



FINANCE, LEGAL & SAFETY COMMITTEE

December 13, 2022

10:30 a.m.

- APPROVAL OF MINUTES: November 15, 2022
- FINANCIAL
  - Safety
  - Law
- OLD BUSINESS
  - 2022 Insurance Renewal
  - Annual Safety Trainings
- NEW BUSINESS
  - Security upgrades for 56 Main Street
  - Workplace Violence Advisory Team meeting
  - 18b Panel/Assigned Counsel
  - CAASNY Meeting and 2022 Legislative Update
- PERSONNEL
  - Part Time Assistant County Attorney
  - Full Time Secretary Family Court Public Defender
- RESOLUTIONS
  - AMEND EMPLOYEE HANDBOOK: ADD NEW POLICY TO SECTION IV. PERSONNEL RULES SUBSECTION U. ENTITLED RIGHTS OF NURSING EMPLOYEES TO EXPRESS BREAST MILK
  - AUTHORIZE SALARY INCREASE DISTRICT ATTORNEY'S OFFICE
- PROCLAMATIONS
  - N/A
- EXECUTIVE SESSION
  - Litigation
- ADJOURNMENT

TIOGA COUNTY, NEW YORK

## Office of the County Attorney

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Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



### FINANCE, LEGAL AND SAFETY COMMITTEE

November 15, 2022

10:30am

#### ATTENDANCE:

Legislators: Chair Sauerbrey, Mullen, Ciotoli, Monell, Roberts, Weston, and Brown

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Chief Accountant Jerzak, Accountant Schurter, Personnel Office Parke, Treasurer McFadden, Sheriff Howard, Public Defender Awad,

**APPROVAL OF THE MINUTES:** Legislator Monell asked for a motion to approve the October 11, 2022, minutes. Legislator Mullen made the motion, seconded by Legislator Brown, and was unanimously carried.

**FINANCIAL:** Legal and Safety's budgets are tracking well however some of Legal's lines are nearly expended but should hold for the year.

**OLD BUSINESS:** The process of renewing the County's insurance has started however there are some issues with obtaining cyber insurance.

**NEW BUSINESS:** Annual Safety Trainings have migrated to Neogov and have loaded onto employees' account. The new platform will allow for easier tracking of employee compliance.

It would be beneficial to have additional signage that could be put in the front yards of foreclosed properties. Signage would be paid out of the Treasurer's budget. The County does not have a formalized plan for the maintenance of foreclosed properties however if properties are foreclosed on in July followed by an auction in August and closing in September this would lessen the maintenance timeframe and could be contracted out.

County Attorney DeWind and Paralegal Humes are currently working on a redemption process for 2023 with possible early access to foreclosed properties for environmental testing.

The Franklin Street sale has fallen through, and all the original bidders have withdrawn their bids. A neighbor is currently storing miscellaneous objects on the property which will need to be removed before the property can be readvertised and added to the 2023 public auction.

PERSONNEL: There has been little interest in the full time Safety Officer position however there is some interest if this position was part-time. Legal has assumed Safety's responsibilities until the position can be filled.

Public Defender Awad asked for a resolution to be passed allowing him to fill a recent open position in the Public Defender's Office which will be fully funded by ILS grant funds.

RESOLUTIONS: AUTHORIZE THE SALE AND TRANSFER OF PROPERTY FROM TIOGA COUNTY TO THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION, AUTHORIZE THE PURCHASE OF A HIPPELUS/PZ METAL DETECTOR USING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS, ENTER INTO A CONTRACT WITH TWIN TIERS DRUG & ALCOHOL TESTING LLC FOR CDL DRUG AND ALCOHOL TESTING; these resolutions were moved into full Legislative session without further questions.

PROCLAMATIONS: None

EXECUTIVE SESSION: Legislator Monell asked for a motion to enter into Executive session to discuss a litigation matter. Legislator Mullen made the motion seconded by Legislator Brown at 11:10 a.m. Chair Sauerbrey, Legislators Mullen, Ciotoli, Monell, Roberts, Weston and Brown, County Attorney DeWind, Legislative Clerk Haskell and Sheriff Howard remained in attendance. Legislator Brown motioned to adjourn Executive Session, seconded by Legislator Mullen at 11:45 a.m.

ADJOURNMENT: Legislator Monell adjourned the Legal and Safety Committee meeting at 11:46 a.m.

Respectfully submitted,

*Christine Freyvogel*

Secretary to the County Attorney



# TIOGA COUNTY, NEW YORK

## Tioga County 2022 LEGAL BUDGET REPORT

FOR 2022 12

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>A General Fund</b>							
<b>A1420 Law</b>							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-23,051.94	.00	-27,027.06	46.0%*
A1420 510010 Full Time	196,606	0	196,606	173,240.14	.00	23,365.86	88.1%
A1420 520200 Office Equipment	200	0	200	190.02	.00	9.98	95.0%
A1420 520210 Other Furniture	250	0	250	249.45	.00	.55	99.8%
A1420 540010 Advertising	200	-200	0	.00	.00	.00	.0%
A1420 540040 Books	800	0	800	.00	.00	800.00	.0%
A1420 540180 Dues	1,100	28	1,128	823.00	.00	305.00	73.0%
A1420 540320 Leased/Service Equ	400	-100	300	.00	.00	300.00	.0%
A1420 540330 Legal Fees	50,000	0	50,000	45,544.87	.00	4,455.13	91.1%
A1420 540390 Mileage Expense	100	8	108	.00	.00	107.50	.0%
A1420 540420 Office Supplies	475	265	740	544.46	.00	195.04	73.6%
A1420 540480 Postage	200	0	200	155.29	.00	44.71	77.6%
A1420 540485 Printing/Paper	100	0	100	71.42	.00	28.58	71.4%
A1420 540731 Training/State Req	600	0	600	275.00	.00	325.00	45.8%
A1420 581088 State Retirement F	17,918	0	17,918	16,098.00	.00	1,820.42	89.8%
A1420 583088 Social Security Fr	15,182	0	15,182	13,020.48	.00	2,161.70	85.8%
A1420 584088 Workers Compensati	3,673	0	3,673	3,525.84	.00	147.18	96.0%
A1420 585588 Disability Insuran	204	0	204	187.92	.00	15.66	92.3%
A1420 586088 Health Insurance F	49,507	0	49,507	56,513.28	.00	-7,005.90	114.2%*
A1420 588988 Eap Fringe	44	0	44	40.32	.00	3.36	92.3%
<b>TOTAL Law</b>	<b>287,480</b>	<b>0</b>	<b>287,480</b>	<b>287,427.55</b>	<b>.00</b>	<b>52.71</b>	<b>100.0%</b>
<b>TOTAL General Fund</b>	<b>287,480</b>	<b>0</b>	<b>287,480</b>	<b>287,427.55</b>	<b>.00</b>	<b>52.71</b>	<b>100.0%</b>
<b>TOTAL REVENUES</b>	<b>-50,079</b>	<b>0</b>	<b>-50,079</b>	<b>-23,051.94</b>	<b>.00</b>	<b>-27,027.06</b>	
<b>TOTAL EXPENSES</b>	<b>337,559</b>	<b>0</b>	<b>337,559</b>	<b>310,479.49</b>	<b>.00</b>	<b>27,079.77</b>	
<b>GRAND TOTAL</b>	<b>287,480</b>	<b>0</b>	<b>287,480</b>	<b>287,427.55</b>	<b>.00</b>	<b>52.71</b>	<b>100.0%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*



# TIOGA COUNTY, NEW YORK

## Tioga County 2022 SAFETY BUDGET REPORT

FOR 2022 12

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>CI Liability Insurance Fund</b>							
<b>CI8042 504 Coordinator/Safety</b>							
CI8042 424010 Interest And Earn	0	0	0	-49.65	.00	49.65	100.0%
CI8042 510010 Fulltime	50,500	0	50,500	44,442.76	.00	6,057.24	88.0%
CI8042 540140 Contracting Servi	2,350	-284	2,066	1,650.00	.00	416.00	79.9%
CI8042 540320 Leased/Service Eq	175	-75	100	.00	.00	100.00	.0%
CI8042 540340 Literature	50	-50	0	.00	.00	.00	.0%
CI8042 540410 Nursing Supplies	1,000	552	1,552	970.98	.00	580.90	62.6%
CI8042 540420 Office Supplies	600	129	729	597.14	.00	131.70	81.9%
CI8042 540480 Postage	150	0	150	.57	.00	149.43	.4%
CI8042 540640 Supplies (Not Off	600	282	882	452.64	.00	429.48	51.3%
CI8042 540660 Telephone	75	-54	21	21.16	.00	.00	100.0%
CI8042 540733 Training/All Othe	3,500	-500	3,000	1,666.69	.00	1,333.31	55.6%
CI8042 581088 State Retirement	2,744	0	2,744	3,709.21	.00	-965.43	135.2%*
CI8042 583088 Social Security F	2,232	0	2,232	3,385.38	.00	-1,153.28	151.7%*
CI8042 584088 Workers Compensat	1,224	0	1,224	1,126.31	.00	98.03	92.0%
CI8042 585588 Disability Insura	0	0	0	57.42	.00	-57.42	100.0%*
CI8042 586088 Health Insurance	0	0	0	9,065.76	.00	-9,065.76	100.0%*
CI8042 588988 Eap Fringe	15	0	15	12.88	.00	1.68	88.5%
<b>TOTAL 504 Coordinator/Safety</b>	<b>65,215</b>	<b>0</b>	<b>65,215</b>	<b>67,109.25</b>	<b>.00</b>	<b>-1,894.47</b>	<b>102.9%</b>
<b>TOTAL Liability Insurance Fund</b>	<b>65,215</b>	<b>0</b>	<b>65,215</b>	<b>67,109.25</b>	<b>.00</b>	<b>-1,894.47</b>	<b>102.9%</b>
<b>TOTAL REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-49.65</b>	<b>.00</b>	<b>49.65</b>	
<b>TOTAL EXPENSES</b>	<b>65,215</b>	<b>0</b>	<b>65,215</b>	<b>67,158.90</b>	<b>.00</b>	<b>-1,944.12</b>	
<b>GRAND TOTAL</b>	<b>65,215</b>	<b>0</b>	<b>65,215</b>	<b>67,109.25</b>	<b>.00</b>	<b>-1,894.47</b>	<b>102.9%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. --22 AMEND EMPLOYEE HANDBOOK:  
ADD NEW POLICY TO SECTION IV. PERSONNEL  
RULES, SUBSECTION U. ENTITLED RIGHTS OF  
NURSING EMPLOYEES TO EXPRESS BREAST MILK

WHEREAS: Section 206-c of the New York State Labor Law requires employers to provide reasonable unpaid break time to express breast milk; and

WHEREAS: Tioga County does not have its own breast milk expression policy addressing notice, reasonable unpaid break time, reasonable efforts and privacy, close proximity and non-discrimination; and

WHEREAS: The County Attorney has written and proposed a new policy entitled Rights of Nursing Employees to Express Breast Milk; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section IV. Personnel Rules, subsection u, entitled Rights of Nursing Employees to Express Breast Milk.

**u. Right of Nursing Employees to Express Breast Milk**

**Tioga County Right of Nursing Employees to Express Breast Milk**

- I. Policy
- II. Reasonable Unpaid Break Time
- III. Reasonable Effort and Privacy
- IV. Close Proximity
- V. Non-Discrimination

**I. Policy**

Tioga County shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breastmilk. This notice will be provided to employees generally through the Employee Handbook and will be included in new employee orientations.

Employees are required to provide advance notice to their supervisors, preferably before the employee's return to work, for the scheduling of leave time and to establish a location to express breast milk.

Tioga County provides a supportive environment where employees may express breast milk during work hours. Employees who choose to express breast

milk in the workplace will not be discriminated against in any way.

## **II. Reasonable Unpaid Break Time**

Employees who choose to express breast milk when they return to work will receive:

- Reasonable unpaid break time and their normal breaks and mealtimes to breastfeed or express breast milk during work hours. Employees can use breaks and mealtimes to express breast milk for up to three years following childbirth. Each break should be no less than 20 minutes. For time beyond their usual break times, employees may use personal leave or may make up the time as agreed upon with their supervisor. (New York State Labor Law §206-c and Section 7 of the Fair Labor Standard Act).
- Unpaid break time at least once every three hours if requested by the employee.
- Unpaid break time that may run concurrent with regularly scheduled paid break or meal periods.
- The option to work before or after their scheduled hours to make up time used during unpaid break(s) times for the expression of breast milk as long as the requested time is within Tioga County's normal work hours.

Employees may be required to postpone scheduled unpaid break time up to thirty minutes if they cannot be spared from duties until appropriate coverage arrives.

## **III. Reasonable Effort and Privacy**

Tioga County will make a reasonable effort to provide a room or other location (not a toilet stall or restroom) close to the employee's work area where they can privately breastfeed or express breastmilk. This location or room will be sanitary, private and contain at minimum a chair, a small table or other flat surface, be well-lit at all times, have a lock or a sign for when the location is in use to ensure privacy, an electrical outlet, a refrigerator for storing expressed breast milk or a refrigerator in close proximity, and be located near a sink with running water so that employees can wash their hands and rinse out breast pump parts.

Employees may also breastfeed or express breast milk in their own private offices or in other comfortable locations agreed upon with their supervisor.

#### **IV. Close Proximity**

Any room or location provided for the expression of breast milk will be in close proximity to the work area of the employee(s) using it for the expression of breast milk. The room or location will be in walking distance and will not appreciably lengthen break time.

#### **V. Non-Discrimination**

Tioga County will not discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a hostile work environment could constitute discrimination within the meaning of this policy.



REFERRED TO: FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE SALARY INCREASE  
DISTRICT ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required for salary increases within Tioga County; and

WHEREAS: A review of the salaries for Assistant District Attorneys has revealed that an increase is warranted based on factors including job duties, level of responsibility, the increase in workload due to bail and discovery reforms, salary discrepancies with neighboring counties and state agencies, and attempts by outside agencies to recruit the current Assistant District Attorneys; and

WHEREAS: Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 was scheduled to be \$94,869.28; and

WHEREAS: Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 was scheduled to be \$85,177.95; and

WHEREAS: Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 was scheduled to be \$79,717.83; and

WHEREAS: Adjustments are appropriate to those salaries in light of the above findings; therefore be it

RESOLVED: That Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 shall be \$110,000; and be it further

RESOLVED: That Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 shall be \$95,000; and be it further

RESOLVED: That Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 shall be \$85,000.