

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **MAY 13, 2009**

**Committee Members Present:**

Supervisors Thomas  
Kenny  
VanNess  
Belden  
Stec  
Sokol  
Tessier

**Others Present:**

Frederick Monroe, Chairman  
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  
Kevin Geraghty, Budget Officer  
Supervisor Bentley  
Supervisor Girard  
Supervisor Pitkin  
Supervisor Simmes  
Supervisor Strainer  
Supervisor Taylor  
Rich Kelly, Personnel Officer  
Todd Lunt, Director, Human Resources  
Kate Hogan, District Attorney  
Kate Johnson, Director, Tourism  
William Lamy, DPW Superintendent  
Sheila Weaver, Commissioner of  
Department of Social Services  
Brenda Hayes, Director, Countryside Adult  
Home  
*Please see attached sign-in sheet for all  
others present*  
Nicole Livingston, Deputy Clerk

---

---

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

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to approve the minutes of the May 6, 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.

Mr. Thomas advised Item 1 was a referral from the Criminal Justice Committee, District Attorney, requesting to fill the vacant position of 6<sup>th</sup> Assistant District Attorney, base salary of \$42,423, due to promotion.

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

Mr. Belden asked Kate Hogan, District Attorney, if the Office could continue to run efficiently without filling this position and Ms. Hogan replied in the negative. Ms. Hogan explained that at the February Board Meeting she had received approval to fill the vacant position of 5<sup>th</sup> Assistant District Attorney and as she proceeded through the application process, she discovered that the applicants had less experience than her 6<sup>th</sup> Assistant District Attorney. She determined at that time that the best course of action would be to promote the 6<sup>th</sup> Assistant District Attorney into the position of the 5<sup>th</sup> Assistant District Attorney; therefore, she said, she was requesting to fill the vacated 6<sup>th</sup> Assistant District Attorney position.

Mr. Thomas called the question and the motion failed due to the lack of majority vote. *(Please note: at the time the motion was called, Supervisors Stec and Tessier were not present in the meeting; therefore the requirement of a 2/3 majority vote was not obtained.)*

Ms. Hogan requested that phone calls be made to the two absent Committee members in order to obtain approval by proxy vote. The consensus of the Committee was to re-visit the item later in the meeting pending the arrival of either Supervisor Stec or Supervisor Tessier.

Mr. Thomas stated Item 2 was a request to appoint Denise DiResta as the Deputy Director of Veterans' Services effective May 13, 2009 through June 30, 2009; and as the Director of Veterans' Services effective July 1, 2009, base salary of \$35,000, to serve at the pleasure of the Board.

Joan Sady, Clerk of the Board, advised that pursuant to discussions with the County Attorney, the position of Deputy Director would have to be created on a temporary basis and added to the Table of Organization prior to the appointment.

Motion was made by Mr. VanNess and seconded by Mr. Belden to create the position of Deputy Director for an interim period of May 13, 2009 through June 30, 2009 and to fill the created position; and to subsequently appoint Denise DiResta as Director of Veterans' Services, base salary of \$35,000, effective July 1, 2009.

Mr. VanNess clarified that the current Director of Veterans' Services would be retiring on June 30, 2009 and this would allow him to train the Deputy Director prior to his departure and prior to Ms. DiResta assuming the position of Director. He added that the position of Deputy Director would be abolished on July 1, 2009.

Mr. Belden questioned if there were funds to cover these actions within the Veterans' Services budget and Mrs. Sady replied affirmatively, noting that the funding would be very close.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to create the position of Deputy Director of Veterans' Services on an interim basis from May 13, 2009 through June 30, 2009; to fill the created position of Deputy Director; and to appoint Denise DiResta as Director of Veterans' Services, base salary of \$35,000, effective July 1, 2009. The necessary resolutions were authorized for the next board meeting.

Mr. Thomas said Item 3 was a request from Sheila Weaver, Commissioner of the Department of Social Services, to address the Committee regarding County employees being allowed to apply for Family Health Plus if they met the eligibility criteria.

Ms. Weaver announced she had attended a meeting last week in which she met with the New York State Department of Health officials and was informed that effective October 1, 2009, employees in the public sector would be allowed to participate in the Family Health Plus benefit program, if eligibility criteria were met. She noted that State Medicaid would pay the cost of the health insurance premium that the County currently paid. Ms. Weaver apprised that the income guidelines to be eligible for the Family Health Plus program would increase in April of 2010. She concluded that this could be very positive for Warren County.

Mr. Tessier entered the meeting at 9:18 a.m.

Rich Kelly, Personnel Officer, questioned if there would be an impact on the coordination of benefits for those employees currently enrolled in the County's health insurance program. Ms. Weaver responded that an employee would not be discontinuing their plan with the County; however, she said, Family Health Plus would pay the premium for whatever health insurance program the employee had. Mr. VanNess suggested that this matter be referred to the Self-Insurance Committee.

Todd Lunt, Director of Human Resources, recommended that the Committee wait until an announcement was made by the State concerning this issue and if it could save employees and the County money, then the Committee could re-address it at that time.

Hal Payne, Commissioner of Administrative & Fiscal Services, advised that the health insurance programs were not handled through the Self-Insurance Committee. He stated that Capital Financial was responsible for all of the County's health insurance plans. He noted that he would contact John Weber of Capital Financial and inform him of the matter.

Mr. Thomas expounded that Mr. Tessier was present and the Committee would re-visit the request made by the District Attorney at this time.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried by majority

vote to fill the vacant position of 6<sup>th</sup> Assistant District Attorney, base salary of \$42,423, due to promotion, with Mr. Thomas voting in opposition. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes and the necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised Item 4 was a request from Kate Johnson, Director of Tourism, to address the Committee regarding the elimination of a position in the Tourism Department which had no affect on the Budget.

Ms. Johnson referred to the May 7, 2009 Department Head meeting, in which the elimination of positions was presented, and she said that there was a position in the Tourism Department that was slated for elimination. She advised that eliminating a position within her Department would have no affect on the budget or the \$6.3 million deficit, given that the Tourism budget was 100% funded with occupancy tax funds. She noted that she had spoken with many Committee members because she did not understand the methodology behind the selection of a position in her Department to be eliminated, to which many Supervisors agreed and suggested that she bring the matter before the Personnel Committee today.

Mr. Kenny questioned the elimination of a position in the Tourism Department as well and agreed it would not assist with the deficit because the Tourism budget was funded by occupancy tax funds. He noted that the resolution to eliminate positions was included in the Supervisors packets to go before the full Board of Supervisors on Friday and it would be appropriate at that time to discuss the list of positions. Mr. Tessier interjected that he had issues with the list that he would like to discuss as well.

Motion was made by Mr. VanNess and seconded by Mr. Belden to remove the position in the Tourism Department that was included in the list of positions to be eliminated.

Mr. Pitkin asked Mr. Payne to provide insight as to why that position in Tourism was included for elimination in the first place. Mr. Payne explained at the time, he had not considered the amount of revenue generated by any of the positions, he had only looked at the amount of the departmental budget and the number of employees in the department. Mr. Payne agreed that it did not make sense to eliminate a position in the Tourism Department.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to remove the position in the Tourism Department that was included on the list of positions to be eliminated and that the amended list be presented to the full Board of Supervisors on May 15, 2009.

Mr. Kenny requested additional discussions regarding the aforementioned list of positions to be eliminated. He stated that if there were employees on this list that were currently serving under a probationary period, it would make sense to separate those positions at this time.

Ms. Weaver reported that her Department was included on the list and slated for the elimination of three positions. She noted that currently, her Department was understaffed and that she did have employees that were on probation; however, she said, those employees were in critical positions that needed to be filled. She added that the list stated that she had 150 employees which was incorrect and that any position she had to eliminate would impact revenues coming into the County. She requested that she not have to terminate any employee that was on probation, due to the impact it would have on day-to-day operations. Mr. Kenny questioned if Ms. Weaver could identify three other positions that could be eliminated and Ms. Weaver replied that she was in the process of reviewing positions within her Department and that there were two positions she was trying to re-structure in order to allow her to abolish a vacant position rather than terminating an employee.

Mr. Belden asked Ms. Weaver if anyone on her staff was considering retiring in the near future and Ms. Weaver responded in the negative, noting that there may be two employees that would retire in March of 2010.

Brenda Hayes, Director of Countryside Adult Home, requested to address the Committee. Ms. Hayes apprised that Countryside Adult Home was funded through the Social Services budget. She stated that the Countryside Adult Home was included on the list to abolish one position; however, she added, she had identified four positions that could be eliminated. She recommended that Countryside be slated to abolish four positions instead of the Social Services Department eliminating three positions. Ms. Hayes noted that following that Department Head meeting on May 7, she was under the assumption that Department Heads would be given a chance to address their respective Committees prior to a resolution being adopted. She said that she had planned to present this option, as well as a few others, at her Committee meeting at the end of the month.

Mr. VanNess apologized for his absence at the Personnel and Finance Committee meetings last week; however, he continued, his understanding was that the option of offering an early retirement incentive would be pursued prior to the elimination of any positions. He expressed his concern that Department Heads were not given the opportunity to address their respective Committees prior to any action taking place. He further stated his disdain in receiving a letter in which he was informed that four road patrols may be cut from the Sheriff's Office, given that he Chaired the Public Safety Committee and had no prior knowledge that such a reduction was being considered. Mr. VanNess said that protocol was not being followed.

Paul Dusek, County Attorney, cautioned the Committee members not to speak in terms of employees when discussing the eliminations. He explained that according to Civil Service Law, there were a number of things that needed to be honored by the County and if the focus was on employees themselves, problems could arise concerning out of title work and departments not being able to complete work due to necessary positions not being filled. Mr. Dusek clarified the focus had to be on what position could

be eliminated within a department, not what employee. He added that the twenty-two potential positions identified on the list would be returned to their respective Committees to make a final determination. He recommended that following that procedure, Civil Service finalize the actual eliminations. Mr. Dusek said there would also be Union negotiations concerning the impact of these actions.

Mr. Strainer asked Ms. Weaver how many employees she actually had on staff and Ms. Weaver replied she had 129 on payroll and the Table of Organization reflected 134 employees. Mr. Strainer further questioned how many of those positions were subsidized by the government and Ms. Weaver responded 100%. Mr. Strainer concluded that any eliminations in Ms. Weaver's Department would cost the County and increase the budget due to the cost to cover benefits and unemployment and Ms. Weaver agreed. Mr. Strainer agreed with Mr. VanNess in that any discussions concerning eliminations should have been held with Department Heads and their respective Committees prior to a list being generated.

Karen Putney, Administrator of Fire Prevention & Building Code Enforcement, asserted that when the list was published in *The Post Star* last Thursday, no one in her Department was aware of the information. She further explained that she had received approval from the Board of Supervisors to fill a vacant position of a Fire Safety Inspector within her Department which had been filled last Monday. Following the release of this list, she continued, her new employee resigned on Friday. She reminded the Committee members that her Department generated revenue for the County. Ms. Putney added that recently the fees collected for inspections had increased from \$25 to \$75 an inspection; however, she said, she now did not have enough staff to do inspections. Mr. VanNess questioned if the State would perform the inspections if the County could not do so and Ms. Putney replied affirmatively, noting the State would charge \$525 per building for all inspections.

Mr. Thomas apprised these were difficult decisions that no one wanted to make but had to be made. Mr. Kenny agreed and stated the County now had to do more with less. Mrs. Simmes questioned how a department with only two employees that was slated to abolish one of those positions could continue to function.

Ms. Hayes interjected that the list that was developed was not accurate and the number of employees listed for the Countryside Adult Home was wrong, as was the number listed for Social Services. Mr. Kenny said the correct information should be provided prior to the Board meeting on Friday.

Mr. Thomas noted that he thought the matter of an early retirement incentive was going to be discussed today. Mr. VanNess agreed and reiterated that the request had been referred to Mr. Dusek to research and pursue and questioned the status of such an incentive. Mr. Dusek explained that more discussions were needed and he recommended that in the forthcoming executive session, collective bargaining negotiations be included.

Concluding the Agenda review, Mr. Thomas apprised Item 5 was a request for an executive session to discuss the employment history of a particular person and collective bargaining negotiations.

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

Executive session was declared from 9:36 a.m. to 11:32 a.m. Messrs. Stec, Geraghty and Chairman Monroe entered the meeting during the executive session.

Committee reconvened. Mr. Thomas announced that no action was necessary pursuant to the executive session. He noted the Committee needed to make a determination concerning the list of positions to be eliminated. Mr. VanNess stated he would like the resolution that would be presented on Friday to be amended to read that twenty-two positions would be abolished as determined by the Supervisors and Department Heads. Mr. Dusek clarified that because the resolution had been mailed to the Supervisors, an agreement could be reached amongst the Personnel Committee and a motion would have to be made at the Board meeting to amend the resolution. Mr. VanNess added that he would also like the resolution to include that the abolishment of positions would be effective July 1, 2009. Mr. Stec advised if the only issue with the list was the position in the Tourism Department, he recommended that the list be modified now to remove the Tourism Department from the list. Mr. Sokol said the number of positions slated for Countryside Adult Home should be amended as well, as per Ms. Hayes, who had identified four positions rather than one that could be eliminated.

Mr. Thomas apprised that the recommendation of the Personnel Committee was to remove the Tourism Department from the list, to increase the number of positions for Countryside Adult Home from one to four and to update the total number of employees to provide an accurate reflection of each department.

Mrs. Sady reported that the resolution that was mailed included five positions for DPW, as opposed to a breakdown in the different divisions. Mr. Stec requested that the total number of positions to be abolished be twenty-four given the additional positions recommended from the Countryside Adult Home and the Committee members agreed.

Motion was made by Mr. Belden and seconded by Mr. Stec to recommend to the full Board of Supervisors that the number of positions to be abolished be increased from twenty-two to twenty-four positions, reflecting the removal of the Tourism Department from the list and the inclusion of four positions at the Countryside Adult Home.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to recommend to the full Board of Supervisors that the number of positions to be abolished be increased from twenty-two to twenty-four positions,

reflecting the removal of the Tourism Department from the list and the inclusion of four positions at the Countryside Adult Home.

Mr. Kenny expounded it had been brought to his attention recently that the County did not have a policy relative to employees punching time cards; although, he said, Mr. Lunt was in the process of developing one. He requested to discuss the matter further at the next Personnel Committee meeting.

There being no further business to come before the Committee, on motion made by Mr. Tessier and seconded by Mr. Sokol, Mr. Thomas adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk