

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **MARCH 11, 2009**

Committee Members Present:

Supervisors Thomas
Kenny
VanNess
Belden
Stec
Sokol
Tessier

Others Present:

Fred Monroe, Chairman of the Board
Hal Payne, Commissioner of Administrative
and Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Amy Bartlett, First Assistant County Attorney
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Champagne
Supervisor Merlino
Supervisor Pitkin
Supervisor Strainer
Supervisor Taylor
John Wappett, Public Defender
Candace Kelly, Director, Office for the Aging
Rich Kelly, Personnel Officer
Pat Auer, Director, Public Health
Barbara Taggart, Administrator, Westmount
Health Facility
William Lamy, Superintendent of Public Works
Julie Pacyna, Purchasing Agent
Rob Lynch, Deputy Treasurer
Sheila Weaver, Commissioner, Department of
Social Services
Bud York, Sheriff
Shane Ross, Chief Deputy
Zandy Gabriels, Town of Bolton
Dave O'Brien, Town of Queensbury
Alyson Martin, *The Post Star*
Amanda Allen, Sr. Legislative Office Specialist

Mr. Thomas called the Personnel Committee meeting to order at 9:00 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Belden and carried unanimously to approve the minutes of the February 11, 2009 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.

Commencing the Agenda review, Mr. Thomas apprised Item 1 was a referral from the Criminal Justice Committee, Public Defender, requesting to fill the vacant position of part-time Investigator, base salary of \$20,028, Employee No. 1482, due to resignation.

Motion was made by Mr. Kenny, seconded by Mr. Sokol and carried unanimously to approve Item 1 as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas expounded Items 2A and B were referrals from the Health Services Committee, Westmount Health Facility. Item 2A, he said, was requesting a waiver of the hiring freeze policy, regarding vacant CNA's, LPN's and RN positions in order to maintain staffing levels.

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

Mr. VanNess questioned if this was a one time case or if this request was for all cases and Joan Sady, Clerk of the Board, replied the request was for all cases in order to maintain proper staffing levels. Mr. VanNess countered that the purpose of the hiring freeze was to allow the Committee to review each position on a case-by-case basis. Barbara Taggart, Administrator of Westmount Health Facility, explained that these were not new positions, they were current positions that were needed to maintain staffing on a twenty-four hour basis and to maintain the quality of care for the residents. Mr. VanNess asked if Ms. Taggart received at least two weeks notice from an employee planning to resign and Ms. Taggart replied in the negative, noting many gave no notice and the Facility was struggling to maintain staffing.

Mr. Stec entered the meeting at 9:08 a.m.

Mr. Kenny expressed his concern that by allowing this request, there would be many more departments requesting the same authorization. He acknowledged the difficulty in maintaining efficiency when positions became vacant; however, he said, overtime would have to be used to cover the lack of staff. He concluded that he was opposed to the request.

Mr. Bentley stated he believed that it would cost the County more money to cover overtime than it would to fill these positions. Mr. Thomas asked if these were minimum positions and Ms. Taggart responded affirmatively and noted that they were quality of care positions. She added that it cost time and a half to cover the positions with overtime.

Hal Payne, Commissioner of Administrative & Fiscal Services, stated that there were currently thirty-eight full-time CNA's and last year there was a 33% turnover in CNA staffing. He noted that part of the problem was that if an employee resigned after the Standing Committee meeting was held, the Department Head could not fill the position

until the day after the following Board Meeting, which could be nearly forty-five days later; therefore, he said, that position would have to be covered with overtime resulting in additional expenses.

Mr. Geraghty recommended that Ms. Taggart increase the per diem pool and if an individual worked out well, she could return to the Committee the next month requesting to fill a position with that person. Ms. Taggart remarked that per diem staff was not guaranteed staffing.

Following discussion, Mr. Thomas called the question and the motion failed due to the lack of majority vote.

Mr. Thomas stated Item 2B was a request to reclassify the position of Physical Therapy Assistant, base salary of \$34,178, Grade 14, to the position of Rehabilitation Aide, base salary of \$24,480, Grade 4, Employee No. 11415 and to delete the position of Physical Therapy Assistant; thereby amending the Department's Table of Organization.

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

Mr. Kenny requested an explanation for the request. Ms. Taggart explained that the previous Physical Therapy Assistant had resigned and in order to fill that position the salary would have needed to be increased due to the competitive nature of the position. She further stated that after reviewing the position it was determined that a CNA could be utilized in a Rehabilitation Aide position; thereby blending the services between therapy and nursing, as well as maintaining the quality of care as far as therapy was concerned for Westmount Health Facility.

Mr. Kenny referred to the salaries listed and noted he thought they were incorrect and Ms. Taggart replied that the salaries listed were correct in that the reclassified position would have a lower base salary.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 2B as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Tessier entered the meeting at 9:17 a.m.

Continuing the Agenda review, Mr. Thomas apprised Item 3 was a referral from the Human Services Committee, Veterans Services, requesting to fill the vacant position of Director of Veterans Services, base salary of \$41,476, Employee No. 7822, due to retirement.

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

Mr. Belden questioned if the salary listed was the amount that the current Director received and Mrs. Sady replied that the salary listed was the first year base salary not including longevity. Mr. Kenny asked if this was a Civil Service salary attached to the position or if it was an optional salary that could be determined by the Board of Supervisors. Rich Kelly, Personnel Officer, responded that the salary could be set at any determined amount; however, he said, it had to be agreeable with the amount that the position was advertised and recruited at. Mr. Kenny suggested that the position be advertised and recruited at a lower base salary. The consensus of the Committee was to advertise the position with a base salary of \$35,000.

Mr. VanNess amended his motion to reflect a base salary of \$35,000 for the position of Director of Veterans Services and Mr. Stec seconded the amended motion. Mr. Thomas called the question and the motion was carried unanimously to approve Item 3, the request to fill the vacant position of Director of Veterans Services, with a base salary of \$35,000 and to advertise the same. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Payne questioned how the Committee desired the position be advertised, either in *The Post Star* or on the County's website.

Mr. VanNess noted that at the Human Services Committee meeting, Bill McGarr, Director of Veterans Services, had a representative from the State attend to explain requirements necessary for a potential candidate to be considered. He added that there would be a training session on May 15 through 17, 2009 that the newly recruited Director should attend. He expressed the need to hire someone as soon as possible. Mr. Kenny stated that under the circumstances it would be appropriate for the position to be advertised in *The Post Star* and on the County's website in order to reach as many candidates as possible.

Mr. Payne remarked that a procedure had been implemented in which applications would be forwarded to the State Department of Veterans Affairs to determine if the individual was qualified for the position. Discussion ensued regarding the extensive qualifications required for the position of Director of Veterans Services.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to advertise the position of Director of Veterans Services in *The Post Star* and on the County's website, as well as any other possible outlets.

Mr. Thomas stated Items 4A and B were referrals from the Public Safety Committee. Item 4A, he said, was referred from the Office of Fire Prevention & Building Code Enforcement, requesting to fill the vacant position of Fire Prevention & Building Code Officer, base salary of \$37,934, employee No. 11215, due to failure to complete probationary period.

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

Mr. VanNess noted that Karen Putney, Administrator of Fire Prevention & Building Code Enforcement, had spent a great deal of time preparing a justification and explanation for the need to fill this position.

Mrs. Putney interjected that these inspections were mandated by the State under the Uniform Code and if the mandated inspections were not completed, the State could take over enforcement of the areas that the County currently had enforcement in. She added that she had been notified that the State had adopted an emergency measure effective immediately, that if the State performed any inspections for fire safety, there would be a charge of \$550 per building, for which the County currently charged \$25. She said that her staff was struggling to meet the State mandates and reminded the Committee that 49% of the Department's costs were covered through revenues generated from inspections.

Mr. Thomas asked if the funds to cover the position were included in the Department's budget and Mrs. Putney replied affirmatively. Mr. Belden recommended that the County consider increasing the fee schedule and Mrs. Putney responded that the County had recently increased the fee schedule.

Following discussion, Mr. Thomas called the question and the motion was carried unanimously to approve Item 4A as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added Item 4B was referred from the Sheriff & Communications, requesting to fill the vacant position of Correction Officer, base salary of \$32,400, Employee No. 10655, due to resignation.

Motion was made by Mr. VanNess, seconded by Mr. Sokol and carried unanimously to approve Item 4B as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas announced Items 5A through K were referrals from the Public Works Committee, DPW. He stated Item 5A was a request to create the position of Senior Building Maintenance Worker, base salary of \$28,041, Grade 7 and to delete the position of Cabinet Maker/Grounds Keeper, base salary of \$29,199, Grade 8; 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. Stec noted that all the items were part of a much larger scheme that had been discussed at great length at the Public Works Committee meeting and were all

interrelated. Mr. Thomas suggested reviewing Items 5A and B first and then the Committee could consider acting on the rest of the items listed.

Mr. Belden amended his motion to approve Items 5A and B, and Mr. Stec seconded the amended motion.

Mr. Thomas noted Item 5B was a request to fill the vacant position of Senior Building Maintenance Worker, base salary of \$28,041, due to creation of the position.

Mr. Thomas called the question, and the motion was carried unanimously to approve Items 5A and B as outlined above. The necessary resolution was authorized for the next board meeting and a copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas listed the remaining requests as follows:

- C) Request to create the position of Engineer I, base salary of \$55,303 and deleting the position of General Highway Supervisor #2, base salary of \$55,303; thereby amending the Department's Table of Organization;
- D) Request to fill the vacant position of Engineer I, base salary of \$55,303, due to creation;
- E) Request to fill the vacant position of Fiscal Manager, base salary of \$47,935, Employee No. 5447, due to retirement;
- F) The request to fill the vacant position of Administrative Assistant has been withdrawn by the Superintendent of Public Works and will be referred back to the Public Works Committee;
- G) Request to fill the vacant position of Highway Construction Supervisor II #2, base salary of \$36,210, Employee No. 257, due to retirement;
- H) Request to fill the vacant position of Heavy Equipment Operator, base salary of \$29,199, due to promotion;
- I) Request to fill the vacant position of Motor Equipment Operator-Medium, base salary of \$28,041, due to promotion;
- J) Request to fill the vacant position of Motor Equipment Operator-Light, base salary of \$25,470, due to promotion;
- K) The request to increase the base salary of the Deputy Superintendent/ Administration has been withdrawn by the Superintendent of Public Works and will be referred back to the Public Works Committee.

Mrs. Sady clarified that Items 5F and K had been withdrawn and would be referred back to the Public Works Committee.

Motion was made by Mr. Belden and seconded by Mr. Stec to approve Items 5C through K as presented.

Discussion ensued with regard to the savings that would be realized by the reorganization of the Department that was presented. William Lamy, Superintendent

of Public Works, apprised that the overall savings would be approximately \$500,000 with the proposed reorganization of the Department. Mr. Thomas expressed his dismay with the creation of positions; however, he noted, he understood what Mr. Lamy was trying to accomplish.

Mr. Thomas called the question and the motion was carried unanimously to approve Items 5C through K as outlined above. The necessary resolution was authorized for the next board meeting and copies of the Notice of Intent to Fill Vacant Positions are on file with the minutes.

Mr. Thomas stated Item 6 was a referral from the Social Services Committee, requesting to amend Resolution No. 111 of 2009, to correct the base salaries of Community Services Assistant, Account Clerk and Senior Account Clerk, to remove the included longevity from the base salaries and to delete the created Temporary positions from the Table of Organization.

Motion was made by Mr. Tessier, seconded by Mr. Stec and carried unanimously to approve Item 6 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas remarked that Item 7 was a request from Chairman Monroe to address the Committee regarding established standard workday for elected and appointed positions under the Retirement and Social Security Law with regard to Resolution No. 474 of 1989.

Chairman Monroe apprised that he had been contacted by the New York State Retirement System Office requesting him to review the time he spent as Chairman on behalf on the County. He reminded Committee members that as Supervisors, they had duties to fulfill at their respective towns, as well as the County, some of which could overlap. He asserted that he had been tracking his time for a seven week period, which he submitted to the County Attorney and the Director of Human Resources. After reviewing such, he said, it was determined that his time served at the County should be reported as three days per week as opposed to five days a week.

Todd Lunt, Director of Human Resources, confirmed that the review of time reported had been requested by the New York State Retirement System. He noted that the Chairman was also reported by the Town of Chester, as well as the Adirondack Park Local Government Review Board.

Motion was made by Mr. Stec and seconded by Mr. VanNess to amend Resolution No. 474 of 1989 to reflect the Chairman of the Board of Supervisors work week to be three days per week.

Mr. Bentley questioned if this request only affected the Chairman of the Board and Mr. Lunt replied affirmatively. He added that the request could be directed at all

Supervisors in the future. Mr. Payne asked if the Budget Officer was included in that resolution and Mrs. Sady responded that the hours of the Budget Officer was amended in a prior resolution.

Following discussion, Mr. Thomas called the question and the motion was carried unanimously to amend Resolution No. 474 of 1989 as outlined above. The necessary resolution was authorized for the next board meeting.

Paul Dusek, County Attorney, entered the meeting at 9:40 a.m.

Mr. Thomas said Item 8 was a request from Todd Lunt, Director of Human Resources, for authorization for in-State travel to attend the Capital Region Human Resource Association 2009 Annual Conference in Albany, NY on March 19, 2009.

Motion was made by Mr. Stec, seconded by Mr. Belden carried unanimously to approve the request for in-State travel as outlined above. A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.

Mr. Thomas announced that Mr. Lunt had another item to discuss that was not included on the Agenda.

Mr. Lunt apprised that he had been contacted by the Sheriff's Employees Alliance (SEA) Union regarding a sick leave donation due to an employee on staff with a terminal illness. He distributed a handout to the Committee members, a copy of which is on file with the minutes. He noted that the handout was a version of the CSEA sick leave donation and that the Alliance had requested information on how the CSEA handled this because currently the Alliance did not have a sick leave donation policy in their contract; however, he said, at this time, he had not heard back from the Alliance. He added that he wanted the Committee to be aware of this pending agreement.

Mr. Dusek interjected that he had just received notification that the Alliance would like to move forward with this voluntary sick leave donation.

Motion was made by Mr. Stec, seconded Mr. VanNess and carried unanimously to authorize the County Attorney and the Director of Human Resources to proceed as necessary with the requested agreement with the Alliance. The necessary resolution was authorized for the next board meeting.

Prior to adjournment, Mr. Thomas stated an additional item had been brought to his attention that needed to be discussed by the Committee. He explained that the Department of Social Services was requesting to create a position of Point of Entry (POE) Coordinator, base salary of \$35,169, Grade 15, effective March 23, 2009.

Sheila Weaver, Commissioner of Social Services, advised that an RFP had been sent out for this position to be filled as a contract for services; however, she said, following County Attorney review, it was determined that the expectations were more of an employee rather than a contract for services. She remarked that the position would be 100% grant funded through the Office for the Aging (OFA) budget. She noted that the position would be eliminated when the grant funds terminated.

Mr. Stec questioned what the responsibilities of the position were and Ms. Weaver stated the responsibilities consisted mainly of administrative duties, such as reports required by the State to receive funding, community meetings, data entry and would provide education to the community on the POE.

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

Mr. Stec commented that the Committee had reduced the salary of the Director of Veterans Services and suggested that the Committee reconsider the proposed salary of \$35,169 for the POE Coordinator. He recommended a base salary of \$30,000 for this position. Ms. Weaver explained that the salary was selected based on the salaries of the employees that this position would be responsible for supervising which ranged from pay grade levels 12 through 14.

Mr. Thomas stated that if approved by the Personnel Committee, the request would need to be referred back to the Social Services Committee for approval to satisfy the hiring freeze policy. Ms. Weaver noted that the RFP had been approved by the Social Services Committee. Mrs. Sady said the request should be referred to the Human Services Committee due to the funding being allocated from the OFA budget.

Mr. Pitkin asked what the tracking process was for positions that were filled contingent upon grant funding being available and eliminated when the grant funds were terminated. Mr. VanNess recalled that there had been discussions about the Information Technology (IT) Department developing a tracking program with regards to grant funding terms. Mr. Payne said he would research that.

JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, apprised that she and Mr. Lunt were in the process of developing a list of positions in the County in order to keep track of eliminations. She further stated that they could incorporate a listing of those positions funded by grants in order to accurately track that information.

Pat Auer, Director of Public Health, suggested that when an individual was hired under the terms that it be a grant funded position, that the employee sign an acknowledgment that when the grant funds ended the position would be eliminated.

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Following discussions, Mr. Thomas called the question and the motion was carried unanimously to approve the creation of the POE Coordinator position as outlined above. The necessary resolution was authorized for the next board meeting.

Ms. Weaver noted she had another request in relation to the aforementioned position. She requested to rescind Resolution No. 132 of 2009, which authorized the RFP for Long Term Care Coordinator Services for the POE.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to rescind Resolution No. 132 of 2009 as outlined above, and 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. Belden and seconded by Mr. Tessier, Mr. Thomas adjourned the meeting at 9:51 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk