

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

Wednesday

March 11, 2015

The meeting was called to order at 7:35p.m. by Chairwoman Nacerino who requested Legislator LoBue lead in the Pledge of Allegiance. Upon roll call, Chair Nacerino and Legislator Castellano were present. Legislator Wright was absent.

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

Item #3) Approval/Sheriff's Department/Fund Transfer (15T021)/Change in Title Chief Investigator, Bureau of Criminal Investigation to Criminal Investigations Captain

- a. Corres.: From: Sheriff Smith To: Hon. Odell & Hon. Albano Dated: March 2, 2015**
- b. Corres.: From: Chair Nacerino To: Cnty Exec Odell CC: Personnel Director Eldridge Dated: March 4, 2015**

Chair Nacerino invited Personnel Director Eldridge to speak to this agenda item. She stated a correspondence was received this afternoon from Director Eldridge, that is part of the additional material that was accepted by the Committee. She stated that the correspondence includes Director Eldridge's recommendations and explanation surrounding the proposed title change.

Captain Thomas Velotti stated that currently there are five (5) divisions in the Sheriff's Department: Patrol, Communications Operations, Civil, Corrections and the Bureau of Criminal Investigations. He stated four (4) of the five (5) divisions are headed by a Captain. He stated that the Bureau of Criminal Investigations (BCI) is headed by a Chief Criminal Investigator. He stated that they all have the same job and responsibility. He stated that the Sheriff would like for them all to have the same title.

Legislator Lobue questioned if there would be a pay increase.

Chair Nacerino stated that there would be a pay increase. She stated that is due to the resolution that the Legislature passed in July of 2014(reso #177) with the intent to avoid inequities in pay scales. She stated the resolution states those with the title of "Captain" will remain at least fifteen percent (15%) higher than the base salary of the highest paid individual holding the position of 1st Sergeant at all times. She stated that it was in concert with the PBA Contract. She stated that the previous title may have been antiquated in some of the duties and responsibilities. She stated this brings it to more of a focus of what the job duties consist of today.

Personnel Director Eldridge stated that the 'Bureau of Criminal Investigation' title was created in 1995, approximately 20 years ago. He stated the same incumbent had been in the position.

He stated the position is currently vacant. He stated that this is a good time to review this matter, which was done at the request of Sheriff Smith.

Legislator Gross stated that he is glad to see that a person is receiving the promotion from within the Sheriff's Department. He stated that the person has knowledge of the department and it allows the opportunity for growth within the department. He stated he supports that.

Chair Nacerino stated that it also speaks to the rationale behind the passing of the resolution last year. She stated that the County wants to encourage the people who have the knowledge, talent and energy that are in the department to vie for the positions. However, if the positions were to be fiscally detrimental to them, people would not go for the promotions. She stated that the County has the resources and the talent in their employees and we want to keep them.

Personnel Director Eldridge requested that Captain Velotti speak to the money aspect.

Captain Velotti stated that there is approximately a \$9,000 difference in the salaries. He stated for 2015 the money that would be transferred would be less than \$5,000 due to the time that the new title would be approved. He stated so the position would be funded from the end of April to December.

Chair Nacerino stated that the request is for \$4,782.00 tonight on Fund Transfer #15T021. She stated that in 2016 the Fiscal Impact will be \$9,629.00.

Personnel Director Eldridge responded to a request of Legislator LoBue. He listed some of the responsibilities and prerequisite qualifications that are related to the position being discussed for the retitling.

Chair Nacerino made a motion to approve Sheriff's Department/Fund Transfer (15T021) & Change in Title Chief Investigator, Bureau of Criminal Investigation to Criminal Investigations Captain; Seconded by Legislator Castellano. All in favor.

Item #4) Approval/Reclassification of Position: Assistant District Attorney to Counsel to the District Attorney (Tabled at the 3/4/2015 Full Mtg.)

Chair Nacerino stated that this item was on the February 2015 Personnel Agenda and moved to the March 2015 Full Meeting. She stated there were some outstanding questions at the Full Meeting, therefore it was tabled back to this Committee. She stated that District Attorney Adam Levy sent the Legislature a document dated March 10, 2015 addressing this matter.

District Attorney Levy stated that he and Personnel Director Eldridge are still working on the details of this matter. He stated that he would like the record to be clear that he did request that the position be reclassified from Assistant District Attorney to Counsel to the District Attorney in good faith. He stated that the request was based upon the job description and the similarity of the positions to other offices. District Attorney Levy stated although it was his firm belief in addition to the information he provided to the Legislature and to the Personnel Director that the Law would support the title change he requested; due to the fact that there seems to be a certain degree of uneasiness with having the term "Counsel" in the proposed new title he requested the

matter be tabled. He stated that he would continue to work with Director Eldridge and bring the matter back to the April Personnel Committee meeting for consideration. He stated for the record it was never his intent to create an Attorney Client privilege between he and the Counsel. He stated the only Attorney Client Privilege that would exist is if he were assigned counsel to him by the County Attorney or Outside Counsel for civil matters. He stated that there are Attorneys working in the District Attorney's Office, it does not mean that there are privileges that exist between them that would keep them from communicating. He stated that he and Personnel Director Eldridge have been discussing this matter today. He stated that there have been problems with individuals believing that there is a privilege of Attorney Client communications when there was none. He stated they are researching other terms and titles that would not run afoul of the spirit of the Personnel Committee. He stated for the purposes of today, he will ask the Committee to table this matter until April. He stated that the person will come in under the Assistant District Attorney classification. He stated that person is aware that he is working with the Personnel Director and this Committee to come up with a title that is appropriate in explaining and characterize the responsibilities of the position.

Chair Nacerino questioned, for clarification purposes; this person will be asked to do all of the responsibility of an Assistant District Attorney plus more for the same salary.

District Attorney Levy stated it is zero (0) fiscal impact.

Chair Nacerino requested that Legislative Counsel VanRoss speak to the fact that the District Attorney has the authority to make such a change in his department.

Legislative Counsel VanRoss stated that the District Attorney and the County Attorney have special provisions in the Social Service Law that exist.

Chair Nacerino stated that she believes it is important that people be aware and understand that there is that distinction.

District Attorney Levy stated he agreed. He continued to explain the different roles that the County Attorney and the District Attorney's offices play and when the Attorney Client privilege applies. He closed by stating that as Legislative Counsel Van Ross indicated he does have the authority to move forward with the "Reclassification of the "Assistant District Attorney" to the "Counsel to the District Attorney". He stated that he would rather arrive at a place that everyone could be comfortable.

Chair Nacerino stated that by April, hopefully, the Legislature will have received the reclassification material from the Personnel Department and address it at that time.

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

Item #5) Discussion/Approval/Board of Election Salaries/Amend Local Law to Amend the Putnam County Charter to Provide Procedure for Incorporating the Salaries Set For Election Workers Pursuant to Section 3-300 of the New York State Election Law

Chair Nacerino stated that this resolution adds to Section 1. (g) *and employees whose salary is set by the Board of Elections pursuant to Section 3-300 of the Election Law;*. She stated also a new subsection was added to Section 2. (d) *The tentative budget shall contain such line items appropriations requested by the Board of Elections pursuant to Section 3-300 of the New York State Election Law. These requests must be submitted to the County Legislature by the 15th day of August with a copy to the Commission of Finance. The County Executive may make recommendations to the Legislature as to whether these requests should be adjusted.* She stated that the Board of Elections has the authority to divvy up their appropriations as they see fit. She stated that it is inclusive only to the Board of Elections. She stated that this will make sure that the County Legislature sees exactly where the appropriations are made. She stated in Section 3. Subsection (9) of 7.04 has been amended to read *Appropriations Resolution. Upon adoption of the final annual operating budget, the County Legislature shall adopt an appropriation resolution to provide for the conduct of County government for the ensuing year. The resolution shall specify the appropriations to provide for Board of Elections personnel, the appropriations to provide for Board of Elections overtime, and the appropriations to provide for Board of Elections temporaries.*

Personnel Director Eldridge stated that he would like the word “employees” placed before the last word “temporaries” for clarification.

Legislator LoBue stated that this create transparency to the Legislature on the appropriation of funding that takes place by the Board of Elections Commissioners. She stated as is the case in all County Departments.

Personnel Director Eldridge stated that there are some typos in the document that he identified.

Chair Nacerino made a motion to approve the Board of Election Salaries/Amend Local Law to Amend the Putnam County Charter to Provide Procedure for Incorporation the Salaries Set For Election Workers Pursuant to Section 3-300 of the New York State Election Law as Edited per tonight’s discussion; Seconded by Legislator Castellano. All in favor.

Item #6) Discussion/County Executive’s Monthly Department Head Meeting/Continue to have Legislature Representative

Chair Nacerino stated in 2014 she brought the recommendation to have a Legislator attend the monthly County Executive Department Head meeting in order to foster communication. She stated that most of the months in 2014 there was a Legislator present. She stated that County Executive Odell graciously welcomed the Legislators to sit in and hear firsthand the discussions taking place. There were times when the attending Legislator brought information back to this Committee as an update, when it was deemed to be pertinent to the Legislature. She stated that she believes this practice served to be beneficial in that it was another avenue of communication and it supports the concept of an open and transparent government. She stated that she would like to continue this practice in 2015. She stated that the Legislature Clerk will send a schedule of the year’s meetings, which they usually are held on the second Tuesday of the month,

beginning at 10:00a.m. She stated that this is completely voluntary for each Legislator to choose to attend one (1) of the meetings or not.

Item #7) FYI/Corres. From: Chair Nacerino To: Sr. Deputy County Attorney For Risk and Compliance Spadaccini Dated: March 4, 2015 Re: Reinstitute –Monthly Submission of the Putnam County Automobile Accident Report

Chair Nacerino stated that Legislator LoBue has requested that the County Automobile Accident Report be reinstated as a monthly report to be reviewed by this Committee, as it had in years past. She stated she agrees with Legislator LoBue in that it would be informative to review the Report.

Legislator LoBue stated that she believes it is a useful tool to the Legislature. She stated that there is a cost of the accidents to the County.

Chair Nacerino stated that this is a Report that is already generated, as Chair of Personnel, she will request that a copy be provided to the Legislature on a monthly basis and reviewed by this Committee.

Legislator LoBue stated if there are any questions pertaining to a report, correspondence can be sent to Senior Deputy County Attorney for Risk and Compliance Spadaccini and request that she attend the meeting to address the questions.

Item #8) Other Business -None

Item #9) Adjournment

There being no further business, at 8:15P.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.