

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL

DATE: APRIL 9, 2014

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS TAYLOR  
KENNY  
SOKOL  
MERLINO  
DICKINSON  
GIRARD  
VANSELOW  
WOOD  
SIMPSON

OTHERS PRESENT:

GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR  
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
BROCK  
CONOVER  
FRASIER  
MCDEVITT  
SEEBER  
STROUGH  
MIKE COLVIN, DIRECTOR OF INFORMATION TECHNOLOGY  
MIKE GATES, CORRECTIONS CAPTAIN  
CHRISTIE SABO, DIRECTOR, OFFICE FOR THE AGING  
MIKE SWAN, COUNTY TREASURER  
JEFF TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
BUD YORK, WARREN COUNTY SHERIFF  
ROB YORK, DIRECTOR, OFFICE OF COMMUNITY SERVICES  
DON LEHMAN, *THE POST STAR*  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD  
*Please see sign-in sheet for additional meeting attendees*

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

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

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

Commencing the agenda review with Section III, Action Agenda, Mr. Taylor announced the first item listed pertained to a request from the County Human Resources Director for an executive session to provide a status update regarding the recruitment of a Personnel Officer; he noted that this item would be delayed until the end of the meeting.

Proceeding to Items 2A-C, Mr. Taylor outlined the referrals from the Human Services Committee, *Office for the Aging*, as follows:

- 2A) Request to fill the vacant position of Aging Services Assistant (*Grade 4, Annual Base Salary of \$25,851*) due to promotion, as well as any vacancies resulting from promotion. This is a Union position which is not mandated, but receives 75% Federal reimbursement. The filling of this position will result in a budgetary savings of \$437 due to a decrease in longevity pay.
- 2B) Request to fill the vacant position of Meal Site Manager #1 (*Grade 2, Annual Base Salary of \$24,180, pro-rated to \$18,135 based on the part-time status of 30 hours per week*) due to resignation, as well as any vacancies resulting from promotion. This is a Union position which is mandated and receives 20% Federal reimbursement. The filling of this position will result in a budgetary savings of \$6,149 due to a decrease in longevity pay.

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to approve Items 2A and 2B, as outlined above, and the necessary resolutions were authorized for the April 18<sup>th</sup> Board Meeting.

- 2C) Request to fill the vacant position of Meal Site Cook #8 (*Grade 2, Annual Base Salary of \$24,180, pro-rated to \$15,112.50 based on the part-time status of 25 hours per week*) due to resignation, as well as any vacancies resulting from promotion. This is a Union position which is not mandated, but receives 20% Federal reimbursement. The filling of this position will result in a budgetary savings of \$232.50 due to a decrease in longevity pay.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve Item 2C, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

Mr. Taylor advised Items 3A-C consisted of referrals from the Public Safety Committee; he read aloud the following:

- 3A) Request to fill the vacant position of Patrol Officer #26 (*Annual Base Salary of \$36,414*) due to termination. This is a Union position which is not mandated and receives no reimbursements. The filling of this position will result in a budgetary savings of approximately \$7,098 due to a decrease in longevity pay.
- 3B) Request to fill the vacant position of Patrol Officer #32 (*Annual Base Salary of \$36,414*) due to retirement. This is a Union position which is not mandated and receives no reimbursements. The filling of this position will result in a budgetary savings of approximately \$11,191 due to a decrease in longevity pay.

Motion was made by Mr. Simpson, seconded by Mr. Merlino and carried unanimously to approve Items 3A and 3B, as outlined above, and the necessary resolutions were authorized for the April 18<sup>th</sup> Board Meeting.

- 3C) Request to create 13 new Corrections Officer positions, Nos. 69-81, each with an Annual Base Salary of \$35,766, thereby amending the Departmental Table of Organization. Position Nos. 69-75 are to be created effective August 1, 2014 and Position Nos. 76-81 effective January 1, 2015. This item will be presented to the Finance Committee, as well, to determine a source of funding for Position Nos. 69-75.

Bud York, Warren County Sheriff, interjected that a revision to this request was necessary as 2 of the 13 positions to be created would be Corrections Sergeants. He clarified that the revised request would be to create 7 Corrections Officers positions (*Nos. 69-75*) effective August 1, 2014 and to create 2 Corrections Sergeants and 4 Corrections Officer positions effective January 1, 2015.

Motion was made by Mr. Vanselow and seconded by Ms. Wood to approve the revised request, as outlined by Sheriff York.

Mr. McDevitt stated he was very concerned with this situation and the recurring annual costs that would be incurred by the County. He said a series of confusing information had been received from the New York State Commission on Corrections (*NYSCOC*) which he felt obligated the Board of Supervisors to seek an evaluation from an independent third party regarding the Jail staffing needs in order to assure the constituents of Warren County that they had reviewed the situation thoroughly and considered all options before agreeing to incur a cost that would total an additional \$1 million per year in salary and benefits costs. Mr. McDevitt cited prior negative situations, such as those relating to the Trash Plant and the co-generation facility installed at the Westmount Health Facility, which had caused discord with Warren County taxpayers and he commented that this was a situation where the members of the Board of Supervisors needed to be prepared to answer to their constituents about the expense and he did not feel they could accurately do so now.

Sheriff York stated that since he was first elected Warren County Sheriff he had been advising that the Jail was not properly staffed; he added that although the facility had been staffed in accordance with NYSCOC regulations when it was first opened, it had not been since. He reported that the NYSCOC was supposed to re-analyze Jail staffing levels in the spring of 2005, but had not done so until the fall of 2013. Sheriff York stated that although he was not disagreeing that the study suggested by Mr. McDevitt might prove helpful, he was unsure where they would find a firm able to perform it. He continued that overtime costs at the Jail had continued to increase drastically due to the low staffing levels and he noted that because a certain number of Officers were mandated to be on duty, existing staff were required to work overtime to cover for vacant positions and sick/vacation/disability leave time. He advised the initial NYSCOC analysis had called for 21 new full-time Corrections Officer positions, but they had been able to negotiate that number down to 13 new full-time positions. Sheriff York stated that while they could argue about the number of positions to be created, the bottom line was that additional staffing was required in order to provide safe operations; he added that the Board of Supervisors had been presented the opportunity to question staffing level requirements at the February 21<sup>st</sup> Board Meeting when NYSCOC representatives had been present to answer them.

Mr. Taylor asked whether the County had any options available as it seemed the NYSCOC was mandating the positions. Mike Gates, Corrections Captain, advised the New York State Corrections Law established the NYSCOC and entitled them to develop codes, rules and regulations which were mandated and had full effect in law; he added that there was a portion of the New York State Corrections Codes, Rules and Regulations that dealt with staffing and gave power and authority to the NYSCOC. Captain Gates concluded that if the County did not comply with the NYSCOC staffing analysis they would not be complying with the law.

Mr. Kenny commented that he intended to abstain from the vote on this issue because he had only recently received some additional information he had requested and would like the opportunity to review it before making a decision.

Travis Whitehead, Town of Queensbury Resident, stated his agreement with Mr. McDevitt's suggestion to seek an outside consultant review. He noted there were at least two Jail facilities within ten miles of each other, but in different counties, which were facing similar problems, and there might be an ability to work cooperatively in determining a solution for both. As an example, Mr. Whitehead cited the possibility of housing all of the male inmates in one facility and the females in the other, as one option that could be identified by a study of this nature.

Mr. McDevitt commented that this was the largest budget issue he would likely encounter as a member of the Board of Supervisors, essentially costing the County an additional \$1 million per year forever, making any Airport issue minute in comparison. He re-stated that they needed an independent third party to review the situation and he questioned whether there were any consultants available that performed this type of work. Paul Dusek, County Administrator, responded that he was unsure, and noted they would need to release an RFP (*Request for Proposals*) and see what responses were returned.

Mr. Girard stated that while he did not necessarily disagree with the NYSCOC's advisements, he agreed that the study requested by Mr. McDevitt would be helpful in determining how the Jail was able to operate as long as it had with the current staffing levels and in making decisions regarding future staffing.

Mr. Beaty questioned how they were able to negotiate the NYSCOC staffing requirement levels down to 13 new positions if the law required 21 and Mr. Taylor responded it was his understanding that the law followed the NYSCOC's guidance, essentially indicating that if the NYSCOC agreed to 13 new positions, that would be the number required by law. Martin Auffredou, County Attorney, interjected that while he had not studied this section of the law, based on Mr. Gates' comments he assumed that the County would be required to follow the NYSCOC's recommendations and he said he was not at all

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surprised to learn that the NYSCOC had initially requested a higher additional staffing figure and then chose to lower it based on negotiations with the Sheriff.

Mr. Vanselow questioned whether latitude had been provided to cover the additional positions by using more overtime and Sheriff York replied this allowance had been factored into the NYSCOC's requirements. Sheriff York stated that the NYSCOC had stated the Jail actually required an additional 23 full-time positions, but would allow them to be covered by 13 full-time positions, with the remaining 10 to be filled by equivalent part-time and overtime manpower. Once again, Sheriff York pointed out that when the staffing analysis was presented at the February 21<sup>st</sup> Board Meeting, NYSCOC staff had been present and prepared to answer these questions, but they were not posed at that time; he added that he was attempting to provide answers to the best of his ability, but did not have a thorough knowledge of the applicable laws. He said that they could ask the NYSCOC representatives to return and answer these questions if the Committee so desired.

Mr. Girard said that when the new Jail opened he assumed the staffing levels were determined by an NYSCOC review, and seemed to have performed generally well since that time, and he did not understand why an increase in staffing was required now. Sheriff York responded that the Jail had operated well, but noted that overtime levels had been steadily increasing to almost double what they had been. Mr. Girard explained that the Personnel Committee had consistently reviewed areas where reductions in County employment could be made and determined in some cases that it was less expensive to pay the overtime costs than it would be to create new positions. He stated that he understood the staff turnover issues, as well as those relating to staff being overworked, but these were all items the Committee needed to thoroughly consider and understand before making a decision of this magnitude.

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

Ms. Seeber stated that they needed to consider the safety of the Corrections staff, as well as the inmates and she said she would prefer not to see an adverse reporting five years in the future indicating that the County had the opportunity to correct this issue, but chose not to. She commented that Sheriff York and his staff had done an excellent job of providing information on this issue and bringing representatives to the Board Meeting to answer questions on the matter. Ms. Seeber urged the Committee members to consider the fact that they had a proposal before them which would target concerns that had not historically been addressed. Ms. Seeber advised she had reviewed all of the information provided, and while she understood there were differing opinions on this matter, she believed an adequate need had been identified to justify proceeding in incorporating the NYSCOC's staffing analysis requirements.

Mr. Merlino said that he agreed with Mr. McDevitt to a point, but following conversations with some of his constituents had gained an understanding that something had to be done about increasing staff at the Jail as many Corrections Officers were being overworked.

Mr. Vanselow apprised that he had worked in a State facility with mandatory staffing requirements and he attested that this type of environment created stress issues, especially in cases of hiring freezes and vacancies that required mandatory overtime from existing staff. He continued that in these situations, some staff might learn to avoid call-ins for overtime assistance which made the situation more stressful for other employees. Mr. Vanselow pointed out it appeared they would be incorporating a phased approach to introducing the new Corrections Officer positions, with seven being created on August 1, 2014 and another six on January 1, 2015; he opined that this approach would allow them to bring in seven new positions to alleviate some of the under-staffing issues, but allow them plenty of time to entertain an outside study before creating the remaining six.

Ms. Wood pointed out that the NYSCOC had the option of immediately mandating creation of all 13

positions, but had allowed the County to incorporate the phased approach presented to assist with the budgetary impact; additionally, she pointed out that these new employees would require eight weeks of training. Ms. Wood stated that she had been involved in many meetings regarding this issue and she believed the 13 new positions was the lowest staffing level addition the County was likely to achieve and she noted that regardless of the considerable expense they would incur, she did not see any other viable option. She noted that while a study might be helpful, she suggested that they confer with the NYSCOC to determine whether the results would have any bearing on their staffing analysis as if the results were not going to be considered, it would be a waste of money to proceed with a consultant review.

Mr. Sokol questioned whether the County would be penalized by the State if they did not create the 13 positions. Sheriff York replied he was unsure, but noted that corrections laws had been created as a result of the Attica Prison Riots in 1971 to prevent another event such as this from occurring; he added that the NYSCOC had a strong advocacy and incorporated a Commissioner of Corrections, but was run by a group of lawyers. Sheriff York admitted that although the idea of an independent study might sound sensible, Ms. Wood may be correct in her statement that the NYSCOC might not be interested in the results, regardless of its findings. Captain Gates confirmed that the County was indeed bound by the NYSCOC staffing analysis and required to introduce 13 new positions. He said that the NYSCOC had a lot of power and could go to the Supreme Court and obtain a writ to mandate compliance with the staffing analysis using all overtime manpower which would burn out existing staff and incur a very large cost to the County. Captain Gates continued that secondly, the NYSCOC had the authority, based on staffing levels, to find the County in violation and prevent them from boarding any Federal prisoners; he advised they were boarding 10-14 Federal prisoners at a revenue of \$100+ per day, totaling about \$30,000 per month, which would be immediately lost. Finally, Captain Gates stated that the NYSCOC could state that if the County did not comply with staffing levels they could require that a pod be shut down and those inmates boarded in another Jail facility which would incur a cost to the County. Mr. Sokol stated that given this information, he did not see many alternative options available.

Mr. Vanselow stated that passing the motion to approve creation of the positions did not preclude them from seeking a study. He said he agreed that this would be a substantial addition to the County Budget and the members of the Board of Supervisors had a responsibility to their constituents to ensure they had reviewed all factors before determining this was a necessary expense. Mr. Vanselow suggested that they approve the request and then approve an RFP to seek out consulting services for the third party evaluation on the level of additional Jail staffing necessary. Mr. Simpson agreed with Mr. Vanselow's recommendation to move forward in creating the new positions and suggested that they also determine whether the NYSCOC received oversight from another entity that they might appeal to before hiring an outside agency to perform the study as they might be incurring an expense for information that might have no bearing.

A discussion ensued, following which Mr. Taylor called the question and the motion to approve the creation of 13 new positions within the Sheriff's Corrections Division failed, due to a lack of majority vote. (*Ayes - Supervisors Dickinson, Vanselow, Wood, and Simpson; Noes - Supervisors Taylor, Sokol, Merlino and Girard; Abstain - Supervisor Kenny*).

Mr. Taylor asked if there was anyone desiring to make an alternate motion, but none were made.

Resuming the agenda review, Mr. Taylor announced Items 4A-H consisted of referrals from the Public Works Committee relating to a reorganization of staff within the Public Works Division; he outlined Items 4A-H, as follows:

- 4A) Airport Division - Request to amend the Departmental Table of Organization to delete the position of Airport Maintenance Worker #4 (*Budgeted Salary of \$38,768*), effective April 21, 2014, and transfer remaining budgeted funding of approximately \$35,000 to Budget Code

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A.5610 470, *Airport, Contract.*

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to approve Item 4A, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4B) Buildings & Grounds Division - Request to amend the Departmental Table of Organization to create and fill the position of Carpenter/Groundskeeper (*Grade 10, Annual Base Salary of \$33,166*), as well as any vacancies resulting from promotion, and delete the position of Sr. Building Maintenance Mechanic #1 (*Budgeted Salary of \$48,318*) effective April 21, 2014.

Motion was made by Ms. Wood, seconded by Mr. Girard and carried unanimously to approve Item 4B, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4C) DPW Division - Request to amend the Departmental Table of Organization to create and fill a position with a title to be determined prior to the April 18<sup>th</sup> Board Meeting (*Annual Salary up to \$65,000*) and delete the positions of Auto Mechanic Supervisor (*Budgeted Salary of \$55,281*) and Auto Mechanic #11 (*Budgeted Salary of \$31,915*) effective April 21, 2014.

Motion was made by Mr. Sokol, seconded by Mr. Merlino and carried unanimously to approve Item 4C, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4D) DPW Division - Request to amend the Departmental Table of Organization to create and fill the new position of Senior Engineering Technician (*Grade 12, Annual Base Salary of \$34,211*) effective April 21, 2014, as well as any vacancies resulting from promotion.

Motion was made by Mr. Vanselow, seconded by Ms. Wood and carried unanimously to approve Item 4D, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4E) DPW Division - Request to amend the Departmental Table of Organization to create and fill the new position of Motor Equipment Operator Light #28 (*Grade 5, Annual Base Salary of \$26,897*), as well as any vacancies resulting from promotion, and delete the position of Laborer #8 (*Budgeted Salary of \$24,592*) effective April 21, 2014.

Motion was made by Mr. Sokol, seconded by Mr. Merlino and carried unanimously to approve Item 4E, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4F) DPW Division - Request to fill the vacant position of Motor Equipment Operator (MEO) Medium #12 (*Grade 7, Annual Base Salary of \$29,612*) due to retirement, as well as any vacancies resulting from promotion. This is a Union position which is not mandated and receives no reimbursement; this position is already funded in the 2014 Budget.

Motion was made by Mr. Vanselow, seconded by Ms. Wood and carried unanimously to approve Item 4F, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4G) Parks, Recreation & Railroad Division - Request to amend the Departmental Table of Organization to delete the position of Building Maintenance Worker #9 (*Budgeted Salary \$31,379*), effective April 21, 2014, and transfer remaining budgeted funding to Budget Code A.7110 130, *Parks & Recreation, Salaries - Part-Time.*

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to approve Item 4G, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 4H) Parks, Recreation & Railroad Division - Request to fill the vacant position of Building Maintenance Worker #8 (*Grade 6, Annual Base Salary of \$28,046*) due to retirement, as well as any vacancies resulting from promotion. This is a Union position which is not mandated and receives no reimbursement; this position is already funded in the 2014 Budget.

Motion was made by Mr. Vanselow, seconded by Ms. Wood and carried unanimously to approve Item 4H, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

Items 5A-B, Mr. Taylor advised, included the following referrals from the Support Services Committee, *Information Technology*;

- 5A) Request to rescind Resolution No. 461 of 2013 and provide authorization to fill the vacant position of Web/Intranet Developer (*Annual Salary to be determined based on a salary study*) due to resignation. This is a non-Union position which is not mandated, but receives 25% reimbursement from the Tourism Department. *Note: Resolution No. 461 of 2013, adopted August 16, 2013, provided authorization to fill the vacant position, however, the Rules of the Board state that this authorization is only valid for the following six months after approval. Therefore, a new resolution is necessary to provide authorization to fill the Web/Intranet Developer position.*

Motion was made by Mr. Girard, seconded by Mr. Dickinson and carried unanimously to approve Item 5A, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

- 5B) Request to fill the vacant position of Computer Help Desk Aid (*Annual Salary of \$30,318*) due to promotion. This is a non-Union position which is not mandated and receives no reimbursement. The filling of this position will have no budgetary impact as the salary is already budgeted for 2014.

Motion was made by Mr. Sokol, seconded by Ms. Wood and carried unanimously to approve Item 5B, as outlined above, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

Concluding the Agenda review, the Pending Items section was reviewed, as follows:

- 1) Regarding the preparation of a proposal for streamlining the process for filling vacant positions, Mr. Dusek advised he had some ideas for revisions to the process but had not had the opportunity to develop a written policy. Therefore, he said, he was requesting that discussion on this item be delayed for another month.
- 2) Mr. Dusek advised the draft Code of Ethics documents had been distributed at the March 12<sup>th</sup> Personnel Committee Meeting in order to provide all Committee Members the opportunity to review the documents and raise any questions they might have. He said the next step in the process would be to set a public hearing for the local law that would be necessary to adopt the Code of Ethics, assuming the Committee was comfortable with the documents previously distributed. Mr. Dusek noted that the Code of Ethics could be easily changed now but advised that once it was adopted by local law a more lengthy process would be required for revision which would include holding additional public hearings and the adoption of subsequent local laws, both of which would incur additional publication costs.

Mr. Merlino pointed out that no action had been taken on the Sheriff's request for additional Corrections Officer positions and he questioned if this was a dead issue; Mr. Taylor responded that the motion to approve the positions had been voted down and no amended motion for an alternative option had been suggested. Mr. Sokol said he misunderstood the Committee's intent as it seemed there were still many questions about this issue that he believed would lead to further discussion. He continued that rather than allowing the issue to be dropped completely, he would be in favor of a compromise that would allow the creation of the first seven Corrections Officer positions effective August 1<sup>st</sup> and delay the creation of the remaining six positions pending further consideration by the

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Committee.

Ms. Wood noted that this issue was to be acted upon by the Finance Committee, as well, to determine a source of funding for the seven Corrections Officer positions to be created in 2014. Joan Sady, Clerk of the Board, responded that if the Personnel Committee did not vote in favor of the position creation, there was no need to refer the item to the Finance Committee to determine a source of funding and the item would be removed from the Finance Agenda.

Chairman Geraghty implored the Committee to at least vote on creating the first seven Corrections Officer positions, as suggested by Mr. Sokol. He said that waiting another month to consider this matter would only exacerbate the situation as the current Corrections staffing was already strained by mandatory overtime to provide necessary coverage and any new staff would require a certain amount of training. Chairman Geraghty stated that they could choose to create and fill the seven new positions and perform a study on staffing needs to determine whether the additional six positions requested for creation in January were necessary. He commented that many members of the Board of Supervisors had participated in the tour of the Jail facility, and were provided with the opportunity to ask questions; he added that, speaking as the former Budget Officer, he was also concerned with the financial aspect of these additions and the impact to the County, but was also very concerned about the Corrections staff who were being overworked. Chairman Geraghty concluded that to delay this issue further would essentially ignore the needs of their employees, which was not what he believed they wanted to do.

Mr. Dusek echoed Chairman Geraghty's remarks, advising he had reviewed the County's finances, participated in Union negotiations and had an extensive knowledge of staffing levels. He stated that Sheriff York and Captain Gates were very knowledgeable in this area and there was no question that additional manpower at the Jail was a necessity. Mr. Dusek said he did not believe the County would be adversely affected by employing the suggestion to create the seven new Corrections Officer positions effective August 1, 2014 while concurrently pursuing the study aspect suggested by Mr. McDevitt.

Motion was made by Mr. Sokol and seconded by Ms. Wood to approve the creation of seven Corrections Officer positions (*Nos. 69-75*) to be funded by an appropriation from the General Fund Unappropriated Surplus and continue discussions on the creation of the remaining six positions at future Committee meetings.

Mr. McDevitt stated that he had no objection to this approach but said he sincerely hoped they would pursue the independent consultant review aspect.

Mr. Girard requested the opinion of the Budget Officer on this matter. Mr. Thomas stated that he agreed with moving forward in creating the first seven Corrections Officer positions and continuing discussions on the creation of the remaining six was the best option available, as well as the ten full-time equivalents. He advised the projected cost for the 13 positions is \$801,000 and for the full-time equivalents was \$1,475,000, but said he was not sure that the how the current overtime budget would apply as he did not believe it could be directly subtracted. Mr. Thomas indicated that at this point they needed to address the negative impacts to employees caused by the need for overtime manpower. He then stated his opinion that the true problem was being overlooked in that the inmate population was treated better than the senior population and the Jail should be run as a correctional institution, rather than a "babysitting club".

Mr. Vanselow questioned whether the motion should be amended to include provisions for an outside study and Mr. Sokol responded he felt they should hold further discussion as to whether the study would be accepted or considered before incurring the expense. Sheriff York advised he would look into this and relay his findings to Mr. Dusek. Mr. Dusek commented that any challenges to State statutes would have to be addressed by the County Attorney and therefore, he would ask that Mr. Auffredou

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be involved in this process as well.

Mr. Auffredou stated he would be happy to work with Sheriff York and Captain Gates on this issue and he noted that the concerns sited made excellent points that warranted further thought and consideration. He advised of his prior experience working with State agencies, both for and against, which indicated that once a State agency had made a determination it was difficult to challenge it as those determinations would be upheld by the Courts if there was any rational basis for the decision, even if the County identified a different, or better, rational basis. Mr. Auffredou stated that the Committee should be aware of this trend as they moved forward, adding that although he was not suggesting they refrain from making this attempt, but they should assume that the State agency would determine applicable law.

There being no further discussion, Mr. Taylor called the question and the motion to approve the creation of seven Corrections Officer positions (*Nos. 69-75*) to be funded by an appropriation from the General Fund Unappropriated Surplus and continue discussions on the creation of the remaining six positions at future Committee meetings, was carried by majority vote with Mr. Girard opposing and Mr. Kenny abstaining, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

Mr. Taylor noted that no action had been taken on the Code of Ethics issue and he questioned whether the Committee preferred to approve it and authorize the necessary public hearing or discuss the document further. Ms. Wood responded that she had read the document and was comfortable in approving it.

Motion was made by Ms. Wood, seconded by Mr. Simpson and carried unanimously to approve the Code of Ethics documents and authorize the necessary public hearing for the local law that would adopt them, and the necessary resolution was authorized for the April 18<sup>th</sup> Board Meeting.

Returning to Agenda Item 1, Mr. Taylor reminded the Committee of the County Human Resources Director's request for an executive session. Mr. Auffredou clarified the purpose of the executive session would be to discuss the appointment of a particular un-named person to the Personnel Officer position.

Motion was made by Ms. Wood, seconded by Mr. Simpson and carried unanimously to declare an executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 10:06 a.m. until 10:20 a.m.

Upon reconvening, Mr. Taylor advised no action had been taken during the executive session. He noted that another meeting would be necessary to conduct interviews of candidates for the Personnel Officer position and the Committee agreed to hold another meeting on Monday, April 14<sup>th</sup> at 1:00 p.m. for that purpose.

There being no further business to come before the Personnel Committee, on motion made by Mr. Dickinson and seconded by Ms. Wood, Mr. Taylor adjourned the meeting at 10:21 a.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board