

# **County of Albany**

Harold L. Joyce  
Albany County Office Building  
112 State Street - Albany, NY 12207



## **Meeting Agenda**

**Thursday, March 25, 2021**

**6:00 PM**

**Held Remotely**

**Personnel Committee**

**PREVIOUS BUSINESS:**

1. APPROVING PREVIOUS MEETING MINUTES
2. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES TO RECOGNIZE JUNETEENTH AS A COUNTY HOLIDAY

**CURRENT BUSINESS:**

3. AUTHORIZING AN AGREEMENT WITH PMA MANAGEMENT CORP., REGARDING THIRD-PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS AND BENEFITS FOR ALBANY COUNTY

# County of Albany

*Harold L. Joyce  
Albany County Office Building  
112 State Street - Albany, NY 12207*



## Meeting Minutes

Thursday, February 25, 2021

6:00 PM

Held Remotely

**Personnel Committee**

**PREVIOUS BUSINESS:**

**Present:** Legislator Gilbert F. Ethier, Legislator Jeffrey D. Kuhn, Dustin M. Reidy, Sean E. Ward, Merton D. Simpson, Lynne Lekakis, Mark E. Grimm and Todd A. Drake

**Excused:** Raymond F. Joyce

**1. APPROVING PREVIOUS MEETING MINUTES**

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

**CURRENT BUSINESS:**

**2. AUTHORIZING AN AGREEMENT WITH AETNA TO ADMINISTER THE MEDICARE ADVANTAGE PLAN FOR MEDICARE ELIGIBLE RETIREES**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**3. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES TO RECOGNIZE JUNETEENTH AS A COUNTY HOLIDAY**

This proposal was tabled at the request of the Sponsor.

**4. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES TO PROVIDE PAID LEAVE FOR THE PURPOSES OF RECEIVING A COVID-19 VACCINATION**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**RESOLUTION NO. 54**

**AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES TO RECOGNIZE JUNETEENTH AS A COUNTY HOLIDAY**

Introduced: 2/8/21

By Mr. Clay, Ms. Chapman, Messrs. Efekoro, Fein, Ms. McLaughlin, Mr. Simpson, Ms. Willingham, Messrs. A. Joyce, Feeney, Beston, Bruschi, Cleary, Commisso, Ethier, R. Joyce, Ms. Lekakis, Mr. Mayo, Ms. McLean Lane, Messrs. Miller, O'Brien, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Ricard, Smith and Ward:

WHEREAS, The news of liberation of slaves came to Texas more than two years after President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863, and

WHEREAS, African-Americans across the state were made aware of their right to freedom on June 19, 1865, when Major General Gordon Granger arrived in Galveston with federal troops to read General Order No. 3 announcing the end of the Civil War and that all enslaved people were now free, as well as to maintain a presence in Texas for the purpose of enforcement of emancipation among slave-owners throughout the state, and

WHEREAS, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures, and

WHEREAS, The faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race, and

WHEREAS, Slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865, and

WHEREAS, Over the course of its history, the United States has grown into a symbol of democracy and freedom around the world, and

WHEREAS, By Resolution No. 136-b for 1999, this Honorable Body adopted employee rules and regulations which are applicable to all non-union employees of Albany County, and

WHEREAS, Contained within the employee rules and regulations are the holidays observed by county employees, and

WHEREAS, NYS Governor Andrew M. Cuomo issued an Executive Order recognizing June 19, 2020 as Juneteenth, and declared that June 19, 2020 to be a holiday for state employees, and

WHEREAS, the County of Albany, being the Capital of the Empire State, has a proud history of being at the forefront in supporting, honoring and celebrating civil rights and freedoms, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County of Albany

(1) Designates June 19, 2021, as “Juneteenth”;

(2) Recognizes the historical significance of Juneteenth to the United States;

(3) Supports the continued nationwide celebration of Juneteenth to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States, and

(4) Recognizes that the observance of the end of slavery is part of the history and heritage of the United States, and be further

RESOLVED, By the Albany County Legislature that the Albany County Employee Rules and Regulations, adopted pursuant to Resolution No. 136-b for 1999, as amended, are hereby amended to read as follows:

“ARTICLE VI: PAID LEAVES OF ABSENCE

H. Paid Holidays. The following days are observed by the County as paid holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day, and Christmas Day. If such a holiday falls on a Saturday, it will be observed on the preceding Friday and if such a holiday falls on a Sunday, it will be observed on the following Monday.”

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 Committee – 2/8/21*

# Albany County

## Department of **HUMAN RESOURCES**

**Daniel P. McCoy, Albany County Executive**

**Jennifer Skelly Clement, Commissioner**

### MEMORANDUM

TO: Hon. Andrew Joyce, Chairman, Albany County Legislature

CC: Hon. Dennis Feeney, Majority Leader  
Hon. Frank Mauriello, Minority Leader  
Majority Counsel  
Minority Counsel

FROM: Jennifer Skelly Clement, Commissioner of Human Resources

DATE: 03/04/2021

**RE: Contract Approval: Workers' Compensation Third Party Administrator**

Attached please find the RLA to approve the contract with PMA as the Third Party Administrator (TPA) for Workers' Compensation Claims Administration. As you may know, we are been operating under an emergency contract with PMA since the prior TPA, UMR formally POMCO, cancelled our contract.

PMA 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, with two optional 1 year renewables.

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



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

**File #:** TMP-2352, **Version:** 1

### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

Contract Authorization with PMA as Albany County’s Workers’ Compensation Third Party Administrator (TPA)

Date: 3/4/2021  
Submitted By: Jennifer Skelly Clement  
Department: Human Resources  
Title: Commissioner  
Phone: 518-447-5690  
Department Rep.  
Attending Meeting: Jennifer Skelly Clement

**Purpose of Request:**

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

**CONCERNING BUDGET AMENDMENTS**

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel



- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):  
PMA Management Corp  
380 Sentry Parkway  
Blue Bell, PA 19422

Additional Parties (Names/addresses):  
Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$160,000.00  
Scope of Services: Third Party Administrator of Workers' Compensation Claims

Bond Res. No.: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No

Anticipated in Current Budget: Yes  No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: CS 9040 89040

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: 100%

Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: 3 years

Impact on Pending Litigation Yes  No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 395

Date of Adoption: 9/12/16

**Justification:** (state briefly why legislative action is requested)

The Department of Human Resources respectfully requests legislative action to enter into a three year contract with PMA with two optional 1 year renewables. PMA was the selected bidder through the RFP process to serve as the Third Party Administrator for Workers' Compensation Claims Administration.

**MEMORANDUM**

**DATE: March 4, 2021**

**FROM: LOCEY & CAHILL, LLC**

**TO: COUNTY OF ALBANY**

**RE: 2021 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 2021 we were charged with assisting the County in the analysis of proposals received through 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 #2020-027. 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. PMA Companies (Syracuse, New York)
2. NCA Comp. Inc. (Buffalo, New York)
3. Gallagher Bassett (Rolling Meadows, Ill & Syracuse, NY)
4. TRIADGroup (Troy, New York)
5. FCS (Williamsville, New York)
6. Broadspire (Peachtree, Goergia)

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**  
**RE: 2021 WORKERS' COMPENSATION TPA RFP**  
**March 4, 2021**  
**PAGE 2**

Locey & Cahill, LLC conducted an initial review of the proposals and present to the County of Albany our scoring of the proposals:

<b>Respondent's Name</b>	<b>Evaluation Score</b>
PMA Companies	4.400
NCA Comp. Inc.	3.690
Gallagher Bassett	4.150
TRIADGroup	4.125
FCS	4.450
Broadspire	2.750

It is the recommendation of Locey & Cahill, LLC that County of Albany remove NCA and Broadspire from further consideration due to the low evaluation scores.

This left four remaining firms for the County to consider. As can be seen above, the remaining administrators had very close evaluation scores. This was not surprising since all four of these administrators are highly capable firms and would serve the County quite well with the management of its Workers Compensation Plan. However, mindful of the closeness in score of these four administrators, and that PMA is the incumbent carrier and has performed its services for the County very well over the past 12 months, we believe that it is the County's best interest to remain with PMA.

When we call PMA the incumbent carrier, it is important to note that they were able to step in on extremely short notice to provide services to the County after POMCO (who was the previous administrator) abruptly announced that they were ceasing TPA Workers Compensation Operations towards the end of 2019. Since PMA had been the carrier in place with the County for many, many years prior to converting to POMCO back in 2017, they were perfectly situated to resume the administration of the County's WC Plan. However, with this abrupt change in administrators in 2019, it was wisely decided to do a complete RFP Process to ensure that PMA is, in fact, the best suited firm to assist the County with its WC Plan.

We believe PMA is the best suited administrator due to the following reasons:

- PMA's quoted administrative fee was presented as requested by the County as a total cost proposal, not a menu based per claim proposal. The single fee total cost proposed by PMA is a budgetable administrative cost for the County that will not vary based on the number and complexity of the claims.
- The proposals submitted by Gallagher Bassett and TRIAD were per claim based and could vary based on the number of and complexity of the claims processed for the County. Due to the unique nature of a County based WC Plan and the unique loss factors that some of the employees covered by the County's WC Plan have, we strongly believe that the stability of a single quoted fee is in the best interests of the County.

- However, to be fair to all the parties, we did base our administrative fee comparisons on the projected claim levels and administrative add-on charges and found that PMA, while not the lowest cost administrator, was comparable with regards to administrative fees to the other carriers.
- We did note that FCS's base administrative fee was the lowest. However, their network access fee, which can add significant administrative costs to the claims that are being processed, is 7% higher than the same fee presented by PMA which basically eliminates the administrative cost difference between PMA and FCS.
- It is important to keep in mind that the administrative costs of WC Plan account for only 20% - 25% of a WC Plan's total budget. The claims paid account for the remaining 75% - 80% of the Plan's Budget. So, when evaluating the administrators, it is important to calculate their final impact of the cost of the claims. Once this is factored in, we feel strongly that the PMA Proposal presents the lowest overall cost to the County for its WC Plan. PMA's proven claim management practices have served the County's budget well in the many years that they have administered the County's WC Plan.

As stated earlier in this Report, we believe the primary purpose of the RFP Process was to evaluate the market and ensure that PMA is the firm that is best suited to administer the County's WC Plan. Based on our evaluation of the proposals, it can be easily concluded that PMA does meet this criterion. While there are other administrators that we feel could provide a comparable level of service to the County at a comparable cost, the fact that PMA was competitive, from both a cost perspective and an administrative capabilities perspective addresses the issues associated with this RFP Process.

PMA worked diligently back in 2019 when POMCO abruptly announced that they were no longer going to provide WC Plan services. The County was in a bind and PMA stepped up to the table and provided for an effective and immediate transition. Mindful that the County just recently went through this transition in the WC Plan administrative services, the fact that PMA has presented a competitive proposal presents the County with the opportunity to know that they already have in place a highly competent and cost-effective administrator.

Transitioning a WC Plan is a very difficult and time-consuming process. Mindful that the County has gone through such a transition just such a short time ago, lends itself to retaining the incumbent carrier unless there is a clear and unquestionable reason to choose a different carrier. This RFP Process proves that there is no such opportunity out there for the County.

Due to all the factors included above, and the fact the PMA scored very high in the evaluative comparison, it is the strong recommendation of Locey & Cahill, LLC that the County retain its ongoing relationship with PMA as the County's WC Plan Third Party Administrator.

**RESOLUTION NO. 395**

**AUTHORIZING AN AGREEMENT WITH THE POMCO GROUP FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION BENEFITS**

Introduced: 9/12/16

By Personnel Committee:

WHEREAS, Albany County has self-insured employee workers' compensation benefits since 1984, and has contracted for third-party administration of claims and benefit services, and

WHEREAS, Pursuant to the County procurement policy, an RFP was issued soliciting proposals from third-party administrators to manage and process workers' compensation claims and benefits for all County employees and eight proposals were received, and

WHEREAS, The County's employees benefits consultant Locey and Cahill, LLC and a committee of County Department of Human Resources employees reviewed said proposals and recommended awarding the contract to the Pomco Group, as offering the best value for the County, and

WHEREAS, The Commissioner of Human Resources has requested legislative approval of an agreement with the Pomco Group for an initial term of three years, in the annual amount of \$143,500, commencing January 1, 2017 and ending December 31, 2019, and

WHEREAS, The Commissioner of Human Resources has also requested inclusion of a legislative option to renew the agreement with the Pomco Group at the conclusion of the initial contract term for two additional one-year terms at a price to be determined at that time, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an initial agreement for a three year term, with the Pomco Group, 2425 James Street, Syracuse, New York 13206 for third party administration of workers' compensation claims and benefits in the annual amount of \$143,500 commencing January 1, 2017 and ending December 31, 2019, and, be it further

RESOLVED, The contract shall, at the conclusion of the initial term, require legislative approval to execute up to two additional one-year renewal options with the Pomco Group, at a price to be determined at that time, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

*Adopted by unanimous vote. 9/12/16*