

LABOR, WORKFORCE & AFFORDABLE HOUSING COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Labor, Workforce and Affordable Housing 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 February 26, 2009.

MEMBERS PRESENT:

Leg. Lynne C. Nowick, Chairperson
Leg. Kate M. Browning, Vice Chair
Leg. Thomas F. Barraga
Leg. Jack Eddington
Leg. Duwayne Gregory

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Barbara LoMoriello, Deputy Clerk
Joe Muncey, Budget Review Office
Jill Moss, Budget Review Office
Jill Rosen-Nikoloff, Director of Affordable Housing
Pat Heaney, Commissioner of Economic Development
Bob Martinez, Aide to Leg. Montano
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Catherine Stark, Aide to Leg. Schneiderman
Debra Alloncius, AME Legislative Director
Kris Chayes, Civil Service Department
Maxvel Rose, Aide to Leg. Gregory
Greg Moran, Aide to Leg. Nowick
Philip Cohen
Cynthia DiStefano, Civil Service Department
George Gatta, Interim President of Suffolk Community College
All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 1:21 PM

CHAIRPERSON NOWICK:

I know the rest of our Legislators will be here very shortly, but there are some time constraint so we'll start the meeting with the Pledge to the Flag led by Legislator Eddington.

SALUTATION

I would like a moment of silence for the the police officer that was recently killed in an auto crash, Glen Ciano.

MOMENT OF SILENCE OBSERVED

PUBLIC PORTION

Okay, we do have a few cards today so I would like to call up the first card, Philip Cohen.

MR. COHEN:

Yeah, I'm not going to speak.

CHAIRWOMAN NOWICK:

You're not speaking?

MR. COHEN:

No.

CHAIRWOMAN NOWICK:

Okay. Cynthia DiStefano. Cynthia?

MS. DiSTEFANO:

Yes. I'm Cynthia DiStefano. I'm the Director of Classification in the Civil Service Department.

CHAIRPERSON NOWICK:

Put the microphone just a little --

MS. DiSTEFANO:

I'm Cynthia DiStafano. I'm the Director of Classification in the Civil Service Department. And I am here regarding introductory resolution number 1092.

Alan Schneider asked me to present this letter since he has been away this week and will not return until late this afternoon. And I do have copies for each Legislator.

Dear Legislators, I have attempted to reach each of you by telephone in regard to introductory resolution 1092, but I have not succeeded in contacting everyone.

In regard to the resolution, which involves the creation of the title College Personnel Officer at grade 34 in the non-competitive class, I am requesting that the Labor, Workforce and Affordable Housing Committee table the resolution at this time.

Although I have classified this position under Civil Service Law in the appropriate title for the College

and at the appropriate grade of 34, the College currently has a lawsuit against me claiming that I do not have the authority under Civil Service Law to take this action. The lawsuit will be heard shortly and I would not want this committee to reject the title creation since that is in effect the purpose of the College's lawsuit against me. Tabling the resolution will leave to the court the determination as to whether creation of this title can proceed.

Thank you for your consideration. Alan.

CHAIRWOMAN NOWICK:

Thank you.

I do not have any other cards. Is there anybody else that would like to address the Committee in reference to any of the -- I see Skip Heaney is here.

COMMISSIONER HEANEY:

Thank you, Legislator Nowick. I'm here regarding the resolution to change the classification of a job that is -- has been earmarked out at a -- earmark is a bad word, huh, I should not use that word -- out at Gabreski Airport. Initially there was a request to establish a position for Airport Business Manager, but in fact due to changing policy that has affected the current and future operations out at the airport the request is to reclassify for a manager's assistance position. Essentially the previous job called for somebody who would be largely charged with operations of an airport. Because the --

CHAIRWOMAN NOWICK:

Pull that closer to you, that microphone.

COMMISSIONER HEANEY:

Oh, you're not able to hear? Because of interactions with the local community that have resulted in a conservation plan that limits the future expansion of general aviation activities out at the airport, in conjunction with some development of new hangar storage space, that in conjunction with the decision to go forward with an airport PDD, that will take empty space and really transform it into the Hampton's Business and Technology Park. There seems to be a need for someone with a greater emphasis on managing the economic development portions at the airport.

So that's the reason. That's the short answer for the request for a change in the classification. It's been reviewed by Civil Service. The resolution is on your agenda. I think it's the next to last resolution on your agenda for today.

CHAIRWOMAN NOWICK:

Okay. Thank you. Does anybody have any questions for Mr. Heaney?

COMMISSIONER HEANEY:

Thank you.

CHAIRWOMAN NOWICK:

Thank you.

What do we have, we have everybody now. Okay. If there is not -- we do have somebody that would like to address the Committee. Mr. Gatta.

MR. GATTA:

Good afternoon. George Gatta, Interim President Suffolk County Community College.

I would like to speak on IR 1092 just to set the record straight in terms of some of the previous testimony before the Committee.

It is true that the College does have a legal action against the County personnel officer on this -- on a matter. It is not directly related to the resolution in front of you. Beginning in August there were discussions with Mr. Schneider about the creation of this position. It is an action that the Board of Trustees took to amend and to reinstate a title at the College, in fact, used for seven or eight years during the 1990's, an Assistant Vice President for Employee Resources.

There were several conversations between then President Pippins and the Chairman of the Board of Trustees with Mr. Schneider during August. That was followed by action by the Board of Trustees pursuant to State Education Law and State Civil Service Law that the resolution from the Trustees approving that title went to the Chancellor of the State University of New York. And the Chancellor approved and actually reaffirmed and reinstated the position, which had been previously used.

The legal action against Mr. Schneider is again not directly related to the creation of this title. But it is -- it was to compel him to place the Assistant Vice President for Employee Resources in the County payroll system at a grade 37, which is the grade that the Trustees approved and was subsequently approved by the Chancellor.

Subsequent to that, three or four months elapsed and there was no action by the County personnel officer at which time the legal action proceeded. Around the same time or just after the legal action was filed, we received the classification of the position. I would just bring to the Committee's attention that for the past 16 or 17 years, the title has been unclassified.

Reinstating the former position was required because of the complexity of managing the Human Resources of the College in 2008 and 9 as opposed to what existed, you know, 15 or 20 years ago. But during that entire 17 years, the County personnel officer had no concern with it being unclassified.

So I just wanted to set the record straight with the facts. The action is not against this position, which we do not support and which we did not ask for; but rather to have the title which had been approved pursuant to State Education Law and Civil Service Law, put on -- put on the payroll system. So as of today, we are still without a person to head up HR at the College. And this has been going on for almost six months.

If there are any questions I'd be glad to respond.

CHAIRWOMAN NOWICK:

Legislator Eddington has a question.

LEG. EDDINGTON:

Yeah, under the position that you're interested in, what is the general qualifications for that person? Like education, background or experience or anything?

MR. GATTA:

I don't have the documentation in front of me, but I believe the general requirements for the Assistant Vice President was a masters preferred, a bachelors degree required and 15 years of experience in HR in a leadership in a supervisory managerial position. We are looking for someone who is very experienced in this area particularly one that can operate in a environment that is complex by virtue of the fact being a college, being an institution of higher education and also being a public entity with multiple bargaining units. So for all of -- all of those qualifications we felt that we needed the prior title.

One thing that I can bring to the Committee's attention, when that title existed in the 90's as an Assistant Vice President, it was a grade 34 at that time. In two -- approximately 1999, when the County at the time revised the grades of many titles Countywide in the exempt class, the exempt employees at the College were excluded from that. About 2004/2005, I forget the exact year, the County approved adjustments to the grades of the titles at the College.

Currently, an Assistant Vice President would be a grade 37 in our current structure. It is appropriate for the level. Vice President is grade 39. An Associate Vice President is grade 38. So then an Assistant Vice President, which is one level below associate would be grade 37.

So what the resolution -- when -- so when we went to reinstate the title, we had to put it at the appropriate grade within the current salary structure. That was approved by the Legislator back in 2004/2005.

LEG. EDDINGTON:

Okay. If I could just follow-up. So that if it becomes a Civil Service position, what does that mean then? Does that mean that the person that passes the test with the best grade will get the position? I mean is it like an automatic?

MR. GATTA:

I believe it's been -- I believe this has been --

LEG. EDDINGTON:

Five people take the test or whatever.

MR. GATTA:

I don't want speak for Civil Service, but I believe it's been filed as a non-competitive so I don't believe there would be a test.

LEG. EDDINGTON:

Okay.

MR. GATTA:

And they've -- and Civil Service has assigned a grade 34. So it's in our opinion and in the Board of Trustees and the Chancellor's judgement it is the wrong title and at the wrong grade.

LEG. EDDINGTON:

Okay. All right. Thank you.

MR. GATTA:

Thank you.

CHAIRWOMAN NOWICK:

Legislator Browning, did you have a question?

LEG. BROWNING:

I just wanted to know if George can weigh in, there's a lawsuit.

CHAIRWOMAN NOWICK:

Well, there's lawsuit of which -- did you want to weigh in?

MR. NOLAN:

No, not really.

CHAIRPERSON NOWICK:

No. Only because there's a lawsuit.

LEG. BROWNING:

Okay.

MR. NOLAN:

Plus I'm not that familiar with it.

CHAIRPERSON NOWICK:

Okay. All right then. Are there any other questions?

MS. DiSTEFANO:

There are. Excuse me.

CHAIRWOMAN NOWICK:

Oh, you can't -- you would have to come up to the microphone.

MR. GATTA:

Thank you.

CHAIRWOMAN NOWICK:

Thank you, George.

MS. DiSTEFANO:

I would like to address some of the issues that were brought up by Mr. Gatta. The lawsuit is directly related to this resolution because it has to do with the authority of the County Personnel Officer to classify this position. If the Civil Service Department wins the lawsuit, then that confirms the Personnel Officer's authority. If he loses it, then the College will be able to proceed as it wishes. And that is why we are asking that this resolution be tabled because the court decision is the one that should reign over this matter.

The College has changed the title used for this function over the years and has changed the grade. It started historically as a grade 30. It moved to 31, moved to 34. When this title, the Assistant Vice President for Employee Resources was used originally at a grade 34, there was someone in it who was an attorney. And the job included legal work and personnel labor relations.

The MQ's at that time were not firmly established but that is what this man had. To restore it now at a grade 37 with minimum qualifications that were set by the College at a bachelor's degree and 15 years of experience just did not seem appropriate.

CHAIRWOMAN NOWICK:

Yeah, I'm just going to interrupt you for a second. It seems to me that this is in the hands of the legal system. And I would believe that if a judge decides for the Human Resources, it'll go one way. If they decide for the College, it goes another way. I think probably the real question is who has the authority. Correct?

MS. DiSTEFANO:

Exactly.

CHAIRWOMAN NOWICK:

So we can't make a jury decision here. We can't be judge or jury. So I think that we might have to wait for the decision of the legal authorities here.

MS. DiSTEFANO:

We would agree with that. That's what we're asking. That it be tabled.

LEG. EDDINGTON:

I got one more thing.

CHAIRWOMAN NOWICK:

We have one more thing from Judge Eddington.

LEG. EDDINGTON:

I think we should have some social workers that are judges.

I guess, you know, I like to look at issues and then try to get -- get all the -- the other things away and look plainly. And when I'm looking at this and I'm listening to the different arguments, it seems like it comes down to money and control. It's a couple of dollars here or there and it's who gets to appoint.

MS. DiSTEFANO:

No, the College --

LEG. EDDINGTON:

I mean, we all agree we need that position. But it's really who -- who -- am I going to get to do it or are you going to get to? In my feel it sounds like a battle of egos.

MS. DiSTEFANO:

The College gets to appoint regardless of how it goes. The College will choose.

LEG. EDDINGTON:

The College will choose.

MS. DiSTEFANO:

Yes.

LEG. EDDINGTON:

Okay. Okay, so then it just leaves it down to money. Okay.

MS. DiSTEFANO:

It's authority. And it's the grade appropriateness --

LEG. EDDINGTON:

Okay.

MS. DiSTEFANO:

-- of a 34 versus a 37. It should be noted that the County's Director of Labor Relations who has responsibilities for many bargaining units where the College only has two, plus AME --

LEG. EDDINGTON:

Right.

MS. DiSTEFANO:

-- which the County's Director of Labor Relations negotiates for anyway.

LEG. EDDINGTON:

Right.

MS. DiSTEFANO:

To put the College three grades over the countywide position, does not seem justifiable.

LEG. EDDINGTON:

How much money are we talking about?

MS. DiSTEFANO:

I don't know to be honest with you. It's three grades in the management salary plan.

LEG. EDDINGTON:

Because I mean, you know -- you know, you're aware of the situations in our country in our world and our county. And I just -- this doesn't seem like a real high priority to be going to court over that we can't resolve in discussions?

MS. DiSTEFANO:

The court case is not specifically over the grade. It's about the authority of either the Personnel Officer has the authority to classify it or the College has the authority.

LEG. EDDINGTON:

Yeah, I hear you. That what gives me even more concern that we can't sit down and discuss it. We've got to argue over who gets to point the finger. It's just, I don't understand it. I can't believe that -- that the two parties could not have resolved this. I'm sorry. Thank you for your answer.

CHAIRWOMAN NOWICK:

Does anybody else have any questions, have any thoughts?

If not, we're going to go onto the resolutions. All right. We're going to go to tabled resolutions.

TABLED RESOLUTIONS

IR 1852, Authorizing Federal Housing and Economic Recovery Act funding application to roll back County foreclosures/abandonments via conversion into workforce housing projects in Suffolk County. (Romaine)

LEG. BROWNING:

Motion to table.

CHAIRPERSON NOWICK:

We have a motion to table, second by Legislator Eddington. All in favor? Opposed? **1852 is tabled. (VOTE: 5-0)**

2172 (Adopting Local Law No. -2008, A Local Law enhancing Article XXXVI of the Suffolk County Administrative Code to add a local preference to benefit certain military veterans, to provide additional funding incentives for energy conservation measures, and to add elements of universal design and adaptability) (Co. Exec. Levy) Did this go to -- this has already been through the process.

MR. NOLAN:

This has been -- the public hearing has been closed on this resolution. However, it's still needs to be amended to take out the adaptable universal design elements that are in the law that were enacted by separate law that was sponsored by Legislator Stern. So this law still needs to be amended before we can act on it.

CHAIRWOMAN NOWICK:

Okay. I'll make a motion to table.

LEG. EDDINGTON:

Second.

CHAIRPERSON NOWICK:

Seconded by Legislator Eddington. All had favor? Opposed? **2172 is tabled. (VOTE: 5-0)**

INTRODUCTORY RESOLUTIONS

1050, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-973.70-05.00-026.000). (Co. Exec. Levy) From Brookhaven -- we have Brookhaven -- we have a motion by Legislator Browning?

LEG. BROWNING:

Not yet.

CHAIRPERSON NOWICK:

Not yet. Legislator Eddington, you have --

LEG. EDDINGTON:

Well --

CHAIRWOMAN NOWICK:

We'll we won't speak about -- you know for purposes of discussion I will make a motion, seconded by Legislator Eddington.

LEG. EDDINGTON:

Okay.

CHAIRPERSON NOWICK:

And for purposes of discussion.

LEG. EDDINGTON:

I'm concerned where -- where is this property? It's in Brookhaven but specifically?

MS. ROSEN-NIKOLOFF:

It's 550 Donegan Avenue.

CHAIRPERSON NOWICK:

Who's talking?

LEG. BROWNING:

Jill.

CHAIRPERSON NOWICK:

Oh.

LEG. EDDINGTON:

I'm going to ask that question for the three --

CHAIRPERSON NOWICK:

Yeah, might as well sit here.

LEG. EDDINGTON:

-- in Brookhaven. I'm just -- you said Patchogue?

MS. ROSEN-NIKOLOFF:

550 Donegan Avenue, East Patchogue.

LEG. EDDINGTON:

Okay. Thank you.

LEG. BROWNING:

It's a 72h.

LEG. EDDINGTON:

Yep.

CHAIRWOMAN NOWICK:

We have a motion and a second. All in favor? Opposed? **1050 is approved. (VOTE: 5-0)**

1051, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-824.00-09.00-033.000). (Co. Exec. Levy)

LEG. BROWNING:

I can make a motion.

CHAIRPERSON NOWICK:

Make a motion by Legislator Browning.

LEG. EDDINGTON:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Eddington. Do you want to speak to Jill?

LEG. EDDINGTON:

No, I'm good. I'm good.

CHAIRPERSON NOWICK:

Okay. All in favor? Opposed? **1051 is approved. (VOTE: 5-0)**

1059, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-853.00-06.00-037.000). (Co. Exec. Levy) Same motion, same second. All in favor? Opposed?

LEG. EDDINGTON:

I got it.

CHAIRPERSON NOWICK:

You're okay?

LEG. EDDINGTON:

Yeah.

CHAIRPERSON NOWICK:

Okay. **1059 is approved. (VOTE: 5-0)**

LEG. EDDINGTON:

Okay. Thank you.

CHAIRPERSON NOWICK:

1092, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in Suffolk County Community College (College Personnel Officer) (Co. Exec. Levy)

LEG. EDDINGTON:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Eddington.

LEG. GREGORY:

Second.

CHAIRPERSON NOWICK:

Second by Legislator Gregory. All in favor? Opposed? **1092 is tabled. (VOTE: 5-0)**

1093, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Economic Development and Workforce Housing (Economic Development Assistant) (Co. Exec. Levy) This is -- this is for the airport. I will make a motion.

LEG. BARRAGA:

Second.

CHAIRWOMAN NOWICK:

And I will make a motion and seconded by Legislator Barraga. All in favor? Opposed?

MR. ZWIRN:

No, I was going -- if anyone had additional questions.

CHAIRPERSON NOWICK:

Oh. Well everybody gets nervous when you get to the table.

MR. ZWIRN:

No, no, no. This is more for because {Reckler} Associates is going to be doing the plan development of the airport. We didn't need somebody with those kind of credentials. They're going to be managing leases for the most part as opposed to doing the management of the development at this airport. So we -- we just changed the title.

CHAIRWOMAN NOWICK:

Okay. We have a motion and a second. All in favor? Opposed? **1093 is approved. (VOTE: 5-0)**

1094, To approve the lease of four (4) replacement fifteen (15) passenger vans in the Suffolk County Department of Labor, in compliance with Local Law No. 20-2003. (Co. Exec. Levy)

CHAIRPERSON BROWNING:

Motion to approve.

CHAIRWOMAN NOWICK:

Motion to approve by Legislator Browning.

LEG. BARRAGA:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Barraga. All in favor? Opposed? **1094 is approved. (VOTE: 5-0).**

Well, that's that. We do not have anything else on the agenda. No further cards. Take a motion to

adjourn by Legislator Eddington, second by Legislator Gregory. All in favor? Opposed? We're adjourned.

THE MEETING WAS CONCLUDED AT 2:46 PM

{ Denotes spelled phonetically }