

**PERSONNEL AND COMPENSATION COMMITTEE  
MINUTES**

**WEDNESDAY, FEBRUARY 21, 2018  
3:00 P.M.**

PRESENT: John S. Vero, Chairman,  
Leigh J. Benton, Thomas J. Faggione, Paul Ruskiewicz,  
Rob Sassi, Laurie R. Tautel

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Katie Bonelli, Majority Leader  
Michael D. Paduch, Minority Leader  
Mike Anagnostakis, Legislator  
Kevin W. Hines, Legislator  
James M. Kulisek, Legislator  
James O'Donnell, Legislator  
Janet Sutherland, Legislator  
Antoinette Reed, Legislative Counsel  
Matthew Nothnagle, Chief Asst. County Attorney  
Steve Gross, Commissioner of Human Resources  
Carl E. DuBois, Sheriff  
Kenneth T. Jones, Undersheriff  
James S. Brooks, Deputy Commissioner, Infrastructure Services  
Julie Richmond, Deputy Commissioner of Planning  
Deborah Slesinski, Deputy Budget Director  
Michael Ventre, Budget Analyst

Mr. Vero called the meeting to order at 3:00 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All members were present with the exception of Mr. Sierra and Mrs. Stegenga who were absent.

Mr. Faggione moved the request to create one (1) additional Program Integrity Officer in the Sheriff's Office, seconded by Mr. Ruskiewicz.

Mr. Vero shared that this item went before the Public Safety and Emergency Services Committee last week and it passed unanimously.

Sheriff DuBois explained that there are professional standards and compliance so there is a lot of work done with accreditation and with internal investigations. He felt it needed to be stated that government is not there to make money, it is there to help save money. The professional standards and compliance with the personnel that they do have really does save the county money through the accreditation programs and through internal investigations with workman's compensation and 207C. There is also a savings with potential litigation not only on the inmate side of the house but also on the employee side of the house. A few years ago, he asked Mike Morris, Manager for Risk Management, how much money they saved with accreditations and he was informed that the four accreditations within a ten-year period was over \$1 million which is about \$100,000 per year.

Mr. Vero mentioned that one of the first questions on the law enforcement liability applications whether it be for the towns or the counties, is "are you accredited?" Very few towns and counties are accredited.

Undersheriff Jones stated that they get asked a lot of questions anytime they ask for a position. Positions are difficult to get into the budget. He gave an example they had someone who was working for them who took a position to become a deputy sheriff so they left the unit and went to the academy. We could not predict that and as you know budgets are best guesses and do not always go as planned. He added that they currently have two Program Integrity Officers. Program Integrity Officers need to be police officers for the position and they usually end up with retirees. A Program Integrity Officer is in a classified service and non-competitive and part of the Employee Retirement System (ERS).

Ms. Tautel confirmed that they wanted to have a third Public Integrity Officer since they already have two and Undersheriff Jones stated that was correct.

Undersheriff Jones added that the unit always consisted of four members and they did it in a variety of ways. They need four people in the unit so they can have two working squads because they are multi tasked.

Mr. Faggione confirmed that there are four positions, one left to become a deputy sheriff so now there are three.

Ms. Tautel asked for clarification on how many positions and Mr. Gross informed her that they are creating a third position of Program Integrity Officer. She also confirmed the salary for the position is \$94,490 and Undersheriff Jones confirmed she was correct.

Ms. Tautel mentioned that some of the duties seemed like a duplication of duties already being performed by Risk Management and by the Sheriff's Department.

Mr. Gross explained that many of the times it is dealing with 207C investigations or disability claims. They might get an alert of something going on and the Sheriff's Office will do an investigation for them. Any kind of misconduct that they are referring to is related to the operation of the Sheriff's Office. This is pertaining to the Sheriff's Office, not county wide.

Undersheriff Jones explained that the Human Resources Department does not have any investigative assets nor does Risk Management.

Ms. Tautel stated that she had a different understanding on how things are handled when there were complaints made to Human Resources.

Undersheriff Jones stated that when there is a difficult investigation or criminal matter, the Sheriff's Office provides the investigative services to them.

Mr. Gross mentioned that what may be confusing Ms. Tautel is what she learned at a recent training on discrimination and sexual harassment which they do investigate.

Ms. Tautel now understood where the confusion came in and thanked Mr. Gross and Undersheriff Jones for the explanation.

Mr. Sassi asked if there was a pool of applicants to choose from.

Undersheriff Jones explained that if the Legislature creates a position then they would request to have it filled and go to the vacancy committee and from there you would need to advertise.

Mr. Benton stated that there was a vacancy now but they want to create a new position rather than fill the vacancy.

Undersheriff Jones explained what they did in the past was they would utilize a correctional officer. Instead of using someone from rank and file to go into that position because of the financial aspects of that they felt that this was financially more prudent.

Mr. Benton asked if there would be a vacancy left over to fill later.

Undersheriff Jones stated that if you take the correctional officer position and place them into this position, they are no longer a correctional officer so they end up filling that entire position on overtime. When they hire someone that is already retired they do not need to take any retirement.

Motion carried. All in favor.

Mr. Faggione moved a Local Law amending Local Law No. 8 of 1968, known as the Orange County Charter, and Local Law No. 10 of 1969, known as the Orange County Administrative Code, as previously amended, providing for the compensation of members of the Legislature serving as officers or in a special capacity, seconded by Mr. Sassi.

Chairman Brescia explained that they need a local law to amend their Charter and Administrative Code which will allow them to give raises to a party leader and to a special committee chair or other committee chairs. This would need to pass before this allows them to make those changes down the road. This passed the Rules, Enactments and Intergovernmental Relations Committee 7-0-1 last Wednesday.

Mrs. Reed pointed out that this was subject to Permissive Referendum and it would be a three-step process. In New York State County Law the Legislature establishes and sets the compensation for its body for the Legislature. In our Charter it only provides for certain positions that the Legislature sets the salary for; the Chairman, Majority and Minority Leader and Statutory Committee Chairmen. The Chairman is seeking to expand that seeking to include and authorize compensation for a party leader as well as standing and special committees. The other special committees; Green Committee, Labor Relations Advisory and Orange County Economic Development and Gaming with committee members are appointed by resolution. Because these legislators have taken on additional responsibilities the Chairman feels those individuals should be compensated. They would need to change the Charter and Administrative Code by local law which is subject to permissive referendum and then they would need to establish what the compensation would be. If they were to adopt this and they are doing it mid-term, per the Charter it would be subject to permissive referendum and if adopted it would be subject to a public hearing by the County Executive. If it is adopted, they

then wait 45 days to see if a petition for a referendum is filed and if not then they file it with the secretary of state. The Legislative Manual would need to be changed to provide compensation to these individuals. As to a party leader, there was a citation to a 2008 resolution adopted by the Legislature amending the Legislative Manual with respect to a party leader and it stated that you had to have three members to be a party leader. That was true in February 2008 but then in December of 2008 the Legislature revisited it and deleted that paragraph so the it is no longer required to have three members to be a party leader.

Ms. Tautel confirmed that you can be a leader of just one and have just yourself and Mrs. Reed replied yes.

Chairman Brescia noted that they were not making that kind of change today they were only allowing them to be able to make that change.

Mrs. Reed stated that their Legislative Manual dictates that only party leaders with the two highest number of members of the Legislature shall be entitled to compensation. That would need to be deleted so we are consistent.

Mr. Vero pointed out that this would be voted on March 1 so it would need to sit at the desks of the Legislature until the April session.

Mrs. Reed mentioned that it was already sitting on the desks because it passed the Rules, Enactments and Intergovernmental Relations committee.

Ms. Tautel asked for clarification on the process. She confirmed that this change would not take affect for another four years until January 2020. She asked if the rules in the Legislative Charter and Administrative Code reflect that.

Mrs. Reed stated that it does not reflect that. The language that is in the Charter and Administrative Code now says that any such local law that increases compensation of any Legislator during his term of office shall be subject to permissive referendum. That allows them to do it but puts another burden on the process requiring the permissive referendum.

Ms. Tautel stated that this would require those who oppose it to go to go out and get 5% of the signatures of the last gubernatorial election and file it within 45 days and then challenge it and they cause an election county wide which is even more of an expense to the taxpayers.

Mrs. Reed added that this was mandated by state law.

Ms. Tautel did not feel she could support this because she did not think that they should vote on salary increases for themselves and it was not ethical to her. To pick and choose without having a firm list of subcommittees and an idea of what type of compensation they are talking about, she cannot blindly vote on something like this. She would want to see the same process they just saw with the position for the Sheriff's Office. She did not care who the chair of the committee is but she would like to see a list and the compensation and the number of hours that are put in for those committees. It was mentioned that the only committee out of those sub committees that seemed to meet regularly is the Labor Relations Advisory Committee.

Chairman Brescia pointed out that it was premature to do anything at this point because they need to get past this step first before they can even go to the next step.

Ms. Tautel commented that although they were not there yet, before they even get to that next step, she wants to know what type of compensation, what type of cost they were looking at.

Mrs. Reed stated that from time to time the Legislature creates special committees because there might be an interest in a special topic. She stated that about two years ago Mr. Vero was chair of the Airport Advisory Committee and that committee had a special purpose and issued a report. One of the things they do not do with committees is we do not put in an end date and you must issue a report by such and such date but we do not say that the committee is nullified after that. Some committees linger on for instance the Green Committee which was started up by Tony Marino and issued a report and then it kind of died but then someone resurrected it again. Sometimes they work harder than the Statutory Committees because these chairs go out and find speakers on a specific field.

Ms. Tautel understood and shared that she was a chairwoman of a separate committee and she wanted to know what the parameters would be and the compensation although it is the next step to have a better understanding before this step.

Mrs. Reed stated that it would be a deliberated process by the Legislative Body.

Mr. Ruskiewicz asked that as the Charter and Administrative Code stands now, they cannot provide compensation for the special committees.

Mrs. Reed responded no because it is specific to positions.

Mr. Ruskiewicz further asked if they wanted to do this for the present term or for the next term we would still need to go through this process and later if they decide that they are going to do it mid-term then it would be permissive referendum and Mrs. Reed concurred with his statement and added that the entire process is subject to permissive referendum.

Mr. Paduch shared with Ms. Tautel, with regard to changing salary mid-term, the Sheriff already set that precedence because they set his salary and he came back the next year and got an increase. Regarding the Legislative Manual and people getting compensated for standing committees, etc., there may be concern because he believed that in the Legislative Manual it states if you are a committee chair or a Minority Leader you cannot hold two committees. If you are appointed to be Chairman of a Special Committee aren't you already being compensated.

Chairman Brescia stated that you can hold both positions but cannot be compensated for both.

Mrs. Reed explained that no member can be appointed Chairman of more than one Statutory Committee. Throughout the process they will have to decide if someone can hold more than one chairmanship and should you receive compensation for that. She gave the example of Mr. Vero who is Chairman of Personnel and Compensation and Labor Relations Advisory Committee which has traditionally been the case and Mr. Vero took on the chairmanship of Airport Advisory Committee. Mr. Cheney is the Chairman of Physical Services

and then took on the Green Committee. People do a lot of work and do not get compensated so that is the issue.

Mr. Benton asked when will they specify the compensation and Mrs. Reed replied that will be done by local law. He added that there are some people who run two county departments that get a small stipend so if they do this he would not expect it to be much.

Chairman Brescia stated that it would not be much and it would be less than a Statutory Committee Chairman and Mr. Benton added that it should be less than that.

Mr. Paduch mentioned that if this gets approved, Mr. Amo, as a party leader, cannot hold a chairmanship of the Human Services Committee and Chairman Brescia responded he was correct.

Mr. Vero shared that the way the wording is, he interprets it that he can hold a position but would not be eligible for compensation.

Mr. Paduch asked if the meant he can choose.

Mr. Vero explained that if he is Chairman of the party he would get that compensation, not the Statutory Chair compensation.

Mr. Paduch further asked for clarification on what changes were being made and Mrs. Reed explained that they need to revamp the Legislative Manual which is done by resolution.

Motion carried. All in favor with the exception of Ms. Tautel who voted no.

On the motion of Ms. Tautel, seconded by Mr. Sassi, the meeting adjourned at 3:37 p.m.