

**PERSONNEL AND COMPENSATION COMMITTEE  
MINUTES  
(REMOTELY)  
MONDAY, APRIL 19, 2021  
3:30 P.M.**

PRESENT: John S. Vero, Chairman  
Leigh J. Benton, Thomas Faggione, **Kevindaryán Luján**,  
Paul Ruszkiewicz, Joel Sierra, Kathy A. Stegenga, Laurie R. Tautel

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Katie Bonelli, Majority Leader  
Barry Cheney, Legislator  
Kevin W. Hines, Legislator  
James M. Kulisek, Legislator  
James D. O'Donnell, Legislator  
Janet Sutherland, Legislator  
Peter V. Tuohy, Legislator  
Betsy N. Abraham, Legislative Counsel  
Harold Porr, Deputy County Executive  
J. Daniel Bloomer, Director of Operations  
Langdon Chapman, County Attorney  
Steven M. Gross, Commissioner, Human Resources  
Alison Tyack, Director of Personnel Management, Human Resources  
Carl E. DuBois, Sheriff  
Kenneth T. Jones, Undersheriff  
Timothy A. Davidian, Acting Director, Probation Department  
Gretchen Riordan, Budget Analyst  
Liz Delaney, Budget Analyst  
Dina Sena, Budget Analyst

Mr. Vero called the meeting to order at 3:30 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present.

Ms. Stegenga moved the request for confirmation of appointment to the Orange County Human Rights Commission (J. Sutherland), seconded by Mr. Sierra.

Mr. Porr explained that Ms. Sutherland will fill the full roster of the Human Rights Commission. The term expires to June 30, 2022.

Mr. Vero mentioned that Ms. Sutherland was involved in the Human Rights Commission meeting last week and she is an active participant and a concerned individual. She is a good choice.

Mr. **Luján** asked Ms. Sutherland what she thought were some of the major issues that the Human Rights Commission should be addressing in Orange County.

Ms. Sutherland responded that they have been speaking about racial diversity issues and education to the school districts and whatever constituents bring forward. She planned to work with everyone on all issues and she looked forward to doing that.

Mr. Porr mentioned that some of the general duties as a member of the Human Rights Commission is that they foster mutual respect and understanding among all racial, religious and nationality groups in the county. They are to conduct and recommend educational programs which will increase goodwill within the county.

Motion carried. All in favor.

Ms. Tautel moved the request for confirmation of appointment of Timothy A. Davidian as Director of Probation, seconded by Mr. Sierra.

Mr. Porr stated that Mr. Davidian spent many years in the Probation Department and was involved in many leadership positions. He is highly recommended by his peers. He read a letter of support from the Deputy Commissioner of the New York State Probation office. Mr. Davidian is respected by the people he works with and the people who run the program with New York State.

Motion carried. All in favor.

Mr. **Luján** moved the request to create two (2) Associate Account Clerk II positions, seconded by Ms. Stegenga.

Mr. Chapman explained that the Law Department had an Associate Account Clerk II position. They have a state grant for indigent legal services. A few years ago, they changed from the Associate Account Clerk II to a Fiscal Manager thinking the same person can handle both the grant and general financial duties of the Law Department. The person that was in the position did a nice job for a few years but has moved on. They feel it makes more sense to go back to having the Account Clerk II and have someone dedicated for the grant. This is year three of a five-year grant. He added that it is Hurrell-Haring court settlement, and they expect it to go on.

Motion carried. All in favor.

Mr. **Luján** moved to approve the request to reallocate the management grades of the following positions in the Probation Department:

Probation Director – Grade 27 to a Grade 28

Deputy Probation Director – Grade 25 to a Grade 27

Principal Probation Officer – Grade 24 to a Grade 26,  
seconded by Ms. Tautel.

Mr. Gross explained that they created the Deputy Probation Director and Principal Probation Officer about seven years ago with the intentions of filling those positions to aid the management team. They had an issue in the past with management caps, but it has been addressed by the Legislature. The CSEA salary schedule provides more money being in a union position than they would if they were in a management position. They would take a pay cut, so they are trying to

address the issue. They want to change the grade of these positions which will offer ability to promote from within.

Motion carried. All in favor.

Mr. Vero moved the request to abolish the Deputy Sheriff and Captain position currently funded at \$144,978 (salary) \$51,914 (personal services & benefits) for total of \$196,892 and create Deputy Sheriff and Lieutenant position to be funded at \$85,900 (salary), \$41,730 (estimated personal services and benefits) for total of \$127,630, estimated savings of \$69,262 for remainder of 2021 (in 2022 salary, personal services and benefits would be funded for an entire year, estimated at \$191,764), seconded by Ms. Stegenga.

Mr. Vero reminded the committee members that the request was tabled for one month at the last meeting. They were waiting to get additional information.

Sheriff DuBois mentioned that he was not at the last meeting but Undersheriff Jones did attend the meeting. This is a way for them to do more with less and save money. They got rid of the assistant corrections administrator which was an unnecessary position, and they went to four captains which has been working out very well. He spoke with Chief Barry and asked him what would help streamline with staff and he responded that if he had four lieutenants report to him that would provide weekend coverage. He was not sure what the big fuss is considering they handle \$80 billion budget; they trust them with the jail and with public safety.

Ms. Tautel asked if they plan to abolish the position, why did they offer an exam.

Sheriff DuBois responded that Human Resources offers the exam, not them.

Ms. Tautel asked if it was at the request of the Sheriff's Office.

Undersheriff Jones explained that the request did come from the Sheriff's Office, but that request was made much earlier.

Sheriff DuBois mentioned that Covid-19 caused a delay for the exam.

Ms. Tautel stated that it was her understanding that only two people took the exam and only one qualified. They had an internal discussion to abolish the position of captain and create the additional lieutenant position and she was very concerned about litigation.

Ms. Stegenga had similar concerns that Ms. Tautel had. She was concerned that the person who took the exam had passed it, now to abolish it could cause liability. If they planned on making a change maybe they should not have held the test.

Sheriff DuBois stated that they could keep the captain's position if they can get another lieutenant.

Mr. Vero pointed out that would be a separate request and would need to go through all the proper channels.

Sheriff DuBois explained that when the legislative request went through, it was signed off on by all the required signatures with no comments. He wanted to make sure that was on the record.

Undersheriff Jones expanded by stating that with the duties that are assigned to them, they need additional officer presence in the lieutenant rank. It was made clear to them from both the Legislature and the County Executive that this budget year there will be no new positions created. This request became the object of "gossip." If the Legislature wants to amend the request to not abolish the captain and just create a lieutenant, they were not opposed to that. It would still offer seven days a week coverage for their office. He did not think the Legislature has a full understanding as to what has happened to law enforcement over the last year or so as a result of Executive Order 203. This has been spun into this sinister view of why they would do it and that could not be further from the truth.

Ms. Tautel noted that the comment about a discussion amongst Legislators regarding an issue that will be before them at a Statutory Committee meeting referred to as "gossip" is offensive. She did not think that remark should have been made.

Mr. Vero mentioned that they usually call that, networking.

Undersheriff Jones stated that he was not referring to Ms. Tautel.

Chairman Brescia suggested that this be done at budget time. He was sorry that some people feel comments among Legislators are objectional, as if they were doing something sinister. He pointed out that the legislative request that went through the proper channels and received signatures; however, he reminded Sheriff DuBois and Undersheriff Jones that this is the final deciding body that makes decisions on abolishment and creation, funding, etc. He stressed these concerns last month. He noted that he has always pushed for the Sheriff's initiatives. He did not think they should abolish the captain's position. They can revisit the lieutenant position at budget time.

Mr. Luján stated that it appeared that everyone was on the same page. He felt more information would be obtained in executive session. He noted the frustration of Chairman Brescia and felt there was more information to be shared.

Mr. Luján made a motion to enter executive session for attorney client privilege at 4:05 p.m., seconded by Mr. O'Donnell.

Executive Session concluded at 4:29 p.m.

Sheriff DuBois asked if any of the Legislators know if there are any captains in their local police departments. He did not think that any other police department in Orange County has a captain, besides State Police who have zone captains and they cover one or two counties.

Undersheriff Jones stated that they need a position now, not next April. They are in a bad situation regarding their command structure. If the Legislature has an alternative option, propose it. The term that was used was gender bias which is unfair, and they resent that remark which is untruthful. He added that if you listen to Executive Order 203, there was both private praise and public praise for gender inclusion in their agency.

0 ayes, 9 noes (Chairman Brescia cast a vote)  
Motion failed.

On the motion of Mr. Lujan, seconded by Ms. Tautel, the meeting adjourned at  
4:35 p.m.