

**Herkimer County Legislature**  
**Ways & Means Committee Meeting**  
**Friday, May 1, 2020**  
**Via Teleconference**

**Follows Public Safety/Emergency Management, County Properties and Ways & Means**

**Persons Attending:**

Patrick E. Russell (Committee Chairman)  
Kurt J. Ackerman (committee member)  
Raymond Smith (committee member)  
Raymond Johnson (committee member)  
Frederick J. Shaw, Jr. (committee member)  
John P. Stephens (committee member)  
Vincent J. Bono, Chairman of the Legislature  
James W. Wallace, Jr., County Administrator  
Brandy Serow, Sec. to County Administrator  
Lorraine Lewandrowski, County Attorney  
Sheri Ferdula, Budget Officer/Purchasing Agent  
Steve Billings, Personnel Officer

**(Non-Committee Members Signed In)**

Legislator Gregory Malta, Sr.  
Legislator Mark Gaworecki  
Legislator Robert J. Schrader  
Legislator Bob D. Hollum  
Legislator William E. Keeler, Sr.  
Legislator John L. Brezinski  
Legislator Peter F. Manno  
Legislator Ray Donley  
Legislator Peter Campione  
Legislator William Weakley

**Absent:**

N/A

Mr. Bono stated “We need Ways & Means. Pat, you have a couple items and then we’ll get a report from Diane.”

**Items discussed:**

**WAYS AND MEANS:**

1. Approve certain employees to be paid out for vacation time that may be lost due to COVID-19
2. Approve appropriations for Community Foundation
3. Other

**Committee Vote Record:**

**WAYS & MEANS:**

Mr. Russell stated “Number one on the Ways & Means agenda is to approve certain employees to be paid out for vacation time that may be lost due to the COVID-19. So if Jim or Steve would like to explain this please go ahead.”

Steve Billings stated “Yes. I will Pat, thank you. We’ve had a few inquiries from department heads and employees that have some potential to lose vacation time due to the COVID-19 situation. Either haven’t been able to go out because they are essential employees and have to be here or as you know we have reduced our staff to 50% so employees are home and have not been able to use their vacation and what I am looking for is approval from Ways & Means that would allow those employees to be paid out for any

vacation that could potentially be lost between now and June 30<sup>th</sup>. This is not something we normally do. Normally you can only carry over 1 week, department heads it's 2 weeks but due to this situation I thought it was appropriate that we maybe would make an exception here and pay people out for time that they are going to lose."

Mr. Russell asked "Why is June 30<sup>th</sup> the date?"

Steve Billings responded "It's really an arbitrary date that when Mr. Wallace and I talked we thought hopefully we would be coming out of this by then. We're hoping we are going to be back to 100% of our workforce here by Monday the 18<sup>th</sup> of May. We didn't really want to do this in perpetuity. This was kind of a one shot deal. We felt that would give employees enough time to be able to use their time between now and the end of June provided that we come back on the 18<sup>th</sup>. We didn't really want to go too much longer."

Mr. Russell stated "My question is if we are coming back on the 18<sup>th</sup> why can't they use their vacation time between then and June 30<sup>th</sup>?"

Steve Billings stated "They potentially could Pat. What I think is going to happen is when we open back up the flood gates are going to open. I don't think employees are going to be able to take the time. The courts are hopefully going to be back up and running and that is going to take a tremendous amount of time. Department of Motor Vehicles will probably be opening back up. I'm not sure employees are going to be able to without affecting the operation in that department. I'm not sure people are going to be able to use the time. It's just my thought."

Mr. Russell stated "How many departments are you looking at? I know we are looking at Highways."

Steve Billings Stated "We would do this county wide. Right now when I looked at it there was about 25 employees that have potential to lose time. Now all of them may not. Some of them may have been using it right along. I don't know. When I last looked there was about 25 employees including some department heads that may lose time."

Mr. Ackerman stated "I would like to ask a question. My question would be for the people that are essential, if they have been denied a vacation that they put in for then I would be ok with that but if we are talking about people that have been home receiving full pay and not working then they could take a vacation any of those weeks, I don't know why would then pay them."

Steve Billings stated "Kurt, remember that this was an executive order from the Governor and we are mandating the people to stay home. This is not their choice. We're mandating that so what would potentially happen is they are out a week because we mandate it and then they would use vacation. It would really disrupt our operation to be honest with you. This is a really unique situation. I'm normally not in favor of this. You get your time. You use your time. That's how we've always done it but this is really unusual circumstances and there are some people that have to be here."

Mr. Ackerman stated "I said the people that had to come in to work, that we couldn't make an exception or grant them a week vacation, but if the person has been home 8 weeks with full pay and not working, I don't see where they didn't get a week of vacation that 8 weeks they were home."

Steve Billings stated "Because the Governor's orders says we cannot make people use their time while we've sent them home."

Mr. Ackerman asked "Can they work from home?"

Steve Billing responded "Yes, we can direct people to work from home if they have the ability to."

Mr. Ackerman stated "Right, and that's on the County to for not having that ability but that's a hard pill to swallow. The person that comes in to work every day, that's been working, I know we mandated it and I'm ok with understanding that we are paying them. I'm glad we are but I just think it's tough for people that are out of work, that own businesses that aren't getting paid anything that people are going to get an extra weeks pay when they already haven't been working and receiving full pay."

Steve Billings stated "I don't really look at it as an extra weeks pay. I look at it as a benefit that we gave them, vacation time that they are not able to use and they are going to lose it."

Mr. Wallace state "Guys, just so everybody knows we've been asked by at least 7 departments to bring additional staff in over the last week or so because we can't keep up with the work. I just want to go to Steve's point that, let's say you are alternating the days, we have one of the smallest workforces in New York State, we went from 750 employees down to 400 employees, so if we allowed people to take that vacation when they were supposed to be here, we can't get the job done. Kathy and the Office for the Aging and Diane in Public Health and 911 and the DA's office, Mental Health, I mean we are right at that 50% or a little higher to be honest with you."

Mr. Ackerman stated "We extend the week vacation then further into the year so they don't lose it but we don't have to pay it out and absorb that extra cost right now."

Mr. Wallace stated "That's a good option as well Kurt. One of the concerns was some of the departments, especially our truly essential, when you lose people, Let's take 911 for instance, if we extend their time then we end up paying time and a half when that person takes vacation. Again, it's that simple. I understand where everyone is coming from. We really do. That's one more thought Steve and I had that if you do extend it and that person takes his or her week then a place like 911, we have to bring somebody in at time and a half."

Mr. Ackerman stated "I get that too Jim. Steve's comment that a lot of these people have been essential coming in to work every day, they may need that extra week vacation versus the money at this point."

Mr. Wallace stated "That's a good point as well."

Mr. Ackerman stated "I don't know. Maybe have it an optional thing."

Mr. Russell stated "Steve, you made a comment that the Governor said that people didn't have to take their own time?"

Steve Billings stated "Correct, we've mandated that people stay home pursuant to his executive order. The Governors mandated this so we have followed his executive order which mandated that people stay home and we cannot charge them accrued time while we've done that because essentially we've told them not to come to work."

Mr. Russell asked "Is that only for governmental agencies?"

Steve Billings responded "Private businesses do not have to pay their people to my knowledge. I haven't followed that close enough."

Mr. Russell stated "I believe that to be true because other private agencies and businesses can do that so I find it interesting that government can't do it but others have to do it. I just wanted it on the record."

Steve Billings stated "I think that my concern is that people are going to lose their time so if the committee isn't in favor of paying people out for it, I could live with that we allow them to carry over more than we normally would. I'm ok with that, other than it could potentially cost the County some money with overtime."

Mr. Russell stated "Well the question is how much is it going to cost the County now? Somebody asked that question."

Steve Billings stated "I did some quick numbers and I don't know if people have used vacation last month. I don't have their monthly absence report yet. Maximum I am going to guess around \$20,000. That's an absolute maximum. I think it's going to be less than that."

Mr. Schrader asked "Jim, Aren't we counting on the Feds to give some money for the reimbursement for this?"

Mr. Wallace stated "Bob, This is something that is not normal but we would apply through FEMA. Whether they accept it or not, is another factor but we are documenting everything."

Mr. Schrader asked "Isn't that a part of that 5 million we are supposed to be getting?"

Mr. Wallace stated "We would make our application for it and I would say probably 60-70% we would get it. Not a 100%."

Mr. Schrader stated "Ok. I think we should give them more time on using it. It's not going to cost us \$20,000 on overtime I don't think or maybe you guys know more than I know."

Mr. Stephens stated "Well it could with time and a half Bob."

Mr. Smith stated "Yes but it wouldn't cost all departments time and a half because some of those people aren't essential right? It's only the essential like 911 or Sheriff's department or somebody like that."

Mr. Wallace stated "That's a true statement."

Mr. Schrader stated "That's what I was saying. I understand Steve's statement. Once the County gets up and running we are going to need the workforce there to get the work done."

Mr. Russell stated "Obviously there are going to be some department heads that will need to be paid out for their vacation time. There is no question about that. So how do we want to make this motion?"

Mr. Smith stated "I would like to see Kurt's way of doing it. Extend the time out and let them take it afterwards guaranteed that they are not going to lose their time."

Mr. Russell stated "However if there is somebody would cost us overtime, how do you want to react to that?"

Mr. Stephens stated "Why don't we give them the option? If they want to keep it they keep it, if they want to get paid out they get paid out."

Mr. Ackerman stated "I've got one more question. Is anyone that was home, not working, called and asked to take a vacation week? If I was any employee that was home for the County for the 2 months receiving my full paycheck but I wanted to go to drive down to Virginia to see my mother and father do I have to then put in for a vacation week or am I able to do that under the 8 weeks of pay or should I have called and asked for a vacation week? And if they were, was it denied?"

Mr. Russell stated "Are you saying that people did that?"

Mr. Ackerman stated "No I'm just asking the question. If during the time I wanted to take a vacation to go visit somebody in my family or whatever the case may be, would I have to take a vacation for that time or

could I utilize. Would I just get my full pay still? I'm not available to come back to work if I needed to be so I'm just asking that question. Is there a check in period every day? I'm just asking how that works."

Steve Billings stated "So all employees were told that on their week off they are technically to be on call. That we could call you in if we needed you to. The week that you were scheduled to be off or the day you were scheduled to be off you do not have to use your time. We told you not to come to work. You do not have to use your time. If you were scheduled to be at work and wanted a day off you had to put in for it and use your time."

Mr. Ackerman stated ok.

Mr. Russell stated "Ok, I think we sort of have a motion. We're going to pay those department heads that would normally lose it within that time period right? Then we're going to offer pay or time at a different date when they can take it. Is that what I am hearing?"

Many agreed.

Mr. Wallace asked "Pat, can I just be clear? So salary schedule 1 will be paid out. Salary schedule 2, 3, 4, and 5 will have the option."

Mr. Russell responded "Yes, I think that is correct."

Mr. Wallace stated "I think it's easy for me and Steve to work it that way."

Mr. Russell stated "That's only if they lose it after June 30th right?"

Mr. Wallace stated "Right, the people that Steve proposed. If we are here past that we've got bigger problems."

Mr. Russell stated "Ok, that's the motion. Do I have a first and a second?"

Item #1 - On motion of Mr. Smith, seconded by Mr. Johnson, Item #1 was voted on and approved. Unanimous.

Mr. Russell stated "Second thing on the agenda is approve appropriations for Community Foundation. Who would like to talk about that?"

Sheri Ferdula responded "I will talk about it. Back in January we approved an appropriation from the 2019 fund balance to pay the first half of the invoice to the Community Foundation for our portion of the Community Development Plan. At that time, I will be honest with you, it was an oversight and the bill did not get paid. So we just received the second portion of that bill that we now need to pay. Unfortunately it is too late to go back to that money that we appropriated from 2019. That ended up going back to fund balance so we need to appropriate again from fund balance the \$43,134 and then for the second portion of the payment we are going to take it from contingency \$43,134."

Mr. Russell stated "I need a motion to that affect."

Item #2 - On motion of Mr. Russell, seconded by Mr. Stephens, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Schrader asked "Is that the full payment now?"

Mr. Wallace answered "Bob, we'll pay the first invoice and then probably by the end of the year we'll pay the second invoice."

Mr. Schrader stated “Correct. So that’s the full payment?”

Mr. Wallace stated correct.

Mr. Schrader thanked Mr. Wallace.

Mr. Russell asked “Is there anything else under Ways & Means?”

Item #3 – N/A

Mr. Bono stated “I just want to ask Diane Ward, our acting Director of Public Health to speak on the COVID and any questions that the Legislature may have regarding it.”

Diane Ward stated “So if you have seen in the news yesterday we had 2 days with no new COVID cases and yesterday we ended up with 3. Interesting side bar on 2 of those 3, they were asymptomatic people that were tested for either employment or prior to surgery but right now they are feeling fine so we are starting to see more people being tested in that asymptomatic, no symptom phase of COVID. Currently we have 1 person in the hospital, we have 60 people that have recovered, we are staying at the 3 deaths. Negative tests results, we are at about 820 so far. We’re releasing 2 more people from mandatory orders today so we will have 31 County residents on mandatory orders and precautionary numbers keep changing because we keep finding a lot of exposures in especially Oneida County provider’s offices to those asymptomatic health care workers. Those are people that we are calling every day, monitoring them from 14 days of last contact. As of tomorrow morning we are going to have 16 County residents currently out of that 81 that we are watching that are positive test results. As you’ve also seen on the news Primary Urgent Care has started the antibody testing and as of this morning we’ve received 246 negative antibody tests, 34 positive antibody tests and we have 21 equivocal which wasn’t a strong enough result to give it either a positive or a negative so that’s where we are standing at this point with our COVID response. Any questions?”

There were no questions.

Mr. Russell asked “Are we going in executive session?”

Mr. Bono stated “Yes. I want to thank Diane Ward and the Public Health Department. They are doing a great job over there. It’s a 24/7 deal. And everyone else, John Raymond, the Highway, Mental Health has increased their load, Tim Seymour’s group along with everybody else. We’re all doing a good job so plug away and we’ll get out of this.”

Mr. Russell stated “If we are going into executive session Ways & Means should not adjourn.”

Mr. Bono stated “What the game plan is here, we will call back on this number and take the vote after we go into Executive Session. I think you guys have the alternate number for Executive Session.”

Mr. Russell requested a motion to go into executive session.

On motion of Mr. Bono, seconded by Mr. Johnson, the Ways & Means committee went into Executive Session at 11:14 a.m., under Public Officer’s Law, Section 105 (d). No vote taken. On motion of Mr. Ackerman, seconded by Mr. Shaw, the committee came out of Executive Session at 12:06 p.m.

On motion of Mr. Bono, seconded by Mr. Stephens, the Ways & Means committee adjourned at 12:07 p.m.