

**PERSONNEL COMMITTEE MEETING
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Nacerino, Legislators Castellano and Wright

Tuesday

January 19, 2016

The meeting was called to order at 6:30p.m. by Chairwoman Nacerino who requested Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Wright were present.

Item #3) Approval/Personnel Committee Meeting Minutes/ November 19 & Dec. 15, 2015
Chairwoman Nacerino stated that the minutes were accepted as submitted.

Item #4) Approval/Budget Transfer (16T003)/Staff Reorganization as recommended by the District Attorney-2016 Annual Salaries/District Attorney's Department

a) E-mail dated: Jan. 5, 2016 From: District Attorney Tendy Re: Letter with Budget Changes

Chairwoman Nacerino welcomed newly Elected District Attorney Robert Tendy to speak to this matter.

District Attorney Tendy stated for the record, this is his first appearance in this County before any committee. He stated that he would like to submit another copy of the correspondence that he had sent to the Legislature on January 5, 2016 (it was the same correspondence that was backup for agenda item backup #4a.). He stated after coming on board and examining some of the needs and problems that exist in the District Attorney Office (Department) and also one of the Assistant District Attorney (ADA) in his Department has taken ill. He stated it will require that the work responsibility that the particular ADA will be scaled down, as a result. He stated fortunately this person is on the mend and doing well. He stated that he has brought forward for consideration recommendations to his Department that will result in a total increase in the Department's salary budget line for 2016 of \$3,650. He stated an Attorney he would like to hire is an experienced ADA from the Manhattan District Attorney's Office. He stated he did not anticipate hiring someone of this person's caliber because he did not think it would be necessary. However, due to circumstances beyond anybody's control, he believes it would be a prudent thing to permit him to hire this candidate at a pay scale that is higher than anticipated. He stated the candidate has agreed to accept \$105,000 salary, which is approximately a \$17,000 pay cut for this person. He stated the candidate has extensive experience in homicides, robberies, drug cases, burglary and sex abuse cases. He stated in the proposal he recommend that all, but one (1), of the ADAs receive an increase in pay. He stated one (1) ADA is receiving a \$7,000 decrease and a couple of budget lines in his Department will be reduced as well. He stated the result of the shifting of money is how his proposal is resulting in a \$3,650 increase. He stated that he would like to note that he does not believe a pay increase for any of the ADAs has been given in the past eight (8) years.

Legislator LoBue stated that is not accurate. There was a Management increase of 2% that affected the ADAs salaries.

Legislator LoBue stated that the Legislature goes by the job title and the description of the position. She stated that she has concerns with this proposal. She said if District Attorney Tendy came to the Legislature after approximately six (6) months and stated I am unable to work within the budget for the District Attorney's Office, which was adopted before District Attorney Tendy was on board. She stated her concern is that in this proposal of decreasing two (2) personnel lines, in order to reallocate the funding to other lines, you will be back in six (6) months or the end of the year stating there is a need to increase the two (2) personnel lines.

District Attorney Tendy stated the two (2) people in the positions being referred to were brought on board and there was discussion had at the time regarding the salary offer, the people still accepted the positions. He stated however, at some point this year he will be asking to address the Legislature regarding the entire salary structure of the District Attorney's Office. He stated it will not be about the salaries. He stated that he believes serious changes need to be made. He stated that he believes the budget over the last several years is what he would call a false economy in the District Attorney's Office.

Legislator LoBue stated that there is a tendency with personnel matters that actions are taken with good intentions to save money in a personnel budget line; then six (6) months to a year down the line somehow the situation changes and what was proposed and implemented is no long working out. She stated with this proposal it will generate an increase of \$3,650. She questioned if the employee who is ill; will be working a 40 hour week.

District Attorney Tendy stated no. He stated that the employee will be returning to work, however he will be monitoring the hours along with how the employee is feeling.

Legislator Wright stated the office being discussed is, in his opinion, if not unique; certainly relatively unique. He stated on a percentage basis the District Attorney Office has the highest number of "at will" professionally license individuals; not covered or protected by contract etc. than any other agency in the County. He stated that he speaks from personal knowledge. He stated that these positions are not easy to fill. He stated that there was a time when the District Attorney's Office received a lump sum of money for personnel expenditures. Which the District Attorney distributed and allocated to the employees of the Department to fulfill the staffing needs of the office. He stated that he challenges anyone to site another office within the County that has this total number of "at will" employees who are highly educated; perhaps among the most highly educated of any County employees. He stated given the circumstances explained by District Attorney Tendy, he supports this request.

Chairwoman Nacerino stated that she agrees with Legislator Wright, in that the circumstance of an illness in District Attorney Tendy's Department is dictating the need for change. She stated and as a result of the circumstances it is being reported that there is a need to reconfigure the personnel staff and hire people that were originally not anticipated as needing to hire. She stated that there is funding being moved from the one (1) budget line, "Stenographic Services to Personnel Services". She stated this proposal will not result in exceeding the 2016 District Attorney's Office budget. She stated for the record the total amount with the inclusion of the FICA is \$3,929.

Legislator Castellano stated that he would like to go into Executive Session, to allow him to ask specific questions pertaining to personnel matters.

District Attorney Tandy stated that he agrees that would be appropriate. He stated that he would also like to add to the executive session discussion a possible litigation matter.

6:30p.m.

Chairwoman Nacerino made a motion to go into Executive Session to discuss Particular Employee and Salaries and Possible Litigation; Seconded by Legislator Castellano. All in favor.

6:55p.m.

Chairwoman Nacerino made a motion to come out of Executive Session; Seconded by Legislator Castellano. All in favor.

Chairwoman Nacerino stated that no action was taken in the Executive Session.

Chairwoman Nacerino made a motion to approve Budgetary Transfer (16T003); Seconded by Legislator Castellano. All in favor.

Item #5) Approval/Fund Transfer (16T005)/Transfer of Personnel/Overtime/Sheriff's Department

Chairwoman Nacerino stated the reason for this fund transfer is to cover costs due to a new hire in the Sheriff's Department. She stated while the new Officer is being trained there will be a current Officer incurring overtime while the training is going on.

Legislator Castellano made a motion to approve Fund Transfer (16T005); Seconded by Legislator Wright. All in favor.

Item #6) Approval/Resolution Affordable Care Act

Chairwoman Nacerino stated that the Affordable Care Act is a regulation and mandate that has been put in place to ensure that those who need health coverage will have coverage.

Legislator Wright questioned who specifically does the Affordable Care Act apply to.

Commissioner Carlin stated this applies to the Temporary Employee (1094).

Chairwoman Nacerino made a motion to approve Resolution-Affordable Care Act; Seconded by Legislator Castellano. All in favor.

Item #7) Approval/Request Submission of Proclamation Recognizing "National School Choice Week": January 24, - 30th, 2016/National School Choice Week -San Rafael, California

Chairwoman Nacerino stated that is e-mail was sent to the County Executive's Office and then forwarded to the Legislative Office.

Legislator Gross stated that he contacted the Brewster Superintendent of Schools Timothy Conway and a former Board of Education colleague neither of them had ever heard of this program. He stated the fact that the February Full Legislature Meeting, which is where a proclamation is recognized, will take place after the designated week, January 24 - 30th 2016 he recommends no action be taken on this matter.

Chairwoman Nacerino stated that she agrees with Legislator Gross.

Item #8) Other Business-None

Item #9) Adjournment

There being no further business, at 7:05P.M. Chairwoman Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.