

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL

DATE: MAY 6, 2015

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: TAYLOR
KENNY
MERLINO
GIRARD
VANSELOW
WOOD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS: SOKOL
DICKINSON
SIMPSON

OTHERS PRESENT:

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS BEATY
BROCK
CONOVER
FRASIER
MCDEVITT
MONROE
SEEBER

REPRESENTING THE HUMAN RESOURCES & CIVIL SERVICE
ADMINISTRATION:

PATRICIA NENNINGER, PERSONNEL OFFICER
JACKIE FIGUEROA, EXECUTIVE ASSISTANT TO THE COUNTY HUMAN
RESOURCES DIRECTOR
MIKE SWAN, COUNTY TREASURER
JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
MARCY FLORES, FIRST ASSISTANT PUBLIC DEFENDER
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
PATRICIA AUER, DIRECTOR OF PUBLIC HEALTH/PATIENT SERVICES
LLOYD COTE, ADMINISTRATOR OF THE WESTMOUNT HEALTH FACILITY
LARRY PALTROWITZ, LEGAL COUNSEL FOR WARREN COUNTY
DAVID STRAINER, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Mr. Taylor called the meeting of the Personnel Committee to order at 9:19 a.m.

Motion was made by Mr. Vanselow, seconded by Mr. Girard and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review, Mr. Taylor announced Items 1A-C consisted of requests/items to be discussed by the Human Resources Department, which he proceeded to read aloud, as follows:

- 1A) Request to authorize Patricia Nenninger, *Personnel Officer*, to attend the 2015 Annual Civil Service Training Conference in Albany, NY on June 8-10, 2015.

Motion was made by Mr. Kenny, seconded by Mr. Vanselow and carried unanimously to approve the request.

Ms. Nenninger advised it was her understanding that the approved GSA Rate was less than the room rate for this particular conference. She explained the conference was for 2.5 days and consisted of a 2-night stay. She said the evening portion of the conference included events that all of the Personnel Officers from New York State attended. She requested authorization for the GSA rate requirements to be waived for her attendance at the 2015 Annual Civil Service Training Seminar.

Motion was made by Mr. Girard, seconded by Ms. Wood and carried unanimously to approve the request to waive Section I.B.3 of the Warren County Travel Policy relating to the GSA Rate for the travel outlined above, and the necessary resolution was authorized for the May 15, 2015 Board meeting.

- 1B) Request to authorize travel for Jackie Figueroa, *Executive Assistant to the Human Resources Director*, to attend the Bond, Schoeneck & King, PLLC Workplace 2015 Statewide Labor, and Employment & HR Conference on June 17, 2015 at the Saratoga National Golf Club, Saratoga Springs, New York.

Motion was made by Mr. Kenny, seconded by Mr. Vanselow and carried unanimously to approve the request.

- 1C) Report on tracking of salary implications for positions filled.

Ms. Figueroa advised there had not been much change since last month's report except for the addition of vacant positions.

Mr. Taylor advised Agenda Items 2A-B included referrals from the Criminal Justice Committee, *Public Defender*, which he proceeded to outline, as follows:

- 2A) Request to appoint Marcy Flores as Public Defender effective July 1, 2015, *Annual Salary of \$104,143*, due to the retirement of John Wappett on June 30, 2015.

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the May 15, 2015 Board meeting.

- 2B) Request to amend the Table of Organization and Salary Schedule as indicated below to reflect salary adjustments for the Assistant Public Defender positions effective July 1, 2015:

First Assistant Public Defender - Increase from \$66,390 to \$69,544;
Second Assistant Public Defender - Increase from \$56,838 to \$59,538;
Third Assistant Public Defender - Increase from \$54,196 to \$56,770;
Fourth Assistant Public Defender - Increase from \$52,443 to \$54,934; and

Fifth Assistant Public Defender - Increase from \$51,638 to \$54,091.

Ms. Flores informed that she had previously been offered a job at a higher salary and although the County had been unable to match that salary, she had been offered a higher salary to remain with the County, \$80,000, which she had accepted. She reviewed the salary structure proposed for the Assistant Public Defender positions, noting she wanted to apportion the difference in her proposed Public Defender's salary and her current salary to the Assistant Public Defenders. She stated that she wanted to retain the quality staff employed by Public Defender's Office and she added another reason she was requesting the increases was to ensure these salaries were more in line with those of the District Attorney's Office.

Motion was made by Mr. Vanselow, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the May 15, 2015 Board meeting.

Continuing to Agenda Item 3, Mr. Taylor outlined a referral from the Health Services Committee, *Public Health*, for Patricia Auer, *Director of Public Health/Patient Services*, to address the Committee with respect to consideration of allocating specific Cost of Living Adjustment (COLA) funding offered by the Women, Infant and Children (WIC) Program to employees who provide "direct care" to clients. Ms. Auer advised every year the WIC Program provided COLA funding; however, she said, this year the COLA funding was structured differently as it was intended to be provided directly to the employees that were providing direct care. She said she had discussed the matter with the County Administrator and the County Attorney, as well as the representative from the CSEA (*Civil Service Employees Association*) who had met with the WIC employees. She said the total amount of the COLA funding received for distribution to WIC employees was \$1,866.73. She noted some Counties within New York State chose to accept the funding, while other Counties had decided not to.

Mr. Auffredou apprised his only comment was that if the Committee was in favor of this initiative, a resolution should be approved to approve the adjustments and authorize the Chairman of the Board to sign an agreement with the CSEA to appropriately memorialize the decision.

Motion was made by Mr. Vanselow, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the May 15, 2015 Board meeting.

Moving along, Mr. Taylor advised Agenda Item 4 pertained to a request from the Human Services Committee, *Employment and Training*, to amend Resolution No. 766 of 2009, as well as to amend the Table of Organization, to increase the hours of the Part-Time Employment and Training Counselor from the amount of up to 30 hours per week to the amount of up to 35 hours per week in accordance with the needs for the Summer Youth Program.

Motion was made by Ms. Wood and seconded by Mr. Merlino to approve the request.

Mr. Girard advised there had been a concern expressed by the Human Services Committee that increasing the hours may require that the position be offered health

insurance benefits. He explained that although the CSEA contract considered positions up to 35 hours to be part-time, he believed the Affordable Care Act required that health insurance benefits be offered.

Paul Dusek, *County Administrator*, apprised he was unaware of the concerns; however, he said, he would research the matter further. He stated the Affordable Health Care Act provided health insurance to employees who worked up to 30 hours. He mentioned he could report on the matter prior to the May 15, 2015 Board meeting. Mr. Girard said he was concerned that if this was approved it would set a precedent.

Motion was made by Mr. Girard, seconded by Mr. Kenny and carried unanimously to table the request.

Agenda Item 5, Mr. Taylor reported, was a referral from the Public Safety Committee, *Sheriff*, requesting to amend the Table of Organization and Salary Schedule to delete the position of Senior Account Clerk in the Sheriff's Correction Division. He noted the position had been vacant for four years and that the Sheriff intended to transfer the funds budgeted for this position to provide funding for the Part-Time Security Officer positioned at the DMV entrance.

Mr. Kenny questioned why a position that had been vacant for four years remained in the County Budget. Ms. Wood advised that when the position was vacated they decided to see if the workload was manageable without the position. She said the funding for the position over the past few years has been utilized to fund the Part-Time Security Officer position; therefore, she stated, the Sheriff felt it was time to make the appropriate adjustment to the Table of Organization and Salary Schedule to account for it more accurately.

Motion was made by Mr. Merlino, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the May 15, 2015 Board meeting.

Mr. Taylor advised it was necessary to address an Item that was not included on the Agenda but had been referred from this morning's meeting of the Support Services Committee. He said the referral consisted of a request from the County Administrator's Office to authorize the hiring of temporary assistance for the Mail Room; he advised the position would be used for up to 40 hours per week at an hourly rate not to exceed \$16.1087 per hour, for a term not to exceed three months.

Motion was made by Mr. Merlino, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the May 15, 2015 Board meeting.

Mr. Taylor outlined Agenda Items 6A-B, requests/items to be discussed by the County Administrator as follows:

- 6A) Discussion concerning County Human Resources Department and Director vacancy.

Mr. Dusek reminded the Committee that the Human Resources Director had resigned effective May 1, 2015, which resulted in a vacancy within the Department. He mentioned he had taken the time to discuss with various Department Heads who had a great deal of involvement with the Human Resources Department their thoughts on how the Department should be organized. He said he was aware of the concerns that had been expressed by Board members regarding the organization of the Department, as he had his own, as well. He stated he had reviewed what the primary concerns were and what the uses of the Department were to determine the best way to move forward. He reported since he felt this was a rather important issue that needed to be dealt with in the correct way he had included JoAnn McKinstry, *Assistant to the County Administrator*, in the meetings he had with Department Heads regarding the matter. He commented he believed many improvements had been made to the Human Resources/Civil Service functions and he felt it was essential that this opportunity be used to move forward in a positive direction. He apprised that making the correct decision regarding the organization of the Department would assist with achieving all they had hoped to originally accomplish with the Department.

Mr. Dusek announced he was bringing forth some recommendations regarding the Department today; however, he said, no action was necessary if the Committee wished to take some time to review his suggestions before making a final determination. He apprised he believed the position of Human Resources Director was essential for the County; therefore, he said, he felt the vacant position should be filled. He reminded the Committee the Department was developed a few years ago due to a clear need for it, as the County had over 1,000 employees, more than 700 of which were full-time. In regards to Civil Service, Mr. Dusek advised he had come to realize that Civil Service was also a vital part of the County, Towns and School Districts it served, and he said it was apparent that the Civil Service Division had a full workload.

Mr. Dusek advised taking into account all of these circumstances, he recommended advertising the vacant position of Human Resources Director, as well as soliciting applications from employees who may be interested in the position from within the County. He added as a result of trying to navigate the different comments he received from various sources he determined it was imperative that Department Heads and staff were aware of where to turn for guidance on Civil Service and Human Resources matters and that those needs were met. He commented on the other hand, he acknowledged that Civil Service was an independent institution. He pointed out as a matter of law the Civil Service Division had many of their own functions that were independent of the Human Resources Division. He stated regardless of whether Civil Service was viewed as a separate subset or function of Human Resources, the way the law was structured gave control to the Personnel Officer over the Civil Service functions. As a result of this, he recommended maintaining the Human Resources Director and the Personnel Officer as separate Department Heads; however, he added, they should continue to share the joint office suite they are currently located in so they could work together on issues that related to both of the Departments. He mentioned since both Departments were relatively small, having a joint office would ensure someone was always available to answer phones or assist members of the public. He commented he believed having the independency of the two offices would lead to both parties being on equal footing and would offer a better working relationship between them. He added this would provide each party with recognition for the nature of their functions.

In regards to reviewing the matter from a budget standpoint, he stated he did not believe it would lead to any additional costs other than paper costs and some minor administration work. He noted some minor changes to the reorganization of the office set up might also be required so that the Human Resources Director's Office and the Personnel Officer's Office were located on opposite sides of the room with the Office Staff situated in the middle.

Mr. Dusek mentioned that he felt separating the two Departments and reorganizing the Office would address some of the concerns that had been discussed previously. He commented because of the mixed reviews he had received from the various Department Heads, some would be supportive of his decision, while some would not. He said the final decision was up to the full Board; however, he said, this was his recommendation.

Mr. Taylor advised he supported Mr. Dusek's recommendations and felt they should direct him to advertise for the vacant position of Human Resources Director. Mr. Vanselow advised he thought there could be a lengthy discussion regarding the matter; however, he suggested that they advertise for the position, as they could always notify applicants if they decided not to move forward with filling the position. Mr. Girard mentioned he felt the spectrum was good with what was being established. He commented he believed some of the biggest problems related to the fact that they were not aware of what they wanted to accomplish with the Department until after its establishment and realized its purpose such as managing issues with insurance, compensation, labor, legal, workplace harassment, etc. He said he felt separating the two Departments would assist with directing the issues to the correct Department. He mentioned going forward they could establish which areas Human Resources should be concerned with and which areas were not relevant to them.

Mr. Brock questioned whether there was any staff dedicated solely to the Civil Service Division and Mr. Dusek replied that the staff for Civil Service was comprised of the Personnel Officer, one full-time Personnel Technician and one part-time employee who provided assistance to the Personnel Officer and Personnel Technician. He noted although the way the Department was currently structured was under the Director of Human Resources as a single Department, the Civil Service function had been effectively carved out so the employees only dealt with Civil Service issues. He added that while the Civil Service employees cooperated and assisted the Human Resources Department, the organization required the Personnel Technician and the part-time employee to report directly to the Personnel Officer. He recommended formalizing this model by separating the two departments.

Mr. Taylor asked whether a resolution was required and Mr. Dusek replied that if the Committee chose to move forward with his suggestion, Local Law No. 2 of 2014 would need to be amended to reflect the separation of the two Departments.

Ms. Seeber advised she had spoken to the Queensbury Town Board members and they had expressed an interest in determining whether it would be possible to explore sharing human resources responsibilities with other municipalities, similar to the plan that was being considered for consolidated purchasing services. Mr. Dusek advised that the Human Resources function was an area the Shared Services Committee could discuss. He said the vocal point of the Committee had been just to comply with New

York State's efficiencies; however, he said the Chairman of that Committee fully intended to research these other areas. He pointed out Corporations that consisted of many different offices had centralized operations and he felt there were opportunities for either the County or the towns to be able to share a centralized approach in different functions such as human resources, payroll, assessors, etc. He commented he believed human resources was one of the many areas that could be explored as a shared service between the County and the towns. He mentioned it would need to be determined whether the current staffing in the office was sufficient and whether the municipalities would be willing to give up this function. He added an incentive to this was that it could be voluntary. He pointed out that the presentation made by the Purchasing representative from Onondaga County revealed how over the course of several years Purchasing Departments from various municipalities had been joining in the centralized purchasing approach, which appeared to be working very well. He mentioned due to the number of rules and regulations in place today, it was imperative to have a standardized approach across the board that was managed by individuals with the appropriate amount of knowledge to ensure its efficiency. He stated he felt the Chairman of the Shared Services Committee could explore whether the municipalities were interested in sharing the human resources function with the County.

Mr. Conover apprised he concurred with Mr. Dusek that this was an area that should be explored. He mentioned because the issues relating to the human resources function were getting more complicated he felt the towns could use the County Human Resources Department as a resource. He commented as they moved forward they should be thinking about exploring this type of effort. He said after the efficiencies required by New York State were in place by the deadline, they would begin to explore these other areas such as human resources, animal control, etc.

Mr. Taylor stated that although he felt that the human resources function should be explored by the Shares Services Committee, he was concerned that it may be too large of a task for their current Human Resources Department to take on, as they already had a full workload. Mr. Dusek responded that the County could share the policies they had in place with the towns and hire additional assistance for the Human Resources Director to meet the needs of the towns once the shared policies were in place and the department became a resource for the towns. He reiterated many corporations with several different locations centralized services because it was efficient to do so. He apprised the first step would be to inquire whether any of the towns were interested in sharing the human resources function and then based upon the response determining whether additional staff was required. He pointed out it was important to always start off by maximizing the resources available, as was the case with the Mail Clerk. He said they had absorbed the function utilizing there existing resources for several months until it was apparent that a temporary worker would be required until the Mail Clerk returned to work from disability leave. He commented he would view the development of the human resources function in the same manner as a growth process that was put together slowly and efficiently to demonstrate that it was worthwhile and practical for those involved.

Mr. Conover mentioned he believed changes were necessary in regards to the Civil Service function, as well. He said it would be a slow process to make changes to this

Department, as they would be required to seek approval from New York State. As an example, he stated he believed the needs of sewer and water districts to create a larger pool of trained individuals for this area was a process that could be improved upon. He surmised at some point in the future, a meeting could be set up to include the Community College Committee and representatives from some of the smaller rural communities, such as the Towns of Bolton and Hague, to consider the strain put on the smaller districts when water and sewer personnel resigned from their positions; he noted that these positions were very difficult to fill since they required a specific skill set which was hard to find.

Mr. Merlino advised he felt they should move forward with filling the vacant position of Human Resources Director. He stated he felt it was imperative to have someone in place so they could continue to move forward with accomplishing the goals that were set for the Human Resources Department. He pointed out smaller towns such as his own that did not have a Human Resources Department looked to the County Human Resources Department for assistance when a question was presented to them that they could not answer. He added they should fill the vacant position and restructure the departments before they explored sharing the human resources function.

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to Amend Local Law No. 2 of 2014 to reflect the separation of the Human Resources and Civil Service function and the necessary resolution was authorized for the May 15th Board meeting.

In regards to vacancies filled (Agenda Item IV), Mr. Girard questioned whether exit interviews were being conducted, as he felt it was necessary to track why employees were resigning. Ms. Wood apprised the vacancy in the Sheriff's Department was due to an employee not returning from an extended medical leave. She stated it was her understanding that exit interviews were performed as much as possible. Mr. Dusek interjected that exit interviews would be an issue until a new Human Resources Director was in place, as the Human Resources Department currently consisted of one employee. Mr. Girard apprised his concern related to whether the Committee Chairperson was aware of why the position was vacated, as it allowed them to track whether there were any issues that needed to be dealt with.

- 6B) JoAnn McKinstry to discuss proposed Payroll Rules Policy which is intended to clarify and standardize procedures.

Mrs. McKinstry advised that Mr. Dusek had appointed an informal committee to discuss and clarify some of the payroll rules that were not written in policies or resolutions. She said she was bringing forth a policy for consideration. She explained the rules contained in the policy were not included in a union contract or resolution; therefore, she stated, in order to provide consistency and standardization they believed the rules should be included in a resolution.

Mrs. McKinstry apprised the first rule they recommended was that sick leave would be earned and posted on the last Friday of the month. She said they were recommending this to prevent the Human Resources Department from having to manually enter the

time in for individuals who had retired at the end of the month since the system would not add it. She advised this change also prevented human error from taking place, as the system would automatically post the day.

The second rule they were proposing, Mrs. McKinstry stated, related to Civil Service no longer requesting a 426 form for an employee removed from the payroll for one day or less per pay period. She explained rather than utilizing the 426 form, the Department Head or designee would be required to report any reduction in normal hours by email to the Payroll Supervisor and Payroll Technician in the County Treasurer's Office, as well as the Human Resources Executive Assistant before the submission of payroll hours. She said this would save time for the Departments, as well as the Human Resources Department and Civil Service.

Mrs. McKinstry advised the third rule being proposed related to the employee's lunch period. She said they recommended the lunch period would be paid after an employee completed at least a half day of work with the exception of half day vacation. She stated this would standardize the rule, as the amount of hours required to work for paid lunch now varied from department to department. She noted this policy would be in line with the policy in place in the Sheriff's Department. She mentioned she believed it would be beneficial for the County to standardize the rule.

In reference to the fourth rule that was being proposed, Mrs. McKinstry said they recommended that Westmount Health Facility continue to pay holiday pay plus time and one half to per diem employees who worked on holiday; however, she stated, all other County Departments would pay straight time for per diem employees who worked on holidays. She said the only Department this would impact was Countryside Adult Home, as they currently paid time and a half to per diem employees who worked on holidays. She noted this rule was already in place for the Health Services Department. She mentioned they felt all per diem employees should be paid straight pay when they worked holidays with the exception of Westmount Health Facility because of the difficulty it would present them in getting individuals to work on holidays. She explained that the concern expressed by the Administrator of the Westmount Health Facility was that he would have to utilize agency staff to work holidays, which was much more expensive than paying the facilities current per diem employees holiday pay plus time and one half.

Mrs. McKinstry apprised the fifth rule proposed required an employee to hold a position as of January 1st of any given year in order to receive applicable annual accruals. She explained this policy only applied to long-term employees, as a different process was in place for newer employees. She pointed out this meant that an employee who retired on December 31st would not be entitled to their accruals because they were not on the payroll.

Mrs. McKinstry stated these were the rules the Payroll Committee had developed thus far. She stated they anticipated amending the rules as they moved forward and were faced with new issues and problems. She noted the proposed policy would exclude the PBA (*Police Benevolent Association*), as they were currently involved with negotiations and did not want to commit to anything. She added the CSEA (*Civil Service Employees Association*) and the Warren County Sheriff's Employees Alliance were on board with the rules.

Chairman Geraghty questioned how many departments utilized per diem employees and Mrs. McKinstry responded that she was aware that Countryside Adult Home and Health Services utilized per diem employees. Chairman Geraghty asked whether enacting this rule would impede the operation of Countryside and Mrs. McKinstry replied in the negative. She apprised that the Director of Countryside Adult Home had stated because they had a minimal number of per diem employees they did not feel it would have an impact on the facility. Chairman Geraghty asked whether it would be an issue if a per diem employee would not work a holiday and Mrs. McKinstry replied in the negative. She said that the Director of the facility indicated to her they would utilize their regular staff if they were unable to get a per diem employee to work the holiday. Chairman Geraghty commented he was concerned it would impede the operations of the facility if they were unable to staff on holidays with per diem or regular employees.

Mike Swan, *County Treasurer*, advised there were some other departments utilizing per diem employees such as the Veteran's Department; however, he said, they felt the only department that would be impacted was Westmount Health Facility, which was why they exempted them from the rule. He said Countryside Adult Home had indicated adopting this rule would have no impact on them due to their limited amount of use of per diem employees.

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to approve the list of payroll rules suggested by Mrs. McKinstry and the necessary resolution was authorized for the May 15th Board meeting.

There being no further business to come before the Personnel Committee, on motion made by Mr. Girard and seconded by Ms. Wood, Mr. Taylor adjourned the meeting at 10:00 a.m.

Respectfully submitted,

Sarah McLenithan, Deputy Clerk of the Board