and projections that it will become worse in the months ahead, we need to be fully staffed to help the unemployed find jobs."

The biggest impact of the proposed cuts to ESC will be felt in the field where employers, job seekers and the unemployed are serviced, he said. He urged employees to cut corners on spending, save on energy, reduce long-distance telephone calls and travel where possible.

He said he would be meeting with members of the North Carolina Congressional delegation during the next few weeks to spell out the severity of the impact of the proposed cuts on the state.

### Correction

In its report on the Moore County Board of Education meeting last week, The Pilot incorrectly reported that the board would be appointing a member to the Sandhills Community College Board of Trustees, to fill a slot vacated by "the late" Dr. Francis Owens, that William Samuels had taken over for him.

The slot being vacated by Dr. Owens will be filled, but he is still alive. Samuels was appointed to a position vacated by the death of Norris Hodgkins, Sr., who died last year. The Pilot regrets the error.

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# MANN DRUG

## MOM'S DAY

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