

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **JANUARY 15, 2010**

Committee Members Present:

Supervisors Thomas
Kenny
VanNess
Belden
Goodspeed
Sokol
Merlino
Strainer
Conover

Others Present:

Fred Monroe, Chairman of the Board
Joan Sady, Clerk of the Board
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Paul Dusek, County Attorney
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Champagne
Supervisor Girard
Supervisor Loeb
Supervisor McCoy
Supervisor McDevitt
Supervisor Pitkin
Supervisor Stec
Supervisor Taylor
Rich Kelly, Personnel Officer
Todd Lunt, Director, Human Resources
Kathy Barrie, Personnel Technician
Len Fosbrook, President, Economic
Development Corporation
Michael Gates, Captain of Corrections
Shane Ross, Chief Deputy
Julie Pacyna, Purchasing Agent
Pam Vogel, County Clerk
Bill Resse, Director, Employment & Training
Administration
Don Lehman, *The Post Star*
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 December 10, 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 Items 1A and B were referrals from the Public Safety Committee, Sheriff & Communications. Item 1A, he said, was

a request to reclassify the position of Correction Sergeant #4, base salary of \$49,688 to the position of Correction Officer #7, base salary of \$33,534; thereby amending the Department's Table of Organization. Item 1B, he added, was a request to fill the vacant position of Correction Officer #7, base salary of \$33,534, due to reclassification.

Motion was made by Mr. Sokol and seconded by Mr. Belden to approve Items 1A and B as presented.

Michael Gates, Captain of the Corrections Division, explained that following the review of staffing due to budgetary constraints, it was determined that the overtime was down approximately \$35,000 this year. He noted that by implementing this reclassification, there was the potential to save a large amount of overtime in his Division.

Following discussion, Mr. Thomas called the question and the motion to approve Items 1A and B was carried unanimously, and the necessary resolutions were authorized for the next board meeting. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas advised Item 2 was a referral from the Support Services Committee, County Attorney, requesting to fill the vacant position of Confidential Secretary, base salary of \$34,357, Employee No. 10580, due to resignation.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously to approve Item 2 as outlined above, and the necessary resolution was authorized for the next board meeting. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Chairman Monroe entered the meeting at 9:02 a.m.

Mr. Thomas reported that Item 3 was a request to authorize an agreement to offer an incentive to PBA (Police Benevolent Association) members, as previously authorized by Resolution No. 524 of 2009.

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

Paul Dusek, County Attorney, commented that a time frame needed to be selected for the incentive to be available. Currently, he said, there was one known candidate and the potential for one or two others. He noted that he had framed the agreement for up to three members and left it open until February 28, 2010 as a close out date. He explained that he chose that date in order to provide enough time to give reasonable notice and yet be early enough in the year for the County to realize a savings.

Mr. Conover entered the meeting at 9:05 a.m.

Discussion ensued regarding the last time frame available for the PBA members to take advantage of the incentive offer, as well as the intent that the positions not be backfilled following the retirements. Following discussions, Mr. Thomas called the question and the motion was carried unanimously to approve Item 3 as outlined above, with the inclusion that said positions would not be backfilled. The necessary resolution was authorized for the next board meeting.

Mr. Thomas said Item 4 was a request to fill the vacant position of Personnel Officer, base salary of \$67,564, Employee No. 1242, due to retirement.

Motion was made by Mr. Strainer and seconded by Mr. Goodspeed to approve the request as presented.

Mr. Goodspeed asserted that this was for a retirement in the Personnel Office and he questioned how the Human Resources Department factored into this scenario and what the overall staffing numbers would be compared to a few years ago.

Todd Lunt, Director of Human Resources (HR), apprised that the intent was that Kathy Barrie would be appointed Personnel Officer and the Offices of Civil Service and Human Resources would be combined; thereby going from a staff of five to a staff of four between the two Offices.

Mr. VanNess entered the meeting at 9:10 a.m.

Mr. Belden expressed his concern with the base salary for the Personnel Officer. Mr. Lunt explained that Mrs. Barrie had been in that Department since 1988 and was currently at a pay level of Grade 15 in the bargaining unit, or \$43,700 including her longevity. He added that Rich Kelly, Personnel Officer, after thirty-six years was at a salary of approximately \$72,000 including longevity.

Mr. Goodspeed advised that he understood Mr. Belden's concern with the salary; however, he said, he did not view Mrs. Barrie as a new hire because she had been with the County for a long time. He added that Mrs. Barrie had been doing a tremendous volume of work with regard to this position. He further suggested that as the year progressed, the Offices of Civil Service and Human Resources should be reduced to three staff members, as opposed to four staff members, given how effectively that Office had functioned with three staff members for twenty years.

Mr. Thomas noted that he had a comparison sheet of other counties for the salary of a Personnel Officer and he listed them as follows: Tompkins County, \$87,000; Cattaraugus County, \$73,000; Broome County, \$72,395; Washington County, \$51,760 and Oswego County, \$64,000.

Rich Kelly, Personnel Officer, added that not included in the statistical information provided was the added responsibilities of the Civil Service Administration for the City

of Glens Falls. He stated that cities often had their own Personnel Officers; however, he said, Warren County had assumed that responsibility as of January of 2009. Mr. Kelly expounded that Essex County had recently appointed a new Personnel Officer at a base salary of \$59,000 and Essex County was much smaller than Warren County.

Mr. Thomas called the question and the motion to fill the vacant position of Personnel Officer, at a base salary of \$67,564, Employee No. 1242, due to retirement, failed due to the lack of majority vote.

Motion was made by Mr. Goodspeed, seconded by Mr. Sokol and carried unanimously to fill the vacant position of Personnel Officer, at a base salary of \$60,000, Employee No. 1242, due to retirement, and the necessary resolution was authorized for the next board meeting. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added that Item 5 was a request to appoint Kathleen Barrie as Personnel Officer, base salary of \$60,000, effective February 1, 2010, for a six year term.

Motion was made by Mr. Strainer, seconded by Mr. Conover and carried unanimously to approve Item 5 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas noted that Item 6 was a referral from the Human Services Committee, Employment & Training Administration, requesting to reduce the hours of the Director of Employment & Training II to part-time, less than twenty hours per week, at a salary of \$31.39 per hour, effective February 2, 2010.

Mr. Thomas explained that Bill Resse, Director of the Employment & Training Administration, was retiring and the Human Services Committee had requested that Mr. Resse remain as Director II, part-time, in order to provide sufficient training to his successors. Mr. Strainer added that Mr. Resse's salary was paid by Federal grant funds and was not a cost to the County.

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

Mr. Belden asked Mr. Resse how long he planned to continue his employment on a part-time basis and Mr. Resse replied he believed it would be a short-lived arrangement. Mr. Belden asked when Mr. Resse would be retiring and Mr. Resse responded January 29, 2010.

Following discussion, Mr. Thomas called the question and the motion was carried by majority vote, with Messrs. Kenny and Belden voting in opposition, to approve Item 6 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas congratulated both Mr. Kelly and Mr. Resse on their upcoming retirements and wished them luck in the future.

Bud York, Sheriff, requested permission to address the Committee. He noted that he had not requested a Committee meeting this month; however, he said, an issue had arisen that required Committee approval. Sheriff York advised he needed to send a Patrol Officer for training in Poughkeepsie, New York, at no cost to the County.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the request for a Patrol Officer to attend a meeting or convention as outlined above. A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.

Prior to adjournment, Chairman Monroe requested Mr. Dusek to discuss the requirement from the NYS Comptroller's Office with regard to maintaining time records for Supervisors.

Mr. Dusek recalled that each Supervisor had kept a record of their time for one month in the past year and the Chairman had questioned if that would suffice for the future. He noted that after reading the regulations, he had confirmed that the past record of time was not sufficient. He clarified that the Supervisors were required to record their time for a three month period and it had to be completed within the first one hundred fifty days of their term. Mr. Dusek added that the Chairman had also pointed out that it was possible that different Supervisors could have different numbers of hours that were reported and that was expected. He stated that if there were too many hours worked in a week, the State Comptroller's Office could reduce the retirement credit based upon a calculation using the minimum wage. He said a resolution would need to be adopted at the end of the one hundred fifty day time frame that would set forth the name of each Supervisor whose time was being reported to the Retirement System, the number of hours that they were working, as well as appointed individuals and the resolution would need to be published. Mr. Dusek asserted that the repercussions for not following these strict measures could result in problems with each person's retirement, in terms of credit. He announced that once these obligations were completed this year, the Supervisors could refer back to this three month period and certify that their work was essentially the same; thereby negating the need to recreate the time records. He noted that the Supervisors could do that for up to a period of eight years.

Mr. Dusek referred to another inquiry pertaining to if a Supervisor took a two week vacation during the three month time reporting period. He explained that the solution would be to extend the reporting time for an additional two weeks. He noted that following completion of this process, if a Supervisor was not comfortable with the time reported, it was allowable to redo the process later in the year.

Many Committee members directed questions to Mr. Dusek, to which he responded and discussion ensued. Mr. VanNess asked how this applied to those that were not in the NYS Retirement System and Mr. Dusek replied those that were not in the NYS Retirement System did not have to do any time recording. He further stated that there were two exemptions to the requirement from the NYS Comptroller's Officer with regard to maintaining time records for Supervisors. The first, he said, was if an individual was not in the NYS Retirement System and the other was if an individual kept a time card. He asserted that in those two instances, time recording was not required.

Mr. Kenny apprised that it had been recognized that lunch hours were a problem for Warren County in that traditionally, employees were given a one hour lunch break. He recommended that the lunch hour be changed to one half hour for all non-bargaining unit employees. Mr. Merlino agreed that a standard between bargaining unit and non-bargaining unit employees should be reached in order for lunch breaks to be the same for all employees. Mr. Dusek advised that there were some bargaining unit employees that received a half hour lunch break and there were some that received a full hour lunch break; therefore, he said, there would still be some employees that were in the collective bargaining unit that would continue to receive their one hour lunch break and all the non-bargaining unit employees would receive a half hour lunch break.

Motion was made by Mr. Kenny and seconded by Mr. Merlino to implement half hour lunch breaks for all non-bargaining unit employees effective February 1, 2010.

William Lamy, DPW Superintendent, interjected that for those employees that brought a lunch from home to work with them, a half hour would be sufficient; however, he added, for those who did not bring a lunch from home, it would be nearly impossible to meet the time frame of a half hour lunch break. Mr. Kenny suggested that all employees bring a lunch from home. Discussion ensued.

Mr. Kenny amended his motion to change the effective date to March 1, 2010 to implement half hour paid lunch breaks for all non-bargaining unit employees, in order for the Personnel Committee to discuss the matter further at the next Committee meeting. Mr. Merlino amended his second to the motion. Mr. Thomas called the question and the motion was carried unanimously to reflect the intent of the Personnel Committee to implement half hour lunch breaks for all non-bargaining unit employees effective March 1, 2010.

Mr. Thomas announced that an executive session was necessary to discuss collective bargaining negotiations. Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 9:50 a.m. to 10:14 a.m.

January 15, 2010

Committee reconvened. Mr. Thomas reported that no action was necessary pursuant to the executive session.

There being no further business to come before the Committee, on motion made by Mr. VanNess and seconded by Mr. Belden, Mr. Thomas adjourned the meeting at 10:15 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk