

**PERSONNEL AND COMPENSATION COMMITTEE
MINUTES
(REMOTELY)
MONDAY, JULY 20, 2020
3:30 P.M.**

PRESENT: John S. Vero, Chairman
Leigh J. Benton, Thomas Faggione, Kevindaryan Lujan
Paul Ruszkiewicz, Joel Sierra, Kathy A. Stegenga, Laurie Tautel

ALSO

PRESENT: L. Stephen Brescia, Chairman
Katie Bonelli, Majority Leader
Peter Tuohy, Legislator
Barry Cheney, Legislator
Kevin W. Hines, Legislator
Harold Porr, Deputy County Executive
Daniel Bloomer, Director of Operations
Matthew Nothnagle, Chief Asst. County Attorney
Darcie Miller, Commissioner of Social Services and Mental Health
Erik Denega, Commissioner, Dept. of Public Works
Laurence LaDue, Commissioner, Valley View Center
Steven M. Gross, Commissioner, Human Resources
Tamara Hunter, Deputy Commissioner/Employee Relations, Human Resources
Deanna Crawford, Budget Analyst
Gretchen Riordan, 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 with the exception of Legislator Sierra who arrived at 3:42 p.m. and Mr. Lujan who arrived at 3:45 p.m.

Ms. Stegenga moved the request to create one (1) Airport Operations Leader, Grade 11 and abolish one (1) Airport Operations Supervisor, Grade 12, seconded by Mr. Benton.

Mr. Denega explained that they had a supervisor who resigned, and they would like to replace that position which was a Grade 12 with a Grade 11 position. When the original supervisor position was set up, there were more employees, now there is a smaller staff.

Motion carried. All in favor.

Ms. Tautel moved the request to implement salary ranges in classified Nursing Per Diem titles, seconded by Ms. Stegenga.

Mr. LaDue explained their per diem rates have not been updated since 2005. During the COVID-19 crisis they noticed how important it is to have a larger per diem pool, especially since they had over seventy employees test positive for the Coronavirus.

Mr. Vero stated that he spoke with Commissioner Gross earlier and he noted that the per diem Licensed Practical Nurses (LPNs) were increased but the Registered Nurses (RNs) and Nursing Care Supervisors are working from the base up.

Mr. LaDue stated that they have a harder time recruiting supervisors and the RNs so they thought this range would be better. They have not given the per diems an increase in quite some time and this range will be more appealing for people coming on board.

Motion carried. All in favor.

Mr. Faggione moved the request to reclassify, reallocate, abolish and create various Probation titles in accordance with revised NYCRR, Title 9, Appendix H-10, seconded by Ms. Stegenga.

Mr. Gross stated that this was a procedural clean up that changes the naming convention of the probation officers in the Probation Department to be in compliance with the state law. There is no money involved, there is no grade change, all they are doing is changing the titles to be in compliance with New York State Department of Criminal Justice Services.

Motion carried. All in favor.

Mr. Faggione moved to discuss employment and hiring practices, seconded by Mr. Vero.

Mr. Gross explained that there are three divisions in the Human Resources Department: Civil Service Division, Employee Relations Division and Personnel Management Division. They have in total 19 employees and they all do great work for the citizens of Orange County on behalf of the taxpayers. They also do work for local municipalities. He introduced Tamara Hunter, Deputy Commissioner for Employment Relations for the county. Civil Service Administration is a major key component of what they do in the Human Resources Department and for many of the municipalities in the county that they handle civil service for. They handle it for every town, village, school district, fire district, library and special districts. It does not include the three cities because they have their own independent civil service commission. In total there are about 9,000 civil servants in Orange County and 2,400 of those are Orange County Government. The civil service system offers the opportunity for public employment for anyone in the community who meets the minimum qualifications for the position. The main objective of the civil service system on selection is for positions to be open and fair and a stable career system in place. If people meet those qualifications, they can apply for a governmental job. Anyone who wants to take a civil service exam can do so, regardless of the color of their skin, their cultural, religious, ethnic, sexual, or social backgrounds. Anybody who meets the minimum qualifications can apply for a civil service job and we encourage them to do that. Orange County operates under the merit and fitness system which means the person needs to meet those qualifications for a job. For example, for the position of a police officer in Orange County, you cannot be older than 35 years of age, you need to pass the written exam, you need to be able to pass the physical fitness agility, background checks, psychological checks, you also need 60 college credits or military service to qualify. He continued to state that when the last police exam was offered, they had billboards throughout the community, they put out the physical fitness agility video so people have time to train. In order to get a job in civil service, you need to take an exam and be one of the top three interested individuals after they have been canvassed for the position. A person needs to score in the top three. There are three

exam types; open competitive which is used for all jurisdictions, there are promotional exams, and there are continuous recruitment exams. A civil service list is established for a period up to four years which is a fluid document. If a list is exhausted after four years a new test will be offered and they can establish a new list. When it comes to hiring, there is an appointing authority. When dealing with municipalities the appointing authority is the elected official, the town supervisor, the mayor. The appointing authority has the responsibility of making the decisions. They do provide education and training on how they go through that process and they also validate that things were done appropriately with respect to the civil service list. The Orange County Department of Civil Service works closely with State of New York. The State of New York creates the exams and the Department of Civil Service administers the entire process which means they announce and review the exam and the applications for the exam. They administer the actual exam and establish the eligible list. There are certifications that go out to municipalities when they want to make an appointment. They work with the appointing authorities to make sure it is done correctly. All applicants who meet the minimum qualifications can and should apply for civil service exams. There are many ways to find out about civil service exams. They strongly recommend using the county website, orangecountygov.com and under the Human Resources page you will see a sign up for e-notifications and all you need to do is put in your email address. They will directly email you when there is an exam opportunity. They also have a distribution list so when they have an announcement, that will be sent to libraries, community organizations, clergy, post offices, and many other agencies. They want to get the word out about civil service exams so if there are any community groups please let them know and you can email Heather Morse, and they can add those agencies or groups to our distribution list.

Mr. Ruskiewicz asked if all county employees under the civil service system have to take the exam and go through the process.

Mr. Gross replied yes, every member of the public that works for Orange County Government is a member of the civil service system. They may be a member of the competitive, exam process or non-competitive exam or labor position, that is slightly different. Most of the positions are not competitive, but they have other lines of work such as Department of Public Works employees, Parks employees, food service helpers which are considered labor class employees, and there is no exam. Non-Competitive positions are positions that require a certain licensure. Public Works has positions for truck drivers that require a CDL License. There are also exempt positions in the county and those are positions that serve at the pleasure of a department head or elected official.

Mr. Vero thanked Mr. Gross and stated that he provided a very good explanation as to what is going on in Orange County with our policy and procedures. People sometimes question things and do not truly know the background. We follow strict guidelines and rules and regulations, same as other counties do.

Mr. Gross added that there are many other things they do in the county. Once an individual is hired, there are several trainings they do for department heads and key supervisors. They brought in a woman from the law firm Jackson Lewis who is an expert on many diversity issues. They do trainings for all the workforce. He pointed out that the Legislature was very supportive in creating a position a year and a half ago for the Human Resources Department, Director of Workforce Development. The training they have for our workforce deals with ethics, discrimination, harassment, policy and procedures that are put in place internally dealing with anything from electronic communication policies to day-to-day operational functions. These are things that we put out to all the employees on a regular basis, high level training for managers, and they support having a diverse workforce that meets the needs to our taxpayers and consumers.

Ms. Stegenga thanked Mr. Gross for the outstanding job of explaining the entire process on how it works, and he has done a lot of work to make sure the information is brought out to the public. She asked that over the years he has been the Human Resources Commissioner, did he have any documented complaints or anything from anyone saying it was unfair or they were unable to do something. Is there anybody who ever contacted your department saying they felt it was not a fair and equitable system.

Mr. Gross asked if Ms. Stegenga was referring to the Civil Service System.

Ms. Stegenga clarified by stating if someone took a test and did not do well or they felt something was not appropriate or fair. Has anyone complained about the test?

Mr. Gross responded that people complain all the time and a lot of times it comes down to the individuals themselves, not following the information or reading it correctly. He mentioned that they recently gave the police agility exam and there were quite a few people who were upset because they failed by one sit up or by two push-ups, or they showed up ten minutes late to the agility and were denied access. All of this is put in the information when they advertise the exam. When the individual does not read the information thoroughly or understand what is put in front of them, they do not always have the right to be angry at the process when the process laid out all the information fairly and equitable, they did not follow the instructions.

Mr. Faggione asked how many people signed up to take the police exam and how many came to take the test.

Mr. Gross responded that he would supply estimated figures because he did not have the numbers in front of him. Roughly 1,250 took the written exam, roughly 1,100 passed the written exam. They have been scheduling the agilities for the physical fitness portion. They have been scheduling four sessions with fifteen people in each session. They have been having about seven to nine people show up and of that seven to nine people roughly 50% pass.

Mr. Faggione commented that of the 1,100 that passed, that is very impressive and he really got the information out there. He shared the information in western Orange County so people can come and take a civil service test. He commended Mr. Gross and his staff. He appreciated Mr. Gross always being there to answer all the questions and to give them the facts that they need.

Mr. Benton stated that he has been a member of the Legislature for a long time and Mr. Gross and his department has always done a great job. The complaint he heard most often was people would complain about the physical requirements for the Sheriff's Office and not passing the exam by a sit up or a push up. He commended Mr. Gross on educating the workforce and educating people not on how to pass the exam but how to properly perform the exercise so they can pass the exam.

Mr. Lujan stated that he was aware that there are policies and procedures that exist to create diverse workforces but what exactly are those policies and procedures. He asked what are we doing to actively ensure that we have a diverse pool of candidates? He pointed out the Mr. Gross mentioned that there are complaints that people have, for example, a promotion because someone did not take the exam, or they did not follow a rule. He asked what are they doing to try and make sure if the person has the qualifications and experience, why is it they are not seeing those senior roles filled by individuals who might be from the Latino or African American community for example.

Mr. Gross stressed that there were a few important things he needed to address. He explained that the county has no ability to ask somebody's color of their skin, their ethnicity or their background on an employment application. They do their best to get the word out, and mentioned advertising in the Hudson Valley Press which is a Newburgh newspaper that is in Mr. Lujan's district, along with other newspapers. They advertise online through Career Builder and many other websites. Beyond that, Diane Riddick, former Deputy Commissioner of Human Resources, in the past, she went out to many of the faith based organizations and met with them. It is hard to hire someone from any ethnicity if they do not apply. They need help and he asked Mr. Lujan if there are groups in the City of Newburgh or other communities that he thought would be beneficial to add to the list to get the word out, let him know. He and Ms. Morse went to the Newburgh Free Library one evening to speak to an adult education class on how to get a civil service job. When we see a name on a piece of paper, we do not know the background. They look at the qualifications and the good ones go into a good pile and others into a not so good pile. They do not know what the people look like.

Mr. Lujan stated that on some resumes there is a sense of bias even as simple as a name showing up on a resume. He noticed that the data says a person who might sound like an ethnic name or person of color is less likely to get chosen just because their name sounds like it is from the African American or Latino or Asian origin. Would they ever look at just the credentials and not their name at all?

Mr. Gross explained the county needs to report on a bi-annual basis to the Equal Employment Opportunity Commission on their statistics of employment. Something that came up a few years ago when they were going through the process was how do they determine what their workforce is made up of. Who makes the determination that "so and so" is a white female or "so and so" is a Latino male. They realized that it was not being done properly. They created a self-identification form so when people are hired they have the option to tell them about their background so they can provide better reporting to the federal government on demographic profiles. We had issues in the county where a female employee's last name might be Esposito, does that mean she is Latino, does it mean she is Italian or does it mean they married into a Latino or Italian family and the last name was Smith prior to being married. Last week he and his staff met with Jim Rollins who is the former president of the NAACP and they talked with him to see what else they could do to work with the community a little closer and make things better. He talked with Mr. Rollins ten years ago about the same topic and they made advancements and did more trainings. There is always more work to be done and they want to partner with whoever in the community can help be their partner.

Mr. Vero agreed with Mr. Gross and mentioned that thirty or forty years ago there could be name affiliation with ethnic backgrounds but today he felt it was irrelevant.

Mr. Lujan strongly disagreed. He added that to this day people are still passed over because their name might sound like a Latino name.

Mr. Gross pointed out that Mr. Lujan joined the meeting a little late and missed the beginning conversation when they discussed the civil service system and a majority of the positions are competitive and require meeting the minimum qualifications and being appointed off the civil service list. Regarding minority appointments, if there are no minorities in the top three candidates, it makes it a lot harder to follow the law and make that appointment.

Mr. Lujan continued to state that they are not seeing the minority names on the list means that those individuals are not taking the exam. He asked what they are doing to make the

exams more accessible. If they are seeing a lack of diversity and they know there is a need in communities of color for livable wage jobs. It is not that people do not want those jobs, they do not know about it. They do need a partnership and he is happy to assist. What other places besides churches have they gone to ensure they have more of a diverse pool because there seems to be a gap.

Chairman Brescia stated that Mr. Gross addressed getting the word out very well. He advised Mr. Lujan who is often out in his community to assist in getting the word out. If some of these individuals do not finish in the top three they are not reachable. Commissioner Gross will continue to meet with Mr. Rollins and others throughout the community to get the word out. He added that we as Legislators need to get the word out as well.

Mr. Sierra asked what recommendations Mr. Rollins made.

Mr. Gross stated that it was not necessarily a meeting of recommendations, it was a meeting of gathering thoughts, him hearing from us and where we were coming from and had a very open dialogue. He was going to think about it and come back, there were no suggestions now. He added that Mr. Rollins was encouraged that they called and suggested meeting with him.

Mr. Sierra asked if it was allowable by the state to have a separate list for minorities.

Mr. Gross responded that it would require more legal research, he did not have an answer right now. He added that they do not have the ability to ask ethnicity, race or religion on an employment application, it is illegal. New York State Civil Service collects demographic data when they do exams but they do not share it back with the county. They will continue to pressure the state for the information because it would be important to analyze who is taking the exams.

Chairman Brescia commended Commissioner Gross and his office for all they do. He attended a meeting held by Human Resources with the Village of Montgomery personnel a few years ago and it was exemplary what information they put out. He thanked Chairman Vero for putting this on the agenda today because they need to keep the dialogue going and get suggestions from all Legislators to open the process. Mr. Gross has been with the county for a long time in many capacities and he is always open.

Mr. Gross stated that if any Legislators have any concerns, questions or would like to sit down with him or his staff they are happy to do that.

Mr. Faggione asked if anyone is ever denied the opportunity to take a civil service exam because of the color of their skin, if they meet their qualifications to take the exam.

Mr. Gross responded absolutely not.

Mr. Faggione asked if anyone was ever denied to take a civil service exam because of their last name or their married name, if they meet the qualifications to take the exam.

Mr. Gross responded no.

Mr. Vero thanked Mr. Gross for all the information and noted the excellent job on reporting the county's policies and procedures. We adhere to the state guidelines and there are equal opportunities for everybody who applies and there are no special preferences at all.

Mr. Sierra asked Mr. Gross about changing the qualifications. He stated that they looked into it in Middletown. He added that some of the qualifications are quite rigorous for certain candidates. He gave an example of the police officer exam and that you need sixty college credits or a degree, and military experience. Is it possible that the candidates are not qualified for the exams or is it possible to change the qualifications. They changed sixty college credits to military experience.

Mr. Gross replied that was already being worked on in Orange County. You can have thirty college credits and military experience combination. The decision to put the college credits in place was either in 1999 or 2000 and it was a big push from the Police Chiefs' Association. They wanted to have a more educated police force. The sixty college credits did not seem like it was a large request, it is just a credit number of sixty college credit hours. He spoke with the District Attorney earlier today and he fully supports the sixty college credits. He felt it is important for police officers to have higher education. There is opportunity to change qualifications on certain positions, not all. Some are defined by the state and some are defined by the county. They are meant to have a defining line on qualifications on who can take the exams based on having the background.

Mr. Sierra stated now that everyone has access to higher education and SUNY schools through the state, he did not think it would be an issue in the future; not that he disagreed with having lower qualifications for police officers, he thought that changing the qualifications or different life experiences may open doors for different people.

Mr. Vero recalled attending the Town of Chester board meetings which is filmed and they would mention when there is a civil service exam. Many of the local municipalities are contacted by Human Resources and they get the word out.

Mr. Gross mentioned that some Legislators go above and beyond and post civil service exams on their own private facebook account and he thanked them.

On the motion of Mr. Ruskiewicz, seconded by Mr. Lujan, the meeting adjourned at 4:20 p.m.