

PERSONNEL & ADMINISTRATION COMMITTEE

Monday, May 21, 2018 - 10:00 AM

Ronald Moore, Chairperson
Ike Tyler, Vice-Chairperson

Chairman Moore called this Personnel Committee Meeting to order at 10:25 a.m. with the following supervisors in attendance: Robin DeLoria, Archie Depo, Shaun Gilliland, Joseph Giordano, Charles Harrington, Ronald Jackson, Michael Marnell, Stephen McNally, Noel Merrihew, Dean Montroy, James Monty, Ronald Moore, Gerald Morrow, Roby Politi Randy Preston, Michael Tyler, Thomas Scozzafava and Joe Pete Wilson.

Department heads present were: Daniel Palmer, Jennifer Mascarenas and Judy Garrison. Dan Manning had been previously excused.

New media present: Keith Lobdell – Sun News.

MOORE: I'd like to call the Personnel Committee meeting to order. First up is our Personnel Officer, Jennifer Mascarenas. Good morning Jen.

MASCARENAS: Good morning. I don't know have anything in addition to my monthly report unless you have any questions?

MOORE: Any questions for Jen?

MONTY: Good morning Jen. I've been hearing and listening and seeing some things do we have a policy for employees that it's okay to come in seven and punch out late, excuse me I mean come in seven minutes late and punch out seven minutes early?

PALMER: It is actually supposed to be five of, five after isn't it? I can't remember.

MASCARENAS: It's seven.

PALMER: Fair Labor Standards actually has that rule. That's within Fair Labor Standards you are absolutely required to allow an employee to come within seven minutes of or seven minutes after and you can't charge them, you don't have to pay them for being early if they are within that seven minute range and you can't penalize them for being late in that seven minute period.

MONTY: So we're losing an hour and fifteen minutes an employee every pay period? If every employee is doing that.

PALMER: Well if every employee clocks in at seven after, that's a discipline issue though that's not like it isn't like you can't talk to the employee about that what Fair Labor Standards essentially says is that you can't dock them pay for that reason. That's entirely different than saying to an employee you are always coming in late, I don't like it you've got to stop doing this, I'm going to write you up if you do. That's different but you can't under Fair Labor Standards charge them or dock them pay for being within that time frame.

MONTY: Okay what about leaving seven minutes early?

PALMER: Well again that's a discipline issue too I would not allow my employees just to take off seven minutes early.

MONTY: We do have several employees that do it and on a consistent basis and they need to be disciplined. I mean because you know if they're just say working 8 to 4 and they're punching out at 3:53 every day you know that they've shut down probably about 3:30 from work.

PALMER: But that would be an issue the department head would address.

MONTY: So a department head should be taking care of that?

PALMER: Absolutely.

MONTY: And writing them up for leaving early?

PALMER: Sure. Yes, if they consistently do that again Fair Labor Standards talks about what you can pay and what you cannot pay, how you chose to enforce your rules with the employees is different that's a subject to discipline issue.

MONTY: So that employee that is doing that how is her comp time figured? Is it from their hours that they work or is it from the hours that show up on the timecard?

PALMER: Well if they're clocking in after that seven minutes after or clocking in before than they do get credit for comp time that's why it's important for a department head to say I don't want you doing that. I don't want you earning comp time because you're coming in at ten of instead of seven of so to speak and again, those are management issues that have to be dealt with but they're not in terms of the rule associated with Fair Labor Standards talks about how you pay or not pay.

MONTY: And one other question Ron and this is for Jen and Ron, did we form that sub-committee yet for the personnel policy?

MOORE: Have not to my knowledge, no.

MASCARENAS: Not to my knowledge either.

MOORE: We'll make that happen.

MONTY: Thank you.

MOORE: Further questions for Jen?

POLITI: Just, I'm curious somebody check the time sheets?

PALMER: Oh yeah.

POLITI: Somebody check them every week? Is that what you're doing?

PALMER: Yeah.

POLITI: Do you get a report?

PALMER: Every month, well I don't get the – I get the department head reports okay and in fact since our last incident with a department head, Jen checks all of the department head timesheets first, brings them over to me and says these appear to be this, or this, or this. I don't check individual five hundred employees those are subject to the department heads checking their own but Personnel checks them.

POLITI: You don't check our time sheets do you?

PALMER: I do.

POLITI: Joe's in big trouble. *(laughter)*

MONTY: Scoozy too. He's never on time.

MARNELL: I didn't have my ear plug in at the time and missed it. If somebody's work day starts at 7 am that's set up prior, the beginning of year but if a guy or a girl wants to get twenty minutes early, fifteen minutes early have coffee, shoot the breeze with somebody, do whatever I mean that's even though they punched in early?

PALMER: You owe them. If you set their time for 7 am and you allow them to punch in twenty minutes early you owe them according to the Fair Labor Standards if you allow an employee to punch in early, earlier than seven minutes of you owe them for that time. So what you say to that employee is if you want to come in and hang around and drink your coffee and do whatever you want to do, do that but you don't clock in until 7 am that's what I'm paying you for clock in then.

MARNELL: So a construction company owes people then right?

PALMER: Again I don't know what the rules are associated with the private sector I'm telling you what the public sector rules are. Public sector rules say seven of, seven after.

MONTY: Public sector include the State?

PALMER: Yup.

MONTY: Wow they owe us some money lke.

MOORE: Further questions for Jen? Thank you Jen.
Our Clerk of the Board, Judy.

The next item on the agenda was the Clerk of the Board, Judy Garrison reporting as follows:

GARRISON: Good morning. I submitted a monthly report and I have nothing further to add to that unless anyone has any questions?

MOORE: Questions for Judy?

Dan's not here today but he does have a resolution which I believe you have in your packets authorizing the sale of property to the state of New York Department of Environmental conservation for the sale price of \$13,400.00 with the sale proceeds to be transferred to North Country Community College Board of Trustees for use in the capital improvement of the NCCC campus facilities located in Saranac Lake. Does somebody want to move that?

**RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO THE STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE SALE PRICE OF \$13,400.00 WITH THE SALE PROCEEDS TO BE TRANSFERRED TO NORTH COUNTRY COMMUNITY COLLEGE BOARD OF TRUSTEES FOR USE IN THE CAPITAL IMPROVEMENT OF THE NCCC CAMPUS FACILITIES LOCATED IN SARANAC LAKE.
Moved by Mr. Monty, seconded by Mr. Scozzafava.**

MOORE: Discussion?

SCOZZAFAVA: We're not selling it to the State, correct?

PALMER: Yeah, we are selling it to the State. We are selling it to the State, the State of New York went out and had an appraisal on it we're selling it the State of New York.

SCOZZAFAVA: Did we get approval from the town boards? Is it in North Elba or is it in St. Armand?

POLITI: It's in North Elba.

PALMER: It's actually coming through the North Country Community College property.

SCOZZAFAVA: I'm just saying anytime the State buys land you've got to have approval from that town board.

PALMER: I guess from the county's perspective that would be the State's responsibility to make sure they crossed their t's and dotted their i's whether they did that or not I don't know but I know from our perspective all we're doing is facilitating the sale of this \$13,400

SCOZZAFAVA: And they will probably take it to the next step from there?

PALMER: I would think they would but in addition to that we did agree both Essex and Franklin based upon my discussion with Dan that we would turn those funds over to North Country Community College under their capital improvement projects.

SCOZZAFAVA: Thank you.

MOORE: Further questions? All in favor, opposed – carries. Anything else to come before the Personnel Committee? I guess we are adjourned.

As there was no further discussion to come before this Personnel Committee it was adjourned at 10:30 am.

Respectfully submitted,

Judy Garrison, Clerk
Board of Supervisors