FINANCE AND RULES COMMITTEE MEETING
August 20, 2019

Present: Legislators Bryan Moser, Tom Osborne, Richard Chartrand, Ron Burns and John Lehman

Others: Legislators Larry Dolhof, Jerry King, Randy LaChausse, Greg Kulzer and Andrea Moroughan, County Manager Ryan Piche, County Attorney Joan McNichol, HR Director Caitlyn Smith, Election Commissioner Ann Nortz; and Reporters Nick Altmire, and Julie Abbass

Committee Chairman Bryan Moser called the meeting at 5:12 p.m.

Legislator Chartrand made a motion to approve the 7/23/19 committee meeting minutes, seconded by Legislator Osborne and carried.

Human Resources Director/Personnel Officer Caitlyn Smith presented an overview of the NYS Retirement System (attached).

The following agenda docket items were reviewed:

1. Local Law Intro. No. 4-2019 “AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW (A/K/A “2% TAX CAP” FOR LEWIS COUNTY 2020 BUDGET and Resolution to set public hearing for 10/1/19 at 5:00 p.m. Approved.

2. Resolution to adopt Local Law No. 4-2019 “CONTINUING AN ADDITIONAL MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY Situated in LEWIS COUNTY”, through 10/31/22. Approved.

3. Resolution to transfer Capital Equipment funds into County Clerk’s accounts to purchase a printer for DMV office operations for $242.49. Approved.

4. Resolution to transfer Special Legislative Contingency funds into County Manager travel account to fund the trip to Washington D.C. in the amount of $1,500. Approved.

5. Resolution to transfer from Contingency to County Clerk accounts for additional rent expenses and five (5) privacy screens the amount of $7,129.95. Approved.

6. Resolution to appropriate Capital Equipment funds in County Clerk’s accounts to purchase a locking cabinet in the amount of $642.43. Approved.

7. Resolution to amend Standing Rules of the Board of Legislators as follows: Amend Rule VIII GENERAL PROVISIONS: Subsection “Committees” to amend Section 1. (d) to delete the word “Only” for the section to read “Those resolutions receiving a majority vote of the committee shall be forwarded for action by the full Board at the next scheduled Board meeting.”; and Amend Sub-section entitled “Committee Rules for Legislators”, Number 2. to read “Any Legislator may bring any jurisdictional issue directly to the Board of Legislators with either a positive or negative recommendation.” Citing confusion or differing understanding of the rules, Legislator Moser asked for Legislators’ opinions on the process of Jurisdictional Committees reviewing personnel
requests and then Finance and Rules reviewing; as well as other jurisdictional procedures. His goal is for consistency. Ryan Piche cited the rule that allows any committee to bring any jurisdictional issue to the full Board with a positive or negative recommendation. Legislator Chartrand’s stated understanding is if a docket was voted down, the issue could still be presented. Ryan cited the Roberts Rules of Order that allow any Legislator the discretionary right to sponsor a resolution. Legislator Moser suggested, for discussion, that a docket item require a super majority or 4 out of 5 votes for the Committee to stop an action. Legislator Osborne would like the ability for any action to go to the full Board regardless of the Committee’s vote. Legislator Moser said that if a docket is voted down by the Committee, a member could still move the action forward. Legislator Kulzer inquired the reasoning for having Committees if their votes are meaningless. Legislator Chartrand stated that if any Legislator is dissatisfied, they may present any issue to the full Board.

Legislator Moser recalled only one Resolution adopted during his tenure on the Board that was in contrary to the Committee’s recommendation, although he could not recall the specific issue. Legislator Chartrand understood one of the reasons for expanding from 3 to 5 members on Committees was so that two Legislators could not prevent an action being forwarded for Board consideration, realizing the number was now only three. Legislator Osborne recognized the fact that three Legislators could prevent five non-jurisdictional Legislators from voting on an issue. Legislator King stated that committees could have full discussion on jurisdictional issues, but regardless of the vote, all issues should be presented and considered by the full Board. Legislator Lehman said issues would be discussed by jurisdictional committees, but there would be no vote until presented to the full Board.

This docket was approved by a vote of 3 to 2 with Legislators Moser and Lehman opposed.

8. Resolution authorizing reclassification of DSS Office Manager (Grade 21) at $22.39/hr. to Office Manager II (Grade 24) at $22.47/hr. The CSEA agreement allows the union to request reallocation of titles in the CSEA salary grade plan; and the Human Resources Director had conducted a classification review and point factor analysis which identified duties and responsibilities and other factors which support the reclassification. DSS Commissioner Jenny Jones also supports the reclassification. HR Director Caitlyn Smith explained the upgrade would equate $1,780 additional salary over the next four years, plus longevity. Mr. Boulio’s independent evaluation supports an upgrade to Grade 24. There may be a potential grievance if the upgrade is not approved.

This docket was defeated by a vote of 2 to 3 with Legislators Moser, Lehman and Osborne opposed.

9. The Board had tabled Resolution 283-2019 to establish a Lewis County Management Salary Plan and referred back to committee. The Committee received an updated and amended salary plan and Step Schedule. Legislator Moser cited that Legislators are to complete performance evaluations for the Clerk of the Board, County Manager and County Attorney. The County Manager conducts all Department Head evaluations, and the Human Resources Director retains and signs off on all evaluations. Legislator Moser took exception to the County Attorney signing off on the Human Resources Director evaluation, suggesting that the Finance and Rules Committee do so.
Legislator Chartrand cited standard evaluations for management personnel, whereby an average rating would warrant a step increase average of 2% plus the average union increase of 2%. He feels there should be expectation of performance above average to be eligible for the step increase. Legislator King agreed, stating if an employee’s evaluation indicates room for improvement that doesn’t occur there should be no salary increase. Legislator Moser stated that someone with bad performance should not get a step increase. Legislator Kulzer would like performance evaluations to remain as they are, invoking accountability to the taxpayers. Legislator Moroughan agreed that Legislators are accountable to the taxpayers to hold spending down. Legislator Moser stated that within 11 years, the proposed salary plan would move every management employee to the top of their salary step schedule, noting that no other employee sector has that advantage. Legislator Osborne deemed that management personnel would be treated like union employees. He agreed that Legislators should save where they can, believing salary increases should be approved based on merit, willing to approve higher than average salary increases if warranted. Legislator Moser recalled the Board previously approving higher than average rate increases for management staff when their salary was below that of an employee under their supervision. Legislator Dolhof suggested authorizing the County Manager discretion to determine management salary increases up to a maximum percentage rate set by the Board. Legislator Chartrand referenced the Hospital’s salary procedures that authorize the CEO to determine annual increases based on merit up to a maximum aggregate allocation, suggesting that as a possibility.

Ryan Piche stated there are some 30-year tenure employees who are still at their respective minimum wage scale. Legislator Moser invoked the NYS Retirement System guarantees tenured County employees a pension, which is unique to any other employment sector, and must be considered in the overall scope. Legislator Osborne stated he would be willing to accept the County Manager’s recommendations.

In consideration of the various voiced objections to the proposed policy and step schedule, HR Director Caitlyn Smith, Ryan Piche and Atty. McNichol were asked to research the Hospital’s procedures and report to the Committee for further consideration.

10. Resolution to re-appoint Candy C. Akin as Lewis County Real Property Tax Director for a six (6) – year term from 10/1/19 – 9/30/25. Approved.

11. Resolution appointing individuals to fill un-expired term of previous members on the Lewis County Labor-Management Safety Committee: Human Resources Director Caitlyn Smith, CSEA President Julie Harris and Hospital Union Steward Kelly Balash. Terms start on September 4, 2019 and go through April 6, 2020. Approved.

12. Resolution to set the computation for 2020 Workers’ Compensation participant assessments for the Lewis County Self-Insurance Plan; 50% of the assessment shall be
apportioned to claims experience based on actual 2016, 2017 and 2018 expenses capped at $50,000 for any one claim per annum; 30% shall be based on proportionate 2018-2019 gross payroll figures, and 20% on proportionate full property valuation. Terry Clark submits increasing the experience rating apportion expense from $40,000 to $50,000 is justified due to increasing average weekly wages that equate to higher schedule loss of use awards and settlements, the 10-15% increase for all conversion factors for medical treatment fees, and the State’s approval of several new categorical treatment providers that were heretofore not authorized. **Approved.**

13. Resolution to transfer Special Legislative Contingency of $2,000 to cover Employee Appreciation Lunch. **Approved.**

14. Resolution to transfer Special Legislative Contingency of $2,000 for the Harrisville Fire Department truck allocation. **Approved.**

15. Resolution to Abolish Registered Professional Nurse (RPN), permanent full-time, Grade 33; and Create Public Health Nurse (PHN), permanent full-time, Grade 35, and authorize Director Ashley Waite to fill effective August 5, 2019. **Approved.**

16. Resolution to authorize agreement with Lowville Food Pantry to assist with their van and trailer project in the amount of $2,000. **Approved.**

In response to Legislator King, Legislators will anticipate further discussion in regard to a new building construction project at the September 3rd board meeting.

Legislator King requested a Resolution to authorize an agreement and $2,000 allocation to every Fire Department in the County for equipment or materials used to provide services. He asked that the resolution be introduced by all Legislators.

Legislators had been provided a proposed agreement from Chris Boulio for union negotiation services. Legislator King and others stated favor for Atty. Alan Peterman who had previously provided negotiating services. Atty. McNichol would obtain attorney proposals to be considered.

Caitlyn Smith asked the Board’s consideration of the distributed annual employee engagement survey questions.

Legislator Chartrand referred to posed Fire Department allocations, indicating other worthy agency requests could be considered at the end of the year when the County budget status was better known. Legislator King deemed it difficult to deliberate additional budget allocations mid-year, urging agency requests be submitted during August 20th-Setpember 15th for following year budget deliberation.

Legislator Moser asked that Treasurer Patty O’Brien prepare a finance payment report for the new building construction project for the September 3rd meeting.

At 6:42 p.m. Legislator Burns made a motion to adjourn, seconded by Legislator Osborne and carried.

Respectfully submitted,

Terry Clark, Clerk of the Board
NYS RETIREMENT SYSTEM
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More than one million members, retirees and beneficiaries, and more than 3,000 employers.

NYSLRS is one of the largest public retirement systems in the nation.

The Fund is one of the largest institutional investors in the world as of March 31, 2019 it was valued at an estimated $210.5 billion.
NYS RETIREMENT

• Provides public employees the prospect of retiring with a guaranteed lifetime benefit
• Favors long-term employment as pensions increase based on years of service
• Offers a pension that is based on peak salaries and years of service
• Builds a Cost of Living Adjustment (COLA) into pensions to partially offset the effect of inflation after retirement (after 5 years of retirement)
• Includes disability and death benefits
• “Defined Benefit Plan” based on years of service and final average salary
NYS RETIREMENT TIERS

- Tier 1 – Joined prior to July 1, 1973
- Tier 2 – July 1, 1973 to July 26, 1976
- Tier 4 – September 1, 1983 to December 31, 2009
- Tier 5 – January 1, 2010 to March 31, 2012
- Tier 6 – April 1, 2012
LOCAL EMPLOYEES

COUNTY
• Tier 3 – 7
• Tier 4 – 163
• Tier 5 – 17
• Tier 6 – 116

HOSPITAL
• Tier 1 – 1
• Tier 2 – 3
• Tier 3 – 18
• Tier 4 – 250
• Tier 5 – 67
• Tier 6 – 345
EMPLOYEE CONTRIBUTIONS

Tier 3 & 4
- Contribute 3% of salary for 10 years of membership

Tier 5
- Contribute 3% of salary

Tier 6
- Contribute based on income
  - Up to $45K = 3.0%
  - $45K – $55K = 3.5%
  - $55K – $75K = 4.5%
  - $75K - $100K = 5.75%
  - $100K plus = 6.0%
2018 EMPLOYER COSTS FOR HOSPITAL & COUNTY

COST PER TIER

• Tier 1 - $16,685
• Tier 2 - $26,565
• Tier 3 - $159,438
• Tier 4 - $3,618,582
• Tier 5 - $500,577
• Tier 6 - $1,322,635

AVERAGE COST PER EMPLOYEE

• Tier 1 - $16,685
• Tier 2 - $8,855
• Tier 3 - $6,378
• Tier 4 - $8,762
• Tier 5 - $5,959
• Tier 6 - $2,869
ELIGIBILITY FOR RETIREMENT BENEFIT

• Age 55
  • Tier 1 – 4 after 5 years of service
  • Tier 5 – 6 after 10 years of service

• Before Age 62
  • Tier 2 – 4 after 30 years of service no penalty
  • Tier 5 after 30 years of service subject to percentage reduction based on age

• Before Age 63
  • Tier 6 subject to percentage reduction based on age
RETIREMENT BENEFIT

- Benefits are based on your years of credited service and your final average salary (FAS)

- **Tiers 1 – 5:** Average wages you earned during any 36 consecutive months of service when your earnings were highest.

- **Tier 6:** Average of wages you earned during any 60 consecutive months of service when your earnings were highest.
DISABILITY RETIREMENT BENEFIT

• If you become unable to perform your duties because of a permanent physical or mental incapacity, you may be eligible for a disability retirement benefit.

• To qualify you must have 10 years of credited service unless disability results from an on-the-job accident, not due to your own negligence, then there is no minimum service requirement.
BENEFIT PAYMENT OPTIONS

- Single Life Allowance
- Joint Allowance – Full
- Joint Allowance – Partial
- Pop-Up/Joint Allowance – Full or Half
- Five Year Certain
- Ten Year Certain
WORKING IN RETIREMENT

• If you return to work in public employment under Retirement and Social Security Law your earnings are limited by Section 212

• Current limit is $35,000

• If you plan to exceed the set limit, the employer requests Section 211 approval