

MINUTES

PERSONNEL COMMITTEE

Approved 4/18/07
Amended 5/9/07

MARCH 14, 2007 3:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: J. Dennis, Chair; G. Stevenson; D. Kiefer; L. McBean-Clairborne (arrived at 3:10 p.m.)

Absent: M. Sigler

Staff: C. Covert, Clerk of the Legislature; S. Martel Moore, Deputy County Administrator; M. Pottorff, Chief Deputy Clerk of the Legislature; S. Cook, County Attorney's office; K. Leinthall, Probation Director; A. Fitzpatrick, Personnel Commissioner; S. Estes, Deputy Personnel Commissioner; A. Cole, Public Health Director; B. Crosby, Public Health Administrator; C. DeMarco, Mental Health; S. Whicher, County Administrator; P. Younger, Deputy County Administrator; M. Lynch, Public Information Officer

Call to Order

The meeting was called to order at 3:02 p.m.

Changes to Agenda

There were no changes to the agenda.

Chair's Report

Mr. Dennis updated the Committee on the labor negotiations with road patrol. Two meetings have been held and conferences have also been held with the County's negotiator. Discussions and negotiations continue and another meeting with road patrol is scheduled within the next month.

Mr. Dennis also reported that he had received information from the Public Health Director, Alice Cole, concerning the public health nursing shortage. This is an issue the Personnel Committee may want to discuss as there is concern with having enough people to employ in the health area and that there needs to be some awareness to the issue. In response to a question raised by Ms. Kiefer about whether this was a problem locally or nationwide, Ms. Cole commented that locally the County has not had a major problem. She said her concern is in the public health workforce itself as the staff is roughly the same age range and will be retiring about the same time over the next few years.

Personnel Department

Contingent Fund Request – Terminal Pay

Following a brief discussion and questions being raised concerning terminal pay being requested for an employee still working for the County and only transferred to another department, the Committee agreed to withdraw this resolution to allow the question(s) to be addressed.

Tobacco-Free Zones

It was MOVED by Mr. Stevenson, seconded by Ms. Kiefer, to approve and submit the following resolution to the full Legislature for approval. Ms. Cole briefly explained the resolution and said it is a voluntary program. It is hoped that County departments and buildings will designate one or more entrances of their building tobacco-free so that people do not have to walk through a cloud of smoke. This program has already been instituted in many departments and has been favorably received.

Mrs. McBean-Clairborne arrived at this time.

Mr. Whicher understands it is a voluntary effort but asked about the mechanics of the program. He spoke of his unawareness of the entrance to the Old Jail being designated a T-Free Zone until the sticker was posted. Ms. Cole said she was not sure how the arrangement was made for the Old Jail. Ms.

Fitzpatrick said she has been working with the Facilities Division and the Public Health Department for several months at various levels. The Facilities Division has been moving receptacles and garbage containers away from entrances and windows. This approach has been done with a lot of input and cooperation to avoid noncompliance causing more work for staff, i.e. cleaning staff. She said the County is also working with the landlords of the buildings in which County rents office space.

Following further discussion, a voice vote resulted as follows: Ayes – 4; Noes – 0; Absent – 1 (Sigler). RESOLUTION CARRIED.

RESOLUTION NO. – AUTHORIZATION TO SUPPORT ESTABLISHMENT OF TOBACCO FREE ZONES AROUND ALL COUNTY FACILITIES

WHEREAS, the Tompkins County Health Department in July 2006 introduced the Tobacco- Free Zone program in part as a voluntary tool to protect the health and safety of County employees, residents, and visitors by improving air quality of building entryways and outdoor areas frequented by the public, and

WHEREAS, Local Law No. 6 of 1990, implemented smoking restrictions reflecting the Board of Representative's concern for the health and safety of County employees and members of the general public that use County-owned or County-occupied buildings and vehicles, and

WHEREAS, Local Law No. 3 of 2003, implemented smoking restrictions designed to protect the health and safety of County residents by improving indoor air quality in bars, restaurants, and places of employment, and

WHEREAS, a Report of the Surgeon General released on June 27, 2006, cites “massive and conclusive scientific evidence” that “there is no risk-free level of exposure to secondhand smoke,” and that “exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer,” and

WHEREAS, a comprehensive survey of Tompkins County residents conducted in June 2006 shows that an overwhelming majority of Tompkins County adults (92.7%) consider exposure to secondhand smoke to be harmful, and

WHEREAS, the same June 2006 survey shows that 85.6% of Tompkins County adults favor restricting to certain areas, or not allowing at all, smoking in the area around public-building entryways in Tompkins County, and

WHEREAS, a Tobacco-Free Zone, which is intended to designate an outdoor area where the public will not be exposed to secondhand tobacco smoke, may be used to clearly demonstrate a preference for smoking restrictions to enhance public safety and comfort, and

WHEREAS, comprehensive efforts to further reduce the social and economic burden of tobacco use in Tompkins County must include reducing the initiation of tobacco use among youth, and

WHEREAS, while parents and schools can have a major role in youth smoking prevention, exposure to tobacco use outside of home and school has been shown to greatly influence youth tobacco use, and

WHEREAS, reducing smoking in areas around public-building entryways, doors, and common areas will both reduce the exposure of all individuals to harmful secondhand tobacco smoke and reduce youth exposure to common and casual tobacco use, now therefore be it

RESOLVED, on recommendation of the Tompkins County Board of Health, and the Health and Human Services and the Personnel Committees, That the Tompkins County Legislature supports the Health Department initiative for departments to designate voluntary Tobacco-Free Zones at buildings owned or occupied by the County for the purpose of conducting County business, or as a workplace for County employees,

RESOLVED, further, That County Department Heads shall, upon due consideration of this resolution and the best interest of the County, its employees, and citizens, take action as seems appropriate in designating Tobacco-Free Zones at their worksites,

RESOLVED, further, That the Commissioner of Personnel or her designee shall respond to inquiries pertaining to the Tobacco-Free Zones at County workplaces and worksites.

SEQR ACTION: TYPE II-20

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Management and Confidential Employees

Mr. Dennis said he requested this item be placed on the agenda to allow the representatives of these groups (Management and Confidential employees) explain the history and how they are compensated.

Confidential Employees

Ms. Pottorff provided an overview of the information she distributed concerning the salary and benefits confidential employees have received over the years. There are approximately 26 “confidential” employees working in eight departments. Most of these employees are designated as “confidential” based on job duties and work in administrative departments. Confidential employees are not entitled to union membership, protection, or bargaining rights.

Ms. Pottorff explained that prior to the reclassification/pay equity study in the early 1990’s, confidential employees received a slightly higher salary because of the requirements of their job and inability to benefit from union membership. Action was taken to bring confidential employees in line with White-Collar employees resulting in confidential employees receiving a lower annual raise (percentage) for period of time to bring everyone in alignment. For long-term confidential employees, this process continued for ten years or more.

Now that salaries are the same, the current practice is an annual review of confidential employees’ salaries and benefits that results in confidential employees receiving the same compensation as White-Collar employees.

Confidential employees believe it is time to bring forward a proposal that would automatically have the confidential employees receive the same salary schedule and benefits as negotiated with CSEA White Collar on an ongoing basis, eliminating the annual reviews.

Mr. Whicher clarified the only difference between confidential employees and White-Collar employees is confidential employees do not pay union dues or have union representation.

In response to a question raised by Ms. Kiefer, Ms. Fitzpatrick briefly explained the history of confidential positions and how certain positions are designated as confidential based on law. Copies of the law outlining the definition of a confidential employee was distributed.

At this time, Mr. Dennis made reference to County Administrator, Steve Whicher’s, memorandum dated October 19, 2006 regarding Management/Confidential 2007 Salary Adjustments which was distributed. By law, only employees who work for elected officials are designated. There are some white-collar positions whose work is similarly confidential, e.g., in ITS.

Management Employees

Ms. Leinthall provided a detailed historical overview of the discussions and compensation packages management employees have received over the last 20 years. She also highlighted some of the issues of equity raised during discussions that have not been addressed. The management employees’ compensation packages have been equivalent to confidential employees’ salaries and benefits including bringing salaries in line with White-Collar employees.

Following the overview, Ms. Leinthall outlined below the considerations the Management Team would like addressed and asked the Committee for guidance:

1. A consistent means of determining what the salaries of management staff should be.
2. A means of addressing, or having the Committee address the inequities cited in the overview, including the rating of Department Head salaries.
3. A list of the items that could be addressed by management employees to assist the Legislature in a collaborative way, if such collaboration is deemed desirable or meaningful.

Mr. Whicher said he did not have advance knowledge of this information being presented at this meeting and therefore is angered by this discussion and believes the proper process was not followed. He questioned the manner by which a process had taken place with regard to communicating and sharing this information with all managerial employees, noting he is a manager and he was not included, and it is not appropriate for one individual to speak for a group without vetting the statement with the group.

Ms. Leinthall said that although a formal meeting has not been held, discussions with managers have been held as well as discussions in cabinet meetings, and among staff.

Mrs. McBean-Clairborne asked if the Management Team had a proposal it was going to present. Ms. Leinthall said at this time there is not a proposal. Mr. Dennis commented that he thought the Committee needed to have the history discussion before considering any proposals.

Mrs. McBean-Clairborne asked for information that shows the salary increases for management over the last few years and how that lines up with salary increases for White-Collar employees. Ms. Fitzpatrick believes management salaries have followed White-Collar salaries over the last 5-7 years consistently. She understands that the policy decision comes from the Legislature, but believes part of the issue with these groups is the Legislature's policy is "unknown" and the "timing of the unknown". The message she hears is that part of the problem is salaries and benefits and part of it is perceptual. She believes having a policy clarified would be helpful as well as by whom, when, and how decisions are going to be made.

Ms. DeMarco noted that any reference made to the union and what it may or may not have done in the overview is the perception of Ms. Leinthall's. She also finds the characterization of any diminishing of anyone's benefit based on union employee abuse as objectionable to be in Ms. Leinthall's document.

Ms. Kiefer spoke about the information presented in the overview and stated that she believes the rating of department head salaries and the pay-equity study need[s] to be revisited and will discuss it further under the discussion of goals.

Mr. Whicher reiterated the need to have a process that provides the full spectrum of perspectives in order to arrive at a middle ground. In addition, there are many considerations in the budget process that relate to why and when management and confidential salaries are discussed.

Ms. Fitzpatrick believes these issues warrant further discussion as this has been an ongoing subject matter. She also said she will provide the information requested above by Mrs. McBean-Clairborne.

Ms. Pottorff concluded her remarks by stating that a meeting was called of confidential employees although not very well attended. She said the confidential employees are not asking for any decision to be made today, but would like discussions to be held and the proposal considered in advance of the budget process.

Mr. Stevenson was excused at 4:25 p.m.

Committee Goals

Mr. Dennis said he met with Ms. Younger, Deputy County Administrator, and prepared a draft document of Committee goals for the members to review and comment. At this time, Ms. Younger provided an overview of the meeting she had with Mr. Dennis and how they arrived at the three goals below (not in priority order):

Goal 1 – Develop a comprehensive professional development plan for (a) assessing the learning needs of the County workforce within the context of the Core Performance Dimensions, and for (b) responding to these needs via a training approach that focuses on building organizational capacity.

Goal 2 – Support the County’s overall organizational effectiveness through improved intervention practices for integrating employees into the organization.

Goal 3 – Ensure effectiveness of Personnel Committee activities through education of Committee members and information sharing between Committee members and Personnel Department staff.

In response to a question raised by Ms. Kiefer, Ms. Younger outlined the following Core Performance Dimensions for the Committee:

- Service Excellence
- Resource Planning and Management
- Procedures
- Quality Assurance/Risk Management
- Staffing and Team Confidence

Discussion followed concerning the draft goals and Mr. Dennis agreed to continue to work on the goals incorporating some of the comments and/or concerns raised by committee members. He will also meet with Ms. Fitzpatrick to discuss them further. He encouraged Committee members to provide additional feedback and comments and email them to him.

Mrs. McBean-Clairborne suggested that a presentation concerning an orientation of the civil service system be given to the full Legislature. Mr. Estes said there was a presentation done several years ago that it was very well received and informative. He believes that would be advantageous and a great starting point.

Further discussion followed on the Committee later in the meeting.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne said the Workforce Diversity and Inclusion Committee (WDIC) established its goals and some of them will be integrated into this Committee. She reported the Diversity Consortium is hosting a County-wide roundtable discussion which the County is involved in. This event is very well attended. Cornell University has graciously provided money for this event and approached the County for supporting it as well. She asked the Committee to consider sponsoring this event in an amount up to \$8,000. Others participating in this event are also being asked to provide support. A brief discussion followed concerning the \$15,000 approved in the Personnel budget for WDIC activities during the budget season last year and whether that money was available and could be used for this purpose. Ms. Fitzpatrick thought it could be, and that no resolution is needed. It was noted that appropriate staff would look into it.

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Mrs. McBean-Clairborne said WDIC will be discussing affirmative action policies and also looking into the Civil Service rules and lobbying the State to consider changing the civil service testing requirements.

Approval of Minutes

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to approve the minutes of the January 10th and February 20th meetings as corrected.

Committee Goals (continued)

Discussion continued on the draft goals and Mr. Dennis stated that the goals have unrealistic deadlines and asks the Personnel Commissioner to perform various tasks; he does not expect the objectives to be fulfilled based on the timeline presented.

Ms. Martel Moore raised concerns that the goals are not in alignment with the problem/need section and that the dates in the objectives are too specific. She also expressed confusion with what the committee goals were versus department goals and hoped they could be clarified.

At this time, Ms. Martel Moore indicated as a follow up to a brief discussion concerning training, that it is currently under way for the County and a revised training schedule was distributed to Committee members.

Ms. Fitzpatrick spoke about the goals document and said there are three areas she believed they represented in her opinion:

1. Failure of what is going to be done about performance issues.
2. Program issues both within the Department of Personnel and organization wide.
3. Goals and objectives of the legislative committee that oversees the department and the commissioner in conjunction with Administration.

She hopes the committee can approve the goals in the near future so that the professional staff can begin work on making improvements on the issues identified.

Ms. Kiefer spoke about the goals and believes the problem/need identified in goal 1 is appropriate. She also agrees that the work identified in the document is less committee work than department work, but it is important for the committee to understand what is going on and believes objective 1b. is sensible.

Ms. Kiefer spoke about the problem/need section of Goal 2 and suggested adding “There is concern about unevenness of the County’s current programs...” . Ms. Kiefer also spoke about objective 2b. and thought the Committee would be discussing the salary issues and that the management/confidential salaries and “red-circled” positions would be a separate goal. Mrs. McBean-Clairborne concurred.

Next Meeting

Mr. Dennis asked if the Committee would be willing to change the next meeting date from April 11 to April 18. Committee members present did not object.

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Mr. Dennis also noted that he would like to discuss the issue of CANA Rx again at a future meeting.

Adjournment

The meeting adjourned at 5:15 p.m.