

Human Resources Committee
July 3, 2008

**Human Resources Committee
July 3, 2008
3:30 p.m.
Scott Heyman Conference Room**

APPROVED 8/7/08

Present: J. Dennis, L. McBean-Clairborne, D. Kiefer, M. Sigler, W. Burbank
Staff: A. Fitzpatrick, J. Thomas, Personnel Department; C. Demarco, Mental Health Department employee; P. Younger, County Administrator; N. Zahler, Youth Services; D. Squires, Finance Director; K. Fuller, Legislature Office

Call to Order

Mr. Dennis called the meeting to order at 3:30 p.m.

Changes to the Agenda

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Burbank, and unanimously approved by voice vote by members, to add the resolution entitled: Authorization to Pay Road Patrol Contract Negotiator Costs from the Contingent Fund. RESOLUTION ADDED.

Mr. Dennis noted the original resolution had provided funding up to interest arbitration; this resolution allows contracting with a professional negotiator to complete the process. Ms. Fitzpatrick said Legislature approval was received in 2006 by County Administration to contract with the negotiator for the previous steps of the arbitration. As a result of the delays due to the negotiations, the Civil Division clerical staff of the Road Patrol are now included in the findings, which is what occurred during the last Sheriff's Patrol contract negotiations.

Chair's Report

Mr. Dennis reported the County is at arbitration with the Road Patrol union and have been assigned a fact-finder and arbitrator, Roger Maher, from Brooklyn. The arbitrator assigned meets the agreement of the County's negotiator and the union representatives, and meeting dates will be set in the near future. An improper practice is being filed against the union in order to determine what items may be put on the table for negotiations. The Public Employee Relations Board will decide, and it could be September before the arbitration on the issue of a contract may begin.

In response to Mr. Burbank's question regarding what items are allowed to be negotiated through this arbitration, Ms. Fitzpatrick explained that interest arbitration can only be used certain employee groups (police and deputy sheriff's) and can only be related to compensation. There are court cases coming in that prior to 2004 the deputies could not have interest arbitration. Presently the parameters are being discussed in the courts for items such as a work schedule; though appearing not compensation issued, could be considered as such depending how the schedule is compiled. Other items challenged are health insurance and retiree health insurance, which is still being determined. Upon a determination by PERB, the Legislature can accept or reject the fact-finding report. Two and one-half years ago the Legislature rejected the report.

Performance Review for Legislature Direct Reports

The Committee was informed that the Legislature has previously, through various methods and formats, conducted performance reviews of employees who directly report to them (County Attorney, County Administrator, Clerk of the Legislature, Finance Director). Ms. Younger said there are not significant amendments to the document since the last review. At this time work continues on the

development of the document and desire to make it online friendly as well. Personnel and stakeholder feedback will occur prior to preparation of the final document.

The Committee briefly discussed whether the review was applicable to department heads and was informed by Mrs. McBean-Clairborne that it is not necessarily so. Mr. Dennis asked if a format could be developed to encompass all employee reviews. At the present time there is no consistent review document/process for employee reviews. The review being developed is specific to the positions directly reporting to the Legislature. Ms. Younger cautioned to stay away from creating a specific document for all employees, and that perhaps embracing a more complementary process would be preferred due to various levels within departments. She said a process and standards could be completed as a theme. It could be pilot tested and then tailor it to work in various departments.

Ms. Younger said it is hoped to have the document ready in November after the budget work is completed and a new County Administrator is in place. Mr. Sigler said he believes the review document is worthwhile as it provides input of the employee goals.

Mr. Dennis asked to have the Committee be provided with information on how departments complete employee reviews. Ms. Fitzpatrick shared how some departments handle employee evaluations. Ms. Younger said the document's presentation in November is the start of a process to recognize the Legislature responsibility with regard to the direct-report staff.

Ms. Kiefer said although a single document could not be used for performance reviews, a similar approach could be. Mr. Burbank asked what occurs if an individual had a poor performance rating. Mr. Dennis said for the direct-report employees it would be determined by the full Legislature. Ms. Fitzpatrick said the four direct-report employees serve at the pleasure of the Legislature and could be released at any time. Other employees covered under Civil Service regulations who receive a negative review often have corrective action plans utilized to assist in resolving the problems; if not corrected, the reviews are utilized as part of the process to release an individual from employment.

Ms. Kiefer asked to have the development process completed in time to test it as a review tool for the present County Administrator prior to his retirement.

Personnel Report

Workforce Utilization Report

The Committee reviewed the demographic information regarding County staff. In response to Ms. Kiefer's question, it was noted that the figures of total employees versus a break-out could be different due to an individual holding multiple part-time positions within the County. Additionally, the increase in the number of Public Works employees is due to seasonal hiring. *Mrs. McBean-Clairborne asked to be provided information regarding how many seasonal workers fall into the category of minorities/disabled.*

Training Program – Core and Mandatory

Ms. Fitzpatrick reported that fifteen years ago the County had between one to two full-time organization development-training employees and, with a \$125,000 to \$180,000 budget, developed core and mandatory training curriculum for employees. Training was designed for quality management core training and the mandatory training for the balance of staff. It was not a program designed to provide every employee with the same training. Presently the County provides legally mandated training to all employees, but there is no list of non-mandatory core training that all employees must take. Ms. Fitzpatrick said that due to financial constraints the department might not be able to fund training for employees. There is a committee comprised of Cheryl Nelson, Ed Marx, Betsy Dooling, Kit Kephart, etc. to bring departmental perspectives on developing a training program for supervisors and a management

A brief discussion occurred where it was noted that often the funds are used to fund retirement health insurance plans. Mr. Squires clarified that the County has chosen this plan, however, employees may select from forty different firms for fund investments.

WHEREAS, the New York State Deferred Compensation Board (the “*Board*”), pursuant to Section 5 of the New York State Finance Law (“*Section 5*”) and the Regulations of the New York State Deferred Compensation Board (the “*Regulations*”), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Tompkins County (the “*Model Plan*”), and offers the Model Plan for adoption by local employers, and

WHEREAS, Tompkins County, pursuant to Section 5 and the Regulation, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Tompkins County, and

WHEREAS, effective December 7, 2007, the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals.
- Permitting law enforcement officers, firefighters, members of a rescue squad, or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouses, or dependents.
- Permitting a beneficiary who is not a spouse of the deceased Participant to transfer their Plan account directly into an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

and,

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the regulations, and

WHEREAS, upon due deliberation, Tompkins County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Tompkins County by adopting the amended Model Plan, now therefore be it

RESOLVED, on recommendation of the Human Resources Committee, That Tompkins County hereby amends the Deferred Compensation Plan for Employees of Tompkins County by adopted the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

SEQR ACTION: TYPE II-20

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“Exhibit A”

Summary of Changes to the Model Plan Document
(Effective January 1, 2007)

The New York State Deferred Compensation Board voted to amend the Plan Document for the Deferred Compensation Plan of [Name of Local Employer], commonly referred to as the Model Plan Document, on December 7, 2007. The following is a summary of those amendments.

- Expansion of Unforeseeable Emergency Withdrawal Provision – An Unforeseeable Emergency relating to a Participant’s Plan beneficiary, even if the beneficiary is not a spouse or dependent, will be included for purposes of determining eligibility. (Section 6.2(a))
- Withdrawals for Law Enforcement Officers – Permits law enforcement officers, firefighters, member of a rescue squad or ambulance crew who have retired for service or disability to request a distribution of up to \$3,000 annually to pay for health insurance or qualified long term

care premiums for themselves, their spouse or dependents. The distribution must be paid directly to the insurance provider. (Section 7.3(a)(iv))

- Transfer Assets to Non-spousal Beneficiary – A beneficiary of a deceased Participant who is not the spouse of the deceased Participant may transfer assets directly to an IRA. Under previous law, only a surviving spouse could transfer a deceased Participant’s assets to an IRA. (Section 7.5(a)(ii))
- Direct Rollover to a Roth IRA – A participant who is eligible to receive a distribution may rollover all or a portion of their Plan account to a Roth IRA. The participant’s modified adjusted gross income cannot exceed \$100,000. The income limit applies to both single Participants and joint income of married Participants. Beginning in 2010, the income limit will no longer apply. Participants who are married but file married filing separately are not eligible. The participant will be required to pay income taxes on the rollover in the year of the rollover. (Section 7.5(a)(iii))

Deferral Limits for 2008

Regular Deferral Limit	Additional Deferral for Age 50 and Over Participants	Maximum Retirement Catch-Up Deferral
\$15,500	\$5,000	\$15,500

Participants who become Age 50 at any time during calendar year 2008 are eligible to make Age 50 and Over Catch-Up Contributions.

Participants who are eligible to retire in 2011 or sooner without a reduction in benefits are eligible to participate in the Retirement Catch-Up provision in 2008. The additional amount that a participant may contribute under the Retirement Catch-Up provision is based on the difference between the amount contributed to the Plan in past years and the maximum amount that could have been contributed to the Plan in those years (“underutilized deferrals”).

A participant may not make Age 50 and Over contributions and Retirement Catch-Up contributions during the same time. However, if a participant is participating in the Retirement Catch-Up provision and is, also, eligible to make Age 50 and Over contributions, the higher contribution maximum may be used.

Review of Administrative Manual Policies

Administrative Policy 01-04 – Modifying the Administrative Manual

Ms. Fitzpatrick said Administrative Policy 01-04 – Modifying the Administrative Manual, was recently adopted by the Legislature and requires numerous steps prior to presentation to the Program Committee.

Personnel Policies Update

Ms. Thomas reported there are presently two policies being reviewed, Policy 01-05 – Disposition of Records and 02-12 – Application Information Availability. These policies are between Steps 2 to 3 of the modification process; upon reaching Step 7 they would be presented to the Program Committee for review. It was explained the process could take up to 45 days to complete. The Committee was informed there are eight steps to revise a Process, eleven steps to revise Policies. *Ms. Kiefer recommended Ms. Younger to include a column indicating the review date on the list of policies not updated.*

Employee Age Demographic Discussion

As a result of reviewing various aspects of future budgets, a report regarding employee age demographics was produced, utilizing the workforce as of June 14th. A review of the charts indicated that forty-five percent of the workforce would be over age 50 in 2008, and by 2010 fifty-two percent would be over 50. A review of employees over the age of 55 in 2008 was 28 percent, with the figure increasing to thirty-four percent in 2010. In addition to the information regarding employee age, information was provided relating to the age and years of service combined. This provided an overview of how many staff are eligible for retirement in the upcoming years. At the present time, seven percent of the workforce is over 55 with over 31 years of service; twenty-two percent are over 55 with between 21 to 30 years of service, and another twenty-two who are over 55 with 16-20 years of service.

A discussion regarding the potential retirements within the next five-year period. *The Committee requested to have the total number of retirement-eligible employees over the next five years for the next meeting.*

It was noted that the number of potential retirements over the next five to ten years would reduce the institutional knowledge and indicates the need to possibly develop transition plans in anticipation of retirements. Mr. Dennis asked if information on existing plans within departments might be available.

Mr. Sigler asked if information regarding why employees might leave their employment early is available. Ms. Zahler and Ms. Fitzpatrick said twenty years ago it was difficult to maintain staffing. From that time, the County provided quality initiatives and also went through a reclassification of positions/wages, which has increased the average length of employment; that workforce is now beginning to reach retirement.

A discussion occurred regarding employees in the 62 and up age-bracket. It was suggested this particular group should be reviewed and that it might be worthwhile to see how many retirement-eligible are interested in continuing to work, either full- or part-time. The Committee discussed reviewing employee skill-sets as a tool to determine how employees can assist each other.

Committee Goals

This item was deferred to the next meeting.

Approval of Minutes of June 5, 2008

It was MOVED by Mr. Sigler, seconded by Ms. Kiefer, to approve the minutes of June 5, 2008, as corrected. MINUTES APPROVED.

RESOLUTION NO. – AUTHORIZATION TO PAY ROAD PATROL CONTRACT NEGOTIATOR COSTS FROM THE CONTINGENT FUND

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Sigler, and unanimously adopted by voice to recommend adoption of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the Employees Union of the Tompkins County Sheriff's Department has been working without a contract since March 1, 2006, and

WHEREAS, by Resolution No. 162 of 2006, the Tompkins County Legislature authorized the negotiating team to hire a professional negotiator, and

WHEREAS, the negotiating team has entered into an agreement with Roemer, Wallens, & Mineaux, LLP, to provide negotiating services in the amount of \$17,000, and

WHEREAS, no funds have been budgeted or allocated for these costs, now therefore be it

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RESOLVED, on recommendation of the Human Resources and the Budget and Capital Committees, That negotiator fees in the amount of \$17,000 will be paid from the Contingent Fund,

RESOLVED, further, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM: A1990.54440	Contingent Fund	\$17,000.00
TO: A1430.54442	Professional Services	\$17,000.00

RESOLVED, further, That the Contingent Fund appropriation will not affect the Personnel Department's 2008 rollover allocation.

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Adjournment

The meeting adjourned at 5:18 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office