

ALBANY COUNTY LEGISLATURE  
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SEAN E. WARD  
CHAIRMAN

PAUL T. DEVANE  
CLERK

## AGENDA

### PERSONNEL COMMITTEE

MAY 25, 2016

#### PREVIOUS BUSINESS:

#### APPROVING PREVIOUS MEETING MINUTES

1. RESOLUTION NO. 79: ADOPTING A POLICY OF PAID FAMILY LEAVE FOR EMPLOYEES OF ALBANY COUNTY
2. RESOLUTION NO. 80: PREVENTING THE HIRING OF FORMER COUNTY LEGISLATORS AND THE FAMILY MEMBERS OF CURRENT AND FORMER COUNTY LEGISLATORS BY THE COUNTY OF ALBANY
3. APPOINTMENT OF THE COORDINATOR OF THE STOP-DWI PROGRAM

Honorable Sean E. Ward and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Personnel Committee of the Albany County Legislature met on April 27th, 2016. Chairman Beston, and Messrs. R. Joyce, Miller, Stevens, Mss. McKnight and Lekakis were present. Messrs. Signoracci, Ward and Drake were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

1. Resolution No. 79 for 2016 Adopting a Policy of Paid Family Leave for Employees of Albany County: Tabled at the Request of Sponsor.
2. Resolution No. 80 Preventing the Hiring of Former County Legislators and the Family Members of Current and Former County Legislators by the County of Albany: Tabled at the Request of Sponsor.
3. Appointment of the Coordinator of the STOP-DWI Program: Table at the request of the Committee.
4. Appointment of a member to the Regional Fish and Wildlife Management Board: Mr. Nicholas Viscio, a Town of Knox landowner has expressed an interest to serve as the County's landowner representative on the Regional Fish and Wildlife Management Board. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully Submitted,  
THE PERSONNEL COMMITTEE

ROBERT J. BESTON, Chairperson  
SEAN E. WARD  
RALPH V. SIGNORACCI  
RAYMOND F. JOYCE  
PAUL MILLER

LUCILLE M. McKNIGHT  
LYNNE LEKAKIS  
TODD A. DRAKE  
TRAVIS D. STEVENS

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RESOLUTION NO. 79

ADOPTING A POLICY OF PAID FAMILY LEAVE FOR EMPLOYEES OF ALBANY COUNTY

Introduced: 1/9/16

By Ms. McLean Lane, Messrs. Bullock, Clenahan, Ms. Cunningham, Messrs. Dawson, Fein, Andrew Joyce, Ray Joyce, Higgins, Ms. Lekakis, Messrs. Mayo, O'Brien, Reinhardt, Domalewicz, Burgdorf, Drake, Mauriello and Mendick:

WHEREAS, the Federal Family and Medical Leave Act guarantees 12 weeks of unpaid leave to many workers to care for a sick relative or care for a newly born or adopted child. Despite this benefit, most people cannot afford to take unpaid time off from work to care for a child or sick family member. Paid family and medical leave benefits would allow all workers to remain in the workforce and still receive some income while taking leave to care for their family, and

WHEREAS, allowing new parents time away from work to care for a newly bond or adopted child enhances the health and positive development of the child and is associated with increases in the duration of breastfeeding and reductions in infant deaths and behavioral issues, and

WHEREAS, out of 185 countries tracked by the International Labour Organization, Papua New Guinea and the United States alone fail to provide paid family and medical leave, and

WHEREAS, the States of California, New Jersey and Rhode Island have already modernized their state disability insurance programs to provide paid family and medical leave, and

WHEREAS, The State of New York has yet to enact a policy of paid family leave for workers and

WHEREAS, Providing workers with paid time off to care for a newborn or adopted child or ill family member will ensure a healthier and more productive workforce in Albany County, and

WHEREAS, enactment of this policy will have a positive economic effect on employees and Albany County by increasing labor-force participation, employee retention, increasing lifetime earnings and retirement security among workers, especially women. In addition, employee morale would increase as well as better recruitment opportunities for positions with the county workforce, and

WHEREAS, The Legislature also finds that it is imperative to provide employees with meaningful protections against retaliation for using paid family and medical leave time and recognizes that prohibitions against retaliation and the imposition of penalties, including financial compensation to employees, for the denial of or retaliation for taking family sick time, are critical, and

WHEREAS, Albany County is one of the largest employers in Albany County, now, therefore be it

RESOLVED, That Albany County enact a policy of paid family and medical leave for its employees. Such policy shall allow for county employees to take up to 40 work days of consecutive paid leave after the birth, adoption or placement of foster care of a child, and to care for a sick child or family member, and be it further,

RESOLVED, that eligible employees must have been employed by the County for at least one year and must have worked at least 1,250 hours during the twelve month period immediately preceding the commencement of the paid family and medical leave, and be it further,

RESOLVED, that paid family and medical leave shall run concurrent with the qualifying Family Medical Leave Act absence, and be it further,

RESOLVED, the 40 consecutive paid family and medical leave days must be utilized prior to the use of, or any other accruals or unpaid absences during the Family Medical Leave, and be it further

RESOLVED, in the event that both parents are Albany County employees, only one parent may qualify for Paid Family and Medical Leave upon the return to work of the first employee from family and medical leave, and be it further

RESOLVED, that no portion of the paid family and medical leave shall be transferable, cashable, or eligible to be saved for use at another time, and be it further,

RESOLVED, that eligibility for the paid family and medical leave expires at the end of the twelve month period beginning on the date of birth or placement or care for a sick or infirmed family member, and it further,

RESOLVED, Any eligible employee who takes leave under this section shall be entitled, on return from such leave, to be restored by the county to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay and other

terms and conditions of employment. The taking of leave for the purpose of family care shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this policy shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position to which the employee would have been entitled had the employee not taken the leave, and be it further,

RESOLVED, that the County Attorney, in conjunction with the Department of Human Resources shall promulgate any and all rules and regulations necessary to further implement this policy of Paid Family and Medical Leave, including the promulgation of regulations and guidelines as may be necessary within the parameters established in this resolution and be it further,

RESOLVED, that such policy shall take effect no later than six months following enactment of this legislation and be it further,

RESOLVED, That the Clerk of the Albany County Legislature is directed to forward certified copies of this resolution to the appropriate Albany County Officials.

*Referred to Personnel and Audit and Finance Committees. 2/9/16*

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David Mayo  
14 Morgan Way  
Latham, NY 12110

February 9, 2016

Hon. Robert Beston  
Chairman, Personnel Committee  
112 State Street  
Albany, NY 12207

Dear Bob:

Enclosed please find an updated resolution I would like to be presented at the February Personnel Committee meeting. In the original resolution I failed to define "family member" and did not address Civil Service titles.

Also, I will be away on vacation and will not be present at the February 24 Personnel Committee meeting. Chris Higgins, who wishes to be a con-sponsor on this resolution, will be present to address this in my stead.

Thank you.

Yours truly,



Dave Mayo



Resolution Number 80 for 2016

WHEREAS, the integrity of and public confidence in the Albany County Legislature is of paramount importance

WHEREAS, the Albany County Legislature should avoid any appearance of impropriety

WHEREAS, the hiring of an Albany County Legislator as an employee of Albany County after the conclusion of their term of office, either by defeat in a contested election or by reason of not seeking another term of office, or the hiring of a family member during or after such term of office, may exhibit the appearance of impropriety, favoritism, and undermine public trust

WHEREAS, nepotism includes many of the basic government ethics issues: conflict of interest, misuse of office, preferential treatment and patronage; nepotism undermines public trust by making government look like a family business run not for the community but for the families in power; nepotism is bad for morale within the government organization; nepotism is one of the leading methods of keeping other ethnic and racial groups out of local government

RESOLVED, that the hiring of an Albany County Legislator or family member of an Albany County Legislator as an employee of the County of Albany during or after that Legislator's term of office is prohibited for the period of the term of office and a period of four (4) years from the date of conclusion of the term of office

RESOLVED, that family member shall be defined as a spouse, ex-spouse, child, stepchild, parent or stepparent, sibling or stepsibling, grandparent or grandchild of a Legislator

RESOLVED, this prohibition shall not apply retroactively, such that current or former Albany County Legislators or family members of current or former Albany County Legislators who became employees of the County of Albany on or before December 31, 2015, will not be impacted

RESOLVED, the above prohibitions are not applicable to Civil Service positions within the County

RESOLVED, the effective date of this resolution, or any facsimile thereof, will be December 31, 2015

RESOLVED, time spent in committee or any revisions thereto notwithstanding, the intent of this resolution is to have an effective date of December 31, 2015, and no new hires affected or believed to be affected by this resolution will be made absent a vote on this resolution by the body of the Albany County Legislature

RESOLUTION NO. 80

PREVENTING THE HIRING OF FORMER COUNTY LEGISLATORS  
AND THE FAMILY MEMBERS OF CURRENT AND FORMER COUNTY  
LEGISLATORS BY THE COUNTY OF ALBANY

Introduced: 2/9/16

By Mr. Mayo:

WHEREAS, The integrity of and public confidence in the Albany County Legislature is of paramount importance, and

WHEREAS, The Albany County Legislature should avoid any appearance of impropriety, and

WHEREAS, The hiring of an Albany County Legislator as an employee of Albany County after the conclusion of their term of office, either by defeat in a contested election or by reason of not seeking another term of office, or the hiring of a family member during or after such term of office, may exhibit the appearance of impropriety, favoritism, and undermine public trust, and

WHEREAS, Nepotism includes many of the basic government ethics issues: conflict of interest, misuse of office, preferential treatment and patronage; nepotism undermines public trust by making government look like a family business run not for the community but for the families in power; nepotism is bad for morale within the government organization; nepotism is one of the leading methods of keeping other ethnic and racial groups out of local government, now, therefore be it

RESOLVED, That the hiring of an Albany County Legislator or family member of an Albany County Legislator as an employee of the County of Albany during or after that Legislator's term of office is prohibited for the period of the term of office and a period of four (4) years from the date of conclusion of the term of office, and, be it further

RESOLVED, This prohibition shall not apply retroactively, such that current or former Albany County Legislators or family members of current or former Albany County Legislators who became employees of the County of Albany on or before December 31, 2015, will not be affected, and, be it further

RESOLVED, The effective date of this resolution, or any facsimile thereof, will be December 31, 2015, and, be it further

RESOLVED, Time spent in committee or any revisions thereto

notwithstanding, the intent of this resolution is to have an effective date of December 31, 2015, and no new hires affected or believed to be affected by this resolution will be made absent a vote on this resolution by the body of the Albany County Legislature, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Personnel and Law Committees. 2/9/16*

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# ALBANY COUNTY SHERIFF'S OFFICE

County Court House Albany, New York 12207 (518) 487-5400  
[WWW.ALBANYCOUNTYSHERIFF.COM](http://WWW.ALBANYCOUNTYSHERIFF.COM)



**WILLIAM C. COX**  
UNDERSHERIFF

**CRAIG D. APPLE, SR.**  
SHERIFF

**PAUL M. COURCELLE**  
CHIEF DEPUTY

**MICHAEL S. MONTELEONE**  
CHIEF DEPUTY

**KERRY B. THOMPSON**  
CHIEF DEPUTY

April 1, 2016

Honorable Sean Ward  
Chairman, Albany County Legislature  
Legislative Clerk's Office  
112 State Street, Room 710  
Albany, New York 12207

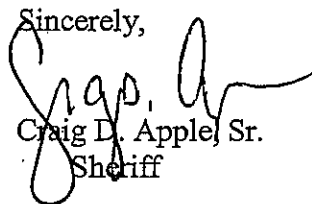
*SEAN*  
Dear Mr. Ward:

The attached correspondence is forwarded for presentation to the members of the Albany County Legislature.

I respectfully request that effective immediately, the new Albany County STOP- DWI Coordinator will be Sheriff Craig D. Apple, Sr. He will be replacing Mr. Denis Foley.

Should you have any questions, do not hesitate to contact me.

Sincerely,

  
Craig D. Apple, Sr.  
Sheriff

Att.

Cc: Honorable Daniel P. McCoy, County Executive  
Honorable Gilbert Ethier, Chairman Public Safety Committee  
Honorable Gary Domalewicz, Chairman Audit & Finance Committee  
L. Patrick Jeffers, Esq., Majority Counsel  
Arnis Zilgme, Minority Leader

FOR COUNSEL USE ONLY	
DATE:	<u>4/13/16</u>
RECEIVED:	_____
RECEIVED BY:	<u>[Signature]</u>
METHOD:	<u>HAND</u> <input checked="" type="checkbox"/>
	<u>COURIER</u> _____
	<u>MAIL</u> _____

**REQUEST FOR LEGISLATIVE ACTION**

**DATE:** 3/29/2016

**DEPARTMENT:** ALBANY COUNTY SHERIFF'S DEPT

**CONTACT PERSON:** SHERIFF CRAIG D APPLE SR  
**TELEPHONE:** 518-447-5440  
**DEPT. REPRESENTATIVE ATTENDING** SHERIFF CRAIG D APPLE SR  
**COMMITTEE MEETING:** \_\_\_\_\_

**PURPOSE OF REQUEST:**

- ADOPTION OF LOCAL LAW \_\_\_\_\_
- AMENDMENT OF PRIOR LEGISLATION \_\_\_\_\_
- APPROVAL/ADOPTION OF PLAN/PROCEDURE \_\_\_\_\_
- BOND APPROVAL \_\_\_\_\_
- BUDGET AMENDMENT(SEE BELOW) \_\_\_\_\_
- CONTRACT AUTHORIZATION (SEE BELOW) \_\_\_\_\_
- ENVIRONMENTAL IMPACT \_\_\_\_\_
- HOME RULE REQUEST \_\_\_\_\_
- PROPERTY CONVEYANCE \_\_\_\_\_
- OTHER:(STATE BRIEFLY IF NOT LISTED ABOVE) \_\_\_\_\_ X

**TO REMOVE DENNIS FOLEY AS THE ALBANY COUNTY STOP-DWI COORDINATOR AND REPLACE HIM WITH SHERIFF CRAIG D. APPLE, SR.**

**CONCERNING BUDGET AMENDMENTS**

**STATE THE FOLLOWING**

**INCREASE ACCOUNT/LINE NO:** \_\_\_\_\_  
**SOURCE OF FUNDS:** \_\_\_\_\_  
**TITLE CHANGE:** \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION,**

**STATE THE FOLLOWING:**

**TYPE OF CONTRACT**

- CHANGE ORDER/CONTRACT AMENDMENT \_\_\_\_\_
- PURCHASE (EQUIPMENT/ SUPPLIES) \_\_\_\_\_
- LEASE (EQUIPMENT/SUPPLIES) \_\_\_\_\_
- REQUIREMENTS \_\_\_\_\_
- PROFESSIONAL SERVICES \_\_\_\_\_
- EDUCATIONAL/TRAINING \_\_\_\_\_
- GRANT: NEW \_\_\_\_\_
- RENEWAL \_\_\_\_\_
- SUBMISSION DEADLINE DATE \_\_\_\_\_

**SETTLEMENT OF A CLAIM** \_\_\_\_\_  
**RELEASE OF LIABILITY** \_\_\_\_\_  
**OTHER: (STATE BRIEFLY)** \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION (CONT'D)**

**STATE THE FOLLOWING:**

CONTRACT TERMS/CONDITIONS: \_\_\_\_\_ PARTY (NAME/ADDRESS): \_\_\_\_\_

AMOUNT/RATE SCHEDULE/FEE: \_\_\_\_\_

TERM: \_\_\_\_\_

SCOPE OF SERVICES: \_\_\_\_\_

**CONTRACT FUNDING:**

ANTICIPATED IN CURRENT BUDGET: YES \_\_\_\_\_ NO \_\_\_\_\_  
FUNDING SOURCE: \_\_\_\_\_  
COUNTY BUDGET ACCOUNTS: \_\_\_\_\_  
REVENUE: \_\_\_\_\_  
APPROPRIATION: \_\_\_\_\_  
BOND (RES. NO. & DATE OF ADOPTION) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

MANDATED PROGRAM/SERVICE: YES \_\_\_\_\_ X \_\_\_\_\_ NO \_\_\_\_\_  
IF MANDATED CITE: AUTHORITY NYS VEHICLE AND TRAFFIC LAW SECTION 1197  
ANTICIPATED IN CURRENT ADOPTED BUDGET: YES \_\_\_\_\_ NO \_\_\_\_\_  
IF YES, INDICATE REVENUE APPROPRIATION ACCOUNTS: \_\_\_\_\_  
N/A

FISCAL IMPACT - FUNDING: \_\_\_\_\_ (DOLLARS OR PERCENTAGES)

FEDERAL \_\_\_\_\_

STATE \_\_\_\_\_

COUNTY \_\_\_\_\_

TERM/LENGTH OF FUNDING \_\_\_\_\_

**PREVIOUS REQUESTS FOR IDENTICAL OR SIMILAR ACTION:**

RESOLUTION/LAW NUMBER: \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

JUSTIFICATION: (STATE BRIEFLY WHY LEGISLATIVE ACTION IS REQUESTED)

PER COVER LETTER, NEW YORK STATE VEHICLE AND TRAFFIC LAW SECTION 1197

REQUIRES THAT EACH COUNTY APPOINTS A COORDINATOR FOR THE STOP DWI PROGRAM.

THIS APPOINTMENT HAS NO IMPACT ON OUR BUDGET AS IT IS A NON-PAID POSITION.

BACK-UP MATERIAL SUBMITTED (I.E. APPLICATION/APPROVAL NOTICES FROM FUNDING SOURCE, BID TABULATION SHEET, CIVIL SERVICE APPROVAL NOTICE, PROGRAM ANNOUNCEMENT, CONTRACTS AND/OR ANY MATERIALS WHICH EXPLAIN OR SUPPORT THE REQUEST FOR LEGISLATIVE ACTION.)

SUBMITTED BY:

CRAIG D APPLE SR

TITLE:

SHERIFF