

**GOVERNMENT OPERATIONS, PERSONNEL, HOUSING
& CONSUMER PROTECTION COMMITTEE**

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Government Operations, Personnel, Housing & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on November 29, 2012.

MEMBERS PRESENT:

Leg. Robert Calarco, Chairman
Leg. William Spencer, Vice Chair
Leg. Kate M. Browning
Leg. Thomas Cilmi

ALSO IN ATTENDANCE:

Leg. DuWayne Gregory, Fifteenth Legislative District
Leg. Kara Hahn, Fifth Legislative District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
William Shilling, Legislative Aide
Benny Pernice, Budget Review Office
Robert Doering, Budget Review Office
Samuel Chu, Commissioner/Labor Department
Tom Vaughn, County Executive Assistant III
Chris DeLuca, Aide to Leg. Cilmi
Paul Perillie, Aide to Leg. Gregory
Lora Gellerstein, Aide to Leg. Spencer
Amy Keyes, Aide to Leg. Calarco
Paul Caplan
Thomas Melito, Deputy County Executive/Performance Management
Dennis Cohen, County Attorney
Barry Paul, Deputy Commissioner/Performance Management

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 12:34 PM

CHAIRMAN CALARCO:

Okay. Good afternoon. We're going to get started with the Government Operations, Personnel, Housing & Consumer Protection Committee. If everyone could rise for the Pledge of Allegiance led by Legislator Cilmi.

SALUTATION

Okay, we're going to get right into our agenda today. I do not have any cards at this time. Do we have any speakers? Is there anybody in the audience that would like to address the Committee? Okay, I'm not seeing too many people out there today.

PRESENTATION

All right. So we're going to move right into the presentations. We have a presentation today by Tom Melito, our Deputy County Executive in charge of Performance Management, as well as Dennis Cohen from the County Attorney. They're going to discuss with us the proposed move of the Division of Risk Management from Personnel over to the Law Department.

So, if Tom or Dennis, if you'd like to come forward and anybody else that you have with you to talk with us today -- oh, Barry's coming up as well. Yeah, come right up to the table here. I know that a number of my colleagues had questions about the issue, which is why we asked you to come today.

So what we will do is allow you to go ahead and maybe -- excuse me -- give us a little briefing on what we have, what you're planning on doing, why you think this is a smart move for the County. And then after that, I'll open it up for questions from my colleagues.

MR. MELITO:

Okay. This is the one I have to push, right? Great. Now can you hear me? Okay.

As I mentioned with me both here is Dennis Cohen, County Attorney, and Barry Paul, Deputy Commissioner of Health, who also works in Performance Management. Both these guys have a little more subject matter expertise in the area than I do, so they're here to answer questions. And we can all answer those.

I just have, really, just a few minutes of remarks I wanted to -- to sort of set the stage and give you all a context of what it was we did and how we arrived at the conclusion we did.

So basically early on -- and, again, I guess some time in April or May or June when we first got started, Performance Management and the County Attorney's Office reviewed the Risk Management function from a macro operational perspective. We spent a significant amount of time with departmental personnel, which by the way, I have to note were very cooperative, willing to work together with us; and quite frankly passionate about learning the nuances of the Risk Management -- nuances of Risk Management, management and leadership. We spent a lot of time with them. We got a lot of information on issues identified by them. We also had on a very -- small contract -- a consultant who helped point us in the right direction as well.

The overall mission of this initiative is to provide ongoing legal and technical expertise that will effectively and efficiently perform the Risk Management task and claims management functions while also ensuring compliance with the law.

Now, Risk Management, going just back -- just to give you a sense of the size of it, from a 2012 budget number point of view is about \$53 million. And about 45 million of those dollars are

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involved with Workers' Compensation.

Now, to more fully understand the rationale for the move and its impact and the importance of considering the role of Risk Management, we should talk a little bit about what Risk Management does. And the Division of Risk Management basically supervises the investigations, adjustments and defense of claims. Among those claims includes Workers' Compensation. These are claims that arise out of injuries to employees during the course of their employment. The County is responsible for the resulting medical and indemnity payroll costs associated with the State Workers' Compensation statutes.

Property claims: These are claims made by departments for damage or loss by fire, flood and other perils to the County and liability. These are claims that are made against the County by members of the public for such matters as injuries on County property or automobile accidents involving County vehicles, as well as accidents resulting from County transportation services. Today's Claim Management climate is becoming increasingly litigious and complying with the regulatory requirements continues to be a major challenge.

The risk environment requires -- this particular risk environment requires a shift in focus to litigation claims management, which quite frankly, is a core competency of the Law Department. We have also observed that in addressing claims, management at the Law Department is often engaged with the purpose of fighting and managing legal risks once they've already arisen. This type of environment requires more of a preemptive legal risk management structure, which would mean taking a proactive role in understanding the nuances of these operations, honing the capability of contrast, the actions and/or omissions of the County on a legal basis and foresee legal and cost repercussions of such acts and prepare possible remedies to reduce or avoid that risk and its cost.

So in general, we have specific goals and objectives. And we want to create a transparent and cooperative working model between the County Attorney, Risk Management and the operating departments, which includes Public Safety. We want to update all policies and procedures to reflect the latest changes in law and collective bargaining agreements. Very importantly, we want to continuously improve the Risk Management and Workers' Compensation information systems to ensure compliance with the Workers' Comp Board requirements intra-governmental communications, which need to be improved systemwide and reporting as well as changes in law.

We want to improve the monitoring of claimant continuing eligibility for benefits. We want to update criteria for controverting claims. We want to improve reimbursement of costs from other parties, which is also known as subrogation, and we want to review older claims for settlement and see where we have opportunities for improvement there.

More specifically, we want to set up appropriate management and oversight structure within the County Attorney's Office that includes a full key performance indicator, which we've talked about a lot in other times that I've been here reporting capability. We want to adopt best practice for handling 207 (c) cases for injuries sustained by law enforcement personnel. We want to manage the medical aspects of claims with the objective of returning the injured or ill employed to full health and duty as soon as possible. We want to manage from a total cost of loss perspective, which aims at keeping the medical, legal and indemnity expenses, all taking a look at them from a macro perspective and keeping all those expenses as low as possible while also reducing lost time by workers so we can get workers back to work as quickly as possible in whatever capacity they are able to do.

We want to increase efforts to manage the work place in a safe and well trained environment, audit claim files to uncover areas of high financial exposure and then we can assign specific tasks and responsibilities to mitigating those circumstances.

We want to assess the effectiveness of all services that are being provided by outside resources, which would include developing vendor accountability metrics, incentivizing legal services to improve

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litigation outcomes, and utilize labor -- the Labor Relations Department to implement new loss control and accountability program -- program elements to reduce -- bless you-- to reduce claims.

So that's generally an overview of what it is we've done and what we've looked at. And now we welcome -- to answer anyone's questions.

CHAIRMAN CALARCO:

Great. Thank you very much. Legislator Hahn had some questions.

LEG. HAHN:

Thank you. I am -- you whizzed through that. And there was a lot of, like, jargon.

MR. MELITO:

Okay.

LEG. HAHN:

Risk Management jargon going on. But I think I followed it all. And I'm thoroughly impressed. And we've met and talked about what you're doing. And I'm thoroughly impressed and pleased with the direction that you want to take this. My interest was piqued when I read the Newsday article about Nassau County Workers' Comp. And I did some research and clearly, you know, there were issues with how well in the past we had been managing claims, you know, just the lack of proactive management and risk management, which it turned out -- is extraordinarily costly.

And so I'm very much supportive of this move. And I would -- there are a couple things that I want to ask, because I think you're doing all the right things and -- however, based upon my research, you know, I think we need to do a full audit of what happened previously and of claims -- previous claims or current -- I don't know -- current -- I might not be using the right term, but claims at this point. And so I just kind of want to know, ask BRO, ask you guys, who would do that? If we have the inhouse ability in the Audit and Control; if not, you know, how do we ask that something like that happen and what might that cost?

In addition when -- if we do approve the move, I very much would like and would expect -- I think we all would expect, at least for the first year to even to see monthly reports about some very basic statistics that we should know about and to see the improvements, because I think we're going to see them.

I know reading the 2006 report from Ernst & Young, you know, it sounded like we had -- at that time and I know it's changed, but almost 9,000 open claims, you know, thinking about 10,000 employees, it sounded extraordinarily high. I know since then, you know, many, many have been closed out. But that's clearly something that we weren't actively monitoring cases that should be -- not remain open.

And so I'm glad to see your attention put on this. And already clearly there's been action as a result of the attention. But I think it's critical that the County, the Legislature, this Committee, BRO, we are all -- as you move forward, we're continually monitoring this. Because this could wind up -- just the costs, if we continue to not proactively manage could balloon.

And so my two questions are about an audit -- a full -- full audit of -- you know, even the medical treatment, etcetera, but also -- and then also your willingness to kind of, you know, report to us how this is going so that we can closely do our due diligence and monitor and determine if more is needed for your Department to oversee this. Because this small investment that we put into the monitoring you're asking for will have huge returns and savings.

MR. MELITO:

Yes. First of all, let me just -- you know, when I talked about key performance indicators, that is definitely one of our priorities and that goes hand in hand with improving the key performance

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indicators that we spoke about earlier. That is a key initiative that we're going to start on right away. We've already gotten, obviously some ideas on that. And that goes hand in hand with the -- effectively improving the communications and the information systems, using technology there as well.

So we as part of our process, one of the first steps we're going to do is develop a work plan, quite frankly, that will have those benchmarks in it. And we do -- we will be reporting on them, certainly on a regular basis; if not a monthly basis, a regular basis. So that we will be defining.

In terms of an audit, and I'll let the two subject matter guys talk about that as well, but my sense on that as well, when I said we should identify -- you know, in order to be as efficient as possible identify areas of highest risk. We've already gotten an inkling -- gotten an inkling of that. And you wouldn't necessarily need to investigate -- audit 5,000 cases. But you could identify a subset of those cases, where specific expertise from the outside would be appropriate. There are people that do supply those services. We have through the course of this process spoken with some of them. And we could do an RFP to get someone to do that. But if someone else had anyone -- Barry or --

LEG. HAHN:

Before we move onto the audit piece, because it kind of is, like, another issue --

MR. MELITO:

Sure.

LEG. HAHN:

In moving -- in moving the employees from Civil Service to the Law Department, will they continue to be Civil Service employees that are investigating Civil Service workers? How --

MR. MELITO:

Well, right now that's the way it is but you can --

MR. COHEN:

Yeah, that wouldn't change. It's the same employees. You know, the idea is to take the Division intact over to my Department and -- rather than it being under the Department of Civil Service, it would be under the Department of Law. But nothing else would change.

LEG. HAHN:

And are you committed to invest in training and management, improvement in this Division?

MR. COHEN:

Yes. I mean that's what it needs. I mean, it needs a whole new culture. And to do that you have to retrain them. You have to train them to think in a claims management point of view rather than a processing claims point of view. And that is the crux of it in my mind. And, yes, we have to, you know, retrain them, you know, whole new management style, you know, just to change that culture. So that's the idea, yes.

MR. MELITO:

And if I can just throw in, in my comments earlier, actually are relevant here. I mean, we found tremendous cooperative attitude in the Department willing to work with us to do that. And so we believe that that will certainly be successful. There's an understanding that, you know, there's a next level we can take this to. And that has been very positively received.

LEG. HAHN:

So onto the question about the audit.

MR. COHEN:

Well, with respect to the audit, as Tom indicated earlier, I don't think that would be an internal -- I

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don't think Audit & Control would be able to do that. You know, when I think of a claims audit, it's someone, you know, taking a subset of claims, reviewing the files, seeing, you know, are they being managed correctly. You know, you indicated earlier should they have been closed out already, is there any reason to keep these claims open?

Workers' Compensation is a highly technical area of law. So, not to put anybody down, I just don't think our Audit & Control Department has that expertise to be able to do. So, if we were to go down that road, I think, what Tom said is exactly right, we would have to do an RFP to have a company come in and do a claims audit. And we'd have to decide how many, you know, what amount of claims we would want audited. I mean, to do all of them would probably not be the most cost effective way of doing it, but just to take a subset of types of claims and have them audited that way.

LEG. HAHN:

What kind of checks and balances do you think are necessary? Because there are municipalities that go to third party administrators and, you know, I know we've talked about that. And I've called the organizations -- there's policy institutes, think tanks, that I've researched and spoken with individuals about this issue. And I understand that for a County the size of ours, a municipality the size of ours, it almost makes sense to keep it inhouse. But what kind of checks and balances are necessary when you -- you do have employees -- Civil Service employees who are, in some cases, investigating and checking in on other Civil Service employees. And what kind of checks and balances have to be put into place just to make sure, you know, it's functioning independently?

MR. COHEN:

All right. I think once we get to the meat of it and we start, you know, drafting procedures and policies -- you know one of the ideas would be on certain types of cases, you'd have to have more than one person reviewing the file. So whether that be a supervisor or that be -- you know, one of the attorneys in my office, or maybe to include all those things, depending on how complex the claim is. You know, there's a lot of Workers' Compensation claims that I'm sure are open that are merely open to protect the employee -- you know, to make sure that they get any medical issues that they need taken care of taken care of. Then you have the more complex, you know, where there's lost time, there's scheduled loss of uses involved, possible section 32 claims. And those are the types of claims that, I think, at minimum, you need to have a Supervisor signing off on. And then, you know, again, as the case gets more complex, you'd want an attorney overlooking it as well.

LEG. HAHN:

You know, we want things like trending reports to know where maybe we need to focus more, safety training and/or just -- just the true meaning of risk management, managing our lives, living like we really -- I think in many cases we've let that go too far, where we're just not truly managing our liabilities and our risks. And I welcome you guys being the ones to be in there to help do that. But we should see those trending reports, too. We should understand the Legislature has to be able to over -- review that.

I mean, do we have a loss preservation unit of any true function at this point?

MR. PAUL:

The County does have a Safety Officer and a function within Risk Management that promulgates safety awareness, OSHA rules and regs; and does try to reach out to those departments most susceptible to occupational injuries. But the program probably needs to be upgraded to Best Industry Practices, which I don't think the County had an opportunity to do.

LEG. HAHN:

Good. And I'm sure the same question in terms of what are we doing to control indemnity costs? You know, we're going to improve that. Sorry. I'm very supportive of this move and I thank you for all the work you've done thus far and look forward to working together with you all to help in any

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way that we can at the Legislature. But I also ask that, you know, you do keep us up-to-date and in the loop and -- because it is our job to oversee this. And this is such a huge area of financial risk that I think it's important. And we appreciate all of your efforts. Thank you.

MR. PAUL:

Thank you.

CHAIRMAN CALARCO:

Great. Thank you. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. Thanks for being here. I have a number of questions. And I'll say first of all that I'm not in the insurance business. And, you know, it's an old saying: Give a guy a little bit of information it could be dangerous. So, forgive me if I -- you know, if I seem all over the place with my questions. But let me preface my questions specifically with two things: First of all, it concerns me a little bit that we haven't even passed this resolution and we're talking about RFP's. So I just want to state that for the record, that that's a little worrisome to me, that we're already talking about hiring outside companies or whatever to do this work.

LEG. HAHN:

You mean about the audit I just was asking about?

LEG. CILMI:

You just mentioned RFP -- an RFP in the course of the discussion. And part of it was related to your audit. But I just -- it bothers me that we, you know, that we just go to RFP so quickly before even passing a resolution. You know, I think we need to as -- I think you said, I think we need to look internally first to see how we can do things on our own and in the areas that -- that are way outside of our purview and probably will always be outside of our purview, then I don't mind considering an RFP at that point. But, you know, I think there's a case to be made for -- in this case doing a lot of that work, if not all of it, internally.

MR. COHEN:

Yeah, I mean, I think, as Legislator Hahn indicated, that was in response to a specific question as to if we were going to do a, you know, a detailed claims audit --

LEG. CILMI:

What do you -- how do you define that? How do you define a detailed claims audit?

LEG. HAHN:

Wait. Can I jump in here for a second? Because very specifically what I'm interested in is looking -- and I, you know, didn't know we needed to go this far. But not just looking at the right coding, was it paid properly, but is the proper treatment -- is there too much treatment ever happening? Because we need to, to know -- controlling costs is looking at the medical injury and then making sure the treatment fits what the individual's experiencing.

And so I believe that, you know -- I'm not quite sure we have that kind of inhouse capability that can really get down and dirty in the medical files and medical claims and determine, you know, what is going on where. And, you know, if we're over -- overtreating in any cases. And that needs to be -- that's part of -- I mean, again, I think I'm a case of too much information is dangerous. But, correct me if I'm wrong, I mean that's an important part of managing the costs is managing, you know, what -- the response to the injury.

MR. COHEN:

Right. If you don't stay on top of a file, literally a doctor will treat a patient forever. I mean, they just continually get paid. So there's mechanisms that you would take on a file to try to stop that treatment, one of those things being, you know, an independent medical examination, and then

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disputing the need for further treatment.

LEG. CILMI:

So are you defining audit in the same way that Legislator Hahn just defined audit?

MR. COHEN:

I think the idea that if you want to look at, you know -- I think the statistical is what, 9,000 open cases. If you were going to do an audit of those files, you know, I think the question was is there someone on staff who would have the capacity to do that? And I think the answer would be no. I mean, when you think of audit, you think of Audit & Control. And Workers' Compensation, in my opinion, does not lend itself to that type of audit. When I think of a claims audit, I think of digging down into each of the open files -- and really not only open files, but also the closed files, to ensure that those claims were handled correctly.

LEG. CILMI:

Okay. All right.

MR. MELITO:

I'm sorry, if I may it?

LEG. CILMI:

You may.

MR. MELITO:

Sorry to cut you off.

LEG. CILMI:

No, that's quite all right. I'll ask any way after you're done.

MR. MELITO:

Yeah, right. With all the respect, and, you know, we always speak respectfully to each other, to use the expression "we're already to go out on our feet," quite frankly we haven't gone out any where. What we're trying to do with this move, quite frankly, is marry expertise that's in the County Attorney's Office with the Department of Risk Management so they we can, to the maximum extent possible, use our internal resources to make this a better, more efficient operation.

LEG. CILMI:

Well, that sounds reasonable to me. I think in the process of looking at that question specifically, please consider if it -- if it would be less expensive for us to -- if we don't have either the expertise or simply the manpower to do this inhouse presently, that that may be an alternative. Maybe we -- maybe rather than hiring an outside company, maybe it makes more sense to hire individuals who are experienced in this area to do the job for us. Maybe. Maybe it doesn't. I'm just saying let's have -- let that be an option.

MR. MELITO:

Absolutely.

LEG. CILMI:

Okay.

MR. MELITO:

It certainly would be.

LEG. HAHN:

I agree with that.

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LEG. CILMI:

Now let me -- let me just continue here with my second general -- and I really haven't even drilled into the questions yet, but my second general concern, Tom, and this is off on a little bit of a tangent, but you know I'm a fan of what -- you know, you've talked to us about over the past several months, particularly in terms of developing metrics to look at our performance in a variety of different areas. And I appreciate, again, the use of that -- of that term here. My question though to you is have there been metrics developed at this point in any of the other areas that Performance Management has been looking? Give me a rough idea, I mean if there has, if there hasn't --

MR. MELITO:

Yes, we --

LEG. CILMI:

What are they, where are they? And we don't have to go into great detail. We can save that for a later time but --

MR. MELITO:

Yeah, and we can talk about that in very much detail. But the answer is yes, we are working with the departments, particularly the ones that are included in the -- what can we call the federated approach of technology, those ten departments, which we have a lot of interaction with. Yes, we have begun to do that.

We are also evaluating software, quite frankly, that will allow us to translate that information into a system that we can share and then create reports and distribute those reports and make management decisions on those. So we're in that process quite honestly.

LEG. CILMI:

Are there any -- is any of it finished at this point?

MR. MELITO:

No.

LEG. CILMI:

Has any one department or any one area, have you developed a set of metrics for measuring, let's say, you know permit approvals in the Health Department, for example, or anything? Have any metrics been set up for any of the departments that Performance Management has looked at so far?

MR. MELITO:

We do not have those in a system right now, no.

LEG. CILMI:

Okay. Fair enough. We'll get to that another time.

MR. MELITO:

Okay.

LEG. CILMI:

I appreciate your candor. When I sort of -- started looking into this and I looked at what are the components of Risk Management, it seemed to me that there are really two components: One is liability and liability claims and the other is Workers' Comp. Do you agree with that assessment, Dennis?

MR. COHEN:

Yeah. I mean, there's a third component, which is the insurance component of it, which, you know, as we're seeing now with the storm is, you know, a very important component when we're reviewing those policies now to make sure, you know, that we get any coverages that we're entitled to. But,

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yeah, I mean -- I would say three.

LEG. CILMI:

Three. Okay, well, let's take liability first. Right now how are liability claims handled?

MR. COHEN:

It depends on whether they are property damage or personal injury. You know, the property damage claims, those go directly to Risk Management. So my Department doesn't see them unless there's a -- you know, unless it's going to go to Court. But if it's just a matter of paying a claim or on motor vehicle accidents when -- if No-fault is implicated, you know, they'll be -- No-fault work done on it. On --

LEG. CILMI:

Are there individuals who are responsible for making those decisions or is there a committee or a group responsible for making those decisions looking at the cases? And how, if at all, will that change under this new management?

MR. COHEN:

What I'm going to do -- right now I'm not sure exactly how that works. I believe just, you know, whoever -- whoever the claim person is that's taking those claims or making those decisions. What I've decided to do is I have a Bureau Chief in the Torts Bureau. So she already sees -- oversees all the personal injury claims. So what I've asked her to do is if this does get passed, I want her to oversee the property damage claims as well. So that there's a layer of oversight to ensure that the proper claims are being settled. And those that should not be settled, you know, are litigated.

LEG. CILMI:

Okay. Right now the Legislature has a voice in approving settlements.

MR. COHEN:

25,000 and above, yes.

LEG. CILMI:

Right. Do we also have a voice in the analysis of those settlements before it comes to us at this point?

MR. COHEN:

What happens is --

LEG. CILMI:

And would you be willing to -- the follow-up to that would be, would you be willing to have somebody from this body sit on the Committee that reviews some of those or all of those claims? Maybe the Chairman of Ways and Means or some other, you know --

MR. COHEN:

I mean, obviously the decision, you know, that set the level at \$25,000 was made long before I got here. I think the -- you know, the idea behind that is you don't want to bog down the system. I mean, literally, you know, we get tons of notices of claim in. To have -- to have someone oversee, or --

LEG. CILMI:

Yeah, don't misconstrue. I'm not suggesting that this body approve, you know, everything that you're doing. But to have somebody from this body as part of the process on a -- on a committee, if that's how you eventually end up doing it, I think would be -- would be beneficial. And I'm not saying that that person would have -- would have, you know, unilateral authority over what you do, but at least they would have input, first of all; and then they would -- they would have some reporting, then, back to us.

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MR. COHEN:

On every claim?

LEG. CILMI:

Well, they may choose -- I mean if you sit in a meeting and -- I don't know how this is going to be done, I don't know how it's done now, but if you're sitting in a meeting with a committee and, you know, there's ten claims, let's say, that you're talking about that particular day, maybe one of the ten is, you know, significant and consequential; maybe nine aren't. So maybe it's just that one that ends up, you know, that there's a substantial contribution on the part of the Legislature or the Legislature's representative on --

MR. COHEN:

Again, I think that's why it was set at \$25,000. I think that was the cut off. And what happens on those is we go before the Ways & Means Committee, and you know, we present --

LEG. CILMI:

Right, I understand how that works.

MR. COHEN:

We present the case. And, you know, if they have more oversight -- I mean, I would certainly, you know, take it under advisement. I mean I'm just not sure practically -- you know, like you said, I mean so you have -- you have No-Fault cases. You know, similar to Workers' Comp, some of that is processing the claims. I mean there's medical involved in that.

LEG. CILMI:

Right.

MR. COHEN:

You know, some payments that are made. I'm just not sure at what level but --

LEG. CILMI:

Okay.

MR. COHEN:

But I mean it's certainly something we can -- we can talk about.

LEG. CILMI:

How many claims do we have now outstanding?

MR. COHEN:

Do you have any idea?

LEG. CILMI:

And what's our deductible?

MR. PAUL:

The total liability claims?

LEG. CILMI:

Yeah.

MR. PAUL:

Open as of the 27th, 259. We're self-insured so I don't think we have such things -- there's no deductible when you're self-insured.

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MR. COHEN:

We're self-insured up to \$3 million with an excess policy after that.

LEG. CILMI:

Okay. 259, yeah. Okay so --

MR. COHEN:

And I'll just say that I assume that 259 is property damage claims. That's low for personal injury. I think we have a lot more than that.

MR. PAUL:

No. The property damage is 294. It's separate from the liability, which is 259.

MR. COHEN:

Gotcha. Okay.

LEG. CILMI:

Now so -- and I know we have a policy that when claims exceed two million or \$3 million, I think, you said?

MR. COHEN:

We have an excess policy. So any claim that may implicate that policy, we put the excess carrier on notice. And then they would only pay if -- either in the settlement or a -- or a verdict if it exceeded that amount.

LEG. CILMI:

Any idea how much we pay that carrier for that coverage?

MR. COHEN:

I don't right now know.

LEG. CILMI:

No idea whatsoever?

MR. COHEN:

But that's one of the things that I want -- I want to go through every insurance policy, see what's covered, see how much we're paying for those policies.

LEG. CILMI:

Because I think it's worthwhile to look at our history of claims and determine whether or not we could increase that number, you know, from three million to maybe some higher number based on our history. And maybe we end up paying substantially less to the insurer.

MR. MELITO:

Obviously a place to look at.

LEG. CILMI:

Do you have -- have you any idea what our anticipated liability pay out maybe for this year and next year -- any way to project that? Do we have a number that's budgeted specifically for liability? Budget Review, do you?

While they're looking, let me just move on to Workers' Comp right quick. What is the number of outstanding Workers' Comp -- open Workers' Comp claims that we have presently?

MR. PAUL:

2,724 is the number as of November 14th.

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LEG. CILMI:

And is it -- for Workers' Comp, do we have a similar setup in terms of the \$3 million self-insured ceiling? And then we have an insurer that covers us for over and above that? Or what?

MR. COHEN:

Yeah, I don't -- it wouldn't be that. I don't think we have an excess carrier for Workers' Comp.

LEG. CILMI:

Okay. Okay. While we're on the subject of quantities, how many specifically 207 (c) cases do we have outstanding?

MR. PAUL:

I don't have a specific number, but generally the percentage is between -- 65 and 70% of the open claims are 207 (c).

LEG. CILMI:

So by far the public safety arena is the highest percentage of claims?

MR. PAUL:

Highest percentage of claims. And their claims are more costly because of the 207 (c) statute.

LEG. CILMI:

Okay. So in terms of the number of claims, which means the amount of work that has to be done on those claims, and in terms of the potential or actual cost of those claims, that area is the most significant area that we're dealing with. So it's the most costly --

MR. PAUL:

Correct.

LEG. CILMI:

-- from an overall management point of view; and it's most costly from a liability point of view as well.

MR. PAUL:

(Nodding head in the affirmative)

LEG. CILMI:

Okay. Who do we have presently -- is it -- you said we have a Safety Officer. Who is that?

MR. PAUL:

Jim {Alito}.

LEG. CILMI:

Jim {Alito}?

MR. PAUL:

Yes.

LEG. CILMI:

Okay. Now, is that person also at this point responsible for overseeing the legitimacy of those claims or does that responsibility fall to somebody else?

MR. PAUL:

No, that's a different responsibility. His -- think of his job as loss reduction, loss mitigation. He is really worried -- he's trying to be preventative to stop the occupational injuries.

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LEG. CILMI:

So, he's making sure the sidewalks aren't cracked, that the -- you know, the ceiling panels aren't falling.

MR. PAUL:

Employees are trained with OSHA regs and they're using personal protective equipment. He is on the preventive side.

LEG. CILMI:

Right. And we have how many buildings in Suffolk County?

MR. PAUL:

I don't know a specific number, but a lot.

LEG. CILMI:

Many.

MR. PAUL:

Yeah, a lot.

LEG. CILMI:

Suffice to say. And we have only this one individual that's doing that job? He doesn't have anybody that works for him or helps him or --

MR. PAUL:

There's a structure of Safety Assignment Officers that did exist in County departments. I don't know the status of that now after the last couple of years of head count reductions. So there's a good chance that those ranks of people who were departmentally assigned to be Safety Officers is very low.

LEG. CILMI:

Or nil.

MR. PAUL:

Could be nil.

LEG. CILMI:

Okay. So who then -- who then does presently -- I understand Mr. {Alito's} function. Who then presently does investigate the legitimacy of the Workers' Comp cases? How many people do we have doing that?

MR. PAUL:

We have one person that's focused on investigations.

LEG. CILMI:

One person.

MR. PAUL:

Currently. Currently, yes.

LEG. CILMI:

And we had at one point 9,000; now we have 2,724 and we have one person who's responsible for investigating all of those claims? And those claims, correct me if I'm wrong, but they're ongoing --

MR. PAUL:

Let me say that when we talk about investigation, we're talking about picking the high risk claims?

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There's oversight and monitoring by claims staff, who look at all of the claims. So we're not suggesting that all those claims are reviewed by one person.

LEG. CILMI:

Well, but how much do they really look? I mean, probably a lot of them are just inputting information.

MR. PAUL:

The practice is, though, that those high risk area claims are then investigated. And we only have the, you know, the staff of one to do that.

LEG. CILMI:

Could you hazard a guess at the percentage of the 2,724 that you would classify as high risk claims?

MR. PAUL:

I could not at this time. But that's a future metric that we'll have.

LEG. CILMI:

Okay. Dennis, in -- once this is -- once this function is transferred to your department, is this -- is this what you envision being done possibly by an outside firm? Or do you envision this being done inhouse?

MR. COHEN:

I mean it depends on what --

LEG. CILMI:

And it's fine if you don't know.

MR. COHEN:

It depends on what type of investigation are needed. One of the things that I've done in the past is manage -- you know, I used to represent a municipality on doing claims. So I used to go -- to the Workers' Compensation Board. And I would make certain recommendations on those claims. If the recommendation is, you know, I think a surveillance should be conducted, I don't know that we have, you know, someone on staff who's qualified to conduct the surveillance. If it's, you know, "hey, I want you to go out and interview a couple of people to ensure that, you know, this claim really happened or things like that," then, you know, I think that probably can be done inhouse. I mean once I get --

LEG. CILMI:

I know that sometimes private investigators are used to --

MR. COHEN:

I actually used to do that. So --

LEG. CILMI:

Okay.

MR. COHEN:

I used to conduct surveillances in my prior lifetime. So, I know, you know, what cases should be investigated, which ones, you know, probably don't need to.

LEG. CILMI:

Do we employ any of those tools now? Do we use private investigators to go and look at employees who are out on Workers' Comp to make sure that they're not, you know, skiing in Aspen or whatever?

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MR. COHEN:

Do you know?

MR. PAUL:

I don't think so.

LEG. BROWNING:

(Inaudible)

LEG. CILMI:

Well, that's what I getting at, Kate.

MR. PAUL:

I do not believe Risk Management has that resource, but that's not to say that, for example, the Police Department with its resources doesn't look at its own 207 (c) claims to review particular high risk for --

MR. COHEN:

By the way just --

LEG. CILMI:

All right. Let me just take apart what you just said for a minute. You said that's not to say that the Police Department doesn't. Let me just re-ask that question then. Does the Police Department employ --

MR. COHEN:

They have Internal Affairs.

LEG. CILMI:

They do.

MR. COHEN:

They have Internal Affairs.

LEG. CILMI:

They have Internal Affairs. Okay.

MR. COHEN:

By the way, I have investigators in my department not -- already that help investigate our tort claims that I could utilize for that purpose.

LEG. CILMI:

Okay.

MR. PAUL:

But I never went to Aspen on surveillance, but that would have been pretty cool, though.
(Laughter)

LEG. BROWNING:

My son lives there.

LEG. CILMI:

See, Bill? See what I meant by the levity? (Laughter)

The number of cases that we presently have, roughly 2700, do we see that -- over the past three years or so, have we seen that basically stay flat, does it increase every year, does it decrease every

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year? If so, by how much roughly?

MR. PAUL:

We don't have metrics --

LEG. CILMI:

Is that one of the metrics that you would look to put in to reduce the increase in claims yearly?

MR. PAUL:

Exactly, exactly.

LEG. CILMI:

Okay.

MR. PAUL:

The County averages about 1500 a year, but I don't have a trend analysis on that from the data set yet.

LEG. CILMI:

Okay.

MR. COHEN:

That would be one of the -- you know, when you do a trend analysis, you do it against comparables from previous time periods. You also do it against like municipalities or like organizations so that you can see where you stand.

LEG. CILMI:

Right. Just as Legislator Hahn had asked during her questioning for a reporting, I would echo that. And also ask that, Tom, that you get back to us with -- not only whatever metrics are set up specifically for this area, for Risk Management, but also once you do set metrics up for some of the other areas, I'd like to have, you know, a list of what those are.

MR. MELITO:

Absolutely.

LEG. CILMI:

So that at some point in time, you know, you can come back and talk to us about whether or not we're achieving those metrics and what we're doing to achieve them, what we need to do better. So if you could just --

MR. MELITO:

Absolutely, absolutely.

LEG. CILMI:

Okay.

MR. MELITO:

And, you know, what we're doing is working on a piece of software that will enable us -- that will totally facilitate that process so that everyone does have access to the information and we can all discuss it and make management decisions based on it.

LEG. CILMI:

Okay. The only -- the last concern that I have, it is -- the process of working on these cases, I would imagine, is artful in that the attorney or whoever's involved has to sort of come to some conclusions as to when a case should be settled, when it doesn't need to be settled, at what price it should be settled for. So my question is given the resources that we have, limited resources, there

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may be a propensity to settle cases that maybe shouldn't be settled. Dennis, can you speak to that at all? I want you to give me a comfort level that we're not going to dispose of cases for the sake of expedience, bond the settlements and get on with the next case.

MR. COHEN:

All right. So you're speaking about the liability cases, which --

LEG. CILMI:

Right.

MR. COHEN:

With respect to liability cases, nothing has changed in those. Any personal injury that is out there is being handled by my office already. You know, I've made a commitment, you know, from the time I've been here -- I won't settle cases just because it's expedient. I'll make a -- and have my attorneys give me a review of the case. And I may settle the case just because I don't want the risk, you know, high level risk of a multimillion dollar verdict, but I don't -- I have never and will not settle cases just because, you know, I don't have the staff. It's just not the way I look at the cases.

LEG. CILMI:

Okay. Well, my concern is founded in the fact that -- and this is significantly increasing the workload of your Department, I would imagine.

MR. COHEN:

Yes.

LEG. CILMI:

And, you know, you're not really -- we're not -- we're not adding staff, I don't think. In fact my colleague reminds me that we took -- we took some of your staff away.

MR. COHEN:

The staff is coming over from Risk Management in tact, though.

LEG. CILMI:

Well, I understand that. But if they're not doing the job now --

MR. COHEN:

So, really it's a level of supervision that is going to be handled by the Supervisor of my office.

LEG. CILMI:

Okay. Well, why, then, is it necessary to put it -- if it's supervision that's important, why is it necessary to move the Department from where it is now into your Department? Why can't they be supervised better where they are?

MR. COHEN:

My opinion is, is because Workers' Compensation has a high level of technicality that, you know -- and I don't know -- I'm not looking to cost aspersions on Civil Service. I just know, you know, from the years that I've spent in Workers' Compensation, it's very technical. And I think, you know -- first of all, I think I think it fortuitous that I have the back-round in it, but I would still recommend, even if it -- even if it wasn't me who ran the office, that be placed in the Law Department. It's too technical to be in another Department. I just don't think they have the capacity to do it; to do it correctly.

LEG. CILMI:

I'm not necessarily in disagreement with you with respect to Civil Service in particular. I'm just wondering if the Department of Law is the best place to have it. And I completely appreciate the synergies that exist or the, you know, the experience that exists in your Department and how that

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might help in terms of oversight. But with that said -- and I'm going to support this resolution. And I know you work hard at doing the job. But I also want to make sure that the questions that I've asked, you know, that you keep those in mind as you move forward and that you keep us in the loop as far as progress. Because if we -- if you've lost employees, if you're not gaining additional employees and you're only using the employees that presently exists in Civil Service that are doing this job now, and yet from what I'm being told, you're looking at making really some monumental changes in how this function is managed. It's a bit bewildering as to how exactly you're going to make that happen.

MR. COHEN:

My answer to that is it's changing the culture. It's training them to have a different thought process on the day-to-day management of claims.

LEG. CILMI:

One hell of a cultural change, Dennis. But I look forward to seeing that change and I thank you for your time.

MR. COHEN:

Sure.

CHAIRMAN CALARCO:

All right. Thank you very much. Do I have any other questions regarding this topic for Dennis to Tom or Barry? Okay, great. Thank you very much, gentlemen. If you could just hold on one second, Tom, I think Legislator Browning had a question for you on an unrelated matter, throw you under the bus here a little bit, but I'm sorry. Legislator Browning, go ahead.

LEG. BROWNING:

Yeah, good afternoon. This morning we had the 911 presentation. And, you know, I had -- after the presentation, I have to tell you they -- we got the numbers on their overtime; for last year it was over \$800,000. And this year they're up to about a half million dollars in overtime. There are eight positions, I believe, that are funded and budgeted to the tune of about \$250,000. And it just seems to make sense that you would be able to relieve the overtime if you had the bodies. And if you had sat here and listened to their presentation, I don't know if any of you heard it or were aware of it, but, you know, listening to what they said, it is a very high stress job. Many of them work in, you know, four hours overtime at least three days a week.

You know, what basically, I'd like to find out is having spoken to them about their job performance, their positions, what they do, I think it would be very important for our Performance Management team to really go in there and take a look at the operations. They have suggestions and recommendations on how to make things run more efficiently, which would put less stress on them. And I just -- I think it's important, especially after Sandy, they talked about the 852-COPS, how, you know, there was press releases and press conferences, "call 852-COPS for information" and they received no information. So, people are calling and saying, "well, I was told to call this number." But they're on the other end saying "we don't know anything about it."

So there seriously is some disconnect somewhere. And I would highly recommend that -- I know that you're a limited number of people. And I know that you're doing the best you can to go through the County. But this is one Department that, you know, the employees are willing to talk to you and give you some recommendations, even if you can't go through it thoroughly, even just to talk to them, give them a brief -- have a brief meeting with them to see how you can make their job a little easier for them. I would really appreciate it.

And, again, you know, hiring some more positions would be probably one of the best things to do because of the stress. I think that our Public Safety Committee was just shocked at some of what we have learned today. And I can't stress enough the need to make sure that those employees are being taken care of appropriately because of the stress and the issues that go on. They're losing their lunch breaks, they're losing their break times; having to come in hours -- four hours before

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their shift, you know, having incidents that occur where, you know, they explained, you know, mothers losing their children on the phone with them. And they don't have time -- they can't get off the phone to debrief or to take a timeout.

You know, they talked about Officer Ciano when he was shot. Sorry, he wasn't shot, but when he was killed. And, you know, it's stressful for them because they're on the other end hearing everything that's going on. And when they're not getting the time to get off the phone for a period of time to de-stress themselves, and they're told, "well, sorry, you just have to go on, keep answering calls", that's not healthy. And I know that for a fact because I've worked in a 911 system myself. So I really think it's important for you to take a look at their functions and help them out the best way you can. Thank you.

CHAIRMAN CALARCO:

Legislator Hahn had just one more thing she wanted to add, gentlemen.

LEG. HAHN:

I just been warned not to curse. (Laughter) Yes. I would like to echo what Kate just said. But also I very much feel -- and I thought we talked about this early in the year that -- and I don't think it's happened to the extent that you intended it to and or promised to, and I just want to kind of remind you, our frontline employees are going to be one of your most valuable resources. And I do believe they very seriously want to help improve their own efficiency. And they will be the most valuable resource for you in that effect. So I just want to kind of remind you that as you go through this, you know, talk to the person on the phone and the person, you know, at the front desk. And, you know -- I think that's very important to show them that respect and to value their input.

MR. MELITO:

All right. I would say in both cases, just to reiterate, communicating with constituents is probably one of the most intractable issues for municipalities across America today. There's no way that municipalities with the budget situation that we're in can have enough resources to handle those peak periods and those peak loads. So what we need to do is build in safety nets and protocols and procedures for maximizing the utility, other tools that we do have and improving the tools and the training going forward.

So I completely understand that in my prior life as a consultant, we built what we call constituent response programs, which included software, training, staffing etcetera. And we can talk about that at another time in great detail. It's a subject that's very near and dear to me. And in response to Legislator Hahn's comments, I couldn't agree with you more. I mean, the biggest, most valuable resource that any municipality has, or any organization for that matter, is its people. And what we found is generally that people, when given the opportunity to improve their work life experience, buy into that 100%. So we are committed to providing that environment and doing that.

You know, it's really -- Performance Management at this minute is really like two full-time people and like four part-time people. So -- and we have 10,000 employees. So we are on it. We get it. That's -- when I spoke to Legislator Cilmi about the software packages that we're looking at that will help us create some of the environments that we can then work more closely with our employees to identify opportunities for improvement. But it's a stage process. And I hear what you're all saying and we agree with it. And we'll do the best that we can.

CHAIRMAN CALARCO:

Gentlemen, thank you very much. As usual, very complete and thorough and we appreciate that.

TABLED RESOLUTIONS

Okay, we're going to move onto the agenda now starting with Tabled Resolutions. **IR 1803, Adopting Local Law No. -2012, A Local Law to eliminate item pricing fee. (Cilmi)**

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Legislator Cilmi?

LEG. CILMI:

I'm sorry. Yes.

CHAIRMAN CALARCO:

Is the Public Hearing on this still opened?

LEG. CILMI:

The Public Hearing was closed on this. You know what? The -- I know that the County Executive's Office was not in favor of this bill. I'm not sure how my colleagues on this Committee or in the full body feel. I just want to say that, you know, there's room here, I believe, for compromise if members want to find compromise with this bill. I think the fact that we take -- that we charge a fee to -- and in some cases it's tens of thousands of dollars annually to retailers selling products so that they can avoid, you know, individually pricing items. And we so charge them this fee and then we go in and we do inspections or maybe we don't do inspections. I'm not sure how many inspections we're actually doing these days. Hopefully we'll be doing more inspections under the leadership of Sam Chu.

But I think if we found a way to punish the most egregious of violators of our item pricing laws, and, you know, we held -- we held those businesses accountable for their actions, and we leave the other businesses alone -- I mean we're -- making Suffolk County a -- business friendly is more than just talk. We have to actually act in a way that's business friendly. And, you know, to me if you have a retailer who year after year after year after year hasn't had any problems with their item pricing and yet they still are spending tens of thousands of dollars just to register with the County or receive a waiver from the County, I think is just wrong.

So, I'm committed to finding a way to changing this or to eventually eliminating it, maybe it's a phaseout period. But take my comments as a call to my colleagues on this body, to work with me to find a way to make this -- to make this system better and to make it a little easier on businesses in Suffolk County.

So with that said, I'll make a motion to table for this meeting and I look forward to all of your input.

CHAIRMAN CALARCO:

Okay. A motion to table. I'll second that motion. And to that point I'm always willing to work with you, see if there's ways we can improve what we have going currently. So I'd be happy to sit down and talk with you (inaudible). Legislator Spencer had a question.

LEG. SPENCER:

Tom, I agree with you, that we need to be business friendly. And I'm also willing to work with you. Just, for instance, if we wanted to approve this now, any sense of the revenue loss and what the offset would be?

LEG. CILMI:

Well, this bill does not have an offset in it. It's not a budget bill right now. The -- I believe maybe -- maybe Commissioner Chu could confirm this. I think the number is roughly \$800,000 a year.

COMMISSIONER CHU:

I can't confirm that specific number, but I know it's substantial. And it is in the hundreds of thousands of dollars.

LEG. CILMI:

I think it's something less than a million dollars a year.

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COMMISSIONER CHU:

Yeah. And --

LEG. CILMI:

So it's not that big of a number quite honestly from an annual, you know, when you look at it in the scope of our overall budget. It certainly would require an offset. Maybe there's a way to phase it out over a five-year period where you don't -- where, you know, you don't have to bite off so much in one fell swoop.

CHAIRMAN CALARCO:

Just a quick question of Budget Review, \$800,000 how many average AME employees does that represent?

MR. PERNICE:

I think it's about 20.

CHAIRMAN CALARCO:

Okay. Thank you. Okay. I have a motion and a second. All those in favor? Opposed? Abstentions? **IR 1803 is tabled. (VOTE: 4-0-0-0)**

IR 1911 was withdrawn this morning as per a conversation during the Public Safety Committee meeting.

IR 1927, Adopted Local Law No. - 2012, A Local law to establish collaborative long-term visioning plans among County Department "The Suffolk County Visioning Act" (Gregory).

The sponsor's asked to have this tabled for a cycle so I'll make that motion, second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 1927 is tabled. (VOTE: 4-0-0-0)**

IR 1938, Adopting Local Law No. -2012, A Local Law to clarify escrow requirements for licensed home furnishing sellers. (Barraga) Has the Public Hearing closed on this? It is, okay.

LEG. CILMI:

Motion to approve.

CHAIRMAN CALARCO:

Motion to approve by Legislator Cilmi. I'll second it for the intention of discussion. Counsel, if you could just give us a brief rundown on what this actually does. I think this is a piggyback on something he did a few years back?

MR. NOLAN:

A couple of years ago Legislator Barraga proposed a law which was adopted that established a requirement that if a consumer goes into a home furniture store, home furnishings, and puts down a deposit, that money had to be held in escrow by the store until such time as the consumer got their furniture.

What the law required was that the money be placed in escrow within five days of the -- of the store getting the money and to notify the consumer of such deposit within 10 days. What this law does is it extends both those periods by 5 days, so that the retailer would have 10 days to establish the escrow and 15 days to notify the consumer.

This new law also provides that in the event the home furnishings are delivered to the consumer by the seller, but the consumer delays final delivery, in that particular case the seller may use the monies held in escrow to pay the manufacturer and other appropriate expenses related to the pending sale.

The proposed law also adds exemptions to the law's escrow requirements for transaction where the

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seller actually delivers the home furnishings within 10 days of receiving the money or where a deposit is placed on a credit card. Those are the changes.

CHAIRMAN CALARCO:

Okay. Sounds good. We're making business more friendly here.

LEG. SPENCER:

May I?

CHAIRMAN CALARCO:

Sure, Legislator Spencer.

LEG. SPENCER:

I would be interested -- is there anyone from Consumer Affairs here or even from the Executive's Office? You know, it sounds reasonable, but I wanted to hear a comment from the Consumer Affairs Department. I don't know if Commissioner Chu can answer. Do you have any feeling about this one way or the other? Does it place any undue burden on businesses who would have to establish these escrow accounts?

COMMISSIONER CHU:

I think the intent of this, and I've had conversations -- not in the last few weeks because a lot was last in the last month, the month of November, but Commissioner Meguin -- and I think this was actually to enable the statute to become more business friendly and particularly -- I know there was a concern for some of the larger retailers -- were having trouble being nimble and bureaucracy is not limited to government entities as they exist in private entities, too, so the transmittal of -- transmittal of information was difficult. So I think this is actually -- I think -- in my conversations with Commissioner Meguin, he was supportive of this and something he had been working on.

LEG. SPENCER:

Okay.

CHAIRMAN CALARCO:

Legislator Browning, do you want to add something?

LEG. BROWNING:

Yeah, just -- this was an issue -- I had a small business owner in my district come to me, because he felt this was a little burdensome to him. And so I know that some people from his industry were -- met with Legislator Barraga because of -- they felt it was a little harsh on them. And they're small business owners. So I appreciate that he took the time to make some adjustments and make that friendlier to them.

CHAIRMAN CALARCO:

Very good. Okay. I have a motion and a second. All those in favor? Opposed? Abstentions?
1938 is approved. (VOTE: 4-0-0-0)

IR 2004, Adopting Local Law No. -2012, A Charter Law to improve the County's operating efficiencies by transferring the Division of Risk Management to the Suffolk County Department of Law. (County Executive) The Public Hearing's been closed on this, Counsel?

Okay. I'll make a motion to approve.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer. Any discussion? All those in favor? Opposed? Abstentions? **IR 2004 is approved. (VOTE: 4-0-0-0)**

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IR 2026, Adopting Local Law No. -2012, A Charter Law to establish a Traffic and Parking Violations Agency. (Calarco) The Public Hearing's still open on this so I will make a motion to table, second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2026 is tabled. (VOTE: 4-0-0-0)**

IR 2061, Adopting Local Law No. -2012, A Local Law to establish the Suffolk County Traffic and Parking Violations Agency. (County Executive). This has also got a Public Hearing that is open so I will again make the motion to table, second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2061 is tabled. (VOTE: 4-0-0-0)**

IR 2064, Adopting Local Law No. -2012, A Local Law to require gasoline stations to be prepared to run emergency generators for fuel pumps. (Stern) I have a motion by Legislator Spencer to table for Public Hearing, second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2064 is tabled. (VOTE: 4-0-0-0)**

INTRODUCTORY RESOLUTIONS

Moving onto Introductory Resolutions, **IR 2067, Adopting Local Law No. -2012, A Charter Law to clarify Legislature's role in collective bargaining. (Calarco)** I'll make a motion to table for a Public Hearing, second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **IR 2067 is tabled. (VOTE: 4-0-0-0)**

IR 2085, To appoint member to the Suffolk County Pet Store Rating Board (Sara Davison). (Spencer)

LEG. SPENCER:

Motion to approve.

CHAIRMAN CALARCO:

Motion to approve by Legislator Spencer. I'll second the approval -- the motion. Is Sara here? I don't think she was able to be here. I think your office had notified me.

LEG. SPENCER:

I expected her here. Motion to table.

CHAIRMAN CALARCO:

I'm okay to let it go. It's -- it's Spencer's appointment. I'll let him vouch for her as far as I'm concerned but --

LEG. SPENCER:

She's -- she's very well qualified. And the role she's serving, she's not in -- a committee head or department head so I don't think she has to appear.

CHAIRMAN CALARCO:

And this is a voluntary program. Even for the businesses that participate it's voluntary; correct?

LEG. SPENCER:

Yes.

CHAIRMAN CALARCO:

Okay. I have a motion and a second to approve. All those in favor? Opposed? Abstentions? **IR 2085 is approved. (VOTE: 4-0-0-0)**

IR 2093, Aiding permanently displaced victims of Hurricane Sandy in the Mastic-Shirley area. (Browning) Legislator Browning, your preference?

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LEG. BROWNING:

I'll make a motion to table. I have to say I'm working with the County Executive's Office and we're actually currently helping some people without the bill. So at this time we'll table it.

CHAIRMAN CALARCO:

Oh, that's terrific. Okay. I'm going to make a motion -- I'll second that motion.

LEG. CILMI:

On the motion.

CHAIRMAN CALARCO:

On the motion, sure.

LEG. CILMI:

Before you call the vote.

CHAIRMAN CALARCO:

Yep.

LEG. CILMI:

The bill is intriguing to me. So, I mean this specifically deals with properties in the Mastic/Shirley area.

LEG. BROWNING:

Right.

LEG. CILMI:

I'm wondering why just in the Mastic/Shirley area and -- is there an opportunity here for us to do the same thing in other areas of the County?

LEG. BROWNING:

Well, there is. And that's what I they're currently doing with that legislation is looking at areas throughout the County. I think Mastic/ Shirley is somewhat a little different because it's very -- very low-lying and there's a lot of property that's currently in Mastic/ Shirley conservation area which are properties that we have been wanting to purchase for quite some time. And some of these property owners have been approached in the past to purchase the property, to preserve it, obviously because they're in a flood plain. So that's kind of why I did it. But we are looking -- you know, I met with them and they are looking countywide on the whole legislature

LEG. CILMI:

Okay. Through the Chair, if I may, I see Tom Vaughn in the audience. Maybe -- can we get an update on where we're at with the utilization of the New York Tech Dorm?

CHAIRMAN CALARCO:

Mr. Vaughn?

LEG. BROWNING:

Actually, if you want, I mean I did meet with them also on that because I've reached out to constituents of mine because FEMA was only paying two or three months rent on homes that they know they're going to be a lot more. To date I don't believe anyone -- when did I meet? Yesterday? Two days ago. And to date no one was at New York Tech.

LEG. CILMI:

Tom?

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MR. VAUGHN:

That sounds like the most up-to-date information that I have as well.

LEG. CILMI:

Can you share as to why that is? We went through a lot of discussion at our last meeting about this. And I thought it was a fabulous idea. And I thanked New York Tech publicly for making the offer. And the objective of approving the CN was to make it happen by Thanksgiving. But we are a week later now. And to hear that it's not done is very discomfoting. I can imagine how much -- how little comfort those who might be in those dormitories are still in.

LEG. BROWNING:

I can jump in because I know in my District they have reached out to constituents. And some of them have chosen just to stay. Some of the homes are condemned. Some of them are limited residents where they can live upstairs in their homes. They're choosing to do that, some of them, because of children. And the other issue is is that some of them are with family and friends. And they have --

CHAIRMAN CALARCO:

Is this something --

LEG. CILMI:

If I may, Mr. Chairman --

CHAIRMAN CALARCO:

Sure, go ahead, Tom.

LEG. CILMI:

Just to finish up with the County Executive's Office, is that the position of the County Executive's Office that we haven't -- we haven't put anybody in those dorms because there just isn't anybody to put in those dorms? Or is there some other reason?

MR. VAUGHN:

No, sir. Pardon me. As of Monday, which was the most recent information that I have and I do realize that today is a Thursday, but as of Monday, my understanding was that there were not individuals to put in there yet, that the program was in place, that Real Estate believes that it's still important to have it in place. The Department of Social Services still believes it's important to have in place; but that we have not had people come to us to be requested to be placed there yet, nor have our outreach efforts determined that there are individuals to be placed there yet.

LEG. CILMI:

What has been the extent of your outreach efforts?

MR. VAUGHN:

That I would have to ask the Department of Social Services to come down and speak about. Now if I -- and I would -- certainly we've spent a lot of time talking about this at the last General Meeting. And if it pleases the Chair of this Committee and we would like to have either Jill Rosen Nikoloff or Deputy Commissioner O'Neil down here at the next Gov Ops Committee, I would be happy to make that happen.

LEG. CILMI:

But that's two weeks away?

MR. VAUGHN:

I would be also happy to have either one of them reach out to you and provide you with additional information as well.

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LEG. CILMI:

Well, that's fine. I would appreciate the information as soon as possible. But more than that, I can't imagine how we rushed this through with the premise being that we wanted folks to have -- to be in these dorms by Thanksgiving. And it's a week later. And to have done that but not have had -- and this was part of the questioning that took place during that meeting, I'm sure, you recall, very well.

MR. VAUGHN:

Yes, I do very well.

LEG. CILMI:

Was how we were going to find these folks and how are we going to determine who gets to be in a dorm and who doesn't get to be in a dorm and what the level of need was. It's surprising to me that nobody has come forward -- I don't believe -- I try to follow as I think it was Mr. LoRocca pointed out in Newsday earlier this week, the County Executive and I and Legislator Spencer and Legislator Calarco, in particular, are all avid twitter users. And I happen -- I don't think I've seen anything on twitter come out about these dorms being available other than my thanks to New York Institute of Technology for their offer. I mean what --

MR. VAUGHN:

I do know that we have put out -- I do believe that we have put out press releases and I do believe that we've also set up a telephone hotline as well on this.

LEG. CILMI:

Lindenhurst was severely impacted. Mastic/Shirley was severely impacted. And some of those communities are not the most affluent communities where folks might not have the resources, you know, that others might have to keep themselves warm and dry during the winter. So, yeah, if somebody from your office could get back to me and let me know exactly what we've done -- and if there's some way that I can help with it, any of us on the Legislature could help spread the word that these dorms are still available, if, in fact, they are still available -- I see -- are they still available?

MR. VAUGHN:

That is my understanding.

LEG. CILMI:

Okay.

MR. VAUGHN:

Absolutely.

LEG. CILMI:

Then I'm sure we can find ways to occupy them.

LEG. BROWNING:

Tom, I can tell you, I know that Jill has aggressively been in District -- and I know she's been -- I met with her two days ago. And they are aggressively going to the families and making that offer. It's just that -- I think hindsight would have been to have New York Tech before the storm.

LEG. CILMI:

Right.

LEG. BROWNING:

But they are -- they are, I have to say, aggressively going after the families and saying "this is an option for you." And I know that you have, you know, a family that's receiving DSS subsidies for the rent. That's not the people who --

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LEG. CILMI:

Right. I know that. I know that.

LEG. BROWNING:

They're not the ones who would be --

LEG. CILMI:

Eligible for -- right.

LEG. BROWNING:

-- moving to moving to New York Tech or eligible.

LEG. BROWNING:

Because they can be relocated via another rental. But, you know, really what it is, is I think most of them have gotten to the point now where they've found other family or friends. I mean just yesterday I had a family in the water. And they have a friend who had a home that they're letting them have for two months. But she -- you know, we made the offer to them that they could go to New York Tech. The two children that live at home are in college. So there was no school issue for them. And I said, "look, if you get to that two months -- " but they have rejected. And every single family that I've sent to Jill has rejected the offer.

LEG. CILMI:

Okay. Well, maybe it was a good idea a little bit too late. And certainly hindsight is 20/20.

LEG. BROWNING:

I think hindsight is 20/20. And I think for, you know, God forbid it happens again next year, I think it's something that we should look at, is having New York Tech available for evacuations for families.

LEG. CILMI:

Right, right. Okay. All right. Tom, but if you could have somebody get back to me with the specifics of the outreach, that would be helpful.

MR. VAUGHN:

Sure. I will ask both Ms. Rosen Nikoloff and Deputy Commissioner O'Neil reach out to your office.

LEG. CILMI:

I appreciate that. Thank you. Thanks, Mr. Chairman.

CHAIRMAN CALARCO:

No problem. Thank you. Do we have any other comments on this? Great. Do we have a motion? We have a motion -- motion to table. And do we have a second?

LEG. CILMI:

I'll second.

CHAIRMAN CALARCO:

Second by Legislator Cilmi. Okay, all those in favor? Opposed? Abstentions? **IR 2093 is tabled. (VOTE: 4-0-0-0)**

That's all I have on the agenda today. Seeing no other matters, I'll make a motion to adjourn.

**THE MEETING CONCLUDED AT 1:54 P.M.
{ } DENOTES SPELLED PHONETICALLY**