

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

Tuesday

February 17, 2015

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

Item #3) Approval/Personnel Committee Meeting Minutes/Sept. 26, 2014

Chair Nacerino stated that the minutes were accepted as submitted.

Item #4) Approval/Reclassification of Position: Assistant District Attorney to Counsel to the District Attorney

Chair Nacerino stated that this is a housekeeping change. She stated that there is a position that will be vacated, and the District Attorney notified the Legislature that there is an attorney, who did work for the County, however left, and is now interested in coming back to fill this vacancy as well as taking on additional responsibilities. She stated that there is no fiscal impact.

Legislator Wright questioned if this request has been singed off by the Personnel Department.

Personnel Director Eldridge stated the classification work on this request has not yet been concluded, because his classification person has been out sick, but they plan to have it done probably within the next week.

Legislator Wright questioned Personnel Director Eldridge if he believed if there is any reason that the Legislature should hold off on addressing this request at this time.

Personnel Director stated he did not see any reason not to move forward with it.

Chair Nacerino stated this is a management position. She stated it would involve an Assistant District Attorney who will perform the duties of such and agree to take on the additional responsibility.

Chair Nacerino thanked the District Attorney's Confidential Secretary Laurie Mainey for being present to provide information to any questions that may have come up.

Chair Nacerino made a motion to approve the Reclassification of Position: Assistant District Attorney to Counsel to the District Attorney; Seconded by Legislator Castellano. All in favor.

Item #5) Approval/Board of Elections/Employee's Salaries

Legislative Counsel Van Ross stated the purpose of this resolution is to repeal the Steps Resolution that was passed in Reso #105 of 2004. He stated that the Board of Elections have given additional raises and have eliminated positions in their budget line. He stated that the opinion from the County Attorney is that the Board of Elections has every right to do that. He stated therefore the Step Resolution is meaningless at this point. He stated that there will be a charter amendment coming forward in a few months to clarify this matter.

Chair Nacerino made a motion to rescind Resolution #105/2004; Seconded by Legislator Castellano. All in favor.

Item #6) Discussion/Personnel Director Eldridge (presentation attached to minutes)

Chair Nacerino stated Personnel Director Eldridge has requested to address the Legislature and provide an overview of the Policies and Procedures as they pertain to CSEA and other Union positions.

Personnel Director Eldridge gave a presentation (copy attached to the minutes). He began by providing some historical information on the creation of the Civil Services, which originated in 1881. He presented a very detailed presentation. Some points from the presentation are highlighted below. At the conclusion of his presentation, questions and discussion ensued.

Personnel Director Eldridge stated that there is a lot of misunderstanding regarding "provisional appointments". He stated that a Provisional Appointment can be made when there is no Eligible List in existence or there is an Eligible List in existence that is not mandatory. He stated that if the candidates on the eligible non mandatory list are not candidates that the hiring person is interested in then an appointed provisional, who meets the minimal qualifications, can be made. He stated that the provisional appointee must take the exam, the next time it is given and must score one of the top three (3). He stated that if he gives two (2) exams in within a year he must take two (2) of the names from the old list and add enough names from the new to give three (3). He stated that does not happen often. He stated that when a provisional appointment is made then the test needs to be ordered from the State within 30 days which is the requirement. He continued to provide the different scenarios that can occur when a provisional person is in a position. He stated that there are special provisions in the law related to multiple appointments. He presented several scenarios representing the special provisions. He stated that every

permanent appointment has to serve a Probationary Term. He stated that there are various Probationary Terms depending on the type of appointment. He stated that they are required by law to keep records on every employee in the classified service from the time they leave for 50 years.

Chair Nacerino stated, at the conclusion of the formal presentation, she would like to invite CSEA President Janet Canady to the front of the conference room to join in the discussion.

Chair Nacerino questioned positions that are not within the realm of the CSEA contract and a new position is then designated. She questioned if the County is allowed to unilaterally have that position supported by the CSEA Contract without a Memorandum of Agreement (MOA).

Personnel Director Eldridge stated that the County is allowed to do that. He stated that PERB, the Public Employment Relations Board, has many mechanisms where if the union feels a position should be in their unit and is not they can file a Unit Clarification Addition.

Chair Nacerino stated that during the budget process there were “lateral positions.” She stated that it was reported that those positions are only posted within the Department. She questioned how does that speak to growth within the County.

Personnel Director Eldridge stated that the law speaks to the preference given to the people within the Department. He stated that this differs from location to location. He stated as an example in the School District for example. He stated the unit for promotion or layoff is for the entire district. He stated in County Government; because there is a charter and even prior to the charter; that determination for layoff is within the department. He elaborated and provided different scenarios that are given different allowances as well as provided an insight to the procedure of requesting a comparability study be done by the State in cases of requested transfers.

Chair Nacerino stated that during the budget process the CSEA Upgrades were deferred to April 1, 2015. She stated as she documented in a memo the logic behind that action was twofold 1.) to realize a fiscal savings 2.) allow ample time to have the tests to be ordered and have some of the positions realized in not only the provisional status but permanent status in less time than normal, perhaps. She questioned currently how many of the employees have taken the test and how many are provisional and permanent.

Personnel Director Eldridge stated because the Legislature chose not to provide the funding until April 1st none of them are provisional yet.

Chair Nacerino stated she misspoke, she meant probationary.

Personnel Director Eldridge stated that they are not probationary either because they are not funded. He stated the people that were held off until April 1st are not in the titles yet.

Chair Nacerino stated that she is aware that they are not in the titles yet; are they not eligible to take a set exam.

Personnel Director Eldridge stated that they may be.

Chair Nacerino stated during the budget process the Legislature was apprised of the fact that some of the positions deemed an upgrade. She stated that was acknowledged. She stated that she does not understand why the process could not be moved along.

Personnel Director Eldridge stated the majority of the exams are subject to the State Schedule. He stated if it is not a decentralized exam, which are exams he can schedule, they have to wait for the test to be provided by the State.

Chair Nacerino questioned if the test have been ordered.

Personnel Director Eldridge stated that he has ordered the tests. He stated that two (2) of the people will be taking their exams March 14th.

Chair Nacerino stated that during the budget process, the Legislature wrestled with the current upgrade proposal process. She stated that she would like to work with Director Eldridge to come up with a less cumbersome process. She stated that the Legislature, in her opinion, does not have ample time between the unveiling of the budget by the County Executive and the passing of the budget. She stated that the recommendations come to the Legislature with no knowledge of how they have been derived. She stated that she would like the Legislature to be more engaged in the review process, since the Legislature is tasked with approving the funding. She stated that she would like the process to be started earlier in the year this year.

Personnel Director Eldridge stated that one of the difficulties he has with that description is that the determination as to whether a position has changed and should be a different title, is his department's responsibility. He stated that determination is not under the authority of the Legislature. He stated at times there are 200 – 400 positions that have been requested to be reviewed. He stated that they are not all County positions.

Chair Nacerino stated that they are only interested in the County positions. She stated that last year there were 13 positions.

Personnel Director Eldridge stated the 13 positions are the ones he determined should be submitted. He stated that there were many more positions that were requested.

Chair Nacerino stated that the Legislature has a job to do. She stated it is very difficult to make an assessment with such little time and information.

Legislator Wright stated that certainly the Legislature does not have the authority to intercede in the appropriateness of the determination; however the Personnel Director's input as to why and how a determination was made would provide information to the Legislature that would facilitate the decision to provide or not provide the funding.

Personnel Director Eldridge stated if the Legislature determines not to fund the positions, then the duties have to be removed that caused the change request. He stated that in most cases employees have been doing the higher level work for an extended period of time.

Chair Nacerino stated that speaks to her point that those recommendations can be forecasted earlier in the process.

Personnel Director Eldridge stated that he is unaware of what recommendations will be approved by the County Executive.

Chair Nacerino stated that she understands that. However, if the employees are doing the work out of their title is that fair to do.

CSEA President Canaday stated that many of the CSEA employees are doing that anyway, because there is less staff and they are doing more.

Chair Nacerino stated that she believes universally that is the case. She stated that employees are being asked to do more because of the state of the economy, work ethics and many other factors. She stated that there are still a very small percentage of those people who are chosen for consideration.

Legislator Castellano stated that he agrees with Chair Nacerino and believes that there needs to be a better defined process. He stated that in Westchester County there is a very well defined process. He stated that in Westchester County recommendations come forward throughout the year as cases need to be addressed. He stated that since he has been a Legislator (two (2) years) in Putnam County these cases are dealt with at the budget time. He stated that in some cases some of the employees would have been working out of title for as long as ten (10) months. He stated that it is an unfair position for the employee and for management.

Personnel Director Eldridge stated that in some cases it is not a clear cut matter. He stated that often it is requested that an employee take on additional responsibilities to fill a void caused by many different factors. He stated that the employees in Putnam County file the request for review directly to the Personnel Department, via the appropriate form. He stated that he has one (1) member of his staff who is responsible to address those requests. He stated the process will be different from Westchester to Putnam. He stated the process can be modified if that is what is decided. He continued to provide different scenarios that exist. He stated that the matters are not necessarily black and white situations they are often much different than that. He stated the current system is the one that he has used since he began working in Putnam County. He stated that Ms. Canaday's statement that there are many employees doing duties other than what they had in the past is very true, but the County cannot upgrade everyone, it would be impossible. He stated that the most obvious and glaring are the ones that are addressed.

Chair Nacerino stated that limits the Legislature's ability to make an informed decision. She stated that as it was mentioned the Legislature makes the decision to fund or not to fund a position, but with no criteria to base that determination on. She stated that she and her colleagues would like to streamline the process and maybe improve the process.

Personnel Director Eldridge stated that there is no question; he stated that he could provide the Legislature a copy of the rationale for the requested change that will be submitted to the County Executive.

Chair Nacerino stated that would be very helpful in the review and consideration process of the Legislature. She stated with all due respect, Personnel Director Paul Eldridge is an expert in his field and the Legislature respects his recommendation and are not questioning that at all. She stated from the fiscal responsibility of the Legislature an informed decision must be made based on facts not just based on the decision of a blanket approval.

CSEA President Canaday stated that on behalf of the CSEA Employees, she has heard from, some do not believe things and recommendation are fair.

Chair Nacerino stated that she has heard that too.

CSEA President Canaday stated that she wants it to be a fair process for all of the CSEA Members.

Personnel Director Eldridge stated that an employee does not have to have the approval of their Department Head. He stated that the right of the employee is to submit the appropriate form to request consideration.

Legislator Castellano provided further insight to the process that is followed by Westchester County.

Personnel Director Eldridge stated that a void needs to be filled; due to whatever circumstance, the work needs to get done. He stated Putnam County is relatively small, and works as a team.

Legislator Wright questioned if there are multiple evaluations that are done, resulting with only some that are brought forward as recommendations in the executive budget. He stated under those circumstances it may be more appropriate for the Legislature to be apprized at such time as more comprehensive evaluations are undertaken. He stated that would assist in some degree to alleviate the grid lock at budget time. He stated that it is not the job of the Legislature to communicate who they think is most deserving. He stated by the Legislature having the “Universe” to review then when the Legislature is looking at the “Solar System” at the budget time the Legislature will have already seen that “Solar System” as part of the overall “Universe” and had a copy of the evaluations. He stated that he believes that it would go a long way in creating transparency.

Chair Nacerino stated she also believes it will help improve morale. She stated that she believes that there needs to be a more specific criteria for the Legislature’s approval process. She stated to have a tangible report of recommendations with explanation versus a budget line would be extremely valuable. She stated currently the Legislature does not know why a recommendation is coming forward.

Personnel Director Eldridge stated that it has always been his responsibility. He stated that he understands what is being said. He stated he can provide a description that would state “here is the request etc.” He stated in some cases the description may state “here is the request, however it is not what was acknowledged/decided etc.” He stated that employees have the option to appeal. He stated that certainly all of that documentation can be provided.

Legislator LoBue stated that she would like to have a time frame established. She stated she is aware that Personnel Director meets with the County Executive several times regarding the Personnel recommendations that come to the Legislature in the budget process for consideration. She stated that she would like to suggest that the agreed correspondence be sent to the Legislature’s Personnel Committee in August. She stated that would allow time to review and discuss this matter prior to addressing the requests during the budget process in October. She stated that she is very much in favor of the transparency. She stated in her opinion over the past three (3) years the morale in the workforce is very low. She stated that she has spoken out to this consistently during the budget process. She stated that she believes the more transparency will be better for everyone. She stated it will also allow the opportunity for employees to come to the Personnel Committee meeting and ask questions. She stated that receiving the information in the beginning of August will allow two (2) Personnel Committee Meetings to take place prior to addressing the matter in the budget cycle (*which begins in October*).

Personnel Director Eldridge stated that he made his recommendations pertaining to the CSEA and PCSEA to the County Executive. He stated that the County Executive deferred those matters to him. He stated that the Management Employee recommendations were handled differently. He stated that in the past that there were times when he made recommendations to the County Executive and was told there will be no money for that.

Chair Nacerino stated that she believes this proposed process speaks to the fairness and openness; and gives the Legislature ample time to do a thorough review to make the decision to fund or not to fund the positions. She stated that having the in depth knowledge will facilitate in making the final decisions. She stated it cannot just be a verbal conveyance.

Personnel Director Eldridge stated that there is a form that is submitted and that is the standard procedure.

Chair Nacerino stated the Legislature was not provided the criteria last year. She invited CSEA President Canaday to provide input.

CSEA President Canaday stated that she appreciates the concern of the Legislature. She stated that she has had many of her fellow union members present to her questions and concerns regarding positions. She stated that she would be very happy to work with the Personnel Director, as she agrees that the process should be clearer and more transparent.

Chair Nacerino stated that she agrees that August would be a perfect time to receive and begin the review of the information via the Personnel Committee.

Legislator Wright stated he has reservations with some of what has been spoken about tonight. He stated that he does not believe the Legislature should be addressing a matter that is not included for consideration in the Executive's Budget. He stated as the Legislature he does not see that the we need to know, and probably ought not know because it can give an opportunity for mischief and intervention, the entire review progression of the selection of the positions that are selected. He stated unless there is a different philosophy of Executive and Legislative Branch of Government. He stated if the Executive Branch does not grant funding for an upgrade he does not believe the Legislature should intervene. He stated that the Legislature cannot get involved with day to day management supervision of all employees.

Personnel Director Eldridge stated that has happened in the past. He stated there have been incidents when a Department Head has not received the funding for an upgrade. He stated then the Department Head has come directly to the Legislature. He stated that puts Department Heads against the County Executive. He stated that there are the scenarios where Elected Department Heads come to the Legislature and very often get what they ask for. He stated then another Department Head that has been instructed there will be no increases in the budget, then there employee (s) are not so lucky.

Legislator Castellano stated that he agrees with what Legislator Wright stated. He stated however, he does believe that there needs to be a process in place so when a situation comes up it gets resolved. He stated he has 25 employees that he oversees in Westchester County and he can see when someone is working out of title. He stated that he gets involved and says "this should not happen this way; one of the Supervisors has to take on the work before he gets a grievance". He stated that he believes a vast majority of the matters will be resolved before they get to the Legislature. He stated that he believes a process needs to be put in place so that the employee does not have to wait until October.

Personnel Director Eldridge stated that the Legislature has stated in the past that they do not want to have any upgrades presented for consideration before the budget process. He stated that there have been mixed signals that have come from the Legislative Branch pertaining to this topic over the years.

Legislator LoBue stated that she believes deferring these matters to the budget process should remain as the procedure. She stated that she is not suggesting that the authority of the County Executive be circumvented. She stated if the notification in August by the Personnel Director serves not to be useful then the Legislature can tweak the process for the following year. She stated that she is in support of changing the current process. She stated she does not support visiting personnel requests every month throughout the year.

Chair Nacerino stated that she agrees with Legislator LoBue. She facilitated further discussion. She stated that in summary it was agreed that Personnel Director Eldridge will get a copy of his recommendations that he will be sending to the County Executive in the beginning of August, so it can be discussed at the Personnel Committee Meeting. She stated that the Personnel Director will attend the Personnel Meeting to provide his professional input on the proposals. She stated that Personnel Director Eldridge stated at the time of his submission to the County Executive he

has reviewed approximately half of the requests and would be ready to discuss those with the Personnel Committee.

Personnel Director Eldridge stated that some of the recommendations are very obvious. He stated others are not. He stated that it varies.

Legislator Wright questioned the classification process *visa vie*, the Counsel position for the District Attorney's Office (*agenda item #4*).

Personnel Director Eldridge stated that he has not completed it yet. He stated that his staff member who is responsible for the reclassification work has been out of the office for three (3) weeks due to a personal matter.

Legislator Wright questioned if in the evaluation process does Personnel Director Eldridge comment on whether the stated duties are items that could not otherwise be assigned to an Assistant District Attorney.

Personnel Director Eldridge reiterated that he has not yet given the Legislature backup on this, because his staff person is out of the office; however he is not sure that there is that much of a difference and that is one of the questions he has.

Commissioner Carlin stated that he can pull all of the requested information that come from the Departments and give it to Personnel Director Eldridge to be submitted to the Personnel Committee meeting for August 2015. He stated that it will not take into account that the County Executive feels there will be the resources to fund any of them.

Chair Nacerino stated that is understood. In closing of this matter she would like to state that all of the vacancies are anticipated to be filled for 2015.

Personnel Director Eldridge stated yes.

Chair Nacerino stated for clarification, when there is a new position that is provisional and the test needs to be ordered within 30 days; however the Personnel Director does not have control over when that test is actually administered.

Personnel Director Eldridge stated that is correct.

Legislator Castellano questioned if it is once a year or possibly once every three years.

Personnel Director Eldridge stated that most common is once (1) a year, there are some that are every two (2) years and if there is a title that is very unique it could be longer than two (2) years. He stated that he has had to wait as long as three (3) years. He requested that the funding be released from sub contingency for the upgrades.

Chair Nacerino stated that will be addressed at the February Audit & Administration Committee meeting.

Chair Nacerino made a motion to accept the additional and waive the rules; Seconded by Legislator Castellano. All in favor.

Item #7) Other Business

- a) Approval/Fund Transfer (15T013)/Sheriff's Department/Cover Overtime Cost Incurred due to the Correction Officer Vacancies**

Legislator Castellano made a motion to approve Fund Transfer (15T013)/Sheriff's Department/Cover Overtime Cost Incurred due to the Correction Officer Vacancies; Seconded by Chair Nacerino. All in favor.

Item #8) Adjournment

There being no further business, at 9:20P.M. Chair Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

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