

PERSONNEL COMMITTEE
Held via Audio Webinar Pursuant to Temporary Emergency Orders

Members: Chairman Nacerino and Legislators Jonke & Montgomery

Monday

May 18, 2020

The meeting was called to order via audio webinar at 6:00pm by Chairwoman Nacerino who led in the Pledge of Allegiance. Upon roll call Committee Members Jonke, Montgomery, & Chairwoman Nacerino were present.

Chairwoman Nacerino began with a reminder that each Legislator please wait to be recognized by her before speaking, to avoid cross talk, and finally a reminder to identify yourself before you begin to speak. She stated she will first recognize the members of the Personnel Committee, Legislators Jonke and Montgomery and then move on to each of her colleagues who may want to comment or ask a question.

Item #3 – Approval/ Personnel Committee Meeting Minutes – March 30 & April 15, 2020

The minutes were approved as submitted.

Item #4 - Approval/ Ratification/ Collective Bargaining Agreement Between County of Putnam and the Putnam County Sheriff's Employees Association, Inc. ("PCSEA")/ County Attorney Jennifer Bumgarner

Chairwoman Nacerino stated the members of the PCSEA consist of the County's Correction Officers and some support staff. She stated they have been without a contract since December 31, 2016. She stated that she has reviewed the PCSEA contract and found it to be fair and equitable and in the best interest of the both the membership and the taxpayers. She stated her appreciation to County Executive Odell, Sheriff Langley, Personnel Officer Eldridge, Commissioner of Finance Carlin, County Attorney Bumgarner and the negotiation team members for their hard work put forth during the five (5) negotiation sessions. She stated the terms and conditions of employment were agreed upon for January 1, 2017 through December 31, 2023 at their final meeting on December 19, 2019. She provided an overview of the salary changes in the contract as well as some of the other negotiated points.

County Attorney Bumgarner stated this was a very amicable negotiation. She stated she was thankful for the PCSEA negotiating team and their professional approach. She stated that there were small increases agreed to in the longevity payments, starting January 1, 2020. She stated there are changes to holiday pay. She provided a brief overview. She stated there was a small increase in the Sick Leave incentive. She stated the number of "swaps and switches" were agreed to be set at seven (7). She stated a cap of 96 hours of Comp Time was agreed to. She stated the changes to the 207C and the Drug and Alcohol Policies were revised in a very positive way. She stated the procedures, due to the changes will be much easier to follow. She stated

there is a Time and Attendance policy that was crafted by then Captain Cheverko who ran the Correctional Facility at the time. She stated he is now the Putnam County Undersheriff. She stated the changes will help to manage the schedule much more efficiently and effectively in the Correction Facility.

Personnel Director Eldridge stated all new Correction Officers hired after the ratification of this agreement, will have their salary schedule increased from five (5) steps to eight (8) steps all within the salary limits of the existing grade. He stated the "Option Days", which are used primarily for training were increased from four (4) to seven (7) within the schedule. He stated that will assist in reducing overtime. He stated he would like to reiterate that it was a very cordial negotiation process. He stated there was a lot of good communication between both sides.

Legislator Jonke stated he is happy for the Employees that they are under a contract and they have their security. He stated additionally he is happy that the Comp Time now has a limit. He stated he was thankful to everyone who worked to get this deal done.

Legislator Montgomery stated she also would like to thank everyone who was involved, as Director Eldridge put it, through cordial negotiations which resulted with an agreement. She stated she hopes that can continue into future negotiations. She stated she has been receiving questions as to when the retro pay will be issued.

Legislator Jonke stated that the contract needs to be ratified, before the discussion of retro pay is addressed. He stated he believes history shows that Putnam County issues retro pay as quickly as possible.

Chairwoman Nacerino stated that Legislator Montgomery was looking for the projected schedule. She stated they will have the answer to that question, before the end of the meeting.

Legislator Montgomery stated that is correct, she stated previously Commissioner Carlin told her he believed retro pay would be issued in May.

Legislator Addonizio stated she also would like to express her appreciation for the hard work that went into the negotiations of this contract. She stated that she believes this contract is in the best interest of the Putnam County Residents and the Members of the PCSEA.

Commissioner Carlin stated he was listening to the conversation, but there were technical difficulties, his microphone could not be unmuted. He stated he would like to respond to Legislator Montgomery' question as to when will the retro pay be issued. He stated the retro pay will be paid within 30- 60 days after the contract is ratified by the Legislature. He stated the appropriate Union Officials will be notified.

Chairwoman Nacerino made a motion to approve the Ratification/ Collective Bargaining Agreement Between County of Putnam and the Putnam County Sheriff's Employee's Association, Inc. ("PCSEA"); Seconded by Legislator Jonke. All in favor.

Item #5 - Approval/ Fund Transfer (20T074)/ Funding Pursuant to the Ratified Contract Settlement Between Putnam County and the Putnam County Sheriff's Employee's Association, Inc. (PCSEA)/ Finance Commissioner William Carlin

Chairwoman Nacerino stated this funding is pursuant to the ratified contract settlement between Putnam County and the Putnam County Sheriff's Employees Association, Inc. She stated the fiscal impact for 2020 is \$490,374 and the 2021 will be \$500,181.

Chairwoman Nacerino made a motion to approve/ Fund Transfer (20T074)/ Funding Pursuant to the Ratified Contract Settlement Between Putnam County and the Putnam County Sheriff's Employee's Association, Inc. (PCSEA); Seconded by Legislator Jonke. All in favor.

Item #6 - Approval/ Fund Transfer (20T081)/ Funds to Cover Overtime due to Three (3) Vacancies, One (1) Extended Sick Leave, and One (1) Officer on 207C During April of 2020/ Sheriff Robert Langley (also copied to Protective & Audit Mtgs)

Chairwoman Nacerino stated this matter was discussed in depth at the Protective Services meeting on May 12th. She stated she has no further questions. She deferred to fellow Committee Members and her colleagues.

Legislator Sullivan stated he would like to follow up during the Protective Services meeting on May 12th he made a request that the Commissioner of Corrections be requested to come to the Putnam County Jail to do a review of the jail in terms of the number of inmates versus the number of employees on duty. He stated the Commissioner of Corrections will then make a recommendation if they determine there are changes that can be made to make the jail more efficient. He stated currently the population in our jail is down, yet the minimum staffing is still the same. He stated to meet the standard minimum requirements we are incurring overtime.

Chairwoman Nacerino stated that is a different topic. She stated she suggests Legislator Sullivan request that be discussed at the June Protective Services Meeting. She stated she agrees it is a worthy discussion. She stated she would like to return to the matter at hand.

Legislator Sullivan stated his confirmation. He stated that he would like to mention that the Putnam County Jail budget is in the \$10 million range. He stated he agrees with Chairwoman Nacerino's suggestion to have it discussed at the June Protective Services Meeting.

Chairwoman Nacerino made a motion to approve Fund Transfer (20T081)/ Funds to Cover Overtime due to Three (3) Vacancies, One (1) Extended Sick Leave, and One (1) Officer on 207C During April of 2020; Seconded by Legislator Jonke. All in favor.

**Item #7 - FYI/ Overtime/ Temporary Report/ Finance Commissioner William Carlin
(also copied to Audit Mtg)**

Chairwoman Nacerino stated during these unprecedented times oversight of this report is crucial. She stated having the report reviewed in this committee will give the Legislative Board further ability to address any outstanding questions or gather necessary documentation prior to the month's end. She stated we are all working together, and the scary part is that we do not know what the fiscal forecast will be. She stated the County will be falling on hard times in the months ahead. She stated the Governor has warned there may be 20- 50% cuts in funding and or reimbursements. She spoke to the information provided on the Overtime Temporary Report. At the conclusion of her overview, she asked if Commissioner Carlin had any comments to add.

Commissioner Carlin stated as things get more difficult the report will be expanded.

Item #8 - FYI/ 2020 Accident Report

Legislator Sullivan stated he had some questions related to the Accident Report.

Chairwoman Nacerino stated the report is a Confidential report. She stated any specific questions and dialogue should ensue in Executive Session.

Item #9 - FYI/ 2020 Employee Incident Report – Duly Noted

Item #10 - Other Business

**a) Approval/ Fund Transfer (20T092)/ Funding for the Deputy County
Executive Position Effective June 1, 2020/ Finance Commissioner
William Carlin**

Legislator Montgomery stated she was not aware there was "other business".

Chairwoman Nacerino stated it was emailed to the Legislators on Friday, May 15th in the afternoon. She stated she will read it into the record.

Legislator Montgomery stated she did not receive anything Friday afternoon that was to be added to the Personnel Committee Meeting agenda. She requested that someone forward it to her.

Chairwoman Nacerino stated the Fund Transfer is displayed on the screen. Legislator Montgomery stated she did see that fund transfer in her email on Friday, May 15th, but did not see it as an additional for the Personnel Meeting so in preparing for this evening's meeting she did not open it on Friday. She stated there was no indication the matter was to be considered as other business.

Chairwoman Nacerino stated there was a Letter of Necessity from the County Executive attached to Fund Transfer (20T092).

Legislator Montgomery stated she would like to make a point in relation to her vote, it was not clear that the matter was going to be on this Personnel Meeting Agenda. She stated there was no indication in the subject line of the email that the matter would be considered by this committee this evening.

Chairwoman Nacerino stated she understands Legislator Montgomery's position and perspective, however the document was mailed on Friday, and there was a Letter of Necessity attached, which mentioned the Personnel Committee.

Legislator Jonke stated he picked up his mail from the Legislative Office today. He stated in addition to it being e-mailed on Friday, May 15th there was a paper copy of the Fund Transfer in his paper mail.

Chairwoman Nacerino requested a Roll Call Vote to accept the Other Business.

Chairwoman Nacerino made a motion to waive the Rules to accept Other Business; Seconded by Legislator Jonke. All in favor.

Roll Call Vote:

Chairwoman Nacerino – Aye

Legislator Jonke -Aye

Legislator Montgomery-Nay

Motion Carries.

Chairwoman Nacerino stated there is a fund transfer request from the County Executive, which included a Letter of Necessity (LON), as stated earlier. She read the letter into the record. She stated, at the conclusion of reading the LON, County Executive Odell has been without a Deputy County Executive since the Fall of 2017 which resulted in a savings of \$485,000. She stated having a Deputy County Executive position vacant is an exception not the norm throughout the State of New York. She stated County Executive Odell has and always will be a champion for the people she represents. She stated the position will officially be active June 1, 2020 and filled by Thomas Feighery. She stated per the County Executive's letter, the need to have this position filled due to the COVID-19 Pandemic and have the Legislature consider the funding is urgent. She stated the County Executive further wrote that due to the health care crisis and economic downturn the County is dealing with Mr. Feighery, who has been a local business owner in Carmel for the past 30 years is qualified to interface with the County's Economic Development Corporation (EDC) and the local business community during these uncertain times. She stated the position will be funded for the remainder of 2020 from the County Executive's budget, resulting in zero fiscal impact for 2020. She stated the Deputy County Executive's salary will be \$116,217 annually.

Chairwoman Nacerino made a motion to approve Fund Transfer (20T092)/ Funding for the Deputy County Executive Position Effective June 1, 2020; Seconded by Legislator Jonke.

Legislator Montgomery questioned if there was going to be any discussion before approving this.

Chairwoman stated if Legislator Montgomery wished to proceed.

Legislator Montgomery questioned now that she is looking at the email, which had no notification that it was for the Personnel Meeting, she wonders if her colleagues were aware of this prior to Friday, May 15th. She questioned if it was discussed in one of the caucuses that have taken place.

Chairwoman Nacerino stated it was not discussed in caucus.

Legislator Montgomery stated this came to the Legislative office on Friday, May 15th around 1:00PM and now the Legislature is considering its approval and moving it to Audit with very little input. She stated there is no resume. She stated that she understands this individual was the project manager for the County on the Butterfield Project. She stated that was a project that was very challenging, costs a lot of money and is still costing us \$11,000/ month. She stated he is also the Project Manager for the Tilly Foster Farm. She stated that is what is being used to move this person into the position of Deputy County Executive. She stated the County Executive boasted during the approval for her raise and that of other very highly paid Managers that she did not need a Deputy County Executive and that provided justification for her raise and the others. She stated she is a member of the Personnel Committee and it is her opinion this is not the way to approve one of the highest paid positions in the County. She stated there has been no demonstrated need, other than to liaison to the EDC and Tourism. She stated the information being provided by the EDC and Tourism and the Putnam Business Council regarding reopening, is sufficient. She stated that she does not see the need for this position to be filled right now. She stated Putnam County needs Contact Tracers, an Epidemiologist, the County needs somebody in the County's Health Department to address this COVID -19 crisis. She stated she does not agree that using the COVID-19 crisis as the need to fill this position.

Chairwoman Nacerino stated what is in front of the Committee is a request to approve the fund transfer not the candidate. She stated the appointment of a person to fill the Deputy County Executive Position is done by the County Executive.

Legislator Montgomery stated she still has many questions. She stated she will begin with how the candidate for the Deputy County Executive position gets approved.

County Attorney Bumgarner stated the Legislature does not have the approval authority over the appointment of the Deputy County Executive, it is the County Executive's prerogative.

Legislator Montgomery questioned why then does the Legislature approve the qualifications for the Sheriff's appointment of Sheriff's Captains.

Personnel Director Paul Eldridge stated the qualifications of people appointed by Elected Officials at the higher levels typically are in the exempt or non-competitive class. He stated typically they are set by the appointing person. He stated the Deputy County Executive position is an exempt class position and by definition, the qualifications of the individual are set by the appointing party. He stated the Undersheriff position is also in the exempt class category. He stated the Sheriff is the one who sets the qualifications for the Undersheriff position.

Legislator Montgomery stated she recalls the Legislators extensively reviewing with the Sheriff all of the qualifications for his Captains. She questioned if there is a difference between the Sheriff, as an elected official appointing.

Personnel Director Paul Eldridge stated those are positions under the level of Undersheriff and there are specifications for the Captain positions, they are non-competitive positions and there are minimum qualification requirements. He stated he does not recall at any point the Legislature reviewing qualification of people who were being appointed to the Captain positions in the Sheriff's Department.

Chairwoman Nacerino stated she has been the Chairperson of the Personnel Committee for many years. She stated she does not recall reviewing or approving any Captain positions, nor approving the Undersheriff position. She stated not to belabor the point, this is not the decision of the Legislature. She stated the Personnel Committee has a fund transfer of \$20,558 to be approved and moved to the Audit and Administration Committee for consideration.

Legislator Montgomery stated she still had a comment about the process of this matter. She stated the request came to the Legislative Office late Friday, May 15th and we are approving it on Monday, May 18th. She stated that is not the way the Legislature should be doing business.

Chairwoman Nacerino stated that is how the Legislature does business when a Letter of Necessity (LON) is submitted.

Legislator Montgomery stated this is the first LON received from the County Executive during this crisis. She stated there was not priority or LON regarding the Health Department's need for Contact Tracers, the need for more Health Care Workers, the need for more people to administer tests.

Chairwoman Nacerino stated this is getting off track.

Legislator Montgomery stated this is not off track. She stated she sees those as needed positions during the COVID-19 crisis, not a liaison with the EDC. She stated we are still not contact tracing, the County Health Department is still not calling the area

hospitals to gather data that would make the Putnam County data complete. She stated we should not be creating any new positions.

Chairwoman Nacerino stated we are getting off track. She stated there has been no request sent from the Health Department that was rejected. She stated she wants to get back on task. She stated there has been a motion made to approve this fund transfer and it was seconded. She requested the Clerk to do a Roll Call Vote.

Legislator Jonke stated he would like to make comment before the Roll Call Vote is taken. He stated that he could not disagree more with Legislator Montgomery. He stated the Legislature has never had anything to do with the hiring of the Sheriff's Captains or any of the appointments of the Sheriff. He stated he met most of the Captains after their appointments. He stated as far as this appointment and fund transfer, he commends the County Executive for keeping the position vacant since October 2017, since the departure of Bruce Walker. He stated by that action the County Executive saved the taxpayers a significant amount of money over that time. He stated he can only imagine it is due to the unusual times we are in that the County Executive feels the need to fill the position on a part-time basis. He stated the candidate has the skills to help the Administration, he could not think of a better candidate. He stated he is happy to move this forward.

Chairwoman Nacerino stated no one could have known that a situation like this would have occurred. She stated this County needs to get up and running and our infrastructure and small businesses desperately need to get help and assurances as we move forward with this process. She requested the Roll Call Vote be taken.

Chairwoman Nacerino made a motion to approve Fund Transfer (20T092)/ Funding for the Deputy County Executive Position Effective June 1, 2020; Seconded by Legislator Jonke.

Roll Call Vote:

Chairwoman Nacerino – Aye
Legislator Jonke - Aye
Legislator Montgomery- Nay

Motion Carries

Item #5 - Adjournment

There being no further business at 7:34 PM Chairman Nacerino made a motion to adjourn; Seconded by Legislator Jonke. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.