

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
March 21, 2022

COMMITTEE MEMBERS: Supervisors GERACI, Braymer, Seeber, Dickinson, Driscoll, McDevitt and Diamond - *Chair of the Board shall serve as an Ex-Officio member when needed in accordance with Section C (4) of the Rules of the Board*

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request: Notice of Intent to Fill Vacant Position – Public Defender
Rationale: To be prepared to fill the position of Public Defender upon retirement
 2. Request: Notice of Intent to Fill Vacant Position – Coordinating Assistant Public Defender
Rationale: To re-new expired Notice of Intent to Fill for the Coordinating Assistant Public Defender
 3. Request: Notice of Intent to Fill Vacant Position – Coordinating Assistant Public Defender (PT)
Rationale: To re-new expired Notice of Intent to Fill for the Coordinating Assistant Public Defender (PT)
 4. Request: Notice of Intent to Fill Vacant Position – Legal Clerk 1
Rationale: To re-new expired Notice of Intent to Fill for the Legal Clerk 1
 5. Request: To Amend Resolution 289 of 2020 – Warren County Travel Policy and County Vehicle Use Regulations
Rationale: To allow the Public Defender’s Office staff the ability to transport clients to court related appointments and appearances when other travel means are not possible for the client.
- IV. Discussion Items:

CLE: A Litigator’s Guide to Understanding Digital Forensic Evidence (Carline M. Barnes, Esq. & Glenn B. Liebert, Esq.)

Training: New York Association of Treatment Court Professionals Virtual Conference (Mary Kathleen Leahy, Esq.)
- V. Referrals/Pending Items:
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 12 - Notice of Intent to Fill Vacant Position – Public Defender
2. Resolution Request Form No. 12 – Notice of Intent to Fill Vacant Position – Coordinating Assistant Public Defender
3. Resolution Request Form No. 12 – Notice of Intent to Fill Vacant Position – Coordinating Assistant Public Defender (PT)
4. Resolution Request Form No. 12 – Notice of Intent to Fill Vacant Position – Legal Clerk 1
5. Resolution Request Form No. 20 – Misc. – Request to Amend Resolution 289 of 2020 – Warren County Travel Policy and County Vehicle Use Regulations

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Warren County Public Defender's Office Payroll Dept. No: 6.01 A. 1171 110

Title of Position: Public Defender Base Salary of Position: \$114,096 Grade: 24

Filling at Step # (If Known): _____

Budget code and title: A.1171 110 (Public Defender Salary - Regular) Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No./Last Name: Flores Date of Vacancy: _____

Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal _____% State _____% Other _____%

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

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DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Warren County Public Defender's Office Payroll Dept. No: 6.01 A. 1171 4202 110

Title of Position: Coordinating Assistant Public Defender Base Salary of Position: \$81,618.00 Grade: 4

Filling at Step # (If Known): _____

Budget code and title: A. 1171 4202 110 (Public Defender/Hurrell-Harring Salary - Regular) Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No./Last Name: _____ Date of Vacancy: _____

Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal _____% State 100% Other _____%

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

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DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Warren County Public Defender Payroll Dept. No: 6.01 A.1171

Title of Position: Coordinating Assistant Public Defender Base Salary of Position: \$94,475 Grade: 4

Filling at Step # (If Known): _____

Budget code and title: A.1171 (Public Defender Salary - Regular) Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No./Last Name: _____ Date of Vacancy: _____

Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal _____ % State 100 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring.

Human Resources Director has approved this form when initialed. 5/11/21 5/11/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 5/14/21

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 5/19/21

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature C. Leggett Date 5/26/21

Approved [Signature]

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Warren County Public Defender's Office Payroll Dept. No: 6.01 A. 1171 4202 130
Title of Position: Coordinating Assistant Public Defender (PT) Base Salary of Position: \$34,670.00 Grade: 4
Filling at Step # (If Known): _____
Budget code and title: A.1171 4202 130 (Public Defender/Hurrell-Harring Salary - PT) Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: _____ Date of Vacancy: _____
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal _____% State 100% Other _____%

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____
Actual Impact to Budget Report will be provided monthly by Human Resources Director.
Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____
Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.
 The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.
 The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____
 The committee has no objection to the filling of the vacancy.
 The committee objects to the filling of the vacancy.
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an existing funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a new position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No: 6.01 A.1171
Title of Position: Coordinating Assistant Public Defender (PT) Base Salary of Position: \$34,944.00 Grade: 4
Filling at Step # (If Known): (16/102)
Budget code and title: A. 1171 130 Salaries - Part Time Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: Date of Vacancy:
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal % State 100 % Other %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (hiring would be provisional) Non-Competitive Other EXEMPT (RSC)
Actual Impact to Budget Report will be provided monthly by Human Resources Director
Candidate's qualifications must be approved by Personnel Officer prior to hiring.
Human Resources Director has approved this form when initialed. 6/17/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.
The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 6/11/21

BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.
The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 6/17/21

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice
The committee has no objection to the filling of the vacancy.
The committee objects to the filling of the vacancy.
In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature [Signature] Date 6-21-2021

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Warren County Public Defender's Office Payroll Dept. No: 6.01 A. 1171 4206 110

Title of Position: Legal Clerk 1 Base Salary of Position: \$33,076.00 Grade: 5

Filling at Step # (If Known): _____

Budget code and title: A.1171 4206 110 (Public Defender/Dist #11 Salary) Union Non-Union

This position is vacated due to: Retirement Resignation Termination Promotion Other

Employee No./Last Name: _____ Date of Vacancy: _____

Is this position mandated? Yes No Is the position reimbursable? Yes No

Source of reimbursement: Federal _____% State 100% Other _____%

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. _____

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: Public Defender's Office Payroll Dept. No: _____
Title of Position: Legal Clerk Base Salary of Position: \$32,237 Grade: 5
Filling at Step # (If Known): _____
Budget code and title: A.1171 110 Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other create
Employee No./Last Name: _____ Date of Vacancy: _____
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal _____ % State 100 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. 10/21/21

Human Resources Director has approved this form when initialed. 12/18/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.
 The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 8/19/21

BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.
 The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 8/19/21

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

- The committee has no objection to the filling of the vacancy.
 The committee objects to the filling of the vacancy.
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature [Signature] Date 8-23-21

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 3/21/2022

- (a) Purpose of Request:
**To Amend Resolution 289 of 2020 (Warren County Travel Policy and County Vehicle Use Regulations), under section II County Motor Vehicle Use Rules to add
1) Clients being transported in County vehicles by Public Defender staff**

- (b) Details:
To allow the Public Defender Office staff the ability to transport clients to court related appointments and appearances when other travel means are not possible for the client.

- (c) Previous Resolution Number:
289 of 2020

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION No. 289 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS SIMPSON, GERAGHTY, FRASIER, BRAYMER, CONOVER, MAGOWAN, MCDEVITT, MERLINO AND WILD

ADOPTING AMENDED WARREN COUNTY TRAVEL POLICY AND COUNTY VEHICLE USE REGULATIONS

WHEREAS, the Warren County Board of Supervisors adopted an updated Warren County Travel Policy and County Vehicle Use Regulations (hereinafter the "Travel Policy") by Resolution No. 495 of 2004, which has been updated by many subsequent resolutions, and

WHEREAS, the County Administrator presented to the Personnel & Administration Committee a revised Travel Policy to update the "Schedule A" document to include authorization to attend on-line trainings, and

WHEREAS, the Personnel & Administration Committee has reviewed the changes presented by the County Administrator and has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the Warren County Travel Policy and County Vehicle Use Regulations annexed hereto, be and the same hereby is, adopted as the official Policy for Warren County, and be it further

RESOLVED, that any and all prior Travel Policies or County Vehicle Use Regulations, Resolutions or parts thereof inconsistent with the annexed are hereby repealed effective August 21, 2020.

I. COUNTY TRAVEL POLICY

Whenever an officer or employee travels for County business, the officer or employee shall comply with the requirements of this section.

A. GENERAL GUIDELINES FOR THE USE OF MOTOR VEHICLES AND/OR MASS TRANSPORTATION

When at all possible, employees shall use County owned vehicles or rental vehicles available under state purchasing contract for County business purposes as opposed to personal vehicles. Whether a rental vehicle may be used in lieu of a County vehicle, shall be determined by the Fleet Manager or in said Manager's absence, the County Administrator based on the nature of the trip, length of the trip, and/or number of persons riding in the vehicle. Whenever practical, employees shall use mass transportation for County business as opposed to County vehicles, rental vehicles or personal vehicles.

- 1) Use of personal vehicles should only occur when a County vehicle is not readily available in the pool of vehicles available for department use or when a rental vehicle is not authorized.
- 2) Mass transportation sources should be used whenever there would be a savings in costs unless such use would be impractical given the nature of the trip. If use of Mass transportation would result in a saving of time, the value of the Officer's or Employee's time should be considered in evaluating costs.
- 3) Whenever travel is for more than distances six (6) hours away, it is expected that mass transportation will be used unless there is justification for not using the same.
- 4) Whenever requesting permission of the Board of Supervisors for out-of-state travel or when requesting authorization from the Department Head, Chairman of the oversight Committee or County Administrator to attend a meeting or convention, the employee making the request shall indicate on the authorization request form whether a County vehicle and/or mass transportation will be used and if not, the reason for such decision. The Board, Department Head, Chairman of the oversight Committee or County Administrator may require the use of a County vehicle and/or mass transportation sources in whole or part as a condition of authorizing the trip.

B. TRAVEL APPROVAL REQUIRED

- 1) Unless travel is excepted herein, or by separate Resolution by the Board, each supervisory Committee shall review and approve *all* travel requests, both in-state and out-of-state. Out-of-state travel requires approval by a Board resolution, and in-state travel that necessitates overnight accommodations, require Committee approval only. The number of people traveling to an event from one department shall be limited and set by the supervisory Committee. Department Heads shall submit all paperwork describing travel and expenses for review by the Committee. A Travel Form (Schedule "A") shall be signed by the supervisory Committee Chairman if travel is approved and must be attached to any Purchase Order or Voucher submitted for reimbursement.
- 2) Travel by officers and employees of Warren County does NOT need approval by the supervisory Committee or Board of Supervisors, and therefore no Travel Form (Schedule A) is required, if all of the following conditions apply:
 - a) the travel does not require overnight accommodations;
 - b) there is no more than \$100 in costs (to the County) per person per trip for travel and meal costs;
 - c) the travel is part of the normal course of business, which includes, but is not limited to, travel to perform the duties of the officer's and/or employee's position or travel is for attendance at seminars, training, and/or other classes or meetings where such is at no cost to the County or where such is mandated by state law, rule, or regulation.

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- 3) Travel by County Supervisors, County Administrator, Assistant County Administrator and Department Heads to attend the New York State Association of Counties' conferences held twice per year do NOT need approval by the supervisory Committee or Board of Supervisors, provided that the Department has budget appropriations for the same and there is compliance with the GSA policy.
- 4) In-state travel for attendance at conferences, seminars or training, the cost of which is included in the current County Budget, requires only approval of the applicable Department Head, the County Administrator, and the Chair of the appropriate oversight Committee. After such approvals are obtained, notification of the event, the attending employee(s) and the fact that such approvals were granted shall be noted on the agenda at the next oversight Committee meeting.

C. FUNDING FOR TRAVEL

If payment of travel expenses requires fund transfers, the Department Head must provide information on where the funds are coming from.

D. REIMBURSEMENT RATE FOR LODGING, MEALS, AND INCIDENTAL EXPENSES

The U.S. General Services Administration Domestic Per Diem Rates are to be used to determine the maximum reimbursement for lodging, meals and incidental expenses. A listing can be found at www.gsa.gov

E. EXCEPTIONS

- 1) The Sheriff's Office shall be excepted from the Policy and guidelines concerning mass transportation and travel approval requirements, where the travel is not related to training or conferences, and which have been approved by the Sheriff or Division Commander.
- 2) The Commissioners of the Warren County Board of Elections, staff and machine custodians shall, to the extent authorized by the County Administrator, be excepted from the requirement of use of a County vehicle or a rental vehicle and may use personal vehicles with mileage reimbursement by the County in the performance of their official duties in Warren County concerning the Election Day period (that time period of a few weeks during which matters are readied and concluded for an election), classes in the various municipalities, trips to nursing homes, and voter education sessions. The Director/Fire Coordinator, Deputy Director of the Emergency Services Office, and Deputy Fire and EMS Coordinators, to the extent authorized by the County Administrator, shall be excepted from the requirement of use of a County vehicle or rental vehicle and may use personal vehicles with mileage reimbursement by the County while in the performance of their official duties, in Warren County and adjacent counties. The officers and/or employees identified in this division (E)(2) shall, however, when attending conferences or meetings outside the County or in adjacent counties, seek to use mass transit or a County vehicle, as may be applicable.
- 3) The employees of the Department of Social Services shall be excepted from the requirement of use of County vehicles and/or rental vehicles and may use personal vehicles with mileage reimbursement to be paid by the County, subject to the approval of the Commissioner of Social Services while continuing to use fleet vehicles as much as possible given the operation of that particular Department.
- 4) Section D above shall not apply to limit the maximum reimbursement rate where the lodging and/or meals are provided as a facility that is the host of an approved conference, training or meeting or is chosen because of its location proximate to the event and where the reimbursement is less than \$100 above the maximum daily GSA rate and where the employee or officer receives approval for the increased reimbursement above GSA rate as detailed on his or her "Authorization to Attend Meeting or Convention" request form.

- 5) The County Treasurer & County Clerk or their designee shall be excepted from the requirement of use of County vehicles and may use personal vehicles when performing departmental banking functions.

II. COUNTY MOTOR VEHICLE USE RULES

The following rules shall apply to the use of County owned, leased, or borrowed vehicles by those driving for County business.

- A. Only authorized employees who hold a valid New York State driver's license shall drive County vehicles. Authorized employees shall be:
 - 1) 18 years and older;
 - 2) Any employee who regularly or at times operates a County vehicle as part of the employee's usual and/or customary County job function;
 - 3) An employee who is authorized to operate the vehicle by:
 - a) The County Administrator; or
 - b) The County Department Head to whom the vehicle has been assigned;
 - 4) Those who agree to provide their driver license number to the County for inclusion in the NYS Department of Motor Vehicle License Event Notification Service (*The LENS program provides the County with notifications of driver license infractions and suspensions*);
 - 5) Those who agree to the fact that the County has a right to request information relating to a change in driver license status of all authorized users described above;
 - 6) Those who have signed the acknowledgment (Schedule C) at the end of this Policy;
 - 7) Those who maintain a valid NYS drivers license, excluding conditional or restricted licenses
 - a) Any suspension or revocation of ones driver's license will result in immediate loss of the employee's status as an authorized County driver. Status as an authorized driver will be automatically reinstated upon restoration of unconditional license;
 - 8) Those who have been involved in an at fault incident(s) with a County vehicle where no convictions were issued *but* the incident(s) resulted in damage in excess of \$2,500 from a single incident or multiple incidents within a 12 month period will no longer be considered authorized drivers and must be reviewed by the Risk Management Steering Committee who will provide a recommendation to the Department Head. The Department Head will then determine the employee's status as an authorized driver of County vehicles or their own vehicle on County business. Employees may appeal a Department Heads determination to the Personnel & Higher Education Committee of the Board of Supervisors; and
 - 9) Those with Commercial Motor Vehicle Licenses, if using the license in the scope of their duties, that have successfully passed a Commercial Motor Vehicle License physical exam within the last 12 months and provided proper medical examination certificate to the County.
- B. Volunteers, clients, members of employees' families, etc. are not authorized to operate County owned vehicles, except volunteer County employees and unpaid interns who hold a valid New York State driver's license shall be authorized to operate County owned vehicles for:
 - 1) Veteran's Services for such purposes as may be authorized by Executive Law Section 358 of Veteran's Affairs;
 - 2) for persons participating in Countryside Adult Home programs whether such is directly sponsored by Countryside Adult Home or some other governmental or non-governmental entity; and
 - 3) unpaid interns working at the Department of Social Services.
- C.
 - 1) County vehicles shall be utilized for official purposes only. Persons on official business for the

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County or being transported for purposes of furthering County business, an official departmental function or a County agency sponsored or operated program may ride in County vehicles. In addition, officials or employees from governmental entities other than Warren County, such as from the federal, state or local governments (e.g.; other counties, towns, cities, villages, school districts, etc.) or a non-profit organization provided such non-profit organization is engaged in activity involving or related to County activities including but not limited to promoting the County may ride in County vehicles when accompanying County officials to a meeting, event, destination, or similar place, and such will be considered using the vehicle for official purposes or in furtherance of County business, since it fosters communication, shared governmental services and supports intergovernmental relationships and furthers the interests of the County. Picking up hitchhikers is prohibited. Examples of circumstances where non-County personnel may ride in County vehicles include but are not limited to:

- a) Health Services Department Staff taking students from contracted educational settings as passengers in County vehicles for clinical experience;
 - b) Veterans who ride in the Veterans' Services' van pursuant to program identified in subparagraph II(B) hereof;
 - c) Persons riding in Veterans' Services' vans pursuant to arrangements made with the Department of Social Services;
 - d) Residents of Countryside Adult Home transported by County vehicle for any event or purpose whether such is directly sponsored by Countryside Adult Home or some other governmental or non-governmental entity for the general benefit of Countryside Adult Home residents;
 - e) Office for the Aging may transport advisory council members and/or senior citizens to meetings, conferences, etc. at the discretion of the Director;
 - f) District Attorney personnel transporting witnesses;
 - g) Department employees who wish to carpool with other County Officials not from Warren County when the purpose is furthering County business;
 - h) Youth being transported to various programs and seminars by the Department of Social Services;
 - i) Children or clients being transported in County vehicles by DSS staff; and
 - j) Officials or employees from governmental entities other than Warren County, such as from federal, state or local governmental entities or non-profit organizations engaged in activities involving or relating to County activities; and
 - k) Veterans employees may transport persons pursuant to the Peer to Peer Program.
- 2) Unauthorized personnel may not be transported. Uses not specifically described but consistent with the intent of this policy may be allowed by the Chairman of the Board of Supervisors whose determination of whether the use is consistent and/or allowed within this policy shall be final and binding.
- D. 1) Authorization is hereby granted for the following individuals to take County vehicles home on a daily basis due to the nature of their responsibilities:
- a) Department of Public Works:
 - 1) Highway Construction Supervisors II
 - 2) Superintendent of Public Works
 - 3) Highway Manager
 - b) Health Services: Nurses upon approval of the Director of Public Health/Patient Services
 - c) Sheriff's Office:
 - 1) Sheriff

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- 2) Undersheriff
 - 3) Major
 - 4) Lieutenant - Criminal Investigators
 - 5) Lieutenant - Law Enforcement
 - 6) K-9 Officers (2)
 - 7) Narcotics Officers (5)
 - 8) Civil Officers (2)
 - 9) Investigators
 - d) Fire Prevention & Building Code Enforcement:
 - 1) Building Inspectors (2)
 - e) Office of Emergency Services
 - 1) Director
- 2) Whenever authorization has been provided to take County vehicles home, Department Heads or their designees must, on a quarterly basis, file with the Warren County Treasurer a report which details use of County vehicles by name of the employee, employee number and days the vehicle was used for the quarter reported.
- E. If authorization to take a County vehicle home is not provided in this Policy, the individual seeking to take a County vehicle to private residence overnight must receive the approval of the Department Head and the County Administrator. In the event that a Department Head desires to take a County vehicle to a private residence overnight, approval must be obtained from the County Administrator. Authorization to take vehicles home overnight pursuant to this paragraph shall be subject to the following requirements:
- 1) A detailed log or record shall be kept by the department setting forth the date(s) vehicles were authorized to be taken home under this Division (E), the name of the employee, the vehicle make or model and the reason or purpose. Such list shall also include employee's position, title and vehicle number.
 - 2) The log or record kept pursuant to Division (E)(1) hereof shall be furnished quarterly to the County Fleet Manager commencing April 1, 2005.
 - 3) If authorized, County vehicles shall be driven only to and from the place of residence to the work site. No subsidiary trips (e.g. grocery store) shall be allowed.
 - 4) An exemption is made for the Warren County Sheriff and Warren County Office of Emergency Services Director to authorize vehicles to be taken home on an as-needed basis for training and other matters, without requiring the approval of the County Administrator.
- F. All vehicles which are not authorized to be taken home under this policy shall be housed or stored at the site where the County Department or Division with jurisdiction over the vehicle has an office where officers or employees typically report to work. For example, Department of Public Works' vehicles would be expected to be housed or stored at the Department of Public Works building in Warrensburg. Vehicles used to support Airport or Parks, Recreation & Railroad Division site personnel would be expected to be housed or stored, respectively, at the Airport or Parks, Recreation & Railroad Division site. Exceptions to the requirements of this Division (F) shall be as follows:
- 1) The District Attorney vehicle assigned to the investigators shall be housed at the Warren County Municipal Center;
 - 2) Sheriff's vehicles may be housed or stored at the Municipal Center or substations as designated by the Sheriff;
 - 3) Five vehicles assigned to the Health Services Department for use by the nurses in northern part of the County shall be housed as follows: one in Stony Creek, one in North Creek, and three in Chester;
 - 4) One vehicle assigned to the Planning & Community Development Department for use by the Construction Cost Coordinator shall be housed in the area with the largest amount of Planning

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Activity for use on an as-needed basis; and

- 5) The Superintendent of Buildings vehicle to be housed in Warrensburg at the DPW shop.
- G. All County owned or leased vehicles must be properly marked with the official, non-removable, Joseph E. Warren insignia, except for those used in police work, the Office of Emergency Services the Social Services Department and the Health Services Department.
- H. No County vehicles shall be used for private or personal use. If an employee is in the field during a normal lunch break, they are to notify their supervisors that they are taking their lunch break and where they will be with the County vehicle.
- I. In addition to the log that must be kept on overnight usage, (*see Division (E)(1)*), the Department Head may require daily logs listing destinations, mileage and times must be maintained for all County vehicles covered by this Policy.
- J. Department Heads are hereby authorized to recommend more restrictive or detailed rules concerning the use of County vehicles assigned to their department but must appear before the Budget Committee to gain approval of the rules which change these rules/regulations. If approved, the Budget Committee may authorize immediate implementation of the requested department rule change but such shall still be then referred to the Board of Supervisors for modification of this policy. If the Board does not approve the rule change, the Budget Committee's immediate authorization of the requested department rule change shall be deemed revoked.
- K. All vehicles that are assigned to specific employees or groups of employees must be returned to the fleet for use by other County employees when an employee is on vacation or not otherwise using the same.
- L. If violations of the rules set forth above are proven, an employee's rights to operate a County owned vehicle may be revoked by the Budget Committee.
- M. Employees are expected to take all steps necessary to avoid endangering themselves and others while operating vehicles on County business. To ensure this, employees authorized to operate County vehicles are expected to:
- 1) Check that all vehicle occupants wear safety belts when the vehicle is in operation; and
 - 2) Not operate a vehicle that the driver suspects does not operate properly. The driver shall return and/or park the vehicle as may be appropriate and contact his or her Supervisor to make appropriate arrangements so that the vehicle can be towed or operated safely. If the Supervisor is not available, the employee shall contact the Warren County DPW maintenance department at 518-623-4142 or 518-761-6556.
- N. Drivers of County vehicles are also responsible for:
- 1) Checking that the vehicle is clean - no trash, good overall appearance;
 - 2) Checking that any tools, equipment or other items do not interfere with the driver's ability to operate the vehicle or pose threats in situations where the driver suddenly stops or swerves the vehicle or otherwise cause items in the vehicle to move around;
 - 3) Ensuring that the vehicle has current copy of the vehicle registration and the insurance card are in the vehicle and all required inspection stickers are up to date;
 - 4) Checking that both license plates are properly attached and visible at all times;
 - 5) Conducting daily visual inspection for obvious problems (flat tire, damage, leaks) before the start of the workday and during the workday when approaching the vehicle. An unsafe vehicle should not

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be operated until repairs are made;

- 6) Any additional pre or post trip inspection as directed by the Department Head; and
 - 7) Reporting any concerns regarding the County vehicle by using the form (Schedule B) at the end of this Policy.
- O. Drivers of County vehicles must follow respective laws governing motor vehicle operations including those regarding the use of cellular telephones. Drivers must refrain from any activity that may impede the driver's ability to focus on safely operating the vehicle while it is in motion. Drivers are personally responsible for any traffic citations; including EZ-Pass violations that may be issued as a result of operating a vehicle for County business.
- P. Drivers of County vehicles or other vehicles for County business must be free of alcohol and illegal drugs. This also includes prescription and non-prescription drugs that may impair a driver's judgement and other faculties.
- Q. Drivers must report all accidents and incidents while using a County vehicle to his or her immediate Supervisor. The driver's immediate Supervisor must report the accident or incident according to the County's Safety and Health Program Policy.

Should a motor vehicle incident or crash occur, the driver of a vehicle used for County business must:

- 1) Stop and investigate immediately;
 - 2) Set out warning devices if such are available and warranted under the circumstances;
 - 3) Notify the police (*call 911*) and immediate Supervisor;
 - 4) The driver must supply his or her name and exhibit operator's driver license to the proper authorities;
 - 5) If able, secure names and addresses of other involved, witnesses and first persons at the scene;
 - 6) If the driver strikes an unattended vehicle and the owner cannot be located, the driver must place his or her name and the address of the Warren County Department securely on the vehicle;
 - 7) The driver shall attempt to protect his or her vehicle from further damage and theft;
 - 8) The driver must comply with the drug-alcohol testing requirements of the County's Substance Abuse Policy(s) for motor vehicle drivers.
 - 9) Post-Accident Testing for drugs and alcohol shall be arranged by the Department Head and/or Human Resources and occur as soon as practicable following an occurrence involving a County driver if the accident involves a loss of human life.
 - 10) Post-Accident Testing for drugs and alcohol shall be arranged by the Department Head and/or Human Resources and occur as soon as practicable following an occurrence involving a County driver if the accident resulted in bodily injury to any person who as a result of the injury immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle and moving violation was issued by law enforcement;
 - 11) Employees with Commercial Motor Vehicle Licenses (CDL) must also comply with Warren County's Drug and Alcohol Policy.
- R. If you are the driver of a disabled County vehicle, you need to do the following:
- 1) Make sure that the vehicle is not impeding the flow of traffic and is not a safety hazard;
 - 2) Turn on the vehicles 4-way flashing hazard lights, if possible;
 - 3) Set-up the vehicles emergency safety triangles and safety cone, if available;
 - 4) Place a note that can be seen from the outside of the vehicle on the dash of the vehicle describing

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- the vehicles problem and drivers contact telephone or cell number;
- 5) Notify the local police department (911) of the vehicles location;
 - 6) Contact your direct supervisor; and
 - 7) Make arrangements to have the vehicle towed.
- S. No radar detection devices are to be used in any County owned, leased, borrowed or other vehicle used for County business. Drivers who are found to be using such devices may be subject to disciplinary action as determined by the Department Head or County Administrator and in accordance with bargaining agreements and Civil Service Law.
- T. All employees seeking to operate a County vehicle must have participated in a driver improvement program within the last 3 years. The driver improvement program can be the County's driver improvement training or other driver improvement training approved by New York State Department of Motor Vehicles or the County's Safety Officer. Incidents and accidents involving County vehicles or other vehicles used for County business may be reviewed by the County's Safety Officer and/or the Risk Management Steering Committee and a recommendation may be made in regards to additional driver improvement training.
- U. It will be the County Department Head's 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. The County Department Head will be responsible for obtaining the signed acknowledgment form that follows from the employees prior to using a vehicle for County business. The County Department Head will be responsible for determining each employee's eligibility under this policy as an authorized driver prior to vehicle use.
- V. County Department Heads or their designee shall notify (*using the proper form*) the Self-Insurance Department upon hire or termination of employees authorized to drive County vehicles or other vehicles for County business. The Self-Insurance Department will maintain the NYS DMV LENS database accordingly.
- W. The violation of any rule in the County Motor Vehicle Use Rules may result in disciplinary action in accordance with bargaining agreements and Civil Services Law.