



ALBANY COUNTY LEGISLATURE
HAROLD L. JOYCE OFFICE BUILDING
112 STATE STREET, ROOM 710
ALBANY, NEW YORK 12207
(518) 447-7168 - FAX (518) 447-5695
WWW.ALBANYCOUNTY.COM

SEAN E. WARD
CHAIRMAN

PAUL T. DEVANE
CLERK

AGENDA

PERSONNEL COMMITTEE

AUGUST 24, 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

CURRENT BUSINESS:

3. RESOLUTION NO. 348: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "N" FOR 2016
4. LOCAL LAW NO. "N" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR CRIMINAL ARREST RECORD OR CONVICTION
5. AUTHORIZING THE SEWER DISTRICT TO CONSIDER AN OUT-OF-COUNTY APPLICANT FOR THE POSITION OF SENIOR INSTRUMENTATION TECHNICIAN
6. AUTHORIZING AN AGREEMENT WITH THE POMCO GROUP FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION BENEFITS

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

LADIES AND GENTLEMEN:

The Personnel Committee of the Albany County Legislature met on June 29th, 2016. Chairman Beston, Messrs. R. Joyce, Miller, Ward, Stevens and Ms. Lekakis were present. Ms. McKnight, Messrs. Signoracci 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 a Representative from Albany County to the Capital District Regional Planning Commission: It was represented to the Committee that G. Michael Apostol expressed an interest in serving on the Regional Planning Commission as a representative of Albany County. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.
4. Confirming the Appointment of a member of the Albany Convention Center Authority: It was represented to the Committee that the County Executive submitted the name of George J. Penn to replace Sherri Brooks to serve on the Albany Convention Center Authority: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation. Mr. Stevens abstained.
5. Confirming the Appointment of the Director of the Albany County Youth Bureau: Mrs. Nicole Ward was present to address the Committee on her appointment as Youth Bureau Director. 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

1

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

2

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

3

RESOLUTION NO. 348

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "N" FOR 2016

Introduced: 8/8/16

By Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham, Messrs. Clay, Commisso, Ward, Feeney, Miller, Reinhardt, Touchette and Bullock:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "N" for 2016, "A Local Law Of The County Of Albany, New York Prohibiting Albany County Government From Discriminating Against Potential Employees Based On Their Criminal Arrest Record Or Conviction", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Personnel Committees. 8/8/16

4

LOCAL LAW NO. "N" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR CRIMINAL ARREST RECORD OR CONVICTION

Introduced: 8/8/16

By Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham, Messrs. Clay, Commisso, Ward, Feeney, Miller, Reinhardt, Touchette and Bullock:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Title

This local law shall be known as the "Albany County Employee Fair Chance Act"

Section 2. Legislative Intent

The Legislature finds that those with a criminal history regularly face discrimination in many areas of life, including employment.

The Legislature further finds that studies indicate that stable employment is one of the best predictors of post-conviction success.

The Legislature further finds that the ability of people with a criminal history to successfully reintegrate into their communities and find employment improves public safety and benefits local taxpayers, as less crime leads to safer communities, strengthens families, and saves taxpayers money on costs associated with law enforcement and incarceration.

The Legislature determines that those who have been incarcerated have paid their debt to society and should be considered fully free men and women. They should not be further punished once they are released from prison and should be evaluated based on their qualifications to perform a job rather than their criminal history.

The Legislature determines that people with a criminal history represent a workforce with skills to contribute and a desire to add value to their communities.

The Legislature determines that the main goal of a criminal justice system should be rehabilitation and that once people enter back into society, they should be treated fairly and without discrimination based on a prior conviction.

The Legislature finds that job discrimination based on criminal history can affect anyone regardless of race, religion, national origin, gender, or sexual orientation. However, African Americans are disproportionately hurt by discrimination based on criminal history due to a long history of policies that have led to African Americans being incarcerated at rates more than five times that of Whites and more than two and a half times that of Hispanics.

The Legislature determines that due to a criminal justice system, in which minorities are incarcerated at much higher rates than Whites, African Americans and Hispanics bear the brunt of discrimination based on criminal history in employment.

The Legislature finds that nine municipalities and two counties in the state of New York have implemented policies to protect job applicants against potential discrimination, including the three largest cities in the state: New York City, Buffalo, and Rochester.

The Legislature further finds that over twenty states and over one hundred municipalities and counties throughout the United States have implemented policies to protect job applicants from potential discrimination.

The Legislature further finds that there is broad support for fair chance hiring practices across political lines. Democratic President Obama signed an executive order in 2015 ordering all federal agencies to “ban the box” from job applications. Republican Governor John Kasich of Ohio signed a bill in 2015 that banned the box for all public employees in Ohio. Koch Industries, a company owned by the Koch Brothers, also banned the box for their employees in 2015. Koch Industries’ general counsel Mark Holden stated that the company believes they “shouldn’t be rejecting people at the very start of the hiring process who may otherwise be capable and qualified, and want an opportunity to work hard.”

The Legislature further finds that New York Correction Law does not prohibit employers from inquiring about criminal history on job applications. In the application processes where the vast majority of applications are tossed aside during an initial review for a variety of reasons, it makes it extremely difficult for an applicant to prove that he or she was not hired due to his or her criminal history.

Therefore, the purpose of this Local Law is to ensure that everyone receives a fair chance in seeking employment with Albany County, regardless of one’s arrest record or criminal history.

Section 3. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

A. "Applicant" means any person considered or who requests to be considered for employment by Albany County

B. "Adverse action" means to refuse to hire or promote, to discharge a person, or revoke an applicant's conditional offer of employment.

C. "Arrest" means a record or action by any jurisdiction that does not result in a conviction, or any encounter with a law enforcement agency that does not result in a conviction. This includes information indicating that a person has been questioned, apprehended, taken into custody or detained, or held for an investigation by a law enforcement, police, or prosecutorial agency.

D. "Conviction" means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, suspended sentence, a sentence of probation, or sentence of unconditional discharge.

E. "County" means the County of Albany, its departments, administrative units, and related agencies.

F. "Criminal history" means an individual's prior arrest or arrests, or prior conviction or sentencing.

G. "Employer" means the County of Albany.

H. "Employment" means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work, and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay.

Section 4. Prohibitions Against Unfair Discrimination

A. No employer shall inquire about an applicant's criminal history during the application process, including any question or "box" on a job application, question during an interview, or any other inquiry. No employer shall inquire about an applicant's criminal history until after a conditional offer of employment is made.

B. No employer shall take adverse action against an individual due to an individual's criminal history until after a conditional offer of employment is made.

C. No employer shall take adverse action against an individual due to the individual's criminal history unless the employer follows the regulations and guidelines explained in this Local Law, or unless allowed by law.

Section 5. Regulations Relating to Background Checks

A. All job announcements and position descriptions shall contain the following information if the position requires a background check, unless otherwise noted by law: *"This position is subject to a background check for any convictions directly related to its duties and responsibilities. Only job-related convictions will be considered and will not automatically disqualify the candidate. No background check will occur until after a conditional offer of employment has been made. Any revocation of employment due to criminal history will include a clear explanation and instructions for appeal."*

B. No employer shall use the following criminal records in relation to a background check: records of arrest not followed by a valid conviction, sealed, dismissed, or expunged convictions, violations, and infractions.

Section 6. Guidelines for Consideration of Criminal History, Revocation of Offer of Employment, and Appeal Process

A. After a conditional offer of employment is made, no employer shall inquire about an applicant's criminal history or conduct a background check unless the employer has made a good faith determination that the relevant position is of such sensitivity that an inquiry into the applicant's criminal history or a background check is warranted or is required by law.

B. Prior to conducting a background check or inquiring about an applicant's criminal history, the employer shall send the applicant a conditional offer of employment and notice of rights under this Local Law.

C. After a conditional offer of employment is made, if based on a good faith determination the employer has determined that a criminal history inquiry or background check is warranted or is required by law, the employer may only take adverse action against the applicant pursuant to New York Correction Law Article 23-A.

D. If an employer determines that an applicant's conviction history contains information that may be the basis for an adverse action, the employer shall supply the applicant with a pre-adverse action notice containing the following:

- a. The conviction item(s) that are the basis for the potential adverse action;
- b. A copy of the conviction history report, if any;

- c. An individualized assessment explaining why the employer believes that adverse action may be appropriate based on the applicant's criminal history.
- d. Instructions on how to respond to a pre-adverse action notice.

E. If an employer sends the applicant a pre-adverse action notice, the applicant shall have twenty business days, after receipt of the notice, to respond with information rebutting the basis for the adverse action, including challenging the accuracy of the information, submitting mitigation or rehabilitation evidence, and submitting reference letters.

F. After receiving the applicant's adverse action response, the employer must review the response for a minimum of ten business days unless the employer determines that adverse action is not warranted and hires the applicant. If the employer takes adverse action against the applicant, the employer shall supply the applicant with an adverse action final notice containing the following:

- a. A copy of the pre-adverse action notice and the applicant's response to the notice;
- b. An explanation of why the applicant's response to the pre-adverse action notice was not sufficient; and
- c. An adverse action appeal form.

G. If the employer takes adverse action against the applicant, the applicant may appeal the adverse action by filling out the adverse action appeal form and submitting it to the Albany County Department of Human Resources Division of Affirmative Action within three months of the applicant's receipt of the adverse action final notice. The applicant shall also submit the employer's pre-adverse action notice, the applicant's response to the pre-adverse action, and the employer's adverse action final notice.

H. Nothing shall prevent an employer from taking adverse action against any applicant or denying employment for reasons other than such applicant's arrest or criminal conviction record.

Section 7. Data Collection

The employer shall maintain a record of the number of positions requiring background checks and for those positions, shall maintain a record of the number of applicants and the number of applicants who were provided a conditional offer of employment. In addition, the employer shall maintain a record of the number of applicants who were provided a pre-adverse action notice; the number of applicants who provided a response to the pre-adverse action notice; the number of applicants who were provided a final adverse action notice; the number of applicants who received a pre-adverse action that were eventually hired; and the number of

applicants who received an adverse action final notice that were eventually hired. The employer shall also maintain a record of the race/ethnicity and gender of all applicants for all of the required data collection categories listed above.

Section 8. Exceptions

A. The prohibitions of this Local Law shall not apply if inquiries about an applicant's criminal history or adverse action prohibited in this Local Law are specifically authorized by any other applicable law.

B. The prohibitions of this Local Law shall not apply to any law enforcement agency, fire department, or to any other employer hiring for "police officer" and "peace officer" positions, as defined by New York Criminal Procedure Law § 1.20 and § 2.10.

C. The prohibitions of this article shall not apply to any service provider or direct services provider specific to the care or supervision of children, young adults, senior citizens, or the physically or mentally disabled.

D. An employer hiring for positions where certain convictions or violations are a bar to employment in that position under New York State or Federal law, shall not be constrained from asking questions about those convictions or violations.

E. An employer hiring for licensed trades or professions, including positions such as internships and apprentices for such licensed positions, may ask applicants the same questions asked by the trade or professional licensing body, in accordance with New York State law.

Section 9. Enforcement

The Albany County Division of Affirmative Action within the Human Resource Department is authorized to enforce this Local Law, to promulgate additional rules and regulations, and take any and all other reasonable actions necessary to implement and enforce this Local Law. Any rules and regulations set forth in this Local Law and/or promulgated by the Division of Affirmative Action shall be made available on the County of Albany website in a manner approved by the Division of Affirmative Action.

The Division of Affirmative Action shall pursue employers that violate this Local Law, investigate all violations of this Local Law, and fine all employers who violate this Local Law with the penalties prescribed in this Local Law.

The Division of Affirmative Action shall develop an adverse action appeal form that shall be made available online on the County of Albany website and shall

make an active effort to distribute it to all relevant departments of Albany County government. The Division of Affirmative Action shall be responsible for conducting proper outreach about this Local Law. The committee to review all appeals to an adverse action taken against an individual shall consist of the Director of Affirmative Action and the members of the Albany County Human Rights Commission. The Director of Affirmative Action shall be responsible for conducting the review, however the Director of Affirmative Action and each member of the Albany County Human Rights Commission shall each receive one vote if a unanimous consensus is not agreed upon. The committee reviewing appeals shall look over the submitted adverse action appeal form, the pre-adverse action notice, the applicant's response to the pre-adverse action, and the adverse action final notice. The committee may also reach out to the employer and the applicant to seek more information. The committee shall make a final decision within three months.

Section 10. Audit

The Division of Affirmative Action shall collect all data described in Section 7 of this Local Law once every year and release a report to the Albany County Legislature and to the public, to be posted on the County of Albany website that shall clearly show all data collected. The report shall include an analysis of all data collected in Section 7 and shall include a racial impact statement.

Section 11. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 12. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 13. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to Law and Personnel Committees. 8/8/16

5



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
SEWER DISTRICT
P.O. BOX 4187
ALBANY, NEW YORK 12204
PHONE: (518) 447-1611 FAX: (518) 433-0369
www.albanycounty.com

COMMISSION
JOHN R. ADAIR, JR.
CHAIRMAN
MICHAEL J. AIDALA
JOHN W. BISHOP, JR.
NICHOLAS W. FOGLIA
DENNIS RIGOSU

TIMOTHY S. MURPHY
EXECUTIVE DIRECTOR

July 12, 2016

Hon. Sean E. Ward
Chairman
Albany County Legislature
112 State Street – Suite 710
Albany, NY 12207

Dear Mr. Ward,

The Sewer District is requesting approval to hire a Senior Instrumentation Technician from outside of Albany County. After an extensive search through ads on Moster.com, within the Information Services Department of Albany County, and New York Water Environment Agency, the District was unable to find a qualified applicant from within the Albany County. The District furthermore listed this position at 19 colleges throughout the region and receive very few candidates that met the qualification. The District has found an eligible candidate that lives in Schenectady County.

I have enclosed supporting documentation for review. I am available for any questions at 447-1611.

Very truly yours,


Timothy S. Murphy
Executive Director

Cc: Frank Commisso, Majority Leader
Patrick Jeffers, Majority Counsel
Frank Mauriello, Minority Leader
Arnis Zilgme, Minority Counsel

FOR COUNSEL USE ONLY

Date Received: 8-15-16
Received by: DM
Method: Hand:
Courier: _____
Mail: _____

REQUEST FOR LEGISLATIVE ACTION

RLA #1920: Authorization to Hire an Out-of-County Candidate for the Position of Senior Instrument Technician

DATE: Friday, July 15, 2016
DEPARTMENT: Sewer District
Contact Person: Tim Murphy, Executive Director
Telephone: 518-447-1614
Dept. Representative Attending
Committee Meeting: Tim Murphy, Commissioner

PURPOSE OF REQUEST:

Adopting 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

Authorization to Hire an Out-of-County Candidate for the Position of Senior Instrument Technician

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 _____
Education/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:

Amount/Raise Schedule/Fee _____

Scope of Services _____

Contract Funding:

Bond Res. No.: _____

Date of Adoption: _____

CONCERNING ALL REQUESTS:

Mandated Program/Service: No _____

If Mandated Cite: Authority _____

Anticipated in Current Adopted Budget Yes _____

County Budget Accounts:

Revenue _____

Appropriation

Account Code	Line	Amount
GG8130	13631	\$60,114.00

Fiscal Impact - Funding: (Dollars or Percentages)

Federal 0% _____

State 0% _____

County 100% _____

Local 0% _____

Term/Length of Funding: _____

Impact on Pending Litigation No _____

If yes, please explain: _____

Previous Requests for Identical or Similar Action

Resolution/Law Number _____

Date of Adoption _____

Justification: (State briefly why legislative action is requested)

The Sewer District is requesting Legislative approval to hire a Senior Instrumentation Technician from outside of Albany County. After an extensive search through ads on Monster.com, within the Information Services Department of Albany County, and New York Water Environment Agency, the District was unable to find a qualified applicant from within the County Of Albany. The District furthermore listed this position at 19 colleges throughout the region and received very few candidates that met the qualifications. The District has found an eligible candidate that lives in Schenectady County.



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
SEWER DISTRICT
P.O. BOX 4187
ALBANY, NEW YORK 12204
PHONE: (518) 447-1611 FAX: (518) 433-0369
www.albanycounty.com

COMMISSION
JOHN R. ADAIR, JR.
CHAIRMAN
MICHAEL J. AIDALA
JOHN W. BISHOP, JR.
NICHOLAS W. FOGLIA
DENNIS RIGOSU

TIMOTHY S. MURPHY
EXECUTIVE DIRECTOR

William Bednarowski
June 23, 2016
Interview for Senior Instrumentation Technician
Tyler Masick, Brent Garlock

William applied for the Senior Instrumentation Technician position. William is interest in a position at the Sewer District that will be hands on, working with all types of equipment.

William demonstrated an interest in working at the District and understands the benefits it provides. William also understands that emergencies can occur at all hours, weekends, and holidays, and that it may be necessary to respond to them.

Specific areas that were discussed with William for this position are as follows:

- Maintains and repairs complex electrical and pneumatic control instrument systems in the county wastewater treatment facility;
- Monitors, maintains, repairs, and calibrates waste sludge, return sludge, and incinerator process controls ad monitoring devices;
- Monitor, maintains, repairs, and calibrates interceptor sewer flow monitoring systems;
- Maintains and repairs air pollution control monitoring devices;
- Plan and implement instrumentation and control projects aimed at improving processes;
- Prepare requests for materials and obtain quotations;
- Assist in the department budget process.

Conclusion:

William has a background working with communication, navigation, computer and ancillary systems, which would be vital to the remote metering stations the District currently utilizes. William also has a thorough background in troubleshooting and maintenance of electrical, pneumatic, and vacuum systems. William's work at General Electric familiarized him with pressure, flow, temperature, and electric signals from measurement instrumentation, as well as the calibration and diagnostics of those instruments. While William has not worked with the specific equipment the District uses, Brent and I both feel he would learn very quickly as William has the background knowledge required to become familiar with the District's systems. We both feel that William would be a valuable asset to the District and recommend him for the Senior Instrumentation Technician position.

William S. Bednarowski

1105 Laura Street, Schenectady, NY 12306

WSBednarowski@hotmail.com

Cell Phone (518)928-0005

MILITARY EXPERIENCE

Communication, Navigation & Mission Systems Craftsman

Stratton Air National Guard Base, Schenectady NY

1997–June 2015

Kadena Air Base, Okinawa Japan

1988 – 1991

Keesler Air Force Base, Biloxi MS

1987 – 1988

PRIMARY DUTIES

Perform installation, retrofit modification and maintenance on avionics, communication, navigation, cryptographic, computer and ancillary systems and maintain related support equipment.

Manage the day to day operations of a 22 member shop.

Prioritize work load in a highly dynamic environment in support of flight operations and in depth preventative maintenance of assigned aircraft.

Responsible for the qualification training and certification of subordinate shop members.

Forecast and schedule shop personnel for deployment in support of unit tasking.

Evaluate and certify subordinate shop members' work.

Deploy worldwide in the performance of these responsibilities.

EXPERIENCE HIGHLIGHTS

Leadership & Training: Responsible for the planning, implementation and oversight of training exercises for both Army and Air National Guard members in preparation for deployment in support of Operations Iraqi Freedom and Enduring Freedom.

Project Management: Specifically named in laudatory comments for exceptional performance, receiving the first ever zero defect rating from headquarters AMC inspector during unit's security inspection.

CERTIFIED SKILLS- Forklift operator, Scissor type and boom type high lift work platforms.

OTHER WORK EXPERIENCE

Global Foundries, Malta NY

June 2015-Present

Thin Film Senior Mechanical Engineering Technician- Responsible for the planning and performance of day to day scheduled and unscheduled maintenance of electrical, pneumatic and vacuum systems which control machinery used in the production of semiconductors.

General Electric, Schenectady NY

1991 – 1994

As a contract employee with the turbine development lab was responsible for all phases of planning, set up, recording, and interpretation of static pressure, dynamic pressure, flow, temperature and electrical signals. Ran daily calibration and diagnostics of precision measurement instrumentation prior to data collection.

Campbell Plastics Ltd, Schenectady NY

1994

Operate injection molding and extrusion equipment in the production of automobile molding. Troubleshoot and repair electrical and pneumatic systems.

U.S. Composites, Guilderland NY

1994 – 1997

Manufactured composite products for the company's contract with the Department of Defense for four months before moving into a research and development role. Assisted in the development of non-metallic shafted screwdrivers and led in the development of wire braided intra-vascular stents.

EDUCATION

Hudson Valley Community College

1986

A.A.S. in Industrial Technology- President's List

COMMUNITY INVOLVEMENT

Summer Lunch Program

Deliver lunches to low income children in the Schenectady area

Boy Scouts dedication of Veteran's Memorial, Schenectady NY
aerospace ground equipment

Assisted with

Co-creator of the MSgt Joseph A. Longobardo Award

Award is presented in memory of a wing teammate who was killed in the line of duty as a New York State Trooper.

REFERENCES

George Nigro

Analytical X-Ray Systems Specialist for Rigaku Americas Corp
490 Wooded Crossing Circle
Saint Augustine FL 32084
Cell Phone (845)532-9060
hm1lilgeo@outlook.com

Anthony Williams

Policer Officer for the Town of Rotterdam NY
31 Old Fort Avenue
Schenectady NY 12306
Cell Phone (518)858-8201
Awilliams3@nycap.rr.com

Paul Redlin

Mechanical Generalist for General Electric
192 Gidley Road
Esperance NY 12066
Cell Phone (518)852-1013
predlin@yahoo.com

Robert Michaels

Optical Engineer
3510 Lyell Road
Rochester NY 14606
Cell Phone (585)236-9356
R.Michaels@frontiernet.net

6

Albany County

Department of **HUMAN RESOURCES**

Daniel P. McCoy, Albany County Executive
Jennifer Skelly Clement, Commissioner

MEMORANDUM

TO: Sean Ward, Chairman, Albany County Legislature
Frank Commisso, Majority Leader
Frank Mauriello, Minority Leader
Patrick Jeffers, Majority Counsel
Arnis Zilgme, Minority Counsel

FROM: Jennifer Skelly Clement, Commissioner of Human Resources



DATE: 08/03/2016

RE: Workers' Compensation Third Party Administrator Contract

Attached please find the RLA to approve the contract with Pomco Group as the Third Party Administrator (TPA) for Workers' Compensation Claims Administration.

Pomco Group was the selected bidder through the RFP process. Attached please find the recommendation from our benefits consultant, which includes the RFP score charts and summary analysis. The contract term will be three years beginning January 1, 2017 and ending December 31, 2019.

Please feel free to contact me with any additional questions you may have.

FOR COUNSEL USE ONLY

Date Received: 8-16-16
Received by: PM
Method: Hand: ✓
Courier: _____
Mail: _____

REQUEST FOR LEGISLATIVE ACTION

RLA #1956: Contract Authorization for Workers' Compensation Third Party Administrator

DATE: Wednesday, August 03, 2016
DEPARTMENT: Human Resources
Contact Person: Jennifer Clement, Commissioner
Telephone: 518-447-5690
Dept. Representative Attending
Committee Meeting: Jennifer Clement, Commissioner

PURPOSE OF REQUEST:

Adopting of Local Law _____
Amendment of Prior Legislation _____
Approval/Adoption of Plan/Procedure _____
Bond Approval _____
Budget Amendment (see below) _____
Contract Authorization (see below) X
Environmental Impact _____
Home Rule Request _____
Property Conveyance _____
Other: (State briefly if not listed above) _____

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 X
Education/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)	Pomco Pomco Group 2425 James Street Syracuse, NY 13206
Amount/Raise Schedule/Fee	\$143,500.00
Scope of Services	Third Party Administrator of Workers' Compensation Claims

Contract Funding:

Bond Res. No.:	
Date of Adoption:	

CONCERNING ALL REQUESTS:

Mandated Program/Service:	Yes
If Mandated Cite: Authority	
Anticipated in Current Adopted Budget	Yes

County Budget Accounts:

Revenue	
Appropriation	

Fiscal Impact - Funding: (Dollars or Percentages)

	Albany County
Federal	0%
State	0%
County	100%
Local	0%

Term/Length of Funding:	36 Months (1/1/2017 - 12/31/2019)
-------------------------	-----------------------------------

<u>Impact on Pending Litigation</u>	No
If yes, please explain:	

Previous Requests for Identical or Similar Action

Resolution/Law Number	368
Date of Adoption	2007

Justification: (State briefly why legislative action is requested)

The Department of Human Resources is seeking approval of a contract for the Third Party Administrator for Workers' Compensation Benefits.

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.)

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1956/Workers Compensation TPA RFP 2016 Cover.doc>

<http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1956/07-368.doc>

[http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1956/2016 Work Comp TPA RFP Scoring Sheet - Final \(08-03-2016\).pdf](http://acvsp2010/sites/CALM/Lists/RLA/Attachments/1956/2016 Work Comp TPA RFP Scoring Sheet - Final (08-03-2016).pdf)

LOCEY & CAHILL, LLC

ARMORY SQUARE
120 WALTON STREET, SUITE 500
SYRACUSE, NY 13202-1180
TEL. 315-425-1424
FAX. 315-425-1394

MEMORANDUM

DATE: AUGUST 3, 2016

FROM: LOCEY & CAHILL, LLC

**TO: COUNTY OF ALBANY LEGISLATURE
PERSONNEL COMMITTEE**

**RE: 2016 WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)
REQUEST FOR PROPOSAL (RFP) ANALYSIS AND RECOMMENDATION**

Locey & Cahill, LLC is extremely pleased to be continuing our work with the County of Albany. As you may already be aware, Locey & Cahill, LLC is an independent consulting firm based in Syracuse, New York. Our company provides clients with state of the art advice and guidance, which assists them in the formation of strategies designed to pro-actively adjust to the employee benefits industry.

As part of the services we perform on behalf of the County, in 2015 and 2016, we were charged with assisting the County in the development of a Request for Proposal (RFP) for a Third Party Administrator (TPA) to provide professional claims administrative services to the County's Self-Insured Workers' Compensation Plan. This process began with the issuance of RFP #2015-123. Upon receipt of the responses by the County, the responses were forwarded to our office for evaluation and recommendation. In all, proposals associated with this RFP Process were received from the following companies:

1. First Niagara Risk Management (Buffalo, New York)
2. NCA Comp. Inc. (Buffalo, New York)
3. North American Risk Services (Altamonte Springs, Florida)
4. PMA Companies (Syracuse, New York)
5. POMCO Group (Syracuse, New York)
6. SAFE, LLC (Syracuse, New York)
7. Wright Risk Management (Syracuse, New York)
8. York Risk Services Group, Inc. (Parsippany, New Jersey)

The initial review of the proposals received from the above companies was conducted by Locey & Cahill, LLC based on the following six (6) weighted criterion:

- | | |
|---|-----|
| 1. Proposer's Comprehension of the Required (Work) Scope of Services | 25% |
| 2. Professional Qualifications and Prior Experience with Similar Projects | 20% |
| 3. Total Proposed Price | 20% |
| 4. Proposer's Demonstrated Capabilities (Equipment, Financial Solvency, Location) | 15% |
| 5. Client References | 10% |
| 6. Staffing (Evaluation of Employees' Resumes) | 10% |

An Independent Employee Benefits Consulting Firm

**COUNTY OF ALBANY LEGISLATURE
PERSONNEL COMMITTEE MEMORANDUM
RE: 2015-2016 WORKERS' COMPENSATION TPA RFP
AUGUST 3, 2016
PAGE 2**

Locey & Cahill, LLC conducted an initial review of the proposals and provided the County of Albany with our initial scoring of the proposals which included the following scores being issued:

Respondent's Name	Evaluation Score
First Niagara Risk Management	4.5000
NCA Comp. Inc.	3.7650
North American Risk Services	2.9250
PMA Companies	4.5750
POMCO Group	4.6000
SAFE, LLC	3.3375
Wright Risk Management	4.5500
York Risk Services Group, Inc.	3.5625

It was the recommendation of Locey & Cahill, LLC that County of Albany conduct interviews with the following finalists:

1. First Niagara Risk Management
2. PMA Companies
3. POMCO Group
4. Wright Risk Management

The County of Albany assembled a Committee to conduct the finalist interviews upon which they found the four companies to provide similar services relative to Workers' Compensation claims file management, reporting, professional assistance, and overall plan management associated with the County's Self-Insured Workers' Compensation Plan. However, the Committee felt the POMCO Group provided a more "user-friendly" claims data system which the County would be able to utilize in the management of the claims, providing for increased financial efficiencies and possible lower overall costs associated with Workers' Compensation claims.

It should be noted that the POMCO Group also received the highest overall score associated with the review of the proposals based on the scoring system established by the County of Albany in its Request for Proposal #2015-123.

Upon the consideration of all of the factors associated with the written proposals submitted and the on-site interviews conducted by the County of Albany Personnel Department, it is our professional opinion that POMCO which scored quite well in this process has the staffing, ability, and experience to provide excellent service to the County of Albany.

As a result of the above, it is the combined recommendation of Locey & Cahill, LLC and the County of Albany Personnel Department that the County contract with the PMCO Group as its third party administrator for the County of Albany's Self-Insured Workers' Compensation Plan.

**COUNTY OF ALBANY LEGISLATURE
PERSONNEL COMMITTEE MEMORANDUM
RE: 2015-2016 WORKERS' COMPENSATION TPA RFP
AUGUST 3, 2016
PAGE 3**

We firmly believe it is the County of Albany's Workers' Compensation Plan and it is the County of Albany's right to make decisions which it feels is in the County's best overall interest. In this case and given the proposals received and the circumstances associated with this process, it is believed the POMCO Group is the correct vendor at this time for the County of Albany. We stand ready to assist the County with the implementation of a new contract with the POMCO Group once a final decision has been made.

We thank you for your time and cooperation. As always, should you have any questions or concerns, regarding this information or any other issues facing the County of Albany from an employee benefits perspective, please feel free to contact our office at 315-425-1424.

County of Albany

2016 Workers' Compensation Plan - TPA Scoring Summary (Scale: 1 being lowest possible score and 5 being highest possible score for each criterion)

Criteria Evaluated	Weight	First Niagara		NCA Comp.		NARS		PNA		Ponice		SAFE		Whelan Risk Management		York RMA	
		Rate	Score	Rate	Score	Rate	Score	Rate	Score	Rate	Score	Rate	Score	Rate	Score	Rate	Score
Proprietor's comprehension of the required (work) Scope of Services	25%	5.0000	1.2500	4.0000	1.0000	4.5000	1.1250	5.0000	1.2500	5.0000	1.2500	3.5000	0.8750	5.0000	1.2500	4.0000	1.0000
Professional Qualifications and Prior experience in similar projects	20%	4.7500	0.9500	4.2500	0.8500	3.0000	0.6000	5.0000	1.0000	4.7500	0.9500	3.0000	0.6000	4.5000	0.9000	3.5000	0.7000
Total proposed price	20%	3.0000	0.6000	4.0000	0.8000	1.0000	0.2000	4.2500	0.8500	4.0000	0.8000	3.2500	0.6500	5.0000	1.0000	3.2500	0.6500
Proprietor's demonstrated capabilities (equipment, financial intensity, location)	15%	5.0000	0.7500	4.5000	0.6750	4.0000	0.6000	4.5000	0.6750	4.5000	0.6750	3.7500	0.5625	4.0000	0.6000	3.7500	0.5625
Client References	10%	4.5000	0.4500	4.0000	0.4000	1.0000	0.1000	3.5000	0.3500	4.5000	0.4500	3.0000	0.3000	4.0000	0.4000	2.5000	0.2500
Staffing (Evaluation of Employees' Resumes)	10%	5.0000	0.5000	4.0000	0.4000	3.0000	0.3000	4.5000	0.4500	4.7500	0.4750	3.5000	0.3500	4.0000	0.4000	4.0000	0.4000
Totals:	100%		4.5000		3.7750		2.9250		4.5750		4.6000		3.3375		4.5500		3.5625