



**PERSONNEL COMMITTEE**

**February 5, 2015 – 11:15 A.M.**

**Personnel Committee Members**

**Ira Steingart, Chair  
Kitty Vetter, Vice Chair  
Kathy LaBuda  
Jonathan Rouis  
Cindy Kurpil Gieger**

**AGENDA**

**REPORTS:**

1. Human Rights – Monthly Report

**DEPARTMENTS:**

1. Personnel
2. Risk Management and Insurance

**DISCUSSION:**

1. Compensation Study RFP
2. Whistleblower Draft Policy
3. Progressive Discipline Draft Policy

**RESOLUTIONS:**

1. To waive Residency Requirements for a Specific Probation Officer Position.

**PUBLIC COMMENT:**

Sullivan County

Employee Orientation Fact Sheet #\_\_

Subject: Whistle Blower Policy

**Statement of Policy:**

Sullivan County (the "County") is committed to the highest standards of ethical, moral and legal conduct. In furtherance of that commitment, the County requires its elected officials, officers and employees (hereinafter collectively referred to as "employees") to observe the highest standards of business and ethical conduct in furtherance of their duties and responsibilities.

It is not the purpose of this policy to expand upon the statutory rights or create an independent right or remedy that is not already available to County employees under existing state and federal law. Rather, this Policy is intended to provide a mechanism that enables employees and others to report acts of inappropriate government conduct to the appropriate officials so that the County may respond accordingly.

For purposes of this policy "inappropriate government conduct" shall mean:

- (a) An activity, policy or practice of the employer or of one or more employees that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or
- (b) an activity, policy or practice of the employer or of one or more employees that constitutes a violation of the County's Corporate Compliance Policy (see, Fact Sheet #\_\_)

**Scope:**

This Policy applies to all County employees, contractors, volunteers and vendors.

**Written Policy:**

A copy of this Policy shall be provided to all existing County employees, all new County employees and all persons contracting to do business with the County.

**Reporting Responsibilities:**

- A. County employees must report allegations of suspected inappropriate government conduct to one of the following officials with a copy to the County's Personnel Officer:
  - a. the County Manager, or
  - b. the Clerk of Board of Legislators
- B. All such allegations must be in writing, signed and dated.

**False/Bad Faith Allegations:**

Allegations of inappropriate government conduct are serious and can have an adverse impact upon an individual as well as the working environment at the County. Before making allegations of inappropriate government conduct, individuals shall be reasonably certain of their truthfulness. Individuals making allegations with reckless disregard of the truth or in bad faith may be subject to disciplinary action up to and including termination from employment.

**Investigations:**

Allegations of suspected inappropriate government conduct shall be investigated by the County Manager of his or her designee. The County Manager may, in the appropriate circumstance and in consultation with the County Attorney, refer the investigation, including the results of his or her own internal investigation to a State oversight agency, or to the District Attorney, NYS Attorney General or other law enforcement agency.

The County Manger in consultation with the appropriate appointing authority shall determine what further employment actions may be necessary. A summary of the results of the investigation shall be provided to the complainant.

Upon completion of the investigation, an executive summary of the results of the investigation, including findings and recommendations, if any, will be presented by the County Manager, or his or her designee, to the Board of Legislators.

**No Retaliation:**

No County employee who in good faith reports an allegation of inappropriate government conduct shall suffer harassment, retaliation or adverse employment action as a result.

No County employee shall harass or otherwise retaliate against another employee who has reported in good faith and allegation of inappropriate government conduct within the meaning of this Policy. An employee engaging in such harassment may be subject to discipline up to and including termination from employment.

“Good faith reporting” as referred to herein may include but is not limited to:

- disclosing, or threatening to disclose to a supervisor or to a government body an activity, policy or practice of the employer or of one or more employees that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, or which constitutes health care fraud;
- providing information to, or testifying before, any public body or officer conducting an investigation, hearing or inquiry into such allegation of violation of law, rule or regulation by such employer or employee; or
- objecting to, or refusing to participate in any activity, policy or practice that the employee reasonably believes is in violation of a law, rule or regulation.

Sullivan County

Employee Orientation Fact Sheet #\_\_

Subject: Progressive Discipline

Statement of Policy:

Sullivan County holds each of its employees to certain standards of conduct as detailed in this Handbook, and as enforced and implemented by the employee's supervisor(s), department head, County Manager, and applicable law. When an employee deviates from these standards, the County will implement disciplinary action.

Disciplinary action at the County is intended to be progressive. That is, the action taken in response to a rule infraction or violation of standards typically follows a pattern increasing in seriousness until the infraction or violation is corrected.

The usual sequence of corrective actions includes an oral warning, a written warning, suspension with or without pay, probation, and finally termination of employment. In deciding which initial corrective action would be appropriate, a supervisor will consider the seriousness of the infraction, the circumstances surrounding the matter, and the employee's previous record.

Progressive discipline may not apply in every instance as certain offences could warrant more serious discipline, up to and including termination. Examples of misconduct which would not call for progressive discipline include, but are not limited to:

- Violations of the County's Anti-discrimination or Sexual Harassment policies;
- Workplace violence;
- Reporting to work intoxicated/impaired;
- Destruction of County property;
- Excessive unexcused absences;
- Insubordination;
- Untruthfulness about personal work history, skills, or training;
- Misrepresentation of important facts or making a false report.

Nothing in this policy is intended to create an employment contract or to modify existing employment contracts including those resulting from collective bargaining. Additionally, nothing in this policy is intended to forgo any rights employees or the County may have under Civil Service Law.

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Jeffrey Mulinelli

**Re:** Request for Consideration of a Resolution: Waive Residency Requirement for New PO

**Date:** 01/30/15

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

The certified eligible lists for Probation Officer/Trainee have been exhausted and multiple vacancies exist. Permission to fill vacancies has been approved, and the position(s) have been posted. An applicant is currently a certified, fully-trained Peace Officer with the Delaware County Probation Department, just across the county line in Long Eddy, NY. This resolution would waive the residency requirement, (continued on next page)

**Is subject of Resolution mandated? Explain:**

No.

**Does Resolution require expenditure of funds? Yes  No**

**If "Yes", provide the following information:**

**Amount to be authorized by Resolution:** \$ 68,094.00

**Are funds already budgeted? Yes  No**

**If "Yes" specify appropriation code(s):** \_\_\_\_\_

**If "No", specify proposed source of funds:** A-3140-16-10-1011

**Estimated Cost Breakdown by Source:**

County	<u>\$68,094.00</u>	Grant(s)	\$ _____
State	<u>\$9,286.00</u>	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

**Verified by Budget Office:** \_\_\_\_\_

**Does Resolution request Authority to Enter into a Contract? Yes  No**

**If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.**

**Purpose of Resolution (continued):**

serve the immediate need of the Probation Department, and enable Sullivan County to avoid the expenditure of training costs.

Request for Authority to Enter into Contract with [ \_\_\_\_\_ ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No \_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

\_\_\_\_\_

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \_\_\_\_\_

Efforts made to find Less Costly alternative:

\_\_\_\_\_  
\_\_\_\_\_

Efforts made to share costs with another agency or governmental entity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

\_\_\_\_\_ *not Applicable RfP* \_\_\_\_\_

Person(s) responsible for monitoring contract (Title): \_\_\_\_\_

Pre-Legislative Approvals:

- A. Director of Purchasing: *[Signature]* Date 1/30/15
- B. Management and Budget: *[Signature]* Date 2/4/15
- C. Law Department: *[Signature]* Date 1/30/15
- D. County Manager: *[Signature]* Date 2/4/15
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_



**RESOLUTION NO. INTRODUCED BY PERSONNEL COMMITTEE TO WAIVE RESIDENCY REQUIREMENTS FOR A SPECIFIC PROBATION OFFICER POSITION**

**WHEREAS**, the Director of Probation was authorized to fill a vacant Probation Officer position; and

**WHEREAS**, the Director of Probation has expressed his desire in filling the Probation Officer position due to its vital role in the Probation Department; and

**WHEREAS**, the Director of Probation has stated that the Probation Officer position has been difficult to fill with a qualified County resident as the Eligible List for Probation Officer has been exhausted; and

**WHEREAS**, the Director of Probation has stated that the selected candidate for this Probation Officer position, Terina N. Touw, has stated that complying with the residency requirement will place an undue hardship upon her; and

**WHEREAS**, the Director of Probation has requested that the Legislature waive the residency requirement as it pertains to Terina N. Touw for the position of Probation Officer in the Sullivan County Probation Department for a permanent appointment as a lateral transfer from Delaware County Probation Department; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature hereby waives said position of Probation Officer in the Sullivan County Probation Department for a permanent appointment from the residency requirement policy, specific to Terina N. Touw; and

**BE IT FURTHER RESOLVED**, that the Clerk to the Legislature is hereby directed to transmit a copy of this resolution to the Human Resources Department and the Payroll Department.