

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL (INCLUDING CIVIL SERVICE AND HUMAN RESOURCES)

DATE: SEPTEMBER 10, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS THOMAS
KENNY
HASKELL
BELDEN
STEC
SOKOL
TESSIER

OTHERS PRESENT:

FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS BENTLEY
CHAMPAGNE
GIRARD
GOODSPEED
O'CONNOR
SIMMES
STRAINER
VANNESS
RICHARD KELLY, PERSONNEL OFFICER
TODD LUNT, DIRECTOR, HUMAN RESOURCES
PATRICIA AUER, DIRECTOR, PUBLIC HEALTH
KATE JOHNSON, DIRECTOR, TOURISM
WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
MARV LEMERY, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES
JULIE PACYNA, PURCHASING AGENT
WILLIAM RESSE, DIRECTOR, EMPLOYMENT & TRAINING ADMINISTRATION
BARBARA TAGGART, ADMINISTRATOR, WESTMOUNT HEALTH FACILITY
PAM VOGEL, COUNTY CLERK
SHEILA WEAVER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES
BUD YORK, SHERIFF
SHANE ROSS, CHIEF DEPUTY
ALYSON MARTIN, *THE POST STAR*
TOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously to approve the minutes from the August 6, 2008 Personnel Committee, subject to correction by the Clerk of the Board.

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

Commencing the agenda review, Mr. Thomas apprised that Item IA consisted of a referral from the Health Services Committee, Public Health, requesting a reallocation of grades for Nurse Technicians from Grade 9, base salary of

\$29,708, to Grade 11, base salary of \$31,351, effective March 10, 2008, in order to align with the recent reallocation of the LPN's (Licensed Practical Nurse) at the Westmount Health Facility; thereby amending the Department's Table of Organization.

Mr. Kenny questioned why the reallocation was necessary and Mr. Haskell apprised that this was for retention purposes and to draw interested employees to the positions. He said that at the current salary they were unable to maintain the nursing staff. Hal Payne, Commissioner of Administrative & Fiscal Services, apprised that the reallocation had been approved during the 2008 Budget process but had inadvertently been left out; he added that these efforts were being made to correct the situation.

Motion was made by Mr. Haskell, seconded by Mr. Kenny and carried unanimously to approve Item 1A as outlined above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Agenda Item 1B, Mr. Thomas advised, included a referral from the Health Services Committee, Westmount Health Facility, which requested authorization for Renee L. Bazan, Social Worker, to enroll in a Principles of Biology course being held at Adirondack Community College (ACC) from September 3, 2008 through December 12, 2008 at a cost of \$690.73. He noted that the course would contribute to an associates degree in Nursing.

Motion was made by Mr. Sokol, seconded by Mr. Haskell and carried unanimously to approve Item 1B as outlined above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Thomas noted that Agenda Items 2A and 2B pertained to referrals from the Human Services Committee, Employment & Training. He said that Item 2A requested the deletion of the Employment and Training Coordinator position, Grade 13, base salary of \$35,949, effective September 19, 2008; thereby amending the Salary Schedule and the Department's Table of Organization.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously to approve Item 2A as outlined above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Item 2B, Mr. Thomas continued, consisted of a request to fill the vacant position of Employment and Training Counselor, Grade 9, base salary of \$29,702, due to retirement and he noted that the position was 100% Federally funded.

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

Mr. Thomas stated that Agenda Items 3A and 3B were referrals from the Public Safety Committee, Office of Emergency Services. He said that Item 3A referred to a request to fill the vacant position of Fire Coordinator/Director of the Office of Emergency Services, base salary of \$20,000, due to resignation.

Mr. VanNess, speaking as Chairman of the Public Safety Committee, stated that there had been considerable discussion regarding the request prior to being approved by the Public Safety Committee, specifically regarding the salary and leased vehicle associated with the position. Mr. VanNess stated that although they were willing to forego the use of the leased vehicle, he felt it was less costly to retain it than to authorize the use of a personal vehicle for the position, which would require compensation for mileage costs. He said that in speaking with the person they intended to appoint to the position, Brian LaFlure, Systems Maintenance Coordinator and First Deputy Fire Coordinator, he had expressed the trying budget times the County faced and Mr. LaFlure had agreed to accept the part-time position at a reduced salary of \$15,000, regardless of the fact that a considerable amount of work was associated with the position. Mr. VanNess stated his recommendation that they maintain the lease of the vehicle used by the current Fire Coordinator as a considerable amount of money had been invested in the vehicle for use as a mobile command center.

When Mr. Belden questioned the costs of the leased vehicle, Mr. VanNess responded that the lease fee was in the neighborhood of \$4,800 annually. Marv Lemery, Fire Coordinator/Director of the Office of Emergency Services, interjected that a three-year lease was carried on the vehicle and had already been renewed for a term ending in 2009. He added that the lease buyout for the vehicle was approximately \$23,000. Mr. VanNess added that due to the cost of the vehicle, he felt that it was better to continue the lease and consider purchasing it at the end of the extended term when budget conditions had improved and the expense was feasible.

Mr. Stec stated that he had been involved in conversations regarding the position and was now more at ease with the situation. He thanked Mr. VanNess for his involvement in clarifying the matter and Mr. LaFlure for his efforts in assisting the County by agreeing to reduce the salary of the position. Mr. Stec said he felt the lowered salary and the retention of the leased vehicle were very reasonable compromises.

Chairman Monroe stated that because Mr. LaFlure held a full time position with the Sheriff's Office, it was not legal to pay him separate salaries according to the Fair Labor Standards Act and they would have to pay overtime for hours worked as Fire Coordinator. Mr. Haskell stated it was his understanding that Mr. LaFlure's position was outside of the bargaining unit which gave the County the ability to pay separate salaries for the different positions. Mr. VanNess apprised that he had contacted the County Attorney's Office to discuss this matter but had yet to receive the appropriate information.

Mr. Tessier entered the meeting at 9:16 a.m.

Mr. Kenny questioned Mr. LaFlure's ability to appropriately fulfill the obligations of the part-time Fire Coordinator/Director of the Office of Emergency Services position while maintaining his full-time duties to the Sheriff's Office, as well as whether his position with the Sheriff's Office was actually outside of the bargaining unit. Mr. VanNess explained that the Deputy Fire Coordinator positions had been instituted for this reason, allowing for coverage when Mr. LaFlure was not available. Mr. VanNess added that it was highly unlikely that they would find another person as qualified as Mr. LaFlure to fill the position based on the salary being offered.

Mr. Lemery interjected that he had held a full-time position in addition to the Fire Coordinator designation for the past 24 years without issue. He said that in instances when he was not able to oversee an emergency situation he

made decisions as to which Deputy would cover his absence. Since there had never been any issues with respect to the matter in the past, Mr. Lemery said he failed to see why there would be any now.

Mr. Geraghty pointed out that Mr. LaFlure currently held two positions, his full-time employment with the Sheriff's Office as well as his designation as First Deputy Fire Coordinator and he questioned why there was any opposition. Mr. VanNess noted that the Board had recently approved a policy regarding this matter which allowed emergency personnel to leave work without consequence in the event of an emergency with the approval of their supervisor.

Bud York, Sheriff, apprised that he had no issue with Mr. LaFlure accepting the Fire Coordinator position as he was confident in Mr. LaFlure's strong work ethic and was sure he would maintain his obligations to the Sheriff's Office as his first priority. He expounded that although Mr. LaFlure was a salaried employee and did not receive overtime pay, he had continuously worked over and above his scheduled hours whenever needed with no compensation. Sheriff York stated that he would approve any time necessary to fulfill the obligations of the Fire Coordinator position as per the policies approved by the Board of Supervisors.

Paul Dusek, County Attorney, and Todd Lunt, Director of Human Resources, entered the meeting at 9:19 a.m.

When questioned whether or not overtime pay would be necessary to support the position of Fire Coordinator/Director of the Office of Emergency Services, Mr. Dusek replied affirmatively. He explained that although the Fire Coordinator/Director position was considered managerial and was not eligible for overtime benefits, it was his understanding that Mr. LaFlure's full-time position with the Sheriff's Office should incur compensation for overtime worked. He said that since Mr. LaFlure's full-time position was eligible for overtime pay, the part-time position would be also. Citing Mr. Lemery's positions, Mr. Dusek explained that overtime concerns had not been necessary in that instance because Mr. Lemery held two positions that were both ineligible for overtime pay.

Mr. Stec questioned if Mr. LaFlure's position with the Sheriff's Office could be reclassified to make it ineligible for overtime costs and Mr. Dusek replied in the negative, explaining that the only way the title could be reclassified was if the duties were changed to meet the title desired, which would have to be of a more executive or managerial nature.

Extensive discussion ensued.

Chairman Monroe suggested that an hourly rate of pay be established to meet the desired annual salary for the position and a limit to the number of hours worked per week be determined so as not to exceed the desired salary. Mr. Stec agreed with this idea and noted that an hourly wage of \$10 coupled with a per week maximum of 20 hours would meet the desired budget. He said that because the position would actually be paid at overtime rates of \$15 per hour, the annual budget would be \$15,600 if the 20 hour per week limit was maintained. Mr. Stec added that Committee approval could be given to work over this limit when necessary and Mr. LaFlure could alert the Public Safety Committee when he was nearing the limits set.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to fill the vacant position of Fire Coordinator/Director of the Office of Emergency Services at an hourly wage of \$10 for 20 hours per week, not to

exceed \$15,600 annually. *A copy of the request is on file with the minutes.*

Mr. VanNess thanked Sheriff York for his efforts in connection with the issue.

Regarding the retention of the leased vehicle used by the Fire Coordinator, it was the consensus of the Committee that this issue should be referred back to the Public Safety Committee for further discussion.

Chairman Monroe stated that while it was sensible to retain the leased vehicle for use as a mobile command vehicle, it might be less costly for the Fire Coordinator to use his personal vehicle for travel to conferences and gain mileage reimbursement from the County. Sheriff York interjected that in these cases he would be agreeable to loaning a Sheriff's fleet vehicle for travel such as this.

William Lamy, Superintendent of Public Works, pointed out that when arriving on the scene of an accident it was very helpful to have an official County seal on a vehicle to reinstate the Fire Coordinators authority and this was another reason to consider retaining the Fire Coordinator's vehicle.

Resuming the agenda review, Mr. Thomas apprised that Item 3B consisted of a request to appoint Brian A. LaFlure as Fire Coordinator/Director of the Office of Emergency Services effective September 20, 2008.

Mr. Belden noted that prior to approving the request to appoint Mr. LaFlure, they should contact him to be sure that he would accept the position since the terms of payment had been changed. Mr. Stec countered that the total salary amount had actually been increased to a figure \$600 more than what Mr. LaFlure agreed to. Mr. Haskell noted that if Mr. LaFlure was not agreeable, the request could be re-introduced at the next Personnel Committee meeting.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to approve Agenda Item 3B as outlined above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Thomas stated that Agenda Item 4A included a referral from the Public Works Committee, Buildings & Grounds, requesting authorization to fill the vacant position of Laborer #36, Grade 2, base salary of \$22,503, due to resignation.

Mr. Belden cited the ongoing budget issues facing the County and he asked if the position was absolutely necessary. Mr. Lamy explained that the night cleaning crew was comprised of twelve positions which were assigned to twelve different sections of the Municipal Center and Annex Buildings. He said that the resignation had been submitted earlier in the year and he and Frank Morehouse, Superintendent of Buildings, had agreed not to fill this position until the onset of the snow and ice season, which was upcoming, and the position had subsequently been deleted during the 2009 Budget process. Coupled with the two staff members currently out of work on disability, he said that they were now understaffed by three positions, requiring that the supervisory cleaning staff member be assigned to a section of the Municipal Center in order to get the work done. He advised that if the Laborer #36 position was not filled, their only option to cope with the short staffing would be to institute a rotating cleaning schedule that would not allow for every portion of the Buildings to be cleaned on a daily basis. Mr. Lamy noted that the lack of

staff was causing other issues, such as the overtime recently incurred to buff the floors in the Municipal Center Building and the washing of the upper level windows, which they typically rented a lift for but had not been done due to a lack of staff.

Mr. Haskell stated that although the floors looked very nice since they had been buffed, they had been looking very shabby before it was done. He said that the Municipal Center was the central building for the County and should be cleaned five days per week to maintain a pristine appearance. Mr. Haskell further noted that he felt there would be some opposition from the Court staff if their quarters were not cleaned daily.

Mr. Morehouse interjected that his cleaning staff was actually short by four positions as there were two employees on disability leave, one position was deleted and one was now vacant, leaving eight staff members to perform the work of twelve. He noted that absences for sick and vacation time had to be considered also and he apprised that there had been instances where there were only three people on staff to perform all of the cleaning work, which was nearly impossible. Mr. Morehouse stated that it was also important to keep in mind that the new Health and Human Services Building was almost thrice the size of the Municipal Center Annex Building it was replacing; therefore, he said, additional cleaning staff would have to be considered.

Mr. Tessier stated that it had taken many years to get the Municipal Center Building and grounds into a condition that one could be proud of and by reducing the cleaning and maintenance staff they risked the possibility of deteriorating conditions. He said that he agreed with Mr. Haskell and supported the filling of the vacant position.

Mr. Kenny stated his view that the out-of-work employees would eventually return to work at which point they would be nearly fully staffed. He said that due to the current budget issues, they needed to get by with the resources available and save funds wherever possible. Mr. Kenny said that he did not feel that the position should be filled and Mr. Stec agreed.

Subsequent to further discussion on the matter, motion was made by Mr. Haskell and seconded by Mr. Tessier to approve the request to fill the vacant position of Laborer #36, and the motion failed with Messrs. Thomas, Kenny, Belden, Stec and Sokol voting in opposition.

Resuming the agenda review, Mr. Thomas announced that Item 5A and 5B consisted of referrals from the Social Services Committee. Item 5A, he said, was a request to create the position of Intake Clerk, base salary of \$24,059, Grade 4, and delete the position of Senior Intake Clerk, base salary of \$31,581, Grade 5; thereby amending the Salary Schedule and the Department's Table of Organization.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to approve Item 5A as outlined above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Thomas stated that Item 5B was a request to fill the vacant position of Intake Clerk, base salary of \$24,059, Grade 4, due to promotion.

Motion was made by Mr. Tessier, 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 form is on file with the minutes.*

Agenda Item 6, Mr. Thomas announced, was a referral from the Tourism Committee requesting permission to fill the vacant position of Creative Director, base salary of \$65,205, due to retirement.

Mr. Belden stated his feeling that the position of Creative Director was very important to the County and should be filled. Mr. Kenny interjected that while the salary figure might seem excessive, there had been considerable discussions at the previous Tourism Committee meeting where he had learned that the person retiring from the position had previously been employed in the same line of work for a salary in the range of \$120,000. During these discussions the Committee had been informed that it was impossible to hire a person with the qualifications required for the position for less than the salary attached. Mr. Kenny added that the position was funded by the Occupancy Tax Fund and that no portion was attributed to the County Budget.

Motion was made by Mr. Tessier, seconded by Mr. Kenny and carried unanimously to approve Item 6 as outlined above. *A copy of the Notice of Intent to Fill Vacant Position Form is on file with the minutes.*

Mr. Thomas stated that Agenda Item 7A included a referral from the Criminal Justice Committee, District Attorney, requesting a decrease in the salary of the 6th Assistant District Attorney position from \$42,275 to \$40,988 effective September 1, 2008, due to the level of experience of the newly hired attorney.

Motion was made by Mr. Sokol, seconded by Mr. Tessier and carried unanimously to approve Item 7A and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Privilege of the floor was extended to Julie Pacyna, Purchasing Agent, to address Agenda Item 8, which consisted of an informational update. Mrs. Pacyna apprised that she had recently spoken with Mr. Payne with respect to the possibility of an unpaid intern working in her office. She said that she had received contact from an ACC representative who advised that they may have someone to place in her Office. Mrs. Pacyna cited that the intern would assist with the workload in her Office and there would be no cost to the County as interns were unpaid. She said that no Committee action was necessary in connection with this matter, she simply wanted the Committee to be aware of the situation. The Committee consented to Mrs. Pacyna taking advantage of the services available through internship work within her Office.

Mr. Thomas apprised that Agenda Item 9 included a request to amend Resolution No. 574 of 2008 to delete the employee numbers so that all L.P.N positions would be reallocated to pay Grade 10.

Joan Sady, Clerk of the Legislative Board, explained that because specific employee numbers had been included in Resolution No. 574 of 2008, an amendment was necessary to remove the specifying numbers in order to encompass all LPN positions.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to approve Item 9 as outlined

above and the necessary resolution was authorized for the September 19th Board meeting. *A copy of the request is on file with the minutes.*

Continuing the agenda review, Mr. Thomas stated that Item 10 consisted of a request to amend the Table of Organization to delete the position of Crime Victim Specialist and establish position of Victim Assistance Program Director as outlined in Resolution No. 612 of 2008.

Motion was made by Mr. Kenny, seconded by Mr. Sokol and carried unanimously to approve Item 10 as outlined above and the necessary resolution was authorized for the September 19th Board meeting.

Mr. Thomas announced that Items 11 and 12 were requests for executive sessions. He said that Item 11 consisted of a request from Mr. Payne for an executive session to discuss the employment history of a particular person and Item 12 was for an executive session to discuss PBA (Police Benevolence Association) negotiations made by the County Attorney.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to enter into executive session to discuss both the employment history of a particular person and to discuss PBA negotiations subject to Sections 105(e) and (f) of the Public Officers Law.

Executive session was held from 10:03 a.m. to 10:39 a.m.

Upon reconvening, Mr. Thomas noted that no action had been taken during the executive session.

As there was no further business to come before the Personnel Committee, on motion made by Mr. Stec and seconded by Mr. Kenny, Mr. Thomas adjourned the meeting at 10:39 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist