

PERSONNEL, ADMINISTRATION & HIGHER EDUCATION COMMITTEE

AGENDA

MARCH 2, 2023

Committee Members: *Wild, Thomas, Frasier, Runyon, McDevitt, Beaty and Driscoll- 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. Motion to approve minutes of prior Committee meetings.
- III. Privilege of the Floor/Public Comment
- IV. **Action Agenda**
 - 1) **SUNY Adirondack representatives to provide an update on the College.**
 - 2) **Requests/Items to be Discussed by the Human Resources Director (Jackie Figueroa, Director):**
 - A) Review of report on tracking of vacancies filled.
 - B) Request to authorize the Warren County Treasurer's Office to administer the New York State Voluntary Defined Contribution Plan as mandated by New York State.
 - 3) **Request/Item to be Discussed by the County Attorney (Larry Elmen, County Attorney):**
 - A) Request to amend the Table of Organization and Salary Schedule to increase the salary of the Legal Office Coordinator position from \$60,064 to \$65,942 effective March 20, 2023.
 - B) Home Rule Request by Warren County for the enactment of Senate Bill No. S2781 and Assembly Bill No. A4881 entitled "An Act to Amend Chapter 368 of the Laws of 2008 Amending the Tax Law Relating to Authorizing the County of Warren to Impose an Additional Mortgage Recording Tax, in Relation to Extending the Effectiveness Thereof" (see attached proposed resolution).
 - C) Discussion regarding *County of Warren v. The Continental Insurance Company and Michael Easterbrooks*, NDNY 1:22-cv-328. Update on Memorandum-Decision and Order, dated February 17, 2023, which is enclosed. This is one of two actions seeking a Declaratory Judgement to enforce insurance coverage under insurance contracts from the 1970's.
 - 4) **Referrals from the Criminal Justice & Public Safety Committee (Chaired by Supervisor Geraci):**
Office of Emergency Services (Ann Marie Mason, Director) -
 - A) Request to amend the Table of Organization and Salary Schedule to increase the salary of the EMS Coordinator from \$8,223 to \$8,233 effective retroactive to January 1, 2023.
 - B) Request to amend the Table of Organization and Salary Schedule to increase the salary of the 2nd Deputy EMS Coordinator from \$8,223 to \$8,233 effective retroactive to January 1, 2023.
 - C) Request to amend the Table of Organization and Salary Schedule to increase the salary of the 3rd Deputy EMS Coordinator from \$8,223 to \$8,233 effective retroactive to January 1, 2023.**Public Defender (Gregory Canale, Public Defender) -**
 - D) Request to amend the Table of Organization and Salary Schedule to decrease the salary of Assistant Public Defender (3) from \$73,116 to \$71,015 effective March 20, 2023.
 - E) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Assistant Public Defender (10), *Annual Salary \$71,015*, effective March 20, 2023.
 - 5) **Referral from the Human Services Committee (Chaired by Supervisor Driscoll):**
Department of Social Services (Christian Hanchett, Commissioner) -

Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Assistant Social Services Attorney, Part-time - Temp., *Annual Salary \$77,708/37.36 hourly*, effective retroactive to February 21, 2023.
 - 6) **Request/Item to be Discussed by the County Administrator (John Taflan, County Administrator):**

Discussion regarding procedure that will be followed to fill the Director of Tourism position.

Continued

V. PERSONNEL, ADMINISTRATION & HIGHER EDUCATION: (Including SUNY Adirondack, Civil Service, Human Resources, Clerk of the Board and County Attorney)

SUNY ADIRONDACK:

No items this month.

PERSONNEL:

- 1) Warren County Workplace Violence Policy to be reviewed for additional updates. (03.03.22) Update: County Attorney to provide an update within a few months. (01.27.23)
- 2) Review of the Remote Work Policy established by Resolution No. 96 of 2021. (10.06.22) Update: It was noted an update would be provided within a few months. (01.27.23)
- 3) A joint meeting of the Personnel, Administration & Higher Education and Finance Committees to be scheduled to discuss changing the funding formula for SUNY Adirondack. (01.27.23)

CIVIL SERVICE:

No items this month.

HUMAN RESOURCES:

No items this month.

CLERK OF THE BOARD:

No items this month.

COUNTY ATTORNEY:

No items this month.

VI. Positions authorized for filling by Standing Committees since last meeting:

Fire Prevention & Building Code Enforcement - Code Enforcement Officer #1, *Grade 17, Base Annual Salary \$56,356*, due to retirement.

Planning & - County Planner, *Annual Salary \$81,600*, due to promotion.

Community Development - Assistant County Planner, *Annual Salary \$69,431*, due to promotion.

Development - Principle Planner, *Annual Salary \$69,431*.

Public Defender - Assistant Public Defender (3), *Annual Salary \$71,015*, due to resignation.

Social Services - Principle Social Welfare Examiner #2, *Grade 15, Base Annual Salary \$52,674*, due to retirement.

- Senior Social Welfare Examiner #TBD, *Grade 11, Base Annual Salary \$48,324*, due to promotion.

- Senior Account Clerk #6, *Grade 7, Base Annual Salary \$43,187*, due to resignation.

- Sr. Caseworker #8, *Grade 18, Base Annual Salary \$57,507*, due to resignation.

- Caseworker #TBD, *Grade 16, Base Annual Salary \$54,061*, due to promotion.

- Caseworker #4, *Grade 16, Base Annual Salary \$54,061*, due to transfer.

Workforce Development - Job Coach-temporary (summer), *Grade 6, Base Annual Salary \$41,213*.

VI. Privilege of the Floor/Public Comment

VII. Motion to adjourn

2023 - NOTICE OF INTENT TO FILL TRACKING

Personnel Cmte./ Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
7/29/2022	DPW	MEO (M) #1 (1245)	Converse	PR	\$ 45,880.00	\$ 39,246.00	1/2/2023	Binder	\$46,734.00	\$ 7,488.00	\$ 854.00
9/1/2022	County Clerk	MV Lic/Reg Clerk #10 (1117)	Bruno	RS	\$ 44,928.00	\$ 43,638.00	vacant				
9/1/2022	Employment & Training	Student to Careers Development Specialist (2729)	N/A	N	N/A	\$ 50,104.00	1/30/2023	Graney	\$50,104.00	\$ -	\$ -
10/6/2022	District Attorney	Legal Clerk II (2667)	Caivano	O	\$ 44,265.00	\$ 43,638.00	vacant				
10/6/2022	DPW	MEO (L) # 27 (2256)	Allen	RS	\$ 42,134.00	\$ 42,134.00	vacant				
10/6/2022	DPW	MEO (M) # 25 (2396)	Duell	RS	\$ 54,491.00	\$ 44,966.00	vacant				
10/6/2022	DPW	MEO (M) #5 (1246)	Bent	RS	\$ 46,281.00	\$ 44,966.00	1/2/2023	Blydenburgh	\$46,734.00	\$ 1,768.00	\$ 453.00
10/6/2022	Office for the Aging	Meal Site Cook # 4 (1938)	Seitz	O	\$ 31,572.00	\$ 31,581.00	vacant				
11/3/2022	DPW	MEO (L) # 2 (1239)	Neel JR	RS	\$ 42,134.00	\$ 42,134.00	1/16/2023	Hayes	\$53,058.00	\$ 10,924.00	\$ 10,924.00
11/3/2022	DPW	MEO (M) # 9 (1238)	Monroe	O	\$ 55,491.00	\$ 44,966.00	vacant				
11/3/2022	Information Technology	Computer Help Desk Tech I (1291)	Brownell	PR	\$ 57,757.00	\$ 57,757.00	vacant				
11/3/2022	Office of Community Services	Children and Youth SPOA Coordinator (2383)	Wright	PR	\$ 71,415.00	\$ 65,824.00	vacant				
11/3/2022	Office of Community Services	Deputy Director-Clinical (1622)	Coutu	RT	\$ 81,814.00	\$ 69,431.00	1/4/2023	Wright	\$77,446.00	\$ 8,015.00	\$ (4,368.00)
12/1/2022	Countryside	Institutional Aide # 12 (1870)	Porter			\$ 36,093.00	Still in position			\$ -	\$ -
12/1/2022	Countryside	Institutional Aide # 19 (2746)	N/A	N	N/A	\$ 36,995.00	vacant			\$ -	\$ -
12/1/2022	DPW	Assistant Naturalist Temp (2247)	Landry	O	13.1913/HR	17.4271/HR	vacant			\$ -	\$ -
12/1/2022	DPW	MEO (M) # 14 (1261)	Cameron	O	\$ 46,281.00	\$ 44,966.00	vacant			\$ -	\$ -
12/1/2022	Employment & Training	Office Specialist-PT (2613)	N/A	O	N/A	\$ 34,550.00	2/2/2023	Gibb	\$26,992.00	\$ (7,558.00)	\$ -
12/1/2022	Health Services	EI Service Coordinator (2459)	Bellizzi- Sharon	O	\$ 29,732.00	\$ 43,130.00	1/3/2023	Wilkie	\$43,130.00	\$ -	\$ 13,398.00
12/1/2022	Health Services	FTE Public Health Assistant # 2 (2736)	N/A	N	N/A	\$ 47,677.00	vacant			\$ -	\$ -
12/1/2022	Health Services	FTE Public Health Program Coordinator (2737)	N/A	N	N/A	\$ 57,507.00	vacant			\$ -	\$ -
12/1/2022	Health Services	PHN # 35 (2250)	Swan	RS	\$ 54,286.00	\$ 62,310.00	vacant			\$ -	\$ -
12/1/2022	Health Services	PHN # 8 (1546)	McAvey	RS	\$ 71,291.00	\$ 62,310.00	vacant			\$ -	\$ -
12/1/2022	Health Services	Public Health Nurse # 10 (1607)	Arnold	RS	\$ 71,535.00	\$ 62,310.00	vacant			\$ -	\$ -
12/1/2022	Health Services	RPN # 11 (2548)	Allocco	RS	\$ 65,733.00	\$ 59,426.00	vacant			\$ -	\$ -
12/1/2022	Health Services	RPN # 42 (2701)	N/A	N	N/A	\$ 59,426.00	vacant			\$ -	\$ -
12/1/2022	Health Services	RPN # 43 PT (2738)	N/A	N	N/A	\$ 36,547.00	vacant			\$ -	\$ -
12/1/2022	Health Services	Senior Account Clerk #2 (2399)	Baker	RS	\$ 53,058.00	\$ 42,134.00	vacant			\$ -	\$ -
12/1/2022	Information Technology	Computer Help Desk Tech II # 3 (2731)	N/A	N	N/A	\$ 64,188.00	1/17/2023	Povie	\$64,188.00	\$ -	\$ -
12/1/2022	Office of Emergency Services	2nd Deputy EMS Coordinator PT (1613)	Howe	RS	Quarterly	\$ 8,223.00	1/17/2023	Stone	\$8,223.00	\$ -	\$ -
12/1/2022	Office of Emergency Services	3rd Deputy EMS Coordinator PT (1612)	Tims	PR	Quarterly	\$ 8,223.00	1/17/2023	DeSimone	\$8,223.00	\$ -	\$ -
12/1/2022	Planning	County Planner (1958)	LaMothe	RS	\$ 107,637.00	\$ 81,600.00	vacant			\$ -	\$ -
12/1/2022	Public Defender	9th Assistant Public Defender (2608)	Duhaney	RS	\$ 77,808.00	\$ 77,708.00	vacant			\$ -	\$ -
12/1/2022	Social Services	Assistant SS Attorney # 2 (2370)	Gifford	RS	\$ 79,809.00	\$ 71,988.00	vacant			\$ -	\$ -
12/1/2022	Social Services	Community Services Worker-LTPT (20 hours) (2718)	Scott	RS	\$ 22,365.00	\$ 43,638.00	1/3/2023	Smith	\$22,365.00	\$ (21,273.00)	\$ -
12/1/2022	Social Services	Senior Support Investigator # 1 (1742)	Diamond	RT	\$ 58,890.00	\$ 48,324.00	2/20/2023	Hargraves	\$59,389.00	\$ 11,065.00	\$ 499.00
12/1/2022	Social Services	Social Welfare Examiner PT (2745)	N/A	N	N/A	\$ 41,213.00	2/6/2023	Meade	\$33,547.00	\$ (7,666.00)	\$ -
12/1/2022	Social Services	Sr Social Welfare Examiner # 12 (2269)	Kill	PR	\$ 59,890.00	\$ 48,324.00	2/6/2023	Record	\$55,468.00	\$ 7,144.00	\$ (4,422.00)
12/1/2022	Social Services	Sr. Social Services Investigator # 1 (2744)	N/A	O	N/A	\$ 50,300.00	vacant			\$ -	\$ -
1/27/2023	DPW	Building Maint. Worker # 2 (2142)	Spring	RS	\$ 43,187.00	\$ 43,187.00	vacant			\$ -	\$ -
1/27/2023	DPW	Sign Main. Supervisor (1203)	Meade	RT	\$ 69,507.00	\$ 56,356.00	2/20/2023	Monroe	\$68,007.00	\$ 11,651.00	\$ (1,500.00)
1/27/2023	DPW	HEO # 9 (1247)	Hayes	O	\$ 58,144.00	\$ 47,667.00	vacant			\$ -	\$ -
1/27/2023	DPW	Highway Construction Supervisor # 4 (2393)	Daly	O	\$ 59,137.00	\$ 48,983.00	2/21/2023	Bunting Jr	\$56,229.00	\$ 7,246.00	\$ (2,908.00)
1/27/2023	DPW	MEO (M) # 4 (1254)	Toll	PR	\$ 51,600.00	\$ 46,090.00	vacant			\$ -	\$ -
1/27/2023	DPW	MEO (M) # 7 (1256)	Webb	RS	\$ 48,882.00	\$ 46,090.00	vacant			\$ -	\$ -
1/27/2023	DPW	MEO (L) # 6 (1259)	Blydenburgh	PR	\$ 43,830.00	\$ 43,187.00	1/30/2023	Barrett	\$43,187.00	\$ -	\$ (643.00)
1/27/2023	DPW	MEO (L) # 13 (1263)	Riffle	RS	\$ 43,187.00	\$ 43,187.00	2/13/2023	Krick	\$43,187.00	\$ -	\$ -
1/27/2023	DPW	MEO (L) # 33 (2563)	Binder	PR	\$ 43,830.00	\$ 43,187.00	2/22/2023	Smith	\$43,187.00	\$ -	\$ (643.00)
1/27/2023	Office for the Aging	Meal Site Manager # 2 (1935)	Hill	RS	\$ 31,237.00	\$ 27,256.00	2/6/2023	Kostolni	\$27,256.00	\$ -	\$ (3,981.00)
1/27/2023	Office of Emergency Services	Assistant Emergency Services Coord. (2735)	N/A	N	N/A	\$ 47,667.00	1/1/2023	Pouliot	\$57,644.00	\$ 9,977.00	\$ -
1/27/2023	Office of Emergency Services	Deputy Director of Emergency Services (2734)	N/A	N	N/A	\$ 62,195.00	1/1/2023	Rivers	\$62,195.00	\$ -	\$ -

* (RT= Retired, RS= resigned, PR= promotion, O= Other, N= New)

2023 - NOTICE OF INTENT TO FILL TRACKING

Personnel Cmtc./ Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
1/27/2023	Social Services	Medicaid Clerk # 2 (2094)	Lorne	RT	\$ 45,596.00	\$ 39,766.00	vacant				
1/27/2023	Social Services	Supervising Support Investigator #2 (2305)	Mosher	RT	\$ 65,330.00	\$ 52,674.00	Still in position			\$ -	\$ -
1/27/2023	Social Services	Social Welfare Examiner #TBD		PR						\$ -	\$ -
1/27/2023	Social Services	Sr. Social Services Investigator # 1 (2744)	N/A	N	N/A	\$ 50,300.00	vacant				
1/27/2023	Social Services	Principal Social Welfare Examiner #4 (2741)	N/A	N	N/A	\$ 52,674.00	1/3/2023	Kill	\$64,830.00	\$ 12,156.00	\$ -
1/27/2023	Social Services	Caseworker #41 (2742)	N/A	N	N/A	\$ 54,061.00	1/24/2023	Gregory	\$54,061.00	\$ -	\$ -
1/27/2023	Social Services	Caseworker #42 (2743)	N/A	N	N/A	\$ 54,061.00	vacant			\$ -	\$ -
1/27/2023	Tourism	Principal Account Clerk (2747)	N/A	N	N/A	\$ 47,667.00	1/1/2023	Grant	\$58,644.00	\$ 10,977.00	\$ -
1/27/2023	Employment & Training	Employment & Training Coordinator (2614)	Galeno	PR	\$ 44,928.00	\$ 44,729.00	vacant				
									Totals:	\$61,914.00	\$ 7,663.00

* (RT= Retired, RS= resigned, PR= promotion, O= Other, N- New)

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: Human Resources

DATE: February 23, 2023

- (a) Purpose of Request: **Resolution to authorize Warren County Treasurer's office to administer the New York State Voluntary Defined Contribution Plan as madated by NYS.**
- (b) Details: **The NYSVDC is an alternative state sponsored retirement plan for certain qualified employees.**
- (c) Previous Resolution Number: **n/a**
- (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

RESOLUTION REQUEST FORM NO. 13***Request to Increase or Decrease Salary of Non-Union Position*****DEPARTMENT NAME: County Attorney****DATE: 3/2/2023**

- (a) Employee Name, Title and Employee No.:
Amy Turcotte, Legal Office Coordinator, E#13263
- (b) Current Annual **Base** Salary (and Grade if Applicable):
Increase to \$65,942
- (c) Former Annual **Base** Salary (and Grade if Applicable):
Increase from \$60,064
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
3/20/2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:
A.1420 110 Law (County Attorney), Salaries Regular
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded within the current budget:
- (g) Is there expected revenue from this position? YES NO
If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
The grade assignment of "11" indicates that the position is comparable to the Deputy Director Real Property, Deputy Insurance Adjuster, and 1st Deputy County Clerk

LEGAL OFFICE COORDINATOR

DISTINGUISHING FEATURES OF THE CLASS: An employee in this position serves as the principal advisor to the County Attorney concerning the daily non-legal administration activities of the Law Department and as the Law Department's day-to-day liaison with the Chairman of the Board of Supervisors and Department Heads concerning: legislative requirements and pending actions; contract drafting, execution, extensions, and coordination; and County and State regulatory compliance. Responsibilities include managing daily non-legal operations for the Law Department to include budgetary, financial, purchasing, records management and office workflow. The employee engages in independent coordination and consultation with and between County Officers, Department Heads, department staff, and the County's vendors. Performance of duties requires the ability to work independently and exercise good judgment regarding the identification and resolution of conflicts which arise between different parties involved in the legislative process and/or contracting process. The work is performed with the highest ethical standards under the general supervision of the County Attorney with wide leeway allowed for independent judgment in accordance with established policies and procedures. Performs other tasks as assigned by County Attorney.

TYPICAL WORK ACTIVITIES: (Illustrative Only)

Serves as Law Department liaison between Law Department, other County Departments, and elected leaders.
 Collects, coordinates and completes draft contracts, amendments, and extension agreements for all County contracts before final attorney review and ensures execution by all parties;
 Independently identifies key information required for County legislative actions and contractual agreements, ensures vendor compliance with legislative requirements and contractual prerequisites for contract execution and subsequent contract extensions; manages and tracks same;
 Identifies and communicates with County Department Heads and staff concerning contract provisions before and after committee action, after Board of Supervisors approval, and during drafting of approved contracts;
 Prepares County legislative documents, to include all resolutions approved through committee process, to include review of prior resolutions involving same subject matter, review of committee meeting recordings, identification of potential issues or conflicts, and initiates discussions with Department Heads and Law Department attorneys to resolve identified issues prior to final attorney review and publication to the public;
 Prepares budget estimates for future budget years, tracks budget expenses during current year; receives and reviews all vendor invoicing to Law Department and processes for timely payment; manages purchases required for Law Department;
 Maintains office databases and information concerning all Law Department legal matters;
 Performs administrative and legal tasks, as required, and at direction of County Attorney.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Thorough knowledge of governmental organization and the County's legislative and administrative processes and techniques; Thorough knowledge of the policies, procedures, programs and objectives of Law Department; Thorough knowledge of modern law office best practices, workflows, practice management software application and use; knowledge of legal forms and legal terminology; Good working knowledge of budgetary process and County financial database; Ability to identify critical operating problems and to formulate and effectively implement realistic solutions for ongoing operations with minimum disruption to Law Department staff; Ability to act independently and carry out complex oral and written instructions; Ability to establish and maintain effective working relationships; Ability to coordinate workflow with staff; Ability to coordinate timely attorney review of legal documents; Ability to maintain and improve office practice management system; Ability to use computer applications such as spreadsheets, word processing, e-mail and database software; Ability to maintain strict confidentiality; Personal attributes include: Integrity, tact, resourcefulness, sound judgment, initiative and sensitivity to others.

MINIMUM QUALIFICATIONS: Either:

Bachelor Degree in Arts, Sciences, Business, Paralegal Studies, or related fields and four years of relevant government or law office employment managing office operations and performing skills similar to the typical work activities; or

Associate's Degree in Arts, Sciences, Business, Paralegal Studies, or related fields and six years of relevant government or law office employment managing office operations and performing skills similar to the typical work activities; or

Graduation from high school or possession of a high school equivalency diploma, and eight years of relevant government or law office employment managing office operations and performing skills similar to the typical work activities.

2023 BUDGET - PERSONNEL REQUEST

DEPARTMENT NAME: COUNTY ATTORNEY OFFICE

BUDGET CODE: A.1420.100

TITLE OF POSITION: LEGAL OFFICE COORDINATOR (Civil Service)

FOR NEW POSITIONS:(a) Annual Base Salary (and Grade if Applicable): \$65,942.00 (grade 11/Increment 5). See attached Job Description.

1. The current titled position of "Special Assistant to the County Attorney" is a temporary one-year out of unit scheduled to expire on November 7, 2022. The County Attorney will seek the Board of Supervisors to extend the out-of-unit position through December 31, 2022.
2. The current title was created to provide the County Attorney time to assess the current structure and staffing for the Office before committing to the titles and responsibilities for each position.
3. The proposed job description for Legal Office Coordinator accurately reflects the duties and responsibilities required to be performed for this position. This position is not a Legal Assistant and the position requires a significantly more advanced skill set to include soft skills and interpersonal skills often not found in a Legal Assistant.
4. The position is not a management position, but will manage the Law Department's day-to-day operations without direct supervision of any County employees. This position requires similar skills and attributes as a manager would possess.
5. The Grade assignment of "11" indicates that the position is comparable to the Deputy Director Real Property (Grade "11"), Deputy Insurance Adjuster (Grade "11"), and 1st Deputy County Clerk (Grade "11")
6. This position will be offered to the current Special Assistant to the County Attorney, effective January 1, 2023.

(b) Positions Deleted: Special Assistant to the County Attorney (Out-of-Unit Position until 11/7/2022)

Current salary for position to be deleted: \$56,988.00

(c) Is this a mandated position? No.

(d) Is there expected revenue from position? No.

PERSONNEL OFFICER AND HUMAN RESOURCE DIRECTOR REVIEW
(Must be initialed before being presented to Budget Team)

Personnel Officer has Reviewed/Approved this form when initialed: PCW 8/24/22HR Director has Reviewed/Approved this form when initialed: AJ 8/24/22

Salary Schedule

Budget Year 2023

Budget Year	2023			
Position Title	Departmental Request	Budget Officer's Recommendation	Tentative Budget	Adopted County Budget
A.1420 - General.Law (County Attorney)				
1st Assistant County Attorney				0
2nd Assistant County Attorney				0
3rd Assistant County Attorney				0
County Attorney				0
Legal Assistant #2	49091.00	49091.00	49091.00	49091.00
Legal Office Coordinator	0.00	60064.00	60064.00	60064.00
Secretary to the County Attorney	51268.00	56988.00	56988.00	56988.00
Special Asst to County Attorney	51268.00	0.00	0.00	0.00
SubTotal	507904	571381	571381	571381

Warren County Board of Supervisors

RESOLUTION NO. ___ OF 2023

Resolution introduced by Supervisors Wild, Thomas, Frasier, Runyon, McDevitt, Beaty and Driscoll

HOME RULE REQUEST BY WARREN COUNTY FOR THE ENACTMENT OF SENATE BILL NO. S2781 AND ASSEMBLY BILL NO. A4881 ENTITLED "AN ACT TO AMEND CHAPTER 368 OF THE LAWS OF 2008 AMENDING THE TAX LAW RELATING TO AUTHORIZING THE COUNTY OF WARREN TO IMPOSE AN ADDITIONAL MORTGAGE RECORDING TAX, IN RELATION TO EXTENDING THE EFFECTIVENESS THEREOF"

WHEREAS, the Warren County Board of Supervisors, on behalf of the County, desires to request enactment of Senate Bill No. S2781 and Assembly Bill No. A4881, entitled "An Act to amend chapter 368 of the laws of 2008 amending the tax law relating to authorizing the County of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof", a copy of Assembly Bill No. A4881 and Senate Bill No. S2781 being on file with the Clerk of the Board of Supervisors, and

WHEREAS, the local government, Warren County, does not have the power to enact such legislation by local law, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors, on behalf of the County of Warren, pursuant to Article 11 of the Constitution, hereby requests the Legislature to enact Senate Bill No. S2781 and Assembly Bill No. A4881, said bills entitled "An Act to amend chapter 368 of the laws of 2008 amending the tax law relating to authorizing the County of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof", and a copy of Assembly Bill No. A4881 and Senate Bill No. S2781 being on file with the Clerk of the Warren County Board of Supervisors and also being available at this meeting of the Board of Supervisors, and be it further

RESOLVED, that it is hereby declared that a necessity exists for the enactment of such legislation in that the local government, Warren County, does not have the power to enact such legislation by local law, and be it further

RESOLUTION NO. ____ OF 2023**PAGE 2 OF 2**

RESOLVED, that the Clerk of the Board of Supervisors be, and he hereby is, authorized to complete the Municipal Home Rule Request form, complete the certification contained thereon, and indicate that the Board of Supervisors has voted in favor of the Municipal Home Rule Request stated therein, and transmit the same together with this resolution to the Senate and the Assembly.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

COUNTY OF WARREN,

Plaintiff,

1:22-cv-00328 (BKS/DJS)

v.

THE CONTINENTAL INSURANCE COMPANY and
MICHAEL EASTERBROOKS,

Defendants.

Appearances:

For Plaintiff:

Lawrence Elmen
Warren County Attorney
1340 State Route 9
Lake George, NY 12845

For Defendant CIC:

Janet Jakyung Lee
CNA
125 Broad Street
New York, NY 10004

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

I. INTRODUCTION

On February 1, 2022, Plaintiff County of Warren filed a complaint in New York State Supreme Court, Warren County, against CNA Financial Corporation (“CNA”) and Michael Easterbrooks seeking a declaratory judgment that CNA Financial Corporation breached duties to defend and indemnify under an insurance contract. (Dkt. No. 2). CNA filed a notice of removal on April 6, 2022, asserting diversity jurisdiction under 28 U.S.C. § 1332.¹ (Dkt. No. 1).

¹ CNA’s Notice of Removal states that Warren County is a New York municipal corporation with its principal place of business in New York, and that CNA Financial Corporation is organized under the laws of Delaware, with its

Subsequently, the parties stipulated to the substitution of The Continental Insurance Company (“CIC”) in place of CNA.² (Dkt. Nos. 5, 6). On May 17, 2022, Plaintiff filed an Amended Complaint, adding claims for declaratory judgment that CIC’s denial of coverage violated its duty of good faith and fair dealing and for “entry of an order of attorney fees and costs incurred based upon” CIC’s breach of contract. (Dkt. No. 13). CIC moves under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff’s claim alleging breach of the implied covenant of good faith and fair dealing and moves under Rule 12(f) to dismiss or strike the monetary damage relief sought. (Dkt. No. 14). The parties have filed responsive briefing. (Dkt. Nos. 17, 18). For the reasons that follow, CIC’s motion to dismiss is granted and its motion to strike is denied.

II. FACTS³

On August 10, 2021, Michael Easterbrooks named Plaintiff as a defendant in a lawsuit in New York state court (the “Underlying Action”). (Dkt. No. 13, ¶ 9). Pursuant to N.Y. C.P.L.R. § 214-g, which reopened New York’s statute of limitations to allow sexual abuse victims additional time to assert otherwise time-barred claims, *see Jones v. Cattaraugus-Little Valley*

principal place of business in Illinois. (Dkt. No. 1, ¶¶ 9, 12 n.1); *see Wright v. Musanti*, 887 F.3d 577, 585 (2d Cir. 2018) (“[I]n cases removed to federal court from state court on the basis of diversity jurisdiction, diversity of citizenship need be established only at the time of removal.”). Thus, Plaintiff and CNA Financial Corporation are diverse. *OneWest Bank, N.A. v. Melina*, 827 F.3d 214, 217–18 (2d Cir. 2016). The Notice further indicates that Easterbrook is “an interested party only from whom no relief is sought” and thus he “is a nominal defendant whose citizenship has no bearing on diversity and his consent to removal is not required.” (Dkt. No. 1, ¶ 12 (footnote omitted)). In determining if diversity exists, courts disregard a nominal party. *Zerafa v. Montefiore Hosp. Housing Co., Inc.*, 403 F. Supp. 2d 320, 325 (S.D.N.Y. 2005). Because Plaintiff has not asserted a claim against Easterbrooks and he is merely the underlying claimant, he is a nominal defendant in this action. *See Pac. Westeel Racking Inc. v. Evanston Ins. Co.*, No. 06-cv-14243, 2008 WL 400935, at *3, 2008 U.S. Dist. LEXIS 11053, at *9 (S.D.N.Y. Feb. 14, 2008) (finding an “underlying personal injury claimant” in an insurance coverage action a nominal party where the “plaintiffs [did] not assert any cause of action against” the underlying claimant). The Court therefore disregards Easterbrooks’s citizenship and concludes that it has diversity jurisdiction.

² Neither party disputes that CIC is the successor in interest to the insurance policies at issue and therefore the real party in interest. (Dkt. No. 5). For the sake of simplicity, the Court refers only to CIC throughout this decision.

³ The facts are drawn from the Amended Complaint and its attached exhibits. *DiFolco v. MSNBC Cable L.L.C.*, 622 F.3d 104, 111 (2d Cir. 2010) (citations omitted). The Court assumes the truth of, and draws reasonable inferences from, the well-pleaded factual allegations. *Faber v. Metro. Life Ins. Co.*, 648 F.3d 98, 104 (2d Cir. 2011).

Cent. Sch. Dist., No. 19-cv-707, 2022 WL 2124608, at *3, 2022 U.S. Dist. LEXIS 105107, at *8 (W.D.N.Y. June 13, 2022), Easterbrooks alleged that Plaintiff breached duties to him “on, about or between the time periods of 1970-71, 1975-76, and 1979-80,” (Dkt. No. 13, ¶¶ 9–10). On September 8, 2021, Plaintiff was served with Easterbrooks' lawsuit. (*Id.* ¶ 11). Plaintiff filed a motion to dismiss the lawsuit on September 28, 2021, which was denied on November 30, 2021. (*Id.* ¶¶ 32–33; Dkt. No. 13-5).

Following September 8, 2021, Plaintiff “attempted to identify insurance coverage and policy information for the years covering 1970 through 1980.” (Dkt. No. 13, ¶ 12). Plaintiff alleges that it complied with all New York State document retention policies, but the modification of New York State statutes of limitations was “unforeseeable” and there was no “electronic storage and document retention available to [Plaintiff] from 1970 [to] 1980.” (*Id.* ¶¶ 15–17). Accordingly, after being sued by Easterbrooks, Plaintiff had to manually search for insurance-related documents. (*Id.* ¶ 17).

Plaintiff “discovered documents reporting liability insurance policy declarations for general liability coverage from April 1, 1974 to April 1, 1978 and extended umbrella liability insurance policy coverage from September 8, 1976 to September 8, 1978.” (*Id.* ¶ 17). The declarations indicated that Plaintiff entered into insurance contracts for insurance coverage with Firemen’s Insurance Company of Newark, New Jersey (“FICN”). (*Id.*). Plaintiff alleges that it purchased: (1) general liability insurance coverage from FICN from April 1, 1974 to April 1, 1978 “with comprehensive general liability coverage” up to \$500,000, and (2) umbrella liability coverage from September 8, 1976 to September 8, 1978, of \$1,000,000. (*Id.* ¶¶ 21–22). Further, Plaintiff alleges “upon information and belief, that at all time[s] relevant,” the coverage included

coverage for the type of claims in the Underlying Action. (*Id.* ¶ 14). Defendant CIC is the successor in interest to policies of insurance underwritten by FICN. (*Id.* ¶¶ 3, 8).

On December 3, 2021, Plaintiff tendered the lawsuit to CIC and its agents “seeking for [CIC] to indemnify [Plaintiff] and provide a defense as required” by the declarations and insurance contracts. (*Id.* ¶ 23). On December 23, 2021, CIC issued a letter to Plaintiff “disclaim[ing] and den[y]ing] coverage under the insurance contracts in effect from April 1, 1974 through September 8, 1978. (“Denial of Coverage Letter”). (Dkt. No. 13-3, at 2; *see* Dkt. No. 13, ¶ 25). CIC “determined that there is no coverage for the lawsuit based on [Plaintiff’s] . . . failure to provide timely notice of the occurrence, claim or suit, and based on [Plaintiff’s] failure to forward suit papers.” (Dkt. No. 13-3, at 2; Dkt. No. 13, ¶ 26). CIC cited to the fact that Plaintiff “did not place CNA [Financial Corporation] on notice of the [] lawsuit until almost 3 months after it was served.” (Dkt. No. 13-3, at 3).

In the Denial of Coverage Letter, CIC stated that Plaintiff “provided information alleging that . . . policies were issued to [Plaintiff] as named insured,” which “indicat[ed] that [FICN] issued polic[i]es to [Plaintiff] for primary insurance from April 1, 1974 to April 1, 1978.” (Dkt. No. 13-3, at 2; Dkt. No. 13, ¶ 27). The Denial Letter also stated that Plaintiff “provided excess materials from September 8, 1976 to September 8, 1978.” (Dkt. No. 13-3, at 2). However, Plaintiff “did not provide the terms and conditions, including an insurance agreement for all of the policies,” and CIC “ha[d] been unable to locate copies of any liability policies issued to [Plaintiff] to date.” (*Id.* at 3; Dkt. No. 13, ¶ 29). In its denial letter CIC listed “pertinent provisions” of the policies including a provision that Plaintiff “bears a burden to prove and establish the existence, terms, conditions and provisions of any policy under which [it] claim[s] coverage.” (Dkt. No. 13-3, at 4).

III. CHOICE OF LAW ANALYSIS

CIC, relying on New York law, moves to dismiss Plaintiff's breach of the implied covenant of good faith and fair dealing claim, Plaintiff's request for consequential damages, and Plaintiff's request for attorneys' fees. (Dkt. No. 14, at 5–9). Plaintiff responds that CIC's assumption that New York law applies to the action is an "unsupported legal conclusion," and claims that Delaware law and California law conflict with New York law.⁴ (Dkt. No. 17, at 12–13). In CIC's reply, it argues that, following a New York choice of law analysis, New York law should apply to Plaintiff's claims. (Dkt. No. 18, at 3–4 (citation omitted)).

A federal court "sitting in diversity jurisdiction must apply the law of the forum state to determine the choice-of-law." *Fieger v. Pitney Bowes Credit Corp.*, 251 F.3d 386, 393 (2d Cir. 2001) (citing *Klaxon Co. v. Stentor Elec. Mfg. Co.*, 313 U.S. 487, 496–97 (1941)). "In New York, the forum state in this case, the first question to resolve in determining whether to undertake a choice of law analysis is whether there is an actual conflict of laws." *Id.* (citing *Curley v. AMR Corp.*, 153 F.3d 5, 11 (2d Cir. 1998)); *see also In re Allstate Ins. Co. (Stolarz)*, 81 N.Y.2d 219, 223 (1993). An actual conflict exists where "the applicable law from each jurisdiction provides different substantive rules." *Fin. One Pub. Co. Ltd. v. Lehman Bros. Special Fin., Inc.*, 414 F.3d 325, 331 (2d Cir. 2005) (citing *Curley*, 153 F.3d at 12). If there is no conflict, as the forum state, New York law applies. *Wall v. CSX Transp., Inc.*, 471 F.3d 410, 422 (2d Cir. 2006). However, "[w]here the applicable law from each jurisdiction provides different substantive rules, a conflict of laws analysis is required." *Curley*, 153 F.3d at 12 (citations omitted).

⁴ Plaintiff claims that it has "no legal obligation or requirement to oppose CIC's motion to dismiss by researching and identifying the applicable State laws concerning the violation of the covenant of good faith and fair dealing for the remaining forty-seven (47) potential States of incorporation for FICN." (Dkt. No. 17, at 16–17). However, Plaintiff has not alleged that any other state is relevant to the choice-of-law analysis.

“New York ‘looks to the “center of gravity” of a contract to determine choice of law.’” *AEI Life LLC v. Lincoln Benefit Life Comp.*, 892 F.3d 126, 135 (2d Cir. 2018) (quoting *Forest Park Pictures v. Universal Television Network, Inc.*, 683 F.3d 424, 433 (2d Cir. 2012)). “The ‘center of gravity’ in an insurance contract dispute is generally the state where the insured risk is located.” *Liberty Mut. Ins. Comp. v. Fairbanks Comp.*, 170 F. Supp. 3d 634, 642 (S.D.N.Y. 2016).

Here, Plaintiff cites to the law of Delaware, the state of incorporation of CNA Financial Corporation. (Dkt. No. 17, at 12–13). However, Plaintiff has not provided any basis for finding that the Court should consider the state law of the incorporation of CNA Financial Corporation, as Plaintiff alleges that CIC is the successor in interest to the relevant policies, which were underwritten by FICN, and the parties agree that CIC is the real party in interest. (Dkt. No. 1, ¶ 3; Dkt. No. 5).⁵

Even if Delaware law should be considered and there were an actual conflict, the Court concludes that New York law applies because the “center of gravity” in this contractual dispute is New York. Plaintiff alleges that CIC breached an insurance contract, (Dkt. No. 13, ¶¶ 10, 13, 26–31), and thus the center of gravity is generally where the insured risk is located, *see Liberty Mut. Ins. Comp.*, 170 F. Supp. 3d at 642. The insurance contracts at issue are liability insurance policies insuring Plaintiff – a New York municipal corporation with its principal place of

⁵ Nor has Plaintiff cited to support for its claim of an actual conflict between New York law and Delaware law. Plaintiff argues that under New York choice of law, “the law of the state of incorporation governs an allegation of breach of fiduciary duty owed to a corporation.” (Dkt. No. 17, at 14 (citation omitted)). But there is no allegation of breach of fiduciary duty to CNA Financial Corporation here, (Dkt. No. 13), and New York’s choice of law analysis requires determining “whether there is an actual conflict of laws on *the issues presented*,” *Fed. Ins. Co. v. Am. Home Assurance Co.*, 639 F.3d 557, 566 (2d Cir. 2011) (emphasis added).

Plaintiff also argues that there is an actual conflict between California law and New York law. (Dkt. No. 17, at 13, 16). However, Plaintiff neither argues that California law applies in this action nor alleges facts showing a connection between California and this action. (*See generally id.*).

business in New York. (Dkt. No. 13, ¶ 1, 19). Thus, the dispute’s center of gravity is New York, and New York’s substantive law governs. *See Phoenix Ins. Co. v. Minelli Constr. Co. Inc.*, No. 20-cv-2765, 2021 WL 3275903, at *3, 2021 U.S. Dist. LEXIS 120720, at *6 (E.D.N.Y. June 28, 2021) (finding that the center of gravity in an insurance dispute was New York where policy insured the defendant’s business activities and it was a New York corporation with its principal place of business in New York), *report-recommendation adopted by* 2021 WL 3269055, 2021 U.S. Dist. LEXIS 142769 (E.D.N.Y. July 30, 2021).

IV. MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

A. Standard of Review

To survive a motion to dismiss under Rule 12(b)(6) for failure to state a claim, “a complaint must provide ‘enough facts to state a claim to relief that is plausible on its face.’” *Mayor v. City Council of Balt. v. Citigroup, Inc.*, 709 F.3d 129, 135 (2d Cir. 2013) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Mere “labels and conclusions” are insufficient; rather, a plaintiff must provide factual allegations sufficient “to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555. The Court must accept as true all factual allegations in the complaint and draw all reasonable inferences in the plaintiff’s favor. *See EEOC v. Port Auth.*, 768 F.3d 247, 253 (2d Cir. 2014) (citing *ATSI Commc’ns, Inc. v. Shaar Fund, Ltd.*, 493 F.3d 87, 98 (2d Cir. 2007)). However, “the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

B. Materials Outside the Complaint

CIC attaches to its motion one document that Plaintiff did not attach to its complaint. (Dkt. No. 14-2). Thus, as a preliminary matter, the Court must decide whether to consider the document in resolving the motion to dismiss.

“Generally, consideration of a motion to dismiss under Rule 12(b)(6) is limited to consideration of the complaint itself.” *Faulkner v. Beer*, 463 F.3d 130, 134 (2d Cir. 2006). However, considering “materials outside the complaint is not entirely foreclosed on a 12(b)(6) motion.” *Id.* A complaint “is deemed to include any written instrument attached to it as an exhibit or any statements or documents incorporated in it by reference.” *Nicosia v. Amazon.com, Inc.*, 834 F.3d 220, 230 (2d Cir. 2016) (quoting *Chambers v. Time Warner, Inc.*, 282 F.3d 147, 152 (2d Cir. 2002)). “Where a document is not incorporated by reference, the court may nevertheless consider it where the complaint relies heavily upon its terms and effect, thereby rendering the document integral to the complaint.” *Id.* (quoting *DiFolco v. MSNBC Cable L.L.C.*, 622 F.3d 104, 111 (2d Cir. 2010) (internal quotation marks omitted)). Even where a document is integral to the complaint, it must be “clear” that “no dispute exists regarding the authenticity or accuracy of the document” and that “there exist no material disputed issues of fact regarding the relevance of the document.” *Faulkner*, 463 F.3d at 134. “[I]f material is not integral to or otherwise incorporated in the complaint, it may not be considered unless the motion to dismiss is converted to a motion for summary judgment and all parties are ‘given a reasonable opportunity to present all the material that is pertinent to the motion.’” *Id.* (quoting Fed. R. Civ. P. 12(d)).

CIC attaches Form 6680B,⁶ which it describes as “a policy form corresponding to a form number on the policy documents” attached to Plaintiff’s complaint. (Dkt. No. 14, at 4; Dkt. No. 14-2). However, in CIC’s reply, it explained that while Form 6680B “*may* indicate the terms and conditions of a policy issued to the [Plaintiff], the actual insurance policies alleged by [Plaintiff] have not been located.” (Dkt. No. 18, at 5 (emphasis added)). Because it is unclear whether Form

⁶ The parties interchangeably refer to the document as “Form 6680B” and “Form 6680D.” (Dkt. No. 14, at 4; Dkt. No. 17, at 9–10, 19–21; Dkt. No. 18, at 5). The Court will refer to the document as Form 6680B.

6680B represented the terms and conditions for the Insurance Policies, the Court will not consider the document in deciding the motion to dismiss for failure to state a claim.⁷

C. Breach of Implied Covenant of Good Faith and Fair Dealing

CIC moves to dismiss Plaintiff's breach of implied covenant of good faith and fair dealing claim because it is duplicative of its breach of contract claim, (Dkt. No. 14, at 5–6), and because Plaintiff fails to plausibly allege such a claim, (*id.* at 6–8). Plaintiff responds that it has plausibly alleged conduct sufficient to find that CIC breached the implied covenant. (Dkt. No. 17, at 17–21).

Under New York law, it is well-settled that there is no “separate cause of action for breach of the implied covenant of good faith and fair dealing when a breach of contract claim, based upon the same facts, is also pled.” *Harris v. Prudential Life & Co.*, 310 F.3d 73, 81 (2d Cir. 2002). Rather, a breach of this covenant is “merely a breach of the underlying contract.” *Id.* at 80 (quoting *Fasolino Foods Co. v. Banca Nazionale del Lavoro*, 961 F.2d 1052, 1056 (2d Cir. 1992)). Thus, to establish that an insurance company breached the implied covenant of good faith and fair dealing, a plaintiff “must plead facts supporting the inference that [the insurer] breached a duty to plaintiff that existed independently of the insurance contract.” *Northwell Health, Inc. v. Lexington Ins. Co.*, 550 F. Supp. 3d 108, 121 (S.D.N.Y. 2021) (alteration in original) (citation omitted).

Plaintiff alleges that CIC breached the implied covenant of good faith and fair dealing because the Denial of Coverage Letter “lacked any reasonable basis by [] CIC[] to deny

⁷ Plaintiff argues that the Court may consider CIC's answer to Plaintiff's original complaint. (Dkt. No. 17, at 12; *see* Dkt. No. 8). The Court notes that CIC admitted in its answer that primary insurance policies were in place between April 1, 1974 and April 1, 1976, and between April 1, 1977 and April 1, 1978, and that these policies contained Form 6680B as referenced on the declarations pages. (Dkt. No. 8, ¶ 15). Because the Court has assumed the truth of the facts alleged in the Amended Complaint, however, it finds it unnecessary to consider CIC's admissions in the answer.

[Plaintiff] the benefits provided by the [Insurance Policies] to include [Plaintiff's] affirmative obligation to assume the defense and costs of defense.” (Dkt. No. 13, ¶ 49). This claim is based upon the same facts as the breach of contract claim, which alleges that CIC breached the Insurance Policies by refusing to defend and indemnify Plaintiff in the Underlying Action. (*Id.* ¶¶ 39–41); compare *Converse v. State Farm Fire & Cas. Co.*, No. 21-cv-457, 2022 WL 976891, at *3, 2022 U.S. Dist. LEXIS 60485, at *8 (N.D.N.Y. Mar. 31, 2022) (dismissing an implied covenant of good faith and fair dealing claim as duplicative where the implied covenant claim alleged that the insurance company “denied a valid claim” based on an “improper basis” and the breach of contract claim alleged that the insurance company “denied th[e] claim without reason”), with *Fishberg v. State Farm Fire & Cas. Co.*, No. 20-cv-6664, 2021 WL 3077478, at *3–4, 2021 U.S. Dist. LEXIS 135043, at *10–11 (S.D.N.Y. July 20, 2021) (denying a motion to dismiss an implied covenant of good faith and fair dealing claim as duplicative where the breach of contract claim “addressed [] the denial of insurance coverage,” but the implied covenant claim “addressed [] the process whereby [the insurance company] reached that result—the claim that it did not send an adjuster to the [p]remises”).

Plaintiff also alleges that CIC “failed to allege a good faith claim or basis for claiming prejudice” and that it “exhibited a gross disregard” for the insurance contracts. (Dkt. No. 13, ¶¶ 54, 55). These allegations “rehash[] [its] breach of contract claim[],” which alleges that CIC offered “meritless reasons for the denial of coverage.” *Northwell Health, Inc. v. Lexington Ins. Co.*, 550 F. Supp. 3d 108, 121–22 (S.D.N.Y. July 26, 2021) (citation omitted); (see Dkt. No. 13, ¶¶ 39–40); *Insituform Techs., LLC v. Liberty Mut. Ins. Co.*, No. 19-cv-6873, 2021 WL 307565, at *7–8, 2021 U.S. Dist. LEXIS 17641, at *23–24 (W.D.N.Y. Jan. 29, 2021) (dismissing an implied covenant claim as duplicative of a breach of contract claim where both claims alleged that the

defendants “failed to provide a defense and indemnification to [the plaintiff] in the [underlying] action”); *Quinn Fable Advert., Inc. v. Sentinel Ins. Co., Ltd.*, No. 17-cv-1795, 2018 WL 2436993, at *2, 2018 U.S. Dist. LEXIS 89770, at *5–6 (D. Conn. May 30, 2018) (dismissing an implied covenant claim as duplicative of a breach of contract claim under New York law where “[t]he alleged bad faith actions—that defendant delayed and denied the claim for baseless or invalid reasons—are incident to and intertwined with plaintiff’s core complaint that defendant failed to honor the insurance contract”). Thus, Plaintiff’s allegations that CIC breached the implied covenant of good faith and fair dealing are duplicative of its breach of contract claim.⁸

Accordingly, CIC’s motion to dismiss Plaintiff’s breach of implied covenant of good faith and fair dealing claim is granted.

V. MOTION TO STRIKE DAMAGES AND ATTORNEYS’ FEES

Under Federal Rule of Civil Procedure 12(f), a court “may strike from a pleading . . . any redundant, immaterial, impertinent, or scandalous matter.” Whether to grant or deny a Rule 12(f) motion is within the discretion of the district court. *Tucker v. Am. Int’l Grp., Inc.*, 936 F. Supp. 1, 15 (D. Conn. 2013) (citations omitted). “Although motions to strike under Rule 12(f) are generally disfavored and granted only if there is strong reason to do so, ample authority permits striking prayers for [] damages when such relief is unavailable as a matter of law.” *Berkley v. City of New Rochelle*, No. 21-cv-578, 2022 WL 784018, at *6, 2022 U.S. Dist. LEXIS 46069, at *17 (S.D.N.Y. Mar. 15, 2022).

⁸ The Court disregards arguments Plaintiff made in its briefing which are not based on allegations in the complaint, including an argument that the implied covenant claim could be based upon an argument CIC made in its motion to dismiss, (Dkt. No. 17, at 18–20; *see* Dkt. No. 14, at 7), and an assertion that the Denial of Coverage Letter “exemplifies the business practice and procedure of [Defendant] CIC to frustrate and prevent any legal actions by an insured party . . . from seeking to pursue legal rights against [Defendant] CIC for a denial of coverage by acting under the pseudonym of ‘CNA.’” (Dkt. No. 17, at 17–18). CIC notes that it has made “no effort to avoid liability based on arguments that [Plaintiff] was pursuing the wrong entity.” (Dkt. No. 18, at 4 n.2) (describing CNA as “a service mark” and noting that “CNA Financial Corporation is not an underwriting entity”).

In the Amended Complaint, Plaintiff seeks “costs, disbursements, and attorneys’ fees reasonably incurred” due to CIC’s failure to provide a defense in the Underlying Action. (Dkt. No. 13, at 12). CIC moves to strike Plaintiff’s request for attorneys’ fees incurred during the instant action to settle Plaintiff’s rights under the Insurance Policies. (Dkt. No. 14, at 8–9). However, Plaintiff responds that it seeks attorneys’ fees “incurred in the defense of the [Underlying Action] from December 23, 2021 through the future date of Judgment in favor of [Plaintiff].” (Dkt. No. 17, at 21–22). In reply, CIC agrees that “the [Plaintiff] could recover [defense expenses in the Underlying Action] from the date of its tender if it prevails here, [but] it may not recover other monetary relief” including expenses incurred in the instant action. (Dkt. No. 18, at 7).

Apparently, CIC moves to strike relief that Plaintiff does not seek. To the extent Plaintiff’s Amended Complaint seeks the relief CIC moves to strike, that relief is now abandoned because Plaintiff “fail[ed] to respond to [] [CIC’s] arguments” that the relief should be stricken. *Pincover v. J.P. Morgan Chase Bank, N.A.*, 592 F. Supp. 3d 212, 227 (S.D.N.Y. Mar. 22, 2022) (citations omitted).⁹

Accordingly, because the Amended Complaint does not appear to seek the relief CIC seeks to strike, the motion to strike is denied.

VI. CONCLUSION

For these reasons, it is hereby

⁹ Further, CIC moves to strike consequential damages from Plaintiff’s Amended Complaint. It does not appear from the Amended Complaint that Plaintiff seeks consequential damages; nor does Plaintiff argue in its response to CIC’s motion to dismiss that it seeks such damages. CIC also argues that Plaintiff’s allegations are “insufficient to sustain a claim for punitive damages.” (Dkt. No. 14, at 8, n.5). The Plaintiff responds that it sought “an award of punitive damages based upon [CIC’s] bad faith conduct,” (Dkt. No. 17, at 4), but the Amended Complaint does not seek punitive damages.

ORDERED that CIC's motion to dismiss under Fed. R. Civ. P. 12(b)(6) for failure to state a claim (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that CIC's motion to strike under Fed. R. Civ. P. 12(f) (Dkt. No. 14) is **DENIED**; and it is further

ORDERED that Plaintiff's breach of the implied covenant of good faith and fair dealing claim is **DISMISSED with prejudice**.

IT IS SO ORDERED.

Dated: February 17, 2023
Syracuse, New York



Brenda K. Sannes
Brenda K. Sannes
Chief U.S. District Judge

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Office of Emergency Services

DATE: February 22, 2023

- (a) Employee Name, Title and Employee No.:
John Tims, Deputy EMS Coordinator Employee No. 13025
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$8,233
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$8,223
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
January 1, 2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
 List Budget Code (with title), Object Code (with title), and Amount:
A.4022 130 Emergency Medical Services - Salaries Part Time \$10.00
- (f) Is a Budget Transfer needed? YES NO
 If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
 If no, please provide details on how the increase will be funded within the current budget:
Due to vacancies in the first two weeks of the year, funding is available in the existing budget.
- (g) Is there expected revenue from this position? YES NO
 If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
The salary increase of \$10 is needed to correct an error in the salary as adopted in the 2023 Warren County budget.

RESOLUTION REQUEST FORM NO. 13**Request to Increase or Decrease Salary of Non-Union Position****DEPARTMENT NAME: Office of Emergency Services****DATE: February 22, 2023**

- (a) Employee Name, Title and Employee No.:
Scott Stone, 2nd Deputy EMS Coordinator Employee No. 13759
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$8,233
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$8,223
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
January 1, 2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:
A.4022 130 Emergency Medical Services - Salaries Part Time \$10.00
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded within the current budget:
Due to vacancies in the first two weeks of the year, funding is available in the existing budget.
- (g) Is there expected revenue from this position? YES NO
If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
The salary increase of \$10 is needed to correct an error in the salary as adopted in the 2023 Warren County budget.

RESOLUTION REQUEST FORM NO. 13***Request to Increase or Decrease Salary of Non-Union Position*****DEPARTMENT NAME: Office of Emergency Services****DATE: February 22, 2023**

- (a) Employee Name, Title and Employee No.:
Mark DeSimone, 3rd Deputy EMS Coordinator Employee No. 13760
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$8,233
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$8,223
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
January 1, 2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:
A.4022 130 Emergency Medical Services - Salaries Part Time \$10.00
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded within the current budget:
Due to vacancies in the first two weeks of the year, funding is available in the existing budget.
- (g) Is there expected revenue from this position? YES NO
If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
The salary increase of \$10 is needed to correct an error in the salary as adopted in the 2023 Warren County budget.

Warren County Board of Supervisors

RESOLUTION NO. 417 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, CONOVER, BEATY, FRASIER, WILD, BRAYMER AND RUNYON

AMENDING TABLES OF ORGANIZATION AND WARREN COUNTY SALARY AND COMPENSATION PLAN FOR 2022 TO PROVIDE INTERIM SALARY INCREASES FOR NON-BARGAINING UNIT EMPLOYEES

WHEREAS, the Personnel, Administration & Higher Education Committee has considered a request to authorize interim salary increases for non-bargaining unit employees to match those previously authorized for CSEA employees, effective retroactive to August 1, 2022, and has recommended same to the Board of Supervisors, now, therefore, be it

RESOLVED, that the Tables of Organization and Warren County Salary and Compensation Plan for 2022 are hereby amended in accordance with the attached "Schedule A" and "Schedule B" documents, effective retroactive to August 1, 2022.

Department Description		Position Title	2022 Salary	ADDTL SALARY	ADJUSTED SALARY
Board of Directors	A.1100 110	Commissioner, Development	\$ 70,040	\$ 5,720	\$ 81,760
Board of Directors	A.1100 110	Commissioner, Development	\$ 70,040	\$ 5,720	\$ 81,760
County Clerk	A.1110 110	County Clerk	\$ 82,420	\$ 5,720	\$ 91,140
Fire Prevention	A.3410 130	1st Deputy Fire Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Fire Prevention	A.3410 130	2nd Deputy Fire Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Fire Prevention	A.3410 130	3rd Deputy Fire Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Fire Prevention	A.3410 130	4th Deputy Fire/WMD/Haz	\$ 16,055	\$ 1,430	\$ 17,485
Fire Prevention	A.3410 130	County Fire Coord. (Part-time)	\$ 11,845	\$ 1,430	\$ 13,275
Fire Training Center	A.3642 130	Building Maintenance Helper	\$ 5,437	\$ 1,430	\$ 6,867
Emergency Services	A.4022 130	2nd Deputy EMS Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Emergency Services	A.4022 130	3rd Deputy EMS Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Emergency Services	A.4022 130	Deputy EMS Coordinator	\$ 6,803	\$ 1,430	\$ 8,233
Emergency Services	A.4022 130	EMS Coordinator	\$ 11,845	\$ 1,430	\$ 13,275
Fire Marshal	A.1120 110	County Fire Marshal	\$ 100,430	\$ 5,720	\$ 112,150
Building & Fire Code	A.3620 110	Administrator Fire & Bldg Code	\$ 76,094	\$ 5,720	\$ 81,814
Civil Service	A.1130 110	Director, Civil Service	\$ 80,920	\$ 5,720	\$ 86,640
Chief of Police, Emergency Dispatch	A.1010 110	Chief of Police, Dispatch	\$ 80,850	\$ 5,720	\$ 86,570
County Attorney	A.1420 110	County Attorney	\$ 110,500	\$ 5,720	\$ 121,220
County Auditor	A.1220 110	County Auditor	\$ 70,720	\$ 5,720	\$ 77,440
Director of Health Administration	A.1150 110	Director of Health Administration	\$ 122,270	\$ 5,720	\$ 130,990
Emergency Services	A.3640 110	Director, Emergency Services	\$ 71,585	\$ 5,720	\$ 77,305
Employment & Training	40.6293.0313	E & T Director II	\$ 73,815	\$ 5,720	\$ 79,535
Human Resources	A.1435 110	County Human Resources Director	\$ 90,552	\$ 5,720	\$ 96,272
Information Technology	A.1680 110	Director Information Technology	\$ 98,949	\$ 5,720	\$ 104,669
Legal Defense - Indigents	A.1170 110	Assigned Counsel Administrator	\$ 69,696	\$ 5,720	\$ 75,416
Mental Health	A.4310 110	Director Mental Health	\$ 98,949	\$ 5,720	\$ 104,669
Office for the Aging	A.6772 110	Director Office for the Aging	\$ 69,637	\$ 5,720	\$ 75,357
Planning/Planning	A.8021 110	County Planner	\$ 101,917	\$ 5,720	\$ 107,637
Probation/Probation	A.3140 110	Director of Probation	\$ 104,975	\$ 5,720	\$ 110,695
Public Defender	A.1170 110	Public Defender	\$ 120,100	\$ 5,720	\$ 125,820
Public Health	A.4018 110	Director Pub Health/Patient Svc	\$ 111,085	\$ 5,720	\$ 116,805
Recording	A.1100 110	Recording Clerk	\$ 50,700	\$ 5,720	\$ 56,420
Public Defender	A.1065 110	Public Defender	\$ 100,000	\$ 5,720	\$ 105,720

Salary Schedule

Budget Year 2023

Budget Year	2023			
Position Title	Departmental Request	Budget Officer's Recommendation	Tentative Budget	Adopted County Budget
A.4022 - General.Emergency Medical Service				
2nd Deputy EMS Coordinator	6803.00	8223.00	8223.00	8223.00
3rd Deputy EMS Coordinator	6803.00	8223.00	8223.00	8223.00
Deputy EMS Coordinator	6803.00	8223.00	8223.00	8223.00
EMS Coordinator	11845.00	13275.00	13275.00	13275.00
SubTotal	32254	37944	37944	37944

s/b \$8,233.

RESOLUTION REQUEST FORM NO. 13***Request to Increase or Decrease Salary of Non-Union Position*****DEPARTMENT NAME: Warren County Public Defender's Office****DATE: 2/22/2023**

- (a) Employee Name, Title and Employee No.:
Assistant Public Defender (3)
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$71,015
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$73,116
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
3/20/2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded within the current budget:
- (g) Is there expected revenue from this position? YES NO
If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
To amend the Table of Organization and Warren County Salary and Compensation Plan.

RESOLUTION REQUEST FORM NO. 11***Request to Create New Position***DEPARTMENT NAME: **Warren County Public Defender's Office**DATE: **2/22/2023**

- (a) Title of Requested Position: **Assistant Public Defender (10)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$71,015**
- (c) Effective Date for New Position*: **3/20/2023**
**Please do not backdate unless the purpose is to correct an error.*
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
- (e) Where are Funds in the Budget for this Position?
 List Budget Code, Object Code, Full Title and Amount:
- (f) Is a Budget Transfer needed? YES NO
 If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
 If no, please provide details on how the increase will be funded with the current budget:
- (g) Has Personnel Officer Reviewed and Approved of the New Position Title? YES NO
*(This is necessary **BEFORE** bringing the request to committee)*
- (h) Is this a mandated position? YES NO
 If yes, please explain:
- (i) Is there expected revenue from this position? YES NO
 If , please explain and complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue:
A.1171 4202 110 (& associated fringe/retirement/hospitalization/dental)

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 Payroll Dept. No: A-1171
Title of Position: Assistant Public Defender (10) Base Salary of Position: \$71,015 Grade:
Filling at Step # (If Known):
Budget code and title: A.1171 4202 110 (Public Defender/Hurrell-Harring Salaries) Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: n/a Date of Vacancy: 3/20/2023
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: 2/15/2023

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: 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee: Criminal Justice & Public Safety
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: 2/22/2023

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender and First Assistant Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels' defendants at every stage of proceedings following arrest;
 Initiates such proceedings as are necessary to protect the rights of the accused;
 Assists the Public Defender in the preparation of various court proceedings;
 Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
 Investigates respondent's financial status in family court support matters;
 Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
 Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
 Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
 Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
 Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
 May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
 May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State criminal law, New York family court act and court proceedings (both preferred but not necessary); good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: At the time of appointment, possession of a license to practice law in the State of New York. Salary range \$65,295 to \$71,988 (commensurate with experience).

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

WC: 2003, 2015, 2021

RESOLUTION REQUEST FORM NO. 11***Request to Create New Position*****DEPARTMENT NAME: Social Services****DATE: 02/08/23**

- (a) Title of Requested Position: **Assistant Social Services Attorney-Temporary-Part-Time**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$77,708 / 37.36 hourly**
- (c) Effective Date for New Position:* **02/21/23**
*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:
A 6010 130 - Salaries Part-Time
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)
Yes
- (g) Is this a mandated position? If so, please explain:
- (h) Is there expected revenue from this position? If so, please explain:

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: SOCIAL SERVICES Payroll Dept. No: 40.07
 Title of Position: Assistant Social Services Attorney, Part-time - Temp. Base Salary of Position: \$77,708/37.36 hr. Grade: NA
 Filling at Step # (If Known): _____
 Budget code and title: A6010 130 - Salaries - Part-Time Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other Creation
 Employee No./Last Name: _____ Date of Vacancy: 02/21/2023
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal 50 % State 25 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other TEMP
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. 2/2/23
Human Resources Director has approved this form when initialed. AP 2/8/23

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 2/8/2023

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 2/9/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services
 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 Bennet P. Dussall Date 2/22/23

ASSISTANT SOCIAL SERVICES ATTORNEY

DISTINGUISHING FEATURES OF THE CLASS: This is a professional position assisting the Department of Social Services' Chief Legal Counsel in providing legal representation to the Commissioner, other officials and employees of the local district Department of Social Services ("Department"), with a primary concentration on representation of the Department's Child Protective, Family Preservation and Youth Development and Foster Care units in child abuse, child neglect and foster care matters. In addition, the attorney may be assigned to represent the Department in child support proceedings, paternity proceedings, adult protective proceedings or other legal matters which are outside the scope of services provided to the Department by the County Attorney's office. The work is performed under the supervision of the Department's Chief Legal Counsel in accordance with overall policies of the Department with latitude given for the exercise of independent judgment in assigned matters. The work is performed in accordance with the provisions of the New York State Social Services Law, Family Court Act, New York State Rules and Regulations, applicable federal and state laws, policies established by the Commissioner and policies approved by the County Board of Supervisors. The position requires ongoing interpretation and implementation of the foregoing, legal research, independent informed judgment, and pursuit of appropriate legal action. The position is under the oversight and supervision of the Department's Chief Legal Counsel. The attorney is on-call on a 24 hours basis at all times. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Typical work activities can include all or some of the following work as assigned by the Department's Chief Legal Counsel:

- Represents the Commissioner and the Department in assigned proceedings or prosecutions in Supreme Court, County Court, Family Court, Surrogate's Court, as well as Department Fair Hearings and Appellate actions;
- Represents the Department in assigned proceedings including actions such as child abuse, child neglect, child support, foster care, and termination of parental rights;
- Represents the Department in assigned adult protective proceedings *and guardianship proceedings*;
- Prepares assigned cases involving claims against the estates of decedents, those responsible for public assistance recipients, and against legally responsible living relatives;
- Prepares assigned legal actions for negotiation and trial;
- Provides legal advice and consultation to Department personnel, including assigned matters relating to Children's Services, Family Services, Adult Services, Child Support Enforcement, Paternity, Financial Assistance, and Resources;
- Prepares and submits orders for signature to the Family Court, Supreme Court, County Court and Surrogate's Court;
- Prepares and maintains records for administrative hearings, as well as conduct administrative hearings;
- May attend Family Treatment Court and MDT sessions;
- Engages in motion practice within the Court(s);
- Engages in legal research and provide memorandums of law to Court(s);
- Provides ongoing legal advice and initiates legal actions as assigned by the Department's Chief Legal Counsel.
- Prosecutes and defends appeals of court decisions as needed.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES & ATTRIBUTES:

Knowledge of the principles and practices of common law and of County, State and Federal laws as they apply to social services;

Knowledge of civil court procedures and the rules of evidence;

Knowledge of the functions and administrative activities of the County Department of Social Services;

Knowledge of the Family Court Act, Social Services Law, and the state and federal regulations applicable to such laws;

Ability to analyze and apply legal principles, facts and precedents to legal problems;

Ability to express oneself clearly and precisely both orally and in writing;

Ability to exercise sound professional judgment.

MINIMUM QUALIFICATIONS: At the time of appointment and throughout the term of employment, admission to the New York State Bar and current registration in good standing to practice law in New York State.

SPECIAL REQUIREMENT: Must be able to satisfy the travel requirements of the position throughout employment.

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: Fire Prevention & Building Code Enforcement Payroll Dept. No: 71
Title of Position: Code Enforcement Officer #1 Base Salary of Position: \$56,356.00 Grade: 17
Filling at Step # (If Known):
Budget code and title: A.3620 Union [checked] Non-Union []
This position is vacated due to: [checked] Retirement [] Resignation [] Termination [] Promotion [] Other []
Employee No./Last Name: 11410/Neville Date of Vacancy: 2/15/2023
Is this position mandated? [] Yes [checked] No Is the position reimbursable? [] Yes [checked] No
Source of reimbursement: [] Federal [] State [] Other []

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[checked] 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. [initials] 2/1/23
Human Resources Director has approved this form when initialed. [initials] 2/1/23

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[checked] The Administrator has no objection to the filling of the vacancy.
[] The Administrator objects to the filling of the vacancy.
Administrator Signature [Signature] Date 2/1/2023

BUDGET OFFICER COMPLETES THIS SECTION

[checked] 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 [Signature] Date 2/3/2023

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee County Executives
[checked] 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 2/23/2023

FIRE PREVENTION AND BUILDING CODE ENFORCEMENT OFFICER

DISTINGUISHING FEATURES OF THE CLASS: The work involves responsibility for enforcing the New York State Uniform Fire Prevention and Building Code. Under general supervision, provides for the coordination of all activities relevant to ensuring compliance with appropriate laws, codes, rules and regulations. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Enforces all provisions of New York State Uniform Fire Prevention and Building Code Council and other codes, laws, rules and regulations pertaining to the construction or alteration of buildings and structures;
 Prepares rules and regulations, application forms, building permits and certificates of occupancy for the approval of the local governing body, to be used for the administration on enforcement of the various codes, laws, etc.;
 Supervises the various stages of construction and upon completion of construction of buildings and structures, issues, denies or revokes building permits and certificates of occupancy as required;
 Issues written notices to correct unsafe, illegal or dangerous conditions in existing structures;
 Inspects, as necessary, buildings and structures for compliance with the fire preventions provisions of the State Uniform Fire Prevention and Building Code;
 Issues a certificate of occupancy for a building constructed or altered in compliance with the provisions of the Uniform Code;
 Maintains accurate records on all transactions and activities including all applications received, permits and certificates issued, inspection reports and notices and orders issued;
 Prepares a variety of reports relevant to Code Enforcement activities for the municipal government.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Thorough knowledge of modern practices, principles, materials and tools used in building construction;
 Good knowledge of building trades; Good knowledge of the State Uniform Fire Prevention and Building Code;
 Good knowledge of the principles of fire prevention;
 Ability to write clear and concise reports and to maintain records in an orderly manner;
 Ability to establish and maintain cooperative relationships with other public officials, building contractors and the general public;
 Ability to read and interpret plans and specifications;
 Ability to be firm but courteous, honesty, integrity, thoroughness, tact, good judgment;
 Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Graduation from high school or possession of a high school equivalency diploma and either:

- A) Two (2) years of experience as a New York State Certified Code Enforcement Officer and three (3) years of experience in building construction work, or journey level trades worker or in the inspection of buildings for safety and/or compliance with codes; or
- B) Associate's Degree with specialization in civil engineering, construction technology, fire science or a related field and three (3) years of experience in building construction work, or journey level trades worker, or in the inspection of buildings for safety and/or compliance with codes; or
- C) Satisfactory completion of 60 semester hours at an approved four-year college or university in a program leading to a bachelor's degree in civil engineering, construction technology, fire science or a related field and three (3) years of experience in building construction; or
- D) Five (5) years of experience in building construction work or in a building trade such as carpentry, plumbing, electrical or related trades; or
- E) An equivalent combination of training and experience as defined by the limits of (b), (c) and (d).

NOTE: Education beyond the secondary level must be obtained from an institution that is a regionally accredited or New York State registered college or university.

NOTE: Candidates for appointment in this class must have a valid New York State Drivers license and will be required to complete any mandated training as established by the New York State Department of State.

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: Planning and Community Development Payroll Dept. No: A.8021
 Title of Position: County Planner Base Salary of Position: \$81,600 Grade: _____
 Filling at Step # (If Known): _____
 Budget code and title: A.8021 Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other
 Employee No./Last Name: _____ Date of Vacancy: 1/1/23
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal _____ % State 30 % Other _____ %

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other FJC
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. Ray 2/21/23
Human Resources Director has approved this form when initialed. 1/29/23

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 2/9/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Economic Growth & Dev.

- The committee has no objection to the filling of the vacancy. (approved @ 11/22/2022 Committee Mtg.)
- 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 02/23/2023

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: Planning and Community Development Payroll Dept. No: a.8021
Title of Position: Assistant County Planner Base Salary of Position: \$63,711 Grade:
Filling at Step # (If Known): \$19,131 (DDU 1-1)
Budget code and title: A.8021.110 Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: 13515, Gaddy Date of Vacancy: 27 Feb 2023
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal % State 30 % 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 2/10/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Economic Growth + Dev
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 2/23/2023

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: Planning and Community Development Payroll Dept. No: a.8021
Title of Position: Principal Planner Base Salary of Position: \$69,431 Grade:
Filling at Step # (If Known):
Budget code and title: A.8021.110 Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: None Date of Vacancy: 1 January 2023
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal % State 30 % 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 2/5/23

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Economic Growth & Dev.
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 2/23/2023

PRINCIPAL PLANNER

DISTINGUISHING FEATURES OF THE CLASS: The employee in this position manages major planning programs and/or projects for the County or a particular municipality or agency. The Principal Planner conducts and/or provides project leadership over complex and technical planning studies, such as preparation of comprehensive plans, advisory reviews and special planning and management studies. Duties also include formulation and development of assigned program policies and procedures and in the implementation of related goals and objectives. Projects may involve community planning on a municipal, county and/or regional basis. The work is performed under the general direction of a higher-level administrator with leeway for the exercise of professional planning and administrative judgment to carry out the duties of the position. Performs related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative Only)

Develops and manages planning-related programs, projects and studies;
 Develops proposals and recommendations for policies, plans and projects;
 Develops, oversees and monitors progress on work plans for projects involving multiple staff;
 Acts as project leader for diverse planning programs and projects including supervision of staff and coordination with State and Federal agencies, municipalities, community organizations and businesses;
 Manages grant funds, including compliance with all reporting requirements;
 Prepares or supervises the preparation of applications for grant funds for projects and programs relating to program interests;
 Prepares or supervises the preparation of a variety of planning statistics, data, plans, designs, charts, maps, records and reports;
 Supervises staff in performing assigned field and office projects by reviewing and evaluating project assignments and providing recommendations or technical assistance;
 Organizes, plans and conducts educational programs and informational seminars to increase public awareness of services and to provide advisory and technical assistance to local officials to facilitate the implementation of various recommendations, programs and ordinances;
 Confers with and advises public officials, members of boards and commissions and the public on planning and development issues;
 Completes assigned special projects;
 Reviews and provides recommendations on local planning, zoning and subdivision issues that are referred pursuant to state, county and local laws, regulations and ordinances;
 Direct the work of others and reviews while in progress and upon completion;
 Performs a variety of related activities as required
 Prepares complex reports and related materials of a technical nature pertaining to surveys, studies and projects;
 Uses computer applications or other automated systems such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments;

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Thorough knowledge of the principles, practices and techniques used in the fields of municipal and regional planning;
 Thorough knowledge of federal, state and local economic development programs and practices;
 Thorough knowledge of appropriate federal, state, local and private planning and economic development grant;
 Thorough knowledge of zoning and subdivision practices;
 Thorough knowledge of current methods for collecting, analyzing and interpreting statistical data;
 Ability to prepare and supervise the preparation of complex reports and master plans for community development;
 Ability to understand complex oral and written directions ability to prepare complex written reports;
 Ability to plan and supervise the work of others;
 Ability to communicate clearly and concisely, both orally and in writing;
 Ability to exercise discretion and sound judgment;
 Initiative and resourcefulness;
 Ability to develop work programs to accomplish complex, multi-faceted projects;
 Ability to deal with tight deadlines and competing requests;
 Ability to prepare concise, well-constructed oral and written communications and reports that convey complex planning topics to the public;
 Creative problem-solving skills to gather relevant information to solve vaguely defined practical problems;

Skillful application of spreadsheet, database, desktop publishing, geographic information systems, and word processing software;

MINIMUM QUALIFICATIONS: Either:

- A) Master's degree* in planning, architecture, civil engineering, geography, landscape architecture or closely related field and _____years of full-time work experience (or its part-time equivalence) in municipal, community or regional planning, 2 years of which must have involved supervisory responsibilities; **OR**
- B) Bachelor's degree* in planning, architecture, civil engineering, geography, landscape architecture or closely related field and _____years of full-time work experience (or its part-time equivalence) in municipal, community or regional planning, 2 years of which must have involved supervisory responsibilities.

***NOTE:** Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If your degree was awarded by an educational institution outside the United States and its territories, you must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found on the Internet at <http://www.cs.ny.gov/jobseeker/degrees.cfm>. You must pay the required evaluation fee.”

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 Payroll Dept. No: A.1171
 Title of Position: Assistant Public Defender (3) Base Salary of Position: \$71,015 Grade: _____
 Filling at Step # (If Known): _____
 Budget code and title: A.1171 110 (Public Defender Salaries) Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other
 Employee No./Last Name: 13403/Kelly-Barnes Date of Vacancy: 2/4/2023
 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. Ray 2/14/23
Human Resources Director has approved this form when initialed. AP 2/14/23

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 _____

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice & Public Safety
 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 Michael Garcia Date 2/22/2023

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender and First Assistant Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels' defendants at every stage of proceedings following arrest;
 Initiates such proceedings as are necessary to protect the rights of the accused;
 Assists the Public Defender in the preparation of various court proceedings;
 Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
 Investigates respondent's financial status in family court support matters;
 Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
 Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
 Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
 Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
 Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
 May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
 May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State criminal law, New York family court act and court proceedings (both preferred but not necessary); good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: At the time of appointment, possession of a license to practice law in the State of New York. Salary range \$65,295 to \$71,988 (commensurate with experience).

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

WC: 2003, 2015, 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: SOCIAL SERVICES Payroll Dept. No: 40.06
 Title of Position: Principal Social Welfare Examiner #2 Base Salary of Position: \$52,674 Grade: 15
 Filling at Step # (If Known): _____
 Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other _____
 Employee No./Last Name: Klaiber/10198 Date of Vacancy: 04/24/2023
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal 50 % State 25 % 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. 2/21/23
Human Resources Director has approved this form when initialed. 13 2/14/23

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 2/15/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services
 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 Bennett Dussall Date 2/22/23

PRINCIPAL SOCIAL WELFARE EXAMINER

GENERAL STATEMENT OF DUTIES: Depending upon the examining workload and organizational structure of the agency, may supervise a group of examiners and senior examiners or a unit or a section responsible for determining financial eligibility for the various programs administered by the local social services district or the validation section; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: This is an administrative position involving responsibility for planning, coordinating, supervising and managing the performance and activities of a group of employees, a unit or section depending on the organizational structure of the agency. Duties, though similar to those of a senior social welfare examiner, are broader in scale, are performed with more independence and involve a greater variety of related functions and the exercise of supervision over a greater number of subordinates. Work is performed under supervision of a higher-level social welfare examiner or under the general supervision of the Director of Social Services or Director of Administrative Services if assigned to the validation section.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Assists in the formulation of policies and procedures which relate to financial eligibility;
 Interprets federal, state and local policies and programs as they relate to financial eligibility;
 Plans, coordinates, supervises and manages the activities within assigned area of responsibility;
 Establishes necessary controls for determining staff performance and makes necessary performance evaluation;
 Reviews recommendations made by lower level examiners and approves or disapproves them;
 Approves referral of clients to social service section for services;
 Maintains cooperative relationships with other units and sections of the agency through administrative channels;
 Maintains contact with community groups and other agencies in area of responsibility.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Thorough knowledge of federal, state, and local social services laws and programs as they affect eligibility for financial assistance;
 Thorough knowledge of the agency's overall programs, policies and procedures, good knowledge of other laws and programs which may affect eligibility such as Workman's Compensation, Social Security and Unemployment Insurance;
 Good knowledge of modern principles of supervision;
 Ability to communicate and deal effectively with others;
 Ability to plan, coordinate, manage and supervise the work of others and to evaluate their performance;
 Ability to prepare reports;
 Initiative, tact, good judgment, leadership, emotional maturity.
 Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Four (4) years of experience in examining, investigating or evaluating claims for assistance, veteran's or unemployment benefits, insurance or a similar program operating under established criteria for eligibility, one year of which has been in a supervisory capacity.

NOTE: Study in a regionally accredited college or university or one registered by New York State or business college registered by New York State may be substituted for three years of the general experience but not for the supervisory experience on a year for year basis.

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: SOCIAL SERVICES Payroll Dept. No: 40.06
 Title of Position: Senior Social Welfare Examiner #TBD Base Salary of Position: \$48,324 Grade: 11
 Filling at Step # (If Known): _____
 Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other
 Employee No./Last Name: (Backfill) _____ Date of Vacancy: 04/24/2023
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal 50 % State 25 % 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. 2/14/23
Human Resources Director has approved this form when initialed. 2/14/23

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 2/15/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services

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 Bennet F. Dussall Date 2/22/23

SENIOR SOCIAL WELFARE EXAMINER

GENERAL STATEMENT OF DUTIES: Depending on the examining workload and the organizational structure of the agency, supervises a group of examiners, or a unit, or the eligibility section; or validates a sample of the determinations for assistance under programs administered by a local social services district; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: This is an experienced worker who can assume responsibility for (1) supervision of a group of workers establishing financial eligibility for the various programs administered by the local social services district; (2) supervision of a unit within the eligibility section; (3) supervision of an entire section responsible for establishing financial eligibility; or (4) verification including field review of a sample of the initial financial eligibility determination in the validation section. The role that this individual assumes depends upon the workload and organizational structure of the agency. Work is performed under supervision of a higher-level social welfare examiner or under the general supervision of the Director of Social Services or Director of Administrative Services if assigned to validation section.

TYPICAL WORK ACTIVITIES: (Illustrative only)

In the validation section:

Reviews documents available in the agency's files to verify eligibility and/or to determine the additional action necessary to verify eligibility;
 Contacts cooperating agencies to verify client's eligibility;
 Makes field visits, when necessary, to verify information relevant to the validation process, obtains corroborative written or recorded documentation in cases of possible ineligibility;
 Appears at Administrative or Judicial proceedings when required to interpret decisions on application;
 Interviews applicants and recipients, and, as needed, collateral contacts re-documentation of eligibility for public assistance;
 Reports findings of investigation, makes recommendations for proper disposition of cases reviewed, i.e., reduce grant, close case, release grant, refer to law enforcement;
 Prepares required statistical reporting appropriate to action;
 Provides feedback on validity of decisions to the agency to pin-point causes of error.

In eligibility determination section, depending upon the examining workload may do any or all of the following:

Serves as a working supervisor over a group of social welfare examiners, or supervises a unit or section;
 Reviews social welfare examiner's recommendation and approves or disapproves it;
 Approves referral of clients to social services section for services;
 Assists in the formulation of policies and procedures and interprets federal, state and local policies and programs;
 Establishes necessary controls for determining staff performance and makes necessary performance evaluation.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Good knowledge of federal state and local social services laws and programs as they affect eligibility for financial assistance and money payments;
 Familiarity with other laws as they affect eligibility, such as Worker's Compensation, Social Security and Unemployment Insurance;
 Ability to deal effectively with others;
 Ability to analyze facts obtained and use facts in making judgments regarding eligibility;
 Ability to understand and follow directions;
 Good powers of observation and perception;
 Initiative, tact, judgment, emotional maturity;
 Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

Three (3) years of experience in examining, investigation or evaluating claims for assistance, veterans, or unemployment benefits, insurance or a similar program operating under established criteria for eligibility.

PROMOTION QUALIFICATIONS:

One (1) year of permanent competitive status as a Social Welfare Examiner.

NOTE: Study in a regionally accredited college or university or one registered by New York State or a business school registered by New York State may be substituted for two years of the experience on a year for year basis.

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: SOCIAL SERVICES Payroll Dept. No: 40.07
 Title of Position: Senior Account Clerk #6 Base Salary of Position: \$43,187 Grade: 7
 Filling at Step # (If Known): _____
 Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other
 Employee No./Last Name: Stoller/12914 Date of Vacancy: 02/21/2023
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal 50 % State 25 % 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. PAJ 2/14/23
 Human Resources Director has approved this form when initialed. JD 2/14/23

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 2/15/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services

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 Bennet P. Dussault Date 2/22/23

SENIOR ACCOUNT CLERK

DISTINGUISHING FEATURES OF THE CLASS: An incumbent in this position independently performs moderately difficult accounting or financial recordkeeping tasks. Employees generally follow a prescribed routine in the performance of duties and in most cases receive only infrequent general instructions. The work may require a general understanding of specific laws, office rules, procedures and policies. The work is performed under the supervision of a higher-level supervisor and although the incumbent may train lower level clerical workers, supervision need not be a responsibility of this position. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Reviews a variety of complex financial documents, classifies them and distributes items into a variety of accounts according to prescribed procedures and policies;

Posts figures to appropriate accounts, makes all necessary adjustments in balances and verifies/reconciles balance;

Tracks, audits and/or monitors a variety of accounts;

Verifies adjustments are made to correct allocations and issues reports as required;

Prepares complex financial and statistical summary reports;

Checks for accuracy of computations and completeness and supervises the preparation of daily, weekly and monthly reports which are compiled into summary reports or claims for state or federal reimbursement;

Prepares in final format accounting and financial statements, payrolls, statistical tabulations and data, form letters, memoranda, vouchers, reports, requisitions or data from various equipment as the source material;

Prepares funds for deposits into book accounts, reconciles accounts and prepares reports from information;

Contacts clients, vendors and other agencies to obtain additional information;

Provides information orally or in writing in response to inquiries on status of accounts;

Conducts correspondence on matters where policies and procedures are well defined;

Processes, sorts, indexes, records and files a variety of control records and reports, or oversee the process;

Performs complex payroll transactions or may prepare payroll and related reports;

May supervise employees by assigning and reviewing completed work and instructing new employees in specialized accounting keeping activities;

May assist in preparation of figures and reports for use in budget preparation;

Uses computer applications or other automated systems such as spread sheets, word processing, calendar, email and database software in performing work assignments;

Performs related work as required.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Good knowledge of modern methods of keeping and reviewing financial accounts and records;
Good knowledge of modern office terminology, procedures and equipment;
Ability to make complex arithmetic computations accurately; speed;
Ability to organize and maintain accurate records and files; Ability to analyze and organize data and prepare records and reports;
Ability to understand and interpret complex oral instructions and/or written directions;
Ability to perform close, detail work involving considerable visual effort and concentration;
Ability to establish and maintain effective working relationships with others;
Ability to communicate effectively, both orally and in writing;
Ability to operate a computer with a high degree of accuracy and utilize common office software programs including word processing, spreadsheets, and databases to generate necessary reports and input data;
Ability to analyze data and prepare and maintain detailed records and reports.

MINIMUM QUALIFICATIONS: Graduation from high school diploma or possession of a high school equivalence diploma and:

- (a) Associate's Degree or higher in accounting, business or closely related field; or
- (b) Two years of experience maintaining financial accounts and records.

NOTE: Education beyond the secondary level must be obtained from an institution that is a regionally accredited or New York State registered college or university.

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: SOCIAL SERVICES Payroll Dept. No: 40.01
 Title of Position: Sr. Caseworker #8 Base Salary of Position: \$57,507 Grade: 18
 Filling at Step # (If Known): _____
 Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
 This position is vacated due to: Retirement Resignation Termination Promotion Other
 Employee No./Last Name: Spinosa/11472 Date of Vacancy: 02/13/2023
 Is this position mandated? Yes No Is the position reimbursable? Yes No
 Source of reimbursement: Federal 50 % State 25 % 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. *PO 2/14/23*
Human Resources Director has approved this form when initialed. *HR 2/14/23*

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 2/15/23

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services

- 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 *Bennet F. Duxbury* Date 2/22/23

SENIOR CASEWORKER

DISTINGUISHING FEATURES OF THE CLASS: Under general supervision, a Senior Caseworker provides professional social services work involving the determination and recommendation of the need for service, and the formulation and carrying out of plans to meet the individual problems of cases assigned. A Senior Caseworker may supervise a small group of subordinate workers and volunteers. The functional duties are similar to those of the Caseworker except that through training and experience, Senior Caseworkers have gained an expertise to handle more complex problems and situations with less direct supervision. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Interviews applicants and persons referring cases of children needing care, supervision or services;
 Recommends services necessary to carry out plans to meet the needs of individuals or families;
 Makes visits to applicants to ascertain the need for services;
 Develops involved or complex social histories and a plan of treatment which, with supervisory approval, is the basis for delivery of the services;
 Aids individual Caseworkers in formulating service and work organization plans;
 In each case, in cooperation with the individual or family, plans the use to be made of available resources;
 Studies the background and need for care of children referred, securing information from the child himself, the family, relatives, schools, churches, family courts and other agencies;
 Makes necessary collateral contacts with employers, relatives, friends, physicians, hospitals and other agencies;
 When foster care is necessary, determines whether the child's needs can best be met in an institution or foster family home;
 Finds family homes interested in caring for children;
 Studies and evaluates family homes desiring to care for children at board, at wages, or on a free or adoptive basis and recommends boarding homes for certification;
 Arranges for medical care of children in foster homes, takes children to doctors, dentists, and clinics if foster parents are unable to do so;
 Plans with parents and relatives for the care of children and re-establishment of the home;
 Makes referrals to other agencies when indicated;
 Writes letters and reports as required;
 Periodically reviews cases to determine changes in client situation affecting the need for service;
 Assists a Case Supervisor in administering the work of the unit.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Good knowledge of modern principles and practices of social casework and social group work including child welfare services;
 Working knowledge of Federal, State and local Social Services laws and programs;
 Ability to apply knowledge in performance of duties;
 Skill in interviewing;
 Knowledge of the techniques of preparing social studies;
 Ability to establish and maintain successful relationships with people;
 Ability to direct the work of others; Ability to interpret the work of the agency;
 Initiative, good powers of observation and analysis; Sensitivity to the reaction of others,
 Tact, emotional maturity, good judgment;
 Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

- A) Bachelor's degree in one of the behavioral sciences or criminal justice and two (2) years full time satisfactory paid experience in social work with a public or private social agency adhering to acceptable standards; or
- B) Bachelor's degree in any field and four years full time paid social work experience as described above; or
- C) An equivalent combination of training and experience as defined in A and B above.

NOTE: Education beyond the secondary level must be obtained from an institution that is a regionally accredited or New York State registered college or university.

NOTE: Social casework experience does not include experience gained as an income maintenance, medical assistance, or food stamp examiner. It also excludes experience which is custodial in nature and/or which involved providing direct personal care to clients such as nursing, nurses aides, home health aides or similar experience.

NOTE: Behavioral science is a sub-set of social sciences including psychology, sociology, anthropology, social work and human services.

NOTE: In compliance with Section 424-a of the Social Service Law those candidates who successfully pass the exam and who are being considered for employment will be required to sign a release form for clearance determination by the State Child Abuse/Neglect Central Register.

SPECIAL REQUIREMENTS:

- A) Incumbent must be available to assume after-hours Protective Casework Assignments as required. Assignments may be weeknights, weekends and holidays.
- B) Certain assignments made to employees in this class with require access to transportation to meet field requirements made in the ordinary course of business in a timely and efficient manner.

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: SOCIAL SERVICES Payroll Dept. No: 40.01
Title of Position: Caseworker #TBD Base Salary of Position: \$54,061 Grade: 16
Filling at Step # (If Known):
Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: (Backfill) Date of Vacancy: 02/21/2023
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal 50% State 25% 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 2/15/2023

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 2/15/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services
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 Bennett D. Duvall Date 2/22/23

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: SOCIAL SERVICES Payroll Dept. No: 40.01
Title of Position: Caseworker #4 Base Salary of Position: \$54,061 Grade: 16
Filling at Step # (If Known):
Budget code and title: A6010 110 - Salaries - Regular Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: Hargraves/9816 Date of Vacancy: 02/21/2023
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal 50 % State 25 % 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 2/12/2023

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 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Human Services
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 Bennett R Dussault Date 2/22/23

CASEWORKER

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class renders casework services to adults, children and families to enhance their ability to cope with and resolve emotional, social, environmental and economic problems. The work requires the exercise of sound judgment in assessing the strengths and weaknesses of adults, children and families, identifying problem areas and developing and implementing an appropriate service plan. Incumbents must be emotionally mature, able to make decisions and able to work in stressful situations particularly those requiring crisis intervention. The work is generally performed under the direct supervision of an experienced Caseworker or other supervisor or administrative staff. Incumbents receive ongoing in-service training in social casework practices and procedures, including training in applicable laws and regulations.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Formulates and carries out plans to meet the needs of the individual or family;
 Interviews clients to assess the need for social services;
 Makes investigations to determine protective services for children and adults, verifies intake information and ascertains needs;
 Provides counseling to motivate the individual or family to increase their own capacity and confidence in their ability to handle problems;
 Finds, studies and evaluates family homes for the placement of children and adults;
 Recommends foster homes and day care homes for certification;
 Determines whether a child's or an adult's needs can best be met in an institution or foster home;
 Supervises children/adults placed in foster homes or an institution; Supervises foster parents in certified homes;
 Makes appropriate referrals to support, paternity, fraud, medical service units, as well as outside resources;
 Evaluates and helps to meet the needs of the child, the surrendering parent(s), and the adopting parent(s) in an adoption proceeding; Coordinates and develops a treatment plan and goal for the reunion of families;
 Reviews cases periodically to determine changes in clients' situations affecting eligibility and need for services;
 Makes referrals to Family Court for protective services, as well as voluntary placement in foster care;
 Prepares petitions, affidavits, court summaries and additional paper work as required for Family Court, Surrogate Court and Supreme Court; Maintains case records; Prepares letters and reports as required.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Working knowledge of federal, state and local laws and programs relating to public welfare and the care of children; Ability to establish and maintain cooperative relationships with others;
 Ability to prepare and maintain records and reports; Ability to express ideas clearly, both orally and in writing;
 Ability to understand and follow oral and written directions; Good powers of observation and analysis;
 Initiative, tact, good judgment, emotional maturity.

MINIMUM QUALIFICATIONS: Bachelor's Degree

NOTE: Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If your degree was awarded by an educational institution outside the United States and its territories, you must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found on the Internet at <http://www.cs.ny.gov/jobseeker/degrees.cfm>. You must pay the required evaluation fee

SPECIAL REQUIREMENTS:

- A) Incumbent must be available to assume after-hours Protective Casework assignments as required. Assignments may be weeknights, weekends and holidays.
- B) Certain assignments will require access to transportation to meet field requirements made in the ordinary course of business in a confidential, timely, and efficient manner.

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: Workforce Development Payroll Dept. No: 40.6293
Title of Position: Job Coach-temporary (summer) Base Salary of Position: \$41,213 Grade: 6
Filling at Step # (If Known): Not to exceed 32 hours per week
Budget code and title: 40.6293.4999 130 Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: 13699-Tucker Date of Vacancy: 8/13/2022
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal State Other 100 % ARPA

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (hiring would be provisional) Non-Competitive Other Temp
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 2/10/23

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 2/12/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Economic Growth & Dev.

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 2/23/2023

JOB COACH

DISTINGUISHING FEATURES OF THE CLASS: An employee in this position is responsible for developing and providing job site employment opportunities for students. In addition, the employee facilitates the student/employer relationship. Work is performed under the general supervision of a supervisor. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Meets with students to assess vocational, employment needs and interests;
 Visits specific job sites and obtains all pertinent information concerning the specific position from the employer;
 Assists in performing a job analysis specifying all job requirements and performance goals;
 Assists program participant in other needs such as transportation, etc.;
 Assists program participants with required program documentation, such as timesheets or career activity assignments/lessons;
 Provides on-site instruction to workers on specific job responsibilities as required by the employer;
 Maintains records on worker performance problems and methods for remediation through continued training at the work site;
 Communicates performance concerns or challenges to supervisor or another designated staff member;
 Uses computer applications or other automated systems such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments;
 Does related work as assigned.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Working knowledge of available community employment resources;
 Ability to carry out oral and written instructions;
 Ability to express oneself clearly;
 Ability to prepare written material;
 Patience and tolerance;
 Positive attitude;
 Skill in dealing informally with students;
 Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Either:

- A) Associate's degree and one (1) year of experience in the field of employment interviewing, employment counseling, education or related field; or
- B) Graduation from high school or possession of a high school equivalency diploma and three (3) years of experience in the field of employment interviewing, employment counseling, education or related field; or
- C) An equivalent combination of training and experience as defined by the limits of (A) and (B).

NOTE: Verifiable part-time or volunteer experience will be accepted on a pro-rated basis.

NOTE: Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If your degree was awarded by an educational institution outside the United States and its territories, you must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found on the Internet at <http://www.cs.ny.gov/jobseeker/degrees.cfm>. You must pay the required evaluation fee.