

**PERSONNEL AND COMPENSATION COMMITTEE
MINUTES**

**MONDAY, AUGUST 19, 2019
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
Barry Cheney, Legislator
Joseph J. Minuta, Legislator
James D. O'Donnell, Legislator
Rob Sassi, Legislator
Antoinette Reed, Legislative Counsel
Harold Porr, Deputy County Executive
Langdon Chapman, County Attorney
Steven M. Gross, Commissioner, Human Resources
Donna McCarey, Deputy Commissioner, Human Resources
Alison Tyack, Director of Personnel Management, Human Resources
Brendan R. Casey, Commissioner of Emergency Services
Alan C. Mack, Deputy Commissioner, Emergency Services/Emergency Management
Vini Tankasali, Deputy Commissioner, Emergency Services/ Div. of Fire Services
Karin Hablow, Commissioner, Finance
Kerry Gallagher, Deputy Commissioner, Finance
Inaudy Esposito, Executive Director, Human Rights Commission
Stephen Knob, Director, Employment and Training Administration
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 members were present with the exception of Mr. Benton who arrived at 3:33 p.m.

Mr. Lujan moved the request to create one (1) part-time Assistant Fire Coordinator, Management Grade 23 position and one (1) part-time Emergency Management Program Coordinator, Grade 13 position, seconded by Ms. Tautel.

Mr. Casey stated that these are two grant funded positions. The first position is for Fire Services and that individual will handle field work for Mr. Tankasali which makes a good organizational set up. The additional grant money will be used to hire another individual to run drills and they are hopeful to hire someone with a good background. They will be taking over dispatch for West Point and they are taking on a lot more so the additional help will be beneficial.

Mr. Sierra asked how long the grant is and Mr. Casey replied it is for two years.

Mr. Sierra asked for an update on the volunteer firefighters.

Mr. Tankasali responded that they did get some response from it but not as overwhelming as they would have liked. They are still reaching out to the fire chiefs to get feedback to see if people followed through. Just because they inquire does not mean they always continue through the process to join. It is hard to get volunteers anywhere.

Mr. Lujan asked if the two part-time positions will end up being full-time.

Mr. Casey state that the EMS issue came up again and Woodbury approached them about getting paid firefighters in Woodbury. Many volunteer fire departments are noticing with all the development in the county and as it is growing, they cannot deliver what they are promising. Between Legoland and helipads at Woodbury Commons, it makes it hard for volunteer organizations to handle it.

Mr. Tankasali stated that he has eighteen Deputy Fire Coordinators who are all volunteers. The county is growing and they do not have the staff to maintain the coordination they are responsible for. The volunteering that takes place in the county is tremendous, especially under Fire Services. He does see in the future with the population growing, the need goes up and may become an issue.

Motion carried. All in favor.

Mr. Faggione moved the request to abolish Associate Account Clerk II, Grade 10 and create one (1) Fiscal Manager, Grade 15, seconded by Mr. Benton.

Mr. Chapman explained that he had an employee that left and took a job elsewhere and that happened around the same time they are about to receive \$23 million and five years to deal with indigent criminal defense.

Motion carried. All in favor.

Ms. Esposito provided an update on the Human Rights Commission budget. She provided a 2019 summary of what she has done this year (see original minutes). She noted some of the conferences that were held, "I am Jane Doe" which was about sex trafficking at SUNY Orange along with Safe Homes. She discussed trainings that were held and future training to be done. She commented that there is no change in her budget.

Mr. Lujan asked if Ms. Esposito hired an assistant. He recalled they put money in the Human Rights budget for that last year and it is still in her budget.

Ms. Esposito explained that her department did request an assistant position and they agreed it would be a part-time position, however, once again, the County Executive's Office did not think it was necessary. They are happy with the focus on the department which is prevention, awareness and education. She originally was looking for help with all the phone calls and go out into the community but at the moment the hiring request is being declined.

Mr. Vero noted previously she had issues with people calling in and leaving messages and he asked if it was still an issue.

Ms. Esposito replied that it was still an issue. She spends a lot of her time out in the community. When she gets back into the office, she will have two voicemails. She informs people through her voicemail that she does not do investigations. What her office is there to do is refer people to the state and leaves the number of the state office.

Mr. Vero asked if she was taking the same number of calls as in the past.

Ms. Esposito replied that it is more. Every time she goes somewhere she gets more requests and she has to turn them down sometimes. She has been asked to speak outside the county and she has declined.

Mr. Benton asked what the fee is for the activities program.

Ms. Esposito stated that every activity offered is free, with the exception of Undoing Racism. There is a \$45.00 charge but that covers meals.

Mr. Benton asked if she thought people should pay something for these courses.

Ms. Esposito replied that she would like to check with the Budget Department to see how she can start charging minimal fees which could let her offer more consulting. There are a lot of conferences and when it is offered at no cost, agencies, especially non-profits, attend.

Mr. Benton pointed out that non-profits have big budgets.

Mr. Lujan stated that he would like to see Ms. Esposito spend more time in the community but it must be difficult to answer phone calls while she is out in the community. He asked if anyone from the County Executive's office wanted to comment on why the request has not been granted to provide an assistant.

Mr. Porr commented that Ms. Esposito is doing a fantastic job. They did not approve the assistant position because they do not think it is needed. The County Executive's office handles the payroll, the Budget Department and Finance office provides help to her so all the necessary help she needs is there. They meet with her on a regular basis. They may consider putting money in the 2020 budget because the services she provides for free to the general public can be sold to profiting places such as banks.

Mr. Lujan stated that he was confused because when the request was made for an assistant, they were not looking for a secretary or someone to just answer calls, it was really about handling really intense and difficult conversations. This was to be a specific position, someone that can speak to the community when Ms. Esposito is not there.

Ms. Esposito commented that when she went to the County Executive's office during her first year, part of the request was that it is difficult for her to do a lot of her administrative tasks, payroll for example. They have been very supportive with providing her with assistance. There was discussion about someone helping with the phone calls when she is not there but it would technically be someone just taking messages for her. When she envisions an assistant, she is not envisioning a

secretary level person but someone who can be out there doing outreach with her. Part-time would not be enough, she would prefer full-time with a solid background.

Mr. Gross noted that there would be minimum qualifications and there are prescribed details of that position, Ms. Esposito does not recruit.

Mr. Porr pointed out that at first, there was nobody in the position, no full-time person ever, until they hired Ms. Esposito and she is doing a wonderful job. They will see if the increase in traffic for her requires additional help. They will monitor it, watch it and if there is a need then they will come back to the Legislature. The County Executive's office does not see the need for it now.

Mr. Sierra asked how something like that is determined.

Mr. Porr responded they can determine that by how she spends her time and what requests come in. The position that was created for her is education. She is to go out and inform the public of the information she has and maybe in 2020 that service can be extended to the private sector at a price.

Ms. Esposito noted that when she is out in the community she does not hand out fliers and say call them for help. If there was someone in her office, she would tell the community that is somewhere you can find someone 9:00 a.m. to 5:00 p.m., Monday through Friday. At the moment, there are not a lot of people knocking at her door or calling because it is not a service she is providing.

Mr. Sierra pointed out that she trained almost 1,000 people so far this year. He asked how many people are in Orange County.

Ms. Esposito replied 400,000.

Mr. Lujan stated that so many people are being targeted just because they are Latino or Muslim so now more than ever do we need the work to help. The Legislature voted unanimously that they wanted the money in the budget for the help. In all our respective districts we recognize that changing times means more education and awareness in our community. We are a disservice by not providing the assistant.

Mr. Cheney asked for clarification on exactly what they were discussing. He asked if there was a difference between the complaint issue on how the complaints are being received and is that why Ms. Esposito needs additional help.

Ms. Esposito explained that when people call, some want to file an official complaint to the state, but not all. She spends time on the phone with the individual to see if it is an official complaint. If someone was in the office, the people calling would get a person that can answer the questions about the complaint.

Mr. Cheney stated that a complaint can only be filed with the state office, not through her office because she has no jurisdiction over processing it.

Ms. Esposito commented that she can assist them with filling out the complaint. The state only processes the complaint.

Mr. Cheney felt Ms. Esposito was doing the state's job. He asked if there is any follow up to see if the individual actually followed through with the complaint.

Ms. Esposito explained that when she gets the call, it can be a half-hour to two hours and from there they schedule an appointment and come in which takes at least two hours to fill out the paperwork. She helps these constituents understand the difference between a bad supervisor who maybe should not be a supervisor and can use some training or is it discriminatory action. Once that paperwork is complete she mails it in.

Mr. Cheney asked what percentage of her time is involved in dealing with support for compliance.

Ms. Esposito responded that it was hard to calculate. One month she will take in two complaints which would equal eight hours a month. Her intake of phone calls varies, maybe fifteen to twenty calls, or even ten calls.

Mr. Cheney asked what does she do with the complaint information to help structure the training she provides.

Ms. Esposito stated that she requests from the state a report on the complaints they are receiving. She reviews that and she also considers a lot of the conversations she has within the community.

Ms. Bonelli asked who authorizes the events she attends and the workplace programs she hosts. Does she ask the County Executive, does the Human Rights Commission request her to attend or does she just go where she wants to go.

Ms. Esposito replied that it was all three. She reports twice a month to the County Executive's Office and she provides a Directors Report which also goes to the Human Rights Commission. There is a list of her activities that have taken place and future events. The County Executive reviews any fliers before anything is handed out so they know the details of the training prior to it being made public. If the county is paying for the services it needs to go through the contract process which requires approval.

Ms. Bonelli stated that when she first became a Legislator, almost ten years ago, the reporting of complaints were a little different. It appeared then that the mission of the Human Rights Commission was to be able to handle these complaints. She asked if that was the same mission of the Human Rights Commission.

Ms. Esposito replied that it is not. Ten years ago, there were two Human Rights assistants in the office, one was part-time, and the role was in the office, not in the community. The mission was solely in the office and to respond to complaints.

Ms. Bonelli asked if the mission statement for the Human Rights Commission been changed.

Ms. Esposito responded no, not officially in writing.

Ms. Bonelli asked why not.

Ms. Esposito explained that this year the Human Rights Commission met a few times and they have a By-Laws Committee. It was discussed that they cannot change the by-laws and the mission statement is a legislative action.

Ms. Bonelli asked why the Human Rights Commission did not come before the Legislature to ask.

Ms. Esposito stated that she believed they were working on it, especially after they heard her comments after the Personnel and Compensation Committee meeting in December advising the Commission that the Legislature wants it to be updated.

Ms. Bonelli stated that there is a lot of time being spent on the education and awareness events according to the summary she provided. She pointed out that when Legislator Cheney asked how much time is spent on complaints and she could not quantify that, she felt she should be able to do both because she is performing a valuable service to people that need assistance with the complaints and she needs to prioritize. There should be a better blend.

Ms. Esposito noted the comments and planned to report it to the Commission.

Ms. Stegenga asked if Ms. Esposito has a county cell phone and Ms. Esposito replied that she did have one.

Ms. Stegenga further asked if there is an issue having the calls forwarded to the county phone so she will not miss calls and it would also keep a record of all the incoming calls.

Ms. Esposito stated that it is possible but she thought it could be challenging for her while she is in a meeting or at an event

Ms. Stegenga noted that she would not need to answer outside of working hours or in a meeting but it could be helpful. She asked if the activities are usually during the day.

Ms. Esposito responded that most of them are during the day. She tried a few events in the evening in 2017 and in 2018 but there was not a big turnout.

Ms. Stegenga asked for clarification on taking complaints and Ms. Esposito responded that they do not have power to enforce. She added that she walks people through the process and help fill out the form, then it is sent to the state for investigation.

Ms. Stegenga asked if she still interacts with the individuals once the complaint is turned over to the state and Ms. Esposito responded no because the state is doing their investigation which can take up to six months.

Mr. Ruskiewicz asked if someone called the state directly with a complaint, how would it be handled.

Ms. Esposito replied that the state would mail them an application and tell them to fill it out with no assistance. If they need help filling out the application they will direct them to their county commission.

Mr. Ruskiewicz asked how much the position cost.

Ms. Slesinski informed the committee \$29,415.

Mr. Vero shared his disappointment that as Chairman of the Personnel and Compensation Committee, he can never attend any of the Human Rights Commission meetings because it is the same day as their Legislatives Sessions.

Ms. Esposito did point that out to the Commission and she was hopeful they can alter their schedule so a few meetings a year could be at a different time.

Mr. Lujan moved the request for amendments to Condrey Management Plan to establish new management salary schedule mirroring increases by CSEA and reallocation of certain grades within the plan, seconded by Ms. Stegenga.

Mr. Gross provided history on the Condrey Management plan which was put into place in 2004. Over the past fifteen years, the plan has only been adjusted three times, each by 3%. They added positions, allocated positions based on needs to departments. There are five collective bargaining agreements they deal with directly in the county and unlike the county managers, the union members get to negotiate various parts to their contracts. They constantly had an issue where unionized manager employees exceed the salaries that managers make and that is an issue for recruiting from within resulting in recruiting from the outside. They expect managers to have a higher level of understanding of the government operation and they are held to a higher standard and that is what they are trying to do. When they look at the top 100 paid employees in the county, 71 of them are union members and 29 are in management. Managers receive a merit increase annually by the County Executive and that means you will get your percentage, if you are not at your cap, and you will grow by that percentage, if you are not at your cap. He gave an example of making \$100,000 and you received a 3% raise, you now make \$103,000 and it grows off that. If you are at your cap and you make \$100,000 and the County Executive gives a 3% raise, you get a one-time check for \$3,000 and at the end of the year, you go back to \$100,000 and you never progress when you are at the cap.

Mr. Vero asked if they set a management salary schedule, there will no longer be a need for the merit raises.

Mr. Gross responded that merit is still part of that because that is how the raises are given. There is no grade allocation or step allocation like there are in the unions. The only way you get increases is if the County Executive warrants it or you receive a merit raise annually. There are presently 37 managers at the cap and when the Condrey Plan was implemented, Orange County did not charge managers for health insurance. In 2014, the county started to charge managers 12% for health insurance and that reduced the salaries of managers who had family health insurance plans by \$3,475 which has gone on every year since. Since then the CSEA has had 44.5% increases in their salary schedule from 2014 to 2023. Something the Condrey group recommended when they put the plan in place was that the salary schedule be maintained regularly. There have been 3% increases in fifteen years. They thought the easiest way to do this is to follow the exact salary schedule that the CSEA Union received when they settled the contract. This would increase the caps for all the positions that eventually would increase the growth for earning.

Ms. Tautel asked how many of the 37 managers were at the cap and questioned why this was being based on the 2017 salaries and not the 2018 salaries. She recalled voting on merit raises which were at different percentages and then there were other raises that were in the double-

digit percentage increase during the budget last year that was retroactive for 2017. Then there was another round of merit raises in December and she was told that is when it historically happens. She cannot make a good judgement on this without having more information.

Mr. Gross explained that the County Executive has full authority to hire anywhere within the grade range for any position based on recruitment, knowledge and experience. The County Executive has a broad range and might hire some at the top and might not, it depends. The raise is a merit increase for performance that has been done and some do not get anything.

Ms. Tautel noted that she did not recall one position from last year that did not have an increase.

Mr. Gross pointed out that he knew for a fact that there were people who did not get an increase based on merit and performance. The County Executive's office looks very closely at those qualities.

Ms. Tautel requested to see the 2018 salaries and asked for comparison with other counties which Mr. Gross agreed to provide. She added that the managers have been receiving raises based on the merit raises.

Ms. Tautel moved to table the request for amendment to Condrey Management Plan to establish new management salary schedule mirroring increases by CSEA and reallocation of certain grades within the plan for one month, seconded by Mr. Lujan.

Motion carried. All in favor with the exception of Legislators Faggione, Ruskiewicz and Vero who voted no.

Mr. Ruskiewicz asked how the merit increases affect retirement.

Mr. Gross explained that retirement is based on your earnings for the full year so it is retirement credited.

Mr. Sierra asked for clarification on merit increases and questioned if it reverts back in January.

Mr. Gross replied that happens only if you are at the cap and if you are not at the cap your salary keeps growing until you hit the cap.

Mr. Sierra further asked for those who are at the cap and they get a 3% merit then they are getting a check for \$3,000. Will the next increase be on top of that \$3,000.

Mr. Gross responded no because they revert back to their capped salary, they are not growing, they stay at that maxed salary forever. They had employees stay there for seven to nine years.

Mr. Sierra asked if the County Executive takes that into consideration when he gives the next merit raise.

Mr. Gross did not believe so because the issue is much bigger than that. The issue is they need to fix the cap. The issue is not the merit raise, the issue is to fix the cap which is what the Condrey Plan had in its original proposal, there should be annual market increases. He addressed this in the past with the Legislature.

Mr. Sierra asked for a hardcopy of the Condrey Study and Mr. Gross noted the request and agreed to get a copy for him.

Mr. Benton made a motion to reconsider the request for amendments to Condrey Management Plan to establish new management salary schedule mirroring increases by CSEA, seconded by Mr. Faggione.

Mr. Benton stated that he would like to make sure they do the establishment of the management salary schedule for the increases but he was unsure if he agreed with the reallocation of certain grades within the plan.

Motion carried. All in favor with the exception of Legislators Lujan and Tautel who voted no.

Mr. Sierra asked if there were step increases for management and Mr. Gross responded no.

Mr. Gross explained that there is a range and you stay at that range until you received a merit and that is it. He noted that special things can happen, for example, if a great employee planned to leave for another job because that job offered more money, the County Executive might want to keep them and make an offer for more money so they stay.

The discussion continued on steps, grades and longevity.

Mr. Gross explained that there is no longevity for management and no overtime.

Mr. Benton stated they need to establish a management schedule.

Further discussion ensued regarding merit raises and employees who are at the cap.

Chairman Brescia stated that if there were more questions on this, anyone is welcome to call Commissioner Gross to get clarification.

Mr. Vero announced for clarification, items i. and ii. will be voted on separately and requested roll call on item i.

Motion carried. All in favor with the exception of Legislators Lujan and Tautel who voted no.

Mr. Gross addressed the reallocation of certain grades within the plan. He explained that the Commissioner of Elections is set by local law. When the Condrey Study was done in 2003, they gave a grade in the management plan, but the Legislature never followed that grade, they set

their salary the same way they set their own salaries and all the elected officials, through a local law based on the term of their appointment. They plan to remove it from the salary schedule, and this is how the Legislature has set the salaries for the last fifteen years.

Mr. Benton stated that he planned to vote no. He felt they needed to discuss it more.

Mr. Benton moved to table the request for reallocation of certain grades within the plan, seconded by Ms. Tautel.

Motion carried. All in favor with the exception Of Legislators Faggione, Ruskiewicz, Sierra and Vero who voted no. Tie vote-Chairman Brescia voted in favor to table for one month.
5 ayes; 4 noes.

On the motion of Ms. Tautel, seconded by Ms. Stegenga, the meeting adjourned at 4:53 p.m.