

## MINUTES

Approved 10-9-09

### GOVERNMENT PERFORMANCE AND WORKFORCE RELATIONS COMMITTEE

**AUGUST 14, 2009 3:30 P.M. SCOTT HEYMAN CONFERENCE ROOM**

Present: N. Shinagawa, Chair; J. Dennis; M. Hattery; D. Kiefer; L. McBean-Clairborne (arrived at 3:42 p.m.)  
Staff: C. Covert, Clerk of the Legislature; G. Potter, Information Technology Services Department; A. White, Information Technology Services Department; P. Nowakowski, Information Technology Services Department; N. Jayne, County Administration; L. Rose, Finance Department; J. Wood, County Attorney; D. Squires, Finance Director; A. Smith, Personnel Department; J. Mareane, County Administrator; J. Kippola, Contracts Coordinator; M. Lynch, Public Information; P. Younger, Deputy County Administrator; A. Fitzpatrick, Personnel Commissioner  
Guests: Roger Lusins and Sandy Hinkley, Lawson Software, Inc.

#### **Call to Order**

Mr. Shinagawa called the meeting to order at 3:34 p.m.

#### **Changes to Agenda**

Mr. Wood requested an executive session following the presentation on the Human Resources and Payroll project to discuss risk management and lawsuits.

#### **Presentation – Human Resources and Payroll Project**

Mr. Potter said over the past two years a County team has been working on this project and recently went through interviews following a Request for Proposals (RFP) process. He introduced Angie White of the Information Technology Services (ITS) Department who provided the following background information:

During Phase I a Core team was established with staff from the Departments of ITS, Finance, Personnel, and County Administration. A Business Process Analysis was developed and vendor demonstrations were conducted. The team concluded the best option was to issue an RFP.

In Phase II, the RFP was written and distributed. The team, after expanding its members to include staff from Probation and Health Departments, and having conversations with the Departments of Social Services, County Clerk, and the Divisions of Airport, Highway, and Facilities met with the five companies that responded. Following the interviews, Lawson Software, Inc., was unanimously chosen.

Upon approval by the Legislature, Phase III would include:

- Check vendor references and participate in site visits with current customers of Lawson Software, Inc.
- Review further technical and administrative support of Lawson Software, Inc.
- Determine long-term maintenance and operating costs
- Finalize contracts with Lawson Software, Inc., and Kinsey & Kinsey, Inc. (implementation vendor)

Phase IV is the installation and implementation stage.

Ms. White introduced Sandy Hinkley and Roger Lusins of Lawson Software, Inc., who provided an overview of their company and a lengthy demonstration of their software products and systems.

Mrs. McBean-Clairborne arrived during the demonstration.

Mr. Hattery asked if shared services with other municipalities could be an option for the County. Mr. Hinkley said that is encouraged and said it is currently being done elsewhere. There are consortium models where multiple cities or county governments have come together in various states. Mr. Potter also stated that the licensing also allows it and said the systems are very flexible.

In response to Ms. Kiefer's question about site visits, Mr. Potter said three conference calls have been made and site visits are in the process of being scheduled.

Mr. Hattery asked what the annual maintenance cost would be. Mr. Potter said the costs for the project have been negotiated through 2010. The typical annual cost for maintenance is approximately \$40,000.

Mr. Hinkley stated in response to a question, that the firm Kinsey and Kinsey has been Lawson's preferred partner since the mid 1990's.

Resolution

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval.

Mr. Dennis spoke of his confidence in staff involved and is comfortable with moving this project forward.

Mr. Shinagawa commented that staff has been working on this project for two years and he supports moving it forward as well.

In response to Mrs. McBean-Clairborne's question about the cost of the project, Mr. Potter explained how the budget was established and said the estimate is in line with and comparable to other similar projects. Mrs. McBean-Clairborne also asked if there were any savings to the County. Mr. Squires said currently it is a labor-intensive process and the amount of paper that is required to be permanently maintained for records is extensive. He also commented that the current system does not provide the information employees need.

Following further discussion, a voice vote resulted as follows: Ayes – 5, Noes – 0.  
RESOLUTION CARRIED.

**RESOLUTION NO.                    AWARD OF CONTRACTS - PURCHASE AND IMPLEMENTATION  
OF HUMAN RESOURCES AND PAYROLL SYSTEM**

WHEREAS, Tompkins County has identified the need to upgrade and/or replace the payroll and various human resource applications based on current technology and other business-process and data management requirements as documented by the Human Resources and Payroll Project Team, and

WHEREAS, the Human Resources and Payroll Project Team has thoroughly documented project requirements, reviewed alternatives, and solicited for proposals in accordance with established Tompkins County and New York State purchasing procedures, and

WHEREAS, five (5) proposals were received, reviewed, and evaluated based on criteria documented in Section 3 of the Request for Proposals, Human Resources and Payroll System, dated April 22, 2009, and

WHEREAS, the Human Resources and Payroll Project Team and the Information Technology Services Department unanimously recommend the project be awarded to Lawson Software, Inc., and Kinsey and Kinsey, Inc., now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Administrator, or his designee, be authorized to execute contracts for project components based on the not-to-exceed amounts as follows:

Software Contract	Lawson Software Inc., St. Paul, MN	\$233,414
Implementation Contract	Kinsey and Kinsey Inc., Glen Ellyn, IL	\$344,870

RESOLVED, further, That the Information Technology Services Department be authorized to implement these contracts on behalf of the County, funds being available in Capital Account No. 1688.54442.

**SEQR ACTION:** TYPE II-20

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**Report from the Committee Chair**

Mr. Shinagawa said he did not have a report.

**Report from the County Attorney**

Executive Session

It was MOVED by Mr. Hattery, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to hold an executive session to discuss litigation matters. An executive session was held at 4:35 p.m. and returned to open session at 4:56 p.m.

**Report from the County Administrator**

Mr. Mareane said he did not have a report.

**Report from the Finance Director**

Mr. Squires reported that over the last three years delinquent taxes returned to the County have remained flat. The number of properties subject to foreclosure in the upcoming year has also declined; he believes the certainty of enforcement is a result.

Mrs. McBean-Clairborne asked about pension payments made by the County. Mr. Squires noted the latest rates have not yet been received. Mr. Mareane reported the numbers he received from the State Budget Office predicted future payments as follows: 2009 – 7-7.5%; 2010 – 11%; 2011 – 17+%; and 2012 – 24%.

**Report from the Personnel Commissioner**

*Ms. Fitzpatrick reported that Sue Greener from TC3.Biz has been invited to attend the next Committee meeting to give an update on the Supervising for Success series. The first group has completed the first level courses and a graduation ceremony is being planned.*

**Public Information Officer Report**

Ms. Lynch said the Public Information Advisory Board continues to develop strategies for community outreach for the 2010 budget. A small group met yesterday to discuss the use of social networking such as Facebook. They are also looking at ways to take the message on the budget out to the people and asking Legislators to assist in this area.

**Report from the Workforce Diversity and Inclusion Committee**

Mrs. McBean-Clairborne said interviews for a project assistant will be held next week. There were eight applicants and four interviews are scheduled.

**Administrative Manual Policies**

Policy 01-23 – Smoking

Ms. Kiefer commented on the County Attorney’s suggestion that in the Reference section the County Code should be referenced and not local laws. Ms. Kiefer said after looking at several policies, she believes the local law and the year it was adopted should be included. Ms. Kiefer questioned what “mass transportation” meant. Ms. Younger said it is a global statement to cover any transportation operated by the County.

Mrs. McBean-Clairborne asked if policies have an enforcement section. For example, what happens if an employee or member of the public smokes at an entrance to a county-owned building. A brief discussion followed and no further suggestions were made.

Ms. Kiefer questioned the policy template and recalled the information under the Reference section is supposed to read: “(All Applicable Federal, State and Local Laws)“. Ms. Younger agreed and said she would follow up on it.

**SMOKING**  
(Title)

<b>Objective:</b>	To establish policy regarding smoking in County –maintained facilities, including offices, hallways, bathrooms, stairs, mechanical and cleaning areas, vehicles or mobile equipment, conference/meeting rooms and other interior work areas.	<b>Policy Number:</b>	01-23
<b>Reference:</b> (Laws both state and local)	County Code, Chapter 72, Article I; County Code, Chapter 72, Article II New York State Clean Indoor Air Act of 2003	<b>Effective Date:</b>	June 7, 1983
		<b>Responsible Department:</b>	County Administration
		<b>Modified Date (s):</b>	May 19, 1992
<b>Legislative Policy Statement:</b>		<b>Resolution No.:</b>	89-001 90-006
<b>General Information:</b>		<b>Next Scheduled Review:</b>	July, 2012
<b>I. Definitions</b>			

**II. Policy:** County Code, Chapter 72, Article I prohibits smoking in any County-owned or occupied buildings or vehicles. The New York State Clean Indoor Air Act (Public Health Law Section 1399-o) and County Code, Chapter 72, Article II, prohibit smoking in places of employment, restaurants and, taverns to protect employees and the public from second-hand smoke.

In compliance with state and local laws, smoking, or carrying a lighted cigar, cigarette, pipe, or any other form of smoking object or device, is not permitted by any employee, official, client, or the public in any County building, vehicle, mobile equipment, any means of mass transportation operated by the County, and any other areas where the use of tobacco is prohibited by fire codes or State Regulations.

**Procedure:** Signage (stickers) will be maintained at entrances of all County-owned buildings indicating a smoke-free area within 30 feet from the building. The intent is to provide smoke-free entryways, pedestrian walkways, and adjacent seating areas for County employees or for the public engaging in County business.

Policy 01-24 – Drug-Free Workplace

Ms. Kiefer suggested and the Committee agreed to accept the changes as highlighted below in the policy:

- Remove the numbers in each paragraph;
- Add the following two guidelines to the Drug Testing section:  
Commercial Drivers' License (CDL) drivers at Public Works are required to participate in random drug and alcohol testing year-round. They are also subject to mandatory post-accident drug and alcohol testing and sign an affidavit annually that they have received training related to this requirement.  
  
Sheriff's Deputies are also subjected to drug and alcohol screening, post-offer of employment, as part of the medical and agility testing requirements of Section 58 of Civil Service Law. They are not subject to ongoing testing after employment begins, unless involved in an accident or incident that warrants a direct order for testing from the Sheriff.
- Move the Legislative Policy Statement to the General Policy section and under Definitions add the definition of a drug-free workplace; and
- Add a new Legislative Policy Statement: "To maintain a drug-free workplace."

**DRUG FREE WORKPLACE**

*(Title)*

<b>Objective:</b>	To establish a County policy regarding a drug-free workplace.	<b>Policy Number:</b>	01-24
<b>Reference:</b> <i>(Laws both state and local)</i>	Federal Drug Free Workplace Act of 1988 (effective March 18, 1989) Federal Omnibus Transportation Employee Testing Act of 1991 49 Code of Federal Regulations, Part 40	<b>Effective Date:</b>	July 11, 1989
		<b>Responsible Department:</b>	County Administration

**Legislative  
Policy  
Statement:  
General  
Information:  
I. Definitions**

**Modified  
Date(s):  
Resolution No.:**

**Next Scheduled Review:** July, 2012

**II. Policy:** As a federal grant recipient within the meaning of the Drug-Free Workplace Act of 1988, Tompkins County is required to certify to granting federal agencies that it maintains a drug-free workplace.

The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited in any workplace or work site associated with employment for Tompkins County. As a condition of employment, each employee is required to abide by the conditions contained in the following:

**Procedure:**

**Convictions**

1. Each employee is required to notify the Personnel Office of any criminal convictions involving the use of illegal drugs in the workplace within five (5) days after such conviction.
2. If a federal grant, or federal contract over \$100,000, is involved in the work performed, the grant agency will be notified within ten (10) days after receiving notice of conviction.
3. Within thirty (30) days after receiving notice of a workplace drug abuse conviction, the Personnel Office will take appropriate disciplinary action, including but not limited to: requiring the employee to participate in a drug-abuse or rehabilitation program approved by the County Personnel office; suspension subject to applicable statutory proceedings; termination subject to applicable statutory proceedings; and any other disciplinary action or combination as determined appropriate.

*Drug-free Awareness Program*

4. Tompkins County will establish and foster a Drug Free Awareness Program to inform employees of: the dangers of drug abuse in the workplace; the County's policy regarding a drug-free workplace; the programs available for drug counseling and rehabilitation; and penalties that may be imposed for a workplace drug-abuse violation.

The County offers an Employee Assistance Program (EAP) that is totally confidential and available to all employees and their immediate families. The EAP provides professional services to employees whose job performance is, or may be, adversely affected by alcoholism, emotional difficulties, drug dependence, family discord, or other personal problems.

**Drug Testing**

5. The Federal Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation

employees in aviation, trucking, railroads, mass transit, pipelines and other transportation industries. The U.S. Department of Transportation publishes rules on who must conduct drug and alcohol tests, how to conduct those tests and what procedures to use when testing. These regulations cover all transportation employers, safety-sensitive transportation employees and service agents. Encompassed in 49 Code of Federal Regulations Part 40, the Office of Drug & Alcohol Policy & Compliance publishes, implements and provides authoritative interpretations of these rules.

Further details may be obtained from the Personnel Office.

Policy 01-25 – Open Meetings

*Ms. Kiefer asked if the section of the policy pertaining to minutes is consistent with the existing Administrative Manual Policy regarding minutes and asked that this be followed up on. She suggested adding to the fourth paragraph, second sentence, the words "...Freedom of Information law within at most two weeks..."*

*Mrs. McBean-Clairborne asked if this policy also included accessibility to meetings not just open meetings such as handicapped accessibility. Mr. Shinagawa believes this should be followed up on to see if there is another policy that addresses it. Mrs. Covert agreed to look into this matter.*

**OPEN MEETINGS**

*(Title)*

<b>Objective:</b>	To establish procedures for Tompkins County's compliance with the Open Meetings Law	<i>Policy Number:</i> 01-25
<b>Reference:</b> <i>(Laws both state and local)</i>	Public Officers Law - Article 7 (Open Meetings Law)	<b>Effective Date:</b> March 1, 1983
		<b>Responsible Department:</b>
		<b>Modified Date (s):</b>
<b>Legislative Policy Statement:</b>	It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this County be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.	<b>Resolution No.:</b>
<b>General Information:</b>		<b>Next Scheduled Review:</b>

**I. Definitions**      Meeting is defined as the official convening of a public body for the purpose of conducting public business.  
Public body is defined as any entity for which a quorum is required in order to conduct public business and that consists of two or more members, performing a governmental function for the County or for an agency or department thereof, or for a public corporation as defined in Section 66 of the General Construction Law, or a committee, subcommittee, or other similar body of such public body.  
Executive Session means that portion of a meeting not open to the general public, as outlined in the provisions of Article 7 of the Public Officers Law.

**II. Policy:  
Procedure:**

1. All meetings of the Legislature and of all committees, standing, ad hoc or special, of the Legislature, and of all boards, committees, commissions and other groups whose members are appointed by the Legislature, shall be open to the public.
2. Executive sessions may be voted by a majority of the total membership only after the body convenes in public. While in executive session, no action by formal vote shall be taken to appropriate public moneys. Executive sessions may only be voted when the subject matter to be discussed falls under the provisions of Article 7 of the Public Officers Law.
3. Public Notice. **(a)** Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two (72) hours before such meeting. **(b)** Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto. **(c)** It shall be the responsibility of each committee, board, or subcommittee chair to notify the Clerk of the Legislature of meeting times, locations, and subjects. It shall be the responsibility of the Clerk of the Legislature to notify the public and the news media.
4. Minutes. **(a)** Minutes shall be taken at all open meetings of a public body, which shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon. **(b)** Minutes of executive session must consist of a record or summary of the final determination of action that was taken, and the date and vote thereon. However, such summary need not include any matter not required to be made public by the Freedom of Information Law. **(c)** Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the Freedom of Information law within at most two weeks from the date of such meeting except that minutes of an executive session when action was taken shall be available to the public within one week from the date of the executive session.

Policy 01-27 – Sale of County Publications

The proposal is to delete this policy from the Administrative Manual. Ms. Kiefer spoke of her belief that there needs to be a statement in a separate policy that it is the Legislature's policy that the County make information available to the public as cheaply as possible and not profit on requests even if State law allows a higher charge.

**SALE OF COUNTY PUBLICATIONS**  
(Title)

<b>Objective:</b>	To establish procedures for regulating the sale of County-produced publications	<b>Policy Number:</b>	01-27
<b>Reference:</b> (Laws both state and local)	Budget and Capital Committee	<b>Effective Date:</b>	January 12, 1981
		<b>Responsible Department:</b>	
		<b>Modified Date (s):</b>	June 15, 1993
		<b>Resolution No.:</b>	
		<b>Next Scheduled Review:</b>	
<b>Legislative Policy Statement: General Information:</b>			
<b>I. Definitions</b>			
<b>II. Policy:</b>			
<b>Procedure:</b>	County departments often produce publications as a by-product of the work of the department. A price reflecting the actual printing cost should be charged for each County-produced publication, unless the department involved has the resources to provide copies at a lower cost or at no cost and considers this to be a service of the department.		

Policy 04-03 – Attendance and Pay Compensation Rules

In response to a question from Mrs. McBean-Clairborne concerning the units of one-tenth of an hour, Mr. Squires explained the County's system. Ms. Kiefer suggested adding to the Reference section Applicable Civil Service Rules, Union Bargaining Agreements, Family and Medical Act and others mentioned throughout the policy. She also referenced the Legislative Policy Statement and stated it could read: "All Tompkins County employees are expected to fulfill conditions of employment by being on-time and working full days."

Ms. Kiefer said the policy refers to "time cards" and said that may need to be changed in the future when the new payroll system is implemented. She also asked if there was a form used when an employee requests time off without pay. Ms. Fitzpatrick explained that often e-mail is used and that a standard form does not exist. Ms. Kiefer said she would like to see that section more accurately reflect current practice. Further discussion continued and the Committee agreed that language should be added that the department head is authorized to approve or disapprove the request and send it to the Personnel Department. Ms. Kiefer requested the word "tardiness" be changed to "lateness" in paragraph two. Ms. Kiefer questioned the word "Pay" in the title and the Committee agreed to remove it.

**ATTENDANCE AND PAY COMPENSATION RULES**  
(Title)

<b>Objective:</b>	To establish attendance and pay compensation rules for Tompkins County employees	<b>Policy Number:</b>	04-03
<b>Reference:</b> (Laws both state and local)	Office of the County Administrator	<b>Effective Date:</b>	January 12, 1981

		<b>Responsible Department:</b>	<i>Personnel</i>
		<b>Modified Date (s):</b>	April 8, 2009
<b>Legislative Policy Statement:</b>	Tompkins County employees will be paid only for hours worked or for those charged to fringe benefit time that the employee has accumulated.	<b>Resolution No.:</b>	81-002
<b>General Information:</b>		<b>Next Scheduled Review:</b>	<i>July, 2012</i>
<b>I. Definitions</b>	Lateness - computed from the normal starting time for each employee's regularly scheduled shift in units of one-tenth of an hour.		

**II. Policy:**

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**Procedure:**

1. Lateness is not condoned. Each County employee is expected to abide by the hours established and approved for their position. However, it is recognized that certain circumstances may result in an employee reporting late to work. If an employee is late, the time must be accounted for under the employee's fringe benefits (Compensatory Time Off, personal leave, or vacation). For those employees entitled to sick leave, this can only be used if the employee was sick. If the employee does not have any available fringe time, he/she will not be compensated for the time absent. The time card must show actual arrival time. The Department Head reserves the right to alter the employees work schedule in order to allow the employee to work their standard work hours for the week.
2. Upon arrival at work, an employee who is late must notify the supervisor so that arrival time is known.  
 If an employee shows a pattern of unexplained or unapproved absences or tardiness a department head may elect to take action employee discipline as specified through the appropriate bargaining agreement.

**TIME OFF WITHOUT PAY**

3. Occasionally an employee will need to take time off for personal reasons and will have used up all available fringe time (Compensatory Time Off, personal leave and vacation). Department heads are authorized to grant employees in their department up to the equivalent of one full department workweek (35 or 40 hours) as time off without pay. Time off without pay exceeding one full department workweek may not be taken without an official leave of absence ([see Policy 03-16](#) and the applicable bargaining agreement). Employees desiring any time off without pay must make a request in writing to their department head, allowing sufficient time for the request to be considered. The department head should sign the request if it is approved and return a copy to the employee and one to the Personnel Office. Department heads must request leave of absence without pay from the County Administrator.
4. For all other unpaid leaves not specified in this policy, please reference the applicable bargaining agreement.

**Resolution**

It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve and submit the following resolution to the full Legislature for approval:

**RESOLUTION NO. - APPROVING REVISIONS AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY GOVERNMENT ADMINISTRATIVE POLICY MANUAL**

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review and/or updates to the County Administrative Manual and improving manual currency by fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policies and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

- Policy 01-23: Smoking;
- Policy 01-24: Drug Free Workplace;
- Policy 01-25: Open Meetings;
- Policy 01-27: Sale of County Publications; and
- Policy 04-03: Attendance Rules, and

WHEREAS, these policies also have been reviewed by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the following revised Administrative Policies and Procedures are hereby adopted:

- Policy 01-23: Smoking;
- Policy 01-24: Drug Free Workplace;
- Policy 01-25: Open Meetings; and
- Policy 04-03: Attendance Rules

RESOLVED, further, That Administrative Policy 01-27 - Sale of County Publications is hereby abolished.

**SEQR ACTION: TYPE II-20**

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**Appointment – Board of Directors of the Greater Tompkins County Health Insurance Consortium**

Mr. Shinagawa noted that appointments for a delegate and an alternate need to be made. Following a brief discussion, it was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to appoint Anita Fitzpatrick to the Board of Directors of the Greater Tompkins County Health Insurance Consortium as the County’s representative. MOTION CARRIED.

Further discussion followed and it was MOVED by Ms. Kiefer, seconded by Mr. Hattery, to appoint Steve Estes as the alternate to the Board of Directors of the Greater Tompkins County Health Insurance Consortium. A voice vote resulted as follows: Ayes – 4; Noes – 1 (McBean-Clairborne). MOTION CARRIED.

**Approval of Minutes**

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Dennis, and unanimously adopted by voice vote, to approve the minutes of the July 10, 2009, meeting as submitted. MINUTES APPROVED.

**Adjournment**

On motion, the meeting adjourned at 5:50 p.m.