



Tioga County Legislative Worksession Minutes

March 17, 2020* – 10:00 a.m.

***Date Change**

Legislators Present:

Legislator Balliet
Legislator Hollenbeck
Legislator Mullen
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Sullivan
Legislator Weston

Legislators Absent:

Legislator Monell
Legislator Standing

Guests:

Matt Freeze, Reporter, Morning Times

Staff Present:

County Attorney Peter DeWind
Legislative Clerk Cathy Haskell
Sheriff Gary Howard
ITCS Chief Information Officer Doug Camin
County Clerk Andrea Klett
ED&P Director LeeAnn Tinney
Commissioner of Public Works Gary Hammond
Probation Director Joy Bennett
Civil Service Administrator Linn Bruce
Benefits Manager Amy Poff
Personnel Officer Bethany O'Rourke (*participated via phone conference*)

Fourth Special Legislative Meeting of 2020 –

Chair Sauerbrey called the Fourth Special Legislature Meeting of 2020 to order at 10:02 a.m. with seven Legislators present, Legislators Monell and Standing being absent, for Legislature consideration of the following resolutions:

- ✓ **Amend Budget and Transfer Capital Funds – Public Works**
- ✓ **Authorize Contract with Triad Group for Workers' Compensation Administration**
- ✓ **Resolution to Temporarily Suspend In-Person and Home Contacts at the Probation Department Due to COVID-19.**

Special Meeting adjourned at 10:04 a.m. with regular worksession immediately following.

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Chair Sauerbrey noted the meeting date changed from Thursday, March 19, 2020, as we are living in an ever-changing dynamic that changes from moment to moment.

Approval of Worksession Minutes – March 5, 2020 -

Legislator Hollenbeck motioned to approve the March 5, 2020 Legislative Worksession minutes as written, seconded by Legislator Weston with Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston voting yes with Legislators Monell and Standinger being absent. Motion carried.

Action Items -

Currently, there are no action items.

Other –

COVID-19 Update: Chair Sauerbrey provided the Legislature with the following update and timeline:

- **Thursday, March 12, 2020:** Daily meetings commenced with various staff, as well as continuation of daily phone conferences with the Governor's Office.
- **Saturday, March 14, 2020:** The County received notification of one confirmed COVID-19 case in Tioga County. As a result, Chair Sauerbrey declared a State of Emergency, which allowed schools to close with certain agreements waived in regards to the number of days in session. The State of Emergency also enables the County to have certain powers we would not have normally. Chair Sauerbrey reported discussions ensued with Steuben, Yates, Chemung, and Broome Counties and all were in agreement and pursuing the same action. Since then, the Governor has ordered the closure of all schools across the State for a minimum of two weeks.
- **Monday, March 16, 2020:** County Clerk Klett is implementing an "appointment only" model for the DMV Office effective March 18, 2020.
- **Tuesday, March 17, 2020:** The County received notification via Governor's Executive Order for local governments to allow non-essential employees, which is determined by each county, to work from home without usage of their accrual time (i.e. vacation, personal, sick time). Such non-essential personnel shall total no less than 50% of their total number of employees across the entire workforce. Chair Sauerbrey reported we have been working on this for the past few hours and details are to be determined. Chair Sauerbrey reported one of the reasons for meeting with the Legislature today is to request Legislative permission to pay employees when they stay home, however, that has now changed at the Governor's direction. Chair Sauerbrey reported ITCS Chief Information Officer Camin is working on a work from home project; however, it is not ready for launching.

Ms. O'Rourke reported due to the Governor's Executive Order and the fact that we currently do not have work from home capabilities, there is no question that we are going to have pay everyone that is directed to stay home at this point regardless if they are working or not. Chair Sauerbrey concurred.



Chair Sauerbrey reported discussion is underway on the following topics and decisions are pending:

- **Cleaning and Sanitizing of Public Spaces:** Chair Sauerbrey reported additional cleaning and sanitizing is necessary in our public spaces beyond what is included in our existing cleaning contract.

Commissioner of Public Works Hammond reported the cleaning contractor is fulfilling their contract, as specified. However, Mr. Hammond would like to adopt the Courts cleaning schedule that calls for additional sanitizing beyond our normal contract. Mr. Hammond reported our current cleaning contractor is willing to provide this level of service in non-Court occupied County buildings for an additional cost. At the time of this meeting, Mr. Hammond had not received a cost estimate for the additional services.

Legislator Mullen reported we have been fiscally responsible in this County, which has resulted in a significant contingency fund and healthy fund balance. We acted in this manner based on previous lessons learned in 2011. Legislator Mullen reported he believes the County should proceed with the extra cleaning protocol and take other prudent measures, as it is up to each of us to help mitigate this situation.

Legislator Weston inquired whether there is any reimbursement mechanism in place for the additional cleaning services. Mr. Hammond reported the Courthouse is 100% reimbursable from a cleaning standpoint; however, additional services for non-Court occupied spaces will result in an additional cost.

Mr. Hammond requested permission to extend the Courts cleaning schedule into non-Court occupied County building public areas for an additional cost to be determined.

On a straw poll vote, Legislators Mullen, Roberts, Sauerbrey, Sullivan, Weston, Balliet, and Hollenbeck were in favor of granting Mr. Hammond permission to temporarily change the cleaning contract to secure the additional services in public areas of non-Court occupied County buildings for an additional cost to be determined with Legislators Monell and Standing being absent.

- **Quarantine Status:** Chair Sauerbrey reported the County has 21 individuals currently in mandatory quarantine with the expectation for this number to increase.

Legislator Sullivan inquired how the County receives quarantine notification. Chair Sauerbrey reported Public Health receives the notification and they are extremely private about sharing any information due to HIPAA regulations.

Legislator Mullen inquired with County Attorney DeWind as to whether there is any reduction of HIPAA requirements in a State of Emergency. Mr. DeWind reported there is not really a relaxation of the requirements, as personal identification of individuals remains protected.



Legislator Mullen reported while maintaining individual privacy, it is important to expand the “need to know” to all first responders for their own protection.

Sheriff Howard reported a system has been established pertaining to the list of mandatory quarantine addresses. For response calls to known quarantine addresses, the call goes out as Code 99 indicating the officer needs to take necessary precautions. For complaint calls, Sheriff Howard reported 911 Dispatch is prepared with a list of questions to inquire about potential illness at the address, so the officer can determine what precautionary measures should be taken.

Mr. DeWind reported in an emergency this is more of a balancing act so you are not giving out names and identification. However, locations and addresses where there is a particular state of caution does not violate HIPAA regulations.

• **Governor’s Executive Order for 50% Employee Workforce Reduction:** Chair Sauerbrey reported the County will not be officially closing, but will comply, to the best of our ability, with the Governor’s Executive Order to achieve a 50% workforce reduction. Chair Sauerbrey reported we will be working throughout the day to define the 50% workforce reduction plan for implementation effective March 18, 2020. Chair Sauerbrey reported most departments have had this in their view and are developing a plan.

Chair Sauerbrey reported her goal is to keep everyone calm, take care of our employees and citizens as best we can. In the next two weeks, Chair Sauerbrey believed communication would be limited to email and phone. Chair Sauerbrey reported it is inevitable she will have to make immediate decisions, therefore, asked for the Legislature’s trust because it would not be prudent in certain situations to call everyone to discuss and request permission. Chair Sauerbrey reported these are extenuating times and your support is appreciated. Chair Sauerbrey, in conjunction with the appropriate Department Heads, will be involved in the decision-making process.

Legislator Roberts requested all decisions should identify a temporary sunset clause to avoid actions becoming permanent.

Mr. DeWind reported the State directives range from 14-30 days; therefore, County decisions could identify a 30-day end date with the option to review.

Chair Sauerbrey reported she will continue to participate on every conference call and Legislative Clerk Haskell will continue to come into the office daily.

Sheriff Howard reported the following established measures have been implemented at the Sheriff’s Office:

- No public access to the lobby area.
- Suspension of pistol permits, as individuals would have to enter into the jail facility for fingerprinting purposes.
- Governor ceased all evictions.
- Visitation and clergy services ceased in the jail.



- EOC is open and operational under Emergency Services Director Simmons direction. County and outside agency personnel are staffing the EOC.
- Road patrol is equipped with masks, gloves, and hand sanitizer.

Sheriff Howard reported he has five employees in the Civil Department and Records Division that could be released from employment during this time. However, the Civil Department is still receiving checks that require processing, therefore, indicated this employee would like to work from home. Sheriff Howard reported all other jail personnel is essential.

ED&P Director Tinney requested Legislature permission for Department Heads to make decisions pertaining to their staff in regards of handling the 50% workforce reduction directive.

Legislator Roberts reported staffing decisions need to be made, in conjunction with the Chair of the Legislature, and not independently by each Department. Legislator Sullivan concurred.

Mr. Hammond requested clarification whether County operations will be essential personnel only or 50% workforce reduction, as this would be different for various departments.

Mr. DeWind reported the Governor's Executive Order states essential personnel, but no less than 50% workforce. The County's Essential Personnel List was recently updated and will be taken into consideration.

Mr. Hammond reported his counterparts are operating one week on and one week off with a half crew each week in order to maintain services and stay in compliance.

Mr. DeWind reported discussion has ensued regarding split shifts as a way to achieve 50% workforce reduction compliance.

Mr. Camin requested clarification if the Executive Order is 50% of staff need to work from home, or only 50% can physically remain in the building. If the Order stipulates 50% remaining in the building, then one potential option is a split shift arrangement.

Chair Sauerbrey reported terminology would be explicit for Department Heads to prepare their workforce reduction plans.

Legislator Mullen reported the benefit of a split shift is the County reserves half the workforce in the event of an exposure.

Legislator Sullivan reported it would be ideal if employees being sent home could be re-directed to possibly fill other essential positions such as the Deputy Legislative Clerk position.



Mr. DeWind reported one of the advantages of an emergency declaration is the availability of moving employees to other needed positions. Typically, Tioga County has not used this model whereas other counties have.

Legislator Sullivan reported this should be the first option considered for filling essential positions.

Legislative Clerk Haskell reported she does not anticipate being able to interview or fill the Deputy Legislative Clerk position in the next two weeks. However, was in favor of the concept of possibly re-directing an employee to assist in the Legislative Office with telephones and basic clerical duties, if necessary.

Legislator Weston inquired about pre-approved vacations and how this will be addressed in regards to the workforce reduction, as well as compensation.

Ms. O'Rourke reported there is language in the CSEA contract that addresses employees already out on vacation are not required to use their vacation time in the event of an emergency closing.

Mr. Hammond inquired as to whether compensatory time would be issued for essential employees working the required five-day work schedule versus the non-essential employees who are working the 50% reduced schedule and paid for being home.

Ms. O'Rourke reported in the past when the County has experienced an emergency that affected all job sites, employees who were able to work through the emergency were granted compensatory time, in addition to their pay, versus employees who were sent home with pay. Ms. O'Rourke reported she envisions this would be the same type of situation.

Ms. O'Rourke reported she would contact CSEA to share known information at this time.

Hiring Freeze: Ms. O'Rourke inquired whether there was any Legislative directive in regards to a hiring freeze or if the County was continuing business as usual.

Legislators were in agreement to enact a temporary hiring freeze for non-essential staff.

Ms. O'Rourke reported Departments should be notified that when completing the backfill request form to indicate whether the position is essential or non-essential.

Civil Service Examination Postponement: Ms. O'Rourke announced the postponement of all civil service examinations indefinitely; therefore, resulting in a slower hiring process for any positions requiring examinations.

Telework: In light of dismissing 50% of the workforce for possible telework, Mr. Camin reported ITCS is in the process of ramping up the telework capacity. Mr. Camin reported essential employees would be priority, however, anticipates two - three weeks to ramp up a process. Mr. Camin reported decisions are being made on the fly for current IT positions.

Legislature



Mr. Camin reported the IT employee who answers the Help Desk phone is teleworking from home with a County phone. In addition, other situations such as this are in the process of being identified to make employees work from home time most useful. Mr. Camin reported it is unknown at this time how much the telework system can support, as it not expressly designed to support over 300 people coming into the system.

Legislature Correspondence: Legislator Sullivan reported this is a time that each of the Legislators have a significant interest in staying informed and requested a daily email update, however, noting this may be challenging due to Legislative Office staffing shortage.

Chair Sauerbrey reported updates are late afternoon through the Governor's Office conference call. Chair Sauerbrey reported an email could be sent from the Legislative Office in a bullet-point format to keep the Legislators informed.

Chair Sauerbrey reported all regularly scheduled meetings are on hold until further notice. Chair Sauerbrey encouraged Legislators to check their email for updates.

Chair Sauerbrey thanked Legislator Mullen for his assistance at the press conference this past weekend.

Emergency Services: Legislator Balliet inquired whether emergency responses are compromised at this time for residents who may require an ambulance. Legislator Mullen reported all ambulance services are operational without compromise. In addition, Legislator Mullen reported local hospitals provide information to the County regarding residents on oxygen, respirators, etc. and all dispatchers have this information readily available.

Other:

- **Budget Officer Update:** Chair Sauerbrey reported we have a very strong candidate for the Budget Officer position. The interview is scheduled for tomorrow; however, this may be postponed or become a phone interview. Chair Sauerbrey reported she, Legislator Balliet, and Civil Service Administrator Bruce will interview the candidate.

Executive Session –

With no confidential topics of discussion, an Executive Session was not required.

Meeting adjourned at 10:55 a.m.

Next worksession scheduled for Thursday, April 9, 2020 at 1:00 p.m. ***NOTE: This worksession is currently on hold and subject to rescheduling.**

Respectfully submitted,

Cathy Haskell

Legislative Clerk