

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JULY 25, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
GOODSPEED
VANNESS
KENNY
STRAINER
MONROE

OTHERS PRESENT:

JOHN WAPPETT, PUBLIC DEFENDER
JOY LAFOUNTAIN, ASSIGNED COUNSEL ADMINISTRATOR
DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS THOMAS
TAYLOR
WOOD
MCDEVITT
LOEB
MARY BETH CASEY, COMMISSIONER, BOARD OF ELECTIONS
WILLIAM MONTFORT, COMMISSIONER, BOARD OF ELECTIONS
DON LEHMAN, *THE POST STAR*
THOM RANDALL, ADIRONDACK JOURNAL
JOANNE COLLINS. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR MCCOY

Mr. Bentley called the meeting of the Criminal Justice Committee to order at 10:45 a.m.

Motion was made by Mr. Goodspeed, seconded by Mr. VanNess, and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Joy LaFountain, Assigned Counsel Administrator, who introduced Cheryl Marsh, part-time assistant to the Assigned Counsel Administrator who was hired to cover the Office in her absence.

Ms. Marsh informed that she handled window inquiries between the hours of 9:00 a.m. and 12:00 p.m. She advised her core duties included extensive work to assist applicants with the details of the application process, phone inquiries, time sensitive assignments from the courts, attorney assignments and paperwork. She noted that conflicts were typically identified which required collaboration with the Public Defender's Office. She noted the Office was consistently busy with the daily number of window inquiries ranging between seven and twenty seven.

Ms. LaFountain stated that prior to the addition of staff, she had been the only staff member handling the Office and due to workload demands she had not used 2.5 days of 2010 vacation time. Even though vacation carried over from the prior year must be used by June 1st of the following year, Ms. LaFountain said she was asking the Committee to consider granting her the 2.5 days of unused vacation.

Paul Dusek, County Attorney/Administrator, stated that the current policy indicated that a maximum of five days could be carried over and either must be used by June 1st or the time would be lost. Furthermore he stated, if the employee was unable to schedule vacation due to an edict from management or the Board of Supervisors, the time could be paid. Mr. VanNess pointed out the prohibitive factor was a one-person Office and he felt that compensation for the unused time should be made.

Motion was made by Mr. VanNess and seconded by Mr. Strainer to compensate Ms. LaFountain for the 2.5 unused vacation days.

Expressing concern, Mr. Goodspeed said he had not been in full support of the adopted vacation policy and advocated for flexibility by the Legislative Board. He noted the inflexibility of Civil Service Rules and Regulations and asserted that situations of necessity would occur on occasion. Mr. Goodspeed affirmed the hectic pace of the Assigned Counsel Office. Mr. Loeb added that the purpose of vacation time was to allow respite for employees from their work lives, and not as a source of additional compensation.

Mr. VanNess withdrew his motion and Mr. Strainer withdrew his second to the motion to pay Ms. LaFountain for 2.5 unused vacation days.

Motion was made by Mr. VanNess and seconded by Mr. Strainer to refer the vacation carryover policy issue to the Personnel Committee.

Mr. Strainer asked if there had been other similar circumstances and felt a policy change may not be necessary. Mr. Bentley inquired about policy exceptions and Mr. Dusek cautioned against such action. Mr. Goodspeed stated if a work situation were created whereby an employee was not able to use his or her defined vacation time, it was the responsibility of the County to resolve the matter. Mr. Monroe noted that any policy changes should be limited to specific situations, such as Offices with only one staff member. Mr. Geraghty noted that changes in the Department had been made to improve the work environment and questioned the need for a policy change. Mr. Thomas pointed out the time limit for vacation carryover time was critical and Mr. Dusek suggested the policy be modified to extend the deadline from June 1 to September 1 as employees typically evaluate their vacation and leave time balances just prior to and during the summer months.

Mr. Bentley called the question and the motion was carried unanimously to refer the vacation carryover policy issue to the Personnel Committee to consider extending the date for use of same from June 1st to September 1st.

Privilege of the floor was extended to John Wappett, Public Defender, who stated that the New York State Office of Indigent Legal Services (NYS OILS) controlled 10% of State funds and distributed those funds accordingly. Mr. Wappett stated that each County was asked to submit a plan proposal to augment and improve indigent legal services within the County. He advised that \$23,000 was earmarked for Warren County and he proposed that the Public Defender handle indigent appeals currently handled by the Assigned Counsel Office thereby resulting in significant cost savings. Additionally, he said, it presented the opportunity for senior staff members to gain educational experience. Mr. Wappett recommended that a stipend be attached to the salaries of the six staff members who would be carrying out the appeals work for a total amount of \$16,500. Additionally, he said, a copier with collating features would be necessary at a cost of \$6,445.

Motion was made by Mr. Monroe and seconded by Mr. Goodspeed to approve the proposal as outlined.

A short discussion ensued.

Mr. Bentley called the question and the motion was carried unanimously to approve the proposal from the Public Defender to authorize salary stipends for attorneys handling indigent appeals in the Public Defender's Office and refer same to the Personnel Committee.

Responding to an inquiry from Mr. Goodspeed, Mr. Wappett stated that the establishment of Conflict Defender services was under discussion at the State level and noted that approval of the NYS OILS regulations must precede any such initiative. Mr. Goodspeed asked if the Board of Supervisors could urge the State to expedite the regulations and noted the establishment of an alternative office would significantly impact cost savings for the County. Mr. Dusek stated he would research the matter.

There being no further business to come before the Criminal Justice Committee, on motion made by Mr. VanNess and seconded by Mr. Strainer, Mr. Bentley adjourned the meeting at 11:15 p.m.

Respectfully submitted,
Joanne Collins, Legislative Office Specialist