

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL & HIGHER EDUCATION

DATE: JUNE 6, 2019

COMMITTEE MEMBERS PRESENT:

SUPERVISORS FRASIER
MCDEVITT
LEGGETT
BRAYMER
SIMPSON
HYDE
DIAMOND
LOEB
MERLINO

COMMITTEE MEMBERS ABSENT:

SUPERVISORS GERAGHTY
SOKOL

OTHERS PRESENT:

PATRICIA NENNINGER, PERSONNEL OFFICER
JENNIFER HOWE, HUMAN RESOURCES SPECIALIST
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
DICKINSON
DRISCOLL
HOGAN
MAGOWAN
STROUGH
WILD
TAWN DRISCOLL, FISCAL MANAGER, PUBLIC HEALTH
KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
CHRIS HUNSINGER, DIRECTOR, EMPLOYMENT & TRAINING ADMINISTRATION
MIKE SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the June 6, 2019 meeting of the Personnel & Higher Education Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2019/personnel/>

In the absence of Committee Chairman Geraghty, Supervisor Frasier, as Vice-Chair, called the meeting of the Personnel & Higher Education Committee to order at 10:02 a.m.

Motion was made by Mr. Loeb, seconded by Mr. Simpson and carried unanimously to approve the minutes of the previous 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 with the Agenda review, Mrs. Frasier advised a joint meeting of the Personnel & Higher Education and Finance Committees was scheduled for June 11th at SUNY Adirondack, so representatives were not in attendance.

Moving on, Mrs. Frasier stated Agenda Item 2 pertained to the Review of report on tracking of vacancies filled. *Report provided for informational purposes.*

Mr. Loeb commented how useful the information provided on the report was and Mrs. Frasier concurred.

Mrs. Frasier stated Agenda Items 3A-B consisted of the following referrals from the Criminal Justice & Public Safety Committee, *Public Defender*.

- 3A) Request to amend the Table of Organization and Salary Schedule to create and fill new position of Case Manager-Public Defender, *Grade 14, Base Annual Salary \$40,954*, effective July 1, 2019.

Motion was made by Mr. Simpson, seconded by Mr. Leggett and carried unanimously to approve the request and the necessary resolution was authorized for the June 19th Board Meeting.

- 3B) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Legal Clerk, *Grade 5, Base Annual Salary \$30,520*, effective July 1, 2019.

Motion was made by Mr. Loeb, seconded by Mr. Leggett and carried unanimously to approve the request and the necessary resolution was authorized for the June 19th Board Meeting.

Moving along, Mrs. Frasier apprised Agenda Item 4 consisted of a referral from the Health, Human & Social Services Committee, *Social Services*, involving a request to amend the Table of Organization and Salary Schedule to create and fill the Case Supervisor - Grade B, *Grade 20, Base Annual Salary \$49,557*, effective June 24, 2019.

Motion was made by Mr. Simpson, seconded by Mr. Loeb and carried unanimously to approve the request and the necessary resolution was authorized for the June 19th Board Meeting.

Mrs. Frasier stated Agenda Items 5A-C concerned the following Request/Items to be Discussed by the County Treasurer:

- 5A) Request to remove the Payroll Supervisor and Payroll Technician positions from the CSEA Union.

Mike Swan, *County Treasurer*, questioned if Ryan Moore, *County Administrator*, was comfortable moving forward with discussing the request and Mr. Moore replied affirmatively. Mr. Swan stated that he would like to remove the two positions from the CSEA Agreement, apprising they were not currently members of the Union, but both were CSEA positions. He pointed out the results of the survey from the surrounding Counties indicated that none of them had their payroll positions within the Union and instead classified them as management confidential employees which was what he was seeking to do. He advised one of the reasons he was requesting this change related to the payroll employees having access to confidential information regarding County employees. He said another reason was because the payroll team needed to be included in the negotiation process with the Unions as a result of the information they had the ability to provide the County's negotiating team with that would assist them when negotiating new Union contracts. He informed because of this he felt it was inappropriate for these positions to be members of the Union, as this would be a direct conflict. He said the County Attorney or Administrator could speak regarding the concerns about how to move forward with this in the appropriate manner.

A discussion ensued following which a motion was made by Mr. Merlino and seconded by Mr. Simpson to approve the request to remove the Payroll Supervisor and Payroll Technician positions from the CSEA Union.

Mr. Moore noted Mr. Geraghty could not be present at today's meeting and he asked that the Committee hold off on making a decision to allow more time consider the request. Mr. Moore stated the reason he could get on board with supporting this related to his previous experience with other counties which did not include these types of positions in the Union. He advised in Saratoga County these positions were considered non-represented confidential and in Westchester County they were non-represented management in order to allow them to assist with Union negotiations because of their understanding regarding what impact changes would have. He mentioned, in addition there was a value to having

those positions out-of-Unit because when issues occurred where the contract may not be clear, it was in the County's best interest to have these positions review the issue from a management perspective rather than a Union point of view. He informed the Union had the ability to grieve decisions they disagreed with while decisions impacting management were difficult to overturn.

Mr. Moore advised one way this change could be made was with the consent of the CSEA; however, he noted, the CSEA had indicated they did not consent to the removal of these positions. He said it was a sensitive time for unions because of the Supreme Court ruling from last year that had heavily impacted them. He informed they had the option of bringing this before PERB (*Public Employee Relations Board*) to argue that these employees did not have a community of interest with the rest of the union members; however, he noted, historically this tended not to end in favor of the County. He stated another option was to include these employees as part of the negotiating team, which did not mean they would sit at the table and participate in the negotiations, but they could be brought into strategy sessions to ensure they were aware of what they were supposed to do when they were gathering data because sometimes there were subtleties that would change the results. He added they were also present to provide guidance when something was being structured in the contract that would be black and white from a payroll perspective.

Mrs. Frasier suggested they hold off making a decision until they were aware of how the CSEA felt about the positions being removed from the Union. Messrs. Simpson and Merlino withdrew their motions to approve the request to remove the Payroll Supervisor and Payroll Technician positions from the CSEA Union.

Mary Elizabeth Kissane, *County Attorney*, informed she had contacted the CSEA to inquire whether they would agree to the changes and they had responded in the negative. She said she then inquired how the CSEA would feel if the County included the positions as part of the negotiating team and they responded they would bring forward an improper practice charge against the County that they would argue for in court. She advised if the Committee were to move forward with the request, her Office would likely have to spend the next few years fighting this grievance. She said she felt further discussion was required to determine how to move forward effectively without litigation. She mentioned they had discussed petitioning PERB before the Board takes action and presenting the job titles and arguing they should be considered management confidential with the hopes that PERB would agree to remove them without CSEA agreeing to that. She apprised she felt this would be a better strategy if this was something the Committee was interested in moving forward with. Mr. Moore added if they were to move forward with removing the positions without following that route with PERB and PERB ruled against the County, it was unlikely they would ever be able to get them removed from the CSEA.

A discussion ensued following which a motion was made by Mr. Simpson, seconded by Mr. McDevitt and carried unanimously to table the request to remove the Payroll Supervisor and Payroll Technician positions from the CSEA Union.

With regards to Agenda Items 5B & 5C, requesting salary changes for the Payroll Supervisor and Payroll Technician positions, it was noted that because the positions were not removed from the Union, no action could taken on either it these Items,

Mr. Swan mentioned following his review of the salaries of positions within the County and similar positions in other Counties and in private industry, he determined that both of the positions were

grossly underpaid. He added due to changes that had been made within his Department, the funds were available within his Budget to cover the increases for the remainder of the year; however, he noted, he would have to request a budget increase for next year.

A discussion ensued regarding County employee salaries, the budgeting process and performance evaluations during which Mr. Thomas voiced his opposition to such significant salary increases for the Payroll Supervisor and Payroll Technician positions, apprising he would be in favor of salary increases, but not ones as substantial as what was being requested.

Concluding the agenda review, Mrs. Frasier noted Agenda Item VI consisted of a listing of vacancies approved for filling by other Committees since the last Personnel & Higher Education Committee meeting, which included the following:

<i>Countryside -</i>	Institutional Aide #2, Part-Time, <i>Grade 3, Base Annual Salary \$28,026</i> , due to promotion
<i>County Attorney -</i>	1 st Assistant County Attorney, <i>Annual Salary \$65,258</i> , due to resignation.
<i>Info. Technology -</i>	Computer Help Technician I #3, <i>Annual Salary \$44,000</i> , due to creation.
<i>Office for the Aging -</i>	Meal Site Cook #4, <i>Grade 2, Base Annual Salary \$27,438 (35 hr/week)</i> , due to resignation.
<i>Parks, Rec & RR -</i>	Naturalist #2, <i>Annual Salary TBD</i> , due to retirement.
<i>Public Defender -</i>	8 th Assistant Public Defender, <i>Annual Salary \$47,500</i> .
<i>Sheriff -</i>	Communication Officer #3, <i>Annual Salary \$40,563.88</i> , due to promotion. Senior Communication Officer #3, <i>Annual Salary \$51,399.70</i> , due to promotion. Communication Supervisor, <i>Annual Salary \$54,149.70</i> , due to retirement. Investigator #4, <i>Annual Salary \$72,561</i> , due to retirement. Patrol Officer #TBD, <i>Annual Salary \$42,373</i> , due to promotion.
<i>Social Services -</i>	Keyboard Specialist #4, <i>Grade 3, Base Annual Salary \$28,026</i> , due to promotion. Keyboard Specialist #7, <i>Grade 3, Base Annual Salary \$28,026</i> , due to promotion. Social Services Investigator #3, <i>Grade 11, Base Annual Salary \$38,225</i> , due to retirement.

There being no further business to come before the Personnel & Higher Education Committee, on motion made by Mr. Simpson and seconded by Mr. Loeb, Mrs. Frasier adjourned the meeting at 10:32 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board