

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL & ADMINISTRATION

DATE: SEPTEMBER 3, 2020

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS SIMPSON	JACKIE FIGUEROA, HUMAN RESOURCES DIRECTOR
GERAGHTY	PATRICIA NENNINGER, PERSONNEL OFFICER
FRASIER	REPRESENTING JAEGER & FLYNN ASSOCIATES, INC.:
BRAYMER	KURT JAEGER, EXECUTIVE VICE PRESIDENT /CHIEF MARKETING OFFICER
CONOVER	MATT SCHUETTE, AGENCY PARTNER
MCDEVITT	FRANK THOMAS, CHAIRMAN OF THE BOARD
MERLINO	RYAN MOORE, COUNTY ADMINISTRATOR
WILD	MARY ELIZABETH KISSANE, COUNTY ATTORNEY
	AMANDA ALLEN, CLERK OF THE BOARD
COMMITTEE MEMBERS ABSENT:	SUPERVISORS BEATY
SUPERVISOR MAGOWAN	HOGAN
	LEGGETT
	SEEBER
	STROUGH
	MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
	TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
	KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
	GINELLE JONES, DIRECTOR OF PUBLIC HEALTH/PATIENT SERVICES
	DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
	JEREMY SCRIME, SENIOR COMPUTER SYSTEMS ANALYST/PROGRAMMER
	MIKE SWAN, WARREN COUNTY TREASURER
	SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the September 3, 2020 meeting of the Personnel & Administration Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://www.warrencountyny.gov/gov/comm/Archive/2020/personnel/>

Note: As per Governor Cuomo’s Executive Order 202.1: “Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed”. All Committee members participated by video or teleconference, aside from Supervisors Simpson, Geraghty, Frasier, Braymer, McDevitt and Merlino who were physically present.

Mr. Simpson called the meeting of the Personnel & Administration Committee to order at 10:07 a.m.

Copies of the meeting agenda were distributed to those in attendance, those participating remotely accessed the agenda via the Warren County website; a copy of the agenda is on file with the meeting minutes.

Motion was made by Mr. McDevitt, seconded by Mr. Merlino and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any

matter, but there was no one wishing to speak. He then asked Don Lehman, *Director of Public Affairs*, if there were any public comments and Mr. Lehman replied in the negative.

Commencing the Agenda review, Mr. Simpson advised Agenda Item 1 pertained a Request/Item to be discussed by the County Administrator concerning amendments to the Warren County Workplace Violence Prevention Plan and Program (*see change on p.19 of policy*).

Ryan Moore, *County Administrator*, apprised later in the meeting identical changes would be made to the Discrimination Policy under Agenda Item 2E. He explained in the event of an incident, there would be three parties involved: the individual who made the accusation; the accused party; and the employer. He informed they had identified improvements to be made to the County's Policy from all three points of view in terms of information sharing and the suggested changes reflected an attempt to address them. He explained in accordance with the revisions suggested, if the findings of an investigation made pursuant to an accusation submitted through the Workplace Violence Policy showed any wrongdoing had occurred in violation of the policy, there would now be a mandated requirement that this instance be reported to the Personnel & Administration Committee. He indicated the Personnel & Administration Committee had jurisdiction over both the Workplace Violence and Discrimination Policies, and in the case of the Discrimination Policy, if there was an appeal that would come before the Personnel & Administration Committee, as well, which was why it was appropriate for the information to be provided to them. He said from the perspective of those who had made complaints under this Policy it had been pointed out that the employer, who in this case was the Board of Supervisors, tended not to have a full appreciation for complaints that had been made in the past which lead to the conclusion that someone had done something wrong. He informed that by notifying the Personnel & Administration Committee of these instances, they would be addressing the accuser's concern that the County, as the employer, was made aware of repeat offenders. From the perspective of the individual accused of the wrongdoing, Mr. Moore indicated this process would relieve their concern that the Personnel & Administration Committee would take into consideration previous unfounded complaints against them as the Committee would only be made aware of instances where any wrongdoing was confirmed. Finally, he advised, from the perspective of the employer, the County had an obligation to provide a safe workplace which was free of workplace violence and harassment and he felt this was a piece that was missing in the Personnel & Administration Committee's ability to have all of the information. He indicated this was the reason for proposing the revisions presented, adding he would be happy to answer any questions.

Supervisor Seeber voiced her appreciation of the amendment to this Policy, as she believed it was critical, but indicated she had two questions, the first of which was whether it would be appropriate to include a timeframe in the language suggested indicating that any founded incidents would be reported to the Personnel & Administration Committee within sixty days. She apprised that given the serious nature of the findings, she felt it was appropriate that the Policy indicate an update would be provided within a specific timeframe. Mr. Moore responded they could include a timeframe, but noted that on occasion these complaints, more specifically those involving workplace violence, were investigated by law enforcement which could require a period of confidentiality to conclude their own investigation. He informed his intention would be to bring anything before the Personnel & Administration Committee after it was determined a complaint was founded and if it was the desire of the Committee it could be memorialized in the Plan with an exception in the event that law enforcement wanted to delay

notification. Ms. Seeber advised she believed the fact that these would be addressed during an executive session would speak to the confidentiality issue; she added while she understood it was Mr. Moore's intent to provide updates as these situations occurred, she felt memorializing this in the Policy would be appropriate, as well as noting the caveat that a delay for law enforcement investigation may be required. She then stated her other question concerned the results of the investigation versus the findings of any wrongdoing and whether the complainant and accused were notified of the outcome of the investigation regardless of the results; Mr. Moore replied affirmatively, advising both parties would be made aware of the investigation's findings. She inquired whether the Personnel & Administration Committee would only be notified if the results of the investigation determined the complaint was valid and Mr. Moore replied affirmatively. He explained if an investigation was handled properly the subject of a complaint would be notified whether or not the complaint had any merit because they were brought in to provide their synopsis of the incident and should be notified of the outcome. He said from the perspective of the Personnel & Administration Committee, they would not be notified of every complaint that was made to prevent from tarnishing an individuals reputation if a complaint was unfounded.

A brief discussion ensued following which a motion was made by Mr. Braymer, seconded by Mr. Merlino and carried unanimously to approve the amendments to the Warren County Workplace Violence Prevention Plan and Program as presented, with the added inclusion that any findings of wrongdoing be reported to the Personnel & Administration Committee within a sixty-day timeframe, provided there was no delay required by law enforcement, and the necessary resolution was authorized for the September 18th Board Meeting.

Mr. Simpson advised Agenda Items 2A-E pertained to the following requests to be Discussed by the Human Resources Director and/or Personnel Officer:

2A) Health insurance renewal - Jaeger & Flynn.

Privilege of the floor was extended to Matt Schuette, *Agency Partner, Jaeger & Flynn Associates*, to review Medicare Advantage, health, dental and vision plan renewals. Mr. Schuette provided an overview of the renewal proposal during which Mr. Conover pointed out the significance of the cost remaining flat, as he believed this was unprecedented. *A copy of the plan renewal details are on file with the meeting minutes.*

2B) Review of report on tracking of vacancies filled. *Report provided for informational purposes.*

2C) Update on terminations and exit interviews.

Ms. Braymer inquired whether Jackie Figueroa, *County Human Resources Director*, had observed any trends occurring with terminations or resignations and Ms. Figueroa replied the number of completed exit interview forms she had received this year was less than what was typically collected; she partially equated this to the fact that they were not doing in-person meetings because staff had not been on-site for a few months this year due to the COVID-19 pandemic. She added she had clarified the process with a few of the larger departments who were not fully aware of it, so this resulting in them receiving more forms. She stated they were also ensuring employees were aware they had the option to have an exit interview; however, she apprised, as noted in the chart included in the Agenda, only about 20% of

employees elected to participate. She informed this was something they would continue to offer, but a substantial number of departing employees were hesitant to participate or felt it was not a good use of their time. She advised they never forced the issue, but they liked to offer this as an option for employees.

Ms. Braymer asked if Ms. Figueroa had been able to glean anything from the exit interviews that had been conducted or the forms that were received and Ms. Figueroa responded she was specific with each individual regarding their particular job and department and whatever feedback she received she shared with the Department Head, especially if there were concerns with working relationships between particular individuals, so they could address those concerns. Ms. Braymer questioned whether anything had come to light on a larger scale concerning the County as a whole and Mr. Figueroa replied in the negative. Ms. Figueroa apprised a significant number of individuals resigned to move out of the area because they had been offered a better opportunity or had found a job in the chosen field they were educated in. She stated nothing had come up that she felt would be alarming to the Committee or that the County as an employer needed to be concerned about; she added everyone she had talked to this year had left for personal reasons. Ms. Seeber requested this report be provided on a monthly basis and Mr. Simpson responded this would remain as a standing agenda item.

2D) Request to approve updates to the Out-of-Unit Policies to include on-call pay for certain employees.

Ms. Figueroa requested that Mike Colvin, *Director, Information Technology*, speak to the request because it was applicable to his Department. Mr. Colvin explained when one of his employees responded to calls after hours it was observed there was a minimum amount of overtime that would be paid in accordance with the Union contracts. He said when the COVID-19 pandemic occurred it put a strain on the amount budgeted for overtime and upon further review they discovered they did not have the documentation to support it. He informed he had always followed the CSEA bargaining agreement if there was not a policy in place pertaining to Out-of-Unit employees, but indicated in this case that was not the proper way to proceed. He advised because of this instance it was determined the matter needed to be addressed, in particular for those employees he had working in the Sheriff's Office; he added that these individuals who responded to calls on evenings and weekends may only work for a few minutes which is why they needed to be paid a minimum amount, similar to what Union employees were paid. He stated what he was seeking was for this to be addressed so his employees could be properly paid in these instances.

Motion was made by Mrs. Frasier, seconded by Mr. Conover and carried unanimously to approve updates to the Out-of-Unit Policies to include on-call pay for certain employees, as presented, and the necessary resolution was authorized for the September 18th Board Meeting.

2E) Request to approve updates to the Policy Against Harassment and Discrimination.

Ms. Figueroa advised this update included the same changes Mr. Moore previously discussed with regard to the Workplace Violence Policy, informing she had added the same verbiage into this policy. She said she could also include the language regarding the timeframe if the Committee felt that was

appropriate.

Motion was made by Ms. Braymer, seconded by Mr. McDevitt and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

Mr. Simpson noted the County Attorney's Office had suggested additional changes to the Policy Against Harassment and Discrimination, but those were more significant and would be addressed at next months Committee meeting to allow further time for review.

Proceeding, Mr. Simpson apprised Agenda Items 3A-B pertained to the following referrals from the Criminal Justice Committee, *Assigned Counsel*:

- 3A) Request to amend the Departmental Table of Organization and Salary Schedule to create and fill the position of Grant Manager, *part-time, hourly rate of \$24.04, not to exceed \$5,200 annually*, and to delete the position of Grant Administrator, *part-time, hourly rate of \$24.04, not to exceed \$5,200 annually*, effective September 21, 2020. This position is to be completely funded by State grant monies. *Note: subsequent to the meeting a typo on the agenda was identified - the hourly rate for both the position to be created and the one to be deleted was \$20.00.*

Motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

- 3B) Request to amend the Departmental Table of Organization and Salary Schedule to create and fill the position of Clerk #2, *part-time, hourly rate of \$13.19*, effective September 21, 2020. This position is to be completely funded by State grant monies.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

Mr. Simpson stated Agenda Item 4 concerned a referral from the Health Services Committee, *Public Health*, regarding a request to amend the Departmental Table of Organization and Salary Schedule to create and fill the new position of Registered Professional Nurse #40, *Grade 19, Base Annual Salary \$47,523*, effective September 21, 2020. This position is to be completely funded by State grant monies.

Mr. Conover advised in regard to State and Federally funded positions, his understanding was that should the funding for the position cease, the position would be eliminated unless further action was taken by the full Board. He asked if this was a correct assumption, and Mr. Moore replied affirmatively. Ms. Seeber advised the Public Defender's Office had their employees who were in grant funded positions sign an affidavit signifying they were aware their position would be eliminated if the funding stream for the position ceased and she asked whether this was consistent throughout the County for all departments with grant funded positions and Ms. Figueroa replied she was unsure if each department followed this process. Ms. Seeber remarked this appeared to be a best practice and was something she felt the County consider putting in place for all departments as she was aware there were others with positions funded contingent upon receipt of grant monies. Mr. Moore apprised he would look into this and if it was not being handled in this manner maybe they should consider doing so going forward. Ms. Seeber suggested this remain as a pending item for Mr. Moore to report his findings on at the next

Committee meeting.

Motion was made by Mr. Geraghty, seconded by Mr. McDevitt and carried unanimously to approve the request, as outlined in Agenda Item 4, and the necessary resolution was authorized for the September 18th Board Meeting.

Continuing with the Agenda review, Mr. Simpson apprised Agenda Item 5 involved a referral from the Public Safety Committee, *Sheriff*, pertaining to a request to amend the Departmental Table of Organization and Salary Schedule to create and fill the new position of Cook-Per Diem, *\$18.8021 per hour*.

Ms. Braymer questioned why the position title had been changed since it was presented to the Public Safety Committee from "Part-Time" to "Per Diem". Mr. Moore explained the title should always have been "Per Diem", but he had not had an opportunity to review and correct this item on the Sheriff's agenda before it was distributed for the Public Safety Committee meeting. He stated it was always the Sheriff's intent for the position to be per diem, but error was not identified until after the Committee meeting. Ms. Braymer questioned the difference between part-time and per diem positions and Ms. Figueroa advised part-time employees were eligible for some benefits, such as paid time off, whereas per diem employees worked only as scheduled and were paid for their hours worked but were ineligible to receive any benefits.

Motion was made by Mrs. Frasier, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

Mr. Simpson advised Agenda Item 6 pertained to a referral from the Public Works Committee, *DPW*, concerning a request to amend the Departmental Table of Organization and Salary Schedule to create and fill the new position of Construction Specialist, *Annual Salary \$65,566*, and delete the positions of Environmental Analyst, *Annual Salary \$41,974*, and Senior Engineering Technician, *Annual Salary \$39,502*, effective October 1, 2020.

Motion was made by Mr. Merlino, seconded by Mr. Conover and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

Agenda Item 7, Mr. Simpson stated, pertained to Requests/Items to be Discussed by the County Attorney which included an update on pending litigation; it was determined that an executive session was required to address this item and Mr. Geraghty suggested moving on with the agenda review and returning to this item at the end of the Agenda.

Mr. Simpson apprised Agenda Item 8 concerned a request from the Clerk of the Board to renew the agreement with Glens Falls Hospital for morgue and laboratory services and authorize the Chairman of the Board to sign the Letter of Agreement provided by Glens Falls Hospital for same. He noted the current agreement expired December 31, 2020 and this renewal agreement would commence January 1, 2021 and would allow automatic annual renewals, provided there are no changes in the Morgue Use and Laboratory Fee Schedule, as well as the ability for either party to terminate the agreement upon 30

days written notice.

Amanda Allen, *Clerk of the Board*, informed this agreement had saved the County money as compared to the prior agreement with Albany Medical Center and she was seeking permission to renew it. She advised, as noted on the Finance Committee Meeting Agenda, there was a shortfall of funding available in the Medical Examiners and Coroners budget to cover the cost of these examinations for the remainder of the year and a transfer of funds was required to replenish the Budget Code; however, she noted, she believed they were still paying less than what they would have if they were not using Glens Falls Hospital for these services.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the September 18th Board Meeting.

Mrs. Allen reminded the Committee that last month a report was requested which would track resolutions to indicate whether they had been executed and at what cost. She advised this report was being produced, beginning with the resolutions from the August 21st Board Meeting and would run one month behind; she indicated the first reporting would be presented at the next Personnel & Administration Committee meeting.

Concluding the agenda review, Mr. Simpson noted Agenda Item VI consisted of a listing of vacancies approved for filling by other Committees since the last Personnel & Administration Committee meeting, which included the following:

- Airport** - Airport Maintenance Worker #4, *Grade 10, Base Annual Salary \$37,633*, due to resignation/promotion.
- Buildings & Grounds** - Building Maintenance Mechanic #4, *Grade 15, Base Annual Salary \$42,141*, due to resignation/promotion.
- Countryside Adult Home** - Senior Account Clerk #2 Part-Time, *Grade 7, Base Annual Salary \$33,600*, due to resignation.
- Department of Public Works** - MEO (L) #27, *Grade 7, Base Annual Salary \$33,600*, due to retirement.
- MEO (L) #2, *Grade 7, Base Annual Salary \$33,600*, due to promotion.
- Engineer II, *Annual Salary \$73,670*, due to creation - *original authorization expired and was re-authorized by Committee.*
- Department of Social Services** - Social Welfare Examiner #8, *Grade 8, Base Annual Salary \$34,988*, due to resignation.
- Senior Account Clerk #7, *Grade 7, Base Annual Salary \$33,600*, due to promotion.
- Medicaid Clerk #1, *Grade 5, Base Annual Salary \$30,520*, due to promotion.
- Parks, Recreation & Railroad** - Up Yonda Naturalist #2, *Annual Salary \$43,605*, due to resignation.

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- Public Health** - Registered Professional Nurse #31, *Grade 19, Base Annual Salary \$47,523*, due to resignation.
- Registered Professional Nurse II #32, *Grade 19, Base Annual Salary \$47,523*, due to resignation - *original authorization expired and was re-authorized by Committee.*
- Public Health** - Public Health Nurse #16, *Grade 21, Base Annual Salary \$50,816*, due to resignation.
- Public Health Assistant/Per Diem (up to 10 temporary positions), *Grade 10, Base Annual Salary \$37,633 (\$18.09/hr.)* - *original authorization expired and was re-authorized by Committee.*
- WIC Assistant, *Grade 5, Base Annual Salary \$30,520*, due to resignation - *original authorization expired and was re-authorized by Committee.*

Before returning to Agenda Item 7, Ms. Figueroa inquired whether formal action had been taken on the health insurance renewal and Mrs. Allen replied in the negative. Mr. Moore asked if two separate motions were required and Ms. Figueroa responded approval was required for the renewal of the Medicare Advantage and another was required for the rest of the plans combined for the active employees.

Motion was made by Mr. Conover, seconded by Mr. Geraghty and carried unanimously to authorize renewal of health insurance package, including the Medicare Advantage plan, as provided by Jaeger & Flynn and the necessary resolution was authorized for the September 18th Board Meeting.

Mr. Simpson called for a motion to enter into an executive session to discuss pending litigation, as listed in Agenda Item 7. The necessary motion was made by Mr. Merlino, seconded by Mr. McDevitt and carried unanimously to enter into executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 10:56 a.m. until 11:12 a.m.

Upon reconvening, Mr. Simpson announced no action was taken during the executive session.

Once again Mr. Simpson asked Mr. Lehman if any comments from the public had been received and Mr. Lehman replied in the negative.

There being no further business to come before the Personnel & Administration Committee, on motion made by Mr. Conover, seconded by Mr. McDevitt and carried unanimously, Mr. Simpson adjourned the meeting at 11:13 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board