

County of Albany

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



Meeting Agenda

Thursday, March 3, 2022

6:00 PM

Held Remotely

Personnel Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

2. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES
3. APPOINTMENT OF MEMBERS TO THE ALBANY COUNTY ETHICS COMMISSION
4. AUTHORIZING THE OFFICES OF THE PUBLIC DEFENDER AND ALTERNATE PUBLIC DEFENDER TO CONSIDER OUT-OF-COUNTY APPLICANTS FOR THE POSITIONS OF ASSISTANT ALBANY COUNTY PUBLIC DEFENDER AND ASSISTANT ALTERNATE ALBANY COUNTY PUBLIC DEFENDER

County of Albany

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



Meeting Minutes

Thursday, January 27, 2022

6:00 PM

Held Remotely

Personnel Committee

PREVIOUS BUSINESS:

Present: Gilbert F. Ethier, Jeffrey D. Kuhn, Mark E. Grimm,
Raymond F. Joyce, Lynne Lekakis, Dustin M. Reidy,
Merton D. Simpson and Sean E. Ward

Excused: Todd A. Drake

1. APPROVING PREVIOUS MEETING MINUTES

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

CURRENT BUSINESS:

**2. AUTHORIZING THE SHERIFF'S OFFICE TO CONSIDER
OUT-OF-COUNTY APPLICANTS FOR VARIOUS POSITIONS**

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

**3. AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO
CONSIDER OUT-OF-COUNTY APPLICANTS FOR THE POSITIONS OF
LICENSED CLINICAL SOCIAL WORKER AND LICENSED MASTER
SOCIAL WORKER**

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

**4. APPROVING AN APPOINTMENT TO THE ALBANY COUNTY AIRPORT
AUTHORITY**

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

Introduced: 2/14/22

By Ms. Lekakis, Messrs. Kuhn and A. Joyce:

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

WHEREAS, it has become apparent that certain provisions therein need to be amended in response to a changing workforce, now, therefore be it

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 II: ATTENDANCE:

A. Attendance Policy.

1. The requirement that County employees arrive to, and depart from, their appointed work sites at designated times is central to the efficient and effective delivery of necessary services to the public.

B. Time Keeping Practices.

1. The heads of each department shall work with the Commissioner of Human Resources to create a written time keeping practices procedure which includes, but is not limited to:
 - a. A requirement that all employees use the time clock/time keeping system/equipment, or similar County designated time keeping system/equipment, that is located at an employee’s assigned work site, except if an employee’s supervisor determines that the employee’s use of the designated time keeping system/equipment at the employee’s assigned work site significantly impedes the employee’s productivity.
 - b. Requirements for time clock/time keeping system access, including:
 - i. Establishing a set number of Time Managers who will be assigned to manage the time clock/time keeping system software on behalf of the department.
 - ii. Establishing strict guidelines related to the practice of individuals entering or editing their own time, including the review, approval, and documentation of that process.

2. The written time keeping practices procedure shall include an adequate process to document satisfaction of the requirements of this Section B, including a periodic review by each department in coordination with the Department of Human Resources. After that review, the department shall adopt the necessary changes to effectuate accurate time keeping practices.
3. The Department of Human Resources shall maintain a record of each department's time and attendance procedures and ensure the following:
 - a. The development and application of department-specific timesheets to be used for manual recording of time worked. Such department-specific timesheets shall include:
 - i. Work location
 - ii. Description of activities
 - iii. Certification by the department
 - iv. An employee attestation
4. It is occasionally necessary to manually enter or edit time in the time clock/time keeping system. Such manual entries or edits shall be verified and approved by a supervisor or authorized personnel from the Payroll Division of the Human Resources Department.
5. Each department shall maintain all time sheets, and any supporting documentation, such as leave requests, in electronic format.
6. The Department of Human Resources shall work with departments to maintain a list of positions where there is no immediate supervisor to approve the employees' time in the time clock/time keeping system, and provide a mechanism for assuring those employees are accurately recording their time.

[B]C. Standard Workweek. Each County Department Head shall establish a standard workweek for his or her department.

[C]D. Attendance Record. Every County employee shall maintain a complete, accurate, and up-to-date record of his or her presence and absence from work. For employees who are FLSA covered employees as defined herein, attendance records shall, at a minimum, indicate the time work commenced, the start and stop of any meal break, and the time work ended. FLSA exempt employees shall record attendance and any leave credits charged. Periods of absence covered by properly authorized paid and unpaid leaves shall also be indicated. The Commissioner of Human Resources is authorized to promulgate County-wide standards, forms, and procedures for the purposes of recording attendance. The use of automated systems in the recording and reporting of employee attendance may be required. All records shall be maintained electronically in accordance with subsection four of Section B, Article II.

[D]E. Falsification of Attendance Records. Attendance records are key instruments of government accountability. Deliberate falsification of time and attendance records shall result in disciplinary action.

F. Performance and Duties: Employees shall perform their duties and responsibilities as assigned during the County workday, or during an alternate time approved by a supervisor. There shall be no personal business conducted during work hours, this includes but is not limited to, the following prohibited activity: political campaign work, non-county authorized work, and the non-incident use of personal electronic devices.

[E]G. Alternative Work Schedules/Flex Time/Compressed Week. Employees are generally expected to arrive at work and depart from work at times specified by departmental policy or in accordance with a schedule agreed to by their supervisors. Deviation from an employee's regular schedule requires the prior approval of his or her supervisor.

[F]H. Tardiness. It is the responsibility of each employee to report to work at the appointed time. Excessive tardiness may be grounds for disciplinary action, up to and including termination.

[G]I. Unauthorized Absence. An employee's absence from work shall be considered an unauthorized absence when: (a) the absence was not properly approved by the employee's supervisor, or (b) in the case of an absence necessitated by illness, the employee fails to provide notice to his or her supervisor as soon as practicable. Unauthorized absence constitutes misconduct and, depending upon the circumstances, may result in performance counseling or disciplinary action.

[H]J. Abandonment of Employment. Absence from work without approval (unauthorized absence for periods in excess of seven (7) consecutive calendar days) will be considered a voluntary resignation. An employee requesting reinstatement after abandonment of employment must show that he or she was incapable of providing proper notice to the County of the need to be absent. This provision shall not limit the County's ability to remove employees on basis of misconduct for periods of unauthorized absence of any duration.”

“ARTICLE VI: PAID LEAVES OF ABSENCE

D. Conversion of Previously Scheduled Absence to Sick Leave Prohibited. An absence previously scheduled to be covered by vacation leave, personal leave, compensatory time off or floating holiday credits shall not be converted to sick leave, unless the employee reports a personal illness or that of an immediate family member (defined as an employee's spouse, children, step-children, foster children,

parents, guardians, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship [legal relationship of spouse, parents, guardians, children, step-children, and foster children]), at least two days in advance of such previously scheduled absence and the employee requests the use of sick leave to attend to such illness. An exception to this policy may be made when an unforeseen emergency hospital stay occurs during such previously scheduled absence.

I. Regular Sick Leave. Regular sick leave shall be used to cover an absence from work necessitated by an employee's own temporary illness. Within the limits set forth under "Notice and Approval" below. Sick leave shall also be used to cover absences from work necessitated by the need to provide care to a member of an employee's immediate family (defined as employee's spouse, children, step-children, foster children, parents, guardians, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship [legal relationship of spouse, parents, guardians, children, step-children, and foster children]) who suffers from an illness. Sick leave shall be used to cover absences necessitated by scheduled visits to licensed care providers (e.g., doctors, physical therapists, dentists, optometrists, etc.).

“ARTICLE VIII: HEALTH AND DENTAL INSURANCE

E. Coordination of Benefits.

1. The County shall not provide duplicate health or dental insurance coverage to an employee and an employee's dependent child. The following coordination of benefits rules shall be observed:

a. In the case where both [husband and wife] spouses are County employees, only one spouse may be allowed family coverage, including all dependents, or both employees may choose individual coverage.

b. Where a County employee is eligible to participate in the County health insurance program but may also be covered as a dependent child of another County employee, such an employee must make a choice. He or she may: (a) elect coverage other than the plan of the employee parent and agree to be removed from the enrollment of his or her employee parent, or (b) continue coverage under the employee parent's coverage.

c. Employees covered under this provision shall be eligible to participate in the health insurance buy-out option, provided they meet the criteria.

“ARTICLE XIV: INFRACTIONS

It is the County's policy to base the disciplining of employees on just cause and all instances of cause for disciplinary action shall be considered in their full context. The County endorses a policy of progressive discipline in which attempts are made to provide employees with notice of deficiencies and an opportunity to improve. There are, however, certain misdeeds that by their very nature are particularly inappropriate to the workplace and may require the County to seek immediate removal of an employee, even for a first time offense. The infractions listed below include some, but not all, offenses that may necessitate immediate disciplinary action:

- Use, sale, dispensing, distribution, purchase, possession or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on County premises or work sites;
- Being under the influence of the above while on the job;
- Profane and/or abusive language;
- Gross insubordination, including but not limited to, a direct refusal to obey a lawful order of a supervisor;
- Unauthorized use of equipment;
- Theft of property or services;
- Falsification of employment applications;
- Deliberate falsification of a time and attendance record;
- Sleeping on duty;
- Unauthorized absence;
- Possession of unauthorized firearms, explosives and other weapons on County premises and work sites.
- Personal business conducted during work hours. This includes, but is not limited to, the following prohibited activity: political campaign work, non-county authorized work, and the non-incident use of personal electronic devices.
- Distribution or release of private or protected information to another person or entity not entitled to receive this information, or not in the course of the employee's employment.

RESOLVED, That these modifications to the Albany County Employee Rules and Regulations shall take effect immediately, 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 Law and Personnel Committees – 2/14/22



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

January 24, 2022

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

Please be advised that per Local Law 8 for 2011, I respectfully write to recommend the reappointment of Judge Bernard Malone to the Albany County Ethics Commission. Judge Malone served with honor and integrity during his years as a member of the Appellate Division of the New York State Supreme Court, as well as during his time Assistant United States Attorney for the Northern District of New York before that. He now serves as Senior Counsel at Whiteman, Osterman & Hanna LLP.

Judge Malone's most recent term as a member of the Albany County Ethics Commission expired on December 31, 2021. I have enclosed a resume for further review. Thank you for your consideration on the matter. Please do not hesitate to reach out to my office if there are any questions or concerns.

Sincerely,

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis A. Feeney, Majority Leader
Hon. Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



County of Albany

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

Legislation Text

File #: TMP-3094, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Requesting legislative approval for the reappointment of Judge Bernard Malone to the Albany County Ethics Commission

Date:	January 24, 2022
Submitted By:	Cameron Sagan
Department:	County Executive's Office
Title:	Policy Analyst
Phone:	518-447-7040
Department Rep.	
Attending Meeting:	Cameron Sagan

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):
Click or tap here to enter text.

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

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

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: Click or tap here to enter text.

Appropriation Amount: \$0

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

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

Length of Contract: Click or tap here to enter text.

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: Reso. No. 18-76

Date of Adoption: February 12, 2018

Justification: (state briefly why legislative action is requested)

The County Executive's Office is seeking approval from the County Legislature to reappoint Hon. Judge Bernard Malone to the Albany County Ethics Commission for a four-year term. Judge Malone has served on the Ethics Commission since 2014 and has previously served as its Chair. The candidate's resume is included for further review. This is not a compensated position.

BERNARD J. MALONE, JR.

Senior Counsel

Whitman Osterman & Hanna LLP

**Business, Corporate and Commercial; Environmental; Insurance; and
Litigation, Arbitration and Mediation Practices**



Prior to joining Whitman Osterman & Hanna as senior counsel to the firm, Bernard J. Malone, Jr. served in a variety of notable public service positions. From 2005 through 2012 he was a member of the Appellate Division of New York State Supreme Court, serving on the First Department in Manhattan and the Third Department in Albany. He had been an elected trial level Supreme Court Justice since 1998. For the fifteen years prior to that he was an Assistant United States Attorney for the Northern District of New York, where he specialized in both civil litigation and criminal prosecution.

Representative Accomplishments

- At the conclusion of more than fifteen years of service as Assistant United States Attorney he was recognized for handling “the most complex and high profile cases in the district,” including a five month death penalty trial. He was a busy trial lawyer and also argued numerous appeals before the Second Circuit Court of Appeals in Manhattan.
- As a trial level Supreme Court Justice he determined, in a controversial landmark opinion affirmed by the Court of Appeals, that the New York State Senate and Assembly cannot alter the New York State Governor’s Executive Budget.
- He served with great distinction from 2005-2008 on the Appellate Division, First Department in Manhattan, deciding appeals in international commercial disputes.
- He then served with great distinction from 2008-2012 on the Appellate Division Third Department in Albany.

Affiliations

- Trustee Emeritus of Albany Law School, past president of its National Alumni Association and recipient of the Distinguished Alumni Award, 2013 and the Trustees Gold Medal, the school’s highest award, in 2019
- Member and past chair of Albany County Ethics Commission
- Appointed by Chief Judge of New York State to first Advisory Group of the New York State and Federal Judicial Council
- Founding member of the Youth Courts in the Towns of Colonie and Bethlehem
- Sustaining member of Albany County Bar Association
- Member of Federal Bar Association

Professional/Community

Military

United States Army - Active duty 1965 - 1969

Distinguished graduate, Infantry Officer Candidate School, Fort Benning, Georgia

Awarded Bronze Star and Distinguished Service Medal for service in Vietnam

Background/Education

Niagara University, B.A.

Albany Law School, J.D.

International Institute for Conflict Prevention & Resolution Advanced Commercial Mediation

RESOLUTION NO. 76

APPOINTMENT OF MEMBERS TO THE ALBANY COUNTY ETHICS COMMISSION

Introduced: 2/12/18

By Messrs. A. Joyce, Dawson, Feeney, Mss. Cunningham, Lekakis, Messrs. Fein, Ward and Beston:

WHEREAS, The County of Albany has established an Ethics Commission by Local Law 8 for 2011, and

WHEREAS, Local Law 8 for 2011 provides that two (2) members shall be recommended for appointment by the Majority Leader of the County Legislature, one (1) member by the Minority Leader of the County Legislature, and two (2) members by the County Executive, and

WHEREAS, The Majority Leader has recommended the Hon. Joseph Teresi and Shari Calnero, for appointment to the Ethics Commission, and

WHEREAS, The County Executive has recommended the Hon. Bernard J. Malone and Fr. James L. Lefebvre, for appointment to the Ethics Commission, and

WHEREAS, The Minority Leader has recommended the Michael Rest for appointment to the Ethics Commission, now, therefore be it,

RESOLVED, By the Albany County Legislature that, pursuant to Local Law 8 for 2011, the following individuals are appointed to the Albany County Ethics Commission for terms commencing immediately and expiring as set forth:

Hon. Joseph Teresi	12/31/19
Shari Calnero	12/31/21
Hon. Bernard J. Malone	12/31/21
Fr. James L. Lefebvre	12/31/19
Michael Rest	12/31/21

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 and members of the Ethics Commission.

Adopted by unanimous vote. 2/12/18



DANIEL P. MCCOY
COUNTY EXECUTIVE

HON. STEPHEN W. HERRICK
PUBLIC DEFENDER

COUNTY OF ALBANY
PUBLIC DEFENDER
112 STATE STREET, 2ND FLOOR
ALBANY, NEW YORK 12207-2021
PHONE: (518) 447-7150 FAX: (518) 447-5533
www.albanycounty.com

January 11, 2022

Hon. Andrew Joyce
Chair, Albany County Legislature
112 State Street, Room 710
Albany, New York 12209

Re: Request for legislative Action Extension of 2019 Resolution No. 28

Dear Chairperson Joyce:

I am respectfully requesting on behalf of the Albany County Public Defender's Office and the Albany County Alternative Public Defender's Office, an extension of Resolution No. 28 of 2019, adopted on February 11, 2019, and Resolution No. 42, amending and extending said Resolution No. 28 by including the Albany County Alternative Public Defender, until February 15 2022.

Both offices are recipients of substantial funding from the New York State Office of Indigent Legal Services. This funding provides for additional staffing and support for indigent clients in both criminal courts and Family Court in Albany County. The Statewide Implementation of the Hurrel-Harring determination of State, not county responsibility for funding the expansion and improvement of indigent legal services for indigent individuals charged with crimes will continue to add staff attorneys to both offices over the next several years.

Both offices engage in ongoing recruitment for qualified attorneys in Albany County and throughout New York State. Prior to the County Legislature's approval of Resolution No. 28, only attorneys residing in Albany County were qualified for these positions. This requirement greatly diminished the capability of recruiting and hiring the very best attorneys admitted to practice in New York State. We very often were competing with New York State and the private sector for the limited number of attorneys qualified and interested in representing indigent clients in criminal proceedings.

Allowing our offices to recruit on a basis of qualification and interest focused, but not limited to the County of Albany, has enabled us to hire attorneys best qualified and suited for public service.

One year ago I wrote you indicating that since 2019, the Public Defender had hired ten new attorneys of which six were from out of county and had moved into Albany County. I can tell you once more that since my last request for an extension of Resolution No. 28 of 2019 on January 7, 2021, we have again hired ten new attorneys, six from other counties and states, all of whom have or are now, relocating to Albany County.

Our recruitment practice includes posting on the Albany County website, through Albany County Civil Service Commission, Albany Law School, New York State Defender's Association, and very importantly, and especially for in County recruitment, word of mouth.

Recruitment has been very successful and by allowing the one year relocation grace period, we have expanded and improved the number and quality of our attorneys making us better able to provide high quality representation to our clients.

I thank the County Legislature for its continued support of our offices and ask that this Resolution be further extended.

If you have any questions, or need further information, please feel free to contact me at your convenience.

Very Truly Yours,



Stephen W. Herrick
Albany County Public Defender



County of Albany

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

Legislation Text

File #: TMP-3106, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Request to renew Residency Waiver for Public Defender's Office and Alternate Public Defender's Office

Date:	2/4/2022
Submitted By:	Stephen Herrick
Department:	Public Defender's Office
Title:	Public Defender
Phone:	518-447-7153
Department Rep.	
Attending Meeting:	Stephen Herrick

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) Request to renew Residency Waiver

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):
Click or tap here to enter text.

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

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) 2/16/2022-2/15/2023

Length of Contract: 12 months

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: 2019 - 28; 2020 - 42; 2021 - 43

Date of Adoption: 2/11/2019; 2/10/2020; 2/8/2021

Justification: (state briefly why legislative action is requested)

The Public Defender's Office, on behalf of both the Public Defender and Alternate Public Defender departments, is requesting an extension of Resolution No. 43 of 2021 adopted on February 8, 2021, which allowed the consideration and hiring of attorneys to fill vacant Albany County Assistant Public Defender and Assistant Alternate Public Defender positions who do not currently reside in the county on the express condition that they establish residency and domicile in Albany County within one year of their start date. This resolution was renewed by the legislature last year and is currently set to expire on February 15, 2022.

Both the Public Defender's and Alternate Public Defender's offices benefit from the Statewide Implementation Contract which provides funds to hire qualified attorneys to promote the effective representation of indigent persons charged with criminal offenses in Albany County. The statewide contract runs through March 31, 2023 and provides funds to increase the amount of staff attorneys in the offices by offering competitive salaries to attract experienced attorneys. Through our efforts over the last two years we have hired ten new attorneys of which six were from out of county and subsequently moved into the county.

Albany County receives funding from New York State for the effective assistance of counsel to those legally entitled to counsel but cannot afford an attorney to ensure the highest quality of legal representation for services that are mandated under County Law Section 18b. Over the course of the implementation, Albany County is set to receive in excess of 26 million dollars from New York State through the programs established by the Office of Indigent Legal Services. I anticipate this amount to increase beyond the initial period that runs through March 31, 2024.

This office currently has vacancies in Indigent Legal Services funded positions, and the adoption of this resolution permits us to recruit qualified candidates throughout New York State and compete with other

counties that are also recruiting but do not have a requirement that all hires be current residents of that county.

RESOLUTION NO. 43

AUTHORIZING THE OFFICES OF THE PUBLIC DEFENDER AND ALTERNATE PUBLIC DEFENDER TO CONSIDER OUT-OF-COUNTY APPLICANTS FOR THE POSITIONS OF ASSISTANT ALBANY COUNTY PUBLIC DEFENDER AND ASSISTANT ALTERNATE ALBANY COUNTY PUBLIC DEFENDER

Introduced: 2/8/21

By Personnel Committee:

WHEREAS, The Offices of the Public Defender and Alternate Public Defender have diligently sought out qualified applicants for the positions of Assistant Albany County Public Defender and Assistant Albany County Alternate Public Defender, respectively, and

WHEREAS, The Public Defender and Alternate Public Defender have indicated that based upon new requirements of the New York State Office of Indigent Legal Services, many Public Defender's and Alternate Public Defender's Offices throughout the state will be seeking to greatly increase their attorney staff over the next five years, and

WHEREAS, The Public Defender and Alternate Public Defender have further indicated they have not been able to locate qualified applicants who are residents of Albany County and willing to accept these positions, and

WHEREAS, Resolution No. 245-C for 1995 requires the approval of this Honorable Body for the consideration and hiring of out-of-county applicants in instances where there are not sufficient qualified Albany County residents who have applied for such positions, and

WHEREAS, The Personnel Committee of the Albany County Legislature has been satisfied that there exists a shortage of qualified Albany County residents to fill the Assistant Albany County Public Defender and Assistant Alternate Albany County Public Defender positions and has recommended that approval in accordance with the requirements of Resolution No. 245-C for 1995 be given for a 12-month period in order to fill such position on the condition that such employee(s) move into the County within one year of their start date, now, therefore be it

RESOLVED, By the Albany County Legislature that the consideration of out-of-county applicants to fill the positions of Assistant Albany County Public Defender and Assistant Alternate Albany County Public Defender are hereby approved in accordance with the requirements of Resolution No. 245-C for 1995 for a 12-month

period in order to fill such position on the condition that said employee(s) move into Albany County within one year of their start date, and, be it further

RESOLVED, That the aforementioned approval to consider out-of-county applicants for these positions shall expire February 15, 2022, 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 Official.