

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **MAY 11, 2011**

Committee Members Present:

Supervisors Conover
Kenny
VanNess
Belden
Goodspeed
Sokol
Merlino
Taylor
Strainer

Others Present:

Daniel G. Stec, Chairman of the Board
Paul Dusek, County Attorney/Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Champagne
Supervisor Loeb
Supervisor McCoy
Supervisor Thomas
Supervisor Wood
Kathy Barrie, Personnel Officer
Todd Lunt, Director, Human Resources
Barbara Taggart, Administrator,
Westmount Health Facility
Sheila Weaver, Commissioner, Department
of Social Services
Bud York, Sheriff
Don Lehman, *The Post Star*
Joanne Collins, Legislative Office Specialist

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

Motion was made by Mr. Strainer, seconded by Mr. Belden and carried unanimously to approve the minutes of the previous 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 Action Agenda review, Mr. Conover apprised Item 1 was a referral from the County Clerk-Motor Vehicles Committee, requesting to decrease the salary of the 1st Deputy County Clerk, from the former salary of \$50,043 to the current salary of \$46,000 effective June 1, 2011, due to retirement on May 31, 2011; thereby amending the Department's Table of Organization.

Motion was made by Mr. Kenny, seconded by Mr. Sokol and carried unanimously to approve Item 1 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Conover stated Items 2A and B were referrals from the Health Services Committee, Westmount Health Facility. Item 2A, he said, was a request to create and fill the

position of Clinical Coordinator, annual salary of \$52,407; and to delete the position of Supervising RN #5, base salary of \$50,580 and the part-time position of RNP #4, pro-rated base salary of \$17,127; thereby amending the Department's Table of Organization.

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

Mr. Belden questioned if this position was reimbursed by the State and Paul Dusek, County Attorney/Administrator, explained that the Facility was County-funded and did receive funding from other sources, such as Medicaid and Medicare reimbursements; however, he clarified, the County did not receive direct reimbursements from the State. Mr. Sokol added that the creation of this position would ultimately result in a savings of approximately \$15,000.

Mr. Conover called the question and the motion was carried unanimously to approve Item 2A 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.

Mr. Conover apprised Item 2B was a request to correct the salary of the Staffing/In-Service Training Coordinator to a base salary of \$52,407, due to a payroll error; thereby amending the Department's Table of Organization.

Motion was made by Mr. Taylor, seconded by Mr. Sokol and carried unanimously to approve Item 2B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Conover stated Item 3 was a referral from the Human Services Committee, Office for the Aging, requesting to fill the vacant part-time position of Meal Site Cook #3, pro-rated base salary \$17,779 (30 hours per week), Employee No. 11264, due to resignation. He added that this position was not mandated and was 25% reimbursed. He noted that this would also amend the Department's Table of Organization to decrease the hours from 35 to 30 per week as requested.

Motion was made by Mr. Strainer, seconded by Mr. VanNess and carried unanimously to approve Item 3 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.

Mr. Conover remarked Items 4A and B were referrals from the Public Safety Committee, Sheriff & Communications. Item 4A, he said, was a request to fill the vacant position of Investigator #3, base salary of \$39,586 first year plus ten year service credit (\$63,491), Employee No. 7019, due to retirement. He noted that this position was not mandated or reimbursed.

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

Mr. Kenny questioned if the request was accurate, noting that it reflected that an Investigator with ten years employment with the County received approximately a \$23,000 increase in pay and Bud York, Sheriff, confirmed that was accurate. Sheriff York noted that an individual from the Patrol Unit would be promoted to this position following the Civil Service exam in June.

Mr. Conover called the question and the motion was carried unanimously to approve Item 4A 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.

Mr. Conover asserted Item 4B was a request to fill the vacant position of Patrol Officer #17, base salary of \$34,996 first year plus third year service credit (\$45,852), due to promotion. He stated that this position was not mandated or reimbursed.

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

In response to an inquiry, Sheriff York affirmed that this would be a lateral transfer with the inclusion of the third year service credit to be the maximum, as was a previously established rule. Mr. Strainer asked if this was resultant from the promotion to Investigator as presented in Item 4A and Mr. VanNess replied affirmatively. Mr. Strainer further questioned the previous salary of the individual that was being promoted to the Investigator position. Sheriff York reiterated that the selection could not be made until the exam was conducted. He asserted that the difference between a top pay level Patrol Officer to the position of Investigator was approximately \$4,000. Mr. VanNess advised that the ten year service credit was the maximum credit allowed under the PBA (Police Benevolent Association).

Mr. Kenny referred back to Item 4A, and wondered how a ten year service credit could be attached to the request if it was unknown who would fill that position at this time and Sheriff York explained that the majority of the individuals taking the test in June had ten years service credit; however, he said, it was possible that the service credit could be less and if so, it could be adjusted at a later date. Mr. Kenny recommended that the previous motion be amended to state "the appropriate service year credit".

Mr. Conover suggested that Item 4B be resolved first and then the Committee could return to Item 4A if desired.

Mr. Conover called the question and the motion was carried unanimously to approve Item 4B 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.

Returning to Item 4A, Mr. Conover questioned if the Committee desired amending the motion to state the appropriate service year credit as opposed to a ten year service credit.

Mr. VanNess amended his motion to approve the request to fill the vacant position of Investigator #3, base salary of \$39,586 first year plus the appropriate service year credit and Mr. Sokol amended his second to the motion. Mr. Conover called the question and the motion was carried unanimously to approve Item 4A as amended, and the necessary resolution was authorized for the next board meeting.

Mr. Conover expounded Items 5A through E were referrals from the Social Services Committee, Social Services. Item 5A, he said, was a request to fill the vacant position of Social Welfare Examiner #3, base salary of \$30,230, Grade 8, Employee No. 10563, due to resignation. He noted this position was mandated and was 100% reimbursed.

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

Mr. Belden asked if the reimbursement included benefits, and Mr. Dusek replied affirmatively. Mr. Conover questioned if there was a cap on the overall reimbursement amounts against the overall programs and Sheila Weaver, Commissioner of the Department of Social Services, responded that it depended on the program area; however, she noted, with this particular position and program area, the cap had not been exceeded.

Mr. Conover called the question and the motion was carried unanimously to approve Item 5A 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.

Mr. Conover added 5B was a request to fill the vacant position of Caseworker #24, base salary of \$35,385, Grade 14, Employee No. 11868, due to resignation. He stated this position was mandated and was 75% reimbursed.

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

In response to an inquiry, Ms. Weaver apprised the individual that had resigned had been with the County approximately seven or eight months and had completed all necessary training. She noted that the individual had expressed that there were outside personal issues that prevented them from remaining under the employ of the County.

Mr. Conover called the question and the motion was carried unanimously to approve Item 5B 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.

Mr. Conover reported Item 5C was a request to create and fill the position of Social Welfare Examiner #42, base salary of \$30,230, Grade 8, due to creation; thereby amending the Department's Table of Organization. He said this position was mandated and 75% reimbursed as opposed to 100% reimbursed as previously listed.

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

Ms. Weaver explained that at the time of the Social Services Committee meeting, it was her understanding that both the program and the administrative funding for Temporary Assistance were 100% reimbursed; however, she continued, due to changes in the State budget, she had just received clarification that the program money was 100% reimbursed and the administrative money, which funded the staff, was 75% reimbursed.

Mr. Conover called the question and the motion was carried unanimously to approve Item 5C 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.

Mr. Conover advised Item 5D was a request to create and fill the position of Social Welfare Examiner #43, base salary of \$30,230, Grade 8, due to creation; thereby amending the Department's Table of Organization. He noted that this position was mandated and 75% reimbursed, as previously discussed.

Motion was made by Mr. Sokol, seconded by Mr. Taylor and carried unanimously to approve Item 5D 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.

Mr. Conover apprised Item 5E was a request to review and amend the Travel Policy to address overnight stays in Albany and establish a mileage radius where overnight travel was acceptable. He noted that Mr. Dusek had indicated that he needed additional time to prepare a document for the Committee members to review.

Mr. Dusek asserted that there was an existing Travel Policy, although it did not address the issue of overnight stays in Albany or any given distance from the Municipal Center. Mr. Kenny expressed his desire to establish a reasonable radius in which overnight stays would be allowed. He recognized that there may be exceptions to the policy from time to time and the Administrator should be granted the flexibility to make those determinations as appropriate. Mr. Taylor opined that a cost basis should be determined rather than a radius. Mr. Loeb suggested that the cost of overtime be included when making a determination. Mr. Goodspeed further recommended that a

review of other counties that were of similar distance from Albany, be conducted with regard to their travel policies. Mr. Dusek apprised he would review the recommendations made today and report back to the Committee at a later date.

Mr. Conover remarked Items 6A and B were referrals from Human Resources. Item 6A, he said, was requesting authorization for the Director of Human Resources to attend the New York State Public Employer Labor Relations Association Inc. 37th Annual Training Conference in Saratoga Springs, NY on July 20 and July 21, 2011 at a cost of \$325.

Motion was made by Mr. Belden, seconded by Mr. Strainer and carried unanimously to approve Item 6A as outlined above. The Authorization to Attend Meeting or Convention is on file with the minutes.

Mr. Conover added Item 6B was a request to amend Resolution No. 853 of 2010 to add the position of Naturalist to the exempt titles included in Schedule A regarding the Time Clock Policy and Procedure for the Time and Attendance System.

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

Mr. Dusek recalled that there were a number of positions that were described as exempt positions under the County's policies, driven by the Fair Labor Standards Act requirements, as far as whether or not the County paid employees overtime. Originally, he continued, it was believed that the Naturalist position was among those employees that were paid overtime; however, he said, following further research, it was determined that their professional status, due to the specific educational background required, did create an exemption under the Fair Labor Standards Act. He clarified that there were still time punching policies for exempt positions, although they differed from the policies for non-exempt employees.

Mr. Conover called the question and the motion was carried unanimously to approve Item 6B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Conover referred to Agenda IV. Topics to be reported on/discussions/updates and noted Item 1 was a request from Todd Lunt, Director of Human Resources, for discussion of the NYS Deferred Compensation Plan and the possibility of adding Roth (post-tax) deductions to the Plan.

Mr. Lunt informed that he had received communication from the NYS Deferred Compensation Plan that Roth deductions were being made available to participants of the Deferred Compensation Plan. He noted that currently, deductions for the Deferred Compensation Plan were made pre-tax. Post-tax deductions, he continued, meant that individuals were not required to pay State and Federal tax on monies withdrawn at the

time of retirement. Mr. Lunt added that this was not mandatory and was being offered as an added benefit.

Motion was made by Mr. Belden, seconded by Mr. Merlino to amend Resolution No. 228 of 1985 to include the possibility of adding Roth (post-tax) deductions to the NYS Deferred Compensation Plan. The necessary resolution was authorized for the next board meeting.

Mr. Conover announced that an executive session was necessary to discuss matters relating to labor negotiations and litigation.

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

Executive session was declared from 9:34 a.m. to 10:20 a.m.

Committee reconvened and Mr. Conover asserted no action was necessary pursuant to the executive session.

There being no further business to come before the Committee, on motion made by Mr. Kenny and seconded by Mr. Belden, Mr. Conover adjourned the meeting at 10:21 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk