

PERSONNEL, ADMINISTRATION & HIGHER EDUCATION COMMITTEE

AGENDA

OCTOBER 29, 2024

**Committee Members:** *Wild, Driscoll, Merlino, Maday, Bean, Etu and Thomas - 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 and 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) Matt Schuette, *representing Marshall & Sterling*, to discuss 2025 Anthem Medicare Advantage renewal.
    - C) Request to adopt the revisions to the Warren County Out-of-Unit Employee Benefits Policy as outlined in the agenda attachment.
  
  - 3) **Referral Criminal Justice, Public Safety & Emergency Services Committee (Chaired by Supervisor Geraci): Sheriff (James LaFarr, Sheriff) -**  
Request to amend the Table of Organization & Salary Schedule to create the new position of Patrol Sergeant #11-C (*Contingent Position*), *Annual Salary \$66,111*, effective January 1, 2025 to March 31, 2025.
  
  - 4) **Requests/Items to be Discussed by the County Administrator:**
    - A) Request to rescind Resolution No. 597 of 2019, *Adopting Amended Department Head Evaluation Policy and Related Forms*.
    - B) Request to rescind Resolution No. 535 of 2022, *Resolution Requiring that All Warren County Employees Complete and Annual Diversity, Equity and Inclusion Training*.
  
  - 5) **Requests/Items to be Discussed by the County Attorney (Larry Elmen, County Attorney):**  
**Action Agenda/New Business Items:**
    - A) Request: Approving Settlement terms in the matter of Michael Davis v. Cole Palmer, Nicole Palmer, Town of Queensbury & Warren County, Warren County Supreme Court, Index No. EF2023-71114, filed March 3, 2023, and authorizing payment to settle all claims for the amount of \$7,500.00 which is less than the self-insured retention amount under applicable policies of insurance.  
Rationale: To settle lawsuit filed March 3, 2023 alleging Warren County DPW was negligent in the inspection, maintenance, management, control, construction and placement of traffic control devices at the intersection of West Mountain Road and Luzerne Road on May 14, 2022. Plaintiff also settling claims against Town of Queensbury. The County settlement amount is \$7,500.00 which is an amount less than the self-insured retention amount under current policies of insurance.
    - B) Request: Amending Warren County Discrimination and Harassment Policy, Resolution 203 of 2023.  
Rationale: Proposed amended policy is based upon New York State Department of Labor proposed policy and incorporates recent legislative requirements.

**Discussion Items:**

- C) Litigation Update: Request for a motion to enter into an executive session, per Public Officers Law § 105(1)(d), to engage in discussions of potential, pending and current litigation and to provide attorney-client communications per Public Officers Law § 108(3), concerning one or more of the matters listed below which shall be identified at the time of the meeting:

**Lawsuits without Insurance Coverage:**

- 1) Michael Easterbrooks v. Schenectady County, et al, Albany County Index No. 907013-2021, filed August 10, 2021.
- 2) Joshua Rouse v. Berkshire Farms Center for Youth, et al, Warren County Index No. EF2021-69346, filed August 10, 2021.
- 3) Kathleen Innes v. Warren County and Correctional Medical Care, NDNY 1:22-cv-00641-BKS-TWD, filed June 15, 2022.
- 4) Estate of Ann Alice Hennessey v. County of Warren & Christine Norton, as County Treasurer, NDNY 1:24-cv-314-AMN-CFH, filed March 6, 2024.
  - Alleging violations of federal constitutional rights under 5th Amendment, 8th Amendment, and 14th Amendment, as well as section 1983 claims for deprivation of civil rights, and State law claim for unjust enrichment.
  - March 22, 2024: Insurance Coverage Denied through Travelers-claims made.
  - New York Tax Foreclosure Surplus Litigation: Multi-District Litigation (MDL) No. 3117: Plaintiffs motion to join all 37 counties subject to individual lawsuits. Responses filed 5/7/2024. Decision pending.
  - May 31, 2024: Motion to Dismiss against remaining plaintiff, Estate of Ann Alice Hennessey, filed with Federal District Court.

**CONTINUED**

*Lawsuits without insurance coverage, continued*

- July 19, 2024: Plaintiff filed opposition papers to County's Motion to Dismiss.
- July 25, 2024: County filed reply brief in response to plaintiff's opposition papers.
- October 8, 2024: Court conference in Federal District Court regarding pending motions to dismiss. All separately filed lawsuits consolidated into single matter following court conference.

**Lawsuits covered by Insurance:**

- 1) Tyson Poulos v. County of Warren, Warren County Sheriff's Office, Warren County District Attorney's Office [as well as 6 employees of Sheriff's Office and 1 employee of District Attorney's Office], NDNY 1:21-cv-96-MAD-CFH, filed January 27, 2021. Date of Loss alleged January 20, 2014 through August 8, 2014.
- 2) Patricia Zahaba v. County of Warren and Town of Queensbury, Warren County Index No. EF2022-70243, filed June 13, 2022. Date of Loss alleged: June 11, 2021. Notice of Claim served September 8, 2021.
- 3) John Werner v. Bernice Conlon & Warren County, Warren County Index No. EF2022-70247, filed June 15, 2022. Date of Loss alleged: August 15, 2021. Notice of Claim served November 8, 2021.
- 4) Michael Davis v. Cole Palmer, Nicole Palmer, Town of Queensbury & County of Warren, Warren County Index No. EF2023-71114, filed July 15, 2022. Date of Loss alleged: May 14, 2022. Notice of Claim served July 15, 2022.
- 5) Jasmine Earnest v. Town of Queensbury, County of Warren, Stiling Electric, Inc. & Joanne Levack, Warren County Index No. EF2022-2111, filed September 29, 2022. Date of Loss alleged: April 12, 2022. Notice of Claim served May 9, 2022.
- 6) Timothy McIntyre & Brenna Michalak v. County of Warren, Warren County Index No. EF2023-72092, filed December 11, 2023. Date of Loss alleged: September 18, 2022. Notice of Claim, served December 19, 2022.
- 7) Nicholas Oudekerk v. Sergeant Brandon Thomas & Corrections Officer Nicholas Crum, NDNY 9:24-cv-00109-AMN-TWD, filed March 13, 2024.
  - September 13, 2024: Motion to Dismiss filed.

**Notice of Claims & Administrative Complaints:**

- 1) Notice of Claim served March 7, 2024: Ethan Smith and Jennifer Dees. Date of Loss alleged: November 8, 2023 through March 1, 2024.
- 2) Administrative Complaint: Department of Human Rights against County of Warren and Warren County DSS, dated May 2, 2024. Date of Loss alleged: November 27, 2023 through March 7, 2024.
- 3) Notice of Claim served July 15, 2024. Jennifer Dees & Ethan Smith. Date of Loss alleged: June 2024. Warren County District Attorney's Office regarding assignment as special prosecutor for Saratoga County in the matter of People v. Veronica Smith.
- 4) Notice of Claim served September 17, 2024. David J. Funaro, Jr. & Sarah A Vedder v. Glens Falls and Glens Falls Police Department, Violation of constitutional rights, excessive force, perjury, property damage, and retaliation arising from execution of search warrant.

**V. Pending Items:**

No Items this Month.

**VI. Privilege of the Floor/Public Comment**

**VII. Motion to adjourn**

2024 - NOTICE OF INTENT TO FILL TRACKING

Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
8/18/2023	Tourism	Assistant Tourism Coordinator (1907)	Tackett	PR	\$ 58,413.00	\$ 58,413.00	1/16/2024	Davis	\$54,661.00	\$ (3,752.00)	\$ (3,752.00)
8/22/2023	Social Services	Sr Account Clerk # 6 (1748)	Phinney	PR	\$ 53,558.00	\$ 43,187.00	2/25/2024	Phinney	\$53,558.00	\$ 10,371.00	\$ -
9/28/2023	DPW	Auto Parts Specialist (2246)	Monroe	RS	\$ 47,438.00	\$ 46,090.00	1/22/2024	LaLuna	\$46,090.00	\$ -	\$ (1,348.00)
9/28/2023	DPW	MEO (L) # 26 (1225)	Arnold	RS	\$ 43,830.00	\$ 43,187.00	1/16/2024	Rainville	\$43,187.00	\$ -	\$ (643.00)
11/1/2023	DPW	HEO # 11 (1230)	Moffitt	PR	\$ 56,229.00	\$ 47,667.00	3/25/2024	Binder	\$49,043.00	\$ 1,376.00	\$ (7,186.00)
11/21/2023	Veteran's Services	Van Driver # 4 (Per-Diem) (2481)	Therio	RS	\$ 36,342.00	\$ 36,342.00	2/12/2024	Nolin	\$36,342.00	\$ -	\$ -
11/21/2023	Social Services	Intake Clerk (1754)	Vitolo	PR	\$ 39,089.00	\$ 38,447.00	1/30/2024	Perez-Torres	\$38,447.00	\$ -	\$ (642.00)
11/28/2023	DPW	Auto Mechanic # 7 (1278)	Werne	PR	\$ 58,890.00	\$ 48,324.00	2/5/2024	Blydenburgh	\$48,324.00	\$ -	\$ (10,566.00)
12/12/2023	DPW	MEO (L) # 16 (1260)	Walker	PR	\$ 46,090.00	\$ 43,187.00	3/25/2024	McGrath	\$43,187.00	\$ -	\$ (2,903.00)
12/13/2023	Health Services	Senior Public Health Educator (2232)	N/A	PR	N/A	\$ 58,151.00	vacant				
12/14/2023	DPW	MEO (M) # 8 (1251)	Bunting	RS	\$ 52,890.00	\$ 46,090.00	1/14/2024	Krick	\$46,090.00	\$ -	\$ (6,800.00)
12/14/2023	DPW	Sign Maint. Worker # 2 (1204)	Monroe	PR	\$ 58,890.00	\$ 48,324.00	9/3/2024	Livingston	\$55,468.00	\$ 7,144.00	\$ (3,422.00)
12/20/2023	Social Services	Caseworker # 10 (1667)	LaPlant	RS	\$ 54,704.00	\$ 54,061.00	1/22/2024	Howe	\$54,061.00	\$ -	\$ (643.00)
12/20/2023	Social Services	Caseworker # 43 (2789)	N/A	O	N/A	\$ 54,061.00	9/9/2023	DeMarco	\$54,061.00	\$ -	\$ -
12/20/2023	Social Services	Principal Clerk # 1 (2792)	N/A	O	N/A	\$ 43,187.00	1/29/2024	Dashnaw	\$43,830.00	\$ 643.00	\$ -
12/20/2023	Social Services	Case Manager # 3 (2790)	N/A	O	N/A	\$ 51,356.00	2/12/2024	Langworthy	\$54,430.00	\$ 3,074.00	\$ -
12/20/2023	Social Services	Intake Clerk # 11 (2791)	N/A	O	N/A	\$ 38,447.00	1/29/2024	Finkle	\$38,447.00	\$ -	\$ -
12/28/2023	Social Services	Sr Social Services Investigator # 1 (2744)	Morgan	RS	\$ 60,636.00	\$ 50,300.00	2/26/2024	Biele	\$60,636.00	\$ 10,336.00	\$ -
12/28/2023	DPW	MEO (M) # 24 (2209)	Russell	RS	\$ 52,890.00	\$ 46,090.00	5/20/2024	Secor	\$46,090.00	\$ -	\$ (6,800.00)
1/2/2024	Social Services	SWE # 11 (1664)	Maranville	RT	\$ 54,807.00	\$ 44,729.00	2/5/2024	Kazlo	\$46,051.00	\$ 1,322.00	\$ (8,756.00)
1/3/2024	Health Services	Senior Account Clerk # 2 (2399)	Baker	RS	\$ 53,058.00	\$ 43,187.00	5/13/2024	Woods	\$43,187.00	\$ -	\$ (9,871.00)
1/3/2024	Health Services	RPN/PHN (2548)	Allocco	RS	\$ 67,376.00	\$ 60,912.00	4/8/2024	Jerdon	\$73,324.00	\$ 12,412.00	\$ 5,948.00
1/4/2024	Treasurer	Junior Accountant (1092)	Goard	RS	\$ 75,286.00	\$ 75,286.00	2/5/2024	Urrico	\$72,926.00	\$ (2,360.00)	\$ (2,360.00)
1/17/2024	Social Services	Caseworker # 9 (1653)	Hayes	O	\$ 55,547.00	\$ 54,061.00	1/22/2024	York	\$54,061.00	\$ -	\$ (1,486.00)
1/18/2024	DPW	Solid Waste/Recycle Comp. Coord (2650)	Szabo	RS	\$ 50,633.00	\$ 73,194.00	2/12/2024	Royael	\$73,194.00	\$ -	\$ 22,561.00
1/22/2024	Social Services	Caseworker # 15 (1665)	Austin-Avon	RS	\$ 54,061.00	\$ 54,061.00	2/20/2024	Mulcahy	\$54,061.00	\$ -	\$ -
1/23/2024	Social Services	Intake Clerk # 9 (2661)	Dashnaw	PR	\$ 39,089.00	\$ 38,447.00	1/29/2024	Mattison	\$38,447.00	\$ -	\$ (642.00)
1/23/2024	Social Services	Medicaid Clerk # 2 (2094)	Kazlo	PR	\$ 41,002.00	\$ 39,766.00	2/20/2024	Wright	\$41,002.00	\$ 1,236.00	\$ -
1/29/2024	Treasurer	Payroll Technician (2335)	Urrico	PR	\$ 59,017.00	\$ 56,219.00	2/22/2024	Paddock	\$59,017.00	\$ 2,798.00	\$ -
1/25/2024	Social Services	Caseworker # 16 (1670)	Ruiz	RS	\$ 54,704.00	\$ 54,061.00	2/26/2024	Herrington	\$54,061.00	\$ -	\$ (643.00)
2/7/2024	Social Services	SWE # 21 (1729)	Langworthy	O	\$ 47,448.00	\$ 44,729.00	2/12/2024	Licari	\$51,320.00	\$ 6,591.00	\$ 3,872.00
2/8/2024	Social Services	SWE # 40 (2101)	Palmatier	RT	\$ 54,807.00	\$ 44,729.00	3/18/2024	Luzzi	\$51,320.00	\$ 6,591.00	\$ (3,487.00)
2/13/2024	Tourism	Social Media Manager (2794)	N/A	PR	N/A	\$ 53,316.00	2/12/2024	Ellis	\$53,316.00	\$ -	\$ -
2/13/2024	Social Services	Sr Account Clerk (1703)	Cronin	RT	\$ 49,545.00	\$ 43,187.00	4/15/2024	Merrill	\$43,187.00	\$ -	\$ (6,358.00)
2/13/2024	Social Services	Resource Clerk # 3 (1636)	Warner	PR	\$ 39,661.00	\$ 38,447.00	6/17/2024	Mattison	\$38,447.00	\$ -	\$ (1,214.00)
2/14/2024	Social Services	SWE # 38 (2082)	Licari	O	\$ 51,320.00	\$ 44,729.00	3/4/2024	Warner	\$44,729.00	\$ -	\$ (6,591.00)
2/15/2024	Social Services	Principal Account Clerk # 3 (2709)	Phinney	O	\$ 58,644.00	\$ 47,667.00	3/25/2024	Stoller	\$54,710.00	\$ 7,043.00	\$ (3,934.00)
2/20/2024	Tourism	Marketing Coordinator (2798)	N/A	O	N/A	\$ 65,807.00	2/19/2024	O'Brien	\$65,807.00	\$ -	\$ -
2/20/2024	Self Insurance	Insurance Administrator (1974)	Clute	RT	\$ 101,654.00	\$ 83,760.00	2/19/2024	Burnham	\$83,760.00	\$ -	\$ (17,894.00)
2/20/2024	Social Services	Commissioner (1694)	Hanchett	RT	\$ 112,926.00	\$ 119,048.00	2/19/2024	Mastrianni	\$119,048.00	\$ -	\$ 6,122.00
2/21/2024	Office for the Aging	Services Assistant # 5 (2799)	N/A	O	N/A	\$ 43,187.00	5/20/2024	Pratt	\$43,187.00	\$ -	\$ -
2/22/2024	Social Services	SS Investigator # 2 (1758)	Biele	PR	\$ 58,390.00	\$ 48,324.00	3/25/2024	Lehrer	\$55,468.00	\$ 7,144.00	\$ (2,922.00)
2/23/2024	DPW	MEO (M) # 3 (1253)	Smith	RS	\$ 52,890.00	\$ 46,090.00	3/25/2024	Norton	\$46,090.00	\$ -	\$ (6,800.00)
2/23/2024	DPW	MEO (L) # 13 (1263)	Krick	PR	\$ 43,187.00	\$ 43,187.00	3/4/2024	Norton	\$43,187.00	\$ -	\$ -
2/23/2024	Planning	Office Specialist (1963)	Tucker	RT	\$ 53,558.00	\$ 43,187.00	3/18/2024	Castler	\$43,187.00	\$ -	\$ (10,371.00)
2/29/2024	Self Insurance	Deputy Ins Administrator (2228)	Burnham	PR	\$ 71,422.00	\$ 62,423.00	3/4/2024	Smith	\$64,115.00	\$ 1,692.00	\$ (7,307.00)
3/4/2024	Countryside	Institutional Aide Per Diem	N/A	O	N/A	\$ 47,031.00	vacant				
3/8/2024	Social Services	SWE # 14 (1631)	Luzzi	O	\$ 51,320.00	\$ 44,729.00	5/6/2024	Wick	\$45,372.00	\$ 643.00	\$ (5,948.00)

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

2024 - NOTICE OF INTENT TO FILL TRACKING

Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
3/13/2024	Tourism	Communication Specialist (2560)	O'Brien	PR	\$ 51,931.00	\$ 48,893.00	5/20/2024	Frenette	\$48,983.00	\$ 90.00	\$ (2,948.00)
3/14/2024	DPW	MEO (L) # 6 (1259)	Barrett	RS	\$ 43,187.00	\$ 43,187.00	3/25/2024	Janos	\$43,187.00	\$ -	\$ -
3/20/2024	Social Services	Medicaid Clerk # 3 (2071)	Smith	PR	\$ 46,051.00	\$ 39,766.00	3/25/2024	Dong	\$39,766.00	\$ -	\$ (6,285.00)
3/20/2024	Social Services	SWE # 17 (1722)	Lehrer	PR	\$ 51,320.00	\$ 44,729.00	4/29/2024	Miller	\$47,448.00	\$ 2,719.00	\$ (3,872.00)
3/20/2024	Social Services	Intake Clerk # 4 (1736)	Dong	PR	\$ 38,447.00	\$ 38,447.00	6/17/2024	Pratt	\$38,447.00	\$ -	\$ -
3/20/2024	Social Services	SWE # 28 (1733)	Langford	RS	\$ 44,729.00	\$ 44,729.00	4/29/2024	Johnson	\$47,448.00	\$ 2,719.00	\$ 2,719.00
3/25/2024	DPW	HEO # 9 (1247)	Hayes	RS	\$ 58,144.00	\$ 47,667.00	3/25/2024	Necatera	\$48,311.00	\$ 644.00	\$ (9,833.00)
3/25/2024	DPW	HEO # 2 (1237)	Carpenter	RS	\$ 54,710.00	\$ 47,667.00	3/25/2024	Blydenburgh	\$49,043.00	\$ 1,376.00	\$ (5,667.00)
3/25/2024	DPW	HEO # 11 (1230)	Moffitt	RS	\$ 54,710.00	\$ 47,667.00	3/25/2024	Binder	\$49,043.00	\$ 1,376.00	\$ (5,667.00)
3/27/2024	Planning	Junior Planner (2483)	Beck	O	\$ 42,333.00	\$ 48,983.00	6/3/2024	Smith	\$48,983.00	\$ -	\$ 6,650.00
3/28/2024	Countryside	Senior Aide # 1 (2394)	Graves	O	\$ 54,058.00	\$ 43,187.00	3/27/2024	Dawkins	\$43,187.00	\$ -	\$ (10,871.00)
4/19/2024	Probation	Probation Assistant- Temp (2801)	N/A	O	N/A	\$ 43,187.00	4/22/2024	Bayle	\$43,187.00	\$ -	\$ -
4/19/2024	DPW	MEO (M) # 1 (1245)	Binder	RS	\$ 47,438.00	\$ 46,090.00	4/8/2024	Stockman	\$46,090.00	\$ -	\$ (1,348.00)
4/11/2024	Social Services	SWE # 31 (1713)	Johnson	O	\$ 47,448.00	\$ 44,729.00	6/10/2024	Dong	\$45,372.00	\$ 643.00	\$ (2,076.00)
4/23/2024	County Clerk	MV Supervisor (1110)	Corcoran	RT	\$ 65,330.00	\$ 52,674.00	9/23/2024	Conway	\$63,830.00	\$ 11,156.00	\$ (1,500.00)
4/24/2024	Planning	GIS Specialist PT (2800)	N/A	O	N/A	\$31.6827/HR	5/1/2024	Dixon	31.6827/HR	\$ -	\$ -
4/24/2024	Social Services	Caseworker # 13 (1679)	Flower	RS	\$ 55,547.00	\$ 54,061.00	5/20/2024	Gonroff	\$54,704.00	\$ 643.00	\$ (843.00)
4/24/2024	Social Services	Intake Clerk # 12 (2806)	N/A	O	N/A	\$ 38,447.00	6/10/2024	Gallup	\$38,447.00	\$ -	\$ -
4/24/2024	Social Services	Intake Clerk # 8 (2660)	Wick	PR	\$ 39,089.00	\$ 38,447.00	6/3/2024	Dezalia	\$38,447.00	\$ -	\$ (642.00)
4/24/2024	Social Services	Director of SS- Public Asst (2808)	N/A	O	N/A	\$ 83,846.00	4/29/2024	Murray	\$83,846.00	\$ -	\$ -
4/24/2024	Social Services	Director of SS- Child Serv (2807)	N/A	O	N/A	\$ 91,062.00	4/22/2024	Breen	\$91,062.00	\$ -	\$ -
4/29/2024	Social Services	Case Supervisor B # 1 (1641)	Murray	PR	\$ 73,682.00	\$ 60,912.00	7/22/2024	Pratt	\$69,983.00	\$ 9,071.00	\$ (3,699.00)
5/1/2024	Countryside	Institutional Aide # 12 (1870)	Dawkins	PR	\$ 36,995.00	\$ 36,995.00	5/8/2024	Briggs	\$36,995.00	\$ -	\$ -
5/8/2024	DPW	Assistant Naturalist-Temp (2247)	Smith	RS	17.4721/HR		5/30/2024	Florio	17.4721/HR	\$ -	\$ -
5/10/2024	DPW	MEO (M) #4 (1254)	Moulton	RS	\$ 46,734.00	\$ 46,090.00	6/3/2024	Carpenter	\$46,090.00	\$ -	\$ (644.00)
5/13/2024	County Clerk	MV Registration Clerk (1117)	Gonroff	RS	\$ 45,372.00	\$ 44,729.00	8/13/2024	Sacco	\$44,729.00	\$ -	\$ (643.00)
5/13/2024	Mental Health	Program Analyst (1623)	Wright	RS	\$ 74,263.00	\$ 69,393.00	vacant				
5/15/2024	DPW	Engineer II (2612)	Monroe	RS	\$ 75,880.00	\$ 83,640.00	5/20/2024	Holmes	\$83,640.00	\$ -	\$ 7,760.00
5/22/2024	Countryside	Institutional Aide # 2 PT (1894)	Yetto	RS	\$ 29,596.00	\$ 36,995.00	6/4/2024	Romano	\$29,596.00	\$ (7,399.00)	\$ -
5/23/2024	Treasurer	Principal Account Clerk # 2 (1085)	Labruzzo	RT	\$ 47,667.00	\$ 59,644.00	7/3/2024	Mundell	\$58,644.00	\$ (1,000.00)	\$ 10,977.00
5/29/2024	Office for the Aging	Meal Site Cook # 11 (1952)	Ostrander	RS	\$ 26,031.00	\$ 22,714.00	7/29/2024	Simola	\$22,714.00	\$ -	\$ (3,317.00)
5/29/2024	Probation	Probation Supervisor (1302)	Secor	RS	\$ 83,912.00	\$ 73,194.00	6/3/2024	Lane	\$81,664.00	\$ 8,470.00	\$ (2,248.00)
5/29/2024	Public Defender	3rd Assistant Public Defender (1076)	Kelly-Barnes	RS	\$ 73,116.00	\$ 74,865.00	5/29/2024	Aman	\$74,865.00	\$ -	\$ 1,749.00
6/4/2024	Workforce Development	Job Coach - Temp (2719)	Tucker	O	\$ 41,213.00	\$ 41,213.00	6/26/2024	Tucker	\$41,213.00	\$ -	\$ -
6/3/2024	Planning	Assistant County Planner (2521)	Nelson	O	\$ 78,367.00	\$ 78,357.00	vacant				
5/30/2024	Building Codes	Code Enforcement Officer # 3 (1971)	Gillingham	RT	\$ 68,007.00	\$ 57,962.00	vacant				
5/30/2024	Building Codes	Code Enforcement Officer # 6 (2163)	Farr	RS	\$ 58,780.00	\$ 56,356.00	8/19/2024	Oswald	\$56,356.00	\$ -	\$ (2,424.00)
6/4/2024	Social Services	Resource Clerk # 1 (1635)	Pratt	O	\$ 38,447.00	\$ 38,447.00	6/20/2024	Putney	\$38,447.00	\$ -	\$ -
6/4/2024	Health Services	Infant Feeding Advocate Part Time (2081)	Collums	RS	\$ 18,498.00	\$ 19,024.50	vacant				
6/3/2024	DPW	Fiscal Manager (1206)	Henkel	RT	\$ 79,567.00	\$ 65,807.00	6/3/2024	Barlow	\$69,139.00	\$ 3,332.00	\$ (10,428.00)
6/6/2024	Public Defender	1st Assistant Public Defender (1073)	Pilatcke	O	\$ 118,996.00	\$ 96,376.00	6/3/2024	Komon	\$118,995.00	\$ 22,619.00	\$ (1.00)
6/6/2024	Public Defender	Legal Clerk (2664)	Farone	RS	\$ 39,766.00	\$ 39,766.00	6/13/2024	Bolton	\$39,766.00	\$ -	\$ -
6/10/2024	Social Services	Secretary 1 (2270)	Gallup	O	\$ 38,447.00	\$ 38,447.00	8/19/2024	Beattie	\$38,447.00	\$ -	\$ -
6/10/2024	Social Services	Intake Clerk # 9 (2661)	Mattison	O	\$ 38,447.00	\$ 38,447.00	6/17/2024	Hamelin	\$39,089.00	\$ 642.00	\$ 642.00
6/10/2024	Social Services	Caseworker # 23 (1672)	Petteys	RS	\$ 54,704.00	\$ 54,061.00	7/8/2024	Campbell	\$54,061.00	\$ -	\$ (643.00)
6/10/2024	Social Services	SWE # 41 (2129)	Hamelin	O	\$ 45,372.00	\$ 46,004.00	10/7/2024	Cook	\$46,004.00	\$ -	\$ 632.00
6/10/2024	Social Services	SWE # 19 (1721)	Conde	O	\$ 54,307.00	\$ 44,729.00	9/30/2024	Pratt	\$44,729.00	\$ -	\$ (9,578.00)
6/11/2024	Treasurer	Principal Account Clerk # 4 (2566)	Toll	RS	\$ 54,710.00	\$ 47,667.00	7/29/2024	Smith	\$47,667.00	\$ -	\$ (7,043.00)
6/11/2024	Treasurer	Administrative Secretary (2762)	Redmond	RS	\$ 53,378.00	\$ 53,378.00	7/22/2024	Bennett	\$53,378.00	\$ -	\$ -

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

2024 - NOTICE OF INTENT TO FILL TRACKING

ITEM 2A

Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
6/18/2024	Tourism	Communications Assistant (2417)	Ellis	PR	\$ 46,734.00	\$ 46,090.00	6/24/2024	Slattery	\$46,090.00	\$ -	\$ (644.00)
5/28/2024	Planning	Principal Planner 2 (2811)	N/A	N	N/A	\$ 81,644.00	5/28/2024	Nelson	\$81,644.00	\$ -	\$ -
6/25/2024	DPW	Cleaner # 11 (2264)	Egan	RS	\$ 36,342.00	\$ 36,342.00	7/1/2024	Adamczyk	\$36,342.00	\$ -	\$ -
6/25/2024	DPW	Cleaner # 10 (1163)	Miller	RS	\$ 38,613.00	\$ 36,342.00	7/1/2024	Smith	\$36,342.00	\$ -	\$ (2,271.00)
6/28/2024	Social Services	Caseworker # 40 (2665)	Kubricky	RS	\$ 55,547.00	\$ 54,061.00	7/22/2024	Knox	\$54,061.00	\$ -	\$ (1,486.00)
6/28/2024	Social Services	Sr Caseworker # 7 (2268)	Pratt	PR	\$ 66,055.00	\$ 59,146.00	vacant				
7/3/2024	DPW	Sr Building Maint Mechanic # 2 (1161)	Leemans	RT	\$ 69,814.00	\$ 57,507.00	7/8/2024	Sargent	\$69,314.00	\$ 11,807.00	\$ (500.00)
7/3/2024	DPW	Sr Building Maint Mechanic # 3 (1157)	Miller	RT	\$ 69,814.00	\$ 57,507.00	7/8/2024	Spring	\$57,507.00	\$ -	\$ (12,307.00)
7/3/2024	Probation	Senior Probation Officer # 3 (1300)	Mason	PR	\$ 72,682.00	\$ 60,912.00	7/24/2024	Irwin	\$69,983.00	\$ 9,071.00	\$ (2,699.00)
7/10/2024	DPW	MEO (L) # 13 (1263)	Norton	O	\$ 43,187.00	\$ 43,187.00	7/15/2024	McNeill	\$43,187.00	\$ -	\$ -
7/12/2024	Treasurer	Senior Account Clerk # 4 (1086)	Mundell	PR	\$ 53,558.00	\$ 44,418.00	10/7/2024	Wood	\$44,418.00	\$ -	\$ (9,140.00)
7/12/2024	County Clerk	Pistol Permit Clerk (2812)	N/A	O	N/A	\$ 46,004.00	vacant				
7/15/2024	Health Services	RPN (2025)	Mattes	RT	\$ 76,055.00	\$ 69,983.00	7/22/2024	Sokol	\$69,983.00	\$ -	\$ (6,072.00)
7/15/2024	Social Services	Caseworker # 14 (1655)	Thrasher	RS	\$ 54,704.00	\$ 54,061.00	8/12/2024	Hatin	\$54,061.00	\$ -	\$ (643.00)
7/15/2024	Office for the Aging	Meal Site Manager # 9 (1949)	Brennan	RT	\$ 35,087.00	\$ 27,256.00	9/30/2024	Simola	\$27,256.00	\$ -	\$ (7,831.00)
7/18/2024	Workforce Development	Career Development Specialist (2729)	Graney	RS	\$ 51,999.00	\$ 51,356.00	9/30/2024	Sherman	\$51,356.00	\$ -	\$ (643.00)
7/22/2024	County Attorney	Property & Casualty Risk Manager (2815)	N/A	N	N/A	\$ 34,696.00	7/24/2024	Rivers	\$34,696.00	\$ -	\$ -
7/22/2024	Public Defender	Assistant Public Defender # 8 (2460)	Moore	RS	\$ 96,936.00	\$ 81,920.00	7/22/2024	Cartmell	\$81,920.00	\$ -	\$ (15,016.00)
7/22/2024	Public Defender	Assistant Public Defender # 9 (2608)	Hladik	PR	\$ 81,921.00	\$ 81,920.00	7/22/2024	Aman	\$81,920.00	\$ -	\$ (1.00)
7/22/2024	Public Defender	Assistant Public Defender # 13 (2813)	N/A	N	N/A	\$ 89,318.00	7/22/2024	Hladik	\$89,318.00	\$ -	\$ -
7/23/2024	Health Services	Public Health Program Manager (2553)	N/A	N	N/A	\$ 62,310.00	8/12/2024	Shah	\$71,535.00	\$ 9,225.00	\$ -
8/2/2024	Human Resources	Civil Service Assistant (2568)	N/A	N	N/A	\$ 38,023.00	8/5/2024	Jones	\$38,023.00	\$ -	\$ -
7/29/2024	Social Services	Caseworker # 31 (1677)	Nelson	RS	\$ 55,547.00	\$ 54,061.00	9/16/2024	Hendrie	\$54,061.00	\$ -	\$ (1,486.00)
7/30/2024	Health Services	WIC Nutrition Aide # 2 (1581)	Clute	RT	\$ 50,814.00	\$ 41,213.00	9/9/2024	Harrington	\$50,314.00	\$ 9,101.00	\$ (500.00)
7/30/2024	Health Services	WIC Assistant # 2 (2272)	Harrington	PR	\$ 48,671.00	\$ 39,766.00	9/9/2024	Tarraran-Cassella	\$39,766.00	\$ -	\$ (8,905.00)
8/13/2024	Social Services	Assistant Social Service Attorney # 2 (2370)	Genchi	RS	\$ 84,135.00	\$ 81,920.00	9/16/2024	Destefano	\$84,735.00	\$ 2,815.00	\$ 600.00
8/12/2024	DPW	Building Maintenance Worker # 12 (1191)	Sutliff	RT	\$ 49,545.00	\$ 43,187.00	8/12/2024	Trask	\$43,187.00	\$ -	\$ (6,358.00)
8/12/2024	DPW	MEO (L) # 28 (2320)	Mahler	O	\$ 43,187.00	\$ 43,187.00	8/12/2024	Ortiz	\$43,187.00	\$ -	\$ -
8/12/2024	DPW	Senior Account Clerk (1207)	Kocsis	O	\$ 49,545.00	\$ 49,545.00	6/3/2024	Kocsis	\$49,545.00	\$ -	\$ -
8/19/2024	DPW	MEO (L) # 27 (2256)	Allen	RS	\$ 43,187.00	\$ 44,418.00	vacant				
8/19/2024	DPW	MEO (L) # 26 (1225)	Garelli	RS	\$ 43,187.00	\$ 44,418.00	vacant				
8/19/2024	Social Services	SWE # 44 (2531)	St.John	PR	\$ 54,307.00	\$ 44,729.00	8/26/2024	Luzzi	\$51,320.00	\$ 6,591.00	\$ (2,987.00)
8/19/2024	Social Services	Principal Social Welfare Examiner (1627)	Hill	PR	\$ 65,330.00	\$ 52,674.00	8/26/2024	McKinney	\$63,330.00	\$ 10,656.00	\$ (2,000.00)
8/19/2024	Social Services	Senior Social Welfare Examiner # 7 (1628)	Mckinney	PR	\$ 58,390.00	\$ 48,324.00	8/26/2024	St.John	\$58,390.00	\$ 10,066.00	\$ -
8/20/2024	Social Services	Community Services Worker LTPT (2718)	N/A	O	N/A	\$ 46,004.00	vacant				
8/22/2024	Treasurer	Accounting Technician # 3 (2818)	N/A	N	N/A	\$ 58,652.00	8/19/2024	VanAlen	\$70,118.00	\$ 11,466.00	\$ -
8/26/2024	DPW	Sign Maint. Worker # 2 (1204)	Monroe	PR	\$ 58,890.00	\$ 48,324.00	9/3/2024	Livingston	\$55,468.00	\$ 7,144.00	\$ (3,422.00)
8/28/2024	DPW	HEO # 5 (1226)	Kennedy	RS	\$ 38,817.00	\$ 47,667.00	8/28/2024	Kennedy	\$50,544.00	\$ 2,877.00	\$ 11,727.00
8/29/2024	Countryside	Cook # 5 (2600)	McGrath	RS	\$ 39,089.00	\$ 38,447.00	9/30/2024	Perrelli	\$38,447.00	\$ -	\$ (642.00)
9/10/2024	DPW	Building Maintenance Mechanic # 4 (1155)	Sargent	PR	\$ 63,830.00	\$ 52,674.00	9/13/2024	Ruland	\$60,485.00	\$ 7,811.00	\$ (3,345.00)
9/16/2024	Social Services	Intake Clerk # 4 (1736)	Pratt	PR	\$ 38,447.00	\$ 39,543.00	vacant				
9/16/2024	Social Services	Caseworker # 33 (2080)	Oswald	O	\$ 62,081.00	\$ 55,602.00	vacant				
9/16/2024	Social Services	Assistant Social Services Attorney PT (2535)	Destefano	PR	\$ 65,536.00	\$ 65,536.00	vacant				
9/23/2024	DPW	Building Maintenance Worker # 6 (2138)	Gordon	RS	\$ 45,147.00	\$ 43,187.00	9/23/2024	Augusta	\$45,147.00	\$ 1,960.00	\$ -
9/23/2024	Social Services	Caseworker # 43 (2789)	N/A	O	N/A	\$ 54,061.00	9/9/2024	DeMarco	\$54,061.00	\$ -	\$ -
9/26/2024	Social Services	Sr. Account Clerk # 4 (1686)	Monahan	PR	\$ 43,830.00	\$ 44,418.00	vacant				
9/30/2024	Social Services	Senior Clerk # 2 (2821)	N/A	N	N/A	\$ 38,447.00	9/23/2024	Putney	\$38,447.00	\$ -	\$ -
10/3/2024	DPW	Sr. Building Maintenance Worker (2772)	Ruland	PR	\$ 52,890.00	\$ 47,404.00	10/15/2024	Chervinski	\$47,404.00	\$ -	\$ (5,486.00)
10/3/2024	DPW	Maintenance Mechanic # 1 (2194)	Spring	PR	\$ 46,090.00	\$ 47,404.00	10/7/2024	Curtis	\$48,066.00	\$ 662.00	\$ 1,976.00

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

2024 - NOTICE OF INTENT TO FILL TRACKING

ITEM 2A

Approval Date	Department	Position	Incumbent	Reason for Vacancy *	Incumbent Salary	Salary Approved	Date Filled	Hire	Salary Hired	Approved vs. Hired	Incumbent vs. Hired
10/3/2024	DPW	Cleaner # 12 (2470)	Augusta	PR	\$ 38,060.00	\$ 37,378.00	10/21/2024	Possemato	\$37,378.00	\$ -	\$ (682.00)
10/3/2024	DPW	Custodian (2620)	Hoss	RT	\$ 43,104.00	\$ 42,388.00	10/7/2024	Mihill	\$51,748.00	\$ 9,360.00	\$ 8,644.00
10/3/2024	DPW	Word Processing Operator (1209)	Beadnell	PR	\$ 44,077.00	\$ 39,543.00	10/21/2024	Rounds	\$40,203.00	\$ 660.00	\$ (3,874.00)
10/3/2024	Tourism	Fiscal Coordinator (2817)	N/A	N	N/A	\$ 52,674.00	vacant				
10/7/2024	Social Services	SWE # 13 (1710)	Campney	RT	\$ 56,355.00	\$ 44,729.00	vacant				
10/7/2024	Social Services	Caseworker # 20 (1649)	Dolly	RS	\$ 57,129.00	\$ 54,061.00	vacant				
10/10/2024	DPW	Cleaner (2148)	Mihill	PR	\$ 44,783.00	\$ 37,378.00	vacant				
10/10/2024	Veteran's Services	Veteran's Benefits Counselor (2690)	Cooke	RS	\$ 48,790.00	\$ 47,404.00	vacant				
10/10/2024	Real Property	GIS Tax Map Technician (2768)	Tilly	RS	\$ 57,962.00	\$ 57,962.00	vacant				
10/11/2024	County Clerk	Senior Motor Vehicle Examiner # 3 (2710)	Conway	PR	\$ 58,144.00	\$ 49,026.00	10/14/2024	Sherman	\$51,205.00	\$ 2,179.00	\$ (6,939.00)
10/11/2024	County Clerk	MV License Registration Clerk (1124)	Sherman	PR	\$ 48,075.00	\$ 46,004.00	10/15/2024	St.Germain	\$46,004.00	\$ -	\$ (2,071.00)
10/17/2024	DPW	Fleet & Equipment Manager (2319)	Smith	RT	\$ 88,516.00	\$ 88,516.00	vacant				
<b>Totals:</b>										<b>\$ 205,090.00</b>	<b>\$ (298,051.00)</b>

\* (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: October 24, 2024**

- (a) Purpose of Request: **To renew Medicare Advantage coverage effective January 1, 2025 for Warren County retirees**
- (b) Details: **Renew retiree coverage through our current carrier Anthem at a rate of \$208.09 per month.**
- (c) Previous Resolution Number: **Res. 620 of 2023**
- (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. 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.*

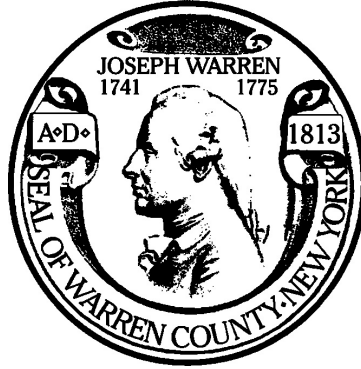
**DEPARTMENT NAME: Human Resources**

**DATE: October 29, 2024**

- (a) Purpose of Request:  
**Adopting proposed changes to the Out-of-Unit Employee Policy**
  
- (b) Details:  
**See updated version of Policy, attached**
  
- (c) Previous Resolution Number:  
**R306 2023**
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

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

\* as listed in budget and LOGOS



**WARREN COUNTY  
OUT-OF-UNIT EMPLOYEE BENEFITS  
POLICY (effective November 30, 2024)**

## RESOLUTION NO. \_\_\_\_ OF 2024

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**SECTION 1. SALARY AND COMPENSATION PLAN**

- A. All employees outside the bargaining units shall be compensated according to the Warren County Salary and Compensation Plan adopted by the Board of Supervisors and according to such further Resolutions as may be adopted by the Board from time to time. For the purposes of computing salaries and where applicable, overtime and other benefits, the annual salary of all employees outside the bargaining units (with the exception of the appointed and executive employees) shall be divided by 2,080 hours. The salaries of all appointed and executive employees outside the bargaining units shall be divided by 1,820 hours. ~~as set forth in Res. 439 of 2010.~~

**SECTION 2. WORKDAY, WORKWEEK, OVERTIME**

- A. **Regular Hours.** The regular hours of work in each day shall not exceed eight hours, except that the hours worked when attending an authorized out-of-town conference, training class, seminar or similar educational class may be more than eight hours but not more than 11 hours when the Department Head (or designee) and the employee agree that the time worked over eight hours (not more than 11), will be taken as authorized time off later in the same workweek. Agreement by the Department Head and employee must be in writing. ~~using a form provided by the County Attorney.~~ If an agreement is not reached it is understood that the Department will either pay overtime or not authorize/require the employee to attend the conference, training class, seminar or similar education class for more than eight hours.
- B. **Overtime.** Overtime must first be authorized by the Department Head. When an employee who is required under law to receive overtime pay is authorized or required by the Department Head to work in excess of 40 hours per week, or more than eight hours in one day, ~~he/she they~~ shall be entitled to receive compensation at the rate of time and one-half of his hourly rate of pay, except no overtime compensation shall be required under circumstances where an agreement is reached pursuant to ~~division A subsection 2A.~~ above.
- C. **Flex Time.** In addition to the foregoing, the regular hours in each day for all departments in which non-exempt employees outside the bargaining unit work shall not exceed eight (8) hours per day except where an employee and a Department Head agree that the employee may work in excess of eight (8), but not more than ten (10) and take authorized time off later in the same work week on an hour for hour basis. Hours worked under this provision must be tracked and marked as flex time on the employee timesheet. The employee shall not be entitled to overtime pay for the hours used as flex time.
- D. **Compensatory Time.** Notwithstanding the foregoing provisions of this section, non-exempt employees may elect to take time off duty in lieu of payment for overtime that they are requested or required to work. Compensatory time off shall be at the rate of one and one half hours off for each hour worked. The elections to accrue and take compensatory time off will be made in writing ~~on in the forms~~ prescribed by the County Administrator. In the absence of such election, the overtime work will be paid for at the regular overtime rate. Requests for compensatory time off shall be granted in the order that they are received. In the event that more than one request is received at the same time, seniority shall govern. Requests for compensatory time off shall not be made more than thirty (30) days in advance. An employee may accumulate up to forty (40) hours

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of compensatory time off in lieu of overtime. All accumulated and unused compensatory time off shall be paid to the employee by separate check in the last payroll in each calendar year. The employee shall thereafter be allowed to once again start to accrue time for the following year. Any such payment that is in excess of \$50 will be made by separate check. Approval of requests for use of compensatory time shall be conditioned upon the needs of the employee's department as determined in the sole discretion of the Department Head or designee.

- E. **Call in Pay.** ~~Beginning January 1, 2020~~ The County will provide a guarantee of 1 hour call-in time at the rate of time and one-half whenever an overtime eligible employee is required and authorized to perform necessary work outside of normal working hours and when the time worked does not immediately precede a normal work shift or immediately follow a normal work shift.

**SECTION 3. DEFINITION OF EMPLOYEES**

The following definitions shall apply:

**Administrative Employee.** Employees responsible for department activities in the absence of the Department Head or Deputy Department Head and who assist in the enforcement of departmental policies and regularly exercise discretion and independent judgment with authority to make important agency decisions.

**Executive Employee.** A Department Head or Deputy Department Head.

**Full-time Employee.** A person who is employed by the County for a 12-month period of time and who works 35 hours per week or more.

**Less than Half-time Employee.** A person who is employed by the County for a 12-month period and works ~~less than~~ 20 hours ~~or less~~, per week.

**Part-time Employee.** A person who is employed by the County for a 12-month period and who works less than 35 hours per week but more than 20 hours per week.

**Professional Employee.** Employees performing work which requires knowledge of an advanced type in a position where the employees invention, imagination, and talent in a specialized field is required for project completion. Employees perform work which is unique to a career field (i.e., Law, Medicine, Planning), as distinguished from clerical, manual, mechanical or physical duties.

**Temporary Employee and Seasonal Employee.** A person who is employed for a particular program or project for a period not exceeding six months.

**SECTION 4. FRINGE BENEFITS**

Part-time employees as herein defined shall receive fringe benefits in the same proportion as the ratio of the number of hours the employee works to the number of hours in the regular workweek. Less

**RESOLUTION NO. \_\_\_ OF 2024****PAGE NO. 4 OF 16**

than part-time employees including less than half-time and temporary or seasonal employees shall receive no fringe benefits.

**SECTION 5. HOLIDAYS.**

A. **Paid Holidays.** All employees in County service shall be entitled to the following paid holidays:

1. New Year's Day;
2. Martin Luther King's Birthday;
3. President's Day;
4. Memorial Day;
5. Juneteenth;
6. Independence Day;
7. Labor Day;
8. Columbus Day;
9. Veteran's Day;
10. Thanksgiving Day;
11. Christmas Day.

B. **Holiday Pay.**

In order to be paid for a holiday, the employee must work the employee's last scheduled workday before and after the holiday, except with the approval of the applicable Department Head or designee. In the event an employee at a County facility operating seven days a week shall be denied holiday pay by reason of this provision, the employee shall have the right, within the same payroll period of the holiday or the payroll period immediately following said payroll period, to appeal **in writing** the denial to the Human Resources Director who shall determine whether the employee shall be paid for the holiday. In making a decision, the Human Resources Director shall allow the employee, the employee's immediate supervisor or other designated representative and **County** Administrator to be heard. The Human Resources Director shall render the decision in writing and shall include the basis or rationale for the decision. The decision shall be delivered to the employee, the employee's supervisor or designee and the **County** Administrator.

C. **Working on Holidays.**

When a non-bargaining unit, Fair Labor Standards Act exempt employee is required, as part of the customary work schedule, to work on one of the officially-designated county holidays, or if such an employee is called to work on such a holiday, the employee shall be compensated at such employee's regular salary rate for the payroll period and receive leave credit for a full work day to be used within six months of the date of such accrual with the department head's prior approval (which approval shall not be unreasonably withheld). If such employee's normally scheduled day off falls on the official holiday, the employee shall likewise accrue one full work days' leave to be used within six months upon prior approval of the department head (which such approval shall not be unreasonably withheld).

D. **Weekend Holidays.**

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1. Full-time employees will be paid the regular weekly salary without deduction when one (1) of the above holidays is observed during the workweek.
2. Part-time employees will be paid at their regular wage for the day when a holiday falls or is observed within their respective workweek schedule.
3. Temporary and seasonal employees as defined herein will be paid their regular wage for the day where a holiday falls or is observed within their respective workweek schedule.
4. If a holiday falls on a Sunday, it will be observed on the next day thereafter. If it falls on a Saturday, it will be observed on the preceding Friday.
5. If a holiday falls on any other day, the General Construction Law and amendments then in effect will govern the day of its observance.
6. If a holiday falls during a vacation period, the day will not be charged against the employee's vacation credits. Vacation days are charged solely against working days.
7. Any employee not in an executive, administrative or professional position who is required to work on one (1) of the scheduled holidays shall be paid time and one-half (½) plus the holiday pay if the holiday falls during the employee's regular workweek schedule. Election Department employees shall be given an additional day off if required to work on Election Day.
8. Any employee not in an executive, administrative or professional position who is called into work on a contract holiday shall be paid time and one-half (1/2) plus the holiday pay.

For the purposes of this Section the day to be considered the holiday shall be the day observed by the County as the holiday irrespective of whether such day is the actual holiday. This regulation shall be waived for the following holidays: New Year's, Christmas and Independence Day. On such holidays, the day to be considered the holiday shall be the day on which the holiday actually falls.

**E. Floating Holidays.**

Subject to the provisions herein, full-time employees shall be entitled to two additional days of with pay at their usual daily rate. These days shall be known or referred to as "floating holidays" and shall be used within restricted periods of time. One floating holiday shall be taken between January 1st and June 30th of each year. The other shall be taken between July 1 and December 31 of each year. The days may be used in conjunction with vacation or personal days. Rules concerning scheduling and/or use shall be the same as those applicable to vacation days. The days must be taken. Days earned and not taken through no fault of the employee shall be treated in the same manner as vacation days not taken under the same circumstances. Part-time employees shall receive the benefit of the floating holidays in the same proportion as the ratio of the number of hours the employees work to the number of hours in the regular work week. In their first year, a new employee shall be entitled to the floating holidays provided that the new employee was on the payroll ~~at the time of~~ **prior to** the actual ~~date of the~~ **Lincoln's Birthday** holiday or Election Day.

**SECTION 6. VACATION, SICK LEAVE, PERSONAL LEAVE, BEREAVEMENT LEAVE.****A. Vacation Leave.****1. Employees Hired after January 18, 2013.**

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- A. All full-time and part-time employees commencing work on or after January 18, 2013 shall accrue leave from the date of hire on a pro-rated bi-weekly basis. Vacation time will be earned in the amounts outlined ~~in the table in item number 2.~~ below in the table at Section 6A(2).
- B. Any leave time accrued shall not be considered earned until the newly hired employees have completed six (6) months of continuous service. Once six (6) months continuous service has been completed, the employee may use any of the accrued time or continue to save the time for future use in accordance with other applicable provisions of this agreement.
- C. If a new employee shall not complete six (6) months continuous service, the accrued time shall not be considered earned and shall not be payable to the employee upon termination or otherwise leaving the County.
- D. Any employee beginning work with Warren County shall always accrue all vacation time provided for herein on a pro-rata, bi-weekly basis and such vacation time must be used not later than eighteen (18) months from the time earned or the vacation time shall be forfeited or lost and no compensation shall be ~~paid or~~ made to the employee.

**2. Employees Hired Prior to January 18, 2013.** All full-time County employees hired prior to January 18, 2013 shall be entitled to a vacation with pay after completing one (1) years of total continuous service as follows:

1 year of service	10 working days
3 years of service	11 working days
4 years of service	12 working days
5 years of service	13 working days
6 years of service	14 working days
7 years of service	15 working days

An additional day of vacation shall be added each year until a maximum of twenty (20) working days are attained.

Vacation credits shall be computed from the day of entry into County service and computed on January 1st of each year. For the purpose of determining the effective date of earned vacation the period of service shall be computed from the 1<sup>st</sup> day of January in the year the employee was first appointed.

~~Vacations shall be scheduled with the approval of the employee's Department Head, which approval~~

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~~shall not be unreasonably withheld.~~ All vacations shall be taken in the calendar year during which the employee becomes entitled thereto. Vacation credits shall not be carried over from one (1) calendar year to another or used in whole or in part any year except the year in which it is due; provided, however, that the County will allow an employee: 1) to carry part of the vacation time earned in one calendar year over into the succeeding calendar year upon advance notice to the Department Head, and solely as a continuation of a planned trip commenced in the twelfth (12<sup>th</sup>) month of the calendar year; or 2) to carry over up to five (5) vacation days, not taken through any fault of the employee, into the succeeding calendar year, upon notice to the Department Head by December 1<sup>st</sup> of the current calendar year, to be taken no later than June 1<sup>st</sup> of the succeeding calendar year.

**3. Vacation Provisions Applicable Regardless of Date of Hire:**

- A. ~~Vacations shall be scheduled with the approval of the employee's Department Head, which approval shall not be unreasonably withheld.~~
- B. Vacation leave may be taken in one-half hour increments. ~~A vacation day taken the day before or day after a holiday must be approved in advance by the Department Head.~~
- C. The period of employment referred to above shall be for a period of total service in Warren County employment. Vacation credits shall be computed from the day of entry into County service.
- D. A day of vacation shall be a working day.
- E. All vacation time must be taken within the time frames provided herein and any time not so taken shall be forfeited or lost.
- F. No compensation shall be paid or made to any employee for unused vacation time earned, except ~~that vacation time earned and not taken shall be paid to the employee~~ upon application to the Warren County Board of Supervisors and a finding ~~by such Board~~ that: 1) in the case of an employee who is not a Department Head that the employee was requested to not take vacation time or was affirmatively denied the opportunity to take vacation time at any time during the time frames herein provided by the Department Head or, 2) in the case of a Department Head, the Department Head was requested by the Board of Supervisors to not take vacation or was affirmatively denied the right to take vacation or, 3) ~~with regard to any employee~~ a job-related injury or disability prevented ~~employee from~~ the use of vacation time. The application ~~provided for herein for payment~~ must be made within 6 months ~~of the end of the year in which the use of vacation time was earned and the date when the vacation time earned would be lost or forfeited.~~ Payment, if awarded, will be at the rate ~~when the vacation time was earned.~~ Failure to make such an application ~~prior to the loss or forfeiture of vacation time shall bar the employee from any future claim and shall~~ constitute forfeiture and/or waiver of the right to ~~be compensated compensation~~ for qualifying unused vacation time. ~~and the County shall have no continuing liability therefore.~~
- G. ~~Time earned and not otherwise taken through no fault of the employee as provided herein,~~  
 Earned and accrued vacation time shall be paid to an employee ~~at the time of his/her upon~~

termination of ~~service:~~ employment.

- H. Part-time employees and full-time employees who work less than forty (40) hours per week will be entitled to vacation credits based on their regular workday and regular workweek. In order to be paid for a vacation day, the employee must work the employee's last
- I. scheduled work day before and after the vacation day, except with the employee's supervisor's approval.

**Sick leave.**

A.

1. ~~An employee's~~ absence from duty ~~by an employee~~ by reason of ~~the employee's~~ sickness or disability ~~of himself or herself~~ shall be considered "sick leave". ~~Sick leave shall be used and authorized for use only for an employee's sickness or disability, or as provided by this policy, to include attendance at medical appointments.~~
2. Employees shall be entitled to sick leave with pay on the basis of ten (10) working days in each year. The ten (10) working days per year allowed to an employee for sick leave will be earned at the rate of one (1) day of sick leave for each month of employment except for the sixth and twelfth months during the year of employment where no days will be earned. Such sick leave with pay shall be granted to the employee by the Department Head. The Human Resources Director may ~~request and~~ require a physician's statement for any absence of more than three (3) consecutive ~~work~~ days.
3. Part-time employees will earn sick leave' credits based on their workday and workweek.
4. Less than half-time, temporary and seasonal employees shall not be entitled to receive sick leave credits.
5. Employees shall be allowed to take sick leave in no less than one-half (~~±~~ 1/2) hour intervals.
6. Absence from duty by an employee by reason of sickness or disability of an immediate member of employee's family shall also be considered "sick leave", provided, however, 1) the sickness or disability of the immediate family member must require the physical presence and actual assistance of the employee; 2) a full-time employee may use no more than 10 or the maximum number of sick leave days the employee has available for use, whichever is less, in any calendar year for immediate family member sickness or disability and the number of days available for use by the part-time employee shall be that portion of 10 days which is in the same proportion to the number of hours worked when compared to full time employees and in no event shall exceed that the employee has accrued; 3) the use of sick leave for immediate family sickness or disability shall be subject to the same rules of use as are applicable to the employee's use of sick leave for employee's own sickness or disability, including disciplinary action should the sick leave not be used in accordance with the rules specified herein; 4) the use of sick leave for immediate family member sickness or disability shall be subtracted from or charges to the employee's sick leave balance in the same manner as if used for the employee's own sickness or disability; and 5) immediate family member shall mean parent, spouse, sibling, child, grandparent, grandchild, parent-in-law, step-family relationships, and any relative or person residing in the immediate household of the employee.
7. No employee shall receive any part of ~~his/her~~ ~~their~~ compensation while absent from duty because of sickness or disability except as herein provided.

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8. The days allowed to an employee for such leave with pay may be accumulated to a maximum of one hundred sixty five (165) days, and may be kept to ~~his or her~~ **an employee's** credit for future sick leave with pay.
9. In the event that any employee ~~utilizes~~ **uses** the sick leave benefits ~~provided by this Section while not actually sick, such in violation of this policy,~~ the employee will be subject to disciplinary proceedings.
10. Any employee hired prior ~~of January 18, 2013~~ **to November 15, 2024** who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, who has not used all of ~~his/her~~ **their** accumulated sick leave at the time of ~~his/her~~ **their** retirement, ~~he/she~~ **they** shall be paid in cash, at ~~their~~ **their** hourly rate then in effect, for one-half (½) of the accumulated sick leave to ~~his/her~~ **their** credit, ~~with up to a maximum payout of seventy (70) days.~~ **to be paid in cash.**
11. Any employee hired after ~~January 18, 2013~~ **November 15, 2024** who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, will receive no cash payout for unused sick time.

**Personal leave.**

C.

1. Personal leave is leave with pay for personal business, including religious observance, without charge against accumulated vacation credits.
2. Full-time employees in County service shall be entitled to personal leave not exceeding a total of three days in each year.
3. Part-time employees will earn personal leave credits based on their workday and workweek.
4. Less than half-time, temporary and seasonal employees shall not be entitled to personal leave credits.
5. Personal leave shall not be cumulative and no part thereof shall be carried over from one calendar year to another. Unused personal leave shall not be liquidated in cash at the time of separation, retirement or death.
6. Personal leave shall be granted only by prior approval of the Department Head and only at a time convenient to the Department, and may be taken in multiples of not less than one-half hour.
7. An employee shall not be entitled to personal leave time until after four months of continuous employment.
8. Each new full-time permanent employee shall be credited with one day of personal leave after four months of continuous employment and one additional day of personal leave after eight months of continuous employment and by an additional day of personal leave at the end of the tenth month of employment, except all new employees shall have three personal leave days credited ~~to them~~ **as of January 1<sup>st</sup> whether they have completed ten months of service or not. without regard to length of service.**

**Leave of absence.**

D.

## RESOLUTION NO. \_\_\_ OF 2024

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1. **Military leave.** County employees who are members of military reserve units and are required to go on active duty for training purposes shall be entitled to leave without loss of pay for such time as is necessary to fulfill such military training obligation, but not exceeding 30 workdays per calendar year. Payment shall not be made to such employee unless a copy of the military orders is submitted to the Department Head **and shall be provided to Human Resources.** Military leave may be taken intermittently.

2. **Medical leave, education leave and family leave.**

- a. To request a leave of absence under the Family and Medical Leave Policy, please refer to the Family and Medical Leave Policy for Warren County Employees found in Resolution 217 of 2015.
- ~~b. Extension of authorized medical leave will be granted after an approval by the Department Head and the Personnel Committee of Warren County.~~
- b. Unpaid educational leave may be requested **and approved for** up to a period not to exceed 10 months.
- c. All requests for **medical, educational, and family** leave shall be approved by the Department Head and the **County** Director of Human Resources prior to the granting of leave. Employees shall receive a reason in writing for any denial of a request for leave.
- d. Upon termination of an authorized leave of absence, the employee **will shall** be reinstated without interruption of service, rights and benefits.
- e. In the event an employee **that voluntarily terminated County employment seeks and obtains reinstatement to their former is reinstated in his/her old position within two months from the date he/she has resigned or for any reason has left his/her position, he/she will be sixty (60) days after termination, then the period of time shall be deemed a leave of absence and the employee shall be** reinstated with all **his/her previously** accumulated rights and benefits, as if no interruption in service has occurred. **No employee who receives a payout for accumulated vacation time or sick leave shall be entitled to the benefits of this provision.**

**Bereavement leave and funeral leave.**

- E. 1. Employees may be absent from work without loss of pay by reason of death in the immediate family up to a maximum period of three (3) working days, commencing from **between** the date of death of the family member **or through the** day before the funeral. Immediate family includes only parent, spouse, sibling, child, grandparent, grandchild, parent-in-law and any relative or person residing in the immediate household of the employee.
2. Employees may be absent from work without loss of pay for one day to attend the funeral of the employee's child-in-law, sibling-in-law, or grandparent-in-law.
3. When extreme weather conditions will not allow for a burial until spring, an employee may reserve and schedule a day of the bereavement leave discussed above for such reason.

- F. **Employee approval.** The employer shall not have the right to charge any employee's leave credits without that employee's approval.

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~~G. **No discrimination.** The County shall administer the policies set forth in this Resolution in a manner which will be fair and impartial to all employees and there shall be no discrimination against any employee because of age, race, creed, color, sexual orientation, national origin, military status, sex, disability, predisposing genetic characteristics, or marital status.~~

**SECTION 8. HEALTH INSURANCE AND DENTAL INSURANCE PLANS.****Employee Eligibility.****A.**

Warren County employee shall be eligible for coverage under the Warren County Health Insurance Plan if any of the following conditions apply:

1. Said employee is employed at a rate of at least thirty (30) hours per week on a regularly scheduled basis, or
2. Is employed less than thirty (30) hours per week:
  - a. Is a paid elected official; or
  - b. Is a paid member of a public legislative board.
3. Health insurance benefits for full-time (30+ hours per week) non-bargaining unit employees

who began work with Warren County prior to December 21, 2012 shall be as follows:

- a. Effective December 1, 202~~14~~<sup>14</sup>, the County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes twenty-~~three~~ percent (23~~0~~%) of the health insurance premium. Commencing December 1, 202~~52~~<sup>52</sup>, the amount of the aforesaid contribution shall be increased to twenty-~~one-four~~ percent (24~~1~~%). Commencing December 1, 202~~63~~<sup>63</sup>, the amount of the aforesaid contribution shall be increased to twenty-~~two-five~~ percent (25~~2~~%).
- b. All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.
- c. The health insurance coverage option(s) afforded eligible retirees under 65 years of age shall be the same as that provided to eligible active employees. The Health Insurance coverage option(s) afforded eligible retirees 65 years of age and older shall be through Medicare Advantage Plans or similar plans offered to eligible Union employee retirees with the same status;
- d. The County will offer coverage to full-time non-bargaining unit employees who retire, provided that said employee a) has at least ten (10) years of total service as a Warren County employee; b) has retired under the New York State Retirement System or is retired and is receiving or will receive Social Security Benefits and would have been eligible to retire and receive benefits under the New York State Retirement System if the employee had been a participant in said Retirement System; c) is enrolled in the Warren County Health Insurance Plan at the time of retirement; d) the contribution to be paid toward the health

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insurance premium by all eligible retirees under the age of sixty-five (65) shall be the amount equivalent to the amount paid by active eligible employees and may be increased or otherwise changed from time-to-time; e) the contribution to be paid by current active eligible employees who become retirees sixty-five (65) or older, after August 16, 2013 and who began employment with Warren County prior to December 21, 2012, shall be a percentage equal to that percentage being contributed by active full-time employees commencing work prior to December 21, 2012, as may be increased or otherwise changed from time-to-time.

- e. Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan but the County will contribute a maximum total amount equal to the County's contribution to a two person plan.
4. Health insurance benefits for new full-time (30+ hours per week) non-bargaining unit employees beginning work with Warren County on or after December 21, 2012 shall be as follows:
- a. ~~Effective December 1, 2021,~~ The County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes twenty-five percent (25%) of the health insurance premium. All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office
- b. co-pays and 10/30/50 for drug plan co-pays.
- c. The County will offer health insurance Medicare Advantage plans or similar plans to full-time non-bargaining unit employees who ~~retire leaves County employment~~, provided that said employee a) retires from the New York State Retirement Plan; b) had insurance coverage in the previous ninety (90) day period; c) is sixty-five (65) years of age or older; d) has at least twenty (20) years total full-time county service; e) pays a percentage equal to that shared percentage being contributed by active full time employees commencing work on or after December 21, 2012, as may be increased or otherwise changed from time to time.
- d. If the employee leaves County service before reaching the age of sixty-five (65), the employee shall not be entitled to continue health insurance through Warren County ~~until~~ ~~Once the employee who leaves the County reaches attains the age of sixty-five (65) years, assuming all other and then if the former employee satisfies the eligibility criteria outlined above are met in Section 8A(4)(c) above then the former employee may then thereafter~~ elect to receive benefits outlined ~~above.~~ ~~by Section 8.~~
- e. Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan but the County will contribute a maximum total amount equal to the County's contribution to a two person plan.

5. An active employee who is eligible for coverage and has elected not to enroll in the County

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Plan during his active employment may enroll in the Plan at any time prior to retirement during an open enrollment period.

6. A covered employee who fails to remit the required premiums shall be terminated from coverage.

**Health Insurance Coverage ~~in~~ during Retirement.****B.**

1. Eligibility ~~in for health insurance coverage during~~ retirement is as set forth in either Section ~~†~~ 8A(3)(c) and (d) or Section 8A(4)(c). Employees with at least 10 years total service as a Warren County employee, with vested status in the New York State Retirement System who ~~leaves terminate~~ County employment prior to ~~the start of~~ retirement under the New York State Retirement System may continue coverage in Warren County Health Insurance Plan by paying both the employer and employee shares of the health insurance premium. ~~After Upon the start of retirement begins, said under the New York State Retirement System, an employee shall be liable for responsible to pay~~ only the employee share of the premium.
- ~~2. An active employee who is eligible for coverage and has elected not to enroll in the County Plan during his active employment may enroll in the Plan at any time prior to retirement during an open enrollment period.~~
2. A ~~covered employee or~~ retired employee who fails to remit the required premiums shall be terminated from coverage.
3. An employee who is eligible for coverage at the time of ~~retirement separation from County service~~ and who elects not to continue coverage ~~upon separation or to not enroll for coverage as a retire person~~ shall be eligible to enroll for coverage after retirement ~~provided such that upon separation from employment the employee has completed~~ at least twenty (20) years of total service as a Warren County employee.

**C. Death of an Employee While in Service.**

The surviving spouse and minor children of a Warren County employee who dies while in service and prior to retirement shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

1. the deceased employee had at least ten (10) years of total service as a Warren County employee; and
2. the deceased employee was vested under the New York State Retirement System at the time of ~~his/her~~ their death.

**D. Death of Retiree**

The surviving spouse and minor children of a retired Warren County employee shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

*RESOLUTION NO. \_\_\_ OF 2024**PAGE NO. 14 OF 16*

1. the deceased employee had at least ten (10) years of total service as a Warren County employee; and
  2. the deceased employee had retired and was eligible for or receiving benefits under the New York State Retirement System at the time of ~~his/her~~ **their** death.
- “Continued coverage” as used in this in this Resolution shall mean the coverage available to all Warren County employees and members of the employee’s family.

## SECTION 9. RETIREMENT PLANS AND DEATH BENEFITS.

Retirement - generally.

A.

Retirement benefits and death benefits, to the extent available, are provided through the New York State and Local Employees’ Retirement System. Information concerning the nature and extent of the retirement benefits may be obtained through the Human Resources Department and/or from the New York State and Local Employees’ Retirement System.

Career retirement plan.

B.

~~The County has adopted a Resolution providing for a Career Retirement Plan for County-employees~~

~~pursuant to N.Y. Retire. & Soc. Sec. Law § 75-i. The foregoing shall be amended to the extent necessary to reflect changes in the N.Y. Retire. & Soc. Sec. Law as it applies to so-called “Tier Three” category employees. Such plan shall become effective upon compliance with applicable New York State laws and implementation by the New York State Retirement and Social Security System.~~

Guaranteed ordinary death benefit.

C.

~~The County has adopted a Resolution providing for a guaranteed ordinary death benefit under N.Y. Retire. & Soc. Sec. Law § 60-b as amended by the Laws of 1970 which provides, for County employees who qualify, a guaranteed minimum death benefit of three times the annual rate of pay but limited to \$20,000.~~

## SECTION 10. MISCELLANEOUS PROVISIONS.

Coffee breaks.

A.

All employees shall be allowed one coffee break during each four hours of ~~his/her~~ **their** regular day and each Department Head shall establish such rules and regulations as may be necessary to implement these employee rest periods.

Annual statement of accrued time.

B.

Each employee will view ~~his/her~~ **their** time and accruals electronically unless there is no computer access available in the employee’s workplace. Each employee who does not have computer access in the employee’s workplace will receive a paper copy of his/her time or leave through the Human Resources Department.

**RESOLUTION NO. \_\_\_ OF 2024****PAGE NO. 15 OF 16**

- C. Submission of time records.  
For the purpose of maintaining leave balances, all employees are to submit bi-weekly time records using Novatime. Overtime payment for those non-exempt employees not deemed executive, administrative or professional shall be listed on bi-weekly time records. Hours reported in excess of 40 hours weekly for those employees designated executive, administrative or professional are NOT eligible for overtime compensation.
- D. Medicare premiums.  
Upon the exclusion from the coverage of the County's health insurance plan of the supplemental medical insurance benefits under Medicare, the amount of such Medicare premium will be deducted from contributions payable by the employee and the employer contributions to the Health Insurance Fund shall be adjusted as necessary to provide such payments.
- E. Workers' compensation and disability insurance.  
Warren County Workers' Compensation and Disability Insurance is through self-insurance and benefits and use or credit of sick leave will be in accordance with the rules established thereunder.
- F. Jury duty compensation.  
The County will pay an employee for the first three (3) days of jury service. Commencing with the fourth day of jury service, the County will pay an employee who serves on a jury the difference between the jury payment amount and ~~40 hours pay at straight time. the employee's regular rate of pay for the day on which jury duty was performed.~~ Volunteers will not be paid and provisions must be made for reporting for work on short court sessions or days when the County is working although the Court may not be in session. No payment will be made to any employee who is exempt by law and waives the exemption by failing to claim the exemption or by volunteering to serve.
- G. Reimbursement to Employees for training, certification and credit-bearing course work.  
**Effective January 1, 2020**, County employees who are not represented by a union or collective bargaining agreement, with the exception of elected officials, shall be allowed to take employment related training, certification (including non-credit bearing certification programs) and credit-bearing courses (collectively referred to as "course work") that benefit Warren County pursuant to the application and approval procedures adopted by ~~the County Board of Supervisors. Resolution No. 500 of 2021, or as amended in the future.~~ Upon satisfactory completion of the course with a "C" grade or better, the County shall reimburse the employee for 100% of the cost for tuition, books and fees related to taking the course work, subject to lifetime limits of \$10,000 for Full time employees, \$5,000 for Part time employees, \$2,500 for less than Part time employees and \$1,000 for Per Diem employees. If an employee does not work for at least 12 consecutive months after completing the course work for which the County has reimbursed the employee, the employee will refund the County the total amount paid by the County to the employee.
- H. Employee indemnification **and defense of lawsuits.**

*RESOLUTION No. \_\_\_ OF 2024**PAGE 16 OF 16*

The indemnification ~~and duty to defend~~ benefits of N.Y. Pub. Off. Law § 18 ~~has have~~ been conferred upon all County ~~officers and~~ employees, provided ~~such the officer or~~ employee complies with ~~all of~~ the requirements of N.Y. Pub. Off. Law § 18.

I. Americans with Disabilities Act.

The County shall comply with the applicable provisions of the Americans with Disabilities Act.

J. **No Discrimination.** The County shall administer the policies set forth in this Resolution in a manner which will be fair and impartial to all employees and there shall be no discrimination against any employee because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or disability.

**RESOLUTION REQUEST FORM NO. 11*****Request to Create New Position***

DEPARTMENT NAME: Sheriff

DATE: October 22, 2024

- (a) Title of Requested Position: Patrol Sergeant #11-C (Contingent position)
- (b) Annual **Base** Salary (and Grade if Applicable): \$66,111
- (c) Effective Date for New Position\*: January 1, 2025 - March 31, 2025  
\*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):  
n/a
- (e) Where are Funds in the Budget for this Position?  
List Budget Code, Object Code, Full Title and Amount:  
A.3110 110 - General Sheriff's Law Enforcement - 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 with the current budget:
- (g) Has Director of Human Resources Reviewed and Approved of the New Position Title?  YES  NO  
*(approval is necessary BEFORE bringing the request to Committee)* HR Director Initial AE
- (h) Had County Administrator Reviewed and Approved Creation of New Position?  YES  NO  
*(approval is necessary BEFORE bringing the request to Committee)* Co. Admin Initial Q+
- (i) Is this a mandated position?  YES  NO  
If yes, please explain:
- (j) Is there expected revenue from this position?  YES  NO  
If yes, please explain and complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue:

***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: County Administrator**

**DATE: 10/29/2024**

- (a) Purpose of Request: **Rescind R597/2019 Department Head Evaluations**
- (b) Details:
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

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

\* as listed in budget and LOGOS

# Warren County Board of Supervisors

## RESOLUTION NO. 597 OF 2019

**RESOLUTION INTRODUCED BY SUPERVISORS GERAGHTY, FRASIER, MCDEVITT, LEGGETT, BRAYMER, SIMPSON, HYDE, DIAMOND, LOEB, MERLINO AND SOKOL**

**ADOPTING AMENDED DEPARTMENT HEAD  
EVALUATION POLICY AND RELATED FORMS**

WHEREAS, the Warren County Board of Supervisors adopted a Department Head Evaluation Policy including Goal Setting and Performance Evaluation Forms by Resolution No. 536 of 2016, which was later amended by Resolution No. 81 of 2017, and

WHEREAS, the County Administrator has updated and clarified the Department Head Evaluation Policy, as provided in the Schedule "A" and appendices annexed hereto, and the Personnel & Higher Education Committee has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the attached Department Head Evaluation Policy for Warren County be, and the same hereby is, adopted as the official policy for Warren County, and be it further

RESOLVED, that any and all prior Department Head Evaluation Policies or parts thereof inconsistent with the annexed are hereby repealed effective December 20, 2019.

**RESOLUTION NO. 597 OF 2019**

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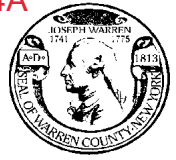
**SCHEDULE "A"****DEPARTMENT HEAD EVALUATION POLICY**

The County has developed a department head evaluation policy program to be used as a tool in determining the appropriateness of salary increases and to promote good management.

Department Heads will be evaluated each year in conjunction with the annual budget process. All Department Heads will be evaluated by the County Administrator with such input as may be offered by the Chairperson of their oversight committee, the Personnel Chair, the Budget Officer, and the Chair of the Board or his/her designee. The attached Department Head Evaluation Form (Appendix B) will be utilized in memorializing this evaluation, and the following procedure will be used:

1. Each Department Head shall communicate departmental goals by submitting a goal setting report of projects completed during the previous year, their goals for the current year, and any other pertinent data (Appendix A). This report will be provided to the Director of Human Resources by January 10th. In cases where State and Federal actions may make it impossible for a Department Head to set realistic goals by January 10, the County Administrator shall have the authority to set a more appropriate date for the formulation of such departmental goals. The County Administrator will meet with Department Heads to discuss these submissions.
2. Department Heads will be evaluated in conjunction with the annual budget process. Performance will be measured in the context of the goals set at the beginning of each year and other such factors as deemed appropriate by County leadership.
3. The County Administrator shall personally present and review the evaluation with each Department Head and shall include any such Supervisor listed above as may desire to attend such meeting.

A copy of all Department Head evaluations will be maintained in the individual's personnel folder on file in the Human Resources Office.



WARREN COUNTY DEPARTMENT OF HUMAN RESOURCES

**GOAL SETTING FOR DEPARTMENT HEADS**

Name:		Date Completed:	
Position/Title:		Goal Setting Period:	

Please complete this sheet in accordance with the Warren County policy on Department Head Evaluations. Please note that goals are statements of end results expected within a specified period of time. For each goal, describe the end result and indicate quantity, quality, time frame, percentages or other specific measures. Each goal should fit into and support the overall strategy of your department as well as the County as a whole.

**I. SELF ASSESSMENT**

- 1) Provide some specific examples of goals that you accomplished in the current year.
- 2) Identify your uncompleted projects. Discuss barriers and challenges.

**II. GOALS**

What are the 3 most important goals and tasks in the next year? What challenges or barriers do you anticipate? Projected timeline?

**III. DEVELOPMENT**

- 1) What action(s) could be taken to enhance your performance in your current position?
- 2) What type of training or on the job experiences would benefit your performance the most in the next year?

**Non-Bargaining Employee Evaluation Form**

Employee Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

- Distinguished (5)** Outstanding performance that results in extraordinary and exceptional accomplishments with significant contributions to objectives of the department.
- Commendable (4)** Consistently generates results above those expected of the position.
- Fully Satisfactory (3)** Good performance, with all position requirements fulfilled.
- Needs Improvement (2)** Performance leaves room for improvement, which may be attributable to being new on the job, not responding favorably to instruction, or other factors.
- Marginal (1)** Performance is clearly less than acceptable and well below minimum requirements.

CATEGORY	RATING (1-5)	COMMENTS (OPTIONAL)
<p><b><u>Job Knowledge</u></b>                      Displays the technical knowledge necessary to successfully perform the functions of the position; demonstrates interest in learning new or additional skills and techniques; maintains sufficient knowledge of services.</p>		
<p><b><u>Organization &amp; Effectiveness</u></b>                      Ability to analyze work, set realistic goals, develop plans of action and utilize time; ability to make good decisions in a timely manner.</p>		
<p><b><u>Contribution to Morale</u></b>                      Ability to work harmoniously with other staff, train and develop staff if applicable, effectively supervise and discipline if applicable, motivate others, and respond positively to instructions and corrective actions.</p>		

APPENDIX "B"

CATEGORY	RATING (1-5)	COMMENTS (OPTIONAL)
<p><b><u>Initiative &amp; Creativity</u></b>                      Ability to take self-directed action; proactively requests opportunities for self-development; proposes new methods, procedures, efficiencies.</p>		
<p><b><u>Judgment</u></b>                      Able to arrive at sound decisions after receiving information and weighing facts objectively and without emotion.</p>		
<p><b><u>Quality of Work</u></b>                      Produces accurate work product free from errors; completes tasks in a thorough and timely manner; demonstrates a positive attitude toward tasks; professional interactions with superiors, subordinates, colleagues and members of the public.</p>		
<p><b><u>Reliability</u></b>                      Extent to which the employee can be depended upon to be available for work, do it properly, and complete it on time; the degree to which the employee is trustworthy and persistent.</p>		

**COMPREHENSIVE SCORE:** \_\_\_\_\_ (calculate by averaging the scores above)

**Evaluated by:**

\_\_\_\_\_  
*signed*

\_\_\_\_\_  
*printed*

\_\_\_\_\_  
*date*

***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: County Administrator**

**DATE: 10/29/2024**

- (a) Purpose of Request: **Rescind R535/2022 Diversity Training**
- (b) Details:
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

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

\* as listed in budget and LOGOS

# Warren County Board of Supervisors

## RESOLUTION No. 535 OF 2022

**RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, HOGAN, BRAYMER, LEGGETT AND DRISCOLL**

**RESOLUTION REQUIRING THAT ALL WARREN COUNTY EMPLOYEES COMPLETE AN ANNUAL DIVERSITY, EQUITY AND INCLUSION TRAINING**

RESOLVED, that the Warren County Board of Supervisors hereby directs all Warren County employees to complete an annual Diversity, Equity and Inclusion training module, at no cost to the County, commencing in 2023.

**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: County Attorney**

**DATE: 10/29/24**

- (a) Purpose of Request: **Authorize the County Attorney to tender an amount up to the County insurance policy deductible to settle claims by Michael Davis against the County of Warren and authorize the Chair of the Board to sign any settlement agreement and authorize payment**
  
- (b) Details: **Authorize the County Attorney to coordinate settlement discussions through outside insurance counsel and the carrier and to accept any settlement agreement for an amount less than the self-insured retention amount under current policies of insurance**
  
- (c) Previous Resolution Number:
  
- (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. 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: County Attorney**

**DATE: 10/29/24**

- (a) Purpose of Request: **Amending Warren County Discrimination and Harassment Policy**
- (b) Details: **The proposed amended policy is based upon New York State Department of Labor proposed policy and incorporates recent legislative requirements**
- (c) Previous Resolution Number: **203 of 2023**
- (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

## **Title: County Discrimination and Harassment Policy**

### **I. Purpose and Goals:**

The County is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the County recognizes that discrimination can be related to or affected by other identities beyond gender.

Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to act when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the County commitment to a discrimination-free work environment.

### **II. Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the County. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

### **III. Sexual Harassment and Discrimination Prevention Policy:**

1. This County policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. The policy also applies to community members, volunteers and interns who supplement our workforce or present themselves for services. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the County. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for

employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the County who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the County to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The County will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The County will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the County will act as required. In addition to any required discipline, the County will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Human Resources.
7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, volunteers, interns, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy also governs community members interacting with the County workforce. This policy will be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

#### **IV. What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the County policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called *quid pro quo harassment*.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

#### V. Examples of Sexual Harassment:

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits; (This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship);
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities:
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

## VI. Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

## VII. Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

## VIII. Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;

- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **IX. Reporting Sexual Harassment**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy to report an act of sexual harassment. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

### **X. Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Human Resources. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

## **XI. Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

## **XII. Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, when placed in written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The County will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The County recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Human Resources:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section

### **XIII. Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the County, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

#### **A. New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to the County does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to act to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

#### **B. The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least fifteen (15) employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

#### **C. Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

#### XIV. Conclusion

The policy outlined above is aimed at providing employees at the County and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Complaints of alleged workplace harassment that occur within an individual's employment with the County of Warren should be made on the form attached herein as *Attachment A* titled "**Warren County Workplace Harassment Complaint Form**" and submitted to the Human Resources Department.

***Warren County Workplace Harassment Complaint Form***  
***Warren County, NY***

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to Warren County Department of Human Resources. No employee will be retaliated against for filing a complaint. If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:    Email    Phone    In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of sexual harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor    Supervisee    Co-Worker    Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their name and contact information.

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_