

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL

DATE: MAY 7, 2014

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
MONROE
SEEBER
STROUGH
WESTCOTT
MIKE GATES, CORRECTIONS CAPTAIN
MIKE SWAN, COUNTY TREASURER
SUZANNE WHEELER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES
BUD YORK, WARREN COUNTY SHERIFF
THOM RANDALL, *ADIRONDACK JOURNAL*
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Taylor called the meeting of the Personnel Committee to order at 9:43 a.m.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the minutes from 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 Items 1A-C consisted of requests from the Human Resources/Civil Service/Personnel Office. Item 1A, he said, pertained to a request from the County Human Resources Director for a transfer of funds in the amount of \$9,179.88 from the Contingent Fund to support the costs of a full-time temporary HR/Civil Service Assistant. Mr. Taylor noted this position would be used for a three month term commencing May 19, 2014.

Motion was made by Mr. Girard, seconded by Ms. Wood and carried unanimously to approve the request and refer same to the Finance Committee.

Mr. Taylor advised Items 1B and 1C included requests from the Civil Service/Personnel Office, as follows:

- 1B) Request to authorize travel for Patricia Nenninger, Personnel Officer, to attend the New York State Association of Personnel and Civil Service Officers Annual Training Conference in Corning, NY on June 8-11, 2014.
- 1C) Request for a transfer of funds in the amount of \$560 from the Contingent Fund to cover the costs of the travel outlined in Item 1B.

Motion was made by Mr. Kenny, seconded by Ms. Wood and carried unanimously to approve Items 1B and C and to refer Item 1C to the Finance Committee.

Moving on to Item 2, Mr. Taylor addressed a request from the Clerk of the Board to amend Resolution No. 519 of 2013, *Amending Resolution No. 97 of 2013; Approving Standard Work Day and Time Reporting Resolution for all Elected and Appointed Officials for Retirement Purposes*, to update retirement reporting information for elected and appointed officials.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve the request and the necessary resolution was authorized for the May 16th Board Meeting.

Mr. Taylor advised Item 3 referred to a referral from the Health Services Committee, *Westmount Health Facility*, requesting to create and fill the new position of Health Facility Keyboard Specialist, *Grade 5, Annual Base Salary of \$26,897*, contingent upon Union approval, and delete the position of Keyboard Specialist, *Grade 3, Annual Base Salary of \$24,215 - Budgeted Salary of \$24,954*, effective June 1, 2014, thereby amending the Departmental Table of Organization accordingly.

Motion was made by Mr. Sokol, seconded by Mr. Kenny and carried unanimously to approve the request and the necessary resolution was authorized for the May 16th Board Meeting.

Continuing to Agenda Items 4A-D, Mr. Taylor outlined the referrals from the Public Safety Committee, *Sheriff & Communications*, as follows:

- 4A) Request to fill the vacant position of Senior Communications Officer #2, *Annual Base Salary of \$47,648 - Budgeted Salary of \$51,696*, due to retirement. This is a non-mandated, Union position which does not receive any reimbursements, the filling of which will result in a budgetary savings of \$4,048 due to a decrease in longevity pay.
- 4B) Request to fill the vacant position of Communications Officer #1, *Annual Base Salary of \$35,766 - Budgeted Salary of \$47,648*, due to resignation. This is a non-mandated, Union position which does not receive any reimbursements, the filling of which will result in a budgetary savings of approximately \$12,000 due to a decrease in longevity pay.
- 4C) Request to fill the vacant position of Communications Officer #15, *Annual Base Salary of \$35,766 - Budgeted Salary of \$45,272*, due to promotion. This is a non-mandated, Union position which does not receive any reimbursements, the filling of which will result in a budgetary savings of \$9,506 due to a decrease in longevity pay.
- 4D) Discussion regarding additional Corrections Officer staff.

Motion was made by Mr. Vanselow, seconded by Mr. Simpson and carried unanimously to approve Items 4A-C, as outlined above, and the necessary resolution was authorized for the May 16th Board Meeting.

With regards to Item 4D, Mr. Taylor recalled that discussion had been held about the State mandated increases in Jail staffing at prior meetings and he noted that since the last Committee meeting Martin Auffredou, County Attorney, had uncovered some information indicating that the County had no choice but to create the positions, as directed.

Mr. McDevitt apprised that he had reached out to Anthony Annucci, of the New York State Commission of Correction, in an attempt to discuss this matter and said he intended to meet with Senator Little and Assemblyman Stec on Friday to see if they might be of any assistance in this situation. He acknowledged that Mr. Auffredou had provided a very concise and cogent opinion confirming the requirement of additional Jail staffing and he had read the correspondence provided by Sheriff York, as well; however, he said, he respectfully requested that any further action to create new Corrections Officer positions be delayed until the June 20th Board Meeting in order to allow him more time to determine if the County had any other options available to them. He commented that while he was not terribly optimistic at this point, it was clear that the County needed to solve the issue in a practical and

reasonable manner with the enforcing entity that tended to be very independent in their decisions.

Sheriff York stated that he had no objection to delaying action on the matter as none was required this month; he also clarified that Mr. Annucci served as the Acting Commissioner for the New York State Department of Corrections and Community Supervision and not the Commission of Correction.

Mr. Kenny indicated that he had no issue with delaying the matter either, but advised he had requested information from Sheriff York regarding the most recent jail staffing study, as well as the one previously performed. He advised that these studies were provided very promptly and Sheriff York had also committed assistance from Mike Gates, Corrections Captain, to answer any questions he might have. Mr. Kenny said he had reviewed this information and contacted Captain Gates to ask several questions before performing additional research via the internet which seemed to indicate that the County really had no option other than to implement the staffing mandates imposed if they wished to continue their current Jail operations. He explained that following the staffing study, the Commission of Correction made a recommendation on the need to increase staffing levels and the County had a choice to either follow them or not, but noted there were repercussions if the recommendations were not followed. Mr. Kenny further explained that if the County refrained from including the new positions recommended, the Commission would first stop the Jail from boarding-in prisoners, secondly they would stop the ability to double-bunk inmates, and finally they would stop the Jail from boarding-in Federal inmates. He commented it was possible Mr. McDevitt would be successful in his efforts to reduce the additional staffing mandates, but said it seemed likely that the County would have no choice but to create and fund the positions. Although he said he was sure it would not be a popular idea, Mr. Kenny suggested that the County absorb five Sheriff's Deputy positions through attrition to offset some of the costs of the Corrections Officer positions as they had to do something to reduce the expense which would cost the County too much otherwise.

In response to an inquiry from Mr. Vanselow, Sheriff York advised the Board had previously approved the creation of six new Corrections Officer positions effective August 1, 2014; he added that the Civil Service exam had already been held to develop a list of eligible candidates from which to hire for these new positions, the results of which would be received in June. Gretchen Steffan, County Human Resources Director, noted that 135 people had taken the written Corrections Officer Civil Service exam and once the results were received those who had passed the test would be called to take a physical agility test, following which a listing of eligible candidates would be developed from which to fill the new positions.

Mr. Girard commented that the Jail had been operating in its current capacity for a number of years and it seemed that the additional staffing levels recommended by the Commission of Correction was yet another unfunded mandate that would affect the County Budget and make it difficult for the Board of Supervisors to govern. He stated that the initial recommendation had been for 23 new positions, subsequently reduced to 13, and this was a very difficult issue to accept because the Board of Supervisors was not really legislating, but rather approving studies from the State that ended with unfunded mandates. Mr. Girard noted that the Jail had been operating safely for a number of years, and while he acknowledged that additional staffing was probably necessary, they were dependent upon the State to tell the County how many new positions to incorporate, rather than based on reports from Sheriff York and Jail staff; therefore, he stated, there was nothing for the County to really consider or approve. He opined that possibly the State should run the Jail because the situation was very generic as far as the way in which the County was expected to proceed and he commented that there were better ways to govern other than to have these changes mandated. Mr. Girard concluded that he did not appreciate the process used, or the mandating regulations, and for those reasons would not support the ensuing actions.

When prompted by Mr. Taylor to comment on his findings, Mr. Auffredou advised that he had prepared a memorandum on this issue, but said that his determinations had been identical to those previously

reported by Mr. Kenny. He commented that this was a process that offered a tremendous amount of deference to the Commission of Correction and he advised that it would be difficult for the County to challenge the Commission's recommendation.

Mr. Beaty stated he was still somewhat confused as to how the initial number of additional positions recommended by the Commission could have been reduced from 23 to 13 if that figure was determined based on the guidelines of State Law. Mr. Vanselow responded it was his understanding that the number had not really been reduced and Sheriff York replied this was a correct assumption; Sheriff York he clarified that the Commission had agreed to allow the hiring of 13 new full-time positions and budgeting for the remaining 10 positions in either part-time or overtime budget codes, or a combination of both as they intended to use.

Mr. Taylor stated that he assumed the new positions would lead to a decrease in the current overtime costs and he questioned whether it was possible to provide a report indicating the estimated costs to the County for this additional staffing for the next meeting. Captain Gates advised that a report of this nature could be created, but he cautioned that some of the costs would be variable due to increases in longevity pay. Sheriff York commented that an indication of these costs had already been provided and presented at the last Committee meeting in order to budget for the six new positions to be created on August 1st, and Ms. Wood confirmed this was correct.

Mr. Girard noted that the Board of Supervisors had recently approved a massive transfer of funds to cover unanticipated overtime costs and he stated that was why questions were being posed as to whether the additional positions would reduce overtime costs. He commented that the City of Glens Falls was requesting a consolidation of police services with the Sheriff's Office, which would incur a cost, security and staffing had been enhanced for the Public Defender's Office over the years at an additional cost to the County, the State was mandating additional positions for the Jail, and there would be costs associated with the expansion of the Court space to consider, all of which were criminal-related expenses. Mr. Girard opined it seemed that in order to maintain the State-mandated 2% tax cap, law abiding citizens were forced to drive on bad roads because the County could not afford to repair them, while those that citizens committing crimes were attended to by various facets of the criminal justice system which were receiving the most benefit from the County Budget. He concluded that this was a highly frustrating situation.

A discussion ensued, following which Mr. Taylor noted that the item would likely be discussed further at future meetings.

Mr. Auffredou left the meeting at 10:03 a.m.

Resuming the agenda review with Item 5, referrals from the Social Services Committee, *Department of Social Services*, Mr. Taylor advised Item 5A pertained to a request to fill the vacant position of First Social Services Attorney, *Annual Salary to be determined - Budgeted Salary of \$66,940*, due to resignation. He noted this was a mandated position which received 39% Federal and 38% State reimbursements.

Motion was made by Ms. Wood, seconded by Mr. Kenny and carried unanimously to approve the request and the necessary resolution was authorized for the May 16th Board Meeting.

Mr. Taylor advised Item 4B included a request to fill the vacant position of Resource Clerk #1, *Grade 4, Base Annual Salary of \$25,851 - Budgeted Salary of \$32,773*, due to retirement, as well as any vacancies resulting from promotion. He said this was a mandated, Union position which received 39% Federal and 38% State reimbursements, the filling of which would result in a budgetary savings of \$6,922 due to a decrease in longevity pay.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the May 16th Board Meeting.

Mr. Taylor noted Item 6 referred to requests/items to be discussed by the County Administrator, which he asked Paul Dusek, County Administrator, to address. Mr. Dusek presented a request to authorize the re-employment of Jason Michael Baker as a temporary part-time Computer Help Desk Aide for an additional thirty (30) days (*30 hours per week to be paid at a rate of \$12.18 per hour*) and he noted that funding was available within the existing budget to support this expense. He noted that a possible Civil Service-related issue had arisen in relation to this request; Ms. Steffan advised the matter had been resolved. Mr. Dusek reminded the Committee that Mike Colvin, the recently appointed Information Technology (*IT*) Director, had formerly worked as the Computer Programmer for the Sheriff's Office and continued to cover that position while waiting for a candidate to be chosen and fully trained to fill the position. He concluded that Mr. Colvin was doing an excellent job in the IT Director position and had estimated the assistance of the part-time Computer Help Desk Aide for 30 days would be sufficient to cover the Department while the vacant position was being filled.

Motion was made by Mr. Simpson, seconded by Mr. Vanselow and carried unanimously to approve the request, as outlined above, and the necessary resolution was authorized for the May 16th Board Meeting.

Concluding the agenda review, Mr. Taylor asked Mr. Dusek to comment on the matter listed under the Pending Items section of the agenda, pertaining to preparation of a proposal for streamlining the process for filling vacant positions. Mr. Dusek distributed copies of a document entitled "*Proposed Changes to Language Regarding 2/3rds vote for Filling Vacant Positions*", a copy of which is on file with the meeting minutes.

Mr. Dusek explained the Rules of the Board had been amended a number of years ago to include the requirement of a two-thirds majority vote for filling vacant positions at a time when the County was in a severe budgetary position and the Board had felt there was not an adequate system of checks and balances in place to ensure vacant positions were necessary. He commented that this had been a good plan at the time, and had worked well for a number of years. Mr. Dusek said what had happened since was that Warren County had become very lean in terms of its workforce and in many instances, the process to fill a vacant position took too long. He pointed out that the Board of Supervisors had made exceptions for certain Departments, such as the Sheriff's Office and Westmount Health Facility, in order to alleviate issues caused by the delay in filling vacancies. Mr. Dusek advised another change in procedure was that himself, as County Administrator, the Chairman of the Board and the Budget Officer all extensively reviewed staffing levels during the Budget process to ensure that each County Department was staffed at the appropriate level. He said he felt there was a limited need for the extensive review process currently in place and he assumed that while the Committee was receptive to streamlining the process, they desired to maintain review of the process, which he appreciated because they had a fiduciary duty in this arena.

Mr. Dusek advised the proposed changes distributed recommended would remove the requirement of a two-thirds majority vote of the Personnel Committee and the Board of Supervisors, replacing this with requirements that approvals be received from the County Administrator and Budget Officer, followed by a two-thirds majority vote of the appropriate oversight committee. He further advised that in the event of an urgent operational or financially related need to fill a vacant position that the oversight committee has not voted to deny filling the position, and in the event that the oversight committee will not convene again for one week or more, and that the County Administrator and Budget Officer have already approved of, the chairman of said oversight committee may decide, at their discretion, whether to call a special committee meeting or to approve the filling of the vacancy and report such approval that the next committee meeting. Mr. Dusek commented that in cases where the committee chairman has approved the filling of a position, the requirement of a two-thirds majority vote by the oversight committee will not be necessary. He added that all vacant positions authorized to be filled in

accordance with the aforementioned procedures will be reported on in the monthly agendas presented to the Personnel Committee.

Regarding emergency requests that could be approved without a two-thirds vote of the oversight committee, Ms. Wood pointed out that the Committee would not be aware of the vacancy and would not have voted to deny its filling and she questioned whether this verbiage was necessary. Mr. Dusek responded that it had been included to address situations where the committee may have denied filling the position but the Department Head may determine a subsequent urgent need for it, in which case the only choice available would be for the oversight committee to hold a special meeting to consider the situation; given this explanation, Ms. Wood agreed that the language made sense.

Mr. Conover said he assumed the Department Heads would still be required to fill positions from active listings of eligible civil service tested individuals, and when they were not available, provisional appointments would be made pending civil service testing. Mr. Dusek responded that this assumption was correct and he confirmed that regardless of the rules adopted relating to the filling of vacant positions, they were always required to comply with Civil Service Law. Mr. Dusek pointed out that the changes proposed did not apply to the creation of new positions, which would still require oversight and approval from both the Personnel Committee and the Board of Supervisors.

Mr. Kenny stated that he was supportive of the amendments proposed, but said he hoped these requests would be few in number as if they became too prevalent, he would suggest that the amended policy be rejected.

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to amend Resolution No. 1 of 2014, *Adopting the Rules of the Board of Supervisors*, as well as Resolution No. 374 of 2011, *Amending Procedures with Regard to the Establishment, Filling and Increasing or Decreasing of Salaries for Positions Within Warren County*, to include the revised language pertaining to the filling of vacant positions as per the document distributed by Mr. Dusek, and the necessary resolution was authorized for the May 16th Board Meeting.

Mr. Dusek apprised that a brief executive session would be necessary to discuss ongoing collective bargaining unit labor negotiations with the PBA (*Police Benevolent Association*) Union.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to enter into an executive session pursuant to Section 105(e) of the Public Officer's Law.

An executive session was held from 10:16 a.m. until 10:52 a.m.

Upon reconvening, Mr. Taylor announced that no action had been taken during the executive session.

There being no further business to come before the Personnel Committee, on motion made by Ms. Wood and seconded by Mr. Dickinson, Mr. Taylor adjourned the meeting at 10:53 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board