

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SUPPORT SERVICES

DATE: JULY 23, 2014

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS TAYLOR	AMY CLUTE, SELF-INSURANCE ADMINISTRATOR
MCDEVITT	MICHAEL COLVIN, DIRECTOR OF INFORMATION TECHNOLOGY
FRASIER	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
VANSELOW	PAUL DUSEK, COUNTY ADMINISTRATOR
WOOD	JOANN MCKINSTRY, ASSISTANT COUNTY ADMINISTRATOR
	MARTIN AUFFREDOU, COUNTY ATTORNEY
	JOAN SADY, CLERK OF THE BOARD
COMMITTEE MEMBERS ABSENT:	FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BROCK	SUPERVISOR BEATY
SEEBER	SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

Mr. Taylor called the meeting of the Support Services Committee to order at 9:30 a.m.

Motion was made by Ms. Wood , seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Michael Colvin, Director of Information Technology, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Colvin presented the following requests for approval:

- 1) Amending the Warren County Computer Usage Policy to reflect the following changes:
 - a) Under additional provisions #1 change the wording from "The County will limit internet access" to "The County will provide internet access".
 - b) Under additional provisions #5 change the wording from "Employees with internet access may download software with direct business use, after review by the Director of Information Technology" to "Employees with internet access may download software with direct business use, after Department Head approval and review by the Director of Information Technology".
 - c) Add provision #10 which states "Employees requiring access to otherwise prohibited web sites may gain access after Department Head approval and review by the Director of Information Technology".
 - d) Add provision #11 which dictates "Any on-line presence and its content must first be approved by the Department Head, Director of Information Technology, County Administrator and the Committee with oversight of the department. Subsequent changes/updates to the content will require the same approval".
- 2) Add a logon message to the County computers advising of its proper usage and privacy expectations.

With regards to Item 2, Mr. Colvin pointed out although no issues had arisen he felt it was necessary to put this in place so individuals were aware they were being monitored, as well as provide a warning to individuals who should not have access to the computer.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve Item 2 as outlined above and the necessary resolution was approved for the August 15, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Item 1, Mr. Colvin advised, pertained to wording changes for clarification purposes, as well as additions because of new issues that could occur. Mr. Vanselow apprised he supported the request, as he felt more oversight was necessary. He stated when he worked for Washington-Saratoga-Warren-Hamilton-Essex Board of Cooperative Educational Services (BOCES) a situation occurred wherein students enrolled in a course teaching them how to open a business using ebay were unable to access the ebay website on the computer lab workstations because the site was prohibited.

Motion was made by Mrs. Frasier, seconded by Mr. McDevitt and carried unanimously to approve Item 1 as presented above and the necessary resolution was authorized for the August 15, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

In reference to the issues with public internet access the on the second floor of the Municipal Center Building, Mr. Colvin apprised he had resolved the issue by adding a commercial grade antenna at no cost to the County.

Mr. Taylor commented the County website was much easier to navigate through than it had previously been.

There being no further Information Technology business to discuss, privilege of the floor was extended to Joan Sady, Clerk of the Board, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mrs. Sady requested approval to amend the Departmental Table of Organization to abolish the position of Legislative Office Specialist #3, base salary of \$34,680, and create and fill the position of Assistant Secretary to the Clerk of the Board, base salary of \$34,680. She stated the Assistant Secretary to the Clerk of the Board was currently an unfunded unclassified position within the Departmental Table of Organization. She pointed out this was a title change only, as there was no change in the salary.

Mr. Vanselow questioned whether Mrs. Sady would like to fill the position prior to the August 15, 2014 Board meeting and Mrs. Sady replied affirmatively. Mrs. Sady explained she would prefer to fill the position following the August 6, 2014 meeting of the Personnel Committee; however; she said, she was unsure whether this was an option.

Martin Auffredou, County Attorney, advised if it was the Committee's desire to move forward with the request, he suggested they approve it as presented and refer the matter to the Personnel Committee to determine the effective date of the position.

Motion was made by Ms. Wood, seconded by Mrs. Frasier and carried unanimously to approve the request as presented above and forward same to the Personnel Committee. *A copy of the Request to Create a New Position form is on file with the minutes.*

There being no further Clerk of the Board business to discuss, privilege of the floor was extended to Amy Clute, Self-Insurance Administrator, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Clute presented a request to amend the Warren County Travel Policy and County Vehicle Use Regulations to further clarify requirements of "authorized users," and add language regarding the safe use of vehicles, as well as procedures to follow after accidents and requiring driver improvement training. She explained that based on concerns of the Safety Committee with regard to the lack of direction in the policy, changes had been proposed and approved by the Committee last year; however, she said, the request was tabled and sent back for further discussion before being presented to the full Board. She stated since then further revisions had been made and reviewed by the County Administrator, the County Attorney, Needham Risk Management Resource Group, LLC, the Risk Management Steering Committee, the Employee Safety Committee and the Civil Service Employees Association (CSEA) to develop the policy included within the agenda packet. She pointed out all revisions were noted in bold.

With regards to page three of the Policy under the County Motor Vehicle Use Rules, Ms. Clute apprised the changes noted in bold stated "County employees agreed to let their motor vehicle records be monitored via the New York State Department of Motor Vehicles License Event Notification Service (LENS)". She explained this would ensure the County was notified if an employee had issues with their license such as a license suspension; thereby, restricting them from driving a County vehicle.

Page 4 of the Policy, Ms. Clute stated, referred to a very detailed point system that would be implemented to determine if an employees driving record was satisfactory to authorize them to utilize a County vehicle or other vehicle for County business. She advised points would be assigned if an employee was convicted of a driving infraction. She explained if an employee accrued nine points or less they would only be considered under the policy if the individual infraction occurred while the employee was working for Warren County. If an employee had an infraction valued at ten or more points such as a driving without a license or a suspended license or driving while intoxicated (DWI) at any time this would be reviewed. She said Department Heads would be reviewing the total points accumulated over a two year period and referencing the policy to determine whether an employee should be permitted to drive a County vehicle.

Mr. Taylor questioned whether an employee was required to notify the Department Head on a weekend if they were involved in an infraction during this time frame and Ms. Clute replied affirmatively. She explained if a Department of Public Works (DPW) employee was charged with a DWI on a Friday night they would be required to notify their supervisor they could not be called into work on Saturday. She stated at this time there was no program in place. She apprised most drivers participated in the LENS program; however, she said, notification took a few days. She continued, this meant an employee who was charged with a DWI on a Friday night could potentially be plowing snow the next day because their Supervisor was unaware that any infraction had occurred.

Ms. Wood advised she was uncomfortable with the policy in its current format, as there were items within the policy which were of extreme concern to her, such as reviewing employees driving private driving records prior to the adoption of the policy. She said she felt it was unfair to make an employee responsible now for a driving infraction that occurred prior to the adoption of the policy. Another concern she had with the policy, she stated, related to the points system. She apprised she felt it was unfair to penalize an employee for getting into a fender bender in a parking lot or slipping off of an icy road on their way to work. She pointed out although she believed DWI's were serious offenses they may be overstepping their limits, as she did not feel it was appropriate to discipline an employee prior to them being convicted by the court for the offense. She noted there were features in the policy she thought were necessary such as the LENS program; however, she said, she felt portions of the plan went further into employees personal lives than it should. She added

the courts were in a position to render a penalty for infractions committed outside of work; therefore, she stated, she did not feel it was necessary for the County to duplicate this effort.

Mr. Auffredou advised he felt Ms. Wood's concerns with the policy were valid. He stated one of his initial concerns with the policy related to employees whose essential job function was driving, such as a DPW employee or a Public Health nurse. He said originally the policy stated should it be determined they were ineligible to drive a County vehicle it could lead to them losing their job. He apprised on order to correct this, language was incorporated that dictated the employee would not be disciplined without going through a hearing process; however, he said, this meant the Department Head would have to determine whether to let the employee continue performing the work while the proceeding was pending or assign them other tasks. He pointed out these were important factors that should be considered.

Another concern, Mr. Auffredou stated, was whether the Police Benevolent Association (PBA) and Sheriff's Employees' Alliance had reviewed and approved the policy, as the CSEA had, since he felt the policy was applicable in some respects to them, as well. He pointed out there was a provision in the policy for exceptions that stated "law enforcement personnel will be exempt from the points listed above for accidents or incidences where damage results but no convictions are issued". He advised as long as no convictions were issued the law enforcement personnel would be exempt. He continued, the policy also dictated, "highway personnel were exempt from the points listed above for accidents or incidences where damage results during a weather event but no convictions were issued". He apprised this meant if an employee was involved in an accident while they were plowing and they were not convicted they were exempt; however, he said, if they were convicted the policy would apply.

Mr. Auffredou recommended the policy be subject to the same review and approval process by the PBA and Sheriff's Employees' Alliance that had been allowed for the CSEA. He said this would prevent filing of a grievance or improper practice notice stating the County should have gone through the collective bargaining process prior to enacting the policy.

Mr. Auffredou advised he did not feel there was anything illegal about the policy; however, he stated, he believed the question was how strict the policy should be. He asked Ms. Clute to clarify what the repercussions were if an employee accumulated over nine points during a one year time frame. Ms. Clute explained there were no consequences if an employee had multiple infractions under nine points during the one year time frame as long as they did not occur while they were working. She pointed out the policy only warranted reviewing infractions that occurred outside of work that were ten points or more. She noted this portion of the policy was added to appease the CSEA.

Mr. Auffredou apprised the following points had been discussed regarding the policy:

- 1) Ms. Wood had raised some valid concerns;
- 2) He did not feel there was anything illegal with the policy; and
- 2) Was the Committee comfortable with how stringent the policy was.

Mrs. Frasier advised she felt the policy was cumbersome, as it would be adding to the list of duties of the Department Heads and Mr. Auffredou concurred. He pointed out under Item U in the policy it stated, "It will be the County Department Head responsibility to review this policy with all employees prior to using a vehicle for County business and at any time when the policy is changed". He apprised as an example, the Department Head for the Public Health Division would review the policy with the nursing staff once, rather than every morning, which he interpreted was a

requirement of the policy. He said this requirement for the policy only made sense for Departments such as his own who rarely utilized County vehicles; however, he apprised, it seemed cumbersome for this to be a requirement for the DPW, Public Health or the Department of Social Services Department Heads because their staff utilized County vehicles on a regular basis.

Mr. Taylor asked whether there were any implications to the County if a supervisor did not take the appropriate steps to deal with an employee they were aware had received an infraction for a DWI and Mr. Auffredou replied affirmatively. He explained if the County was aware of the infraction and the appropriate steps were not taken the County could potentially be held liable. He said he felt the question was to what extent had this been a problem for the County and if it has been a significant problem for the County it would continue to be one; however, he stated, if it was not an issue perhaps it should be looked at from a different perspective. As an example, he said, if someone in his Office received a DWI infraction he felt it would be up to him as the Department Head to take appropriate action if that individual was going to be driving a County vehicle. He said he, as well as the County Administrator, the Chairperson of the Personnel Committee and the Chairperson of the Committee who oversees the County Attorney's Office would determine what the appropriate action was. He added if situations such as this were occurring on a frequent basis then he felt this policy was applicable.

Mrs. Frasier questioned whether Ms. Clute was aware if these types of situations had been occurring on a frequent basis and Ms. Clute replied her understanding was these situations were handled differently among departments. She said she felt Department Heads would welcome a policy that gave them some direction and ensured there were safe drivers on the road. She advised from an insurance standpoint she was uncomfortable with the fact that the County may be held liable if an employee with numerous speeding infractions that the County was unaware of caused a serious accident with a County vehicle. She pointed out at the request of the CSEA several modifications were made to the policy to address their concern that the County was reaching too far into an employee's personal life. She said her goal was to ensure employees who drove County vehicles were safe drivers.

Mrs. Frasier advised she felt the LENS program was sufficient to provide the information required to ensure the County was aware of any driving infractions an employee may have such as a DWI. Mr. Vanselow asked who received the LENS reports and Ms. Clute replied the Self-Insurance Department received the LENS reports and then forwarded them to the Department Heads to handle. She pointed out the time frame varied from a few days to a few weeks from when the infraction occurred to when the LENS report was received by the County. She noted employees had the right to refuse to participate in the LENS program; however, she said, the proposed policy required any employees who drove County vehicles to participate. She reiterated her goal was to ensure the County had safe drivers on the road for the employees, as well as the public.

Mr. Vanselow pointed out there were reasons other than driving infractions that caused licenses to be suspended, such as non payment of child support and car insurance lapses. Ms. Clute stated points would only be applied if they were convicted of driving without a license. Mr. Vanselow advised he did not feel employees who lost their license for reasons other than driving infractions should be subject to the mandatory safe driving training. He asked how often employees transported children that required car seats and Ms. Clute replied this was done on a regular basis by the Department of Social Services.

Ms. Wood suggested the request be tabled to allow the PBA and Sheriff's Employees' Alliance to review the policy and make modifications to make it more agreeable to all interested parties.

Ms. Clute asked Paul Dusek, County Administrator, whether the policy had been reviewed by the PBA and the Sheriff's Employees' Alliance and Mr. Dusek replied in the negative. He explained he did not review it with them because they were exempt from the policy. Ms. Clute interjected that they were exempt while working; however, she said, the policy did apply to them when they were outside of work if they were charged with a driving infraction such as a DWI.

Mr. Auffredou advised there was a provision included under the exceptions to the points system that stated "Law enforcement personnel will be exempt from the points listed above for accidents or incidents where damage results but no convictions are issued". He said he felt this meant the policy could apply to law enforcement personnel in certain circumstances if damage resulted and a conviction was issued. He apprised he felt the policy was applicable to the Sheriff's Employees' Alliance because they transported inmates on a regular basis and it applied to the PBA because law enforcement personnel patrolled throughout the County. He suggested reviewing the policy with the Sheriff's Employees' Alliance, as well as the PBA and address any concerns they may have prior to adopting the policy to prevent future grievances from arising. Mr. Dusek apprised he concurred with Mr. Auffredou that the policy should be reviewed by the PBA and Sheriff's Employees' Alliance since the policy applied to them, as well.

Mr. Vanselow stated he felt all employees should be exempt from the policy if damage resulted but no convictions were issued rather than just exempting law enforcement and highway personnel. Mr. Taylor noted charges were issued if an accident occurred on an icy road if the value of the damage exceeded \$1,000. He said he was in favor of a more stringent policy; however, he stated, he felt review by the PBA and Sheriff's Employees' Alliance was warranted.

Ms. Clute asked for some direction as to whether the Committee felt certain changes were required prior to sending it to the PBA and Sheriff's Employees' Alliance for review. Mr. Auffredou suggested the County Administrator review the policy with the unions and report on their thoughts and/or suggestions at the next Committee meeting so the Committee, as well as himself and the County Administrator, could further discuss any changes they would like to see included within the policy. Mr. Taylor reiterated he was in favor of a more rigorous policy; however, he said, he wanted to ensure all interested parties were agreeable to it.

Motion was made by Ms. Wood, seconded by Mrs. Frasier and carried unanimously to table the request until the County Administrator could review the policy with the unions and report on their thoughts and/or suggestions at the next Committee meeting so the Committee, as well as himself and the County Administrator, could further discuss any changes they would like to see included within the policy.

Ms. Clute reminded the Committee the 2015 Warren County Self-Insurance Budget and allocation to plan participants was not part of the Warren County Budget process; however, she said, it was reviewed by the Committee and the County Budget Team. She reviewed the following points with the Committee:

- 1) The revenue for the budget originated from participants in the plan;
- 2) The Self-Insurance Budget was not a direct part of the Warren County Budget; however, she said, workers compensation costs were included within most of the Warren County Departments individual budgets;
- 3) The Budget contained a contributed reserve that increased or decreased at the end of the year depending upon how much money remained in the fund;
- 4) The balance of revenues after expenses had traditionally fluctuated from year to year;
- 5) She explained she would have to know how many employees would be injured, what

- types of medical care they would require and the time frame they would be unable to work in order to accurately budget;
- 6) The Budget was estimated for the year based upon historical figures from the current year, as well as the prior year;
 - 7) Monies were part of a pool and not appropriated into funds other than for budgeting purposes;
 - 8) A larger portion of the Budget Revenue was appropriated to claim participants based upon claims; however, since the amendment to the Local Law was approved at the July 18, 2014 Board meeting, this year a larger percentage would be based upon administrative costs;
 - 9) The 2015 estimated expenses was about .8% higher or \$11,800 more than the 2014 budgeted expense, which she felt was surprising considering the present state of workers compensation. She reminded the Committee the Workers Compensation Board changed the way they assessed their municipalities, as well as other carriers.
 - 10) Midwest Employers Casualty Company, the Counties excess workers compensation carrier, felt the County would be paying over \$2.8 million for a base annual premium if commercial insurance was required, which was substantially more than the \$1,537,023 requested from the 2015 plan participants.

In reference to budgeting challenges, Ms. Clute stated both the maximum indemnity rate and the medical rates had increased substantially since 2007 when the reform of the workers compensation system was implemented; however, she said, the cost savings of this reform have yet to be fully realized. She advised that loss adjustment expenses such as independent medical exams and legal fees had increased primarily due to the new payment calculation method. As previously discussed, she said the new way the Workers Compensation Board assessed municipalities was expected to increase 58% by 2015. Other challenges to the Budget, she apprised, were the increase and severity of the schedule loss of use awards, as well as the decreasing interest rates on the reserve fund and fund balance. She pointed out in prior years they had accumulated up to \$150,000 in revenue from interest and now it was about \$5,000.

Ms. Clute noted some favorable trends included 71 less claims filed in 2013 than in 2008 and 398 less lost work days as compared to 2008, which she attributed to the Safety Program. She stated New York Compensation Rating Board reported there had been a 227% lost time claims inflation and a 158% medical only claims inflation industry wide; however, she said, so far this had no impact. She advised since she was unsure of the cost of the safety contract in 2015 she had included a \$25,000 increase in the budget for consulting fees, as the current contract with Needham Risk Management Resource Group, LLC was expiring on December 31, 2014. She advised the total budget was \$1,537,022.88. She noted page 9 of the Budget included the 2015 Assessments for the plan participants. She apprised the new formula had been used to calculate the assessments, which she felt would stabilize the premiums. She added there was a cap on claims.

As there was no further business to come before the Support Services Committee, on motion made by Ms. Wood and seconded by Mrs. Frasier, Mr. Taylor adjourned the meeting at 10:12 a.m.

Respectfully Submitted,
Sarah McLenithan, Secretary to the Clerk of the Board