PERSONNEL COMMITTEE
ROOM 318
OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
Members: Chairwoman Nacerino, Legislators Castellano and Tartaro

Tuesday July 15, 2014

The meeting was called to order at 5:30p.m. by Chairwoman Nacerino who requested Legislative Counsel Van Ross lead in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Tartaro were present.

Item #3) Approval/Personnel Committee Meeting Minutes/June 17, 2014

Chairwoman Nacerino stated that she will submit the meeting minutes for June 17, 2014 as amended. She stated that there was a discussion surrounding the photos and videos taken of the County Executive at County events. She stated at the meeting of June 17th she stated that the practices of last year are not different from past years; it is not any different this year because it is an election year. She stated that she believes that is an important component to be contained in the minutes.

Chairwoman Nacerino made a motion to accept the minutes as amended; Seconded by Legislator Tartaro. All in favor.

Item #4) Approval/In-House Lab Drug Testing-Part Time Probation Assistant Position
(Also Discussed at the July 8 Protective Svcs Committee Mtg)

Chairwoman Nacerino stated present this evening to address this topic is Judge Reitz, AJSC, Putnam County Director of Probation Funicelli and Senior Deputy County Attorney Fusco. She stated that this matter was previously discussed at the July 8, 2014 Protective Services Committee Meeting. She stated that there were some unanswered questions at that time, which Director Funicelli, after the July 8th meeting researched and responded to the Legislature in a correspondence dated July 9, 2014. She stated one question was whether the County could terminate services with the Company providing the machine. She stated the answer to that question is that it is open-ended at this time. The other question was if the County chooses to enter a more formal lease agreement what would the cost be. She stated that Director Funicelli responded that information is not known at this time.

Senior Deputy County Attorney Fusco stated that the agreement the County has with the Company, is that the County has a 30 Day opt out. Therefore, the County can terminate the arrangement. There is no stated time period to this arrangement. She stated that the County is responsible to pay for the testing reagents and the consumables that are used and that is it.

Chair Nacerino requested confirmation that the 30 Day reference refers to a 30 day notice for the County to opt out of the arrangement.

Senior Deputy County Attorney Fusco stated that is correct.

Chair Nacerino requested that Director Funicelli provide an update on the projected cost savings, for those who were not at the July 8th Protective Services Committee Meeting.

Probation Director Funicelli stated that the main advantage of doing the testing In-House is the immediacy of the results. He stated that currently the Probation Officer does an on screen test. He stated the specimen is collected and tested. If the test is negative that is the end of the process. He stated if the test is positive then it is sealed and sent to the outside Laboratory for confirmation that the test is positive. He stated with the new arrangement if an onsite positive occurs they would then take the next step to confirm the positive In-House. He stated that the next step, with this proposed initiative, would be to use the Siemens Equipment (comparable to the Laboratory that they currently use), onsite to confirm the positive test. He stated In-House Testing would require more work, operation and maintenance of the equipment; which is why there is a proposal for the Part Time Probation Assistant. That employee would handle the additional work of this new procedure. He stated that a Part Time Probation Assistant's pay is significantly lower than that of a full time Probation Officer.

Chair Nacerino questioned if the Part Time Probation Assistant is an existing CSEA position with a test or would there be the need to create a test for this.

Director of Personnel Eldridge stated that this is an existing title in CSEA and that the Personnel Department has an existing list of candidates to conduct interviews from.

Judge Reitz stated that the equipment is state of the art. He stated that it would not only do the immediacy of the testing right on site, it is also deemed admissible in the court of law. He stated that it has been tested and tried in the highest courts. He stated that it also does a double test, within five (5) minutes of the initial test. He stated that he would like to repeat that there is no issue with the accuracy of the test. He stated that when discussions began regarding this proposal a couple of years back he stated that he did not want this change in procedure to result in a taxpayer cost. He stated that Director Funicelli, County Executive Odell and Deputy County Executive Walker executed great negotiations with the company. He stated that the County will have no strings, attachments, or fees for this equipment. The County, if they decide this is not working, can call and have the company come and remove the equipment, at which point the County discontinues use of the machine immediately. He stated the 30 Day notice is for the County to give the Siemens Company to come and pick up their equipment. He stated that the Law Department is drafting a Local Law that will amend the existing Local Law pertaining to Probationers. He stated that the proposed Local Law is being drafted to require Probationers to pay for the cost of the drug test. He stated that he is concerned that the amount of drug testing required is not clear. He stated that the approximately 100 members who are in the Drug Treatment Court, which he works with, can be required to have a Drug Tested on any given day. There is not a set day. He stated in his opinion the Part Time Probation Assistant position, a part time employee, would not necessarily meet the needs to administer the drug tests, when the members can arrive any day. He stated as a taxpayer he finds it difficult to hire an additional person, when the County Probation Department has the personnel currently. He stated that the Probation Officers are administering the current test. He stated that the Probation Officers would be trained by the Company. He stated that the equipment is currently working in Brooklyn and several other places in New York. He stated that he along with representatives from the Drug Treatment Court and Probation Department went and saw how the equipment works at some of the sites where it is being used. He stated it is very easy to use. He stated that if all of the Probationers plus the approximate 100 members of the Drug Treatment Court have testing conducted Monday through Friday, a part-time person working Tuesday and Thursday (as an example) will not work. He stated that there is going to be a cost, if someone is going to be hired. He stated that 90% of the Drug Treatment Court testing is random. He stated in order for the Drug Treatment Court's random testing procedure to work, there needs to be someone available to administer the Drug Test when the member is directed to get tested.

Legislator Oliverio stated that he would like to confirm that Judge Reitz is not in favor of the hiring of the Part Time Probation Assistant to serve the purpose of conducting the In-House drug testing.

Judge Reitz stated that he is shocked that there is a request to hire a person; when in his opinion it is not needed. He stated he disagrees with Director Funicelli when it comes to having to hire an additional person to perform the In-House drug testing. He stated that he does not support putting a cost to the taxpayer; when in his opinion it is not needed. He stated that a part time position is not going to solve this problem. He stated a full time employee would be needed who would be there Monday through Friday any time of the day to be available to do the testing.

Chair Nacerino stated that she would have Director Funicelli speak next. However she would like to first state that she believes the Probation Officers would be best utilized doing other work, rather than administering a simple test.

Judge Reitz stated that the Probation Officers are doing the testing now.

Chair Nacerino stated that the part time person would offset the work allowing the Probation Officers to be better utilized doing work in regards to what they are specifically trained to do. She stated per the explanation this sounds like a menial, very easy task. She stated the County would be better utilizing the higher paid employee to do the job they were hired to do.

Legislator Albano stated that his question is in relation to dollars and cents. He questioned how much does it cost now to send the tests out and how does that cost compare to the cost of doing the test In-House. He questioned also, like a traffic ticket which part of the fee charged goes to New York State, he questioned if there is a charge that could be connected to these tests to offset the costs to the County.

Senior Deputy County Attorney Fusco stated that she is working on a local law to offset the costs that will be incurred by the hiring of the part time person and the cost of the reagents and the consumables. She stated hopefully if not a zero impact to the taxpayers it would be a diminished amount to the taxpayers. The proposed law is allowing the Probation Department to charge a fee for the drug and alcohol test services.

Legislator Tartaro stated that he would like clarification on the times/days that the proposed Part Time Probation Assistant would work.

Director Funicelli stated that the Part Time Employee would work 20 hours a week and he would curtail the schedule of the Employee to the needs of the Department.

Legislator Tartaro stated that the Company will provide the machine for a trial period, which at this time is undetermined, at no charge. He questioned if the County would enter into a lease with the Company at some point.

Director Funicelli stated if the County sees it is worthwhile then yes that is correct.

Legislator Tartaro stated that it has been stated that we do not know what the charge would be to lease the machine.

Senior Deputy County Attorney Fusco stated that there has been no discussion with regards to the County signing a lease with this company.

Legislator Tartaro stated at some point he would think there will need to be a formal arrangement made. He stated that he would like to know the projected cost of such an agreement/lease.

Senior Deputy County Attorney Fusco stated there has been no discussion of having to enter into a lease agreement. She stated that this is a great agreement for the County. The County is only responsible to pay for the chemicals used (the reagents and consumables) to do the testing.

Chair Nacerino questioned if this is the only vendor who provides this machine. She explained she asks this question, in the event that the County decides it wants to enter into an agreement with this company, but their price is cost prohibited, does the County have other options.

Judge Reitz stated that he would like to clarify there is no requirement to sign a lease, ever. He stated that there is no requirement to keep the machine a moment longer than we want to. He stated that this has been two (2) years in the making. He stated the County can stay with this exact agreement for as long as we would like to. He stated if a person is tested for three (3) drugs, the cost would be under $5.00. He stated that he wants it to be clear that there is no requirement or commitment for the County to enter into a long term lease. He stated that they cannot change their fees without the County's approval, because all the County would need to do is chose not to pay the increased material fees (reagent and consumables). He stated it took him two years of negotiations with this company to settle on this agreement.

Legislator Tartaro stated then Judge Reitz is stating that the cost of the reagents and consumables would be profitable enough to the Company.

Judge Reitz confirmed that is correct. He stated that for years he has thought, "why should the tax payers be paying for these drug tests". He stated as a Judge he could not get involved with that. He stated that Senior Deputy County Attorney Fusco has taken the lead on that matter, and is doing a great job with it. He stated she has mentioned that she is working to have the proposed local law ready to be reviewed by the Legislature at the July Rules, Enactments & Intergovernmental Relations Committee. He stated another part of the agreement is that any upgrades in the software or technology will be provided at no cost. He stated when the machine needs to be recalibrated or recertified it is done at no cost. He stated the company will come in and train the County Employee (s) and the Company would provide on call service.

Probation Director Funicelli stated that what Judge Reitz has stated is correct. He stated that however when dealing with an outside business they can change their minds and state they no longer want to honor this agreement at any time.

Judge Reitz stated that is correct. He stated that the County can always go back to the procedure that is currently being used.

Chair Nacerino stated the County would not like to revert back to a process that will cost more money after this cost effective process.

Probation Director Funicelli stated that is correct. However if the Company steps forward and states they are not satisfied with the current arrangement because it is not profitable and the County would not be willing to spend more money than it is currently spending to accomplish the necessary drug testing; the County could return to the procedure of using an outside Laboratory.

Judge Reitz stated that the representative from the Siemens Company has been wonderful to work with. He stated if the Legislature has more questions, he suggested inviting the representative to come to a meeting to address any of Legislators questions.

Legislator Oliverio stated that he does not believe that the machine is the issue. He stated the issue tonight is the Part-Time Probation Assistant position that is being proposed and before of this committee for consideration.

Legislator Castellano stated he would like to clarify; currently the County pays approximately $1,000 a month to conduct the drug testing. He stated that the proposal that will be coming forward is that the cost of the testing, with the new procedure, is going to be passed onto the individuals. He stated then the County would be saving $1,000 a month. He questioned what the projected monthly fee would be for the testing, with the new In-House process.

Probation Director Funicelli stated that this is an estimate; it has been tallied that it would be close to what the County is currently paying, $1,000 per month.

Legislator Castellano confirmed that the idea is to have the participants pay for the tests.

Probation Director Funicelli stated that currently everyone on Probation in Putnam County pays a Supervision Fee, which is $30.00 a month. He stated that the plan is to have the person who is being drug tested pay the associated fee. He stated that the recourse they have if a Probationer does not pay their Supervision Fee is a civil matter, not a criminal matter, so it is not a condition of Probation. He stated it cannot be pursued in a criminal way. It is pursued by the County Law Department in a civil way. He stated it is hard to predict how successful that will be.

Legislator Castellano stated that was going to be his next question. He questioned how will the actual charging and the collection of the fees be conducted. He stated he believes that is where the need of the Part-Time Probation Assistant would come into play.

Probation Director Funicelli stated that would be an accounting procedure. He stated that it would involve the Probation Officers and Supervisors to initiate it and to track that the person is paying their fees.

Legislator Castellano stated that the County will end up covering the fees if they are not paid.

Probation Director Funicelli stated that is correct. He stated that he believes the County will assume the cost is theirs and that the attempt is to offset that cost with the collection of the fees.

Legislator Oliverio questioned legally how does this work; is there any conflict with any State Law.

Probation Director Funicelli stated no there are other Counties that do charge fees.

Judge Reitz stated this is a County Law. He stated that another reason he supports this new machine and process is because over the years there have been problems with false positives. He stated that the test either does not show a real positive or a test that shows a false positive, and it is then necessary to send it out to the Lab, at the cost of the tax payers, to find that the test was negative. He stated there is much going on with the drug tests. He stated that it is predicted that this new machine will eliminate all of the false positives. He stated it is critical to have accurate information at the time that you need it, not three (3) weeks later. He continued and communicated a few different scenarios of the result of a false positive.

Chair Nacerino stated that she believes that the Legislators present are all in agreement that this would be an effective way to conduct the drug tests. She stated that any money that the County does recoup will be a plus. She stated the issue to be addressed now is the personnel issue.

Probation Director Funicelli stated that with the In-House machine both the courier and the outside laboratory would be eliminated. He stated that the Probation Officers each supervise 50 – 60 probationers. He stated they see a fair amount of people each day. He stated that they do not need to test every day. He stated that if a test is negative the process ends there. If they have a positive then there is further consultation done. He stated if the person admits to the positive test, they do still confirm with a confirming test. He stated at that point the Probation Officers involvement is done with the testing part. The next step would be to use the new machine. He stated that if you consider the number of people they see in a day and they have to deal with a few positive tests, then their schedule of appointments for the rest of their day will become backed up.

Legislator Castellano questioned when the machine is being used does the Probation Officer, or whoever is administering the test, do they have to stay with the machine.

Judge Reitz stated that the Judges who deal with the Probationers who test positive, those Judges' schedule get backed up also. He stated however, that is their job.

Probation Director Funicelli continued to describe the day to day operations of the current practice with Probationers when they come in for a drug test and if their test is positive.

Legislator Oliverio stated that both cases, the need for the In-House testing and the Part Time Probation Assistant, have been well presented and their need explained.

Legislator Tartaro questioned if having multiple people operating the In-House drug machine would have a negative impact on the accuracy of the test in the Court.

Judge Reitz stated that is a great question. He stated that the operator has really only the involvement of putting the sample in the machine. He stated that the rest of it is done in the machine. He stated that these tests have been tested and admissible in court. He stated that there needs to be more than one (1) person in the office who knows how to use the machine. There will be a need to perform drug tests on any given day, five (5) days a week. He stated the need may not arise during the 20 hour period of the proposed Part Time Probation Assistant. He stated the answer is that having several people operating the In-House drug machine does not take away from the reliably or the admissibility of the test in the court of law.

Senior Deputy County Attorney Fusco stated that she believes all of the Probation Officers and Supervisors will be trained on how to use the machine.

Probation Director Funicelli stated the plan is to get everyone familiar with the testing procedure. He stated that the goal is to get a position in the office that the main focus would be to conduct the testing. He stated that there will be back up employees in the department to fill in when that person is out.

Legislator Albano stated that he supports the In-House testing. However he believes in regard to the Part Time Probation Assistant position request, it may be premature. He stated he realizes that there will be more work, however from this presentation the amount of work does not sound like it will be overwhelming.

Judge Reitz stated that he would like to propose that a test case be done with the approximately 100 participants of the Treatment Court. He stated this way the County would conduct a trial case and then evaluate the workload and impact.

Legislator Oliverio stated that with that scenario the County would be paying both the Lab fee and for the reagents and consumables. He stated that he supports going with the proposal that has been presented this evening. He stated that he trusts the judgment of Probation Director Funicelli in anticipating the need for this part time employee. He stated that it is very rare that Probation Director Funicelli appears before the Legislature for any personnel requests.

Probation Director Funicelli stated when this new In-House proposal was first discussed he gave consideration to hiring a Lab Technician. He stated that a Lab Technician however would be restricted to only conducting the tests. He stated that the reason he is recommending the Part Time Probation Assistant is because that employee would be versatile. If that person is not conducting a test then there are other duties they can assist with in the Probation Department.

Chair Nacerino stated that she agrees with Legislator Oliverio. She stated that she respects Judge Reitz's judgment on how he best needs to run his department and how best he feels he wants to maximize the employees who work for him. She stated that she has no issue with hiring an employee who would serve a specific skill set, and she supports Probation Director Funicelli recommendation as to what will serve his department best.

Legislator Albano stated now that he has heard the second part of the thought pattern behind this proposal in terms of Part Time Probation Assistant position would serve the department in other areas, he can understand that.

Chair Nacerino stated that she would like to thank everyone for the very comprehensive overview that was provided this evening. She stated that she looks forward to being proactive in the County's approach to dealing with this situation and collaborating efforts.

Chair Nacerino made a motion to approve the Part-Time Probation Assistant (*Primarily to conduct In-House Drug Testing*); Seconded by Legislator Castellano. All in favor.

Item #5) Approval/Fund Transfer (14T103)/Office for Senior Resources/Cover Personnel Issues, Training of New Subs, Intern Position and New Expanded Transportation

Chair Nacerino questioned why there was an amount difference from what the backup states, $19,265.00 and the amount that is on the Fund Transfer (14T103), $20,739.00 which is a difference of $1,474.00. She requested that Director Sheehy address the reason for the differential in the amounts.

Director of Office for Senior Resources Sheehy stated the reason for the differential is that some of the issues surround unexpected illnesses of the Drivers. She stated that just that day, they learned an employee who was scheduled to return to work, will not be returning to work yet.

Chair Nacerino restated it is a buffer of funding for unforeseen cases. She questioned if the referenced title of Expanded Transportation, as listed on the backup, is it taking place currently. She questioned if yes, is that normal procedure to expand the programs so late in the year.

Director of Office for Senior Resources Sheehy stated not necessarily. She stated however in response to some of the surveys that were conducted in conjunction with the Planning Department reflected an addition need for the Seniors. The survey responses showed that that the Seniors were in need of additional transportation for shopping. She stated that approximately eight (8) runs per month to accommodate that need.

Legislator Oliverio questioned where the funds are coming from.

Director of Office for Senior Resources Sheehy stated there was an approval to hire three (3) Part Time Home Health Aids. She stated the positions have not been filled; the money is coming from there.

Chair Nacerino made a motion to approve Fund Transfer (14T103)/Office for Senior Resources/Cover Personnel Issues, Training of New Subs, Intern Position and New Expanded Transportation; Seconded by Legislator Tartaro. All in favor.

Item #6) Approval/Fund Transfer (14T104)/ Office for Senior Resources/Extra Hours for P/T Caseworker to fill for F/T Caseworker

Chair Nacerino made a motion to approve Fund Transfer (14T104)/ Office for Senior Resources/Extra Hours for P/T Caseworker to fill for F/T Caseworker; Seconded by Legislator Castellano. All in favor.

Item #7) Discussion/Approval/Putnam County Coroner

Chair Nacerino stated that this agenda item will be tabled this evening. She stated that it was anticipated that all of the petitions would be finalized by this evening's meeting. However that is not the case. She stated that this Committee will plan to discuss this at the August meeting.

Chair Nacerino made a motion to Table the Discussion/Approval/Putnam County Coroner; Seconded by Legislator Castellano. All in favor.

Item #8) FYI/Correspondence Re: 2014 Management/Confidential Compensation Review Commission/Third Meeting: July 25, 2014 - Duly Noted

Item #9) Other Business - None

Item #10) Adjournment
There being no further business, at 6:45P.M. Chairwoman Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.