

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

**Members: Chairwoman Nacerino, Legislators Jonke & Montgomery**

**Tuesday**

**April 9, 2019**

**(Immediately followed the Protective Services Meeting)**

The meeting was called to order at 6:30PM by Chairwoman Nacerino who requested that Legislator Jonke lead in the Pledge of Allegiance. Upon roll call Legislators Jonke, Montgomery and Chairwoman Nacerino were present.

**Item #3 - Approval/ Personnel Committee Meeting Minutes/ March 12, 2019**

Chairwoman Nacerino stated the minutes were accepted as submitted.

**Item #4 - Approval/ Fund Transfer (19T047)/ To Cover Over Time Expenses for February/ Running the County Correctional Facility with Four (4) Vacancies, one Officer on 207C/ Sheriff Langley (also to be reviewed at Protective Committee Meeting 04/09/19)**

Chairwoman Nacerino stated this matter was just discussed in the Protective Services Meeting. She questioned if anyone had any further questions. She confirmed there were no further questions.

Chairwoman Nacerino made a motion to approve Fund Transfer (19T047)/ To Cover Over Time Expenses for February/ Running the County Correctional Facility with Four (4) Vacancies, one Officer on 207C; Seconded by Legislator Jonke. All in favor.

**Item #5 - Approval/ Ratification of the PuMA Memorandum of Agreement/ County Executive**

Personnel Director Eldridge stated this is a five (5) year agreement, expiring 2023. He stated the prior contract expired December 31, 2018. He stated there are no increment steps or longevity in this agreement for this group of employees. He stated the agreement includes the following salary percentage increases per year effective January 1, : 2019 - 2%, 2020 - 2.5%, 2021- 2.375%, 2022 – 2.375%, 2023 – 2.125%. He explained these proposed increases are subject to the approval of the Putnam County Sales Tax Extension, which is set to expire November 30, 2020.

Chairwoman Nacerino requested confirmation that if the Sales Tax Extension does not get approved by the State of New York, the salary of said employees are frozen for the following three (3) years.

Commissioner Carlin stated that is correct. He stated if the State does not grant the Sales Tax Extension the County's financial problems will be a lot worse. He stated for clarification, if the Sales Tax Extension is not put forward by the County, for some reason, then the increases would still go into effect.

Personnel Director Eldridge stated there was an open provision stating if the vacation and sick leave provisions were changed for non-represented management employees it would also change for this group of employees. He stated that open provision has been deleted in this offer. He stated they have included a leave for all forms of cancers. He stated that is pursuant to civil service law. He stated it is the State standard of four (4) hours. He continued his review of the proposed agreement.

Legislator Jonke questioned the "Time Keeping System". He questioned if it is for the employees or the Department Head.

Personnel Director Eldridge stated it is for the employees. He explained the Department Heads need to report it to the County Executive. He went into further explanation of tracking time for management confidential employees.

Chairperson Nacerino stated it appears to be a very fair and equitable contract, and testimony to the fact that it was approved.

Chairperson Nacerino made a motion to approve the Ratification of the PuMA Memorandum of Agreement; Seconded by Legislator Jonke. All in favor.

**Item #6 - Approval/ Budgetary Amendment (19T044)/ To Provide Funding for the 2019 Salary & Benefit Costs Pursuant to the Ratified Contract Settlement Between Putnam County and PUMA/ County Executive Odell**

Finance Commissioner Carlin stated there was money set aside in the Contingency budget line for this purpose.

Chairwoman Nacerino stated the total amount being moved out of contingency to cover the cost of this contract is \$73,665. She stated the project fiscal impact for 2020 is \$63,050.

Chairwoman Nacerino made a motion to approve and move to Audit Budgetary Amendment (19T044)/ To Provide Funding for the 2019 Salary & Benefit Costs Pursuant to the Ratified Contract Settlement Between Putnam County and PUMA; Seconded by Legislator Jonke. All in favor.

**Item #7 - Approval/ Fund Transfer (19T067)/ Highway & Facilities Department - To Allocate Funds for Temporary and Sub Contract Lines Due to Retirement of Employee/ Commissioner Pena**

Chairwoman Nacerino stated she had a conversation with Deputy Commissioner of Highways and Facilities John Tully regarding this matter. She stated he explained to her, that they have a vacancy in their department of an Engineer, who has retired. She stated that they are proposing that they be permitted to outsource some of their needs. She said he further told her there would be a cost savings to the County. She stated in essence that is the request at hand.

Personnel Director Eldridge stated that is correct. He stated that department really needs the flexibility now, as we are heading into the very busy season for them.

Finance Commissioner Carlin explained the vacancy is a high level Engineer. He stated that Highways & Facilities Department requires a certain level of expertise to keep the County projects moving.

Chairwoman Nacerino stated it is prudent and it makes sense to give them the ability to do that.

Chairwoman Nacerino made a motion to approve and move to Audit Fund Transfer (19T067)/ Highway & Facilities Department - To Allocate Funds for Temporary and Sub Contract Lines Due to Retirement of Employee; Seconded by Legislator Jonke. All in favor.

**Item #8 - Discussion/Approval/ Proposed Upgrade: Youth & Community Services Deputy to Youth & Community Services Sergeant/ Sheriff Langley**

Chairwoman Nacerino made a motion to waive the rules and accept the additional; Seconded by Legislator Jonke. All in favor.

Chairwoman Nacerino stated she would like to begin by stating conversations that have ensued. She stated the Administration has said from the beginning that there would be no new positions in 2019, no upgrades, or changes in accordance with what was proposed in the 2019 Budget. She stated the request before this Committee this evening is for an upgrade in the Sheriff's Department. She stated she believes Sheriff Langley did address his request with County Executive Odell who indicated she still maintains her position. She stated however the County Executive said the request could be entertained in the 2020 upcoming budget. She stated from her perspective there are concerns. She stated a similar request was sent from another Elected Official in the County and the request was denied. She stated the request never made it to an agenda. She stated from a Legislative perspective it behooves them to remain consistent in what they say and do. She stated that is a very important factor. She stated there are always exceptions to rules. She stated she does not foresee that this matter is an emergency nor a time of the essence request. She stated it was indicated in the

cover letter to this matter that the hope was that this promotion would take effect on July 1, 2019. She stated that she questions why this cannot wait, especially from the perspective that there are no SROs (School Resource Officers) or SPOs (Special Patrol Officers) working in the schools during the summer. She stated she knows, from work in a School that the SROs and SPOs go back on Road Patrol during the summer months. She stated she believes this should wait until late summer of 2019, when the 2020 budget talks begin and the request can be made then.

Sheriff Langley stated he would like to begin by thanking the Legislature for the work they are doing and taking the time to hear them out on this matter. He stated that Captain Harry Tompkins will be providing the information related to this request. He stated this requested upgrade will not impact the County. He stated the current Deputy Position would not be replaced, it would be upgraded to a Sergeant. He stated the difference in pay and benefits could be charged back to those who will benefit from the County's services. He stated it would be a zero cost item for the County.

Captain Harry Tompkins echoed the Sheriff's gratitude to the Legislators. He stated that the Legislature has always been kind to the Sheriff's Department helping to meet their needs and request along with the County Executive. He stated this situation has reached a point where it has to be addressed. He stated the Sheriff's Department has received requests from Schools, Town Halls and this County Office Building to have SPOs present. He stated since the school year, there have been an additional 10 SPOs deployed at the request of specific schools and currently the Carmel Town Hall has requested two (2) SPOs. He stated they are projected to be in effect on Monday, April 15<sup>th</sup>. He stated the Town of Putnam Valley has submitted a request for a future date. He stated this Youth Division of the Sheriff's Department has increased tremendously. He stated there are nine (9) SROs and a Community Officer. He stated in addition to that there are 19 SPOs. He stated that there is one (1) Supervisor, who is a Sergeant. He stated the Sheriff's Department is trying to restructure and make sense of all of this. He stated there is a real need for the SPOs. He stated the Schools had the SPOs and now there are two (2) Towns requesting SPOs. He stated the Sheriff's Department wants to say yes to these requests. He stated like everyone, the Sheriff's Department is trying to do less with more. He stated however in this case they are bursting at the seams. He stated Police Supervision Management Style works from a span of control. He explained generally speaking a Supervisor would manage seven (7) – eight (8) Officers. He stated in this instance there are 31 members falling under the direction of one (1) Sergeant. He stated the solution to this is to take the Community Officer and re-classify it as a Deputy Sheriff Sergeant. He stated that is the least impact. He stated the Sheriff's Department has the money in the Personnel budget line to fund the position until the end of the year. He stated it will be approximately a \$4,000 difference. He stated this would be a tremendous asset to the Sheriff's Department. He stated that the requests for the SPOs pour into the Sheriff's Department and they do not want to say no, because public safety is the utmost importance to the Sheriff's Department. He stated there is a liability to the County with these requests and there is a liability on the Sheriff's Department when there is one (1) Supervisor responsible for 31 people who fall under that individual's authority. He stated supervision for the SROs and the SPOs is a necessity. He stated this proposal makes the most sense for the Sheriff's Department because they are trying to do a lot more with less. He stated the reason for the request of making the re-classification active July 21, 2019 is directly related to the Schools. He stated by beginning in July the plan will be in place and they will be ready to hit the ground running come September 2019, the beginning of the 2019- 2020 School Year. He stated he believes this request to be an exception. He stated that he hopes that the Legislature will see this as one of the exceptions. He stated this is very important to the Sheriff, himself and all of the members of the Sheriff's Department. He stated this is not a "nice to have" matter, it is a "need".

Undersheriff Michael Corrigan stated he would like to touch on a statement made earlier by Chairwoman Nacerino, regarding the urgency. He stated the Deputy referenced for this position re-classification, the Deputy who is sitting in the position and is best suited for this role, and is performing it currently. He stated said individual is on the Sergeant's list and is #1 on the list. He stated that list will expire in August of 2019. He stated if they wait to do this next year and the said individual would need to take the test and may not score in the top three (3). He stated since the said individual first took the test the pool of qualified and good test takers could come out on the list as the top three (3), but not be the best person for the job.

Chairwoman Nacerino stated that is seen with the Civil Service process as well. She stated she is concerned to call this an emergency situation. She stated from a logistic standpoint the argument of the Sheriff's Department is well taken. She stated however in the summer there is no oversight needed. She stated she is aware that there is preparation required for September. She stated to breach the Legislature's policies and procedures to make an exception, the exception has to be taken very seriously. She stated she does not believe anyone disagrees with this request, but the question tonight is can it

wait the 12 weeks between September and January. She stated up until now the one (1) Sergeant managing the SROs and SPOs has been working very well. She requested an overview of what the proposed re-classified Sergeant's position would do. She stated there is a general description of the job responsibility of a Sergeant position. She stated she would like to understand what constitutes the need from a more detailed perspective.

Captain Tompkins stated the additional Sergeant position would give the Sheriff's Department the ability to break up the school districts. He stated rather than (1) one Supervisor responsible for all 31 Officers they would be split in half. He stated at the Schools there is a lot of attention given. He stated the SPOs at the Schools are contacted daily. He stated the biggest need for the second Sergeant would be to split the responsibilities of the current Sergeant.

Legislator Jonke stated he has a couple of concerns. He stated that he does not believe taxpayer dollars should be spent because the current list of candidates is ready to expire, if that is a priority in support of this request. He stated that Captain Tompkins has made a compelling argument about why the position is needed now. He stated just because the list is going to expire and the desire is to squeeze an employee into the position, he believes if there was a check done throughout the County there would be other scenarios to mirror this. He stated he does not feel comfortable basing a decision on that reason. He stated that he believes when the discussion of the Town of Carmel's request for the two (2) SPOs was first addressed at the Protective Services Meeting in November of 2018, Captain Tompkins stated there would be no problem in the Sheriff's Department accommodating the Town of Carmel's request. He stated that is the only action that has taken place since November and now. He stated actually the SPOs have not yet begun working in the Carmel Town Hall, but now there is this urgency and issue. He questioned what has happened.

Captain Tompkins stated if that is what he said at the November 2018 Protective Services Meeting, then he misspoke. He stated that he wants to see the programs go through, because he believes it is important to have SPOs. He stated he works in the mindset of do more with less, as is what is asked of everyone working today. He stated they are making it happen, but the Sheriff's Department is at the point where it is unraveling, because there is just too much being asked. He repeated, that if he did say that at the November 2018 meeting, then he misspoke. He stated he should have responded by stating, yes we need another Supervisor to address this request.

Legislator Jonke stated no one is as big of a proponent as he is of the SPOs. He stated he pushed for the Town of Carmel's request for the SPOs. He stated it is just difficult to accommodate this request in the middle of the year.

Chairwoman Nacerino stated this is not underscoring the value and all they do. She stated Putnam Valley is not looking to have their SPOs begin until January 2020. She explained from her view point she does not see the urgency or the emergency to push this through. She stated no one is saying that they are not receptive to the need.

Legislator Montgomery stated she believes the most important thing here is community services, for our youth and our communities. She stated it was presented at the State of the County that the focus of the County for 2019 is the Opioid Epidemic. She stated that she is not aware of any new initiative in the 2019 budget that addresses that. She stated it is her experience working directly with the SROs in her position as a coordinating council member of the coalition she works with. She stated the SROs are the direct line of defense to combat this crisis in our community. She stated this is her third month serving as a Legislator and she was not here when the 2019 budget was reviewed and voted on. She stated possibly there are new initiatives in the 2019 budget that address the Opioid Epidemic that she is not aware of. She stated again, it is her personal experience that our Sheriff's Deputies are our first lines of defense to combat this crisis. She stated it is her belief that there needs to be some mentoring for our Deputies and she believes a Sergeant responsible for 30 plus SROs and SPOs is a lot. She stated especially when you consider the nature of the work they are responsible for. She stated a good mentor is very important especially if you have young deputies joining the force. She believes a Sergeant is a great mentor as is the Sheriff. She stated she does see the urgency in this request. She stated especially on the west side of the County, they are at a great disadvantage when talking about logistics, dispatching and finding the Sergeant that is available when the need is present for a Deputy to address a situation. She stated again that she is in favor of this request and sees a great urgency for it.

Sheriff Langley stated the urgency is that there is a need for supervision. He stated the lack of supervision creates a substantial risk of liability upon the County. He stated it is his responsibility to bring this to the attention of not only the

Legislature but the County Executive's Office as well. He stated his failure to do so would be negligent in the Office that he holds. He stated his first priority is to protect the people of the Putnam County community.

Chairwoman Nacerino stated it is her understanding that Sheriff Langley had that conversation with the County Executive.

Sheriff Langley confirmed that he did.

Chairwoman Nacerino stated it is her understanding that the County Executive was unwavering on her position.

Sheriff Langley stated she was not unwavering. He stated the County Executive understood that he had an obligation to present this to the Board of Legislators.

Chairwoman Nacerino confirmed that she understood that as well.

Sheriff Langley stated Captain Tompkins also had a conversation with the County Executive, but he will not speak to that discussion.

Chairwoman Nacerino stated she was not privy to that conversation either. She stated that the Legislature understands and is cognizant of the need. She stated this evening the consideration is whether the Legislature needs to move forward with this request at this particular time. She stated SPOs are all seasoned Deputies that go into the Schools, they are not traditionally rookies that take on these positions. She stated from where she sat in the School there was always a layer of communication through the Sheriff's Department with all of the Deputies.

Sergeant Meyer questioned what negative impact this would have on the County.

Legislator Jonke stated the Legislature has told other Department Heads that during the year there will not be any adjustments or salary increases approved.

Sergeant Meyer stated he understands that, however he questioned again what negative impact this would have on the County.

Chairwoman Nacerino stated it would have a negative impact on the integrity of the Legislature. She stated as Legislator Jonke indicated, we have adhered to what was presented by the County Executive that the Legislature would not support any midgrade raises and remain fiscally solid. She stated another elected official, a Department Head, was denied a similar request. She explained she believes to say yes to one and no to another, sends a bad message. She stated that she believes it to be important for the Legislature to remain consistent in what we say and do. She explained it is not the fiscal impact; it is how this governing body adheres to the policies and procedures of this office. She stated if this was a dire emergency, then that would be an exception. She stated she does not see this as a dire emergency. She stated that she believes there would be support for this request in the 2020 budget process. She stated conversely she does not see what negative impact would be created to wait 12 weeks.

Sergeant Meyer stated he believes there is a negative impact. He stated if the said candidate could be in the position on July 1st then that person could go through Supervisor School and be brought up to speed, have a plan in place and do the split of responsibility.

Chairwoman Nacerino stated it was said that said candidate was already performing the duties.

Sergeant Meyer stated the said candidate is not performing the duties of a Supervisor. He stated right now there is one (1) Sergeant supervising five (5) school districts. He stated if the position is filled by July 1<sup>st</sup>, they could split the school districts, introduce the newly appointed Sergeant to the members of the Administration team at the schools he would be responsible for, and also get the Sergeant familiar with the schools. He stated then on September 1<sup>st</sup> the Sergeant could be in attendance at the School Assembly. He stated that it would be a seamless transition from the end of the school year to the new school year versus bringing a new Sergeant in at January 2020 in the middle of the school year.

Legislator Jonke stated the timing of this request does not jive with what is being said. He stated if there was truly a problem, the Legislature would have been notified of that. He stated then the Legislature would have been prepared last year and had someone in place January 1<sup>st</sup> of 2019.

Sergeant Meyer stated he would not say it is a problem. He stated it is an issue that has existed for quite some time. He stated but now as the increase of SPOs is happening it is becoming apparent that it has gotten way beyond the scope of what a Supervisor should be supervising. He stated to have one (1) Sergeant keeping track of 31 SROs/ SPOs among five (5) different school districts has lead the Sheriff's Department to realizing this is a problem. He stated this request is a way to address the situation without asking for a new position.

Chairwoman Nacerino stated she knows, as does Sergeant Meyer that all of the SROs are on Road Patrol all summer long. She stated so they are not working in their capacity as an SRO and the SPOs are probably not working. She stated it sounds good in theory, that this would give a preparation period, she does not see that as being contingent and necessary to be effective come the fall.

Sergeant Meyer stated it would give the Sheriff's Department the perfect amount of time to get this implemented.

Chairwoman Nacerino questioned if the said candidate is a former SRO.

Sergeant Meyer stated said candidate is currently the Youth and Community Services Officer. He stated that is the position they want to upgrade to Sergeant. He stated said Candidate is #1 on the Sergeants List. He stated all of these things line up for the Sheriff's Department Operations. He stated he understands what was said regarding trying to beat the test, but that is not really the case. He stated this proposal came about when they were looking at this situation and everything was lining up perfectly to improve efficiency, improve supervision and to improve the department. He stated this request will accomplish all that. He stated it will make the Sheriff's Department a better police department, it will make the Youth Bureau a better Youth Bureau and it makes the program a better program.

Chairwoman Nacerino stated unfortunately the County's budget process does not coincide with the school calendar. She stated she does not see why we cannot wait 12 more weeks.

Sergeant Meyer stated he is not saying that they cannot wait 12 more weeks. He stated that he will say that there is no negative impact to the County to move forward with this request and make it effective as of July 1, 2019. He stated it would be a big benefit to the Sheriff's Department, the School Districts and the community.

Chairwoman Nacerino stated then the Department Head –Elected Official who was previously denied could be back here next month asking why was their request was denied, based on the same reason and rational. She stated that there needs to be fairness and consistency in what the Legislature says and does.

Sergeant Meyer stated this situation should be based on its own merits and not included in a universal “no”.

Chairwoman Nacerino stated the merits and arguments that were made from another Department Head were very valid.

Legislator Montgomery stated she believes the request from the other Department Head should be shared because it has come up many times in this conversation.

Chairwoman Nacerino stated she does not believe that to be appropriate.

Legislator Montgomery questioned if it was a matter of critical public safety.

Chairwoman Nacerino stated yes it was.

Legislator Montgomery stated she believes it to be very unfair to keep bringing that up.

Chairwoman Nacerino stated it serves as a barometer and is pertinent to this conversation if there is going to be any continuity in what the Legislature does and why they do it. She stated it is very much part of this conversation.

Legislator Gouldman questioned if there is any way to secure the said candidate in the position and wait until January.

Personnel Director Eldridge stated that he would have to check to see when the current Sergeant list expires. He stated that he will look into that and provide the information to the Legislature.

Legislator Gouldman questioned if this could be tabled to next month.

Chairwoman Nacerino stated this item is only on the agenda for discussion.

Legislator Gouldman stated then it should be on next month's agenda to continue the discussion based on the information Personnel Director Eldridge will provide. He stated if the said candidate can be selected as the re-classified Sergeant and put on hold until January 2020, that would be a positive.

Legislator Jonke stated to Legislator Gouldman if you have a request of the Sheriff's Department to have this tabled and revisited at the May Personnel Meeting, then that request needs to be directed to the Sheriff's Department.

Legislator Gouldman questioned if the information about the test can be secured and determined if the re-classified position could be saved for the said candidate.

Legislator Montgomery stated she would like to clarify what is being done. She stated this request is no fiscal impact to the 2019 budget, however it is a matter of principle that it will not be approved out of this Personnel Committee, because the Legislature said no promotions and no title changes. She stated the consensus tonight is the decision is no to this request, based on that principle.

Chairwoman Nacerino stated that was an understanding with every Department Head. She stated the County Executive stated that in her budget meetings and at the presentation of the 2019 Budget Address. She stated for the Legislature to flip flop and make a rational argument in support, when we had made a rational argument against a previous request, she believes jeopardizes the integrity of this Legislative Body.

Legislator Montgomery questioned if anyone has any experience in the past where an exception was made.

Chairwoman Nacerino stated the Legislature always has the right to make an exception. She stated again, from her perspective, she does not see this request as one that warrants an exception.

Legislator Sayegh stated that she believes all of the Legislators agree that this is something that needs to be considered. She stated however when the discussion of the Town of Carmel's request first came in requesting the two (2) SPOs, this matter was thoroughly discussed. She stated the concern of these requests putting a strain on the Sheriff's Department and the need for them to coordinate the SPOs was discussed. She stated during the discussion at that time there was not mention of the Sheriff's Department being concerned. She stated no important or impactful events have occurred since that first discussion. She stated that she does not see how this has become an emergency.

Captain Tompkins agreed that this matter was previously discussed. He stated the Sheriff's Department had a request for SPOs and they did not want to deny the request. He stated that they were stretched to their limits and asked to do more with less. He stated that it has reached a point where a line must be drawn in the sand. He stated this request is the solution that the Sheriff's Department has come up with that is the least impact on the County.

Legislator Castellano requested for clarification, that there are nine (9) SROs, 20 SPOs and there is one (1) Youth and Community Service Deputy who may be the person promoted. He questioned if a request will follow to fill the position of the Youth and Community Service Deputy.

Captain Tompkins stated no, that position would become the Deputy Sheriff's Sergeant.

Legislator Castellano stated then the Youth and Community Service Deputy Position would be eliminated beginning with the 2020 Budget for the Sheriff's Department.

Sheriff Langley that is correct.

Legislator Sullivan questioned how long is the Sergeant training program and how much does it cost.

Sergeant Meyer stated it is a three (3) week course and there is no cost to the County.

Legislator Montgomery stated that she would like to thank the Sheriff's Department for the SROs that they provide. She stated she believes they are a great resource and they go above and beyond what the responsibilities are. She stated again the SROs work with the Philipstown's Communities that Care Coalition. She stated additionally the SROs are addressing in the schools the topic of Sexual Abuse Awareness. She stated also she is so impressed by the informal one on one interaction the Sheriff's Department Deputies have with individuals who are suffering in our community.

Chairwoman Nacerino echoed Legislator Montgomery's sentiments. She stated that she worked with Deputy Pizzuto and he was a wonderful asset to the Brewster School. She stated however the personal component needs to be taken out of this and look at the request that is before the Legislature, particularly this Committee, this evening.

Legislator Jonke questioned at the beginning of this discussion Sheriff Langley stated that the added costs will be disbursed among the School District. He questioned if that will require a new contract with the School Districts.

Sheriff Langley stated the additional costs, which would be administrative costs, are already built into the contract.

Legislator Jonke question if that is adjusted monthly.

Sheriff Langley stated that is handled by the Commissioner of Finance Carlin.

Legislator Jonke question when are those contracts negotiated.

County Attorney Bumgarner stated generally this is about the time of year the School Districts contact her office, because they are in budget right now.

Sheriff Langley stated that the Sheriff's Department does bill administrative costs for SPOs. He stated it is included in the contract.

Chairwoman Nacerino stated that the School budgets are in May so they are pretty much complete.

County Attorney Bumgarner stated that she believes the Schools are all sticking with the SROs they had.

Chairwoman Nacerino stated that Personnel Director Eldridge will be gathering information, related to the current Sergeant list, when the list expires and when the next Sergeant test will be given.

Chairwoman Nacerino made a motion to Table the Proposed Upgrade: Youth & Community Services Deputy to Youth & Community Services Sergeant; Seconded by Legislator Jonke.

Sheriff Langley stated he was thankful for the opportunity to address the Legislature. He stated that he believes, as Sheriff, he has an obligation to explain such matters to the Legislative Body.

Chairwoman Nacerino stated she appreciates that and she has respect for him and the job that his department does.

Chairwoman Nacerino stated that she will be addressing agenda item #9 last this evening, because it will require an Executive Session. She stated next she will be addressing item #10.

#### **Item #10 - Discussion/ Sheriff's Department Compensation Time/ Legislator Sullivan**

Legislator Sullivan stated he would like to get a better understanding of how Compensation Time is accounted for and accrued. He stated it has recently been mentioned that to pay out Compensation Time it comes out of the Overtime budget line.

Chairwoman Nacerino invited Sheriff Langley, Personnel Director Eldridge and Finance Commissioner Carlin to speak to this matter. She stated that she believes this is a matter that would be a part of their contract.

County Attorney Bumgarner stated that is correct.

Chairwoman Nacerino stated a question did arise as to whether the Compensation Time is allowed to accrue over time and then cash it out at the employees' highest salary.

Personnel Director Eldridge stated he would begin by building some foundation for this discussion. He stated in the PCSEA Agreement, which covers the Correction Officers, the Cooks and everybody except the Deputies, there is a provision that refers to a "Hard Cap" which refers that an individual cannot go beyond the set amount of Compensation Time in that year. He stated once the employee reaches the cap amount, they cannot accrue, so they would have to receive payment. He stated during the last negotiation of the Agreement it was indicated that a "Hard Cap" on Compensation Time for employees hired prior to May 26 of 2017 would remain at the 96 hour "Hard Cap", (12 days). He stated they also negotiated into the PCSEA Agreement employees hired May 26 of 2017 or thereafter would have a "Hard Cap" of 72 hours, (9 days). He stated that is what is in the current PCSEA Agreement. He stated however there are circumstances when an employee is at their "Hard Cap" but still need to work overtime, so then they must take it in a payment and that will be reflected in the overtime account. He stated that in the negotiations of the PBA Contract a "Hard Cap" for the Compensation Time has never been agreed to. He stated the PBA Contract represents the Police Officers, Sergeants and First Sergeants. He stated the Federal Law permits Police Officers to accrue up to 480 Hours (60 days). He stated for all other employees the Fair Labor Standard Act permits the accrual of up to 240 hours.

Legislator Jonke questioned if we have a record of how much liability there is to the County in Compensation Time.

Sheriff Langley stated there are a few employees who are at the 480 hour maximum.

Legislator Jonke requested a report that documents how many hours and how much per hour the liability is to the County. He stated it is basically unbudgeted overtime.

Sheriff Langley stated that he will provide the requested report.

Chairwoman Nacerino stated it is a double edge sword to have the Officers takes their compensation time as time off, and then other Officers will be filling in to cover the shift and earring overtime.

Legislator Castellano questioned for clarification an employee works overtime and then decides to be paid for the overtime worked or submit it as Compensation Time, can a request to apply the overtime to Compensation Time be denied.

Sheriff Langley stated that it is in the contract that it is at the discretion of the employee to be reimbursed through pay or Compensation Time at time and a half. He stated as an example 10 hours of overtime equates to 15 hours of Compensation Time.

Chairwoman Nacerino facilitated further discussion.

Legislator Montgomery questioned when the PBA contract will be renegotiated.

Personnel Director Eldridge stated the PBA contract expired December 31, 2016. He stated so 2017, 2018 to date in 2019 there is no contract. He stated it is currently held up because there is an improper practice charge that is before PERB (Public Employees Retirement Board). He explained nothing can be done until a decision is made on that case.

Legislator Montgomery questioned if there are plans to look at this component of the contract.

Personnel Director Eldridge stated it was not part of the last negotiations, but it could be in the next discussion.

Sheriff Langley stated there is always the possibility to negotiate.

**Item #11 - FYI/ 2019 Accident Report – Duly Noted**

**Item #12 - Other Business - None**

**Item #9 - Discussion/ Putnam County Coroners**

**7:35PM**

Chairwoman Nacerino made a motion to go into Executive Session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person; Seconded by Legislator Jonke. All in favor.

**8:05PM**

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

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

**Item #10 – Adjournment**

There being no further business at 8:05 PM Chairman Nacerino made a motion to adjourn; Seconded by Legislator Jonke. All in favor.

Respectfully submitted by Deputy Clerk Diane Trubuly.