

Human Resources Committee
April 3, 2008

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

APPROVED

Present: J. Dennis, L. McBean-Clairborne, D. Kiefer, M. Sigler, M. Koplinka-Loehr
Staff: A. Fitzpatrick, Commissioner of Personnel; P. Younger, M. Lynch, County Administration; C. DeMarco, Mental Health Department employee; M. Pottorff, Legislature Office

Call to Order

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

Changes to the Agenda

There were no changes to the agenda.

Chair's Report

Mr. Dennis reported there is a tentative agreement with the Blue Collar unit; the agreement still needs approval by the group and he expects that to happen within the next week. If they approve it, it will come to the next Legislature meeting for approval. Mr. Dennis did not have any financial details about the agreement at this time.

Mr. Dennis also reported on the County Administrator search and said the process has stalled now that there are no potential candidates. Mr. Koplinka-Loehr will be coming up with a new plan of how to proceed with this. He said he and Mr. Koplinka-Loehr discussed a possible plan today that would begin in mid-April and conclude by the first Legislature meeting in October. He said a meeting will take place tomorrow with the Commissioner of Personnel and Chair of the Legislature; he expects a proposal will be developed and brought to the April 15 Legislature meeting. Mr. Dennis said he believes a plan can be developed that will work into the plan developed by the Legislature to retain Mr. Whicher.

Workforce Diversity and Inclusion Committee Report

Mrs. McBean-Clairborne reported the full Committee did not meet last month, however, subcommittees have met. She said they are working on the creation of a new award entitled a "Strength in Diversity Award"; she expects this to come to the full Legislature soon.

Mrs. McBean-Clairborne said she is proud to have Tompkins County represented at the Women's History Month event last week at the Clarion and to also see the Diversity Logo and Statement displayed. She said there were a lot of questions and she was very pleased.

It was noted there needs to be a Diversity statement and logo displayed in both sides of the Old Jail Conference Room.

She announced April is Gay Awareness Month and GIAC will be hosting a pride parade tomorrow at 3 p.m.; everyone is invited to attend.

Personnel Report – Training

Ms. Fitzpatrick reported on the document included in the agenda packet and said this training schedule is an outline of the proposed training plan for the remainder of 2008. She spoke of feedback received from last year and employees think it is important to have a training schedule well in advance. Training opportunities are available to all County employees and notices have been sent out as training became available that were in addition to the entire year's plan. In answer to a question of whether signing up is voluntary and random, she said yes. But department heads are encouraged to look at what their employees could take advantage of. Ms. Fitzpatrick said these trainings have been contracted for County employees; however, she explained if there is not a full registration one week before the training, slots are opened up to other municipalities and the Human Services Coalition; this results in no additional cost to the County. She said she does contact those who repeatedly sign up for a class but fail to attend.

Ms. Fitzpatrick said she attended a follow-up meeting along with Mrs. McBean-Clairborne, Ms. Martel-Moore, Laura Bronca, and Kirby Edmonds regarding cultural confidence training that was done in 2006 and 2007 with department heads. A revised proposal has been developed that would allow an opportunity to expand that training. A decision would need to be made with regard to what the target group for these trainings would be.

Mr. Sigler asked what succession planning is taking place in cases where department heads will be retiring. *Ms. Fitzpatrick said she was not prepared to discuss this at this meeting and requested it be added as an agenda item for the next meeting.*

Ms. Fitzpatrick said approximately once per year she and Mr. Estes have conducted training in HR law for supervisors but she could not state at this time that all supervisors have received this. There is a core group of mandatory trainings that all employees do receive; however, they do not necessarily receive them on the first day of orientation. Some of those mandatory trainings include topics of sexual harassment, right-to-know, and workplace violence.

Mrs. McBean-Clairborne asked if there could be a discussion of what other trainings exist that should be mandatory. Ms. Fitzpatrick said the organization has the right to require employees to participate in trainings but the funding would need to be partnered with it. She thinks "cultural competency" should be required.

Ms. Kiefer requested a written list of what Ms. Fitzpatrick thinks the core trainings should be for employees she would like a proposal for budget time with the funding figures attached.

Mr. Sigler suggested included a training that contains a budgeting component.

Mr. Dennis asked if we get the minutes of the Core Performance Subcommittee and was told Mike Hattery is the legislative conduit for that.

Ms. Kiefer raised an issue that she thinks may be a training issue – that of conducting County business on personal e-mail. Mr. Dennis said the issue relates to whether e-mail information that is produced on personal computers is included in the FOIL laws (Freedom of Information). Ms. Fitzpatrick said she is not familiar with the issue.

Ms. Fitzpatrick spoke of e-mail etiquette and of how there are many more ways to communicate and there be less ways to do it appropriately. She said they are working on training on what is or isn't appropriate in County e-mail communications.

Medical Disability – 207(c)

Ms. Fitzpatrick said there are benefits an employee can receive if they are medically determined unable to work by a physician. There is:

County's Disability Plan: allows up to six months of full pay; employees must use fringe for the first three days of each absence. (Blue Collar employees have a different plan)

Ms. Fitzpatrick said the Personnel Department works with physicians, the Worker's Compensation carrier, and the Public Health Department on some cases to make sure they are working with the physicians and employees to allow for a successful plan to return to work.

Worker's Compensation: 207(c) is a subsection of Worker's Compensation. All County employees are covered under Worker's Compensation law in the State of New York. In general, this law identifies illness and injuries that are work-related versus disability which covers non-work-related illness or injury. If a person is deemed to have a work-related illness or injury they file a Worker's Compensation claim through the personnel Department and an incident report is filed. Personnel staff work with the third-party administrator to determine the case and the employee usually gets full-pay through the disability plan in the meantime because of the amount of time it takes for Worker's Compensation to begin. 207(c) is an enhanced Worker's Compensation benefit and identifies only certain occupations that are eligible for Worker's Compensation benefits. It is generally for police or fire and if a person has a work-related illness or injury and they are in a covered title they will receive full pay and the State does not require taxes to be deducted. There is also no cap on the amount of time a person can be compensated. The county may fill their position on a temporary or indefinite basis but not on a permanent basis unless the employee is deemed unable to return to work or retires out of the system.

Mr. Dennis asked if a person can be brought back under 207(c) for light duty work. Ms. Fitzpatrick said it is possible, however, the positions that fall in this category are in corrections or deputy positions and there are not light duty positions in the Jail.

Mr. Dennis asked how employees who are out for a period of time get back to work. Ms. Fitzpatrick said physicians are required to complete a form every two weeks. She noted the County can also request an examination be conducted by an independent physician. She said financial implications are not limited to 207(c); they have to deal with employee absences and how they are dealt with. She also stated there are some positions where it would not be practical to fill for a few months of because training and certification requirements. Positions are designated as 207(c) because of the heightened risk associated with their job.

Ms. Kiefer asked if Tompkins county has more work-related injuries/illness for 207(c) employees than for others. Ms. Fitzpatrick said she was not sure; she will provide the Committee with a disability report for the next meeting.

Ms. Kiefer asked if the County could require a certain level of fitness for employment. Ms. Fitzpatrick said job descriptions state an employee must have physical ability commensurate with the job. She noted under the ADA (Americans with Disabilities Act) the County must make reasonable accommodations for person with limitations. They are some positions, such as Sheriff's Deputies, that require an employee to pass a physical fitness test prior to employment. She said any further requirement would require negotiation with the unions.

Ms. Fitzpatrick reported TC3 is adding Campus Peace Officer positions and they will be carrying firearms.

A Workforce Utilization Report dated March 24, 2008 was distributed.

Performance Review – Legislature Direct Reports

The Committee did not discuss this item as no additional information was available.

RESOLUTION NO. - RATIFICATION OF BARGAINING AGREEMENT CIVIL SERVICE EMPLOYEES ASSOCIATION, BLUE COLLAR UNIT

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the following resolution and submit to the full Legislature pending approval by the Blue Collar Unit.

WHEREAS, the collective bargaining agreement between Tompkins County and the Civil Service Employees association, Blue Collar Unit, expired on December 31, 2007. Negotiations for a successor agreement began on June 27, 2007 and continued until CSEA declared impasse on January 16, 2008, and

WHEREAS, thereafter, mediation was conducted through the Public Employees Relations Board (PERB) and the negotiating teams agreed to a two-year contract, January 1, 2008 through December 31, 2009, which extends the terms and conditions of the previous four-year agreement with minor wording and the following monetary changes:

- 3% on base effective January 1, 2008;
- 1% on base effective October 1, 2008;
- 3% on base effective January 1, 2009;
- Increase shift premium from 80¢ to \$1.00 per hour;
- Sick leave to accumulate to a maximum of 180 days;
- Increase the clothing allowance from \$250 to \$350;
- Increase the Shoe/boot allowance from \$75 to \$100;

Accrual of compensatory time from 70 hours to a maximum of 105 hours for a 35-hour per week employee;

Accrual of compensatory time from 80 hours to a maximum of 120 hours for a 40-hour per week employee.

RESOLVED, on recommendation of the Negotiating Committee and the Human Resources Committee, that the bargaining agreement between Tompkins County and the Civil Service Employees Association, Blue Collar Unit, for the period January 1, 2008, to December 31, 2009 is hereby ratified.

SEQR DESIGNATION: TYPE II-20

Administrative Manual Policies

Mr. Dennis spoke to a list of policies contained in the Administrative Manual that fall under the responsibility of this Committee. He said committees have been asked to look at what policies need to be revised and consider whether others need to be developed.

Ms. Fitzpatrick said her recollection of when the Administrative Manual was developed it had an identified need. Given the number of sources with the same information that now exists she said she is not sure that the Manual continues to have the same purpose it had in the past. She provided the County's Holiday schedule as an example and said this information is currently available in bargaining unit contracts which is also available on the County's website and questioned whether there is a need to continue to have such a policy in existence.

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Ms. Younger said part of the process of reviewing these policies is to determine whether it is necessary to stay in the Manual or is it alright to continue it in the alternative format that it now exists in.

Ms. Kiefer commented on prioritization of the list and suggested the following be review sooner rather than later:

02-02 – Recruiting employees
02-07 – Employment of relatives

Ms. Kiefer suggested the Committee review one policy per meeting.

Mr. Koplinka-Loehr suggested that when these policies are presented to the Committee that they already have been reviewed by Personnel and that a recommendation is presented.

Approval of Minutes of February 7, 2008 and March 18, 2008

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Sigler, and unanimously adopted by voice vote, to approve the minutes of the February 7, 2008 and March 18, 2008 meetings as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:55 p.m.

Respectfully submitted by Michelle Pottorff, Legislature Office