

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **NOVEMBER 8, 2006**

Committee Members Present:

Supervisors Gabriels
Kenny
Belden
Stec
F. Thomas

Others Present:

William Thomas, Chairman
Joan Parsons, Commissioner of
Administrative and Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
Richard Kelly, Personnel Officer
Supervisor Caimano
Supervisor Bentley
Supervisor Geraghty
Supervisor VanNess
William Lamy, Superintendent DPW
Larry Cleveland, Sheriff
Robert Phelps, Commissioner of Social
Services
Frank O'Keefe, Treasurer
Matt Sokol, Town of Queensbury
Nicole Livingston, Second Deputy Clerk

Committee Member Absent:

Supervisor Haskell

Mr. Gabriels called the Personnel Committee meeting to order at 9:01 a.m.

Motion was made by Mr. Stec, seconded by Mr. F. Thomas and carried unanimously to approve the minutes of the October 4, 2006 Committee meeting, subject to correction by the Clerk.

Copies of the Personnel Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Mr. Gabriels apprised Item 1 was a referral from the Criminal Justice Committee to correct the base salary of the Part Time Crime Victim Specialist from \$21,750 to \$23,580; thereby amending the Table of Organization and the Warren County Salary & Compensation Plan.

Motion was made by Mr. Kenny, seconded by Mr. Belden and carried unanimously to approve Item 1 as outlined and to authorize the necessary resolution for the next board meeting.

Mr. Gabriels stated Items 2A through S were referrals from the DPW Committee. He listed the requests as follows:

- A) Request to fill vacant position of Heavy Equipment Operator #10, Grade 8, base salary of \$29,491 including longevity, due to resignation. The Notice of Intent to Fill Vacant Position is attached.
- B) Request to fill vacant position of MEO (M) #4, Grade 7, base salary of \$27,885 including longevity, due to promotion. The Notice of Intent to Fill Vacant

Position is attached.

- C) Request to fill vacant position of MEO (L) #12, Grade 5, base salary of \$24,601 including longevity, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- D) Request to fill vacant position of Cleaner #6, Grade 2, base salary of \$21,789 plus 5% shift differential, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- E) Request to fill vacant position of Heavy Equipment Operator #1, Grade 8, base salary of \$30,870 including longevity, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- F) Request to fill vacant position of MEO (M) #5, Grade 7, base salary of \$27,904 including longevity, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- G) Request to fill vacant position of MEO (L) #11, Grade 5, base salary of \$24,238, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- H) Request to fill vacant position of Laborer #34, Grade 2, base salary of \$21,789 plus 5% shift differential, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- I) Request to fill vacant position of Sign Maintenance Supervisor, Grade 10, base salary of \$34,152 including longevity, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- J) Request to fill vacant position of Heavy Equipment Operator #6, Grade 8, base salary of \$27,786, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- K) Request to fill vacant position of Sign Maintenance Worker, Grade 9, base salary of \$33,974 including longevity, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- L) Request to fill vacant position of MEO (M) #3, Grade 7, base salary of \$27,085 including longevity, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- M) Request to fill vacant position of MEO (L) #21, Grade 5, base salary of \$24,238, due to promotion. The Notice of Intent to Fill Vacant Position is attached.

attached.

- N) Request to fill vacant position of MEO (L) #5, Grade 5, base salary of \$24,601 including longevity, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- O) Request to fill vacant position of Laborer #29, Grade 2, base salary of \$21,789, due to promotion. The Notice of Intent to Fill Vacant Position is attached.
- P) Request to fill vacant position of Cleaner #8, Grade 2, base salary of \$21,789, due to resignation. The Notice of Intent to Fill Vacant Position is attached.
- Q) Request to fill vacant position of MEO (L) #6, Grade 5, base salary of \$24,238, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- R) Request to fill vacant position of Working Supervisor #1, Grade 6, base salary of \$25,273, due to retirement. The Notice of Intent to Fill Vacant Position is attached.
- S) Request to fill vacant position of Building Maintenance Worker #12, Grade 6, base salary of \$25,273, due to resignation. The Notice of Intent to Fill Vacant Position is attached.

Motion was made by Mr. Belden and seconded by Mr. Stec to approve the requests as outlined above.

Mr. Kenny asked William Lamy, Superintendent of DPW, to further explain the requests to fill vacant positions. Mr. Lamy explained that currently there were eight vacancies that existed within the DPW structure, not only within the Highway Department, but also a position in the Parks, Recreation and Railroad Department. He further explained that these would be promotions from within the Department and did not include any new positions outside of the 2006 budget, all the positions had been approved in the 2006 budget. He noted that these vacant positions were due to retirements and resignations and he was trying to keep the current approved workforce in effect.

Mr. Lamy expounded that in order to provide the same level of service as his Department was listed to provide at the start of the calendar year, then the positions needed to be filled. He added that he depended on the entire work force to cover positions in times of need, such as vacations and sick time, as well as any emergency work that needed to be done throughout the winter months. He said he was not asking for any new positions, he was requesting to maintain the same level of service that was approved in the 2006 budget.

Mr. Dusek entered the meeting at 9:07 a.m.

Mr. Kenny said this had been a tough budget process this year and it was time for every department to do more with less. He added he thought at least one of these vacancies should be eliminated.

Mr. Bentley entered the meeting at 9:08 a.m.

Mr. Lamy stated he could consolidate the construction activities and could provide less crews. He noted that staffing less crews meant less work would get done.

Mr. F. Thomas questioned if there were any other vacant positions that were not being addressed at this time and Mr. Lamy replied not that he was aware of; however, Mr. Lamy said he was prepared to review retirements that will be taking place in 2007.

Mr. Belden asked Mr. Lamy if the committee approved filling all of the vacant positions with the exception of one, if that would suffice. Mr. Lamy responded that if that was what the committee wanted to do, then he would suggest not filling the position of Heavy Equipment Operator #6, because that position would have the least impact on the ability to complete work.

Mr. Belden requested to amend his motion to approve Items 2A through S, with the exception of Item J. Mr. Stec seconded the amended motion.

Mr. Gabriels called the question and the motion was carried unanimously to approve Items 2A through S, with the exception of Item J, as outlined.

Continuing, Mr. Gabriels stated Items 3A and B were referrals from the Sheriff and Communications Committee. He noted the first was a request to fill the vacant position of Correction Officer, Grade 107, base salary of \$29,050, due to resignation. The Notice of Intent to Fill Vacant Position is attached.

Mr. Gabriels added Item 3B was a request to fill the vacant position of Patrol Officer, Grade 201, base salary of \$29,000, due to termination. The Notice of Intent to Fill Vacant Position is attached.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to approve Items 3A and B as outlined above.

Mr. Gabriels apprised Item 4 was a referral from the Social Services Committee, requesting to fill the vacant position of Social Welfare Examiner, Grade 8, base salary of \$27,786, due to promotion. The Notice of Intent to Fill Vacant Position is attached.

Motion was made by Mr. Kenny, seconded by Mr. F. Thomas and carried unanimously to approve Item 4 as outlined above.

Mr. Gabriels stated Items 5A through C were referrals from the Support Services

Committee. He noted Item 5A was a request from the Office of Administrative & Fiscal Services to amend Local Law No. 5 of 1976, amending Section 4. Duties, to remove item (e) "Supervise and administer centralized purchasing, stockroom and data processing services." He noted that the duties of overseeing the Stockroom should be delegated to the Purchasing Department.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously to approve Item 5A as presented and to authorize the necessary resolution for the next board meeting.

Mr. Gabriels stated Items 5B and C were both requests from the Clerk of the Legislative Board. The first, he said, was a request to decrease the base salary of the Deputy Clerk position from \$47,051 to \$43,000, effective November 20, 2006 and to delete the position of Second Deputy Clerk; thereby amending the Table of Organization and the Warren County Salary & Compensation Plan.

Mr. Gabriels added Item 5C was a request to fill the vacant position of Deputy Clerk, base salary of \$43,000, due to retirement. The Notice of Intent to Fill Vacant Position is attached.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to approve Items 5B and C as outlined above, and to authorize the necessary resolution for Item 5B for the next board meeting.

Mr. Gabriels expounded Item 6 was a request from Rich Kelly, Personnel Officer, to address the Committee regarding residency requirements for Warren County employees and the right of the Personnel Officer to suspend the requirement if a difficulty in recruitment could be demonstrated.

Mr. Kelly explained an item had come up quite a bit recently which dealt with residency requirements and he thought it needed a historical perspective, should there be changes in the Administration of Civil Service. He further explained that the residency requirement was determined for competitive positions by the Personnel Officer who may suspend residency based on a recruitment difficulty or retention issues. He noted that the situation had come up recently in the Department of Social Services with the Caseworker series. He added that as Personnel Officer, he had to defend why a residency restriction was waived, which required a track record.

Mr. Kelly gave examples of the importance of residency and how frequently the issue came up. He said that in the last three months, there had been a residency question regarding a Secretary to a Public Defender, whether it was a Public Officer subject to a residency requirement; a question on a seasonal resident that wanted to apply for the position of County Auditor; and the residency requirement in the Law Enforcement Police Officer series. He expounded that by law, if a Civil Service examination was conducted for a Police Officer, for instance, should the Police Officer be re-activated on

a full-time basis in the Town of Bolton, Warrensburg or Lake George, then the Warren County Personnel Department had to extend admission to that examination to contiguous counties. He noted in that kind of a situation, it could be anticipated that a field of candidates would consist of up to two hundred individuals. He added that would have a ripple effect on the expense and examination administration.

Mr. O'Keefe entered the meeting at 9:21 a.m.

Continuing, Mr. Kelly stated that Section 58 dealt with residency in Police Officer related positions. He said that Warren County had been fortunate in that the only Police Officer Law Enforcement series that he had recruited for since the absorption of the Town of Queensbury, had been in the Sheriff's Department and because Patrol Officers were Public Officers, he could limit recruitment to Warren County residents. He stated that he was continuously fielding questions from contiguous counties regarding residency and why someone could not apply to take the Patrol Officer examination. He clarified that in this respect, by law he could restrict it because it was a person who was employed under the jurisdiction of an elected official.

Mr. Kelly concluded that the issue of residency needed to be addressed so that his successor would not be faced with a myriad of questions regarding what to do in particular situations. He added that residency, as it was right now, was all over the board. For instance, he said, in the Town of Queensbury they did not have a residency requirement, which meant that when he conducted examinations for positions in that Town there were no residency restrictions. He noted that local boards wanted their position on residency requirements noted on the books and he felt the County needed to address the issue as well.

Mr. Kelly continued to give examples, and said, it would be difficult to determine if there was a residency requirement for Department Heads in Warren County because there was not a documented policy, yet it was encouraged, but there was no requirement that upon appointment residency must be established within a set period of time.

Mr. Kenny stated that he understood that there should be residency requirements to create employment for the residents of Warren County, however, that could diminish the quality of the field of candidates due to the restrictions on other counties to apply. He asked Paul Dusek, County Attorney, if there was any way to establish a residency requirement that would give preference to Warren County residents, but not limited to Warren County residents. Mr. Dusek responded he thought that policy had already been adopted and he believed that had been the practice of the Personnel Department.

Mr. Kelly replied that the law stated in Section 23 that preference in residency certification, which meant if it were posted on the announcement for the examination, that preference would be given to residents of the locality where the vacancy existed. He noted that once the residency preference was eliminated, where there were fewer than three residents, then they would go to the general open competitive list as far as an appointment goes. He illustrated a recent example and stated that with the City of

Glens Falls and their Police Officer series, the residency restriction was not on the announcement and when it was time to fill the vacancy they did not have a track record to show why they would limit recruitment and appointment to residents of the City of Glens Falls.

Mr. Kelly continued that in the most recent example which dealt with the position of Secretary to the Public Defender regarding whether or not the person had to maintain residency in Warren County or could the person purchase a home outside of Warren County. He noted that position was exempt from civil service; therefore, he could not make that decision. He said the board needed to decide if there was a residency requirement for a position that could be deemed a Public Officer.

Mr. Dusek clarified that if it were a Public Officer position then there was a requirement to be a resident of Warren County. He further stated that the issue was for people that were employees and not considered Public Officers. He noted that the position of Secretary that Mr. Kelly was referring to was a good example of a position not subject to civil service testing and was just an appointment of that individual; therefore, there was no requirement at this point that they be a resident of Warren County. Mr. Dusek said as far as civil service tested employees, there was a requirement for residency under the civil service rules, as well as under the Public Officers Law, that if the position was an Officer, they were required to be a resident of the County.

Mr. Dusek added an issue that was not included under the rules, were those that were a resident of the County when they were hired and then moved out of the County.

Mr. Gabriels referred to Local Law No. 4 of 1996, Establishing Residency Requirements for Warren County Deputy Sheriffs, which required residency in the State of New York, the County of Warren or of a county contiguous to the County of Warren. Mr. Kelly responded that the Local Law had been drafted by the County Attorney to legitimize what the procedure was because a number of people were Public Officers as employees of the Sheriffs Department that did not reside in Warren County.

Mr. Caimano questioned if there was a solution to this issue and what was it that Mr. Kelly wanted the board to do. Mr. Kelly suggested that either the individual be required to be a resident of Warren County at the time of their appointment and after that be allowed to live outside the County or that the board pass a resolution that states an employee must remain a resident of Warren County while employed by the County.

Mr. Dusek apprised that residency requirements were already covered under Civil Service Law and the ability of the Civil Service Officer to waive those requirements if there was a recruiting difficulty. He further stated that the Public Officers Law already addressed the positions of Officers, and he asked what exactly the board would be addressing in a resolution. Mr. Kelly said it would address whether or not exempt positions would be required to reside in the County. Mr. Dusek replied the rule would be that an exempt position, such as a Confidential Secretary to a Public Defender,

would not have to be a resident of Warren County.

Mr. Caimano asked why that position was exempt from the residency requirement and Mr. Dusek responded because exempt positions had not been addressed under the law.

Mr. Kenny queried how many positions in the County fell under that umbrella. Mr. Dusek said he could not answer that at this time. He suggested that he and Mr. Kelly review positions and determine which positions were covered by law and which were not.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously requesting that Mr. Dusek and Mr. Kelly identify positions within Warren County that were covered under the Civil Service and/or Public Officers Law and the number of positions that were not, and report back to the Personnel Committee in January of 2007 for further action if necessary.

Returning to the Agenda, Mr. Gabriels stated that Paul Dusek, County Attorney, had requested to address the Committee regarding the Human Resource Director in relation to developing a local law to create a department.

Mr. Dusek said the County was prepared to advertise for the position of a Human Resource Director. He noted he had reviewed the job description that was developed. He expounded that the County would need to adopt a local law to implement this position and office, because a new office was being created with this position. He added that he assumed the position would be subject to serve at the pleasure of the board. He stated he could draft a local law for the November Board meeting; however, the local law which created the Personnel Office would need to be amended because that currently covered some of the same job duties that would now be under the Director. He clarified that there would be two local laws that would be before the board in November to set a public hearing to move forward in this direction.

Mr. Belden asked if this position was required to be a resident of Warren County and Mr. Dusek replied yes, that was included in the job description. Mr. Caimano clarified that the requirement to be a resident of the County was to hold the position, not to apply and Mr. Dusek agreed.

Mr. Gabriels said he thought another question was whether or not one of the qualifications would be that the person hold a law degree. The consensus of the Committee was that should not be included as one of the qualifications. Mr. Dusek reviewed the job description and outlined the minimum qualifications that were listed.

Joan Parsons, Commissioner of Administrative and Fiscal Services, apprised that the ad would appear in *The Post Star* this Sunday, November 12, 2006. Mr. Dusek stated he could have the local laws prepared for introduction at the November 17th Board of Supervisors meeting.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously to

authorize the County Attorney to prepare the aforementioned local laws for the next board meeting.

Mr. Caimano said that Resolution No. 497 of 2006 required that any new positions requested by Department Heads be reviewed with the County Administrator prior to going to their standing Committee and the Personnel Committee; however, he recommended that the resolution include the requests to fill any vacant positions be reviewed with the County Administrator as well.

Motion was made by Mr. Stec, seconded by Mr. F. Thomas and carried unanimously to amend Resolution No. 497 of 2006 as outlined above and to authorize the necessary resolution for the next board meeting.

Mr. Kelly requested privilege of the floor to discuss funding for the Personnel Department and the salary code balance for the year. He stated he was currently in the 'red' and had been since September. He noted he had two exam series coming up in November and more in December. He added he was short of funds and he would appreciate the Keyboard Specialist to remain in his Department through the end of the year, if possible. He said he had been instructed to alert the Committee if there was going to be any financial problems.

Mr. Belden recommended that the issue be forwarded to the Finance Committee. Mr. Gabriels asked Mr. Kelly if he had a figure for the shortfall that would be needed. Mr. Kelly guesstimated \$5,000, possibly more and if he had approval for the Keyboard Specialist to be added to his Department, then he could anticipate what the examination excess would be when he determined the amount of time that would be allowed to take the exams. He suggested that the best solution would be with the understanding that the amount of money would not be approved at the end of the year and that it had been brought to the Committees' attention that he was in the 'red'.

Motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously to authorize the Personnel Officer to get the figures for the shortfall in his Department's Budget put together to present it at the Finance Committee meeting in December.

There being no further business to come before the Committee, on motion made by Mr. Kenny and seconded by Mr. Belden, Mr. Gabriels adjourned the meeting at 9:52 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk

