

County of Albany

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



Meeting Agenda

Thursday, April 25, 2024

6:00 PM

**Harold L. Joyce Albany County Office Building
Room 730**

Personnel Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

2. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING HEALTH INSURANCE BENEFITS FOR RETIREES
3. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING COMPENSATORY TIME
4. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING CHANGES TO ACCRUALS AND HEALTH COVERAGE

County of Albany

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



Meeting Minutes

Thursday, January 25, 2024

6:00 PM

**Harold L. Joyce Albany County Office Building
Cahill Room - First Floor**

Personnel Committee

PREVIOUS BUSINESS:

Present: Lynne Lekakis, Sean E. Ward, Gilbert F. Ethier, Samuel I. Fein, Raymond F. Joyce, Jeffrey D. Kuhn, Merton D. Simpson, Todd A. Drake and Mark E. Grimm

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 THE APPOINTMENT OF THREE MEMBERS TO THE FIRE ADVISORY BOARD

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

3. AMENDING RESOLUTION NO. 582 FOR 2023 REGARDING WORKFORCE TRAINING AND JOB PLACEMENT SERVICES FOR VETERANS

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

4. CONFIRMING THE APPOINTMENT OF A MEMBER OF THE ALBANY CONVENTION CENTER AUTHORITY

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

RESOLUTION NO. 216

AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING HEALTH INSURANCE BENEFITS FOR RETIREES

Introduced: 4/8/24

By Mayo:

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, By Resolution No. 217 for 2019, this Honorable Body amended these rules to reflect that employees hired after the adoption of these rules were eligible for health insurance benefits for retirees after fifteen (15) years of qualifying County service that is continuous and uninterrupted, and

WHEREAS, It is the view of this Honorable Body that fifteen (15) years of service to Albany County is sufficient to vest employees with health insurance benefits in retirement, and that the additional requirement of continuous and uninterrupted service is no longer consistent with the changing labor markets of Albany County, and

WHEREAS, This change in vesting for health insurance will allow Albany County to remain competitive and recruit more seasoned professionals to return to County service, benefiting numerous departments and the individuals they serve, and

WHEREAS, The Albany County Legislature intends this policy be modified to allow for total aggregate years of service rather than continuous and uninterrupted years of service to control eligibility for health insurance benefits and to apply to all current and former employees of Albany County who have not yet retired from the New York State Retirement System, 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 as follows:

Article IX, Section A(1)(a)(2) shall read: “The service indicated in eligibility criterion one (1), (above), need not be continuous and uninterrupted. [if reinstatement to County service following a period of separation was within twelve calendar months following the date of separation. In such circumstances, an employee’s benefits date (as

defined by these Rules)] The aggregate total time of service shall be used to determine length of service achieved by the employee.”

Article IX, Section A(1)(a)(4)(c) shall replace “twenty” with “fifteen”

[Article IX Retiring Part Time Employees, Group “A” part (b) shall read:

“(b) Eligibility Criteria. On the day of separation from County service, the employee must meet all of the following criteria:

- 5 [calendar] aggregate total years of County service.
- Age 55 or older.
- Enrolled in County health insurance”

Article IX Retiring Part Time Employees, Group “B” part (b) shall read:

“(b) Eligibility Criteria. On the day of separation from County service, the employee must meet all of the following criteria:

- 10 [calendar] aggregate total years of County service.
- Age 55 or older.
- Enrolled in County health insurance”

Article IX Retiring Part Time Employees, Group “C” part (b) shall read:

“(b) Eligibility Criteria. On the day of separation from County service, the employee must meet all of the following criteria:

- 5 [calendar] aggregate total years of County service.
- Age 55 or older.
- Enrolled in County health insurance”

Article IX Retiring Part Time Employees, Group “D” part (b) shall read:

“(b) Eligibility Criteria. On the day of separation from County service, the employee must meet all of the following criteria:

- Have completed 10 aggregate total years of equivalent full-time County service.
- Age 55 or older.
- Enrolled in County health insurance”

Article IX Retiring Part Time Employees, Group “E” part (b) shall read:

“(b) Eligibility Criteria. On the day of separation from County service, the employee must meet all of the following criteria:

- Have completed 10 aggregate total years of equivalent full-time County service.
- Age 55 or older.
- Enrolled in County health insurance”

Article IX Retiring Part Time Employees, Group “F” part (b) shall read:

“(b) Eligibility Criteria:

- Employees must have completed fifteen (15) aggregate total years of equivalent full-time County service. Calculation of full time service uses a standard work week of not less than thirty five (35) hours per week.
- Age 55 or older.
- Enrolled in County health insurance”]

and, be it further

RESOLVED, That such changes to the rule shall be effective immediately for all current employees of Albany County, and, be it further

RESOLVED, That former employees of Albany County, who have not yet retired with the New York State Retirement System, shall be eligible to return to County service and thereafter apply their previous aggregate time of service when calculating eligibility for health insurance benefits consistent with these Rules, provided, however, that such former employees shall be required to complete three-years of continuous and uninterrupted service before becoming eligible for such benefits 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 and Audit and Finance Committees – 4/8/24

RESOLUTION NO. 217

AMENDING THE RULES AND REGULATION FOR ALBANY COUNTY EMPLOYEES REGARDING COMPENSATORY TIME

Introduced: 4/8/24

By Feeney:

WHEREAS, By Resolution No. 136-b for 1999, as amended, this Honorable Body adopted the Rules and Regulations for Albany County Employees, and

WHEREAS, Fair Labor Standards Act (FLSA) non-covered and exempt employees of Albany County are not eligible for overtime pay for hours worked in excess of their regular scheduled work week, and

WHEREAS, Under Article V of the Rules and Regulations, Albany County has elected to compensate this class of employees with compensatory time off for hours worked in excess of forty (40) hours a week, and

WHEREAS, Compensatory time is prohibited for certain employees who are classified as non-covered or exempt including the Administrative Head of each Department, Division, Bureau, Office, Board or Commission or other Agency of the County Government appointed by the County Executive and/or County Legislature and their deputies, and

WHEREAS, The accrual of compensatory time is subject to the approval of an employee's supervisor and is entirely discretionary based on the needs of the department, and

WHEREAS, The Article II of the Rules and Regulations states that the standard workweek for each Department is set by the Department Head, and for many FLSA non-covered or exempt employees, this work week is set at 35 hours, and

WHEREAS, Since compensatory time may only accrue after an employee has worked beyond 40 hours a week (not including meal breaks), this results in some employees having to work five (5) hours in excess of their regular work week before becoming eligible to earn compensatory time, and

WHEREAS, If FLSA non-covered or exempt employees work in excess of their regular scheduled work week but fewer than 40 hours total, then they are not eligible to earn any compensatory time at all, and

WHEREAS, This is in stark contrast to FLSA non-exempt employees of Albany County, who are allowed to accrue overtime for any time worked in excess of their

regular scheduled work week and are also allowed to take said time as either compensatory time or as a cash payout, and

WHEREAS, The use of compensatory time is also restricted by prohibiting its use for more than two consecutive days, and

WHEREAS, Amending the threshold from a set 40 hours to anything in excess of the employee's standard work week and removing the two-day restriction will give employees greater opportunities to earn and use compensatory time, allowing them to attend to personal matters, spend time with family, or generally maintain a greater work/life balance, and

WHEREAS, The Albany County Legislature determines that allowing employees to be eligible to earn compensatory time for any time worked beyond their regular scheduled work week, as approved by their supervisor, and allowing employees more flexibility to use their accrued compensatory time, is more in line with the values of this Honorable Body and its support of the workforce of Albany County, 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 as follows:

Article V (sub. A(2)), is hereby amended as follows:

“2. Employees must work in excess of [40 hours in a work week, (not including meal break) regardless of] their regular scheduled work week to be eligible to accrue compensatory time credits. Only hours worked in excess of [40] their regularly scheduled work week as established by their Department Head will apply.”;

Article V(sub. A(3)(d)), is hereby amended as follows:

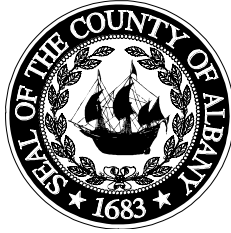
“d. **Use of Compensatory Time Credits.** Use of compensatory time credits shall require the prior approval of the employee's supervisor. Compensatory time credits shall be used in such increments as the supervisor shall approve. [Use of compensatory time is prohibited for any absence in excess of two (2) consecutive days.]”

and, be it further

RESOLVED, That this in no way shall reduce or diminish the requirement that the earning of compensatory time is entirely optional and at the sole discretion of an employee's supervisor, based on the needs of the department, 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 – 4/8/24



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF HUMAN RESOURCES
112 STATE STREET - SUITE 900
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JENNIFER S. CLEMENT
COMMISSIONER

MICHAEL P. MCLAUGHLIN, JR.
DEPUTY COUNTY EXECUTIVE

TYRELL GLADDEN
DEPUTY COMMISSIONER

March 26, 2024

Honorable Joanne Cunningham, Chair
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairwoman Cunningham,

In an ongoing effort to recruit and retain employees, I respectfully recommend the following amendments to the Rules and Regulations for Albany County Employees:

- 1) Provide Continuation of Coverage for Surviving Spouse and/or Dependents.
Albany County Rules and Regulations, Article IX Section B(3)(b), full time employees with an employment date after October of 1999, need a minimum of 30 years of service to obtain a limited continuation of Surviving Spousal and Dependent Coverage. I recommend removing this section in its entirety, reverting to 15 years of service, and modifying the years of continuation and contribution rates for active employee and retirees after 1/1/2024.
- 2) Rescind Resolution No 37 of 2013 Re: Liquidation of Vacation Accrual Upon Separation.
In 2013, Resolution No. 37 authorized an amendment to the Rules and Regulations for new Albany County employees regarding vacation accruals.
- 3) Add Paid Parenting Leave to Article VI of the Albany County Rules and Regulations for Employees.
Background: Employees currently utilize earned accruals to cover leaves of absence for birth, placement for adoption or foster care.
- 4) Amend Albany County Rules and Regulations for Employees, Article V (A) (2), granting Compensatory Time for all hours worked, greater than the standard work week for all FLSA Non-Covered Employees (Exempt).
- 5) Amend Rules and Regulations Article VI (L), Donated Leave Program to Include Donations of Sick Accruals in Excess of 13 weeks.

Thank you in advance for your consideration. Please contact me with any questions or concerns you may have.

Sincerely,

Jennifer Clement

CC: See attachment

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



County of Albany

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Legislation Text

File #: TMP-5240, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Amendment to Rules and Regulations for Albany County Employees

Date:	3/4/2024
Submitted By:	Jennifer Clement
Department:	Human Resources
Title:	Commissioner
Phone:	518-447-5510
Department Rep.	
Attending Meeting:	Jennifer 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):
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.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
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: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: See Attached

- 1. Under Article IX of Albany County Rules and Regulations, Section B, 3. for full time employees with an employment date after October of 1999, employees would need a minimum of 30 years of service to obtain a limited Spousal/Dependent Coverage. The Department recommends removing this section in its entirety and reverting to the previous 15 years of service with an additional amendment to include modified contribution rates and continuous coverage regardless of years.**
- 2. Rescind Resolution No 37 of 2013 Re: Liquidation of Vacation Accrual Upon Separation**
- 3. Adding Paid Parenting Leave to Article VI of the Albany County Rules and Regulations for Employees
Background: Employees currently utilize earned accruals to cover leaves of absence for birth, placement for adoption or foster care.**
- 4. Amending Albany County Rules and Regulations for Employees, Article V (A) (2), granting
Compensatory Time for all hours worked, greater than the standard work week for all FLSA Non-Covered**

Employees (Exempt)

- 5. Amending Rules and Regulations Article VI (L), Donated Leave Program to Include Donations of Sick Accruals in Excess of 13 weeks.**



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Proposed amendments to the Albany County Rules and Regulations for Employees

1) Continuation of Coverage for Surviving Spouse and/or Dependents

Background: Under Albany County Rules and Regulations, Article IX Section B(3)(b), full time employees with an employment date after October of 1999, need a minimum of 30 years of service to obtain a limited continuation of Surviving Spousal and Dependent Coverage. I recommend removing this section in its entirety, reverting to 15 years of service, and modifying the years of continuation and contribution rates for active employee and retirees after 1/1/2024.

The proposed amendment is as follows:

Spousal/Dependent Coverage.

Spouses and eligible dependents of County retirees (employees) remain covered as long as the retiree maintains an active enrollment. At the time of death of a retired, or active, County employee, spouse and dependent coverage may be extended as follows:

Spouses and eligible dependents will be covered for a three (3) month period. At the end of three months spouses and eligible dependents have the option of electing COBRA benefits or as specified in b.

For all full-time employees or retirees with a minimum of fifteen (15) years of full-time equivalent County service coverage will be extended with a premium contribution as follows:

Years of Completed Full Time Equivalent County Service	Number of Years Eligible for Continuation of Health Insurance Benefits	Premium Contribution Rate
15 – or more	Continuous	Same Contribution Rate as Employee or Retiree

Estimated Cost: The cost of this proposal is already accounted for in the current projected retiree benefit costs. Surviving spousal coverage is already included in the maximum liability coverage under the Government Accountability Standards Board (GASB), when projecting the accrued liability of our retiree benefits and their existing contribution rates.

2) Rescind Resolution No 37 of 2013 Re: Liquidation of Vacation Accrual Upon Separation

Background: In 2013, Resolution No. 37 authorized an amendment to the Rules and Regulations for new Albany County employees regarding vacation accruals. The 2013 amendment reduced the number of vacation days that may be liquidated upon separation from County service for new employees hired on or after March 1, 2013. A maximum of thirty (30) days of unused vacation leave may be liquidated upon separation for hires after March 1, 2023. At the time of passage, there was an immediate need to reduce the accrued liability of unpaid accruals at the time of employee separated from service. Subsequently, the County

has established accrued liability lines and no longer needs to limit the benefit of accruing vacation time. Additionally, as a result of staffing shortages and in some cases there is an inability for employees to utilize accruals, it is prudent to increase the maximum amount eligible for payout upon separation from service.

By rescinding Resolution No 37 of 2013, Albany County shall revert to the existing terms Under Article VI (N) (5), Liquidation of Accruals Upon Separation. Unused vacation leave up to a maximum of sixty-five (65) days credit shall be liquidated in cash upon separation from County service. An employee who has completed less than six months of County service has not yet accrued any vacation leave, and will not have any vacation leave to liquidate at separation. A separating employee must liquidate unused vacation leave in cash as soon as possible following his or her last day worked. A separating employee shall not be allowed to remain on the payroll until his or her vacation credits are exhausted.

Estimated Cost: Vacation Accrual payouts of time is encompassed in each employee's personnel line, which is already accounted for in the existing budget. Many budgets already include an accrued liability line for the purposes of these payouts.

- 3) **Add Paid Parenting Leave to Article VI of the Albany County Rules and Regulations for Employees**
Background: Employees currently utilize earned accruals to cover leaves of absence for birth, placement for adoption or foster care. A twelve week absence for a full time 35 hour employee would involve the use of 420 hours of time. For most, this amount would have taken nearly two years to accumulate, and that is with very few absences in between and prior to the leave. The impact of this substantial accrual use also impacts the employee when they return to work following the absence. Since all accruals have been depleted, routine medical appointments, with are common with a child, are not able to be covered with paid accruals and can cause greater stress to the new family.

Under the Paid Parenting Leave an employee shall be granted a paid leave of absence for twenty (20) consecutive standard work days to care to the employee's child after birth, placement for adoption or foster care.

Eligibility for the Paid Parenting Leave expires at the end of the twelve month period beginning on the date of birth or placement.

Employees must be eligible for Family and Medical Leave Act (FMLA) under are Article VII of Albany County Rules and Regulations in order to qualify for Paid Parenting Leave.

Paid Parenting Leave shall run concurrent with the qualifying FMLA absence.

Twenty (20) consecutive Paid Parenting Leave days shall be utilized prior to the use of any other accruals or unpaid absences during the FMLA leave.

No portion of the Paid Parenting Leave is transferrable, cashable or eligible to be saved for the use at another time. In the event that both parents are Albany County employees, only one parent may qualify for the Paid Parenting Leave at any given time.

Estimate Cost: Paid Parenting Leave use is encompassed in each employee's budgeted personnel line, which is already accounted for in the existing budget. There is no liquidation of this leave upon separation. The cost/value of the Leave Day use is based on the cost/value of an eligible employee to be absent from work. However it is worthy to note that the absence is likely to have occurred regardless of the availability of the accrual, therefore the absence would have needed to have already been anticipated. It is possible that an employee would have returned, due to insufficient paid time available, but perhaps would now the absence will be extended by the twenty paid work days.

- 4) **Amend Albany County Rules and Regulations for Employees, Article V (A) (2), granting Compensatory Time for all hours worked, greater than the standard work week for all FLSA Non-Covered Employees (Exempt)**

Background: The current Rules and Regulations grants FLSA Non-Covered (FLSA exempt) employees Compensatory Time for all hours greater than 40 per week.

This amendment would allow FLSA exempt employees to be permitted to earn Compensatory Time for all hours worked in excess of the standard work week. The amendment will replace Article V (A) (2), with the following:

FLSA Exempt employees must work in excess of their standard work week (not including meal breaks) to be eligible to accrue compensatory time. Only hours worked in excess of the standard work week shall apply. Absences covered by accruals shall not be eligible for compensatory time.

- i) All other provisions of the Article shall remain in effect, including the note of this same section which reads as follows:

Certain employees who are classified as non-covered or exempt are not eligible for overtime or compensatory time. These employees shall include the Administrative Head of each Department, Division, Bureau, and Office, Board or commission or other Agency of the County Government appointed by the County Executive and/or County Legislature and their deputies.

Estimate Cost: Comp time accrual use is encompassed in each employee's personnel line, which is already accounted for in the existing budget. There is no liquidation of this accrual, for FLSA exempt employees, upon separation. The cost/value of the accrual use is based on the cost for an eligible employee to be absent, since this was not previously eligible to accrue for this limited set of employees. There are currently only approximately 200 employees included in the FLSA, exempt category.

5) Amend Rules and Regulations Article VI (L), Donated Leave Program to Include Donations of Sick Accruals in Excess of 13 weeks.

- i) The existing Donated Leave Program allows employees to donate time to a coworker in need of absence due to personal illness or due to the need to provide care to an immediate family member, as defined under the Family Medical Leave Act (FMLA). The existing donated leave program under Article VI (L) only permits the donation of personal, vacation and comp time to transfer to the requesting employee's sick leave account. Donated sick time would operate in tandem with the existing Donated Leave program. Under this amendment, employees with Sick accruals in excess of 13 weeks may donate Sick Accrual Hours to other employees.

Estimated Cost: Sick time accrual use is encompassed in each employee's personnel line, which is already accounted for in the existing budget. The cost/value of the recipient of the donated time is also factored into that employee's compensation rate, which is also already budgeted.