

HEALTH & HUMAN SERVICES COMMITTEE

Of the

Suffolk County Legislature

A regular meeting of the Health & Human Services 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 April 23, 2009.

Members Present:

Legislate Kate Browning - Chairperson
Legislator John Kennedy
Legislator Thomas Barraga
Legislator Jack Eddington
Legislator DuWayne Gregory

Also In Attendance:

Presiding Officer William Lindsay - District #8
Legislator Vivian Viloría-Fisher - District #5
Legislator Cameron Alden - District #10
George Nolan - Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk/SC Legislature
Bill Schilling - Aide to Presiding Officer Lindsay
Warren Greene - Aide to Legislator Alden
Maria Barbara - Aide to Legislator Alden
Tom Ryan - Aide to Deputy Presiding Officer Viloría-Fisher
Paul Perillie - Aide to Majority Leader Cooper
Linda Bay - Aide to Minority Leader Losquadro
Gail Vizzini - Director/Budget Review Office.
Craig Freas - Budget Review Office
Ben Zwirn - Chief Deputy County Executive
Allen Kovesdy - Director of Management & Research/County Exec's Office
Steve Tricarico - County Executive Assistant.
Gail Lolis - Deputy County Attorney/County Attorney's Office
Janet DeMarzo - Commissioner/Department of Social Services
Greg Blass - Chief Deputy Commissioner/Department of Social Services
Linda O'Donohoe - Assistant to the Commissioner/DSS
Ken Knappe - Client Benefits Division/Dept of Social Services
Matt Miner - Deputy Commissioner/Department of Health Services
Margaret Bermel - Dir of Health Adminis./Department of Health Services
Grace Kelly McGovern - Department of Health Services/Public Information
Richard Koubek - Chair/Welfare-to-Work Commission.
Peter Barnett - Welfare-to-Work Commission
Bridget DePasquale - Catholic Charities.
Ron Gibbons - Gibbons Pool
Debra Alloncius - Legislative Director/AME
Mary Finnin - Retired Public Health Nurse/Resident of Central Islip
Anne Kellett - BPU/PAC
Debra O'Connor - Resident of Islip Terrace
Rick Brand - Newsday

The following people were from the
Stony Brook University/School of Nursing:

Tenisha Simon	Xiao Yan Li	Azuna Schutt
Sarah Mandal	Lauren Gonzales	Gabrielle Gerber
Tashania Leard	Betsy Varghese	Angela Cavallaro
Nicole Tricarico	Yinjie Zhao	Lenny Catanzaro
James Jacobs	Renne Aluus	Vanessa Johnson
Reuben Qunit	Derrick Tan	Henry Taur
Daryl Aroines	John Miller	Debra O'Connor
Chad Williams		
All Other Interested Parties		

Minutes Taken By:

Alison Mahoney - Court Stenographer

*(*The meeting was called to order at 2:15 p.m. *)*

CHAIRPERSON BROWNING:

Everyone please rise for the Pledge of Allegiance led by Legislator Barraga.

Salutation

Okay, good afternoon. And I guess I'd like to, first of all, welcome, we have the Stony Brook Nursing students here today, so welcome to our committee. And is Kathy Liguori here right now?

D.P.O. VILORIA-FISHER:

I thought I saw her leave.

CHAIRPERSON BROWNING:

Kathy just lost her sister, so I'd like to wish her our condolences on the loss of her sister.

We have one card. We'll start with the Public Portion. Mary Finnin?

MS. FINNIN:

Good afternoon. My name is Mary Finnin, I'm a taxpayer from Central Islip and I'm a retired Public Health Nurse. I wasn't able to be here on Tuesday, so I want to address a couple of issues around, you know, health services that affect my area.

And one comes out of Resolution 1205 where they're eliminating positions, 16 Public Health Nurse titles, nine Nurse Practitioner titles. And then in another one, resolution, they're going to close the CI clinic and merge it with Brentwood. Now, I've got a real problem that because a couple of years ago they closed the Bay Shore Clinic and then those patients were absorbed into CI and Brentwood, and some of them never got there, you know, because of transportation and other issues. Now you're going to put these patients over into the Brentwood Clinic. Now, most of the staff from these clinics are not County employees, they're outside employees represented by NYSNA and 1199. So I'm here to address -- and their unions can address those issues for staff, but I'm here to address the access to care for patients.

Transportation, maybe if you have a car you can get over to this clinic, but you may not be able to park too close to it. Brentwood Clinic is already, you know, a problem in terms of space and the ability to service the clients that are there already. This is going to really increase the burden on the patients that have to come with their strollers and their babies and whatever, whether it's winter or summer. So access to care. I know that you plan on building a regional center, but that center, you know, if everything went smoothly, wouldn't be available 'til probably 2012. So in the meantime everything is being dumped over in Brentwood which is already over subscribed. In the meantime, you're eliminating positions and some of those positions would have served these patients, so access

to care, elimination of primary care providers, you know, at a time when people are being laid off, losing their jobs, need access to health care because they have no insurance, you know, this is when we should be expanding our resources and availability, not deleting it.

Now, you save a million dollars. What is that, 20 cents on my tax bill? You can have my 20 cents and I'll help other people lobby the 20 cents. But to reduce these services at this point in time is absolutely ridiculous and it's not saving the taxpayer because we're now going to have to pay unemployment and other benefits to help these people.

CHAIRPERSON BROWNING:

Hold on, Mary. Legislator Gregory has a question for you.

LEG. GREGORY:

Hello, Mary.

MS. FINNIN:

Good afternoon.

LEG. GREGORY:

Good afternoon. I thought you were from Brookhaven, I'm glad to hear you're from CI. I grew up in CI.

I have concerns, also, about this consolidation. I would like to hear more of your concerns about -- because there's reports that the facility itself, you know, there's violations. And it's also, I think that we -- is Dr. Chaudhry here?

MS. FINNIN:

I'm sorry?

LEG. GREGORY:

Okay, maybe we can talk about it later. But I know that I went to the Brentwood Center with Legislator Montano and they have a two month waiting list as it is now, I'm not sure what the Central Islip Center's waiting list is, but there's some concerns that that waiting room list or waiting time to make an appointment would increase. I know that some of the issues that the CI Center has to deal with are being addressed, but I would like to hear more from you as to what type of clientele, in your experience or knowledge, you know, goes -- utilizes the CI Center and how they wouldn't have access to the Brentwood Center. You know, it's slightly over two miles away. There is going to be a regional center which may cause more problems because it may be in a different location, we don't know where that's going to be yet.

MS. FINNIN:

Well, in fact, if you dump all these patients into Brentwood within the next month, you now have a Brentwood Regional Center. You know, as inadequate as it is in terms of space, etcetera, you have now done that.

If you're planning to build a regional center, I would assume that the auxiliary services needed to provide access to care would also be in the planning and that means transportation or some kind of bus service for the patients that need to go. When you have these mothers that have to come with their little kids and try and get on a bus, it's not easy. You don't want to walk around the streets in this town. I live there, we know, we know where the gangs are, it isn't safe to just go walking. Now, maybe you want to let them all come in on the Medicaid taxi; then put the money in the budget because you're going to have to put the money someplace to provide access to care. They can't walk two miles in the heat and in the cold. Not only that, if they do get there, there's such a wait now because of the demand for services and that's going to increase. You know, we have language, cultural problems, all kinds of other things. We need the Social Services available to these people when they come in as well.

I went to a hearing with the Commissioner of Health and we had some women come that have worked all their lives, they're in their 50's. They lost their jobs, they're unemployed, they don't qualify for Medicaid, they don't have insurance and they can't get care because they didn't qualify for Medicaid, and yet these are taxpayers that are now out of work and they're saying, you know, "Why can't I get service?" And so Anne and I met with them afterwards and we actually went through the list and showed them how to get the service, where the services were and this kind of thing. So even with what's going on with our existing clinics, people don't know how to access the service. They don't know what's available, they don't know how to access, so there's a whole multitude of problem around access to care.

But transportation is a biggy and to be able to have space to provide the care and timely services is another. And if that's not planned for and if you don't have the providers, they're going to end up in your emergency room. And if you think you've got high cost of health care now, I mean, you haven't even begun to see it. That's the kind of stuff that drives up the cost of health care and, you know, that's a problem.

And just as a side, I saw you've got 1223 here, On-Line Health Care Directives Registry, so I thought maybe the solution for the County was they were going to tell everyone go to the library computer and do some self-care with the directives.

LEG. GREGORY:

No.

MS. FINNIN:

I'm just making a joke.

(Laughter From Audience)*

But, I mean, we're literally wiping out the employees, we're closing down the clinics. So I guess, you know, maybe we have to figure out a way to teach people to take care of themselves.

LEG. GREGORY:

So are you -- just one last question. So are you opposed to the new regional center that they're proposing to build?

MS. FINNIN:

Well, I haven't seen the plan, I don't know where it's going to be located. I think if we're going to build it with taxpayer money, it should be a taxpayer-owned and operated building. If you're going to give it off and build it so we could sell it, like Levy's trying to do to the Skilled Nursing Facility, no. You know, I don't want to build things for someone else, you know, to sell off. I want it built so it's available to the public, taxpayer's money, put it in, make it so that it is state-of-the-art and we can deliver the services, and then put in the auxiliary services needed for transportation and other things.

LEG. GREGORY:

Okay. Thank you.

CHAIRPERSON BROWNING:

Don't go anywhere, Mary, we're not done with you. Legislator Kennedy and then Legislator Alden.

LEG. KENNEDY:

Thank you. Mary, thank you for being here again. You know, it's always a wonderful opportunity to have a Public Health Nurse in somebody like yourself who's dedicated a whole career to caring for our citizens to be here to talk to us. Not only do we have implications associated with the -- what I think is not well thought out consolidation put in 1284, but in 1205 there's a number of positions in there identified as nurses, I believe Public Health Nurses, Nurse Practitioners.

MS. FINNIN:

Twenty-five.

LEG. KENNEDY:

Twenty-five, okay. You --

MS. FINNIN:

Sixteen are Public Health titles and nine are Nurse Practitioner titles.

LEG. KENNEDY:

Okay. Do you have any idea how many actual Public Health Nurses we now have in Suffolk County?

MS. KELLETT:

You mean the bureau?

LEG. KENNEDY:

Yeah.

MS. KELLETT:

In the bureau there are 15.

D.P.O. VILORIA-FISHER:

You can't do that, Anne.

LEG. ALDEN:

You need a microphone.

MS. FINNIN:

Okay, 15.

LEG. KENNEDY:

We have 15.

CHAIRPERSON BROWNING:

Hold on a minute. Hold on a minute.

MS. KELLETT:

I'm sorry.

CHAIRPERSON BROWNING:

Anne, yeah, if you want to come up, identify yourself and give us your name.

P.O. LINDSAY:

She got the answer. The answer's on the record.

MS. KELLETT:

Mary will finish.

CHAIRPERSON BROWNING:

Okay.

MS. FINNIN:

Okay. You want me to --

LEG. KENNEDY:

No, no, I'm not done talking yet, Mary. I need to talk to you a little bit more. I'll work with let's say 15 or 16. But for all intent and purposes then, 1205 would eliminate our whole Public Health Nursing Bureau.

MS. FINNIN:

Well, I don't know for sure. Apparently, these are budgeted positions. And I talked to Matt Miner a few minutes before the meeting, that most of these positions are currently budgeted but they haven't been filled. See, we should have about 35 Public Health Nurses, and I think we only have 12 or 15. These are positions budgeted but not filled, for the most part.

LEG. KENNEDY:

Okay. Well, the budget folks will help us out with that, because I always get a little confused where we have money for folks that don't exist, but I'll take that up with the budget folks.

The other thing that occurs to me is, you know, when I looked at some of the impacts associated with the consolidation of those two clinics, there's a variety of, I guess, critical services that operate out of there, things like an HIV service, a prenatal teen care and things like that. Did you ever have occasion to deal with any of those kind of services in your career?

MS. FINNIN:

Yes, I was the HIV Primary Care Coordinator for the County and I went to all of the clinics, and so I worked closely with the HIV Counselors, the Mental Health Services, the Social Workers, and it was an integrated system. We had to work with WIC and the nutritionists because of the patient needs for all of that.

Mental Health Services was another biggy. We were never really able to get most of our patients in for mental health because they were so overloaded in terms of, you know, what they needed to do with people that already had psychiatric diagnosis, so they couldn't absorb people with depression and related things due to their chronic illness like with AIDS. So, you know, our social workers carried a very heavy burden and our counselors. And our drug counselors in our drug clinics carry a heavy burden of counseling for mental health issues, as well as what they're doing in terms of drug abuse and AIDS and the disease-oriented issues that they have to deal with.

LEG. KENNEDY:

Okay, Mary, just one other question. With the prenatal care in particular, if those teen pregnancies, if those mothers didn't have the care that you Public Health Nurses provide, what would happen?

MS. FINNIN:

Well, it's already happening. We're seeing an increase in teen pregnancy. And people don't even know, you know, what the resources are, you know, to be available. But there have been cuts in the prenatal care services, and with not having the Public Health Nurses that have -- we had an award-winning program in Public Health Nursing where there was the follow-up with all prenatal cases and all high risk babies, you know, through Southside and Stony Brook were followed up by the Public Health Nurses. And, you know, they really did a great job in terms of the care, pre and post. They had care and follow-up with women that had drug abuse problems or babies with Hepatitis and things like that, and that really -- that has almost gone by the boards because you don't have the staff to do that kind of follow-up. Because that was for -- in the clinic, when you had a problem with a patient and prenatal care, you knew you had that backup and you could have the Public Health Nurse go into the community and give those services.

The Public Health Nurses also provided care to at least 12 AIDS patients who had their care in the home under the Home Care Without Walls provision, I think the Lombardi Law. So that while we had 12 beds at the John J. Foley, we also had 12 patients that were maintained on home care through our Public Health Nursing Services. You know, it meant that they could be taken care of at

home and it was actually more cost effective and it was more suitable to the patient.

LEG. KENNEDY:

So we actually --

MS. FINNIN:

So we have lost a lot of resources.

LEG. KENNEDY:

We were saving some money by spending some money.

MS. FINNIN:

Right.

LEG. KENNEDY:

Okay, thank you.

CHAIRPERSON BROWNING:

Legislator Alden.

LEG. ALDEN:

Hi, Mary. Thanks for coming down. And just to the point out, my Mom was an RN and worked until her untimely death at the age of 71 as an RN, so I appreciate what you nurses do on a daily basis. I just want to touch on a couple of things that you said.

When you close a clinic -- and we had one close in Bay Shore, it never reopened. And that wasn't under the current administration, that was under a prior administration, but I had been pushing for a number of years to try to reopen that. We had files show up, so some of those patients did show up at other clinics, but the other patients did not show up at other clinics which means, I think you touched on it, they go to Southside's Emergency Room, which in the end ends up costing us more money?

MS. FINNIN:

If they end up in the emergency room, absolutely. And that's what happens when you don't have access to care in the community, either through Public Health Nursing or through your health clinics. And if you look at where the recommendations for health care is going on a national State level, it's to expand and put more money into care in the community and provide access to care in the community so you're not using the emergency rooms in that way.

LEG. ALDEN:

So we might be going down an old path where we made the mistake before and cost the County taxpayers more money than they should have been paying. Thank you for coming down.

MS. FINNIN:

Okay.

CHAIRPERSON BROWNING:

I believe that's it. Thank you, Mary. And we have one more card, Debra O'Connor? Is Debra O'Connor here?

LEG. VILORIA-FISHER:

Yes, she's coming down.

MS. O'CONNOR:

Right here.

CHAIRPERSON BROWNING:

Okay; didn't see her.

MS. O'CONNOR:

My name is Debra O'Connor. Actually, I guess I've been talking to Warren Green from Cameron Alden's Office that has helped me for a lot of years.

I wanted to bring a couple of things to your attention about Social Service. You changed the building. The way that you set it up over there, it is more difficult for people to even get a form from the place. In the old place, you can go in and get a form off of the wall if you were applying for Food Stamps or you were applying for Public Assistance or you were applying for anything. Now you're waiting on line for five hours outside the building, you can't even go up to the window.

Just recently I received a letter in the mail that actually was a huge mistake, telling me that they never received an application that I put in over a month ago for food stamps. And I have been on this for a very long time, I've been disabled, I have two children. And thanks to Warren Green, again, making a phone call, it was -- the letter was sent out and finally I got a phone call back about ten minutes later telling me that it was a mistake. Mind you, I got the letter on a Saturday and I have a nerve disease, that's why I have my service dog, he helps me get dressed. So to me, that was a big giant thing, to not be able to feed my children or maybe possibly not have a roof over my head. So a little mistake like that put me in bed for three days, so today is my first day out of bed.

I've been on a CDC list that I have dated here 2003, that it's -- it's nine years now. This was a list that you can't even get on now, then they opened a new lottery that I have sent back to me. I have two children, one is bipolar so I have services in my house, so before any applications are mailed out I'm notified that you have a new lottery coming out with, say, a new CDC that will help some people that need funding to stay or live where they need to stay, and my application was sent back not even opened. I'm on another list that it's nine years now and the numbers haven't moved.

CHAIRPERSON BROWNING:

Debra, can I ask you, you said CDC, you're talking about Section 8?

MS. O'CONNOR:

It's a mainstream program. I have the letter right here, they call it a mainstream program. Yes, it's a Section 8 Mainstream Program, but this is dated back in 2003 that I applied for, so I'm still actually waiting for that. When I call up Connie Bruno, this list doesn't even exist anymore. I mean, it exists, the numbers have not moved in the last five years. But you also put out a new lottery and you only took, I believe, a hundred people, but I know that my application was in before that and this wasn't even opened, it was just sent back to me.

CHAIRPERSON BROWNING:

Debra, are you currently getting your food stamps?

MS. O'CONNOR:

I'm currently getting everything. I'm just trying to bring a couple of things to your attention.

One other thing that is a huge, huge problem that is generated out of Upstate, New York, you have a housing form that is standard that everyone has to fill out. The one that comes from Upstate, New York, is the wrong form. I have the wrong form and the right form, so now that I know -- I've known this for the last five years, I've told them I get extra forms from them because people that apply have to go back three and four times because the form that is supposed to be filled out, which they're basically almost similar, but no one -- they said they can't fix it because it's computer generated and it comes from Upstate, New York. So there's little things that could probably make a lot better, especially the way the economy is right now.

If any one of you people just drive past the new building that you have, it's a beautiful building, don't get me wrong, but the way it's set up, you made it harder for the people not only that are already on Social Service, but people that need to go there to just get things, to fill out a form, you can't get it. You used to be able to just get it off the wall and sit down and fill it out; you can't do that anymore.

CHAIRPERSON BROWNING:

Cameron?

LEG. ALDEN:

We have the Commissioner here, and I would just ask if the Commissioner, or she could designate somebody, and we could get together just for a minute or two after you're done speaking.

MS. O'CONNOR:

That's fine.

LEG. ALDEN:

I think that she could formally take what you're saying as far as a complaint on that.

CHAIRPERSON BROWNING:

I guess through your office you'll be able to help her with the Section 8 issue? I mean, it's --

MS. O'CONNOR:

Yeah. I mean, it's not --

LEG. ALDEN:

Yeah, the Section 8 is a different issue.

CHAIRPERSON BROWNING:

Yeah, I know. I know.

MS. O'CONNOR:

I mean, to be on a CDC list for nine years now, I mean. Nobody knows what to tell me when I call up. And the numbers, when you call and you ask what the number is, there's no set order. My number is 4030, so I've called at like different dates and I make sure that every time I call and I speak to somebody I write down. So the number could be in either over 4,000 or under 4,000, so there's no order and they can't explain to me how that goes.

LEG. ALDEN:

That we can try to get you an answer, a better answer than you've been given. But if we could sit down with the Commissioner just for one minute after you're done speaking.

MS. O'CONNOR:

Okay.

CHAIRPERSON BROWNING:

Yeah. Thank you, Debra.

MS. O'CONNOR:

Thank you.

CHAIRPERSON BROWNING:

Good luck. I hope everything works out for you.

MS. O'CONNOR:

Thank you.

CHAIRPERSON BROWNING:

With that, we have no more cards. We have Mr. Ron Gibbons, the owner of Gibbons Pools, and you'd like to do a little presentation on pool safety regulations?

MR. GIBBONS:

Yes, thank you. Committee, thank you very much for letting me come before you today. Today we're all going to sit here and we're going to save some lives by the education that I'm going to give to you. I might bounce around a little bit, so if I do, just slow me up and I'll answer your questions as we go.

On December 19th, 2007, the President passed a Virginia Graham Baker Act; Virginia Graham Baker is Senator Baker's granddaughter. She was in a kiddie pool and got a eviscerated which means that she was between two and five years old and she sat on this and it sucked her and de-bowled her. Picture that, as a grandparent, seeing your child, your grandchild get stuck on a drain. Not only can the body get stuck on this drain, a hand could get stuck in it, hair can get stuck in it. So the Consumer Product Safety Commission came up with a standard which has to be enforced by December 19th of 2008, no questions asked, that every pool that is not up to standard has to be closed, voluntarily, as of the 19th of 2008.

This accident was something very stupid. A simple cover just had to be put on and that child could not get stuck by a body entrapment. We would still get hair entanglement. So what the Consumer Product Safety Commission did is made a new drain -- and there's many of them on the market, this just happens to be easier for me to carry -- that now a child's hair and body could not get caught on it.

This act is for public pools. Public pools are your health club, condominium, town house, YMCA, municipal pools, County pools, State pools, every public pool in the nation. So you can imagine the manufacturer of these drains running around trying to get these drains made for us. There is a shortage of these drains. There are ways around it, there are five different ways that we can go ahead and make these pools safer, and I won't go into that because that's a lot of technicalities. The easiest way is just to have two drains more than three feet apart, so if a child got stuck on this or an adult and you had another drain over here three feet away, it would relieve the pressure and that child would get released.

I don't know if you're familiar with the Connecticut situation, Shoreline Pools, a very prominent pool builder in Connecticut.

The owner of the company is right now in a lawsuit where a child got stuck on a side drain. That side drain is in a wall sideways, and it's usually for a waterfall or some kind of a feature; that drain was missing. That child got caught and died. The housekeeper ran over, turned off the power to it, a safety switch, turned it off; this guy is very wealthy, what do you think he's got? He's got a generator. The generator came on, started up and the child was still stuck to the side. This gentleman happens to be very wealthy and he's actually making it his life's mission to make the President of Shoreline Pools go to jail because of his act. He had nine times noted on his service tickets to replace that drain and it went through his system and they did not put the drain back on.

I'm simplifying it by telling you the drain, how easy it is to fix; there's many different ways to fix it. If on a commercial application it's just changing a drain, it could be a couple of hundred dollars. If it's a major change where we need engineering, it could be \$20,000; I don't know, every job is different.

The reason I want to bring this up to you today is that Nassau County has sent out letters saying what we have to do. Let me backtrack. As a contractor, we sent letters out to every single pool that we maintain; we got zero response. We sent out the same papers that you folks have in front

of you now and we got zero response. Once Nassau County sent a letter out, we started getting phone calls. Last week our County has followed suit and has also started sending out letters to pool builders, condominium owners, all public pools. So I'm sure within the next few weeks, now that they know that you folks care that we have safer pools, I will start getting my phone to ring and start making pools safer.

The Consumer Products Safety Commission is in its third revision to change drains. I just got a notice a few days ago that we're going to have a new drain again; it's the third revision since 2008.

Now to confuse you a little bit, in 2006 the ANSI-7 Code was passed by the Federal Government, our State signed up for it, which means that all residential pools are supposed to have anti-entrapment, which is very simple to do during new construction. Add two drains, we could add a safety vacuum release system, there's many ways to do it on new construction. They have not addressed retrofit which means existing pools. I feel that as this committee is the leader for health for our community, if you could get back to our towns and tell our towns that there's a residential code, we could start making our new pools safer.

As a contractor now, we make sure that every one of our pools has had this for years; we're way ahead of the loop because we saw the problems we're. And we are asking all our customers to upgrade their swimming pool.

Now to add to your dilemma for following through, there's a UV inhibitor put in each one of these drains which is only good for five years. So that means in five years we've got to go through this all again to make sure that the drains are upgraded. There's many ways to go about that. We could put colored screws in the drains so that we could see that the color is changed, that they have changed the drains. I really don't know how our County is going to enforce this.

As a parent and a grandparent, I feel I had to come and tell you folks about this because our industry doesn't know totally about how to handle this problem. I gave you a pamphlet, in that pamphlet has the Consumer Product Safety Commission's website, you can go on that, they tell you how to go about enforcing it. There were two grants, minimal grants for the nation, a \$5 million grant and a \$2 million grant for training and education of the officials that are checking it. I was very lucky to have Cameron and Warren help me on this and what they found out is that Texas and California did get most of that money already. So hopefully in the next round we'll be able to put some of our funds in so that -- put our paperwork in so we can get a grant so that you folks can teach our examiners the proper way to see if a pool meets its code.

I'm glad I'm not on that side of table, because I have no clue how you folks are going to be able to go out and check, I don't know, a thousand commercial pools that we have. I have no idea how you're going to keep up with it and how you're going to do it because I know you have a hard time with just checking our water, never mind checking our piping and our hydraulics. That's the spiel.

CHAIRPERSON BROWNING:

Thank you. I've learned something new, that's for sure. I guess, you know, our Health Department, Matt, is supposed to be monitoring this? Now, this is the law that passed in '08, in the fall of last year?

MR. GIBBONS:

December of '07 it was enacted and they gave us one year to comply.

CHAIRPERSON BROWNING:

Okay.

MR. GIBBONS:

So December 19th, 2008, we had to do it.

CHAIRPERSON BROWNING:

And obviously Memorial Day Weekend is coming up and people are going to be opening their pools and all of our public pools are going to be opening up, and now I'm curious what the Health Department is doing on this.

DEPUTY COMMISSIONER MINER:

Good afternoon. Matt Miner, Deputy Commissioner. We became aware of this, I believe, the middle of 2008. We've been getting guidance from the State Health Department, even though it was a Federal legislation, the guidance from the -- we follow guidance from the State Health Department as a local Health Department.

Back in September of '08 we received our first formal notification from the State Health Department. In October of last year we had an industry group meeting where a presentation was made by Office of Pollution Control staff that was followed by a second meeting with the Association of Schools & Grounds Superintendents back in December of 2008. We have sent out a notice to all pool operators in March of this year and we sent out to the industry earlier this week another notice, so we have been taking an active role. We also streamlined our permitting application process, so we're basically just having the applicant complete and advise us what they're doing. We do not in any way want to slow the retrofiting that needs to be done. So we came up with a very streamlined form, but it will allow us to track what pools have been modified and it is a two-year cycle, two-year renewal cycle. So we are doing our best, it is a significant challenge for the Health Department, but we are trying to fast-track the applications and get the word out both to the industry and to the operators.

CHAIRPERSON BROWNING:

How many inspectors do you have that would be checking pools?

DEPUTY COMMISSIONER MINER:

I don't have that number. I can get that number for you.

CHAIRPERSON BROWNING:

Cameron?

LEG. ALDEN:

I'd just like to -- if it's okay?

CHAIRPERSON BROWNING:

Go ahead.

LEG. ALDEN:

Number one, I'd like to thank the Presiding Officer because I brought this problem to the Presiding Officer and he suggested to use this forum. And I think that he had it in mind that not only do we have the Chairwoman of Health, but we also have the Chairman of Consumer Protection, which I think it's a dual -- if we take a dual approach at it, I think we can possibly get a lot better results. And it is something that the lives are at stake.

So I'm glad to hear that you were on top of it. I would like to hear how you've developed some type of an inspection program and whether you've changed the instructions you give to the people that do go out right now. And I believe they have to inspect the pool at least twice a year?

DEPUTY COMMISSIONER MINER:

I believe that's accurate.

LEG. ALDEN:

Okay. So I would like to see, you know, the formal plan to enforce this very much needed Federal

law.

DEPUTY COMMISSIONER MINER:

What I can do is provide the Legislature with copies of the letters that we sent both to industry and to the operators, as well as the streamlined application process, I think that may help.

LEG. ALDEN:

The letters to the actual pool operators, that's very important because that's going to remind them that they need to get in touch with a contractor to fix something. But equally important is the instructions you give to the people that are going out there to make the inspections; I think that's got to be on the top of your list as far as how to deal with this problem. And we don't have to reinvent the wheel because Nassau County was on top of this quite a while ago with their letter to the people that actually operate their swimming pools.

DEPUTY COMMISSIONER MINER:

Yeah, I think we're right in line with what Nassau is doing.

LEG. ALDEN:

Okay, but we didn't get the kind of response that Nassau got from the pool operators, and that's why -- that kind of just worries me a little bit that we might be behind in the compliance.

DEPUTY COMMISSIONER MINER:

Well, and again, that's one of the reasons we sent out the additional letter this week.

LEG. ALDEN:

And that went to the pool operators.

DEPUTY COMMISSIONER MINER:

To the industry. We sent the original letter out to the operators back in March..

LEG. ALDEN:

The industry is not really going to help us, the pool operator has to call the industry in to make the modifications.

DEPUTY COMMISSIONER MINER:

Well, now the industry has it and the operators have it and, you know, our inspectors are gearing up for the seasons. We have 450 facilities and eleven thousand -- eleven hundred pools.

LEG. ALDEN:

Okay.

DEPUTY COMMISSIONER MINER:

And we -- our inspectors are on top of this, Office of Pollution Control I believe are on top of this and we are trying -- and by streamlining the application process, we're not delaying any retrofits, we're just simply asking the applicant to complete a simple form that will allow us to go out when we do a field inspection and check to see that everything has been done right. We can fast-track the improvements.

LEG. ALDEN:

And because of the importance -- and really, this is a -- you know, we could save lives just by doing what we're supposed to do in government. Have we made this a priority to get those -- if an application comes in for a retrofit, we're going to get a good, fast turnaround, right?

DEPUTY COMMISSIONER MINER:

Again, if you're just informing us that you're making the improvement, we're not even -- you're not

being held up in any way to make that improvement. You're just simply filling out a sheet telling us what you're doing and, going forward, our inspectors will go out there and confirm everything. But we do not want to hold the industry, we do not want to hold the operator up at all. We believe we've come up with a process that will allow a very quick retrofitting without any delay by the Health Department or government.

LEG. ALDEN:

Good. Because when I looked into it a little bit, a person that makes an application for an original -- say they want to put a pool in originally, that's a long wait, almost a year.

DEPUTY COMMISSIONER MINER:

The timing on that, yes. And that's exactly why we carved this out and do not want to delay for one day any retrofitting.

LEG. ALDEN:

Good, because that requires an engineer from the County to actually look at the engineer from the contractor's design, and this is going to involve the same type of work where you've got to come up with an engineering solution to it. So I'm glad that we're on a real fast-track. And if you could get the report to the --

DEPUTY COMMISSIONER MINER:

We have a simple one-page form that I will share with the Legislature, I'll have copies made and distributed.

LEG. ALDEN:

Great. And also, just the time as far as -- just to confirm that we're getting a good turnaround on it, that there won't be any delays and there aren't any delays right now, backlogs. And anything you can do to actually get that other situation going a little bit quicker, too; we're going to save lives with that.

DEPUTY COMMISSIONER MINER:

Delays on new construction, I spoke with staff already today, yes.

LEG. ALDEN:

Good.

CHAIRPERSON BROWNING:

I'd like to add a little. I'm curious, because you got the form that the pool owner or operator has to fill out that they're in compliance.

DEPUTY COMMISSIONER MINER:

No.

CHAIRPERSON BROWNING:

No?

DEPUTY COMMISSIONER MINER:

They're indicating on the form what steps they're taking to correct the drain situation.

CHAIRPERSON BROWNING:

Right.

DEPUTY COMMISSIONER MINER:

As our inspectors go out and do their inspections, they will confirm that the drain was installed correctly.

CHAIRPERSON BROWNING:

Okay. Now my --

DEPUTY COMMISSIONER MINER:

And we've given the guidance doc -- guidance on how to do that.

CHAIRPERSON BROWNING:

Well, what I'm getting at is if they fill out the form and they have hired Mr. Gibbons' company to come and put in that retrofit, is there a way that you could have them send some kind of a certification or something from, "This is the company I use," so that you'll see that Mr. Gibbons pool company put in that piece. Because now you're hoping that they didn't just fill out the form and not actually do the work.

DEPUTY COMMISSIONER MINER:

Again, that's why the inspectors are going out. Our own County inspectors are going to go out and confirm all this work.

CHAIRPERSON BROWNING:

Well, that goes back to how many inspectors do you have and how quickly are they going to be able to get out between the time you receive the form and the time they actually inspect the pool.

DEPUTY COMMISSIONER MINER:

I'll discuss with staff to see if we could streamline it further. We hear you, we understand the urgency of this and we are taking steps. I believe we have been proactive and if we can fine tune it some more we will.

CHAIRPERSON BROWNING:

Well, I think when you have a reputable company that can sign-off on it, that he actually did the work, you know, that's something.

DEPUTY COMMISSIONER MINER:

Mr. Gibbons, I'll ask my staff to reach out to you directly and maybe we can share some ideas.

MR. GIBBONS:

Thank you.

CHAIRPERSON BROWNING:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. And Mr. Gibbons, thank you for coming here. I have to tell you that all of us in this Legislature over multiple years here have wrestled with the whole concept of pool safety. Each and every season we see issues that occur with toddler drownings and things like that. We've tried to be the impetus for veteran closure regulations with our towns and absolutely positively, I couldn't agree with you more that something as simple as a cover that's a hundred bucks or so needs to be put on. So thank you for bringing that to us.

Matt, let me go back to some of what -- I was just trying to do the math. If we have eleven hundred pools and we've got maybe a 100-day pool season and we were inspecting in season, we've got to do 10, 15 pools a day with our inspectors.

DEPUTY COMMISSIONER MINER:

Well, there's 450 facilities, so many of the pools --

LEG. KENNEDY:

Oh, okay. So you have one inspector in a facility that may have multiple pools.

DEPUTY COMMISSIONER MINER:

It could be knocking out multiple -- correct.

LEG. KENNEDY:

But I'm unfamiliar with -- what is the title of the individual that actually does this work? Is it something called Health Department Inspector, or is it a Sanitarian; what is it?

DEPUTY COMMISSIONER MINER:

No, we have Sanitarians and Engineers. The field work is generally done by the Sanitarians.

LEG. KENNEDY:

Sanitarian. But Sanitarians, we have Sanitarians that are in 1205 to be laid off, don't we?

MS. FINNIN:

Oh, lots of them.

MS. KELLETT:

Yes.

DEPUTY COMMISSIONER MINER:

That is correct.

LEG. KENNEDY:

So once again, if we're being presented with something that's clearly an emergency condition and in the same token we're faced now with the layoff bill of individuals that perform the same job, we can't maintain what we already have to do let alone take on this enhanced issue. Obviously that's not going to work, will it?

DEPUTY COMMISSIONER MINER:

We'll have to make it work.

LEG. KENNEDY:

Well, that's admirable to make that statement, but that's little comfort to any individual who's going to encounter such a horrific incident as this gentleman just described to us.

Clearly I would say to you one more time -- now, I've said this starting on Tuesday, I'm here again on Thursday and I'll be saying it guaranteed again next Tuesday, that resolution is going to bar us from doing even the most simplest of life-saving issues with the gentleman before us. I just wanted to make sure I understood who does do this work who may not be there to do it, that's all. Thanks.

DEPUTY COMMISSIONER MINER:

And the resolution did restore a number of the Sanitarian positions. You're correct, it did not restore all of them, but we did -- the Health Department did have several of those positions restored.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Kate?

CHAIRPERSON BROWNING:

Okay. Presiding Officer?

P.O. LINDSAY:

Matt, I thought we -- I thought we hired summer help to check the water quality in the pools.

DEPUTY COMMISSIONER MINER:

The water quality -- the beach sampling, yes. We hire summer -- I don't know that they go to the pools.

P.O. LINDSAY:

Oh, they don't?

DEPUTY COMMISSIONER MINER:

They do go to the --

P.O. LINDSAY:

I thought they did the pools.

DEPUTY COMMISSIONER MINER:

-- beaches and do water sampling. I'd have to check to see if they go to the pools.

P.O. LINDSAY:

Because what I was thinking, you know, if we have people going to the pools to check the water quality, why can't we just give them another check list? Just, you know, ask the operators where is -- have you done the remediation to the pool? At least you have a live body there, you know?

DEPUTY COMMISSIONER MINER:

I'll double check that, but I believe those -- it's usually college kids and they're going out to do the beach sampling, I'm not sure. And I'd also want to talk to my engineering staff to see if that's something that we would be comfortable with.

P.O. LINDSAY:

Okay. My information was that they were doing the pools, too. I could be wrong.

DEPUTY COMMISSIONER MINER:

You may be correct, I don't know.

P.O. LINDSAY:

And I agree with Legislator Alden, I don't want to see the process on new pools backed up, but the new pool isn't open yet, isn't in imminent danger, the existing pool is.

DEPUTY COMMISSIONER MINER:

The new pools are generally reviewed by the engineering staff and the inspections are done by the Sanitarians, so there is a little bit of a difference there. But we're trying to do both and bring down the backlog as well as --

P.O. LINDSAY:

No, but my point is the pools that are already operating that haven't been retrofitted --

DEPUTY COMMISSIONER MINER:

Correct. And that's one of the reasons we came up with the streamlined application process, so it really would not bog down the engineering staff and it will allow the contractor to complete his work and allow new work to continue as well, because new work is also important.

P.O. LINDSAY:

Okay. Thank you.

CHAIRPERSON BROWNING:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Madam Chair. I just have a quick question. Mr. Gibbons?

MR. GIBBONS:

Yes.

LEG. VILORIA-FISHER:

I heard the interview with the Baker Family on NPR when they were first advocating for this and I thought the biggest problem was in hot tubs and spas, where the kids were -- you had the suction and there wasn't another release of the pressure elsewhere?

MR. GIBBONS:

Really what the law is is for any suction, so that could be in a spa. And the spa is a very bad culprit of it because pool contractors that don't know the hydraulics over -- to make it simple, put too big of pumps on and they don't know their industry. So what it has to do is make sure that we have one point six feet per second going through a main drain. So I'm not totally sure if it's a wading pool or a spa that Virginia Graham got de-bowled in, I don't know exactly.

D.P.O. VILORIA-FISHER:

I thought it was a hot tub/spa, I thought it was a kind of hot tub/spa situation that she was in.

MR. GIBBONS:

I'm sorry, I really don't know which it was.

D.P.O. VILORIA-FISHER:

Now, as far as the large municipal pools, the main drain would be down at the bottom of the pool and the areas where there is pressure along the sides, isn't there release because there are several points where that pressure is being exerted, where that suction is being pooled?

MR. GIBBONS:

Well, the way it works is there's a bottom -- they call it a bottom drain which is really a misnomer, it's really a bottom suction. And normally in larger pools, like YMCA's, there is no suction there, it's gravity. Gravity goes to a tank, that tank takes the water, so those pools would pass very simply by just changing the drain cover. Where you're speaking like shallow end and stuff, that's returned water, that's filtered water going back. There is no suction there except it could be a skimmer which skimmers the top of the pool. But any pools in our County that are over 1,500 square feet are not allowed to have skimmers, they have gutters and it's very -- there would be no way for anybody getting trapped in that.

D.P.O. VILORIA-FISHER:

So then the danger in the large pools is not as great.

MR. GIBBONS:

Well, I think that's a very --

D.P.O. VILORIA-FISHER:

That had been my impression when I heard it on the --

MR. GIBBONS:

That's a very broad statement because you don't know exactly what's a large pool. You know, is it a thousand square feet, 2,000 square feet, 14,000 square feet? So, I couldn't say yes or no to that.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

CHAIRPERSON BROWNING:

I have a question for you and I'm not sure if this is a good thing to ask. I was questioning if you were certified. You know, pool companies, I don't know anything about you, whether you're certified or licensed through our Consumers or the Health Department. I mean, is there anybody that regulates pool company owners?

MR. GIBBONS:

That's a very good question.

CHAIRPERSON BROWNING:

I'm glad I asked.

MR. GIBBONS:

Many of our associates work out of a phone booth. My company, we've been in business for 32 years, we're the leaders in the industry. I presently sit on two manufacturer's advisory boards. There is an association, the APSA Pool Association which you become a certified builder, you can be a certified service company. Our County makes it that you have to have a consumer license and that's about it.

CHAIRPERSON BROWNING:

Okay.

MR. GIBBONS:

So if I can back door one of your ideas, the direction you were going is saying that we could certify a job so that Mr. Miner could get away with -- I knew exactly where you were heading.

CHAIRPERSON BROWNING:

That's where I was going. Yes, that's where I was going.

MR. GIBBONS,

Well, I think there would have to be a program put in place to make sure that my competitors are just as well versed of what to do. Because like my first statement, many guys just work out of a phone booth.

CHAIRPERSON BROWNING:

Right. Because, you know, while I'm saying about having a company sign off and certify that they installed that piece, you know, you want to make sure it's a reputable company and that they're recognized. So maybe that's another conversation we should have. Legislator Kennedy has a question?

LEG. LOSQUADRO:

Yeah. You bring up a good point, and Legislator Alden mentioned it before. I had some conversation with our Director of Consumer Affairs on Tuesday after our Consumer Affairs meeting about some issues that we might want to address with our master plumbers. You know, electricians and plumbers actually go through a little bit of a different type of licensing process with our Consumer Affairs where in addition to demonstrating proficiency with liability insurance and things like that, they have to actually furnish a proficiency with the craft. Now, it occurs to me that with the pool installers, we may well want to expand what at least the level of query is or the history that an individual's got to put forward to go ahead and demonstrate that he is doing something more than working out of a pick-up and a cell phone, and that he's actually been doing this a little bit more than since yesterday.

So if it's okay, perhaps maybe what I'll do is either give you my card or speak with you later. We might want to talk a little bit about perhaps expanding that out for the pool installers, licensing

requirements.

MR. GIBBONS:

Well, I have to tell you, that is a welcome idea. If we could have more licensed contractors, and I don't mean you fill out the form and you're beating around the bush, where you say you pay \$75 and now I'm a home improvement contractor. Right, you're exactly right. We're Looking forward to having licenses, that would do nothing but make our industry stronger and help guys that are legitimate. Yes, that's a great idea. Thank you for that idea.

CHAIRPERSON BROWNING:

Okay. So I think we've opened up a can of worms, but it's a good can of worms.

MR. GIBBONS:

Oh yeah, we've got about five things we have to do now.

CHAIRPERSON BROWNING:

Yeah. So we'll talk. I'll give you my card also because I definitely think if the Health Department, if it helps them to move the process and get things done faster and making sure everybody is compliant, then I think this is a good thing. I thank you, Mr. Gibbons.

MR. GIBBONS:

You're welcome.

CHAIRPERSON BROWNING:

It was definitely a good experience, and thank you for educating us.

MR. GIBBONS:

Okay, thank you very much. And if anybody needs me, my number is on that handout and I'll be glad to speak to anybody that needs help.

CHAIRPERSON BROWNING:

Thank you.

DEPUTY COMMISSIONER MINER:

Chairwoman, if I could on one item, on one item --

CHAIRPERSON BROWNING:

Sure, go ahead.

DEPUTY COMMISSIONER MINER:

-- just unrelated to the pools? The Central Islip Health Center consolidation that was before this -- before the Legislature at the Budget & Finance Committee, Legislator Gregory, among others, had requested a consolidation plan prepared by the Health Department and Southside Hospital. I do have that, we finished that earlier today. I'll distribute at the close of the meeting perhaps a copy to each one of you and I will get it out to the full Legislature so you can consider that consolidation plan before Tuesday's vote, I guess.

And if there are any questions, I'd be happy to take those questions, either now or after you've had an opportunity to take a look at it.

CHAIRPERSON BROWNING:

Okay. I think we have one already, Legislator Gregory.

LEG. GREGORY:

I just had one quick question, if you know off the top of your head. When I was at the Brentwood Center, the -- and I should have asked her at the time, Joanne Robinson, she said that there's about a six to eight week lag for an appointment. I'm just curious as to what it is for the CI Clinic, Health

Center?

DEPUTY COMMISSIONER MINER:

I think it depends on how you -- what appointment you're looking for, too.

LEG. GREGORY:

Well, she said that prenatal is about three and a half to five weeks. But just a general appointment, if you call up and just want to come in or make an appointment, I guess, for a check-up or whatever, you have to wait six to eight weeks, a little longer.

DEPUTY COMMISSIONER MINER:

I don't believe that's to be accurate. I will get you the waiting time, I'll forward that over to you.

LEG. GREGORY:

Okay.

DEPUTY COMMISSIONER MINER:

I don't believe that to be accurate. We actually accept walk-ins every day. So while if you're scheduling it for a new patient, never been seen before by the health center and you need a complete physical, those appointments do take a little longer and are scheduled out further in advance. But if you're a patient of the health center and you're calling up, we can usually get you in very quickly, especially if you need care.

LEG. GREGORY:

Okay.

CHAIRPERSON BROWNING:

Thank you. I think what -- we do have the Welfare-to-Work Commission that will be doing a presentation. We have a short agenda, I'd like to be able to go through that because I think there's going to be a lot of Q and A after the next presentation. So with that, the agenda.

Introductory Resolutions

IR 1211 -- oh, sorry, Vivian, you're here.

LEG. VILORIA-FISHER:

That's okay.

CHAIRPERSON BROWNING:

What I'll do is -- Legislator Viloría-Fisher requested we take out of order IR 1246. I'll make a motion. Do I have a second?

LEG. GREGORY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Gregory. All in favor? Opposed? Abstentions?

Okay, we have ***IR 1246-09*** in front of us, ***Requesting Legislative approval of a contract aware for provision of consulting services to the Suffolk County legislature for the Department of Health Services, in regard to recommendations made by the Public Health Nursing Task Force (RFP No. 08/80007) (Viloria-Fisher)***. I'll make a motion to approve.

LEG. EDDINGTON:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Eddington. All in favor? Any questions; no? Opposed? Abstentions? Okay, ***motion is approved (VOTE: 5-0-0-0).***

LEG. VILORIA-FISHER:

Thank you, Madam Chair.

CHAIRPERSON BROWNING:

You're welcome.

We have ***IR 1211-09 - Declaring the week of May 10th through May 16th as "National Women's Health Week" in Suffolk County (Stern).***

LEG. EDDINGTON:

Motion.

CHAIRPERSON BROWNING:

I guess Legislator Eddington has made the motion to approve.

LEG. GREGORY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Gregory. All in favor? Opposed? Abstentions? ***Motion is approved (VOTE: 5-0-0-0).***

IR 1223-09 - Directing the Suffolk County Department of Health Services to establish an on-line Health Care Directives Registry for Suffolk County residents (Gregory).

LEG. GREGORY:

I'm going to make a motion to table.

CHAIRPERSON BROWNING:

Okay. I guess --

LEG. EDDINGTON:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Eddington. All in favor? Opposed? Abstentions? Okay, ***motion is tabled (VOTE: 5-0-0-0).***

IR 1227-09 - Adopting Local Law No. 2009, a Local Law clarifying membership requirements for the Child Protective Advisory Board (Presiding Officer Lindsay).

MR. NOLAN:

It has to be tabled.

CHAIRPERSON BROWNING:

Okay, I make a motion to table for Public Hearing.

LEG. EDDINGTON:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Eddington. All in favor? Opposed? Abstentions? ***It's tabled (VOTE: 5-0-0-0).***

IR 1234-09 - Accepting and appropriating 100% grant funding from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services for the Safety Net Assistance Project (SNAP) and authorizing the County Executive and the Commissioner of Social Services to execute a contract (County Executive). I guess I'll make a motion to approve and we can put it on the Consent Calendar.

LEG. EDDINGTON:
Second.

CHAIRPERSON BROWNING:
Second, Legislator Eddington. All in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).***

Oh, we have ***Procedural Motion No. 8-2009 - Authorizing the Legislature to retain a consultant to perform the Public Health Nursing Cost/Benefit Analysis (Viloria-Fisher).*** I guess that ties into 1246?

D.P.O. VILORIA-FISHER:
Yes, the companion.

CHAIRPERSON BROWNING:
Okay. I'll make the motion to approve.

LEG. EDDINGTON:
Second.

CHAIRPERSON BROWNING:
Second, Legislator Eddington. All in favor? Opposed? Abstentions? Motion carries. ***Approved (VOTE: 5-0-0-0).***

We are done with the agenda. We have Richard Koubek and Peter Barnett.

MR. NOLAN:
And the Commissioner.

CHAIRPERSON BROWNING:
Oh, sorry.

COMMISSIONER DEMARZO:
Legislator Browning, if I may. Brenda Reid is here from CSEA and needs to leave, so I was wondering if we can just have two minutes to make a brief presentation on the child care issue?

CHAIRPERSON BROWNING:
Oh, okay. I did forget about that, I apologize. Dick, you guys --

COMMISSIONER DEMARZO:
Yeah, sit, sit. We're not going to be long.

MR. KOUBEK:
That's all right.

COMMISSIONER DEMARZO:
Brenda, you can sit here with us. Thank you very much. I'm sorry. Brenda was kind enough to come today.

We know that many of you heard from CSEA regarding child care payments and the concern regarding delays in payments, and a number of you have written to express your concern, and with that, we have met with CSEA to discuss the payment issue. And basically we are in full compliance with Local Law 2; payments are being made in 30 days. And we had a very good meeting with CSEA and have really formed a collaboration to move forward with KinderAttend and some joint trainings. But I would like to give the opportunity to Brenda to explain to you some of the programs we are going to move forward with, very quickly, and just to explain how the difference in perception on the child care payment process caused that original letter.

MS. REID:

Honorable members, I really thank you for the opportunity to come before you. I just want to share with you, as the Commissioner indicated, we are -- you definitely are in full compliance of Local Law 2. We truly apologize, the providers were calling us and they were -- actually, what it was is they had a misunderstanding and a misinterpretation of how the 30 days was counted.

What happened is they were counting from the day they mailed their rosters to the day they received their payment as opposed to the time when they mail their payments and the office receives the payment, processes the payment and mails the payment out. So we are -- we're working together to educate the providers that need that education better, to better understand that process.

We're also, as the Commissioner indicated, we're going to be working and collaborating together on some other things that might support providers having a better understanding and a better working relationship with the office, a better understanding of the processes and procedures with the DSS payment system. And one of the things we're going to do is we're going to just retrain or train anyone that is not currently utilizing the KinderAttend system, which is the system that is in place at this time. We're going to work together, our IT people and their IT people, we're going to collaborate on that and see how we can better help the providers have a better understanding and help them to help with any of their computer problems they are having around that system.

We're also talking about working together to set up some forums where the providers can come and ask the Commissioner and her staff about any payment issues or any concerns they might have with -- excuse me, with that process and with the provider/DSS relationship. Is there anything else you want to add?

COMMISSIONER DEMARZO:

No, that sums it up.

CHAIRPERSON BROWNING:

Okay. Legislator Barraga has a question.

LEG. BARRAGA:

I believe I received a letter from CSEA commending the Commissioner and as far as they're concerned, this matter is now resolved to their satisfaction, right?

MS. REID:

Yes. And if I may, I do want to just say one thing. I just want to say that the Commissioner has really been very, very supportive and very, very expeditious in her response and in trying to -- and in resolving this challenge. She's been -- she calls and she's been e-mailing and she's been very, very helpful and I just want to make sure that everybody knows that.

COMMISSIONER DEMARZO:

Thank you.

CHAIRPERSON BROWNING:

Good. Hang on, don't go anywhere. Legislator Kennedy.

LEG. KENNEDY:

I'm pleased to hear that this is an issue that was more of a misunderstanding, really, than anything else. However, you touched on something that was an important item, and I guess I would ask -- I had occasion on my own to reach out to the proprietor of the software again not -- fairly recently, Janet. So you spoke about the use of the KinderTrack or the KinderAttend?

COMMISSIONER DEMARZO:

Right.

LEG. KENNEDY:

How much of your industry's members are actually utilizing that technology now?

COMMISSIONER DEMARZO:

Very few family day-care and group families are in the system. It's a lot of day-care, a few family. I don't know if you know the number.

MS. REID:

I don't know the numbers, but I can say one of the challenges with the family providers is their ability to -- they don't understand the system, and some of them don't even have computers in their day cares.

LEG. LOSQUADRO:

Okay.

MS. REID:

So I think that's really the challenge, with us working together to train them and to provide them --

LEG. KENNEDY:

How are we going to address that?

COMMISSIONER DEMARZO:

We've talked to CSEA. One of our concerns is that we don't really have the ability -- when we rolled it out to the providers that we have, even though they were sophisticated day-care providers, some of their systems just had too many cookies on them, some of them were slow, they weren't accessing it right. So it really is an elbow-training situation, you need to go to their site. So if we roll this out to too many people, we weren't confident that we had the resources to do it.

CSEA has talked to us about being what the industry calls a "super user". So they would help field a lot of the calls from the providers and be able to do more of the resource -- the elbow training in the providers' homes. So we're going to set up a meeting between our two IT people and they could really help us be the super user and the help desk and then we would be their backup to the CSEA structure.

LEG. KENNEDY:

Is it safe to assume, Janet, that it is easier for you or your accounting unit to do what it needs to do when people actually do start using the software?

COMMISSIONER DEMARZO:

KinderAttend, when it's working well -- and there have been improvements to it and it's working well -- it's data-entry savings for our system, yes. So this partnership --

LEG. KENNEDY:

So in the long hall, it pays for us to spend or do whatever is necessary to get these providers up to the point where they can use the system easily.

COMMISSIONER DEMARZO:

Right. That will be -- that will help both of us. And also, what it will do for the providers is the receipt of the invoice will not be two days in the mail, or potentially three or four if it hits a weekend. They'll hit a button and it will get it to us immediately, so it will take two days off the process, two to four days off the processing as well.

LEG. KENNEDY:

And do you have some IT people on board that are dedicated to continuing to do this?

COMMISSIONER DEMARZO:

Well, that's why we're looking for this partnership with CSEA. We're looking at them.

LEG. KENNEDY:

No, I understand.

COMMISSIONER DEMARZO:

Yes, we do have people specifically dedicated to KinderAttend as one of their functions, but now that it's more operationalized, there's not as much help desk support. It's a portion of people's jobs, not a job.

LEG. KENNEDY:

And is this something that could operate off a simple laptop?

I mean, a two or \$300 laptop.

COMMISSIONER DEMARZO:

It is a web-based system, yes.

LEG. KENNEDY:

Okay. So then -- just again to go over, too, that's something that your members, then, may, once they understand that there's going to be some benefit, and certainly it's a tax write-off or something like that, that may be something that you'll be working with your members to go ahead and be able to acquire? Maybe in a bulk purchase, you know, if you could get out there, your members might be able to get it at even a cheaper amount.

MS. REID:

And I'm not at liberty to respond to that, but I'm sure that we will discuss it and see if there's anything that we can do with that respect.

LEG. KENNEDY:

Okay. That's great. Thank you very much for coming,

MS. REID:

Thank you.

COMMISSIONER DEMARZO:

Thank you very much for fitting us in.

CHAIRPERSON BROWNING:

Thank you. I'm glad everything has worked out. And with that, no more surprises, I hope. Dick Koubek and Peter Barnett from the Welfare-to-Work Commission, you have a presentation for us.

MR. KOUBEK:

Thank you, Madam Chair. Last October, our commission provided the Legislature with a report on understaffing at the Suffolk County Department of Social Services.

Let me begin by saying I can't think of a worse day to be making a presentation on staff vacancies, given the projected \$223 million that you have to deal with in a shortfall, revenue shortfall; given the fact that the economy, between the time that we presented on October 23rd of last year and today, has gotten -- been catastrophically affected; and lastly, I think given IR 1205 which represents a potential 675 positions being removed and negotiations ongoing between the County and the union; all of that aside, we would have come anyway and we will probably be back and we will be back again, because our report identified a pattern of under staffing. I want to quote from our report in October, "The commission is concerned that the Suffolk County Department of Social Services is not able to adequately fulfill its mission of moving Welfare clients from Public Assistance to lives of self-sufficiency because there is a chronic pattern of understaffing at the department. Chronic to this extent, we found over a ten year period an average vacancy rate of 7%. When we gave the report last year, the vacancy rate was about eight to 9%, staff vacancies at the Department of Social Services; today that rate is about 13%.

So with all of these catastrophic events surrounding us and with all that you have to deal with, I would echo the speaker before us, I'm glad I'm not on your side of the table. But the commission feels we need to take a look at this chronic situation. And keep in mind, as you heard one of the -- one of the speakers in public participation saying that she had to wait hours to get into the building, the Department of Social Services is ground zero in Suffolk County right now with this worst economic recession since The Great Depression in the 1930's. The demands on the department are overwhelming. So do they have the staff? We would submit to you they didn't have the staff before the recession, they're not going to have the staff after the recession because of this chronic pattern, and right now in the middle of the recession it's a very serious situation.

So we took a look at some information. Our report had asked that the Health & Human Services Committee get monthly staffing reports at DSS, and Legislator Browning has done that. We took a look at the first of them which is through the period of March 22nd, we looked at some other sources and we provided you with a report that you have in front of you and we found some issues that really disturbed us. We found, for example, if you look at the report, the vacancy rate right now is 12.9%; that's up from where it was when we came here last October. We found that the increase in services is at 14%. And I think one of the most upsetting things we found was in a separate memo from BRO which reported that in Client Benefits Division -- which does, I think, some of the major work of Social Services in the midst of this economic crisis -- in March of 2008 they had a vacancy rate of 9%; in March of 2009 Client Benefits had a vacancy rate of 11%; that's up 22%. So these numbers are really disturbing.

You've got a 22% increase in vacancies in Client Benefits alone, 13% increase in vacancies in the department as a whole, and a 14% increase in the demand for services. So you have to face some very, very tough situations. And I can't speak for all the decisions that this Legislature has to make, but what the commission wants you to know is ground zero is the Department of Social Services. People are hurting, they're in crisis, they need help now and the department, we feel, has even less staff than they did last year before the recession.

A couple of examples of where this is going. Our assessment of the vacancies goes beyond, you know, the pressure being placed on the staff and on the clients. There's lost revenue here. So if you look at our chart, I mean, we took the BRO report on the bi-weekly vacancies, the salaries, we did the percent reimbursements from Federal and State funding streams; we did use 2008 numbers because the 2009 reimbursement rates are not available yet. We blew that out to show basically that every two weeks, the reimbursements would come to \$295,000. When you take all of the reimbursements just for the period January 1st through March 22nd, you have the total salaries of 1.7 million, you have total reimbursements of 1.5 million, so that the salary cost to the County is \$218,000. So we see this as a department under enormous stress, losing reimbursements that could be pumped into an ailing economy, and also suffering every day, both staff and clients. I don't

know if that's true that they're waiting five hours to get in the building, that may have been an off day, but you just -- I mean, it's common sense. You can't have a 14% increase in demand for services and a 22% increase in vacancies, you just can't do the job.

So we regret that, you know, the climate right now is raising an inconvenient truth for each of you to have to deal with in the midst of a crisis, but we want you to know this is a priority and you have to look at the whole budget and you have to kind of make some tough decisions to make sure that the department is properly staffed to deal with these terribly hurting people in our County who need assistance now. Peter Barnett from the commission would like to add some comments.

MR. BARNETT:

I just want to go into a little bit about the 100% grouping in Medicaid, Food Stamps and in HEAP benefits.

I'm here as an advocate both for the homeless and the poor and for Suffolk County. And we're not here to place any blame on where the problems are, but we are trying to offer you ideas on possible ways to rectify the situation.

There's 106 Medicaid jobs that are available to be filled in the Department of Social Services; it's one of the biggest gaps in the whole service thing. These 106 jobs are paid for entirely by the State and the Federal government. So it really is important that those 106 jobs get filled because they bring into the County almost a billion dollars in Medicaid money that gets distributed to clients in Suffolk County. So not having those workers slows down that money coming in.

The second important group is that the salaries that we're being paid. If we had 106 workers, average \$30,000 a year, you're bringing in \$3 million in salary money to Suffolk County, to Suffolk County workers, and I think that would increase the outlook for Suffolk County.

Under the Food Stamps and the HEAP provision, again, last year at least, there was a hundred percent reimbursable; that's another 20 jobs. And all that HEAP workers do and Food Stamp people do is basically bring in more money for food and utilities to the people in Suffolk County.

So if you look at that about 140 positions that aren't being filled, we're losing money by not bringing the money in from the Federal and the State. And I just want to urge the committee to look at that very -- the Legislature to look at that and say how can we get these jobs filled? The sooner the better for everybody in Suffolk County, for the poor that need that money too. Thank you very much.

CHAIRPERSON BROWNING:

Thank you. Gail, I guess my question for you is obviously the Medicaid positions, you know, Tom had said we have authorized 75 positions?

LEG. BARRAGA:

Seventy-five, it's part of the budget.

CHAIRPERSON BROWNING:

And I know that they're not quite filled. Another question, he talked about HEAP and Food Stamps, and maybe, Janet, you're welcome to jump in any time you want. As far as reimbursement, HEAP and Food Stamps, they're not 100% reimbursed, are they, or are they; yes or no

COMMISSIONER DEMARZO:

No.

MR. BARNETT:

They were.

MR. KOUBEK:

In 2008 we -- they were.

COMMISSIONER DEMARZO:

Ken and Greg, you want to come up? We're probably going to need to shift a little.

CHAIRPERSON BROWNING:

Oh, okay. Sorry, I didn't see him there. But as far as -- you know, if we can go to the Medicaid part first and maybe try and talk a little bit about Medicaid and where we are with that as far as those positions?

MS. VIZZINI:

Well, in terms -- based on the authorized position control, as of April 19th there are 1,782 authorized positions, give or take. You know, I don't know if you have a lot of part-time positions, I didn't -- I was doing this while we're here. There are 1,556 filled positions in the department leaving 226 vacant, which gives you roughly 12.7% vacancy rate based on the April data.

The vacant -- the 226 vacancies break down into 126 in the General Fund and a hundred in Fund 360 which is the 100% Medicaid funded positions. There are a number of factors contributing to -- and these are the positions that we added when we -- I don't remember how many, 155 or something like that?

COMMISSIONER DEMARZO:

One hundred fifty-five Medicaid and 17 in HEAP.

MS. VIZZINI:

Right. We added 155 positions for Medicaid and 17 for Food Stamps when we adopted the '09 Operating Budget. So among the contributing factors in terms of filling positions are is there a Civil Service list, yes or no; are the candidates still interested, is it viable? One of the biggest factors in terms of the Medicaid component is space for this number of employees, not to mention the Commissioner's challenge in terms of training them and integrating them into the existing workforce. So as a member of the Space Committee, I can tell you that we have done nothing but authorize the search for the space and you would think that in this economy you could find an office that's already ready to go with a hundred cubicles, but you can't. So we have found space and we are moving towards, if we haven't already approved the lease.

COMMISSIONER DEMARZO:

I think that -- we don't have a fully executed lease, but it's moving.

MS. VIZZINI:

We don't have a fully executed lease, but we're moving in that direction, and even that space will not accommodate the number of people that we need. Plus, the reality is the work flow would be better if these new people go to the Medicaid function, so we have to displace existing staff who are currently in that building, the Under Care Unit, they will go to the new space, unless there has been an update to my understanding.

COMMISSIONER DEMARZO:

No.

MS. VIZZINI:

So, you know, it's not quite as easy as it first looks. And this is just what I know.

CHAIRPERSON BROWNING:

Okay. So basically you found space. How many employees will this new space that you found will it take?

COMMISSIONER DEMARZO:

The request to the Space Committee was for a hundred positions, and that request was made back when we asked for the budget amendment in November and that process took into the last Legislative meeting you approved the resolution which came from the Space Committee. So the resolution for the space was just approved at the last committee meeting and the lease is being expedited; I did hear that we believe the landlord signed it and it's on the County side now. We were expecting a May 1st occupancy date, we're not confident we'll get there. But we have it wired, we do believe we'll be able to move in some time in May.

CHAIRPERSON BROWNING:

So basically you're not stalling hiring people, you just don't have anywhere to put them.

COMMISSIONER DEMARZO:

We have them doubled up in Medicaid right now. You know, we have them in tight training rooms where the efficiency for training is okay but for full operational, you know, it's not going to work.

CHAIRPERSON BROWNING:

So when would you expect to start hiring people? I mean, are you going to see, you're going to be hiring people, bringing people in in the summer, the new Medicaid positions?

COMMISSIONER DEMARZO:

The biggest hole, the only hole in the Medicaid position has been the space.

CHAIRPERSON BROWNING:

And there is a wait list for those positions? There are people on a waiting list for the jobs?

COMMISSIONER DEMARZO:

Most -- yeah, there's a series of lists. Most of the lists are current, yes.

CHAIRPERSON BROWNING:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Just so that I understand here. Have you actually started doing the interviewing process for the Claims Examiners, Senior Claims Examiners or whatever? There was a bunch of different positions that we wound up with.

COMMISSIONER DEMARZO:

We've done a lot of hiring since the beginning of the year. We've done a lot of hiring since the beginning of the year, a lot of interviews have occurred, there are interviews scheduled over the next month; there's been a lot of activity. I mean, since the beginning of the year --

LEG. KENNEDY:

You know what, Janet? Wait a minute. You don't have to give me -- let me do it this way, let me see if I can ask. Mr. Barnett just spoke about a hundred and six positions that are vacant that are approved, that actually could be filled that are 100% funded. Is there a difference between what he's saying and what you've done. Where does the -- where does this lie?

CHAIRPERSON BROWNING:

The space issue?

LEG. GREGORY:

No, I know what he's saying.

COMMISSIONER DEMARZO:

You can try. I don't know where they get all their numbers from.

CHIEF DEPUTY COMMISSIONER BLASS:

We really can't respond to the report in detail because we don't really have an understanding of where some of this information came from, but I can walk you through something that we feel, notwithstanding the litigation, on staffing.

LEG. KENNEDY:

I understand that. I understand there's a suit and I'm not asking you to get into some of the sensitive matters or the matters being litigated. However, I guess what I'm just asking is from your perspective where we had a resolution last November, have those positions that got created had people who are now going interviewed and are almost hired --

CHIEF DEPUTY COMMISSIONER BLASS:

Yes.

LEG. KENNEDY:

-- or in the process of being hired?

CHIEF DEPUTY COMMISSIONER BLASS:

Yes.

LEG. KENNEDY:

Are we somewhere to, like, 75.

CHIEF DEPUTY COMMISSIONER BLASS:

All waiting for space.

LEG. KENNEDY:

So they're on the payroll of the County of Suffolk, just waiting for space.

COMMISSIONER DEMARZO:

No, no.

CHIEF DEPUTY COMMISSIONER BLASS:

Most of them -- we've hired 185 since January, and most of those are for Medicaid. Okay? So I can't respond to the commission's findings that -- for instance, let me talk to you about CBA which was just mentioned.

LEG. KENNEDY:

Well, before we go there, Greg, if we can, there's just one other point that I'm going to put out there that I need to speak with you folks before we leave this matter, then I'll turn it back to madam Chair.

We do need to talk about night hours, too. While everybody is up at the table, I think that would be an important conversation to have.

MR. KOUBEK:

They're connected.

LEG. KENNEDY:

Because I know the department has moved towards it, I don't know how successful it's been. But the staffing issue, I don't know what else to ask. I'll turn it back to Madam Chair.

MR. KOUBEK:

May I qualify something, Madam Chair?

CHAIRPERSON BROWNING:

Well, actually, I did ask Alan Schneider to come from Civil Service to see if you -- would you want to respond to any of the comments?

*(*Laughter From Panel*)*

Preferably not?

MR. SCHNEIDER:

Well, Kate, I'm only here to answer any questions about how the proposed layoffs --

CHAIRPERSON BROWNING:

Right.

MR. SCHNEIDER:

-- and the dumping will effect the staffing of the Social Services.

LEG. KENNEDY:

Whose going to ask that question? I'll ask that question.

CHAIRPERSON BROWNING:

Who wants that question? Sorry; let's get back on task here.

MR. KOUBEK:

On the Commissioner's question, where did we get our numbers. The numbers for staff vacancies were requested by Legislator Browning of the Budget Review Office, and I am referring now to a report that we got from the Budget Review Office titled "DSS Vacant Positions as of 3/22/09". So when we cite a hundred and six vacancies, it is from that report from BRO that says, "Code 6204, DSS Medicaid Compliance, vacant positions/106, total budgeted positions/495." So any of the data in our report, as you can see, it's carefully footnoted and stated at the top, come from original report that you have copies of that we received from BRO. So anything on the positions, Commissioner, we got from BRO.

COMMISSIONER DEMARZO:

Thank you.

MR. KOUBEK:

I hope that helps.

LEG. KENNEDY:

Thank you, Dick. Okay. So then, I guess, then perhaps let me ask BRO; where are we as far as trying to get an idea of this number?

MS. VIZZINI:

What number do you mean? At the request of Legislator Browning, we provide on a monthly basis to Legislator Browning a synopsis of DSS filled and vacant positions; we get that from the payroll. The payroll is about six weeks behind, you know, live what they're actually doing.

LEG. KENNEDY:

Okay.

MS. VIZZINI:

So it may not -- you know, if Janet just hired 25 people yesterday, it's not going to show on my April 19th position control.

LEG. KENNEDY:

That's understood.

MS. VIZZINI:

You know, prior to this meeting I met with the representatives here from the Welfare-to-Work Commission to clarify what information is available to me, what I provide to Legislator Browning. And we also provided the request of staff to the Presiding Officer highlights of trends and caseload and other data that we get, which we also provide to the committee, and will continue to do that.

So in terms of where we're at, according to position control there are still 100 vacant positions in Fund 360. And I don't know what number I gave you, Dick, but, you know, whatever they were, that's what it was at the time.

MR. BARNETT:

Six.

MS. VIZZINI:

Oh, six. Now, I don't know --

LEG. KENNEDY:

Gail, Fund 360, is that Medicaid?

MS. VIZZINI:

That's the 100% Medicaid.

LEG. KENNEDY:

So that's 100%. Okay, so we can all at the table agree that there's money in this Fund 360 for another hundred bodies that aren't here yet. Are they going to come?

COMMISSIONER DEMARZO:

The building is anticipated to hold 100 people, that's what we requested. So we also have authorizations to hire, we also have six people out on leave without pay which we hold those positions contingently; you know, contingent for them to return to.

So really, the number of a hundred is an accurate number of how many people aren't there. Six of them are on leave without pay, we're leaving those positions vacant for those people to return to. A number of them have authorizations to hire, we have interviews scheduled for next week, but we don't want to get too far ahead of ourselves because until you have places for people to sit, you really can't offer them jobs.

LEG. KENNEDY:

But you called for the list from Alan and Alan furnished you with active lists in order to interview for each one of those titles, and you're going to start that next week.

COMMISSIONER DEMARZO:

We are going to start it next week. Because I just -- one of the things I did not put on the record is that the move into the new building was authorized in stages. So even though we will take possession of the building in May, we -- they're going to provide it in thirds; first they'll have one-third, then two-thirds, then three-thirds. So it makes our training more staggered, so we don't want to get ahead of ourselves.

LEG. KENNEDY:

All right, Janet. Why is it in thirds, Janet? Is it because the landlord is only retrofitting at that rate?

COMMISSIONER DEMARZO:

I think that Gail might be better to answer that better as a Space Committee person.

LEG. KENNEDY:

Could we ask Gail Lolis to talk to us, too, maybe? Because the County Attorney's Office has the -- do they have the lease at this point? Do you know anything about this lease, Gail?

MS. LOLIS:

I don't. But if the lease was signed already by the landlord, then that means our office is -- if our office worked on it, we already sent it out and it's now on the County Exec side for signature.

LEG. KENNEDY:

Well, when we sign a lease, we sign a lease basically for the landlord to go ahead and do all of the --

MR. ZWIRN:

We'll have a CN, I believe, a CN for the lease at the General Meeting.

CHAIRPERSON BROWNING:

So there'll be a CN for the lease on Tuesday's meeting.

MR. ZWIRN:

Yes.

CHAIRPERSON BROWNING:

I'm wondering how many more people in the back of the room just want to come up and sit up front.

*(*Laughter From Audience*)*

LEG. KENNEDY:

Why not? You know, talk enough and we'll figure it out, I'm convinced.

CHAIRPERSON BROWNING:

So hopefully we'll have a CN. And Alan, I know you were signaling; do you want to come up?

MR. SCHNEIDER:

Well, the only thing is --

CHAIRPERSON BROWNING:

I need you to come up.

LEG. KENNEDY:

You've got to come to the mike.

CHAIRPERSON BROWNING:

I need you to come up to the mike.

LEG. EDDINGTON:

Who's in the back that hasn't spoken?

CHAIRPERSON BROWNING:

I know. Anybody else, any more takers? Find a spot. You can come sit next to me if you want. You had something you wanted to add; am I correct, or no?

MR. SCHNEIDER:

Well, yeah. I really -- you know, in regard to your request for me to be here to answer questions

about the layoffs and affecting the Department of Social Services --

CHAIRPERSON BROWNING:

Right. It was more, you know, a question, because I know at the Welcome-to-Work Commission there was some discussion about CPS workers and that CPS workers got layoff notices and the fear, and I know that you backfill CPS positions. So say you had 20 CPS workers and five of them got layoff letters, it doesn't necessarily mean that five -- you're going to be down 15, you're going to maintain 20. And those are not real numbers, but I'm correct in what I said?

COMMISSIONER DEMARZO:

Yes, a number of case workers did receive layoff notices and it was because of the bump and retreat process, although there's no Caseworker titles specifically on any of the layoff lists.

CHAIRPERSON BROWNING:

So Alan, if you could explain.

MR. SCHNEIDER:

There are no -- okay.

COMMISSIONER DEMARZO:

In Social Services; I'm sorry, Alan.

MR. SCHNEIDER:

There are -- let me just preface all this by saying that the work that we have done in regard to layoff analysis is totally unofficial and will not be official until the Legislature puts into effect a resolution to abolish positions. We've done the work in the event that this unfortunate event takes place; we're hoping it doesn't. In the event that it does, there have been changes to the listings from the original list that came over approximately a month ago and we will have to make adjustments in the layoff analysis. We've done it two or three times and now we're just going to sit back and wait.

In addition, when it comes to layoff analysis, someone who may have left the County in the interim, or people who have been hired in the interim, may dramatically effect what we show on the layoff analysis. Right now the layoff analysis is 75 pages across all County departments, but going to Social Services, I just want to point out that right now we show 18 positions being abolished. In addition to that, five titles that will be affected by bump and retreat, but Janet mentioned something about the people on leave of absence. We have, in the titles to be abolished, eight positions that have people in them who are on leave of absence, but the contingent positions that Social Services has maintained vacant for them would be removed by virtue of the vacant position abolishments that are in addition to the filled position abolishments. As a result, there will be eight -- if this goes into effect, there will be eight deferred layoffs each time one of the individuals comes back from a leave of absence without a position to come back to, because the vacancies have been abolished; that will create a layoff on that date if there is no vacant position that may have occurred in the interim. I don't know if I'm making myself clear here, but let me -- let me answer any questions you may have.

CHAIRPERSON BROWNING:

One of my questions is of the 18 abolished positions --

MR. SCHNEIDER:

Yes.

CHAIRPERSON BROWNING:

-- because DSS has various levels of reimbursement, are any of those 18 positions 100% reimbursed positions?

MR. SCHNEIDER:

We have no idea, Legislator Browning, because that's something -- that's something that we do not have access to.

CHAIRPERSON BROWNING:

Yeah, okay.

MR. SCHNEIDER:

We only look at the positions, the titles, the retention dates of the incumbents in the titles.

CHAIRPERSON BROWNING:

Gail, can you -- do you want to respond?

MS. VIZZINI:

The only thing I can offer is that in adhering to the Administrative Code that requires us to abolish vacancies before we can abolish filled positions, there are 53 vacancies that are 100% funded that are included in the new attachment, to adhere to the Administrative Code.

CHAIRPERSON BROWNING:

I don't know, do you want to ask a question? Because I'm trying to understand why you would abolish 100% funded positions. I mean, I don't know the Administrative Code.

MS. VIZZINI:

You wouldn't if we didn't have the Local Law 1991 that, you know -- I guess it was in Budget & Finance that we discussed this a little bit more at length.

Legislatures before you have gone through reductions in force and the outgrowth of that was Local Law 5-1991 that directs Civil Service to abolish vacancies first. So the intent of IR 1205 is to achieve a targeted savings by abolishing live bodies, so in order to get to the live bodies, you first have to abolish any position in that same title. And once the attachment was amended, prior to the Budget & Finance meeting, the 341 positions became 675 positions, roughly half are vacant, roughly half are filled. And according to -- you know, simply filtering out how much is in Fund 360, there are about 53 positions in the 100% Medicaid funded appropriation.

CHAIRPERSON BROWNING:

Ben, go ahead. There's mikes over here, if you want to grab one.

MR. ZWIRN:

Our intention has never been to eliminate the 100% funded positions. It was done on the chart, but they would be restored through an interim arrangement between the County Exec and the Presiding Officer who can sign-off and restore those positions because they're fully funded. So there never was the intent to ever not fill those positions, it's still not the intent. Any position that is 100% funded we are keeping.

In fact, in one of the resolutions, I forget all the numbers we have, there's a resolution to create 15 new positions in the Labor Department because we got additional funding to handle that, so those positions have been added. But these positions that have been listed will be preserved, they will be restored because it's fully funded. And again, as Alan said, we hope that none of this will have to come to pass, but all those 100% positions will be restored and that was always the intent.

P.O. LINDSAY:

We need more people at the table.

LEG. KENNEDY:

We need a bigger table.

CHAIRPERSON BROWNING:

That's what I'm wondering. I mean, we could share this horseshoe, there's lots of room.

LEG. KENNEDY:

I have a question, if I can, Madam Chair --

CHAIRPERSON BROWNING:

Go ahead.

LEG. KENNEDY:

-- for our Director of Civil Service. Alan, I tried very hard to go ahead and follow what you just spoke about, about the notion of a deferred layoff. And you articulated it clearly, it's just something foreign to me; in thirty plus years of Civil Service, I've never heard of something like that. Can you try one more time? These people that are on leave for whatever it is, maternity or illness or some kind of leave without pay, have a position that they came from that's their place holder; is that it?

MR. SCHNEIDER:

Yes.

LEG. KENNEDY:

Okay. And then they come back to this position if they were attached to that? Then when they --

MR. SCHNEIDER:

Well, let me try to explain as simple as I can, John. Let's say you have a Senior Clerk Typist who's out on leave who's not going to be back for six months.

LEG. KENNEDY:

Okay.

MR. SCHNEIDER:

And -- in Social Services, and a Senior Clerk Typist position has been abolished, so there's one less Senior Clerk Typist, But Clerk Typist positions beneath it have been abolished. As a result of the 1991 resolution that is facing us that Gail described, the vacancies have to be abolished in concurrence with the filled positions. So the individual who is on leave as a Senior Clerk Typist, that person winds up being the least senior person, has no job to come back to. There's a vacant, contingent position that existed that was being held for her, that position is now abolished, which means when she comes back six months down the road, she has no Senior Clerk Typist position to come back to and no Clerk Typist position because there are no more vacancies.

LEG. KENNEDY:

Are bump and retreats gone, too?

MR. SCHNEIDER:

So the bump and retreat that if she were here today would have taken place today, is going to take place instead when she returns.

LEG. KENNEDY:

Oh, I gotcha.

MR. SCHNEIDER:

And in Social Services we have eight of those situations.

MS. ALLONCIUS:

Eighty?

MR. SCHNEIDER:

Eight. Eight. Is that better?

CHAIRPERSON BROWNING:

But I -- and I think that the bottom line is, you know, if the union comes up with that concession and agreeing to lag payroll, I mean, I think we're talking about layoffs that with a bit of luck, you know, the union and the County Executive will be able to work together and we won't have to discuss layoffs. They're not going to happen.

LEG. KENNEDY:

Madam Chair, I have one more question to jump in here with Alan. Again, Mr. Zwirn spoke about a process where positions that might get eliminated are somehow in an interim able to be recreated with agreement with the Exec and the PO?

MR. SCHNEIDER:

Yeah, I think I can explain that, John. Unfortunately, because of the 1991 resolution that is sitting out there, the vacancies must be abolished before any filled position gets abolished. So the County Executive had no choice; whether the position was unfunded or 100% funded, you had to abolish the position. So what they did they had to do because of this resolution, they had no choice. Once the layoff analysis, if this goes that route, goes into effect and whatever happens happens, what I believe Mr. -- what I believe Mr. Zwirn is saying is that through interim positions, then all of those funded vacancies will be recreated and will be eligible to be filled.

LEG. KENNEDY:

Okay. I appreciate the explanation. And far be it from me to ever speak on behalf of the Presiding officer. Because there's two things here to this; one, there's the mechanics, then there's the presumption as to if that would actually even have to occur, why would we be going to that spot? I'll yield on that one. But thank you for the explanation of the mechanics.

CHAIRPERSON BROWNING:

Bill?

P.O. LINDSAY:

No, he's got me so confused, I don't even want to say anything.

LEG. EDDINGTON:

Okay. Can I just say something?

CHAIRPERSON BROWNING:

I don't know if I know -- I think I know less now than I knew before we started, I swear.

*(*Laughter From Audience*)*

Jack?

LEG. EDDINGTON:

You know, I think next time you come to talk to us about this, bring a pie chart so that we can give it to Jack and he can look at all the different pieces. Because when you hear all the numbers and the explanations, I mean, my eyes are starting to cross so that it's almost like something I need to -- Gail knows, I need a picture or a chart just so I can refer to it and see it. Because you're clear, it's just going right through here.

MR. SCHNEIDER:

And I understand this and I've been doing this a long time and it's taken me a long time to comprehend all of this. Fortunately, I've got some people on my staff who are experts who are getting called by different counties throughout the State of New York to help them get through layoff analysis.

LEG. EDDINGTON:

I can believe it.

MR. SCHNEIDER:

But a pie chart wouldn't do it because there's no way I could ever put this on paper, other than listing what is going to happen. But I've got to tell you, from seeing the net effect of these layoffs, there are some horrendous situations out there that are going to effect people that they don't even know about. And they weren't on the list because I think Janet mentioned there was no layoffs for a certain title in her department, however, there are four Probation Officer Trainees who came from four different departments, including Janet's, who have rights back to Janet's -- this one has rights back to Janet's department, all four Probation Officer Trainee positions are being abolished, those four people are going back to the Police Department, Social Services, Health and one other department that I forgot, and that is going to create a separate layoff that wasn't even on the layoff analysis list, and these are the kind of things that we uncover as we do it.

We also have a lot of people in the County who are veterans who we don't know are veterans; the only time we find out that they're veterans is when they want to use veterans credits on Civil Service exams. So when we publish a layoff analysis, we are going to have to get anyone who is a veteran discharge papers submitted to us because they are entitled to additional time in their retention standings that could change layoff analysis and we have no idea where that could occur, especially in a department like Probation. But these are the things that it has taken us three weeks, 23 people to produce a 75 page document to -- and that is now already subject to change by the changes that have been made just recently.

CHAIRPERSON BROWNING:

DuWayne?

LEG. GREGORY:

Okay, you brought my attention to something. So you are saying that there are people that may be affected that you're not even aware that may be affected.

MR. SCHNEIDER:

No, I'm aware --

LEG. GREGORY:

At this point.

MR. SCHNEIDER:

-- of who's going to be affected. There are people on this list -- are you talking about the veterans, DuWayne?

LEG. GREGORY:

No. Before that you had mentioned like the Probation Trainees.

MR. SCHNEIDER:

Okay. There are situations, and I mentioned the four Probation Officer Trainees, they weren't hired off the street, they were hired from four different County departments.

LEG. GREGORY:

No, I get that. I get that part.

MR. SCHNEIDER:

And they have permanent rights back to those departments. The titles that they're going back to, one is a Public Safety Dispatcher in the Police Department; there are no layoffs of Public Safety Dispatchers, but that individual has the right to go back to that department.

LEG. GREGORY:

Right, I completely understand that. But my point I'm not understanding is that if you know this, you know that their last permanent position is a dispatcher, why the person who is a current dispatcher hasn't received a notice; do we have people that --

MR. SCHNEIDER:

Because no one knew before we did the layoff analysis that that person in Probation who wound up being affected by a Principal Probation Officer being abolished at the top who bumped a supervisor, a Principal Probation Officer, bumped a supervisory Probation Officer who bumped a Senior Probation Officer who bumped a Probation Officer Trainee at the bottom, and this person has the rights back to the Public Safety Dispatcher. No one would have known it, no one on my staff would have known it until we carried out the layoff analysis in Probation and we got to that last person, and instead of that person being on the street as other Probation Officer Trainees are, that person goes back to the Police Department, creates a layoff as a Public Safety Dispatcher which creates a bump to Emergency Services Dispatcher and the other three create the same situations, one in Social Services again, one in Health and one in another County department.

LEG. GREGORY:

But are we sure, a hundred percent sure that those who will be affected will be notified? Because we don't want to be in a position, should it come to pass, that someone is going to be laid off that hasn't had notice and we're going to be subject to --

MR. SCHNEIDER:

No, no. There is a clause in the AME contract that mandates and guarantees 60 day notice. So letters went out in anticipation as to 60 days notice of the possibility of the layoff. Individuals --

LEG. GREGORY:

But who received those notices? Was that a blanket -- I thought it was just those who were going to be affected.

MR. SCHNEIDER:

That was 33, 3,400 people in titles that we knew were going to be affected by either abolishments or bumps and retreats.

LEG. GREGORY:

Right. Okay.

MR. SCHNEIDER:

But the ones that we didn't know, they're going to get the notice and they're going to be entitled to the 60 day notice as is everyone else.

LEG. GREGORY:

Okay. So at this point we're pretty confident that we've analyzed it enough that we've -- that everyone who's -- you know, we've captured everyone that could be affected and that they will receive a notice should it come to that.

MR. SCHNEIDER:

We knew as of last Friday everyone in the County who would be affected by bump and retreat analysis; who would be bumped, who would retreat, who would have a problem with contingency, leave of absence, who would be abolished and be on the street. What we didn't know was, number one, who might have veterans credits, that might change things; two, who has left the County who might be on the list who's already gone that now it may -- if that persons was slated to bump, now maybe it's going to be somebody else. There also may have been people hired in the interim who will be now last hired/first out which may save the jobs of people who have been here before that --

LEG. GREGORY:

Right.

MR. SCHNEIDER:

-- who were on the list and subsequent changes that were done. So, I mean, this is a daily updated process. In the event that the layoff resolution is passed and the concessions are not there and the County is left with no choice but to go with the layoffs, then we will do one final, official layoff analysis that I will present to both the County Exec and the County Legislature to Presiding Officer Lindsay. And from there notices, the 60 day notice in accordance with the union contract will be followed; hopefully we won't get there.

LEG. EDDINGTON:

Amen.

CHAIRPERSON BROWNING:

Any more questions? I think we're all baffled.

LEG. EDDINGTON:

We want to hear some good news.

CHAIRPERSON BROWNING:

Janet, the HEAP and Food Stamps, I know I had asked; are they 100% reimbursed or are they -- what percent?

COMMISSIONER DEMARZO:

Percent, no, they are not 100% reimbursed. We do receive a lot of HEAP monies and we use a lot for temporary people because it's partial year. We often have to put County monies in it.

We have shared with BRO and the County Executive's Office that the State has significantly restructured the reimbursement this year. The State has withdrawn all the money from the local Administrative Fund which used to provide funding for food stamps and Safety Net activities. So until we get our allocations and our directions from the State, we don't exactly know how it's going to work out. But we do know with confidence, unfortunately, that our reimbursement for staff this year will be lower in most, if not all, categories of service delivery.

CHAIRPERSON BROWNING:

Okay. I think we're done?

CHIEF DEPUTY COMMISSIONER BLASS:

Madam Chairwoman, could I just --

CHAIRPERSON BROWNING:

Okay.

CHIEF DEPUTY COMMISSIONER BLASS:

-- correct one thing that was said on the record?

CHAIRPERSON BROWNING:

Okay, Greg.

CHIEF DEPUTY COMMISSIONER BLASS:

The lady that was here as a client whose situation, by the way, we have addressed, made a point that the commission picked up on about the long lines at the Southwest Center. That client wasn't -- hasn't been there for several weeks. We have since last summer been acquiring, applying and implementing a computer system that is called My Full View; this computer system has been first implemented at the Southwest Center and the lines are extremely lower than they've ever

been. They certainly don't go out the door, it's a considerable improvement and I would invite members of the committee and the commission to see what's happened at the Southwest Center as a result of that technology being applied there. That's all I wanted to say.

CHAIRPERSON BROWNING:

Okay. Thank you. Any final comments?

MR. KOUBEK:

Madam Chairwoman, one last comment. They say when a tsunami is coming that the tide goes out and it's sort of a quiet moment before the wave hits; our report today was sort of like that moment. None of the vacancies we talked about had anything to do with layoffs. This is an ongoing situation that's been made worse by the current economic situation. I don't know what's going to happen, you know, with the layoffs. I hope as a taxpayer, honestly, I really hope that the union and the County can work this out, because if the situation is bad now, it's going to really be horrendous. For example, we're really happy to hear that a hundred positions could be filled in Medicaid in the coming months; that will still leave 129 vacancies, so that's pretty serious. And one last thing; I think you had questions on evening hours, Legislator Kennedy?

LEG. KENNEDY:

I'm hearing disparate things. I know we had a lot of concern and requests and from the anecdotal that I get at this point, we're not having a significant number of folks that are coming for the evening hours.

MR. KOUBEK:

I can only tell you what we -- what the commission did. We've heard the same thing, we're in pilot, the pilot's at the Coram Center; the Commissioner can speak about that, I can't, but I will say this. Our commission was concerned that the advertising of the evening hours may not have reached the population we wanted to reach. That is the work -- people in crisis, people who are working people, middle class people even, who are in sudden crisis. So we came up with an idea and we put it -- we're putting it together this week, as a matter of fact, to come up with a different proposed publicity flier that could go out to say to folks who have never thought of themselves ever in their lives as the kind of person who would need Public Assistance and DSS, there are programs there that can help you, there are evening hours. And we're thinking of different sites, we're going to recommend this to the department, to place these.

LEG. KENNEDY:

Good.

MR. KOUBEK:

For example, unemployment offices, libraries, Social Security offices where it will be an entirely different population.

LEG. KENNEDY:

Good. Okay.

CHAIRPERSON BROWNING:

Okay. You know, I know we see all these positions that are not filled. And in a perfect world, Gail, it's a yes or no answer, if we filled every single one of these positions -- I know, you don't like the yes or no answers -- but if we filled every one of these positions, could we afford it?

COMMISSIONER DEMARZO:

There is not enough -- if the question is is there sufficient appropriations in the Department of Social Services --

CHAIRPERSON BROWNING:

Is there enough money to fill these?

COMMISSIONER DEMARZO:

No.

MS. VIZZINI:

No, it would have to be transferred from someplace else, if that was your priority.

COMMISSIONER DEMARZO:

No, there's not enough money in the existing budget.

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER DEMARZO:

We did look at that.

CHAIRPERSON BROWNING:

So many of them are unfunded positions.

COMMISSIONER DEMARZO:

(Shook head yes).

CHAIRPERSON BROWNING:

She says yes. Okay. I thank you. I thank you for your presentation and your work in the Welfare-to-Work Commission.

MR. KOUBEK:

Thank you.

CHAIRPERSON BROWNING:

And with that, I guess we are adjourned.

*(*The meeting was adjourned at 4:13 PM*)*

{ } - Denotes Spelled Phonetically