

County of Albany

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



Meeting Agenda

Thursday, August 25, 2022

6:00 PM

Held Remotely

Personnel Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2022 A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"
3. LOCAL LAW NO. "E" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"

CURRENT BUSINESS:

4. ESTABLISHING THE MIND YOUR HEALTH TRAINING PROGRAM TO PROVIDE CERTAIN COUNTY EMPLOYEES MENTAL HEALTH FIRST AID TRAINING

County of Albany

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Meeting Minutes

Thursday, July 28, 2022

6:00 PM

Held Remotely

Personnel Committee

PREVIOUS BUSINESS:

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

2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2022 A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"

This proposal was tabled at the request of the Sponsor.

3. LOCAL LAW NO. "E" FOR 2022: A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY"

This Local Law was tabled at the request of the Sponsor.

CURRENT BUSINESS:

4. PROVIDING A SUSPENSION OF THE RESIDENCY REQUIREMENT FOR EMPLOYEES OF ALBANY COUNTY

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

5. AUTHORIZING SHAKER PLACE REHABILITATION AND NURSING CENTER TO CONSIDER OUT-OF-COUNTY APPLICANTS FOR THE POSITIONS OF SOCIAL WORKER AND DIETITIAN

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

6. AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO CONSIDER OUT-OF-COUNTY APPLICANTS FOR ALL CLINICAL POSITIONS

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

RESOLUTION NO. 184

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “E” FOR 2022 A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY”

Introduced: 5/9/22

By Ms. McLaughlin:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “E” for 2022, “A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY”” to be held by the Albany County Legislature at 7:15 p.m. on Tuesday, June 28, 2022, with participation information to be made available on the Albany County website, 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.

LOCAL LAW “E” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 1 FOR 2013, ENTITLED "AN OMNIBUS HUMAN RIGHTS LAW FOR ALBANY COUNTY”

Introduced: 5/9/22

By Mss. McLaughlin, Plotsky and Mr. A. Joyce:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Legislative Intent

The purpose of this Local Law is to prevent discrimination in employment by requiring the disclosure of the minimum and maximum salary or wage at the time any position for hire in Albany County is solicited.

In 2017, this honorable body adopted rules prohibiting employers from requiring job applicants to provide prior or current salary information before an offer of employment is made.

The County of Albany continues to be dedicated to protecting the rights of its residents and eliminating discrimination and bias in the workplace.

This Legislature hereby finds and determines that withholding salary information during the employment solicitation process places employees at a disadvantage and can lead to discriminatory pay inequality.

Therefore, the purpose of this law is to amend the Albany County Omnibus Human Rights Law (Local Law No. 1 for 2013, as amended) to require employers to provide the minimum and maximum salary or hourly wage for any position being solicited for employment.

SECTION 2. Prohibitions

Section 7, subsection 1 (i) of Local Law No. 1 for 2013, “An Omnibus Human Rights Law for Albany County,” as amended, is further amended by the addition of a new subdivision (4) as follows:

(4) Advertise a job, promotion, or transfer opportunity without stating the minimum and maximum salary or hourly wage for such position in such advertisement. In stating the minimum and maximum salary or hourly wage for a position, the range may extend from the lowest to the highest salary the employer in good faith believes at the time of the posting it

would pay for the advertised job, promotion, or transfer opportunity. This subdivision does not apply to a job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law.

SECTION 3. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 4. Effective Date

This Local Law shall take effect 90 days after enactment.

LOCAL LAW “E” FOR 2022

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Introduced: 5/9/22

By McLaughlin, Plotsky, A. Joyce:

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would pay for the advertised job, promotion, or transfer opportunity. This subdivision does not apply to a job advertisement for positions that cannot or will not be performed, at least in part, in the County of Albany, or positions for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law. Advertisements for jobs, promotions, or transfer opportunities paid solely on commission shall maintain compliance with this subparagraph by disclosing in writing in a general statement that compensation shall be based on commission.

(4)(a) No employer shall refuse to interview, hire, promote, employ or otherwise retaliate against an applicant or current employee for exercising any rights under this section.

(4)(b) No person shall have a cause of action pursuant to Section 9 of this Local Law for an alleged violation of Section 7 (1)(i)(4), except that an employee may bring such an action against their current employer for an alleged violation in relation to an advertisement by their employer for a job, promotion or transfer opportunity with such employer.

(4)(c) Notwithstanding Section 9, an employment agency, employer or employee or agent thereof shall be subject to a civil penalty of \$0 for a first violation of Section 7 (1)(i)(4), or any rule promulgated thereunder, if such employment agency, employer, employee or agent thereof proved to the satisfaction of the Affirmative Action Officer on behalf of the Commission, within twenty (20) days of the service of a copy of the applicable complaint pursuant to Section 8 (2), that the violation has been cured. The submission of proof of a cure, if accepted by the commission as proof that the violation has been cured, shall be deemed an admission of liability for all purposes.

(4)(d) For the purposes of Section 7 (1)(i)(4), the term “employer” shall mean (i) any person, corporation, limited liability company, association, labor organization or entity employing four (4) or more employees in any occupation, industry, trade, business or service, or any agent thereof; and (ii) any person, corporation, limited liability company, association or entity acting as an employment agent or recruiter, or otherwise connecting applicants with employers, provided that “employer” shall not include a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the New York State Labor Law.

SECTION 3. Enforcement

Section 9, subsection of Local Law No. 1 for 2013, “An Omnibus Human Rights Law for Albany County,” as amended, is further amended as follows:

1. Any person who is aggrieved by an unlawful discriminatory practice set forth in this law shall have a cause of action in any court of appropriate jurisdiction for damages and such other remedies at law and in equity as may be appropriate. If the court should find a violation of this law, it may take such action as may be appropriate, including but not limited to: requiring such party to cease and desist from such unlawful discriminatory practice; requiring such party to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay; restoration to membership in any labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons; granting the credit which was the subject of any complaint, and the awarding of compensatory damages to the person aggrieved by the unlawful discriminatory practice.
2. Compliance or non-compliance with any of the requirements set forth in this section may be considered and received into evidence in any investigation or proceeding commenced pursuant to this Local Law. Furthermore, non-compliance with any of the requirements set forth in this section shall be an independent violation of this Local Law, and shall be punishable by a fine of \$500 for the first offense, \$1,000 for the second offense, and \$1,500 for the third and any subsequent offense. Any such violation shall be brought within one year of the violation, except that any violation initiated by the Affirmative Action Officer shall be brought within one year of when the Human Rights Commission first learned of the violation.

SECTION 3. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 4. Effective Date

This Local Law shall take effect 90 days after enactment.

RESOLUTION NO. 301

ESTABLISHING THE MIND YOUR HEALTH TRAINING PROGRAM TO PROVIDE CERTAIN COUNTY EMPLOYEES MENTAL HEALTH FIRST AID TRAINING

Introduced: 8/8/22

By Mr. A. Joyce, **Ms. Willingham** and Mr. Comisso:

WHEREAS, The National Council for Mental Wellbeing has seen a significant increase in demand for mental health and substance abuse treatment services caused in part by the COVID-19 pandemic, and

WHEREAS, The National Council for Mental Wellbeing has further found that nearly one in five Americans suffers from a mental or behavioral health issue that is diagnosable and almost always treatable, but only a fraction receive the necessary care, and

WHEREAS, The National Council for Mental Wellbeing recommends Mental Health First Aid training for human services professionals in order to provide techniques for recognizing and addressing mental health issues before a difficult situation escalates to a tragedy, and

WHEREAS, Providing Mental Health First Aid Training to certain employees of Albany County who have direct and consistent interaction with the public will provide those individuals with the tools necessary to identify a person with a mental health issue, now, therefore be it

RESOLVED, That the departments of Albany County shall work with the Commissioner of Human Resources to establish lists of human service professionals in their employ who will take part in the Mind Your Health Training Program and who would benefit from the Mental Health First Aid training, and be it further

RESOLVED, That the Commissioners of Human Resources and Mental Health shall work together to assure that all Mental Health First Aid trainings provided by Albany County shall be designed to include, but not be limited to, coverage of the following subjects: common signs and symptoms of mental health challenges; common signs and symptoms of substance use challenges; how to interact with a person in crisis; how to connect a person with help; and expanded content on trauma, substance use, and self-care, and be it further

RESOLVED, That the Commissioners of Human Resources and Mental Health shall work with the Purchasing Department to issue a Request for Proposal (RFP) consistent with this resolution for the purposes of obtaining a vendor to provide Mental Health First Aid trainings, and be it further

RESOLVED, That upon the tabulation of any proposals in response to the RFP, the Commissioner of Human Resources shall notify the County Legislature of the expense related to the proposal that funding may be provided for the Mental Health First Aid training and any ancillary costs associated with the training, and be it further

RESOLVED, That such training may be conducted either in-person or virtually, but shall be done no later than six months from the execution of any contract for Mental Health First Aid training services or, thereafter, within six months of any new employee's hire or transfer to one of the positions selected to receive such training, 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 Health and Personnel Committees – 8/8/22