



# Personnel Committee

## Committee Meeting

60 Central Ave.  
Cortland, NY 13045  
<http://www.cortland-co.org>

### ~ Agenda ~

Tuesday, April 17, 2018

9:00 AM

Room 304

### CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Board Member Kevin Whitney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Sandra Price	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member George Wagner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vice-Chair Linda Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Beau Harbin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Ann Homer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Committee Chair, Kelly L. Fairchild-Preston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### MINUTES

1. Personnel Committee - Committee Meeting - Mar 13, 2018 9:00 AM

### RESOLUTIONS

#### Board of Elections

#### County Attorney

#### Legislature/Historian

#### Personnel Department

### ON MOTION OF FAIRCHILD-PRESTON

### AGENDA ITEM NO. 2

#### **Adopt Smoking and Tobacco Use Policy**

WHEREAS, it has been deemed necessary that the policy pertaining to Smoking and Tobacco use in Cortland County be clarified, updated and adopted, NOW THEREFORE BE IT

RESOLVED, that the Smoking and Tobacco Use Policy adopted by Cortland County Legislature Resolution #168-11 be and hereby is rescinded, AND BE IT FURTHER

RESOLVED, that the following policy entitled *Smoking and Tobacco Use Policy* be adopted by the Cortland County Legislature, to be effective immediately:

#### **Cortland County Smoking and Tobacco Use Policy**

##### Purpose:

The purpose of this policy is to protect the health of Cortland County employees and the general public by eliminating exposure to tobacco smoke on Cortland County-owned property.

The Environmental Protection Agency (EPA) classified secondhand smoke as a Group A carcinogen, that

is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens. Due to the acknowledged hazards arising from exposure to secondhand smoke, it shall be our policy to provide a smoke-free area around every County-owned building. This policy covers the smoking of any tobacco product and applies to both employees and non-employee visitors.

#### Policy:

Smoking shall mean inhaling of, exhaling, or burning any type of matter or substance that contains tobacco, including, but not limited to cigars, cigarettes, or pipes.

Effective April 1, 1994, all Cortland County owned buildings and vehicles (owned or leased) became tobacco smoke free and tobacco use free.

Effective August 1, 2011, smoking will be prohibited within a fifty-foot radius of all County-owned buildings with the following exceptions:

- the smoking structure ~~within the outdoor courtyard area at 60 Central Avenue until a new smoking structure is completed~~
- ~~Horizon House~~
- Public Safety Building stairwell
- all Sheriff Department employees must adhere to the Sheriff's Smoking and Tobacco Use Policy

**Effective May 1, 2018 during all evacuation drills and/or events employees are prohibited from smoking and cannot leave the assigned area in order to smoke.**

#### Procedure:

Employees will be informed of this policy through signage throughout County property. Additionally, the policy will be disseminated to newly-hired employees at orientation. Visitors will be informed of this policy through signage. Every effort will be made to communicate this policy with employees and visitors.

All employees will be responsible for ongoing compliance with this policy. Everyone has the responsibility to inform any individual who is smoking in any area where smoking is prohibited that the individual is in violation of the smoking restrictions. Employees who smoke in non-smoking areas are in violation of New York State law and/or County policy and may be subject to appropriate disciplinary procedures.

#### Smoking Cessation Opportunities:

Smoking cessation is a personal choice. It is Cortland County policy to encourage and assist employees in quitting smoking. Information is available from the Cortland County Health Department.

## **DISCUSSION/REPORTS**

### **Discussion Items**

1. Legislative Mileage Policy
2. County Vehicle Policy
3. Hire Above Base Public Defender's Office
4. April Vacancy Report
5. County Attorney Monthly Report



# Personnel Committee

## Committee Meeting

60 Central Ave.  
Cortland, NY 13045  
<http://www.cortland-co.org>

### ~ Minutes ~

Tuesday, March 13, 2018

9:00 AM

Room 304

### CALL TO ORDER

The meeting was called to order at 9:00 AM by Committee Chair, Kelly L. Fairchild-Preston

Attendee Name	Title	Status	Arrived
Kevin Whitney	Board Member	Excused	
Sandra Price	Board Member	Present	
George Wagner	Board Member	Present	
Linda Jones	Vice-Chair	Present	
Beau Harbin	Board Member	Present	
Ann Homer	Board Member	Excused	
Kelly L. Fairchild-Preston	Committee Chair,	Present	
Ronald J. Van Dee	Board Member	Present	
Paul Heider	Board Member	Late	9:15 AM
Charles Sudbrink	Chair, Legislature	Present	
Eric Mulvihill	Clerk of the Legislature	Present	
Karen Howe	County Attorney	Late	
Robert Howe	Republican Election Commissioner	Present	

### MINUTES

Personnel Committee - Committee Meeting - Feb 13, 2018 9:00 AM

Ms. Preston asked that the minutes be corrected to reflect that she did not request a survey be completed regarding meeting times to discuss the County Administrator position.

<b>RESULT:</b>	<b>ACCEPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	George Wagner, Board Member
<b>SECONDER:</b>	Sandra Price, Board Member
<b>AYES:</b>	Price, Wagner, Jones, Harbin, Fairchild-Preston
<b>EXCUSED:</b>	Kevin Whitney, Ann Homer

### RESOLUTIONS

#### Board of Elections

AGENDA ITEM NO. 1 – Accept Bid/Authorize Contract with Phoenix Ballots and Election Materials/Board of Elections

Mr. Howe discussed the request for proposals that was submitted for ballot printing services. Mr. Wagner asked if there is an opportunity to negotiate pricing for the ballots. Mr. Harbin asked what the per ballot cost is. Mr. Howe said the cost varies based on the number of elections. Mr. Howe discussed the new regulations requiring the Board of Elections to send mailers anyone accessing DMV services to have their voter registration information verified. He feels this is a needless mailer that is driving up costs. Mr. Howe discussed the potential impacts of the 12 day early voting requirement the State is considering. The County would have one polling location if that is approved.

Minutes Acceptance: Minutes of Mar 13, 2018 9:00 AM (MINUTES)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
	<b>Next: 3/13/2018 11:00 AM</b>
<b>MOVER:</b>	Sandra Price, Board Member
<b>SECONDER:</b>	Linda Jones, Vice-Chair
<b>AYES:</b>	Price, Wagner, Jones, Harbin, Fairchild-Preston
<b>EXCUSED:</b>	Kevin Whitney, Ann Homer

**ON MOTION OF FAIRCHILD-PRESTON**

**RESOLUTION NO. 141-18**

**Accept Bid/Authorize Contract with Phoenix Ballots and Election Materials/Board of Elections**

WHEREAS, Cortland County Election Commissioners prepared a Request for Bids for the purpose of seeking vendors to print optical scan ballots and election supplies, AND

WHEREAS, two bids were received and reviewed (Phoenix Graphics, Inc., and Ft. Orange Press), AND

WHEREAS, upon review of bid materials it is in the best interest of the Board of Elections to continue purchasing ballots from its current vendor for a period of five years at the same cost of \$.48/each ballot as requested/required for the election process, NOW THEREFORE BE IT

RESOLVED, that Cortland County hereby authorizes the contract to Phoenix Graphics, 1525 Emerson Street, Rochester, NY 14606, for a five year period, AND BE IT FURTHER

RESOLVED, the Chairman of the County Legislature, upon review and approval by the County Attorney or designee, be and hereby is authorized to sign an Agreement for the time period of April 1, 2018 to March 31, 2023, with said firm.

**Personnel Department**

**AGENDA ITEM NO. 2 – Adopt Policy Family Medical Leave - Personnel/Civil Service**

Ms. Barber explained the policy has been amended to reflect changes required by law extending the leave to military families. Ms. Fairchild-Preston asked for clarification regarding the various employee designations. Mr. Harbin raised concerns regarding inconsistencies in the naming within the policy, he is concerned the inconsistencies could create confusion. The committee discussed the differences between the state and federal family medical leave programs. Mr. Harbin asked where the return from leave form is located. Ms. Barber said her office works with employees and accepts doctors notes in lieu of a form.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
	<b>Next: 3/22/2018 6:00 PM</b>
<b>MOVER:</b>	George Wagner, Board Member
<b>SECONDER:</b>	Sandra Price, Board Member
<b>AYES:</b>	Price, Wagner, Jones, Harbin, Fairchild-Preston
<b>EXCUSED:</b>	Kevin Whitney, Ann Homer

**ON MOTION OF FAIRCHILD-PRESTON**

**RESOLUTION NO. 142-18**

**Adopt Policy Family Medical Leave - Personnel/Civil Service**

WHEREAS, it has been deemed necessary that the policy pertaining to Family Medical Leave Act in Cortland County be clarified, updated and adopted, NOW THEREFORE BE IT

Minutes Acceptance: Minutes of Mar 13, 2018 9:00 AM (MINUTES)

RESOLVED, that the Family Medical Leave Act adopted by Cortland County Legislature Resolution No. 107-94 be and hereby is rescinded, AND BE IT FURTHER

RESOLVED, that the following policy entitled *Family Medical Leave Act* be adopted by the Cortland County Legislature, to be effective immediately.

AGENDA ITEM NO. 3 – Adopt Policy - Cortland County Anti-Discrimination & Cortland County Sexual Harassment Policy

Mr. Harbin said he likes the language in the policy but said the process to file a grievance is not clear to him. He asked that more information be put on the website to allow for specific instructions explaining how a grievance is filed and what individuals should know and expect as part of that process. Ms. Barber explained the process and the rationale of having two individuals named to investigate the allegations when they are filed. Mr. Harbin asked if there is an appeal form, Ms. Barber said there is no dedicated form. Mr. Harbin suggested that the policy does not take into account various forms of electronic harassment. Ms. Barber said the policy is inclusive of those activities as it references all forms of harassment. Ms. Barber said an outside firm has reviewed this policy and they recommended no changes. Mr. Sudbrink asked how often employees review the policy. Ms. Barber said they review as part of their required annual employee training, her office will no longer provide hard copies as it is included in the on-line training modules. Mr. Sudbrink said the work environment is changing, he suggested a refresher course for employees to update the changing standards in the work place. Ms. Howe said her office is reviewing an updated training module. Mr. Harbin believes the policy should extend off county property and encompass all forms of communication including social media contact between employees after regular hours. Ms. Howe said there are criminal statutes in place to deal with such concerns. Mr. Heider agreed with Ms. Howe and said those types of incidents are a matter for police and the County should not be involved. Mr. Wagner inquired if outside vendors doing business with the County are required to have sexual harassment policies. Ms. Howe said if we contract with them they are required to honor our policies.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
	<b>Next: 3/22/2018 6:00 PM</b>
<b>MOVER:</b>	Sandra Price, Board Member
<b>SECONDER:</b>	Beau Harbin, Board Member
<b>AYES:</b>	Price, Wagner, Jones, Harbin, Fairchild-Preston
<b>EXCUSED:</b>	Kevin Whitney, Ann Homer

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 143-18

**Adopt Policy - Cortland County Anti-Discrimination & Cortland County Sexual Harassment Policy**

WHEREAS, it has been deemed necessary that the procedures and policies pertaining to Anti-Discrimination and Sexual Harassment in Cortland County be clarified, updated and adopted, NOW THEREFORE BE IT

RESOLVED, that the Anti-Discrimination and Sexual Harassment Policy adopted by Cortland County Legislature Resolution No. 122-00 be and hereby is rescinded, AND BE IT FURTHER

RESOLVED, that the following policies entitled *Cortland County Anti-Discrimination in Cortland County and Cortland County Sexual Harassment Policy* be adopted by the Cortland County Legislature, to be effective immediately.

Minutes Acceptance: Minutes of Mar 13, 2018 9:00 AM (MINUTES)

County AttorneyLegislature/Historian**DISCUSSION/REPORTS****Discussion Items**

- a. Workplace Violence Policy Program

Ms. Barber said the policy has been updated to comply with the Department of Labor regulations.

**RESULT: COMPLETED**

- b. Advisory Board Application Process

Mr. Harbin reiterated his displeasure with the current Advisory Board application. Mr. Mulvihill once again explained that a more robust application was previously proposed that asked individuals for a greater level of information but that the form was met with resistance and protest. Mr. Harbin expressed his frustration with the lack of information regarding the individuals that are serving on the various advisory boards and committees.

**RESULT: COMPLETED**

- c. Legislative Mileage Policy

Due to a lack of time the committee was unable to discuss, and it was referred to the April committee meeting

**RESULT: COMPLETED**

- d. March 2018 Vacancy Report

The committee reviewed the monthly vacancy report

**RESULT: COMPLETED**

- e. County Attorney Monthly Report

Ms. Howe reviewed her monthly report and budget report.

**RESULT: COMPLETED**

## ON MOTION OF KELLY L. FAIRCHILD-PRESTON, COMMITTEE CHAIR AGENDA ITEM NO. 2

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### Cortland County Smoking and Tobacco Use Policy

#### Purpose:

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The Environmental Protection Agency (EPA) classified secondhand smoke as a Group A carcinogen, that is, a substance known to cause cancer in humans. The EPA recognizes no safe level of exposure for Group A carcinogens. Due to the acknowledged hazards arising from exposure to secondhand smoke, it shall be our policy to provide a smoke-free area around every County-owned building. This policy covers the smoking of any tobacco product and applies to both employees and non-employee visitors.

#### Policy:

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Effective April 1, 1994, all Cortland County owned buildings and vehicles (owned or leased) became tobacco smoke free and tobacco use free.

Effective August 1, 2011, smoking will be prohibited within a fifty-foot radius of all County-owned buildings with the following exceptions:

- the smoking structure ~~within the outdoor courtyard area at 60 Central Avenue until a new smoking structure is completed~~
- ~~Horizon House~~
- Public Safety Building stairwell
- all Sheriff Department employees must adhere to the Sheriff's Smoking and Tobacco Use Policy

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#### Procedure:

Employees will be informed of this policy through signage throughout County property. Additionally, the policy will be disseminated to newly-hired employees at orientation. Visitors will be informed of this policy through signage. Every effort will be made to communicate this policy with employees and

visitors.

All employees will be responsible for ongoing compliance with this policy. Everyone has the responsibility to inform any individual who is smoking in any area where smoking is prohibited that the individual is in violation of the smoking restrictions. Employees who smoke in non-smoking areas are in violation of New York State law and/or County policy and may be subject to appropriate disciplinary procedures.

Smoking Cessation Opportunities:

Smoking cessation is a personal choice. It is Cortland County policy to encourage and assist employees in quitting smoking. Information is available from the Cortland County Health Department.



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Information Related to Mileage

Provided by County Attorney Karen Howe

**NYS County Law §203 Under Subdivision 2**

The Board of Supervisors may authorize the payment of a reasonable allowance for:

- (a) The miles actually and necessarily traveled on official business by any such officer or employee, other than a supervisor, by the use of his own automobile; and
- (b) The miles actually and necessarily traveled or official County business of the County by any supervisor by his own automobile, including travel on official business of the County in going from, and returning to his residence.

**NYS County Law §203 Under Subdivision 4**

No supervisor, officer or employee shall be allowed or paid any lump sum in lieu of actual and necessary disbursements incurred by him.

**From 1980 NY Comptroller 164 – from the Office of the State Comptroller**

It is our interpretation... that it does not authorize reimbursement for commuting expenses in any circumstances.

Follows:

- (1) Must use from the shortest travel difference for commencement (a) home or (b) County Office Building.
- (2) Not travel from residence to official place of duty.
- (3) “A county legislature may not authorize reimbursement for travel to and from town board meetings of towns within their respective legislative districts unless attendance at such meetings is required in the performance of their duties.”

*1967 Ops St. Comp File #1047*

**26 NY Jurisprudence 2d – Counties, Towns and Municipal Corporations §450 County Officers and Employees**

States the exact same language as County Law §203

Also Ok – Tolls, Parking, Meals

**Not Stipend – County Law §203(4)**

No supervisor/officer/employee may be allowed or paid any lump sum in lieu of actual and necessary disbursements incurred.

**1980 Op Comp 148 - 1979 NY Op Comp 522**

County legislature may not be reimbursed for meal expense incurred during their attendance at board meetings.

**1980 Op Comp 164 and 148**

This Department has consistently stated that the expense of commuting is a personal expense and not one actually and necessarily incurred in the performance of official duties. It has been our position that travel between one's residence and usual place of work does not constitute executing the duties of his office or position. . . . regardless of whether the travel occurs during regular work hours, in the evenings, or on the weekends.

Town Board member may not recover mileage between their homes and the place where the town board meetings are held, whether such meetings are regular, or special meetings. No commuting expenses in any circumstance

County legislators are covered because *they are public officers*:

- Required to take oath
- Involve some exercise in sovereign power
- Definite term
- Elected or appointed
- Designation/title given by law

*Place of business is the County Office Building*

**NYS Gen Mun §77-b Expenses of certain public officers and employees attending conventions, conferences and schools**

1. Definitions:
  - (a) Municipality means...County
  - (b) Governing board means...the County Legislature

Outlines the procedure to follow which is mirrored in our travel policy. Especially for out-of-town travel all employees (meaning legislators too) must have prior authorization

Statute uses shall

Must use closest place between residence or place of business in determining mileage

*1969 Ops St. Comp File #702*

Taxable mileage = salary

May not pay

- Differing salary to various legislators
- Different salary than in adopted budget

**Driver and Vehicle Use Policy**

<b>Objective:</b>	To ensure all operators of a motor vehicle, while used on official County business, are qualified to drive and drive in a safe manner.	<b>Policy/Procedure Number:</b> 02-01
<b>Reference:</b> <i>(All Applicable Federal, State and Local Laws)</i>	Federal and State Motor Vehicle Law; Cortland County Collective Bargaining Agreements (CBA); Applicable Cortland County Local Law	<b>Effective Date:</b> 01/01/17
<b>Legislative Policy Statement:</b>	The purpose of this Driver and Vehicle Use Policy and Procedure is to ensure the County establishes a consistent system to determine that drivers on County business have sufficient knowledge about vehicle handling, portrayed through a safe driving record, so as to protect employees, volunteers, clients, the public and the County from an unsafe driver. Additionally, this Policy and Procedure will outline the acceptable uses of a County owned or leased vehicle.	<b>Responsible Department:</b> Personnel <b>Modified Date (s):</b>  <b>Resolution No.:</b> 486-16
<b>General Information:</b>	This policy includes both County-owned or leased motor vehicles and privately owned motor vehicles used while on County business. Further, this policy will apply to employees of the County as well as any individuals serving the County in a volunteer capacity.	<b>Next Scheduled Review:</b>
<b>I. Definitions:</b>		
<b>II. Policy:</b>	The purpose of this Driver and Vehicle Use Policy and Procedure is to ensure the County establishes a consistent system to determine that drivers on County business have sufficient knowledge about vehicle handling, portrayed through a safe driving record, so as to protect employees, volunteers, clients, the public and the County from an unsafe driver. Additionally, this Policy and Procedure will outline the acceptable uses of a County owned or leased vehicle.	
<b>III. Procedure:</b>	<ol style="list-style-type: none"> <li>1) The County procedures regarding requesting use of a County vehicle are as follows: <ol style="list-style-type: none"> <li>a.) For those County departments not assigned specific County Vehicles, the employee must fill out the Cortland County Car Request form (<a href="http://ny-cortlandcounty.civicplus.com/DocumentCenter/View/2781">http://ny-cortlandcounty.civicplus.com/DocumentCenter/View/2781</a>) and provide it to the Department Head for review and approval;</li> <li>b.) All County vehicles will be parked overnight at their designated location either at the County Court House, Mental Health Clinic, Sheriff's Department, Highway Department, or the lot off Elm Street with the exception of the following: <ol style="list-style-type: none"> <li>i.) If the driver is on call and the vehicle is required for that assignment;</li> <li>ii.) It is a contractual agreement that the driver is allowed to drive the</li> </ol> </li> </ol> </li> </ol>	

vehicle to his or her residence; or

iii.) The Department Head has given permission for the driver to drive the vehicle to his or her residence.

- 2) The County procedures regarding driver qualifications, requirements and expectations are as follows:
- a.) Every driver of county vehicles and those using personal vehicles for purposes of county business will comply with all applicable laws of New York State, any other state in which the operation is required as well as any additional regulations of the County;
  - b.) Every driver is expected to maintain the requirements of the necessary New York State Driver's license he or she holds;
  - c.) Every driver must inform his/her supervisor and the Safety Officer of any suspension, revocation, restriction or limitation of their driving privilege. Failure to do so by the next work day following knowledge of any change may result in disciplinary action up to and including termination of employment with the County;
  - d.) No vehicle, while on County business, is to be operated by an improperly licensed driver or by a driver with an unacceptable driving record or history, nor should any passenger in such vehicle knowingly allow a driver to operate the vehicle in violation of this policy;
  - e.) Any driver found to have an unacceptable driving record may be subject to appropriate disciplinary action up to and including termination of employment with the County;
  - f.) An unacceptable driving record would consist of any of the following situations and/or convictions within the past twelve (12) months:
    - i.) DWI, DWAI-Drugs and/or DWAI [or any equivalent conviction in another jurisdiction];
    - ii.) Vehicular homicide;
    - iii.) Vehicular assault;
    - iv.) Use of a motor vehicle in the commission of a felony or misdemeanor as such would be defined under New York State Law or its equivalent in another jurisdiction;
    - v.) Reckless, careless and/or negligent driving;
    - vi.) Operating a motor vehicle without the owner's consent;
    - vii.) Fleeing or attempting to elude a police officer;
    - viii.) Driving while license/registration is suspended or revoked;
    - ix.) Hit and run or leaving the scene of an accident with injury or death resulting, or property damage exceeding \$100.00;
    - x.) Two (2) moving violations within any twelve (12) month period of time.
  - g.) Any driver who receives two (2) moving violations within any twelve (12) month period will be reviewed by his or her Department Head in conjunction with the Director of Personnel and may recommend appropriate action including a suspension of driving for County business. In cases where driving is a job requirement, this may result in an inability to do assigned work and therefore require termination of employment with the County;
  - h.) Any driver using medication or who has any other condition, whether permanent or temporary, that would impair his or her ability to drive, must immediately inform his or her supervisor. Every attempt will be made to provide another driver.

- i.) No driver will consume any alcoholic beverages or other intoxicants two (2) hours prior to his or her scheduled work time or consume any alcoholic beverages or other intoxicants during work hours;
  - j.) No driver will operate a County vehicle or operate a private vehicle while on County business if he or she has consumed alcoholic beverages or other intoxicants within two (2) hours prior to working; while in possession of an open container of an alcoholic beverage or in possession of any other intoxicant; while having an alcohol or other intoxicant hangover that adversely affects a driver's physical or mental faculties to any perceptible degree; or if the driver's blood alcohol content (BAC) exceeds .00 for law enforcement personnel or .02 percent for all other personnel. Violation of this policy is subject to disciplinary action up to and including termination of employment with the County. To address these concerns please refer to the applicable Collective Bargaining Agreement (CBA) regarding reasonable suspicion and who to do in this type of situation and/or contact the Personnel Department at (607) 753-5076.
- 3.) Standard for Operation of Vehicles:
- a.) Before initial use of any vehicle each day, the driver will inspect his or her assigned vehicle for damage, inoperable lights, safe tires and any other condition that may be a safety hazard. Any deficiency found must be reported to a supervisor immediately;
  - b.) Seatbelts must be worn by the driver and all passengers whether the motor vehicle is owned or leased by the County or is a personal vehicle used in pursuit of County business;
  - c.) No driver shall relinquish to another individual the operation of a County vehicle unless such individual is authorized to drive a County vehicle or an emergency exists;
  - d.) When a private vehicle is used for County business, the driver of the vehicle will assure to his or her supervisor that:
    - i.) The vehicle is in operable mechanical condition; and
    - ii.) The vehicle is registered, inspected and insured as required by New York State Law. Evidence of insurance must be provided annually to the County Safety Officer.
  - e.) The use of County vehicles for any private purpose is prohibited;
  - f.) Non-County personnel are not allowed in County vehicles unless on official business;
  - g.) Each driver is responsible for the condition, contents and utilization of his or her assigned vehicle;
  - h.) Alcoholic beverages or other intoxicating agents are not allowed in County vehicles under any circumstances, except for law enforcement purposes;
  - i.) Smoking is not allowed in County vehicles under any circumstances;
  - j.) No driver is allowed to text or use similar devices in County vehicles while the vehicle is moving. **(If the vehicle is not in park then it is a moving vehicle.)** Texting or use of similar devices is only allowed when the driver of a County vehicle is parked and not creating any road hazard;

- k.) No driver is allowed to use his or her cell phone, without a hands-free device, while the vehicle is moving. **(If the vehicle is not in park then it is a moving vehicle.)** Use of a cell phone without a hands-free device is only allowed when the driver of a County vehicle is parked and not creating any road hazard;
  - l.) Drivers who use two-way radios must do so in the proper manner as follows:
    - i.) Drivers must call “in” and “out” of service;
    - ii.) Drivers must give proper vehicle number;
    - iii.) Drivers must give their location;
    - iv.) Drivers must send a short and courteous message;
    - v.) Drivers will not use derogatory or abusive language;
    - vi.) Drivers will not use two-way radios for private use;
    - vii.) The two-way radio system is to be used for operations and emergencies and is monitored and regulated by the County and the Federal Communications Commission.
  - m.) Drivers of County vehicles as well as drivers using a personal vehicle for County business will not park in “NO PARKING” zones or any other zone or area where parking is prohibited;
  - n.) In emergency situations, drivers will use emergency blinkers;
  - o.) Drivers of County vehicles will pay any traffic tickets or parking tickets unless due to the circumstances the Department Head approves otherwise. The driver must advise his or her supervisor, Department Head and the County Safety Officer upon receipt of a ticket while driving a County vehicle. This provision also applies to drivers using a personal vehicle for County business who receives a ticket.
  - p.) All County vehicles must be locked when not in use or are left unattended;
  - q.) All vehicles equipped with a tailgate will have the tailgate up and locked when the vehicle is in motion. If the vehicle’s function requires the tailgate to remain in the open position, red flags must be attached to the load;
  - r.) If a vehicle does not have a tailgate but is loaded, the driver of the vehicle will make sure the load is secure and that any overhangs are properly marked in accordance with applicable federal, state and local laws;
  - s.) While the vehicle is in operation, the driver will not engage in any activity which will be a distraction from safe operation of the vehicle, including but not limited to consuming a meal, reading, texting or using similar devices, or talking on a cell phone without a hands-free device. A snack and non-alcoholic beverages may be consumed while driving but drivers are warned to exercise caution and not to create any type of hazardous situation;
  - t.) The driver and any passengers will insure that all trash and personal items are removed from the County vehicle after each use.
- 4.) Accidents:
- a.) Always call 911. Keep in mind that it is a crime to leave the scene of an accident that causes death, personal injury or property damage;



- b.) The driver or passenger, if the driver is unable, must notify his or her supervisor and the County Safety Officer (607 753-5081) of the accident, immediately if possible, but not later than 24 hours after the accident.
  - c.) The driver or passenger, if the driver is unable, must file the County Incident/Accident Report form within 24 hours to <https://www1.cortland-co.org/wc> or by faxing to (607) 756-3489;
  - d.) If the driver is involved in an accident that involves only property damage of \$1,0000.00 or less then the driver must stop and exchange information with the other involved driver(s) that will include the exchange of information about driver's licenses, insurance and registration of vehicle of the involved drivers;
  - e.) If the accident involved a parked vehicle, other damaged property or the injury or death of a domestic animal, the driver must locate the owner or contact the police;
  - f.) If the property damage of any person exceeds \$1,000.00, there was a fatality or personal injury then all of the drivers involved must file form MV-104 within ten (10) days of the incident. Failure to file within 10 days is a misdemeanor. In addition a driver may have his or her license and/or registration suspended until the report is filed with the Department of Motor Vehicles;
  - g.) A driver using a County vehicle or operating a private vehicle while on County business who causes an accident may be subject to disciplinary action up to and including termination of employment with the County.
- 5.) Corrective Action:
- a.) Corrective actions for violations of the policy should be carried out by the driver's supervisor and department head;
  - b.) All corrective actions should be progressive and consistent. The Director of Personnel will be consulted prior to any disciplinary or corrective action to ensure compliance with the appropriate collective bargaining agreement (CBA) and/or policy;
  - c.) The following are recommendations for corrective action; however, nothing in the policy precludes termination of employment on the first offense where the circumstances warrant it:
    - i.) Minor violations may be dealt with through training or verbal reprimands for the first occurrence. Subsequent violations may be resolved through application of progressively severe actions including suspension. Major or repeated violations may result in termination of employment consistent with applicable personnel rules;
    - ii.) Any driver action on County business who is convicted of a moving violation may be disciplined in accordance with the policy for the first offense, with progressively severe discipline for conviction of subsequent moving violations. Any driver who receives two (2) moving violations in any 12 month period will be reviewed by his or her Department Head in conjunction with the Director of Personnel and may recommend appropriate action including a suspension of driving for County business. In cases where driving is a job requirement, this may result in an inability to do assigned work and therefore require termination of employment with the County;

- iii.) Any driver convicted of driving while intoxicated or under the influence of any intoxicating substance while on County business or in a County vehicle may be subject to discipline up to and including discharge in accordance with the appropriate CBA and/or policy;
- iv.) Any driver convicted of driving while under the influence of any intoxicating substance will not operate a vehicle on the County's behalf until the individual is in possession of a valid driver's license and the case has been reviewed and continued driving is approved by the Department Head and Director of Personnel.

# POSITION VACANCY REPORT

## As of April 01, 2018

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled
Staff Psychiatrist (Part-time) \$112/hour	Mental Health	Resignation	5/1/2011	3/28/2011	3/31/2011	3/31/2011	Posted/Adv.
Driver, per diem (1) Grade 2, \$11.9997-\$14.8915/hr.	Nutrition	New Position	7/25/2013	7/26/2013	7/29/2013	7/31/2013	Posted
Call Taker (12 Hours week) Grade 1 \$14.5723-\$19.1761/hr.	ERAC	New position	1/1/2015	2/19/2015	2/20/2015	3/6/2015	Posted/Advertised
Nurse Practitioner \$31.7996-\$37.0650/hr.	Health	Retirement	12/31/2015	10/7/2015	10/8/2015	10/8/2015	Posted/Advertised
Speech Language Pathologist Grade 28- \$30.5526-\$37.9153/hr	Health	New	6/22/2017	6/26/2017	6/26/2017	6/26/2017	Posted
Mental Health Practitioner 105, 000/yr	MHC	New	6/26/2017	6/27/2017	6/27/2017	6/27/2017	Posted
Correction Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Termination	7/17/2017	7/5/2017	7/7/2017	7/11/2017	3/12/2018
RN \$26.0358-\$30.3468/HR	Health	Retirement	5/4/2017	7/11/2017	7/11/2017	7/11/2017	Posted
Corrections Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Resignation	8/1/2017	8/7/2017	8/8/2017	8/15/2017	Exam file apps
Corrections Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Promotion	8/11/2017	8/7/2017	8/15/2017	9/14/2017	Exam file apps
Corrections Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Removal from probation	9/22/2017	10/4/2017	10/10/2017	10/12/2017	Exam file apps
Corrections Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Removal from probation	9/28/2017	10/4/2017	10/10/2017	10/12/2017	Exam file apps
PT Jail Cook (12 hrs) Grade 2 \$15.4812-\$20.5487	Sheriff	Filled 32hr vacancy	10/20/2017	10/10/2017	10/13/2017	11/2/2017	Posted
Sr Account Clerk Grade 9 \$15.5873-\$19.3436	Landfill	Retirement	10/27/2017	10/27/2017	10/30/2017	11/9/2017	4/2/2018

Attachment: April 2018 (5457 : April Vacancy Report)

# POSITION VACANCY REPORT

## As of April 01, 2018

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled
Correction Officer Grade 1 \$17.0805-\$29.3928	Sheriff	Promotion	11/30/2017	12/1/2017	12/6/2017	12/21/2017	Exam file apps
Social Services Attorney Grade 4 \$64,871-\$78,925	DSS	Resignation	12/20/2017	12/5/2017	12/6/2017	12/7/2017	3/5/2018
Recycling Attendant/Highway Grade 2 \$12.1317-\$15.0552	Highway	New	12/5/2017	12/6/2017	12/14/2017		Hold
Recycling Equipment Operator Mechanic Grade 10 \$16.0799-\$19.9550	Highway	New	12/5/2017	12/6/2017	12/14/2017		Hold
Assistant Public Defender Grade 4 \$64,871-\$78,925 (17 hrs/50% salary)	Public Defender	Resignation	12/31/2017	12/26/2017	12/26/2017	1/25/2018	3/5/2018
Aging Services Specialist Grade 15 \$19.3029-\$23.9546	Aging	Promotion	1/30/2018	1/10/2018	1/10/2018	1/12/2018	3/20/2018
Food Service Helper Grade 2 \$12.3744-\$15-3563	Aging	Resignation	1/12/2018	1/5/2018	1/5/2018	1/12/2018	3/13/2018
Keyboard Specialist Grade 1 \$15.0272-\$19.9726	Sheriff	Resignation	1/24/2018	1/24/2018	1/24/2018	1/25/2018	4/2/2018
Correction Officer Grade 1 \$17.3368-\$29.8337	Sheriff	Retirement	1/24/2018	1/29/2018	1/29/2018	2/13/2018	Exam file apps
County Police Officer (Deputy Sheriff) CPO-\$18.6186-\$29.7853	Sheriff	Promotion	2/5/2018	2/1/2018	2/2/2018	2/13/2018	3/26/2018
Dispatcher Grade 5 \$15.7896-\$26.9050	ERAC	Resignation	2/4/2018	2/5/2018	2/5/2018	2/13/2018	Exam file apps
Caseworker Grade 17 \$20.6736-\$25.6556	DSS	Resignation	March	2/7/2018	2/7/2018	2/9/2018	3/26/2018

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# POSITION VACANCY REPORT

## As of April 01, 2018

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled
Heavy Equipment Maintenance Mechanic Grade 14 \$18.6619-\$23.1592	Highway	Resignation	2/23/2018	2/8/2018	2/8/2018	2/22/2018	Posted
E&T Special Programs Counselor Grade 9 \$15.8990-\$19.7304	E&T	Temp	2/9/2018	2/9/2018	2/9/2018	2/22/2018	3/19/2018
Assistant Public Defender Grade 4 \$64,871-\$78,925	Public Defender	Promotion	2/12/2018	2/12/2018	2/12/2018	2/13/2018	Posted
Dispatcher Grade 5 \$15.7896-\$26.9050	ERAC	Resignation	2/11/2018	2/12/2018	2/14/2018	2/22/2018	Exam file apps
Motor Vehicle Clerk Grade 8 \$15.4221-\$19.1386	County Clerk	Removal from provisional	2/2/2018	2/13/2018	2/13/2018	2/13/2018	3/5/2018
Social Welfare Examiner Trainee Grade 9 \$15.8990-\$19.7304	DSS	Resignation	2/23/2018	2/13/2018	2/14/2018	2/22/2018	3/19/2018
Highway Crew Leader Grade 14 \$18.6619-\$23.1592	Highway	Took HCM Position	2/18/2018	2/14/2018	2/20/2018	3/8/2018	Posted
Motor Equipment Operator Grade 10 \$16.4015-\$20.3541	Highway	Took HCM Position	2/18/2018	2/14/2018	2/20/2018		
Keyboard Specialist Grade 5 \$14.1292-\$17.5342	District Attorney	Resignation	2/26/2018	2/15/2018	2/15/2018	2/23/2018	3/26/2018
Sr Account Clerk Grade 9 \$15.8990-\$19.7304	Aging	New	2/23/2018	2/23/2018	2/26/2018	2/23/2018	3/26/2018
Sr Account Clerk Grade 3 \$15.9631-\$21.2164	Sheriff	Resignation	2/26/2018	2/26/2018	3/5/2018	3/13/2018	4/2/2018
Correction Officer Grade 1 \$17.3368-\$29.8337	Sheriff	Retirement	2/20/2018	3/2/2018	3/5/2018	3/13/2018	Exam file apps
Sr Social Welfare Examiner Grade 12 \$17.4750-\$21.6862	DSS	Resignation	3/19/2018	3/5/2018	3/5/2018	3/8/2018	4/2/2018

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# POSITION VACANCY REPORT

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Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled
Social Welfare Examiner Trainee Grade 9 \$15.8990-\$19.7304	DSS	Backfill for promotion	Unknown	3/6/2018	3/6/2018	3/8/2018	4/2/2018
Assistant District Attorney Grade 4 \$64,871-\$78,925	District Attorney	Resignation	4/1/2018	3/7/2018	3/13/2018	Posted	
Keyboard Specialist Grade 5 \$14.1292-\$17.5342	DSS	Resignation	3/30/2018	3/15/2018	3/15/2018		
Support Investigator Grade 10 \$16.4015-\$20.3541	DSS	Removal from probation	3/23/2018	3/16/2018	3/19/2018		
Account Clerk Grade 7 \$14.9723-\$18.5803	Aging	Promotion	3/26/2018	3/26/2018	3/26/2018		
Social Welfare Examiner Trainee Grade 9 \$15.8990-\$19.7304	DSS	Promotion		3/30/2018	4/2/2018		Conditional on an internal hire
Case Aide Grade 7 \$14.9723-\$18.5803	DSS	Promotion		3/30/2018	4/2/2018		Conditional on an internal hire

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