

MINUTES

HUMAN RESOURCES COMMITTEE

Approved 10/2/08

SEPTEMBER 16, 2008 3:45 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: J. Dennis, Chair; D. Kiefer; W. Burbank; M. Sigler

Excused: L. McBean-Clairborne

Staff: C. Covert, Clerk of the Legislature; J. Wood, County Attorney; S. Estes, Deputy Personnel Commissioner; A. Fitzpatrick, Personnel Commissioner; M. Lynch, Public Information Officer

Guests: Legislators Mackesey, Chock, and Robertson; T. Ashmore, Ithaca Journal Reporter

Call to Order

The meeting was called to order at 3:45 p.m. Mr. Dennis began by stating the meeting is open and that the discussion is about salary not an employee's evaluation or disciplinary issues.

Changes to Agenda

Ms. Kiefer requested that the Committee revisit the reclassification policy at a meeting in the near future. Mr. Dennis agreed the Committee could look at the policy.

Administration

Resolution

Mr. Dennis reviewed the history and said a request was made by the County Administrator for a reclassification of the Executive Assistant to the County Administrator in February 2008. The reclassification request was handled by the Personnel Commissioner and the Deputy Personnel Commissioner using the information from the job description gleaned from the current Executive Assistant to the County Administrator. Following additional meetings and information gathered, agreement was reached on a job description. The County's rating system was used and the position came back as a budget analyst and as a testable, not an exempt, position. The County Administrator wished to keep the position exempt and asked for the title Assistant Deputy County Administrator; however, that title does not exist in civil service.

Mr. Dennis then reviewed the appeal process for reclassifications of staff in the Departments of Administration, Personnel, and Legislature. The policy states that appeals for these three departments are reviewed by the Standing Committee of the Legislature responsible for the personnel function. Following that review, if there is agreement with the Personnel Commissioner, the Commissioner then makes the decision on the rating.

In response to Ms. Kiefer's question, Ms. Fitzpatrick said any newly created position is created in the competitive class and the State Civil Service Commission can be petitioned to take it out of the competitive class. Ms. Fitzpatrick said the Deputy County Administrator's positions are currently exempt and a position called an Assistant Deputy County Administrator was not located throughout the State. The State Civil Service Commission said it would be a competitive-class position without the guarantee the Commission at a future date would grant it any other status.

Ms. Fitzpatrick said State Law states the Commissioner of Personnel has the final say in rating positions. Mr. Dennis said the Human Resources Committee could rate a position one way and the Commissioner overrule the Committee.

Mr. Dennis continued with a review of the history and said more discussions were held between the County Administrator and Ms. Fitzpatrick. In August a meeting was held with Mr. Whicher, Ms. Fitzpatrick, Legislature Chair Koplinka-Loehr, and Human Resources Committee Chair Dennis to discuss the reclassification issue. There were three options considered at that time: red-circle the position,

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submit to the Human Resources Committee, or issue a directive to the Personnel Commissioner by the Legislature Chair and the County Administrator. Following discussion, written direction was given to the Personnel Commissioner to rate the position at a labor grade 15 (one labor grade higher than current rating) retroactive to February.

In response to a question by Mr. Burbank, Ms. Kiefer said she had raised this at the September Human Resources Committee meeting as she had expected it to be on the agenda. A brief discussion on the issue took place at that meeting.

Mr. Sigler asked if this position was going to remain at the same level or change at the time of a vacancy. Ms. Fitzpatrick explained that salaries are determined based on the scope of duties assigned to a position. A department head has the right to change the assignment of duties. It is not uncommon that when a position, especially a single-incumbency title, becomes vacant the department head would take that time to review the job description for accuracy. The outcome of a position being reclassified can result in reclassification downward, upward, or no change.

Mr. Dennis said in September a resignation letter was received from the individual in this position effective September 28th.

Ms. Kiefer believes maintaining continuity in the office is important when the new County Administrator begins employment and supports this Committee acting on the resolution. She also commented that the County's point-factor system should be looked at again.

Mr. Burbank said that although he has concerns with the process followed, he understands the circumstances and supports the resolution.

Mr. Sigler said he would probably support the resolution to submit to the Legislature for a discussion; however, he is uncertain if he would support it at that level. He expressed concern that this action is about the person and not the job. He would be more open to having the new County Administrator come in and look at the responsibilities of the position duties and suggest a recommendation for rating the position.

Ms. Fitzpatrick clarified how the rating and point-factor systems work as well as the salary schedule. She explained this position is an exempt position in civil service and an exam is not required. It is a confidential position and there are policies in place adopted by the Legislature that dictate the salary and benefits of the position.

Ms. Mackesey commented that this issue has been discussed with Mr. Mareane and he supports this action.

Discussion followed concerning whether an executive session should be held, and it was MOVED by Mr. Burbank to hold an executive session. MOTION FAILED FOR LACK OF A SECOND.

Ms. Chock asked if options for transitioning as a temporary approach had been considered. Mr. Sigler suggested temporarily hiring this person as a consultant.

Mr. Dennis said he does not support the resolution and believes the position should remain at the current level. He believes that if the resolution is adopted it could have an effect on future negotiations and arbitration hearings coming up later this year.

Further discussion followed concerning the question of holding an executive session and Mr. Wood said it is his opinion that the discussion being held concerns the position not the employee's performance and therefore does not consider an executive session necessary. However, some Legislators believed an executive session was appropriate and Mr. Burbank MOVED to hold an executive session to discuss an individual employee. Following a brief discussion, Mr. Burbank withdrew his motion. MOTION WITHDRAWN.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to approve and submit the following resolution to the full Legislature for approval.

It was MOVED by Mr. Burbank, seconded by Ms. Kiefer, to hold an executive session to discuss a personnel matter. A voice vote resulted as follows: Ayes – 2 (Burbank and Kiefer), Noes – 2 (Dennis and Sigler), Excused – 1 (McBean-Clairborne). MOTION LOST.

A voice vote resulted as follows on the original motion: Ayes – 2 (Burbank and Kiefer), Noes – 2 (Dennis and Sigler), Excused – 1 (McBean-Clairborne). RESOLUTION LOST.

RESOLUTION NO. – AUTHORIZING SALARY FOR POSITION ABOVE THE SALARY RANGE IN THE DEPARTMENT OF COUNTY ADMINISTRATION, APPROPRIATION FROM CONTINGENT FUND, AND AMENDING RESOLUTION NO. 266 OF 2007 - AUTHORIZING EQUAL BENEFITS AND SALARY ADJUSTMENTS FOR MANAGEMENT POSITIONS WITH SALARIES SPECIFICALLY AUTHORIZED BY THE LEGISLATURE TO BE ABOVE THE ASSIGNED GRADE

WHEREAS, the "Point-Factor Rating System" that is applied to all job descriptions and utilized by Tompkins County to assign labor grades and corresponding salaries to all titles was adopted by Resolution No. 132 of 1990, and

WHEREAS, this rating system is unable to reflect the current market-rate salaries of certain managerial, confidential, or highly specialized professional and technical positions, and

WHEREAS, in the past the Legislature has by resolution assigned salaries at a rate above that in the Management Salary Schedule, and

WHEREAS, on October 28, 2008, a new County Administrator will be in place and the Legislature wishes to facilitate a smooth transition, and

WHEREAS, the Legislature desires to set the salary for the employee in the position of Executive Assistant to the County Administrator, now therefore be it

RESOLVED, That effective November 2, 2008, the base salary for the incumbent in the title Executive Assistant to the County Administrator shall be \$60,000,

RESOLVED, further, That Resolution No. 266 of 2007 is hereby amended to reflect the inclusion of this position, namely, eligibility to receive the same fringe benefits and the same annual salary adjustments as those provided to other Confidential staff without requiring a separate resolution of the Legislature,

RESOLVED, further, That effective immediately, whenever there is a vacancy in this title, a base salary will be set for the newly hired incumbent on an individual basis by a resolution of the Legislature, taking into consideration CPI, market analysis, and County fringe value,

RESOLVED, further, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2008:

FROM:	A1990.54440	Contingent Fund	\$7,088
TO:	1230.51000316	Salary	\$5,251
	9101.58800	Fringe	\$1,837

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SEQR ACTION: TYPE II-20

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Adjournment

The meeting adjourned at 4:25 p.m.