

STEBEN COUNTY ADMINISTRATION COMMITTEE

Tuesday, August 8, 2023

9:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

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| COMMITTEE: | Brian C. Schu, Chair Hilda T. Lando | Robert V. Nichols, Vice Chair Gary D. Swackhamer | Kelly H. Fitzpatrick |
| STAFF: | Jack K. Wheeler Brenda Scotchmer Kathy Muller Sue Cleland Brooks Baker Vicky Olin | Christopher Brewer Nate Alderman Wendy Jordan Tim Marshall Craig Patrick | Jennifer Prossick Lise Reynolds Judy Hunter Tammy Hurd-Harvey Eric Rose |
| LEGISLATORS: | Scott J. Van Etten James Kuhl Frederick G. Potter | Carol A. Ferratella Wendy Lozo Nicholas D. Pelham | Jeffrey P. Horton John V. Malter Gary D. Swackhamer |
| OTHERS: | Mary Perham Joe Tobia | | |

I. CALL TO ORDER

Mr. Schu called the meeting to order at 9:00 a.m. and asked Mr. Horton to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 11, 2023, AND JULY 24, 2023, MEETINGS MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENT REQUESTS

A. Purchasing

1. **Award Quarterly Copy Paper Bid** – Mr. Brewer recommended awarding the quarterly copy paper bid to the low bidder, W.B. Mason for \$35.11 per case. He noted this represents a decrease of 30 percent year over year.

MOTION: AWARDING QUARTERLY COPY PAPER BID TO THE LOW BIDDER, W.B. MASON FOR \$35.11 PER CASE MADE BY MS. FITZPATRICK. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Real Property Tax Service Agency

1. **RPSV4 Annual License Fee** – Mrs. Jordan presented the RPSV4 annual license fee for approval. There are no changes from last year.

MOTION: APPROVING THE RPSV4 ANNUAL LICENSE FEE AS PRESENTED MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Personnel

1. **Administrative Code Revision** – Mr. Alderman presented for approval, an update to Section 11 – Policy Against Sex Discrimination & Sexual Harassment. The State put out a new model and our revisions include the changes the State made.

MOTION: ADOPTING THE AMENDMENT TO THE ADMINISTRATIVE CODE RELATIVE TO SECTION 11 – POLICY AGAINST SEX DISCRIMINATION & SEXUAL HARASSMENT MADE BY MR. NICHOLS. SECONDED BY MRS. LANDO.

Ms. Fitzpatrick asked under “Scope” it discusses that the policy applies to all county employees. Could we add elected officials to that? Ms. Prossick replied no. Elected officials are not considered employees. Ms. Fitzpatrick asked how will you notify everyone of the changes? Mr. Wheeler replied we will send this out to Department Heads with the text and a link to the *Administrative Code*. This will also be sent to the employees and is handed out during the annual training. Ms. Fitzpatrick asked is there an acknowledgment that they received the policy? Mr. Wheeler replied we do that at the annual training. Ms. Fitzpatrick asked is the acknowledgement for all parts of the *Administrative Code*? Ms. Prossick replied the acknowledgement is for the Sex Discrimination & Sexual Harassment Policy, Title VI and Ethics. We are required to do that every year and the acknowledgement is kept in the employees’ personnel file.

Ms. Fitzpatrick stated these policies apply to everyone. There are actually two policies? Mr. Wheeler replied yes, sex discrimination and sexual harassment. Mr. Malter stated we have made major changes to the *Administrative Code*. I have an old one from eight years ago. Can we get another copy of what is currently in place? Mr. Wheeler replied yes. We are working on making the *Administrative Code* easier to navigate. Ms. Prossick stated we have other policies that we need to update and those will be done over the next couple of months. Mr. Malter stated he is requesting a paper copy. Mr. Wheeler stated we will get that to you.

Mr. Van Etten asked with the current policy, all employees receive training in all departments regardless of whether they have their own policy or not? Mr. Wheeler replied they are required to and that has been communicated. He stated that he is not sure what the training is for the one department, however, we provide the information that has to be provided to the employees. He noted that he has not sat through that particular department’s training. My view is that needs to change and the employees in that department should receive the same training as all the other employees/departments. Ms. Prossick commented the State Comptroller recently did an audit of the training provided in Yates County.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Memorandum of Agreement – CSEA** – Mr. Alderman stated we have had an issue with Desk Clerks and Transfer Station Operators and where they are placed in the salary grid. He requested authorization to upgrade the Desk Clerk title from CSEA Grade F to CSEA Grade H and to upgrade the Transfer Station Operator title from CSEA Grade H to CSEA Grade I. Overall this change will affect three Desk Clerks and two Transfer Station Operators and the impact will be a \$10,000 - \$11,000 increase. These proposed changes have been discussed with the Union and they are in agreement.

MOTION: UPGRADING THE DESK CLERK TITLE FROM CSEA GRADE F TO CSEA GRADE H AND UPGRADING THE TRANSFER STATION OPERATOR TITLE FROM CSEA GRADE H TO CSEA GRADE I MADE BY MRS. LANDO. SECONDED BY MS. FITZPATRICK.

Ms. Fitzpatrick asked how was this situation brought to your attention? Mr. Alderman replied initially one of the Desk Clerks spoke to Mrs. Hunter who then contacted us. We talked with Mr. Wheeler and thought this was appropriate. Then, the Union approached us and we looked at the job duties. With the Transfer Station Operator, the Union brought that to our attention. When the salary study was initially done, we had a discussion and decided to wait and see how it would go and we found that from a recruitment and retention standpoint, it was difficult to fill this position at the current grade.

Ms. Fitzpatrick stated I don't understand why this situation is different than the Public Works issue I had brought up for discussion previously. There was no action taken on that issue. Mr. Wheeler relied this is different as we are talking about the placement of title and grade, not an individual within a step.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Alderman requested authorization to enter into an MOU with the CSEA Main Unit regarding provisional increments salary step language. The current language states that a provisional employee who has not taken the exam prior to starting would have to take the exam and place in the top three to continue in the position and they would only receive one increment. They would go from start to base until such time that they placed in the top three. Prior to COVID, this has not been an issue. Since COVID, we have people that are three to four years into it, through no fault of their own. He stated that he would like to enter into an MOU to eliminate that clause at least partially; to state that if the individual has not been given the opportunity to take the test, they can get their raise (increment) as a regular employee. If they take the test and fail, or did not test, then they would only get the first raise.

Mr. Wheeler clarified this would only apply to those positions where the tests are not given frequently. If the State is not giving a test, that is not the employees fault and they should move along the increment scale.

MOTION: AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE CSEA MAIN UNIT TO CHANGE THE LANGUAGE IN THE BARGAINING AGREEMENT RELATIVE TO THE PROVISIONAL INCREMENTS SALARY STEP LANGUAGE MADE BY MRS. LANDO. SECONDED BY MR. SWACKHAMER.

Mr. Wheeler stated we are not proposing retroactive, but that moving forward, provisional employees who have not been given the opportunity to test will get their raises. Mr. Van Etten stated I think that is fair as the testing is out of the employee's control. Are the employees informed when the test is available, or is it up to them to keep track. Mr. Alderman replied we are very good about that. They are informed about testing when they are hired. They are informed that they need to look for the test, take the test and place in the top three. We don't have very many that don't take the tests. We do not directly notify them, but they are well informed.

Mrs. Lando asked what happens if there is a provisional employee that does not test and nobody else does either? Mr. Alderman replied if an employee refuses to test, they are terminated. If they take the test and do not pass, and nobody else took the test, they can have a second appointment and take the test again.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **Reclassification – Department of Social Services** – Mr. Alderman requested authorization to fund and reclassify four zero-based Social Welfare Examiner positions, CSEA Grade F to Caseworker, CSEA Grade J.

MOTION: RECLASSIFYING FOUR (4) ZERO-BASED SOCIAL WELFARE EXAMINER POSITIONS, CSEA GRADE F TO CASEWORKER, CSEA GRADE J IN THE DEPARTMENT OF SOCIAL SERVICES MADE BY MS. FITZPATRICK. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

4. **District Attorney's Office** – Mr. Alderman requested authorization to create one part-time Assistant District Attorney position for the Traffic Diversion Program. This position will be capped at a salary of \$25,000.

MOTION: AUTHORIZING THE CREATION OF ONE ASSISTANT DISTRICT ATTORNEY, PART-TIME, MANAGEMENT GRADE J WITH A SALARY OF \$25,000 PER YEAR MADE BY MRS. LANDO. SECONDED BY MR. NICHOLS.

Ms. Fitzpatrick asked with this position being paid for out of Traffic Diversion, do we still budget for it? Mr. Wheeler replied yes. Ms. Fitzpatrick asked the remaining proceeds from the program go to the General Fund? Mr. Wheeler replied yes. If approved, you will see a new line item for salaries and wages.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

5. **Reclassification – Real Property Tax Service Agency** – Mr. Alderman requested authorization to reclassify an Assistant Tax Map Technician, CSEA Grade G to Tax Map Technician, CSEA Grade I.

MOTION: AUTHORIZING THE RECLASSIFICATION OF AN ASSISTANT TAX MAP TECHNICIAN POSITION, CSEA GRADE G TO TAX MAP TECHNICIAN, CSEA GRADE I IN THE REAL PROPERTY TAX SERVICE AGENCY MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO.

Ms. Fitzpatrick asked if there is a person already in this position? Mr. Alderman replied no, this is vacant. Mr. Wheeler commented the reason for doing this is a realignment of duties.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Van Etten stated we created a deputy director position and are looking at taking the individual currently doing the mapping and putting them into that position. Are they certified and would they be able to be director if there was a vacancy? Mr. Wheeler replied to his knowledge that person would be qualified. The Legislature will be presented with the final adoption of that Local Law in August. There are a handful of required courses that will need to be taken and the individual is in the process of doing that. Mr. Alderman commented they have a time period to do that. Mr. Wheeler stated yes, they will get a grace period to complete those courses. Succession planning has been a big part of this.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO. A LL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. SWACKHAMER. SECONDED BY MR. NICHOLS. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: APPOINTING A SENIOR TYPIST IN THE PERSONNEL OFFICE ABOVE THE MIDPOINT OF MANAGEMENT GRADE C, STEP 8 (\$47,824) MADE BY MS. FITZPATRICK. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Tuesday, September 12, 2023 at 9:00 a.m.
Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, September 6, 2023**