HUMAN SERVICES COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

A regular meeting of the 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 Monday, June 11, 2012 at 10:00 a.m.

MEMBERS PRESENT:
Legislator DuWayne Gregory - Chairman
Legislator Kara Hahn - Vice Chair
Legislator Kate Browning
Legislator Ed Romaine
Legislator Lou D'Amaro

ALSO IN ATTENDANCE:
George Nolan - Counsel to the Legislature
Barbara LoMoriello - Deputy Clerk, Suffolk County Legislature
Diane Dono - Budget Review Office
Michael Pitcher - Aide to P.O. Lindsay
Paul Perillie - Aide to Legislator Gregory
Justin Littell - Aide to Legislator D'Amaro
Ali Nazir - Aide to Legislator Kennedy
Ben Zwirn - Assistant County Executive
Greg Blass - Commissioner, Department of Social Services
Linda O'Donohoe - Assistant to the Commissioner of Social Services
Richard Meyer - AME, Legislative Director
Other Interested Parties

TAKEN AND TRANSCRIBED BY:
Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:01 A.M.*)

CHAIRMAN GREGORY:
Good morning, everyone. Welcome to today's Human Services Committee. We'll get started with the Pledge of Allegiance.

SALUTATION

Okay. Thank you. We've asked Commissioner Blass and some of his staff to make a presentation or discuss the DSS security guards. We're going to ask you to come up in a minute, but we're first going to address our short agenda first so we can give our full attention to you, okay? If that's okay with everyone. We're going to go to Tabled Resolutions.

1072, Enhancing safeguards at sex offender emergency housing facilities. (Schneiderman)

I'm going to offer a motion to table.

LEG. HAHN:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator Hahn. All those in favor? Opposed?

LEG. ROMAINE:
Opposed.

CHAIRMAN GREGORY:
Abstentions? **TABLED (VOTE: 3-1-0-1 - Opposed; Legis. Romaine - Not present; Legis. D'Amaro**).

1234, Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton. (Schneiderman)

I'll offer a motion to table.

LEG. HAHN:
Second.

CHAIRMAN GREGORY:
Seconded by Legislator Hahn. All in favor? Opposed?

LEG. ROMAINE:
Opposed.

CHAIRMAN GREGORY:
Abstentions? **TABLED (VOTE: 3-1-0-1 - Opposed; Legis. Romaine - Not present; Legis. D'Amaro**).

1489, Adopting Local Law No. -2012, A Local Law to improve the safety of vehicles used by child care providers that contract with the County ("Look Before You Leave Our Children Act"). (Stern)

That has to be tabled for a public hearing, seconded by Legislator Hahn. All in favor? Opposed? Abstentions? **TABLED** for a public hearing **(VOTE: 4-0-0-1 - Not present; Legis. D'Amaro)**

Introductory Resolutions. **IR 1556, Accepting and appropriating $20,000 in 100% grant funding from the New York State Office of Children and Family Services under the State Quality Enhancement Fund to continue Suffolk County's participation in a Statewide Pilot Project to address Disproportionate Minority Representation (DMR) in the Child Welfare System and authorizing the County Executive and the Commissioner of Social Services to execute contracts. (Co. Exec.)**

LEG. HAHN:
Motion.

CHAIRMAN GREGORY:
Motion to approve by Legislator Hahn and place on the Consent Calendar, I will second that motion. Any questions? All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 4-0-0-1 - Not present; Legis. D'Amaro)**.

Okay. We are done with resolutions. Commissioner, you and your staff come forward. Before we get started, I will stay that we don't have any cards that were handed in, but if there's anyone in the audience of four, if you would like to come forward, please come forward and state your name for the record. Not seeing any, we will go forward. Thank you. Sorry.

COMMISSIONER BLASS:
Good morning, Mr. Chairman, Members of the Committee. I first want to say that the issue of the security guards arises from an issue of fiscal need. If I were to discuss the issue solely in those terms though, it would be remiss on my part if I were not to tell you that the guards we have are the best. They are certainly capable. They have been with a record in the County that is among our best among our classifications of our employees. And we in the Commission's office are proud of them.

They go above and beyond consistently. They have been in the situation where, like me in DSS, as I've said in this venue before; they will do the overtime without being paid the overtime. At least one guard waits, for example -- and this is a constant occurrence -- to take the last Social Services examiner staff person, escort them to their car after closing hours are well over.

The problem though is that in the County's fiscal situation, we are not limited to those standards in judging this situation, this issue. And inasmuch as it is a fiscal matter, the conclusions, the judgments and the decision are not made by the department, nor should they be. They are to be made by those in the elected offices on both branches of government. We accept that.

The plan as it is now is that if the layoffs go through, notwithstanding any legal issues, which we are not in a position to discuss, any contract issues, which we are not in a position to discuss, the AME contract issues, the plan is for the firm of Dreamland Security to fill the gap between July 1st and 31, August. Parallel to that effort is the contract bidding process necessitated by the inability of Dreamland to sustain the services over a long period at the rate that the current contract provides for.

And again, those are issues that others in the administration are better equipped to discuss than we. But where that bidding process will go, I can't really predict, nobody can, except it is aimed at getting a final addition for a contract agency to assume control and fill the gap possibly before August 31st, hopefully not after. And that is where we are.

But as I said, not in a position to discuss the fiscal issues. The actual contract issues are really for the Department of Public Works Purchasing Division to present to anyone discussing this issue. As I say, I have to go back, because I would be remiss and inhumane if I didn't, that this does not reflect in any manner on the quality or the performance of our security guards. They are really fine people. They don't get paid very much. They are the classic little guy in government. They work hard. They work in a very difficult, volatile environment, and they do well. And we appreciate what they do.

So that's my opening statement as far as this issue is concerned. I have with me Deputy Commissioner John O'Neill and Assistant Commissioner Traci Barnes to share with the committee any information they may have in response to questions that might be lodged.

CHAIRMAN GREGORY:
Okay.

LEG. ROMAINE:
Mr. Chairman.

CHAIRMAN GREGORY:
I'll get to you in just a minute. Let me ask a question, Mr. Romaine. Thank you, Commissioner, for coming here today with your staff to address this very sensitive issue. You know, people do have questions and concerns. And the security guards are highly regarded. I don't think anyone is saying that the position that has been taken is a reflection of poor work ethic or abilities, it's just from our perspective, more of a fiscal issue convoluted by some potential legal issues that as you stated, I think rightly so, was not really your bailiwick to address. But nonetheless, I appreciate you coming forward today and addressing the concerns.

Legislator Romaine had asked my office to reach out to you to come forward and address this. I know tomorrow the Budget and Finance Committee is going to address a bill to restore these positions. So I think it's appropriate that we have this discussion prior to that. Now, I know that these security guards receive special training, they go to a two-week training or some type of form of special training from the Police Academy. Could you go into a little bit of detail of what that is and the purpose of that.

COMMISSIONER BLASS:
I'll ask Assistant Commissioner Barnes to go into the personnel aspect of that including training.

MS. BARNES:
Good morning. Annually, the security guards are required to have an eight-hour training course, and that's the course that we have put together in conjunction with the Police Academy. These guards would have the same requirement. It's a licensing requirement, this annual eight-hour training.

CHAIRMAN GREGORY:
So if we were to have a private security firm, those employees would have to go through the same training?

MS. BARNES:
That's correct, to maintain their security license.

CHAIRMAN GREGORY:
Now, that's a licensing requirement from whom?

MS. BARNES:
New York State, that's who issues their license, the security license.

CHAIRMAN GREGORY:
And that's --

MS. BARNES:
You look confused.

CHAIRMAN GREGORY:
I am. So it's my understand -- all right. It's starting to formulate in my mind now. I was thinking it was particular to the DSS security guards, but it's not. We have security in the Dennison Building and other places, I imagine, as well that go through that same --

MS. BARNES:
They all have the same requirement.

CHAIRMAN GREGORY:
Okay. Gottcha. Now you said that Dreamland is going to, you know, act as a place holder, if I can use that term, for I guess the 30 days or the two rather until the RFP comes back. It's my understanding that that RFP has been put out to bid already.

MS. BARNES:
Yes. I understand that the responses are due back this Thursday. Dreamland is committed to August, the end of August.

CHAIRMAN GREGORY:
Okay. Under the existing contract. Okay. I'll reserve further questions for later. Legislator Romaine had wanted to ask some questions.

LEG. ROMAINE:
I just want to place on the record that I have requested in the past and will request again a statement from our County Attorney that the actions that we're about to take do not violate New York State Taylor Law, nor AME contract. I think it's important tomorrow at Budget and Finance -- I have a number of bills up, and I may attend to explain those bills with the permission of the committee -- but I think it's important at Budget and Finance that before people cast a vote -- and one of those resolutions which I'm a cosponsor is the restoration of these positions -- that we know if this is a violation of the Taylor Law or a violation of the AME contract.

I believe the County Attorney should provide guidance. I see a member of the administration here, Mr. Zwirn. I'm asking Mr. Zwirn to ask the County Attorney to formulate -- I'm sure he's already taken a look at this position. Obviously the administration would not move to replace these guards unless he had at least given legal advice. I'd like to see that legal advise in writing at the Budget and Finance Committee to appropriately assure members of this -- I don't support the effort, but there are members that do, and they should know that their actions are not a violation of either the Taylor Law or the AME contract that we entered into.

My next question is for Budget Review. I'm reading an article that appeared in yesterday's Newsday in which the Deputy County Executive Jon Schneider indicated that privatizing the 30 guards, I think there's 22 that are DSS guards and the remainder are --

MS. DONO:
Twenty-one.

LEG. ROMAINE:
Twenty-one, and then the remainder are guards for other facilities that work under DPW. But privatizing all 30 will save $600,000. Since we don't know what the bid is, and I believe, and correct me if I'm wrong, and maybe Social Services, the people there know, this is not an RFP. I believe this is an absolute bid; correct me if I'm wrong.

MR. O'NEILL:
Legislator Romaine, my understanding from Purchasing is that it is a bid.

LEG. ROMAINE:
It is a bid and not an RFP. That's what I thought. So it is going to be awarded to the lowest responsible contractor. There is no way to know that this is saving $600,000 until that bid is opened. In fact, one of the things Budget Review based its analysis on was Dreamland Security who said they can't do it for the price, and therefore, declined to take on that responsibility other than as a stopgap measure until another vendor could be provided.

So I'm going to ask Budget Review tomorrow to indicate that that $600,000 number is actually erroneous, and you won't be able to provide a number until the bid was opened and a vendor selected, which may not be for another week or so. And at that point, you'll be able to do an analysis, because, in my personal view, that $600,000 number is an inflated number. And I'm going to be looking for the real number, because I think it's going to be far different from that.

Lastly, my question is for the Department of Social Services. Obviously you spoke about the qualifications of these people, many of whom -- some of whom have had multiple years, 20 years with Social Services with numerous experience. If a new contractor is hired by a bid, a private contractor, obviously you will have no idea of their prior experience, and there will be a period of adjustment, an extreme period of adjustment, because as of July 1st, the seasoned hand that guarded the various DSS facilities will be gone, we will have an interim group that will not be familiar; Dreamland Security that will stay for maybe two months, maybe less if the new private contractor selected by bid is willing to step up, then we will have yet another contract. So we will have a lot of turmoil in the security operations of DSS. Have you considered this, and what impact would that have on your department?

COMMISSIONER BLASS:
Certainly, we have taken that into consideration, because we recognize this as not only a quantity issue of dollars, but a quality issue of service. We also have concluded that whoever is finally going to be drawn in, we are arranging for them to have a tour of the facilities and an explanation of the exact expectations that the department shares for this function at all of our centers, at all of the five duty stations.

LEG. ROMAINE:
Obviously, my concern is that a private security guard may be okay to guard say a commercial facility such as WalMart, but the type of encounters that you get at a facility, a DSS facility, is obviously different than you would encounter at WalMart.

COMMISSIONER BLASS:
It is very different. The so-called contract agency guards have responsibilities in their past duty stations that vary significantly from a DSS center, there's no question about it. We do know that the Dreamland Security has worked at the nursing home and at least one of the health centers, and their performance there has been satisfactory. We know that when someone comes to a health center, they usually have an appointment and get what they expect. Very often when people come to a Social Services center, they will -- some very often not get what they expect.

So we have to -- we have to continue this process between now and July 1st to familiarize ourselves as much as we can with Dreamland Security's background, we're already looking into that, and what they can do and cannot do; what limitations, if any, they have. And we are going to be in close consultation with the Purchasing Department who really does the legwork on analyzing -- the DPW's Purchasing Department does a lot of the analysis of how a service will be provided comparable to what the situation calls for. But make no mistake, we have our work cut out for us at our centers, no matter who the security is provided by. And we cannot allow it to deteriorate. There's too much risk involved, and that's why we will be giving them tours, going over their training, going over each individual guard's background that will be coming on board with us as closely as we can. We just have not been in as good a position to do that yet. But the last week of June is when the tours start.

LEG. ROMAINE:
Right. I would ask one other thing. Obviously, we do not know who the contractor is going to be that going to be selected. And I don't even know the standards. So I am going to be, in the next few days, requesting copies of the bid document to understand the standards. But we do know Dreamland Security, and they're going to have to fill in. Are you familiar with the Dreamland Security contract, and does that contract call for any background checks for the employees that are working for them in terms of providing security.

MS. BARNES:
As part of the licensing requirement, a background check is performed, and if there are any hits, even during the course of employment, the employer and Dreamland would be notified.

LEG. ROMAINE:
Who does that check; do you do that or does Dreamland do that? What does the contract call for in terms of periodic checks on the backgrounds of those employed?

MS. BARNES:
In order for an individual to be given a security license, the background check is done -- the State conducts the background check.

LEG. ROMAINE:
And is there periodic updates on that? You never know. I mean, look at our Secretary of Commerce.

MS. BARNES:
Any time there's a hit, we are notified. A hit meaning an arrest, conviction, anything that would jeopardize their license.

COMMISSIONER BLASS:
No pun suggested.

LEG. ROMAINE:
Thank you very much. Obviously, I'm going to be asking for the bid documents, and I'm going to be looking to see the responses to the bid and the award that is made by DPW and on what basis it was made, because I assume price is only one factor, so I'm told in these bids, price is only one factor, experience and several other components go into making an award. I'll be looking at that award very carefully. But I'll be hoping, hoping that tomorrow at our Budget and Finance Committee there will be three votes to vote out a resolution to preserve these jobs, and it will be before us in Riverhead on next Tuesday. Hopefully we can make a decision there that will necessitate us not having to choose a private contractor.

Again, I will be looking -- and I want to say this to Ben Zwirn who represents the administration here. I will be looking for something in writing tomorrow at the Budget and Finance Committee from the County Attorney that the actions we are going to take do not violate as far as DSS security guards, security guards in general, do not violate New York State Taylor Law, do not violate any existing provisions of the AME contract. To date, I have not been able to get that in writing. I would appreciate if it was in writing. I think members of my committee who have supported these layoffs would like to see that in writing. Thank you.

CHAIRMAN GREGORY:
Thank you. Just before you make a comment, Ben, you know, being a former security officer myself for a large municipality, I think it goes a little far to say that projected savings are erroneous. When, you know, you lay out a plan to put out certain services or products for bid and those are budgeted, so if you have a budgeted savings of $600,000 -- I haven't seen that number, I guess that's what the administration is projecting -- I don't think that's necessarily an erroneous projection. It may become a false projection, but I don't think there's anything nefarious with putting out a projected savings when you're talking about bidding out this service. Ben, do you have a statement?

MR. ZWIRN:
I will take back Legislator Romaine's comments, but I don't know why he would need something in writing as opposed to -- when we put this legislation forward, it's cleared by the County Attorney's Office. Well, the union has said they're going to, you know, litigate this matter, but we wouldn't put this, as an administration, forward if we thought this was in violation of the Taylor Act. You know, if they want to meet in Executive Session to talk about what the reason is. I mean, I think they would be leery about putting it in writing because it then goes to the unions. So whatever strategies are involved of a matter like this would be -- you know -- you know, you represent the taxpayers of the County. And if we can do this in these dire circumstances for less money of tax dollars, then I think we are obligated as representatives of the taxpayers to do that.

I know Legislator Romaine would like to restore not only the security guards here, but just about everybody else and hire some more people, we cannot afford that in this climate. It is impossible. Certain people were restored. And I think we've done the best we can, but I don't think we've seen the end of the darkness with respect to the financial situation this County is experiencing going forward. As we prepare next year's budget, it's probably going to be the most challenging document that this County has seen.

I know that there is a feeling on the part of Legislators, not just Legislator Romaine, to not layoff anybody, but that's just not going to be the case. There will be savings. I don't know what the exact number will be. The benefit package that is offered by -- you know, for County employees is much more generous than anything in the private sector, so there will definitely be savings involved here. This is not a decision that was based -- as you said, Mr. Chairman, based on, you know, the ability of the people involved; this wasn't based on their performance. It's based clearly on a fiscal situation. Tough decisions have to be made and we are nowhere near done with those tough decisions. This will not be as tough as some of the ones you have coming up.

CHAIRMAN GREGORY:
Legislator Romaine, response.

LEG. ROMAINE:
Mr. Chairman, since my name was involved, I'd like just an opportunity to correct the record. First of all, my name is on bills to restore people that are 100% funded, period. My name is also a cosponsor on the security guards because from what I was told last week when this resolution was

introduced, the administration had no plan and had no vendor. It became clear that Dreamland Security had said that they weren't going to provide that. So this is up as an option.

As far as the savings are concerned, the savings were based on the rate projected by Dreamland Security, which now is not going to do that. So that $600,000 number is probably a wrong number; it may be too little, it may be too much, but it's definitely not a right number. And we won't know what that number is until the bid is in.

As far as restoring everyone, no question about it, we are in tough economic times, we are going to have to do layoffs. But why in God's name would you ever layoff someone who is 100% funded whose benefits and pensions are 100% funded like the people in WIC? My name is on those bills because that make no sense. My names are not on the other bills that deal with layoffs. But 100% absolutely layoff other people.

The problem is and is the central problem of this moment is you are not going to save $500,000 through layoffs. Layoffs should not have been your first step out of the box. There was a whole host of other actions that this administration should have and did not take prior to layoffs. And it is not going to get you there. We still haven't heard the big thing that is going to get you there or your big solution. You can nibble at the edges, but as long as you start with layoffs before you consider other things, I have to tell you -- I understand we're in tough times, I understand people are going to have to get laid off, but why would you have to layoff people that are 100% funded? That I don't understand. Yes, my name is on to restore them. And I'd love to here a logical defense to that, but to date, I have not. Thank you.

CHAIRMAN GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
Yes. Thank you, Mr. Chairman, good morning. And I do apologize to everyone here for being a few minutes late this morning. Just a couple of quick points. I Chair the Budget and Finance Committee. We will talk about it more tomorrow as far as the dollars and cents aspect of the security guards. And, Commissioner, I want to compliment you on your thoughtfulness; you spoke very highly of them and it's well deserved. I think everyone identifies with your comments, and I appreciate that.

I also appreciate the fact that you sat in these chairs, but you're leaving the policy on this end, and you're just following through. And it's very nice to hear that no matter what decision is made that you're committed to making sure that the job gets done and gets gone properly in your department. So I appreciate that very much. I know it must be difficult for you having been a policy maker at some point in the past.

But anyway, I want to make a couple of quick points. First of all, as Chair of the Budget and Finance Committee, I am not requesting anything in writing from the County Attorney. I think it would be imprudent to do that. We've had the union representatives up right here speaking to this committee and the Budget Committee, I believe, telling all of us that this will be in litigation. And at that point, I do not want to point any kind of rational or litigation strategy out there. That would be against the best interest of the County at this point.

Legislator Romaine, if you are seeking an opinion, I don't blame you for doing that, but I just think it would be wiser at this point knowing that the litigation is coming if it hasn't already been commenced that we not commit anything to writing at this point, especially when it comes to strategy within the litigation.

The other thing I just wanted -- tomorrow, we will go into dollars and cents a little more, so I'm going to leave that for tomorrow. I just want to explore, Commissioner, while I have you here just a little bit more about this whole licensing requirement, because one of the concerns -- I mean, clearly, the security guards that we have are experienced. I've been getting the e-mails, the phone calls and looking into the job they do, and obviously, they do a great job, and no one takes issue with that. But I also want to know a little bit more about this interim period where this Dreamland Security firm will be stepping into the shows if this goes forward of our County employees. And I believe what you stated or your staff has stated, that the guards, whether they are in County employ or whether they are in private employ have the same training and same requirements; is that accurate from a training perspective? I'm not talking about on-the-job experience yet.

COMMISSIONER BLASS:
From a personnel perspective, I'll let Traci Barnes explain.

MS. BARNES:
To obtain the license, their security license, they are all given 16 hour training as well as an annual eight hour training. So for the licensing requirement, it's all the same. In order to maintain a security license in New York State, everyone follows the same requirement.

LEG. D'AMARO:
And just sticking to the training for a moment, do the County security guards receive additional training?

MS. BARNES:
Well, there's on-the-job training.

LEG. D'AMARO:
No, I'm not talking about that yet. Formal training.

MS. BARNES:
Not in addition to the State licensing requirements.

LEG. D'AMARO:
And the Dreamland Security firm is presently under contract with the County. Commissioner, do you have any direct experience with this firm?

COMMISSIONER BLASS:
No, I don't nor does the department. The Health Department does and DPW -- I'm sorry, no, only Health, because of the Amityville Center, and I believe the nursing home. They have been there, and I understand that their services there have been incident-free -- not incident in terms of what they have encountered, but incident in terms of shortcomings in their provision of the services. And as a result of the current contract that's now being rebidded, until the rebidding is done, Dreamland is tasked under the contract to provide any interim services that are necessary pending completion of the bidding. So that's how we're with them now. That's how we will be involved with them.

LEG. D'AMARO:
Have you met yet with representatives from Dreamland to start going over this and the procedures and how you're going to bring them up to speed, so to speak?

COMMISSIONER BLASS:
I have not, but I know our personnel office has been having conversations with them about tours, about meeting with us in the near future. It's been a fluid situation somewhat, but we will be meeting with them directly as soon as some of these other issues are ironed out. And we have

talked about them about the last week of June and scheduling tours of the centers. And we're going to turn our conversation into formal meetings in the very near future.

LEG. D'AMARO:
Has the firm been -- the contract agency, Dreamland, cooperative been up to this point?

COMMISSIONER BLASS:
Cooperative, yes. As far as being available to us, yes.

LEG. D'AMARO:
Do you know offhand whether -- or have they been asked whether or not they have -- what experience they bring to the table as far as the type of security requirements you have in your department? Has there been a discussion about the actual substance of the job performance, what they're expected to do?

COMMISSIONER BLASS:
We can't say yes to that now, but we will be saying yes to that in the next couple of weeks.

LEG. D'AMARO:
And obviously, going forward, if they're willing to do this, from their perspective, they feel they're capable of performing the security needs that we have in Social Services.

COMMISSIONER BLASS:
That's what they've expressed, that they are able to do work they've told us. Their concern has been the compensation. And that is going to involve possibly the contract's division we are told -- I should say the Purchasing division of the Department of Public Works has the discretion to raise the rate within a certain perimeter is demonstrated to them as apparently Dreamland has demonstrated to them. And I understand that there has been a slight increase granted to them for that interim period pending the bidding being done.

LEG. D'AMARO:
And so the process now of vetting this company is beginning and should become more formalized over the next few days I would expect at this point.

COMMISSIONER BLASS:
Yes.

LEG. D'AMARO:
Is your department or you yourself or your department going to be at the table vetting this company? I mean, you are in the best position to know the needs of your department. Who is having that discussion? Who is going to be able to come back and say, "Yes, we have confidence in this company to do this," or "No, we do not"?

MR. O'NEILL:
Good morning. All the requirements for the department and how the department will operate with Dreamland Security will be provided, all those requirements. Those requirements were also in the existing bid that went out that Purchasing sent out on May 31st. As far as the actual conversations, the Assistant Commissioner has had that dealing with the vendor directly. However, the department has expressed our requirements and what our needs are to operate to the vendor as well as any potential vendor in the bid that was sent out.

LEG. D'AMARO:
Let me ask this: As part of the process of looking at this company, which is going -- which may go

ahead and replace the job being done by our security guards is looking at their track record. Is that being done? Who is going to do that? It is being done? And when will we know the results of that?

MR. O'NEILL:
Just two points on that question. The first one is that Purchasing really handles the requirements of the contract. It's a County-wide contract. So they would have vetted the vendor, because the contract -- second point, the contract is currently in place. We are not changing the contract now. There's a contract in place to provide these services.

LEG. D'AMARO:
Right. I understand that. But obviously we have to update taking a look at the company if they're going to be taking on what appears to be a much more difficult or sensitive -- I'm not sure what the security lingo is here to use -- it's not more important, but it's certainly more challenging at-risk kind of security service, which the County is not getting right now from this company.

Here's my problem. I'm not as familiar with this company as I would like to be at this moment. I don't know anything about their track record. That's a little disconcerting to me, because I've heard the testimony from our security guards. And I don't take issue, nor does anyone else take issue with the fact that they're doing a great job for Suffolk County. So if I'm put in a position of having to vote to replace them, which is not a vote that anyone would take lightly, just on the merits of that, part of that analysis has to be, "Well, who's replacing them?" And I need more information about the company. I know the County has a contract with them now. I know that they're doing certain security services for us that don't rise to the level if what we're expecting during the interim position. So in good conscience, for me to even consider replacing them, I would need to know a little bit more about this firm. I'm at a loss of who can give me that information quickly.

COMMISSIONER BLASS:
I think that a good start would be to render invitation, if I could suggest respectfully, to the Department of Public Works Purchasing Division, because they actually formulated this contract with Dreamland, and they had that contract being implemented and carried out for the benefit of the Health Department primarily. I would also point out that without any involvement of the department, the administration in its early stages decided to incorporate or amend the contract with Dreamland to make them eligible to provide services to DSS facilities. They chose to negotiate with them directly on that. I realize that there was a hectic timeframe when they were doing this, I don't fault them for that. I'm just trying to explain why we don't know as much as we would like about Dreamland, not because we have not been in the loop of the discussion about Dreamland in its initial hiring and in its being amended to have them eligible to service DSS.

That eligibility then became somewhat of a dormant issue until the resolution that was adopted by the Legislature that the administration supported, for which we're most grateful that many of the layoffs in DSS did not occur, but the 21 security guards did occur. When that happened, then Dreamland's eligibility to become DSS security providers really came to the forefront, not until then. Legally it was before, as I said, but it didn't come to the forefront until it was clear that July 1st was the end date for the security guards.

So as a result of that purchasing, again, with some input from us when we were asked. Same with Budget Review when they asked us questions to do their analysis, we provided some information. We were glad to do that. But the bottom line is that as soon as Dreamland recognized that they had this role coming forward to them and that they were going to be involved, they immediately pointed out that they couldn't do it financially. And that's when Purchasing again, not DSS, because we don't have that discretion, Purchasing does, provided the increment in the rate. And then it seemed from our discussions between the Assistant Commissioner, the Personnel division and this

vendor, it seemed that the fiscal aspect of it was their only real issue, that they felt comfortable with the function itself.

To that end, we've had some conversations. We're hoping that the other issues about the status of our security guards can be, one way or the other, finally resolved. I'll tell you to be candid, it was a very sensitive process even to arrange to have the tours done by Dreamland with our guards there. Take it from a personal perspective, it's not an easy thing to do. It's harsh. But we are embarked on the administration's decision, which we respect. It's part and parcel to the administration's decision to spare a large number of our staff from being laid off, which again, we respect and for which we're most grateful.

But this is sensitive issue from a humanistic perspective, as I know you appreciate. That's what set against that background, we have more work to do in finding out about their ability to take this on. But the Purchasing Department, which specializes in this kind of work, determining ability and the feasibility of a vendor, they have been satisfied, and we respect their role in that regard.

LEG. D'AMARO:
Okay. I appreciate that answer. I will try to follow up, because tomorrow at the Budget Committee, there's a bill pending introduced by my colleague, Legislator Romaine, asking me to consider restoring those positions.

LEG. ROMAINE:
It's not my bill, I'm a cosponsor.

LEG. D'AMARO:
I apologize. Of which my colleague is a cosponsor of asking me to restore these positions. It's a very difficult vote. And I know this is just the beginning of a very difficult process both for these security guards -- personally, I can't begin to express, you know, how much sympathy I would have to be in their position. It's very, very difficult, how much sympathy I have for them being in that position.

But if I'm going to be asked to consider whether or not they should stay on or another company should be hired to do that work and we have another company, I need to hear from that company. I need them to tell me, "Here's my track record, here's what I've done in the past, here's why I can succeed, here's why I can meet the challenges that our County employees have been meeting." I mean, these are very, very important issues. And they're not about budgets, this is not about the budget. We can get into the numbers tomorrow, because I'll be a little more comfortable with that, yeah, we'll save money, I think we will. It's important that we do that. We don't have to go into that today.

But on the performance side, I need to know about this company, because even know the County has this contract and certain people in County Government have that experience, I've never heard from them. I don't know who they are. I don't know what their track record is. And if I'm going to be put in a position of having to decide whether they're going to replace our County employees, I need to hear from them or at least someone that has direct knowledge of their performance.

So, Mr. Zwirn, I would ask for you to consider that. That would be helpful for me tomorrow at the Budget Meeting, because we've certainly heard all the testimony from the County employees, and rightfully so, from the security guards and everyone who is supporting them, and that's good, that's a good thing. But I do believe we need to hear from them company as well. I don't know if they're willing or if there's someone in County Government that can at least come in and say, "Yeah, I've been dealing directly with them and here's the track record." I don't know if you can do it on such short notice, helpful but that would be very helpful to me. Thank you, Mr. Chairman.

CHAIRMAN GREGORY:
Thank you. Legislator Browning.

LEG. BROWNING:
Thank you. Well, I have to say, I know I voted for layoffs and I know that the majority of these people who are on the layoff list are on the preferred list. The reason why I'm opposed to privatizing security guards is because once these guys are laid off, they never get to come back. When thee economy gets better, the other people do have an opportunity to come back.

I have looked at some information, and it bothered me yesterday when I read the Newsday article about an Upstate prison using private security guards. And I see Ohio, Shreveport, Louisiana and Texas where it's an issue with hiring private security guards in prisons. So I don't like using that as a good reason to hire private security guards at our DSS centers.

I know that many of the Legislators have not visited DSS centers like I have. I can tell you I know firsthand how good these security guards are. When you are looking at a private company, I have a couple of questions about using a private company. You know, you say, yes, they've been trained and they're going to have all the same training, but the DSS security guards, I believe, go above and beyond. And I've looked at some of the comments and write-ups on going private versus the public employee, and I have a site here right know that I'm looking at, and it's talking about advantages to hiring private guards; there's flexibility in cost, but it talks about the disadvantages; a lack of commitment, there will be a lack of commitment from a private company that, you know, these employees will not have the commitment to a third-party business like our DSS guards are right now; the turnover I believe will be high, they don't stick around, because they don't get paid that well, so they're not going to stick around, they're going to leave as soon as they get a job with a better pay. So those are some of my concerns.

I also do know that -- and again, going back to the DSS guards who go above and beyond. I don't believe that a private security company is going to get themselves involved in something. They're going to say, "Well, what is my job title and what is my job description?" And if an incident occurs in a DSS center that's not within their job description, they're not going to get involved, but our DSS guards do. When it comes to the employees, protecting them.

We had Ms. Ra came in and spoke about the mental health client that came in, you are not going to get that, not with Dreamland, not with anybody else. Again, I said I've supported the layoffs, but this is a situation where I don't think it's a good idea.

A couple of questions I have is you are talking about Dreamland Security, I don't believe they're a local company. I want to know, are we looking at the Local Preference Law that we have here in Suffolk County? Is Dreamland Security a union company? Are they going to be required to pay prevailing wage? I do believe, like Mr. Romaine says, that whether it be the Taylor Law or the contract, that we can lose in litigation with the union. And I'm just curious, have you got anything in place as to -- say you lose the grievance and now you have to have these people back, the grievance could last maybe six months, a year, two years. What are you going to do when you have to bring those guards back because you lost? And are you looking at what the cost is to the County for lost wages? Because it's my understanding, I would believe in the contract, that when those employees get their jobs back, they have to be paid back their lost wages. I could be wrong, I have not seen the contract myself, but it's my understanding that that's what would be required.

So, again, I think like Legislator D'Amaro said, is you might be getting them for less, but are you getting the quality that we have today, and is it going to be cost effective in the end? One of my major concerns too is God forbid something happens at one of these centers that a private company

guard doesn't want to get involved or help try to avert something that we wind up with a lawsuit, and that one lawsuit could cost us more than retaining these guards with the 62% funding.

I think you really need to seriously, seriously look at the privatization. I'm opposed to privatization. I know that when John J. Foley, they tried to do that, I was opposed to it, and I'm going to continue to be opposed to the privatization of any of the jobs here in the County. And I will tell you that you really should look at your numbers and see if you are doing the right thing. I'm telling you right now, there better be a Local Preference Law, better be in place for this one, and what companies are we looking at here in Suffolk County if you are going to move forward with this, prevailing wage, and are they union.

CHAIRMAN GREGORY:
It's my understanding, I don't know where I got it from, maybe from the article the other day that was written or just from talking to some members of the administration that Dreamland has a contract with the Department of Corrections. Is anyone familiar with that? Okay. The other question I have is what's the status with reimbursement? I was told that Dreamland or whoever may be eligible for the 62% reimbursement as well.

MR. O'NEILL:
That is correct, the contract will be eligible for reimbursement. I believe it's just under 63%.

CHAIRMAN GREGORY:
Okay. Legislator D'Amaro had a follow up question.

LEG. D'AMARO:
Not so much a question, just to drive home the point. Legislator Browning brings up some very legitimate concerns, which I share, but I don't want to go quite as far and speculate whether a firm will be as committed or -- should something go wrong. I mean, these are all unknowns. You know, I happen to believe that there are private companies with employees that can have a high level of commitment. I happen to believe that there may be a chance that we take less risk if we hire the right company. But I don't know. And Legislator Browning is just driving home the point I made previously, that how can we get any comfort level, especially having to take a vote tomorrow unless we hear from someone who knows this company or at least the company themselves or somebody to come in and tell us, "Here's my track record and here's why I can do the job and here's why I'm confident I can do the job." I mean, it's basically a hiring decision. If I'm an employer, if I'm an employer and I want to hire someone for a sensitive position, I need to hear from that person. That's my point. Legislator Browning, again, drives that point home I think very eloquently. Thank you.

MR. ZWIRN:
Mr. Chairman. I think everybody should remember this is going to be 60 days. They're going to be here for July and August, and then it's going to be possibly a new company. Whether they charge more or less, they're not the only company that's going to bid on this. They're just going to do it until August 31st, because that's the length of the contract they have currently with the County. That contract expires on the 31st for all the work they have done.

They only thing I can say, and I'll take back the comments that Legislators have said here today back to the administration so maybe we can get somebody here to speak to some of this tomorrow, but this company -- and I don't know Dreamland at all personally, but they have been doing work for County at least in a couple of locations without incident for some time. So that should be some level of comfort that we haven't had anything that has happened that has been untoward, or we would have read about it or heard about it. So that I think is a good thing.

Going forward, you may have a very new company coming in to do it. I don't mean new in the sense that it just started, but a company that we haven't dealt with before. I think that would be something that would be of concern to the Legislature in this. The only thing I would say is that if an individual who is a security guard presently intervenes with somebody, they could also have an incident where, you know, at some point they have to be able to call the police no matter who you are, because they should not overstep their job as well, because they put themselves in danger. I'm sure many of them would do that; put themselves in harm's way. But there comes a point when the County would still be responsible if they were operating outside their qualifications that they have. So that happens in any case. I would agree with Legislator D'Amaro, I wouldn't cast aspersions on a private company just because they are not public employees. You know, many public employees retire and wind up in the private sector with the same level of dedication that they had when they worked for the public. So I leave that on the table. But I will take your comments back to the administration and see if we can get somebody at least here from DPW who has had a history with the Dreamland company. It will be in effect for the next 60 days.

CHAIRMAN GREGORY:
Legislator Browning had another comment.

LEG. BROWNING:
Ben, I just have to answer back. I know that Dreamland is at John J. Foley Nursing Home, but there's no comparison with John. J. Foley Nursing Home or maybe even some of our health centers to our DSS centers. I know the incidents that occur at the DSS centers. And rightfully so, if an incident occurs where it requires calling a Police Officer, calling the Police to the center, yes, that's been done by the current security guards. But my concern is are we going to now have an increase of calls to the Police Department? Because, again, the DSS guards that we currently have, they are familiar with a lot of the people that come. They are always very helpful to the people who do come in who are lost, like Mr. Ra had said, with the mental health client that came in. He knew who he was, so he knew how to handle him, whereas the private company, I don't believe, is going to be the same as the likes of Mr. Ra. So that's my concern.

We have a shortage of Police Officers as it stands right now, and you hear that all the time. And they're saying they are doing more with less. I don't want to see the increase of 911 calls to our DSS centers. I think that's the difference between the current guards and possibly the private company is that there will be an increase. They currently are able to prevent an extensive number of calls. So that's my concern. So, you know, let's see what happens with tomorrow's vote. But again, I think there's a lot of answers that we don't have that makes me feel uncomfortable. I know I'm not on the Budget Committee. If I was, I would certainly be voting for that bill tomorrow. But I am very concerned about the questions that have not been answered for us.

CHAIRMAN GREGORY:
All right. Thank you, lady and gentlemen, for your presence today. Not having any more business, we stand adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 10:57*)