

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **FEBRUARY 11, 2009**

Committee Members Present:

Supervisors Thomas
Kenny
VanNess
Belden
Stec
Sokol
Tessier

Others Present:

Fred Monroe, Chairman
Hal Payne, Commissioner of Administrative and
Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Merlino
Supervisor Pitkin
Supervisor Strainer
Supervisor Taylor
Rich Kelly, Personnel Officer
Todd Lunt, Director, Human Resources
Pat Auer, Director, Public Health
William Lamy, DPW Superintendent
Amy Bartlett, First Assistant County Attorney
Kate Hogan, District Attorney
Mike Swan, Director, Real Property tax Services
Barbara Taggart, Administrator, Westmount
Health Facility
Shane Ross, Chief Deputy
Bud York, Sheriff
Michael Dorman, Correction Facility Supervisor
Cook
Sheila Weaver, Commissioner, Department of
Social Services
Alyson Martin, *The Post Star*
Nicole Livingston, Deputy Clerk

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

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to approve the minutes of the December 11, 2008 Committee meeting, 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 review of the Agenda, Mr. Thomas apprised Items 1A through D were referrals from the Health Services Committee. Items 1A and B, he said, were referred from the Health Services Department and the first item was a request to amend

Resolution No. 658 of 2007 to include language to reflect when a Registered Professional Nurse (RPN), grade 19, base salary of \$39,660, completed two years of full time Home Care/Public Health experience, they may be promoted to a Community Health Nurse (CHN), grade 20, base salary of \$41,358; and if an RPN or CHN completed their Bachelor's Degree for Nursing the pay grade level may increase to reflect the change in title to Public Health Nurse (PHN), grade 21, base salary of \$42,408; thereby amending the Department's Table of Organization.

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

Mr. Sokol said this action should have been taken quite some time ago and he asked Pat Auer, Director of Public Health, to explain the matter further. Mrs. Auer agreed with Mr. Sokol and added that she had members on her staff that had obtained the two years of experience and deserved the increase in pay to reflect such. She noted that this did not happen often; however, she stated, this issue did arise occasionally and the resolution needed to be corrected to allow for the aforementioned promotions. Mrs. Auer advised this was a matter of recruitment and retention for the Department.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to approve Item 1A as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas expounded Item 1B was a request to amend Resolution No. 59 of 2008, which authorized the Director of Public Health to fill the vacant position of Supervising Public Health Nurse due to a retirement, to correct the base salary from \$54,251 (2008 salary) to the 2009 adopted base salary of \$58,115.

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

Mr. Thomas noted Items 1C and D were referrals from the Westmount Health Facility and Item 1C was a request for an employee to enroll in a job related course entitled "Financial Accounting" at Adirondack Community College from January 27, 2009 through May 14, 2009, at a cost of \$569.50.

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

Mr. Geraghty questioned if this employee was an Account Clerk and Hal Payne, Commissioner of Administrative & Fiscal Services, replied that the employee was a Senior Account Clerk.

Mr. Thomas called the question and the motion was carried unanimously to approve

Item 1C as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas reported that Item 1D was a request to fill the vacant position of Physical Therapy Assistant; however, he said, the request had been withdrawn by the Administrator of the Westmount Health Facility and would be referred back to the Health Services Committee.

Mr. Thomas apprised Items 2A and B were referrals from the Public Safety Committee, Sheriff & Communications. Item 2A, he stated, was a request to fill the vacant position of Cook in the Corrections Division, base salary of \$29,170, Employee No. 6445, due to retirement.

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

Mr. Kenny questioned how many Cooks were on each shift at the Correction Facility. Bud York, Sheriff, noted that Michael Dorman, Supervisor Cook, was present and deferred the question to him. Mr. Dorman explained that the cook staff consisted of himself and two other individuals total. He added that the number of staff was the same as it was when the Facility was feeding sixty inmates; however, he said, they were now feeding one hundred eighty inmates, three meals a day.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 2A as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added that Item 2B was a request to fill the vacant position of Correction Officer, base salary of \$32,400, Employee No. 10728, due to resignation.

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

Mr. Thomas asked if this position was mandated by Law and Sheriff York responded affirmatively. Mr. Kenny noted that it was his understanding that the mandated positions were based on the potential number of inmates that could be housed and if that number fluctuated, the mandates still did not change. Sheriff York agreed.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 2B as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Continuing with the Agenda review, Mr. Thomas remarked Item 3 was a referral from the Public Works Committee, requesting to fill the vacant position of Information System Manager; however, he said, the request had been withdrawn by the

Superintendent of Public Works and would be referred back to the Public Works Committee.

Mr. Thomas commented that Item 4 was a Referral from the Real Property Tax Services Committee, requesting to fill the vacant position of Real Property Clerk, base salary of \$24,480, Employee No. 11437, due to promotion.

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

Mike Swan, Director of Real Property Tax Services, explained that this situation arose last November and had been approved in December of 2008. He said between December and January 1, 2009, he did not have enough time, legally, to post the position, conduct interviews and fill the position. He stated he was presenting the request to fill the position again due to the requirements of Resolution No. 799 of 2008 which adopted the hiring freeze for Warren County. Mr. Swan reminded the Committee that the staff in his Department had been reduced recently by two positions, leaving a total of four staff members.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 4 as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas advised Items 5A through L were referrals from the Social Services Committee and he noted that Items 5A through D were generated from the Committee meeting on January 29, 2009. He said Item 5A was a request to fill the vacant position of Keyboard Specialist, base salary of \$23,390.

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

Sheila Weaver, Commissioner of the Department of Social Services, explained that this position was included in her budget and was 100% Federally funded through Medicaid. Mr. Belden asked if the federal funds ended, would this position be eliminated and Ms. Weaver replied that decision would be the discretion of the Committee. Mr. VanNess suggested that the motion be amended to include that if the Federal funds were eliminated, that the position would be eliminated also.

Mr. Tessier amended his motion to included the approval with the stipulation that if the Federal funds ended the position would be eliminated. Mr. VanNess seconded the amended motion.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 5A as outlined above, including the stipulation that if the Federal funds ended the position would be eliminated. The Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas noted Item 5B was a request to fill the vacant position of Caseworker, base salary of \$34,178, Employee No. 9270, due to resignation.

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

Ms. Weaver informed the Committee that this position was 69% Federally funded which included benefits and was a savings of \$5,200 from the individual that was resigning after nine years of employment. Mr. Geraghty asked what the ratio of cases were to Caseworkers and Ms. Weaver responded the ratio was approximately twelve cases per Caseworker in the Foster Care Unit. Mr. Geraghty requested that Ms. Weaver include the Unit or Division in the request to fill vacant positions in the future and Ms. Weaver acknowledged the request.

Mr. Thomas called the question and the motion was 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.

Mr. Thomas remarked Item 5C was a request to reclassify the position of Keyboard Specialist, base salary of \$23,390, to the position of Community Services Assistant, base salary of \$33,912 and to delete the position of Keyboard Specialist #3; thereby amending the Department's Table of Organization.

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

Mr. Belden queried if the position of Keyboard Specialist #3 would be permanently removed from the Table of Organization and Ms. Weaver replied affirmatively. Ms. Weaver pointed out that this position was 75% Federally funded. Mr. Geraghty questioned what duties this employee would perform and Ms. Weaver explained that this position was being created as a result of a settlement agreement and would work in the Temporary Assistance Unit.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 5C as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas advised Item 5D was a request to fill the vacant position of Community Services Assistant, base salary of \$33,912.

Motion was made by Mr. Kenny, seconded by Mr. VanNess 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. Thomas commented that the following requests were resultant from the February 5, 2009 Social Services Committee. He said Item 5E was a request to reclassify the position of Senior Account Clerk, base salary of \$29,031, Employee No. 11282 to the position of Account Clerk, base salary of \$25,344 and to delete the Senior Account Clerk position; thereby amending the Department's Table of Organization.

Mr. Thomas added that Item 5F was a request to reclassify the position of Senior Account Clerk, base salary of \$31,250, Employee No. 10936 to the position of Account Clerk, base salary of \$27,281 and to delete the Senior Account Clerk position; thereby amending the Department's Table of Organization.

Motion was made by Mr. Tessier and seconded by Mr. Sokol to approve Items 5E and F as presented.

Ms. Weaver apprised Item 5E would generate a savings of \$3,700 and Item 5F was a savings of \$4,000. She further explained that the reclassifications were resultant of one employee not passing the Civil Service exam and the other employee refusing to take the exam. Mr. Belden clarified that both Senior Account Clerk positions would be permanently removed from the Table of Organization and Ms. Weaver agreed. Mr. Kenny questioned how these positions that were being deleted would be tracked in the future and Ms. Weaver stated for this particular situation, it would be easy to track because these would be the only two Account Clerks in the Table of Organization; all of the other positions were Senior Account Clerks.

Mr. Taylor entered the meeting at 9:21 a.m.

Mr. Thomas expounded that the following items, Items 5G through L required a 2/3 majority vote by the Supervisory Committee which was not obtained at the February 5, 2009 Committee meeting, due to the lack of Committee members present; therefore, he said, if a 2/3 majority vote was reached amongst the Personnel Committee, it would be necessary to waive the rules of the board regarding Section D, Number 8 (I) of Resolution No. 1 of 2009 regarding 2/3 majority vote of appropriate Committee and to introduce the requests to fill the positions from the floor at the February 20, 2009 Board of Supervisors meeting.

Mr. Thomas stated Item 5G was a request to fill the vacant position of Social Welfare Examiner, base salary of \$29,199, Employee No. 11544, due to resignation.

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

Mr. Thomas questioned if the Department could maintain efficiency without filling this position. Ms. Weaver replied in the negative and noted there had already been a 50% turnover in the Temporary Assistance Unit which had led to an increase in overtime. She added that this position was 75% reimbursable.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to approve Item 5G as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas remarked Item 5H was a request to create the position of Clerk, on a temporary basis due to award of additional HEAP administrative funds, base salary of \$22,897, effective February 23, 2009; thereby amending the Department's Table of Organization.

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

Mr. Belden suggested that it be included in the motion that when the Federal funds ended, the position would be eliminated. Ms. Weaver explained that this position was 100% Federally funded through HEAP for up to six months and after the six months the position would automatically be eliminated. Mr. Geraghty asked if the Table of Organization had to be amended given that this was a temporary position and Ms. Weaver said she did not believe it had to be because she had a temporary help line included in her Department's budget.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 5H as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Thomas stated Item 5I was a request to fill the vacant temporary position of Clerk, base salary of \$22,897.

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

Mr. Thomas announced Item 5J was a request to create the position of Social Welfare Examiner, on a temporary basis due to award of additional HEAP administrative funds, base salary of \$29,199, effective February 23, 2009; thereby amending the Department's Table of Organization.

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

Ms. Weaver explained that this request was similar to Item 5H, in that the position was 100% Federally funded for six months and could be included in the temporary help line of her budget as opposed to amending the Table of Organization.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 5J as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec entered the meeting at 9:27 a.m.

Mr. Thomas noted Item 5K was a request to fill the vacant temporary position of Social Welfare Examiner, base salary of \$29,199.

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

Mr. Thomas said Item 5L was a request to fill the vacant temporary position of Social Welfare Examiner, base salary of \$29,199, due to medical leave absence from December 20, 2008 through approximately April 20, 2009.

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

Mr. Thomas apprised Item 6 was a request to ratify the actions of the Chairman of the Board in signing the Memorandum of Agreement (MOA) with the Sheriff's Employees' Alliance regarding a Communication Officer.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve Item 6 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas reported that Item 7 was a request from Paul Dusek, County Attorney, to address the Committee regarding a referral from the County Facilities Committee concerning County policies for employee breaks.

Mr. Dusek explained that this issue had arisen due to a looseness in the interpretation of employees fifteen minute breaks throughout the day. The main problem, he noted, was that employees were leaving County property on their breaks, thereby leading to possible liability for the County. He added that the breaks were not intended for such use. However, he said, while reviewing this issue he learned that there was a Union contract provision that stated that breaks would be addressed on a department-by-department basis. Mr. Dusek recommended that each Department submit to the Personnel Officer in writing what their break policies were in order for the policies to be analyzed from a legal perspective and to more strictly enforce the break policies. He added that in general it was not a good idea to leave the County work site for a break. The objective of this policy, he continued, was to account for time and to avoid liability on the part of the County. He reiterated that this matter would need to be addressed on a department-by-department basis and eventually all policies would be set forth in one place, that being the Personnel Office.

Mr. Payne suggested that lunch breaks be addressed in the policy as well, because some departments punched in and out for lunch and others did not. Todd Lunt,

Director of Human Resources, informed the Committee that he was in the process of reviewing such policies and the punching of time cards. He added that he was currently reviewing the new employee handbook as well and that issue would be included in the handbook.

Mr. Thomas expounded Item 8 was a request from Todd Lunt, Director of Human Resources, to ratify the execution of the authorization to attend the NYSAC 2009 Legislative Conference in Albany, NY on February 9 and 10, 2009, as approved by the Chairman of the Personnel Committee.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried unanimously to approve Item 8 as outlined above. A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.

Mr. Thomas announced there was an addendum to the Agenda and was a referral from the Criminal Justice Committee, District Attorney. He stated it was a request to fill the vacant position of 5th Assistant District Attorney, base salary of \$47,163, Employee No. 11387, due to resignation. He noted that Kate Hogan, District Attorney, had obtained and provided original signatures of each Criminal Justice Committee member approving the request to fill the position; thereby meeting the criteria of the 2/3 majority vote of the Supervisory Committee and authorizing the request to be forwarded to the Personnel Committee.

Ms. Hogan apprised she had included a County Court Calendar to provide an overview of the workload her staff faced, a copy of which is on file with the minutes. She further stated that her Office could not fulfill their obligations without this position.

Motion was made by Mr. Tessier, seconded by Mr. Kenny and carried unanimously to approve the request to fill the vacant position of 5th Assistant District Attorney as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Prior to adjournment, Chairman Monroe advised he had a matter to discuss with the Committee. He explained that he had received a request that the County offer long-term care and life insurance to County employees and he discussed this with Mr. Dusek and Mr. Lunt. He said there were a few issues, one being the ability to contact the employees; the other was whether or not meetings could be conducted within County buildings to offer insurance; and lastly was an issue with payroll deductions. Mr. Dusek remarked that he had spoken to both Mr. Lunt and the Union concerning this matter. He added that there was already an arrangement under the Union contract for this type of offering with New York Public Employee and Retiree Long Term Care Insurance Plan (NYPERL). He noted a concern he had was once an organization was allowed to solicit County employees, all organizations would have to be allowed the same. Mr. Lunt concurred with Mr. Dusek and said that NYPERL had to be the sole provider under

the CSEA contract. He concluded that this matter would require ongoing discussions. Mr. Dusek reiterated he did have concerns regarding this and discussions should continue before the Committee took any action.

There being no further business to come before the Committee, on motion made by Mr. Stec and seconded by Mr. Belden, Mr. Thomas adjourned the meeting at 9:50 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk