

**PERSONNEL COMMITTEE
ROOM 318
OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Nacerino, Legislators Castellano and Tartaro

Tuesday

February 18, 2014

The meeting was called to order at 6:30 p.m. by Chairwoman Nacerino who requested Legislator Tartaro lead in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Tartaro were present.

Item #3) Approval/Re-Appointment/Commissioner of Social Services-M. Piazza

Chairwoman Nacerino stated that this is a five (5) year re-appointment of the Commissioner of Social Services Michael J. Piazza, Jr. that would expire March 31, 2019. She stated that Commissioner Piazza is a consummate professional and gentleman. She communicated her full support of the re-appointment of Commissioner Piazza.

Chairwoman Nacerino made a motion to approve the Re-Appointment of Commissioner of Social Services Michael J. Piazza, Jr.; Seconded by Legislator Castellano. All in favor.

Item #4) Discussion/Restructuring of the DA's Office/District Attorney Levy (also address at the 2/11/14 Protective Services Committee Meeting, Per D. A.'s request)

Chairwoman Nacerino stated that District Attorney Levy did discuss this proposed restructuring of his department at the February 11, 2014 Protective Services Committee Meeting. She stated that at that meeting she indicated that she has the utmost respect for District Attorney Levy and she believes he should have the latitude to make changes within his department. She stated that she does have some questions that she would like to present before District Attorney Levy begins to speak. She stated that her first concern is does the proposed restructuring underscore our budget process. She stated that the Legislature passes the Budget each year; and by resolution the salaries are set accordingly. She stated that her next concern is that the overall action would have an impact on our County Government as a whole. She state that precedent will then be set for any Department Head who is an Elected Official to follow suit. She stated that she is also concerned about the affect this will have on the County as a whole. She stated that other Department Heads would not be afforded this ability to do this mid-year. She stated that District Attorney Levy placed great emphasis on the value of his personnel. However she would argue that every single Department Head in the County also places a high value on their personnel as well. She stated that the function of government is to serve and protect the health, safety and welfare of our residents and she believes that is done collectively. She stated District Attorney Levy maintains that there is no fiscal impact for 2014 however there is a \$700,000 Vacancy Control Factor built into the County's Budget. She stated that later she will request that Commissioner Carlin address the topic of the Vacancy Control Factor.

District Attorney Levy stated that the concerns and questions raised by Chair Nacerino are good ones. He stated that this Legislative Body is obviously responsible for the checks and balances and making sure the taxpayers' dollars are not wasted and that they get the most bang for their buck; especially when it comes to the protection, safety and welfare of the citizens. He stated the issue of this proposed change mid cycle is due to the fact that he has been notified that certain individuals will be leaving his office. He stated that information does not always come in perfect sync with the budget process. That is what has brought him here at this time. He stated that this restructuring of the District Attorney's Office is a long

time coming. He stated in reference to the comment made referring to the other Department Heads of the County, as District Attorney and as an Elected Official, while he does participate in all Department Head Meetings and he does consider himself a part of the team with all of the Department Heads, the County Executive and this Committee; he is accountable to the taxpayers. He stated unlike an appointed Department Head. He stated that if the taxpayers believe that he has acted irresponsibly with their tax dollars they will make it known at election time. He stated that since 2008 a wonderful job has been done in the District Attorney's Office prosecuting violent offenders, non-violent offenders, drug offenders, drunk drivers, drugged drivers and everything in between. He stated that does not happen by accident. He stated since 2008 he has developed a team of prosecutors in his office. He stated some of these folks have 20 plus years of experience in other offices as prosecutors, 14 years of experience, ten (10) plus years experience. He stated that Putnam County is benefiting from that experience. He stated that he has not ever come to ask for a raise for his assistants, that is a promise that he made back in 2008 and has kept. Even though his assistants took substantial pay cuts from their previous jobs. He stated with the retirement of his Chief District Attorney, this is the time for the restructure of his department and redistribution of the salaries of his assistants appropriately based on their experience and their work product, while they have been working for him. He stated that he suggests that maybe there should be more officials taking this responsibility, as he has. He stated that he has had to make tough decisions and choices to issue merit salaries. He suggests that this committee consider addressing these matters on a case by case basis, as he does with his cases. He stated that it would be a lot easier for him to do nothing, and to let the status quo continue. However that is not the right thing to do. He stated that he understands the concerns about setting precedent; ultimately what we need to do is to make decisions that protect the welfare of our citizens. He stated that the people of Putnam County deserve the best Prosecutors that this area has to offer, and we have them here, and that is not by accident.

Chair Nacerino stated that she agrees with District Attorney Levy whole heartedly. She stated that our function, collectively, is to protect the health, safety and welfare of the residents of Putnam County. She stated that she believes each department in the County does that day to day. She stated her concern is not about the merit raises, it is about the timing of the merit raises. She stated this is a proposed restructure and proposal of giving merit raises in the amount of, 14.43%, 6.5%, 22%, 3.7% and this would be done outside of the process of our government's budget process. She stated that is the matter that she would like addressed. It is not a matter of should it or shouldn't it, it is a question of when should this occur. She stated that if we were to allow Department Heads that are elected officials the flexibility to do this in their departments, we are defying our own process. She questioned if we are looking at shifting gears to visit the issue of raises and department restructures outside of our budget process.

Legislator Oliverio stated that this is different because there is no money being utilized above and beyond, which was already budgeted. There is an opening in his department. He stated that the only deficit is a vacant position. He stated that District Attorney Levy will undoubtedly hire an attorney at a lower step and use the excess money to reward those who are already there. He commends District Attorney Levy for that. He stated that this is different because he has cried the loudest when people have come to the Legislature wanting to give merit raises in the middle of the budget process because they wanted to use money that they did not have. They made proposals of taking money from one line, such as a supply line and put it into a salary line. In this instance we have salaries that have already been budgeted. Adam is a Department Head. He stated he believes that Department Heads have that ability, as long as they are not touching the taxpayers nickels and dimes, to restructure their department as they see fit. He stated he believes that the Legislature needs to give the managers that flexibility in order to have a well-functioning well-tuned machine within their department. District Attorney Levy came before the Protective Services Committee and made a very strong case for why this was necessary. He stated that he understands Chair Nacerino's concerns. However based on District Attorney Levy's proposal he does support it. He stated he believes this proposal will increase morale.

Chair Nacerino stated that she is concerned about the affect this will have on morale. She stated that she disagrees with Legislator Oliverio. She stated that she is not taking a position either way yet on this proposal. However she believes that it is important to vet this matter out.

District Attorney Levy stated that he agrees with Chair Nacerino completely. He stated that all of the concerns that have been raised have merit. He stated that he recognizes the importance that the Legislature and the County Executive put on setting up a budget and allowing the taxpayers to know how the money is being spent. He stated that under ordinary circumstances it should not be adjusted, no one knows that better than he. He stated that as Legislator Oliverio has indicated he has taken the Prosecutors salaries and have reworked the numbers. He has confirmed with Commissioner of Finance Carlin that this proposal will have no fiscal impact on the 2014 budget. He stated again he would recommend that these cases be addressed on a case by case basis; rather than painting a rule that everyone has to comply with regardless of the facts. He stated as the Elected Official in the District Attorney's Office, 2013 during the preparation months of the budget in August, September or in October during the budget process, he was not aware of all of the changes that were going to occur in his department as far as retirements and such. What he did know is that he had to budget the salaries, and he did.

Chair Nacerino requested that Commission Carlin come forward and speak to the Vacancy Control Factor.

Commissioner Carlin stated that the Vacancy Control Factor is a budgetary tool. He stated that it was implement in Putnam County approximately three (3) years ago. It runs on the theory that you know when you adopt a budget that vacancies are going to occur in the next fiscal year. He stated the Vacancy Control Factor is a method used by many other Counties throughout the State of New York. As a vacancy occurs during the course of the fiscal year, until they are filled, you take any savings that you achieve in terms of the salary and the benefits and you reduce the Vacancy Control revenue, of course, until you get to zero (0). He stated the theory is that you have raised less in property taxes. This year's Vacancy Control is \$700,000, if the current rate of vacancies continue the County will probably satisfy that by late summer. It all depends on when vacancies get filled.

Chair Nacerino questioned what is the impact of this particular situation.

Commissioner Carlin stated in this situation District Attorney Levy is correct there is no fiscal impact; that is why he waited until February 18th. He took care of the payouts, the retiree health insurance and all the other costs associated so that the salaries here would have no fiscal impact to the taxpayers. He stated that was very important to District Attorney Levy. In terms of the total vacancy control to the extent that you grant the raises now that is money that will not be used towards the Vacancy Control.

Legislator Gross stated that he looks at this as a creative incentive. He stated that as an elected official, District Attorney Levy, he believes, should have the flexibility to make these modifications. He stated that he hopes that other elected officials can have some flexibility also in doing that. He stated that there has been such stagnation with the salary increases in the past couple of years, and this Legislature has discussed that. He stated that he believes this is creative, it is good and it is healthy.

Legislator Scuccimarra stated she agrees with District Attorney Levy, that these people are vital to keeping his department running as efficiently as it is currently running. She stated that in this way, he encourages these people to stay with Putnam County. She stated that he is taking advantage of the opportunity.

Legislator Albano stated that the Vacancy Control Factor, it really comes into play when the position is not filled. However out of all of the Departments this is not one where that is an option. We wouldn't

want to go with one less Assistant District Attorney; it is not like we are talking about the Highway Department.

Legislator Tartaro stated not counting the Chief Assistant District Attorney who makes \$134,000 there were two (2) staff members making \$100,000 and three (3) who made an average of \$72,000 and a new person is coming in at \$67,000. He questioned if this discrepancy is one of longevity.

District Attorney Levy stated that it is the length of time that they have worked in a professional prosecutor's office and the time that they have been working in Putnam County. He stated that Putnam is lucky enough to have career prosecutors. He repeated the years of experience that they have. He stated last year or the year before he hired a person with a year (1) experience; terrific young prosecutor. In terms of this person's social life it was tough for this young professional who was single and not from Putnam County to acclimate. Professionally this person was terrific, but due to the size of the Putnam County District Attorney's Office and the amount of work they have and the amount of responsibilities that the ADAs put on themselves and that he puts on them, there is not the staff to properly train a young prosecutor. He stated if young prosecutors are not trained well then they develop bad habits. He stated that results in cases being lost that should not be lost. He stated that the majority of the ADAs that he has on his staff have benefited from working in a law office of one of the five (5) boroughs. He stated that the types of cases handled in the boroughs are not the types of cases that we have here in Putnam County, luckily. However if/when those cases do come up here, and they will, Putnam County will have an office staff full of Prosecutors who are capable and qualified to handle them.

Legislator Castellano stated in reference to the money issue. The gentleman who retired is off of the payroll now, so the proposal is to have a person take that position and that salary. He questioned when that would take place, is there going to be any savings.

Commissioner Carlin stated that bringing this to the February 18th date will make it a wash. The previous employee's associated benefits and payouts will be settled. He stated that there will be no need for new money.

Legislator Castellano questioned if this is approved at the March Full then it would be retroactive to the February 18, 2014.

Commissioner Carlin stated that is correct.

Legislator Castellano questioned the \$67,000 salary position that is currently vacant, is it filled.

District Attorney Levy stated that he has a candidate that has been selected and is scheduled to begin tomorrow, February 19, 2014.

Legislator Oliverio stated that they were given an additional correspondence this evening, regarding this matter. He stated that it is part of the Public Officers Law. It addresses the issue of the Chief Assistant District Attorney requirement to be a resident of the County. That employee would assume the duties of the District Attorney, if anything were to happen to that individual.

District Attorney Levy stated that there are conflicting State Laws, the Public Officers Law that Legislator Oliverio referred to (Section 3.55) and the County's Law (Section 702). He stated that this issue has been vetted with the Personnel Director. He explained that he met the requirements of County Law Section 702, that requires that he designate who he would like to work in his place in the event he is not available to carry out his duties. He explained that he has done that and that person does live in Putnam County. He stated that he has satisfied both laws completely. He stated that the person that he has selected to be

the Chief Assistant District Attorney does not live in the County, however the person he has designated to take over in the event he is not able to carry out his duties (County Law Section 702) does live in the County.

Legislator LoBue stated that she is in favor of this proposed restructuring. She stated that this is a little different, because this is an elected official and it is his office. She stated that in terms of morale, which she has complained the loudest along with Legislator Oliverio, these are non-union positions that we are discussing and it was the entire Management of the County. She stated that outside of the two Elected Offices, the District Attorney's Office and the Sheriff's Office, and at the time she believed that people were being cherry picked and others were being left behind. She stated that she believes this is much different from that. Also she would like to applaud District Attorney Levy for taking this initiative because he had the retirement with Chris York stepping down. He has the purview; he knows how his office runs best.

Chair Nacerino stated that there is no debate about that. She stated that she believes it is important to have a dialogue and look at the possible ramifications that may occur. She stated that she wanted to confer with her colleagues that they were all comfortable with this proposal. She stated that she does still feel that there will be some effect on the morale of the County Employees. This is not the only Department managed by an Elected Official. She stated that this scenario could repeat itself, and that was the concern that she wanted to bring forward.

Legislator Wright stated that these are very complex determinations how they affect other positions morale. He questioned if the Personnel Committee has ever given consideration to address such matters on an ongoing process throughout the year. He stated that maybe there needs to be an opinion on the Public Officers Law from an appropriate authority. He stated that his recollection of the budget process is an attempt to deal in a very egalitarian with all the Department Heads. This does not seem congruous with the kind of decisions that are trying to be taken here. He stated that he would like to suggest that the decision on this proposal be done after the Management Compensation Commission meets. He stated that he is supportive of the concept that that District Attorney has brought forward. He continued to express his opinion in reference to the current process of the budget preparation for the County and whether it is worth considering if it should be changed or not.

Chair Nacerino stated that she is merely stating that we, the Legislature, will be setting precedent for the future. She is not saying it is right or wrong, she just wants that stated.

Legislator Albano stated that we don't want to open this up. He stated if ever there were a department where this works, he believes this is the department.

Chair Nacerino stated that during the discussion of agenda item #6 regarding the "Re-establishment of the Management/Confidential Compensation Review/Commission", there will be cases reviewed of employees who have worked for the County for ten (10) or more years who have been doing stellar work and who are very valuable to their Departments and the County, again protecting the health, safety and welfare of the residents of Putnam County who have not received any compensation. She stated that she would like to make sure that balance is maintained.

Legislator Castellano made a motion to move the Restructuring of the District Attorney's Office; Seconded by Legislator Tartaro. All in favor.

Item #5) Discussion/County Executive's Monthly Department Head Meeting/Legislature Representative

Chair Nacerino stated that during 2013 there was some discussion about a lack of communication between the two branches of government. She stated that as Chair of Personnel she approached County Executive Odell to ask if she would be receptive to having a Legislative representative at her monthly Department Head Meeting. She stated she was very receptive to the idea. She stated that her focus is striving for an open door policy. She stated citing the fact that there will be some confidentiality issues that we would not be privy to, otherwise we would be welcomed to attend. She stated that she would like to see, if her colleagues are in agreement, a schedule for the year and each Legislator pick a monthly meeting that fits into their schedule. She stated if a Legislator would like to attend more than one that would be great. She stated then the Legislator could provide a brief update at the Personnel Committee Meeting. She stated that she will plan to make a meeting or two this year, and she stated that she hopes her colleagues will do the same.

Legislator Albano stated that he believes it is a great idea. He stated it is all about communication.

Chair Nacerino stated this is optional. She stated that she thinks it could give the Legislators an opportunity to foster communication and gain some insight we may not have had.

Legislator Scuccimarra stated that she likes the idea and the suggestion that a different Legislator attend each month.

County Executive Odell stated that her invitation to the Legislature to attend the meetings is as a result of some bad information being disseminated from our meetings and correspondence. She stated if we can avert that from further occurrences, she suggested that the doors to the Department Head Meetings be opened. She stated that the meetings are scheduled, usually, on the second Tuesday of each month. The time generally is 10:00-11:00 or 11:30ish depending on the depth of what they are working to accomplish. She stated that her suggestion is for the Legislative Rep attend the Round Table session, when each Department Head provides an update. She stated that would be beneficial. She stated that of course the door is open and if the representative would like to attend the entire meeting, which is fine. She stated the Round Table session begins approximately 10:45a.m. She stated that she will have her office notify the Legislature of the meeting schedule, and will also notify the Legislature of any cancellation. She stated that there are times when a last minute cancellation of the meeting occurs. She stated that she does not want this to turn into a negative; there is not an agenda available ahead of time, it is available the morning of the meeting, because it is very fluid. Questions are welcomed, however there is a sense of staying on topic and getting the County Employees back to their offices, so the meeting does move along.

Chair Nacerino stated that she will reiterate that this is the County Executive's meeting, and we would be guests sitting in on the meeting. She stated that she would like to thank County Executive Odell for providing the opportunity for the Legislature to gain this valuable insight. She stated that her feeling is that the Legislature representative would be in attendance for listening purposes only. She stated that it is County Executive Odell's call on whether we participate or not participate in her meeting.

Legislator Oliverio stated that by Charter the County Executive is the day to day manager of the government, no doubt. He stated that he likes the invitation and he likes the idea of being privy to the recap of the meeting. He stated that he believes that a lot of the miscommunication of last year occurred because we were not privy, all of the time, to what the departments were doing. He stated that he is thankful for the opportunity to attend the meetings.

Legislator LoBue stated that she believes that the Committee Process that is in place provides the venue for the Administration to be present and communicate to the Legislature and to the public. She stated that she does not agree that the Legislators need to attend the Department Head Meetings to hear and learn of

what is going on within the departments of the County. She stated that she would like to emphasize that the proper place and protocol is for the Administration and its Department Heads to utilize the Committee Meetings of the Legislature to update the Legislators and the Public on the business of the County. She stated that she would like to be on record stating this. She stated that this is a nice initiative, and she stated that she hopes it works. However at the end of the day there is a process in place and the process is here in the Legislative Committee Meetings.

Chair Nacerino stated that Legislator LoBue's point is well taken. This proposal is not meant to navigate from the Legislative Committee Process. She stated that this would serve as an added tool to foster communication. She stated it is absolutely voluntary. She stated if a Legislator volunteers to attend one of the monthly Department Head meetings they can, it is completely optional on the part of the Legislators.

Item #6) Discussion/Re-establishment of the Management/Confidential Compensation Review Commission

Chair Nacerino stated that during the 2014 budget process this was briefly discussed. She stated that compensation is long overdue, and that was agreed upon by the Legislators. However we agreed that during the budget process there was not ample time to conduct a comprehensive review. She stated that she had met with Personnel Director Eldridge and expressed her feelings about re-establishing the committee. She stated that she believes this can be done internally. She stated that she does not believe that any neighboring County would ever serve as a perfect comparison. She stated that she would like to get the commission going so that when the budget process for 2015 begins they will be prepared to address this issue. She stated that as District Attorney Levy is here tonight because he recognizes the value of his employees and the value a merit for a job well done. It is not exclusive to the District Attorney's department. It is throughout the County. There are many Department Heads throughout the County that believe that their personnel are very valuable, do stellar jobs and work very hard every day without the compensation in place. She stated that is why she was very concerned about the impact of awarding some while others do not get the opportunity to be rewarded for long periods of time.

Legislator Oliverio stated that he was one of the Legislative representatives on this commission when it was first established. He stated that Personnel Director Eldridge was tasked to organize it, under Bob Bondi's Administration. He stated that there were comparisons made against the Counties of Dutchess, Rockland and Westchester. He stated that there were recommendations made and a scale was set up that was to be implemented over a three (3) year period of time. Unfortunately after the first year the recession hit, and that stunted any further implementation. He stated it is his opinion that it would have worked. He stated that he agrees that with today's technology there is no need to bring in all of the outside participants, like we did the first time the commission was formed. He stated that he supports the justice of equal pay for equal work. He stated that he would like Personnel Director Eldridge and Finance Commissioner Carlin to be involved in the commission and the County Executive.

County Executive Odell stated that Personnel Director Eldridge would be serving as the representative from the Administration.

Chair Nacerino stated that she has discussed this with Personnel Director Eldridge and he is very receptive to re-establishing this commission. She stated that she would like to move forward with this. She stated that she would like to volunteer to serve on the commission as the Chair of Personnel and also serve as a Legislature representative. She stated that she will meet with Personnel Director Eldridge to discuss the further formation of the commission.

Legislator LoBue stated for clarification that this will be an exploratory process.

Chair Nacerino stated it is a fact finding process that will result in possible recommendations.

Chair Albano stated that the emphasis will be put on the Department Head to make the recommendations based on the work that is being done by their employees and who is working over and above. He stated that the bottom line is it will affect the budget. There was further discussion on this matter.

Chair Nacerino stated lastly it is not right not to duly compensate the management employees for the fine work that they do. She stated that as District Attorney Levy is rewarding his personnel, the County needs to do that as well across the board.

Chair Albano stated that he would not be in favor of a, for example sake, a 1% increase across the board. He stated that he would like input from Department Heads on their personnel.

Item #7) Update/Meeting with Personnel Director Eldridge

Chair Nacerino stated that she had a meeting with Personnel Director Eldridge on January 30, 2014 to introduce herself to him as the Chairwoman of the Personnel Committee. She stated that her plan is to keep an open door of communication throughout the year. She stated that Personnel Director Eldridge told her that she was the first Legislator to ever approach him in this capacity. She stated that she believes he is a wealth of knowledge and a valuable resource to her as Chairwoman of the Personnel Committee.

Chair Nacerino made a motion to waive the rules and accept all of the additional that was provided during this meeting; Seconded by Legislator Castellano. All in favor.

Item #8) Other Business - None

Item #9) Adjournment

There being no further business, at 7:35 P.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.