

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **APRIL 9, 2008**

Committee Members Present:

Supervisors Thomas
Kenny
Haskell
Belden
Stec
Sokol
Tessier

Others Present:

Frederick Monroe, Chairman
Hal Payne, Commissioner of Administrative
and Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Merlino
Supervisor Strainer
Supervisor Taylor
Supervisor VanNess
Patricia Auer, Director, Public Health
Richard Kelly, Personnel Officer
William Lamy, DPW Superintendent
Todd Lunt, Director, Human Resources
Robert Phelps, Commissioner of
Department of Social Services
Barbara Taggart, Administrator,
Westmount Health Facility
Patricia Tatich, Director, Planning &
Community Development
Nicole Livingston, Deputy Clerk

Mr. Thomas called the Personnel Committee meeting to order at 9:00 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Belden and carried unanimously to approve the minutes of the March 12, 2008 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. Thomas commenced the Agenda review with Item 1, and advised that Todd Lunt, Director of Human Resources, had requested permission to address the Committee.

Mr. Lunt stated the first item he would like to discuss was the Department of Human Resources budget and he distributed a Budget Performance Report to the Committee members, a copy of which is on file with the minutes. He reviewed the report in detail and noted that 80% of the Human Resources budget was comprised of salaries for himself and his staff member. He referred to Code 427 Membership & Dues, and pointed out that the funds allocated in that code in the amount of \$260 were to cover the costs associated with his professional re-certification with the Human Resources Certification Institute, which was required every three years and cost \$100. Mr. Lunt

apprised the remaining \$160 was to cover the annual membership to the Society of Human Resource Management which he had been a member of for a number of years. Mr. Lunt expounded the next item he wished to discuss was regarding the ice storm in the Town of Hague. He said that about a month ago, a State of Emergency had been declared in the Town of Hague and four County employees volunteered their services to the Town during the storm. He noted that the question had arisen as to whether or not these employees should be paid their regular County salary while they assisted during the emergency. Mr. Lunt added he had done research in an effort to determine if there was a County policy or resolution that authorized such action; however, he said, no such documents existed.

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

Mr. Lunt advised he felt the employees should be paid their regular County salary while they volunteered their services to the Town. He recommended that a County policy be developed that outlined when there was a declared State of Emergency in the County or in a Town, that employees that worked in a volunteer capacity during a regular work day, should be paid.

Mr. Belden stated that the aforementioned four employees were members of the EMS (Emergency Medical Services) or the Fire Company and he further noted that in a small town like Hague, there were not many volunteers to assist during a time of disaster; therefore, he said, he agreed that the employees should receive their regular salary.

Mr. Lunt explained that at this time they had required the employees to use leave time, such as personal or vacation time and it may be possible to credit them back this time as if they were working at the County that day.

Patricia Auer, Director of Public Health, said that one of the employees was from her Department, and she expressed her concern that if during a County emergency, would an employee be able to choose whether they wanted to volunteer their services or come to work that day. Mr. Kenny stated their first obligation was to their position with the County.

Mr. Thomas suggested that these individuals be credited for a days pay and that a policy be established for future reference.

Motion was made by Mr. Belden and seconded by Mr. Tessier to credit the four individuals for the days salary as discussed and that a County policy be developed that outlined when there was a declared State of Emergency in the County or in a Town, that employees who worked in a volunteer capacity during a regular work day be paid for the day.

Richard Kelly, Personnel Officer, apprised the problem with a situation like this was who would make the decision and determination. He provided a similar situation from twenty-years ago, in which the Town of Queensbury experienced a series of brush fires and a State of Emergency was declared. He further explained that a number of County employees that volunteered for the Fire Companies would respond to the fire calls, which caused a ripple effect on the other towns in that the Town Supervisors were concerned that these people worked for the County and were being allowed to leave their positions to respond to an emergency; however, he said, town employees were not authorized to do the same. Mr. Kelly expounded at that time it was suggested that instances like that be handled on an individual basis, and that a Department Head could discuss the situation with their Committee Chairman in order to make a determination as to whether or not an employee that served as a volunteer should be authorized to leave their County position to respond to an emergency. Mr. Kelly recommended a policy not be developed and that instances continue to be handled on an individual basis.

Paul Dusek, County Attorney, said that as a matter of law, if there was not a policy on record, it could not be authorized to credit an employees time in the future. He further explained that Mr. Lunt encountered the problem because there was no legal authority to allow these individuals to take time off from work for any kind of emergency. He stated that in order to legally allow such action, a policy needed to be developed and it could be outlined in the policy that the determination may be made by the Department Head.

Messrs. Haskell and VanNess entered the meeting at 9:14 a.m.

Following the discussions, Mr. Thomas called the question and the motion to credit the four individuals for the work day as discussed and that a County policy be developed that outlined when there was a declared State of Emergency in the County or in a Town, that employees that worked in a volunteer capacity during a regular work day be paid their daily County pay was carried unanimously. The necessary resolution was authorized for the next board meeting.

Returning to the Agenda review, Mr. Thomas apprised Item 2 was a referral from the County Facilities Committee, Buildings & Grounds, requesting to fill the vacant position of Laborer #34, base salary \$22,503, Grade 2, Employee No. 11221, due to resignation.

William Lamy, DPW Superintendent, explained this position was part of the night cleaning shift which was already short staffed.

Motion was made by Mr. Haskell, seconded by Mr. Kenny and carried unanimously to approve Item 2 as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas stated Items 3A through D were referrals from the Health Services Committee. Items 3A and B were referred by the Health Services Department, he said, and were as follows:

- A) Request to fill the vacant position of Community Health Nurse, base salary of \$40,647, Grade 20, Employee No. 10384, due to resignation. Mr. Thomas noted that as per previous discussions, the new employee would be placed in a grade level according to education and experience level and the Table of Organization would be amended accordingly; and
- B) Request to fill the vacant position of Account Clerk, base salary of \$24,059, Grade 4, Employee No. 11216, due to resignation.

Motion was made by Mr. Sokol and seconded by Mr. Tessier to approve the requests as presented.

Mr. Kenny referred to Item 3A and the notation of the floating grade level and questioned how a salary would be set for that position. Mr. Dusek replied the salaries were already set for each grade level and this was a matter of three different possible grade levels for the position, pending the candidates education and experience. Mrs. Auer added that if she were lucky, she would be able to recruit an individual with the necessary experience to qualify at a grade 21; however, she said, realistically it would probably be an individual with limited experience, thereby lowering the salary to a grade level 19 or 20.

Following discussion, Mr. Thomas called the question and the motion was carried unanimously to approve Items 3A and B as outlined above. Copies of the Notices of Intent to Fill Vacant Positions are on file with the minutes.

Mr. Thomas advised Items 3C and D were referred by the Westmount Health Facility and he listed them as follows:

- C) Request to fill the vacant position of Senior Account Clerk, base salary of \$27,559, Grade 7, Employee No. 7810, due to promotion; and
- D) Request to fill the vacant position of Health Facility Office Records Specialist, base salary of \$33,590, Grade 14, Employee No. 6807, due to retirement.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to approve Items 3C and D as outlined above. Copies of the Notices of Intent to Fill Vacant Positions are on file with the minutes.

Continuing, Mr. Thomas expounded Items 4A through I were referrals from the Public Works Committee. Item 4A, he said, was referred from DPW, requesting to create the position of Senior Civil Engineer, base salary of \$68,000 and to delete the position of Assistant Engineer, base salary of \$41,832; thereby amending the Department's Table of Organization. He listed Items 4B through G as follows:

- B) Request to fill the vacant position of Senior Civil Engineer, base salary of \$68,000;

- C) Request to fill the vacant position of Heavy Equipment Operator #4, base salary of \$28,697, Grade 8, Employee No. 11227, due to resignation;
- D) Request to fill the vacant position of Motor Equipment Operator (MEO)-Medium, base salary of \$27,559, Grade 7, due to promotion;
- E) Request to fill the vacant position of MEO-Light, base salary of \$25,032, Grade 5, due to promotion;
- F) Request to fill the vacant position of Auto Mechanic #9, base salary of \$29,702, Grade 9, Employee No. 7850, due to resignation; and
- G) Request to fill the vacant position of Auto Mechanic Helper, base salary of \$27,559, Grade 7, due to promotion.

Motion was made by Mr. Belden and seconded by Mr. Haskell to approve Items 4A through G as presented.

Chairman Monroe entered the meeting at 9:23 a.m.

Referring to Item 4A, the creation of the position of a Senior Civil Engineer, Mr. Belden explained this position was extremely important to continue the efficiency within the Department. He further stated that Mr. Lamy had agreed to leave a position vacant in order to create this position, as well as to delete the position of Assistant Engineer.

Mr. Lamy advised he had discussed this at great length with Hal Payne, Commissioner of Administrative & Fiscal Services and Supervisor Belden, Chairman of the Public Works Committee, to determine a position he could leave vacant in order to make this possible. He said that he had a vacant Laborer position, which he would not fill, with a base salary of \$22,503, and combined with the salary of the deleted Assistant Engineer position (\$41,832) the new position of Senior Civil Engineer would essentially be budget neutral.

Mr. Kenny questioned if the Assistant Engineer position was currently filled and Mr. Lamy replied in the negative, stating it was a budgeted vacant position. Mr. Kenny asked if the vacant position of Laborer that Mr. Lamy referred to would be eliminated from the Table of Organization. Mr. Lamy said if that was what the Committee wanted, he would do that in order to create this new position.

Discussion ensued. Mr. Thomas noted that when Mr. Lamy said this would be budget neutral by combining the salaries of the Assistant Engineer and the Laborer, there was actually a shortage of \$3,665. Mr. Lamy explained that there would be additional savings from the increments of upcoming retirements which would offset that shortage. Mr. Thomas questioned if it would be possible to contract an engineer for approximately one year, as opposed to creating a new position. Mr. Lamy stated he would not be in favor of that due to the need for continuity in the Department. He added that over the next year he would be losing the majority of his senior staff due to retirements.

Mr. Kenny said he would be supportive of this as long as the Laborer position was deleted from the Table of Organization. Mr. Lamy requested to delete the salary from the budget and to leave the position within the Table of Organization. Mr. Kenny advised he would not be comfortable with that and therefore Mr. Lamy agreed to Mr. Kenny's request.

Following the discussions, Mr. Thomas called the question and the motion was carried unanimously to approve Items 4A through G as outlined above. Copies of the Notices of Intent to Fill Vacant Positions are on file with the minutes, and the necessary resolution to create the position of Senior Civil Engineer with the stipulation that the Assistant Engineer and a Laborer position be deleted, was authorized for the next board meeting.

Mr. Thomas stated Item 4H was referred by the Department of Parks, Recreation & Railroad, requesting to fill the vacant position of Building Maintenance Worker #11, base salary of \$26,101, Grade 6, Employee No. 10898, due to resignation.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to approve Item 4H as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added Item 4I was referred from the Airport, requesting to increase the base salary of the Airport Manager, Employee No. 11428, from the former base salary of \$60,649 to the current base salary of \$68,000, effective March 24, 2008; thereby amending the Department's Table of Organization. He noted that the salary was determined in the negotiation process with the new Airport Manager prior to his accepting the position and was approved by the Chairman of the Public Works Committee.

Motion was made by Mr. Sokol and seconded by Mr. Tessier to approve the request as presented.

Mr. Belden questioned if there were funds available in the Airport budget to cover the increase and Mr. Lamy responded he would need to research that before giving a definitive answer. Mr. Lamy further advised that when the position was advertised, it was determined that a salary range would not be listed, in order to negotiate a salary based on experience.

Mr. Sokol asked what the former Airport Manager's salary was and Mr. Payne replied it was \$63,449 which included longevity; the base was \$60,649 for the position. Mr. Lamy added the individual that was hired to fill the position had eight years of experience as an Airport Manager at the Burlington Airport in Vermont and was an Assistant Airport Manager prior to that for seven years, providing fifteen years of experience in the field of aviation and airport operations. He mentioned other candidates that applied were requesting salaries between \$85,000 and \$100,000.

Mr. Thomas said his only concern was that this type of action seemed to be a trend in that each time a person was hired they were offered a higher base salary than the former employee in that position and he felt it should be an opportunity to decrease the base salary prior to hiring a new employee.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to approve Item 4I as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas stated Item 5 A through D were referrals from the Social Services Committee. Item 5A, he said, was a request to fill the vacant position of Caseworker, base salary of \$33,590, Grade 14, Employee No. 11360, due to resignation.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to approve Item 5A as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas advised Item 5B was a request to fill the vacant position of Support Investigator, base salary of \$28,697, Grade 8, Employee No. 6736, due to promotion.

Motion was made by Mr. Kenny, seconded by Mr. Haskell and carried unanimously to approve Item 5B as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Item 5C, Mr. Thomas noted, was a request to fill the vacant position of Head Social Welfare Examiner, base salary of \$44,363, Employee No. 1269, due to retirement, effective May 30, 2008.

Motion was made by Mr. Tessier and seconded by Mr. Kenny to approve the request as presented.

Mr. Merlino entered the meeting at 9:42 a.m.

Mr. Haskell stated that although he did not serve on the Social Services Committee, he had sat in on the interviews for the position of Commissioner, and one of the candidates had suggested that this position not be filled until the new Commissioner was in place and he added that he agreed with that recommendation. Mr. Thomas said his concern with that recommendation was that it took two to three months to fill a position under the County's process of hiring. Mr. Kenny agreed with Mr. Thomas and noted that the Department already had a number of vacant positions and if the Committee continued to delay the filling of positions it could cause additional problems and the back-up of the workloads.

Robert Phelps, Commissioner of the Department of Social Services (DSS) apprised that currently there were five Supervisors that oversaw the work of seventeen individuals

in the Medicaid Unit, three of which were working Supervisors which performed intake evaluations for the Medicaid program. He distributed two graphs that depicted the salary and fringe costs compared to the mandated programs and services offered by DSS to the Committee members, copies of which are on file with the minutes.

Mr. Phelps stated he wanted to have as much stability in the Department prior to his retirement as possible and there was already a serious concern about the lack of adequate staffing throughout the Department. He reminded the Committee members that Medicaid positions were 100% reimbursable and no cost to the County; however, he said, there was a tremendous cost to the community if his Department was unable to process Medicaid applications in a timely fashion. He noted he would be providing the DSS Annual Report prior to his departure.

Mr. Payne distributed the overtime report for the DSS to the Committee members, a copy of which is on file with the minutes. He said to date, DSS had spent 84% of their overtime budget, averaging \$11,000 a month in overtime costs and added if it continued this way, the County would be approximately \$88,000 short in overtime funds.

Following discussions, Mr. Thomas called the question and the motion was carried by majority vote to approve Item 5C as outlined above, with Messrs. Haskell and Belden voting in opposition. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added Item 5D was a request to fill the vacant position of Senior Social Welfare Examiner, base salary of \$31,351, Grade 11, Employee No. 8897, due to resignation.

Motion was made by Mr. Tessier, seconded by Mr. Haskell and carried unanimously to approve Item 5D as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Kelly advised he had brought his Department's Budget Performance Report and overtime expenditures to date, as requested by the Committee and distributed copies to the Committee members, copies of which are on file with the minutes. He noted he was already at 45% of his overtime budget and there were a large number of examinations to be held throughout the year. He reviewed the upcoming examinations and said that the examinations for uniformed services alone, would increase that expense by at least 33%.

Mr. Strainer entered the meeting at 9:57 a.m.

Mr. VanNess questioned if it would be possible to implement a staggered work week for his Office staff, thereby allowing the staff to administer the exams on Saturdays without having to use overtime. Mr. Kelly replied in the negative, explaining that when his staff was hired it was a term and condition outlined for their employment that they worked forty-hour workweeks, Monday through Friday. He added it would need to be

negotiated to adjust those terms and conditions for new hires. Mr. Dusek reminded the Committee members they had reviewed a similar item recently regarding flex time in the DSS. He further stated it sounded as if Mr. VanNess was interested in flex time being available to all departments and noted that this type of action would require negotiations with the Union in order to be implemented.

The consensus of the Committee was for Mr. Dusek to pursue negotiations with the Union with regard to flex time for all departments. Mr. Dusek reminded the Committee members that the Negotiating Team was comprised of himself, Mr. Payne, Mr. Kelly and Mr. Lunt and he would set up a meeting for them to meet with the Union and he would report back to the Committee next month.

Mr. Dusek said there was an item on the Pending List provided by the Clerk of the Board's Office that he wished to address. He stated that he and Mr. Kelly were asked at one time to establish a list of positions that were not currently covered by residency requirements under Civil Service Law or Municipal Law. He further explained that it was established under the Civil Service exam criteria that nearly all positions were under resident requirements, except when waived by the Personnel Officer as a matter of Civil Service rules. He added that Department Heads were required by law to be residents of the County. He noted that a position such as the Airport Manager, did not have a residency requirement because that position fell under the authority of the Superintendent of DPW. Mr. Haskell questioned if the position of Director of Information Technology had a residency requirement and Mr. Dusek said he did not believe there was a local law that established that position; therefore, he said, he did not think the criteria applied to that position. Mr. Kelly clarified that he could waive the requirement based on recruitment for non-officers. He added that the residency requirement was established generally as a safeguard to protect the taxpayer in a particular district.

The consensus of the Committee was that the item be removed from the Pending Items list.

Prior to adjournment, Mr. Payne requested an executive session to discuss matters leading to the employment of a particular person.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 10:06 a.m. to 10:20 a.m.

Committee reconvened.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried by majority vote to authorize the hiring of Wendy Bourgeois as Commissioner of DSS, at a base salary of \$85,000, with Mr. Thomas voting in opposition. The necessary resolution was

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authorized for the next board meeting.

There being no further business to come before the Committee, on motion made by Mr. Haskell and seconded by Mr. Belden, Mr. Thomas adjourned the meeting at 10:22 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk