

## MINUTES

### GOVERNMENT OPERATIONS COMMITTEE

Thursday, January 6, 2022 9:00 a.m.

Present: Supervisors Donalty, Kolczynski, Chatfield, Eygnor, Groat and Miller, County Administrator Rick House, Fiscal Assistant Brian Sams, Deputy Director of Mental Health/County Compliance Officer Ed Hunt, Board of Elections Commissioners John Zornow and Mark Alquist and County Attorney Dan Connors. Supervisor Lasher was not present for the meeting.

Minutes from the December Committee meeting were approved as written.

Supervisor Kolczynski questioned why this Committee reviews transmittals referred from other Committees since they have no power to reject them. The Secretary of the meeting noted it has been the philosophy of the Board to allow the Government Operations Committee, who oversee personnel issues, to have an opportunity prior to the full Board meeting to review personnel requests. Mr. Groat noted, in 2008 the Board of Supervisors went from a 14 to a 7 Standing Committee structure, at that time language was included that stated issues related to personnel would be referred to the Government Operations Committee. After a brief discussion, it was agreed language in the 2008 resolution approving the new Standing Committee structure would be reviewed. (The meeting Secretary provided the County Administrator and County Attorney with a copy of this document after the meeting.)

The following transmittals were referred to the Government Operations Committee:

--Authorization to create and fill the position of full-time Motor Vehicle Operator at the Veterans Service Agency and abolish the position of part-time Motor Vehicle Operator and amend the budget. No additional County funds are needed for the change in positions. Approved 4-0.

--Authorization to accept a medical accommodation for the Emergency Management Operations Manager who worked from home while unable to come into the Office due to a medical issue. The request is to reimburse the employee's sick leave accruals by 110 hours while they were at home working. Mr. House stated there is no County policy on compensation for employees who work from home, unless it is related to COVID. Mr. House noted this is a managerial/confidential employee; however, he believes there will be a reaction by Unions if approved. He will work with the County's Human Resource Director and develop a tele-work policy for managers and key staff in Departments. Approved 4-0.

Mr. Hunt provided a copy of the County's Compliance Plan Handbook with noted changes. The document was sent to Committee members prior to today's meeting. For those new to the Committee, Mr. Hunt reviewed the role and duties of the County's Compliance Officer. He stated the Handbook is reviewed on an annual basis by Compliance Committee members for any updates/changes needed. During the most recent review it was agreed some wording in the Handbook would be changed; the changes were hi-lighted in the document.

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Mr. Hunt presented the following transmittals:

--Authorization for the Board of Supervisors to adopt an updated version of the Wayne County Compliance Plan to include the following additions:

### EXCLUSION:

Wayne County, as an entity that receives Federal health care funding, will not employ or do business with any person or entity who is excluded by the Office of Inspector General from any Federal health care program and/or the Office of Medicaid Inspector General.

### NON-INTIMIDATION AND NON-RETALIATION:

Wayne County strictly prohibits intimidation, retaliation, discrimination, harassment, or any other adverse action by management or any other person or group, directly or indirectly, either against any individual or group for good-faith participation in the Wayne County Compliance Program, including but not limited to:

- reporting potential issues;
- investigating issues;
- self-evaluations;
- audits and remedial actions; and
- reporting to appropriate officials;

for reporting a potential violation of the Compliance Program; or for other misconduct in good faith as provided in Sections 740 and 741 of the New York State Labor Law.

### JOB DUTIES:

The Compliance Officer is responsible for oversight, direction and/or approval of the: (this additional listing will be included)

- Facilitate and monitor routine exclusionary checks of all employees, interns, board members and business associates.

### PROTECTIONS:

As per New York Social Services Law Section 363-D - Provider compliance program, communication lines shall include a method for anonymous and confidential good faith reporting of potential compliance issues as they are identified.

It was agreed a copy of the County's Compliance Plan would be electronically sent to all Supervisors following this meeting. Approved 4-0.

--Authorization for the Board of Supervisors to adopt an updated version of the Wayne County Ethic's Policy to include the following:

### SECTION 14. NEPOTISM

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism (or the perception of such), and negatively impact morale. Decisions concerning the employment, evaluation, promotion and compensation of personnel should be based on considerations of individual merit. Wayne County hires, promotes and transfers employees based on individual merit.

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### DEFINITIONS:

Relative: employee's spouse or ex-spouse, children, step-children, parents, step-parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, or members of an employee's household.

Mr. House stated nepotism is an issue in the County, as many family members work for the County and in larger Departments it can be several family members. Mr. Hunt stated the need for Department Heads to be mindful of these situations; that is why he would like to see this added to the County's Ethics Policy. Mr. Kolczynski questioned if this change would have an effect on Board of Supervisors Committee assignments; he was informed it would not. If an issue comes before a Board member that involves the hiring, promotion, transfer, compensation, evaluation and/or discipline of a relative the Supervisor would need to recuse themselves from the vote. A lengthy discussion took place on who should be listed as a relative. It was agreed this request would be held until additional detail could be put into the naming of relatives.

Supervisor Miller left the meeting at 9:40 a.m.

Mr. Alquist presented a transmittal requesting authorization for the Chairman of the Board to sign a contract extension for Elections' Cybersecurity Remediation Grant. This will allow for an extension in the date of expenditure of grant funds. Approved 4-0.

Mr. House stated the need for the County to financially prepare for the replacement of voting machines. Mr. Zornow said an application was made for ARPA funding for this purpose; however, it was not funded. He said the units need to be replaced because of age and technology. Mr. Kolczynski questioned if school districts would want to purchase the old voting machines from the County.

The monthly report for the County Attorney's Office was distributed with the agenda. The Office drafted and/or reviewed 21 contracts, 53 insurance certificates and two accident reports. Staff responded to 30 Freedom of Information (FOIL) requests. Mr. Connors noted over \$60,000 has been paid out for collisions Sheriff's Office vehicles have been in. Mr. Kolczynski questioned if a County employee is involved in an accident with a County vehicle that is their fault has to undergo any special training; he was informed there is not.

The Annual Report for the County Attorney's Office was received and filed. The Office handled nine civil claims against the County in 2021; staff prepared and/or reviewed 384 contracts and reviewed 429 insurance certificates. The Office was involved in six disciplinary grievances, six contract grievances, and eight disciplinary matters. There were 42 Juvenile Delinquent cases handled during 2021 and three Persons in Need of Supervision (PINS) cases. Staff responded to 414 FOIL demands and reviewed 52 applications for poor person and/or assigned counsel. Mr. Connors stated the Office is also responsible to assist the Board with legal issues, personnel contractual issues and issue legal opinions as requested.

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The Committee was informed there were 12 full-time and four part-time new hires during December and 31 resignations and four retirements. A total of 278 employees have utilized a COVID benefit totaling 10,497 hours of work time, costing nearly \$300,000.

Mr. House stated he will be applying for a \$1 million grant through the State for a County mask mandate education/enforcement plan. Funding will be used to develop a plan that includes a strong emphasis on education. The Sheriff's Office will respond to complaints relating to businesses. There is information on the County's webpage about masking and requirements for businesses. Municipal Code Enforcement Officers can take action under certain State violations if businesses do not follow the State mask mandate. Mr. House will keep the Board updated on the status of this grant application.

The Human Resource Office recently requested documentation from every Department on the COVID vaccination status of their staff. Mr. House voiced concern that the Federal Government is requiring certain actions for non-vaccinated staff members in businesses with over 100 employees; however, have put no mechanism in place to support it. As it currently stands, employees in a large business, including municipalities, have to have weekly COVID testing if they are not fully vaccinated. Mr. House is concerned about the cost of test kits and the cost in labor to perform these tests.

Managerial/confidential staff performance appraisals are now being accepted.

Mr. House presented a transmittal requesting authorization to create a Geographic Information System Department, the position of full-time Coordinator and amend the County budget. The salary for the position will be \$58,896. The amount needed to be transferred from the General Fund for the Department and position at this time is \$83,496. It was noted the position, although managerial, will still require Civil Service testing. Approved 4-0.

The meeting adjourned at 10:39 a.m. The next meeting of the Government Operations Committee is scheduled for Thursday, February 3<sup>rd</sup> at 9:00 a.m.