

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **NOVEMBER 12, 2008**

**Committee Members Present:**

Supervisors      Kenny  
                          Belden  
                          Stec  
                          Sokol  
                          Tessier

**Others Present:**

Fred Monroe, Chairman  
Hal Payne, Commissioner of Administrative  
                          and Fiscal Services  
Joan Sady, Clerk of the Board  
JoAnn McKinstry, Deputy Commissioner of  
                          Administrative Services

**Committee Member Absent:**

Supervisor      Thomas

Paul Dusek, County Attorney  
Amy Bartlett, First Assistant County  
                          Attorney

Vacant:            Town of Thurman

Kevin Geraghty, Budget Officer  
Supervisor Bentley  
Supervisor Champagne  
Supervisor Merlino  
Supervisor O'Connor  
Supervisor Strainer  
Supervisor Taylor  
Supervisor VanNess  
Rich Kelly, Personnel Officer  
Todd Lunt, Director, Human Resources  
Nicole Livingston, Deputy Clerk  
*Please see sign-in sheet attached*

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In the absence of the Committee Chairman, Vice-Chairman Kenny called the Personnel Committee meeting to order at 9:00 a.m.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to approve the minutes of the October 8, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Personnel Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Prior to commencing the Agenda review, Mr. Kenny apprised he would like to discuss the original resolution which imposed a hiring freeze for the County. He referred to Resolution No. 155 of 2003 and read the full resolution to the Committee members. He suggested that Supervisor Thomas, Chairman of the Personnel Committee, as well as the Budget Officer, the Commissioner of Administrative & Fiscal Services and the Chairman of the Board meet and re-write the hiring freeze policy. He further commented that the resolution required stronger language; however, he noted, it would be the decision of the Committee.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to authorize Supervisor Thomas, the Budget Officer, the Commissioner of Administrative & Fiscal Services and the Chairman of the Board of Supervisors to re-write the hiring freeze policy to include stronger language as determined.

Mr. Stec entered the meeting at 9:06 a.m.

Chairman Monroe interjected that it would be helpful to know what it was that the Committee would like to see changed in the hiring freeze policy. Mr. Kenny replied he would like to see stronger language to close some of the holes in the policy. Mr. Champagne questioned what the stronger language would consist of that Mr. Kenny was referring to. Mr. Kenny recommended that if the filling of vacant positions was approved by the majority vote of the Supervising Committee every position would get approved just as it had been for the last five years. He said that statement should be stronger, whether it be 3/4 majority or a unanimous vote. He also recommended that requests be reviewed by a higher level, either the Finance Chairman, Personnel Chairman, Budget Officer, Chairman of the Board and Hal Payne, Commissioner of Administrative & Fiscal Services; or that all the aforementioned individuals review requests together and make a recommendation to the Personnel Committee prior to the request going before the Board of Supervisors.

Mr. Geraghty stated he thought that a similar procedure was already in place that required review by the Commissioner of Administrative & Fiscal Services and he would make the recommendation to the Personnel Committee.

Mr. Kenny asked if the projected number of vacancies due to retirements for this year was known. Todd Lunt, Director of Human Resources, responded to date there were approximately sixty-five positions that had been vacated due to retirements, resignation or terminations. Mr. Kenny noted he would like the County to absorb at least 10% of the vacancies that arose this year and expressed his belief that the County could save a significant amount of money in doing so.

Paul Dusek, County Attorney, entered the meeting at 9:11 a.m.

Mr. Champagne wondered if a requirement could be implemented that advised the board members of upcoming retirement dates, whether it be six months, eight months or even a year in advance in order for the Supervisors to review the positions and begin cross training prior to the employees departure date. Mr. Kenny questioned how much advanced notice was given when someone planned on retiring and Mr. Lunt replied typically notice was given approximately thirty to sixty days in advance; however, he said, that was a personal choice that varied amongst employees.

Discussion ensued.

Mr. Kenny commenced the Agenda review and stated Items 1A and B were referrals from the Health Services Committee, Health Services. He stated Item 1A was a request to fill the vacant position of Supervising Public Health Nurse, base salary of \$54,251, Employee No. 9034, due to retirement.

Motion was made by Mr. Sokol and seconded by Mr. Tessier to approve the request as presented.

Mr. Belden questioned if this position was necessary to continue efficient operations in the Department. Pat Auer, Director of Public Health, invited the Committee members to visit her Department and talk with the Supervising Nurse to learn what she and the Nurses did. She added that she did not believe that this position could go unfilled and noted that the Supervising Nurse was responsible for supervising nine Nurses, managing caseloads and making sure quality of care was being provided.

Mr. Kenny asked if Item 1B was the result of Item 1A and Mrs. Auer responded affirmatively, if the position was filled in-house.

Mr. Kenny called the question and the motion failed due to Messrs. Kenny, Stec and Belden voting in opposition.

Mr. Tessier asked if this would effect reimbursements from the State and Mr. Kenny said that was a good question. Mr. Belden interjected that the only options before the County, given the status of the economy, were to either not fill positions or to cut positions and he added nobody wanted to cut jobs.

Mr. Champagne expounded, as a member of the Health Services Committee, the issue now was health and safety. He said that the position that had just been denied was critical for the type of care given to the public.

Mr. Sokol asked if the Committee would entertain filling Item 1A and not Item 1B and Mr. Kenny responded the motion had already failed. Mrs. Auer again requested the Committee members to visit her Department to see what goes on there prior to voting down important items such as this.

Mr. Stec recommended that the funding for the Supervising Nurse position, and associated benefits, be removed from the 2009 budget. Mr. Lunt advised that the employee would not be retiring until after January 1, 2009; therefore, he said, the position could not be removed at the time that the 2009 budget was adopted.

Mr. O'Connor entered the meeting at 9:25 a.m.

Due to the failure of Item 1A, review of Item 1B, which was a request to fill the vacant position of Public Health Nurse or Community Health Nurse, dependent upon education and experience level of new Nurse recruited, base salary in the range of a Grade 19 through Grade 21, due to promotion, was no longer necessary.

Discussion ensued regarding the legality of removing positions, as well as the funding for such positions from the Table of Organization and from the budget when knowledge was received of upcoming retirements.

Continuing the Agenda review, Mr. Kenny apprised Item 2 was a referral from the Support Services Committee, Insurance, requesting to reclassify a position to Self-Insurance Assistant, base salary of \$31,250, Grade 7, Employee No. 11016 and to delete the position of Account Clerk, base salary of \$27,281, Grade 4, Employee No. 11016, effective January 1, 2009; thereby amending the Department's Table of Organization.

Motion was made by Mr. Belden and seconded by Mr. Stec to approve the request as presented.

Mr. Belden questioned if the additional \$4,000 for the salary increase was included in the 2009 budget. Amy Clute, Self-Insurance Administrator, explained this position was funded through the Self- Insurance Plan and had no effect on the County budget.

Ms. Clute further advised that the former employee that held the position had retired two years ago and at that time the position was a Grade 12 Self-Insurance Specialist. She added when the current employee assumed the position in her Department, she did not feel that a new person should start at a Grade 12 salary until experience had been obtained. She noted at that point the position was reclassified from a Self-Insurance Specialist to an Account Clerk. Ms. Clute stated her concern was that the employee was now performing duties that were considered out-of-title. She apprised after working together with the Civil Service Office, it was determined that the appropriate title for the position should be a Self-Insurance Assistant at a pay level of Grade 7. She added that in her opinion, the employee was worth and well deserving of the upgrade.

Mr. Kenny called the question and the motion failed with Messrs. Kenny and Sokol voting in opposition.

Mr. Kenny said Item 3 was a request from Sheriff York to address the Committee regarding amendments to the Travel Policy and Vehicle Use that were approved at the October 21<sup>st</sup> meeting of the Personnel Committee. Sheriff York announced he no longer wished to address the Committee.

Mr. Kenny expounded Items 4A and B were requests from Todd Lunt, Human Resources Director, to address the Committee regarding the following:

- A) Follow up to the October 8<sup>th</sup> Personnel Committee and report on vacation payout to employees terminated in the first year of employment; and
- B) Request for Transfer of Funds from A.1990 469-Contingent Fund to A.1435 110-Salaries and A.1435 410-Supplies, in the amount of \$3,200 to cover a shortfall due to an upgrade in position from a Grade 3 to a Grade 8.

In reference to Item 4A, Mr. Lunt reported that in 2008, ten employees had left the employ of the County in less than one year of service, costing the County over \$7,800 in vacation payouts. He noted that the average for vacation payouts was approximately six days per person.

Mr. Dusek suggested that if the Committee wished to discuss this further which could lead to union negotiations, an executive session should be declared.

The consensus of the Committee was to complete the review of the Agenda prior to entering an executive session.

Concerning Item 4B, Mr. Lunt explained originally he would have been able to cover the increase in salary for the position within his Office; however, he said, due to the leadership training recently held, his Office had paid for ten supervisory level employees to attend such training.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to approve Item 4B as outlined above and to forward the same to the Finance Committee.

Mr. Kenny suggested that the Committee review Item 6 of the Agenda before Item 5 due to the pending executive session that would be resultant from Item 5. He stated Item 6 was a request from Hal Payne, Commissioner of Administrative & Fiscal Services, to address the Committee regarding Leadership Training conducted by Jeff Farley of the Adirondack Regional Business Incubator (ARBI).

Mr. Payne apprised he had met with Mr. Farley and reviewed the program critique forms that had been completed by those that had attended the training. He added that the program had been very well received and Mr. Farley was offering to conduct another training class at the Municipal Center, consisting again of eight individuals for eleven weeks, at two and one half hours per week. Mr. Payne said the cost for materials for the course was \$2,900; however, he stated, the funds were not included in the 2009 budget to do so.

Mr. Geraghty apprised if the course would be held in 2009, it could be included in the 2009 County budget.

Motion was made by Mr. Tessier, seconded by Mr. Stec and carried unanimously to include \$2,900 in the 2009 County budget to cover the cost of the leadership training courses offered through the ARBI and to refer the same to the Budget Committee.

Prior to entering into an executive session, Mr. Stec requested the legal opinion of Mr. Dusek with regard to previous discussions concerning anticipation of an employee retiring and removing the funds and/or position from the Table of Organization and County budget. Mr. Dusek advised the whole idea behind the budget was using reasonable assumptions concerning incoming revenues and expenses. He further stated if there was good reason to believe that an employee would be retiring on a specific date, it could be calculated into the budget. He cautioned that if the employee decided not to retire on the anticipated date, the County would have to locate additional funds and the County would also have made the commitment that the positions would not be filled. Mr. Stec questioned if the status of being in the bargaining unit or not mattered and Mr. Dusek replied in the negative.

Motion was made by Mr. Stec requesting Mr. Lunt and Rich Kelly, Personnel Officer, to compile a reasonable, conservative estimate of employees that would be retiring in 2009 and when, as well as a dollar amount associated with such that could be removed from the budget prior to the adoption.

Referring specifically to the Supervising Nurse position in Health Services that would be vacated after January 1, 2009 due to retirement, Mr. Payne asked if the position could be removed from the 2009 budget at this time when the employee would probably continue to be paid through March due to the vacation payout. Mr. Kelly reported that the position needed to remain in the Table of Organization and the budget in order to pay the individual from the correct code and in this case, it would be necessary for reimbursement purposes. He further stated that past practice had been to leave a position in the budget and the Table of Organization unfunded.

Mr. Merlino entered the meeting at 9:55 a.m.

Discussion ensued with respect to the matter. Following discussions, the motion made by Mr. Stec failed due to the lack of a second to the motion.

Mr. Dusek reminded the Committee members that the budget could be amended until the adoption occurred without a resolution.

Mr. Dusek requested an executive session to discuss matters pertaining to collective bargaining PBA Agreement and also CSEA collective bargaining.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 10:04 a.m. to 10:38 a.m.

Committee reconvened. Pursuant to the executive session, motion was made by Mr. Sokol, seconded by Mr. Belden and carried unanimously to accept and approve the PBA Agreement as presented. The necessary resolution was authorized for the next board meeting.

There being no further business to come before the Committee, on motion made by Mr. Stec and seconded by Mr. Belden, Mr. Kenny adjourned the meeting at 10:40 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk