

Attendance Sheets

District	Last Name	Present	Absent	Present/Late
District 4 - Town of Hyde Park	Black	✓		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	✓		
District 8 - City and Town of Poughkeepsie	Brendli	✓		
District 21 - Town of East Fishkill	Caswell	✓		
District 15 - Town of Wappinger	Cavaccini	✓		
District 6 - Town of Poughkeepsie	Edwards	✓		
District 22 - Towns of Beekman and Union Vale	Garito	✓		
District 23 - Towns of Pawling, Beekman and East Fishkill	Hauser	✓		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston	✓		
District 9 - City of Poughkeepsie	Johnson	✓		
District 11 - Towns of Rhinebeck and Clinton	Kearney	✓		
District 5 - Town of Poughkeepsie	Keith	✓		
District 1 - Town of Poughkeepsie	Llaverias		✓	
District 17 - Town and Village of Fishkill	McHoul		✓	
District 12 - Town of East Fishkill	Metzger	✓		
District 20 - Town of Red Hook/Tivoli	Munn	✓		
District 18 - City of Beacon and Town of Fishkill	Page	✓		
District 14 - Town of Wappinger	Paoloni	✓		
District 3 - Town of LaGrange	Polasek	✓	✓	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	✓		
District 24 - Towns of Dover and Union Vale	Surman	✓		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt	✓		
District 10 - City of Poughkeepsie	Vacant			
District 16 - Town of Fishkill and City of Beacon	Zernike	✓		
Present:	<u>22</u>	Total:	<u>22</u>	
Absent:	<u>2</u>		<u>2</u>	
Vacant:	<u>1</u>			

SPECIAL BOARD MEETING

Date: 06/04/2020

RESOLUTION NO. 2020103

RE: APPROVING AND AUTHORIZING EXECUTION
OF A MEMORANDUM OF AGREEMENT BY AND
BETWEEN DUTCHESS COUNTY AND THE CIVIL
SERVICE EMPLOYEES ASSOCIATION, INC. AND
APPROVING A TEMPORARY AMENDMENT TO THE
DUTCHESS COUNTY NON-UNION BENEFIT PLAN

Legislators PULVER, BOLNER, METZGER, and SAGLIANO offer the following and move its adoption:

WHEREAS, the County and the CSEA are parties to a Collective Bargaining Agreement which expires December 31, 2020; and

WHEREAS, by Resolution 2016175, the Dutchess County Legislature adopted the Dutchess County Non-Union Benefit Plan effective January 1, 2017, which was thereafter amended by Resolution No. 2016296, and

WHEREAS, the COVID-19 pandemic has had and continues to have a significant financial impact on the County of Dutchess, and

WHEREAS, in consideration of the aforementioned, the negotiating teams for Dutchess County (hereinafter referred to as the "County"), and the CIVIL SERVICES EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME/AFL-CIO, DUTCHESS COUNTY UNIT, DUTCHESS COUNTY LOCAL 814 (hereinafter referred to as the "Union") have negotiated a proposed Memorandum of Agreement (hereinafter referred to as the "MOA") regarding the temporary layoff of certain CSEA bargaining unit employees, and

WHEREAS, a copy of the proposed MOA is attached hereto and made a part hereof as Exhibit A, and

WHEREAS, it is the intent of the County of Dutchess to extend certain rights and benefits to Management and/or Confidential employees on a temporary basis, and the terms of that plan are memorialized in a Temporary Amendment to the Dutchess County Non-Union Benefit Plan, which is attached hereto and made a part hereof as Exhibit B, and

WHEREAS, it is necessary for the Legislature to approve such MOA and such Temporary Amendment to the Dutchess County Non-Union Benefit Plan, and to authorize the County Executive or his designee to execute the MOA, now, therefore be it

RESOLVED, that this Legislature hereby approves the proposed Memorandum of Agreement and such Temporary Amendment to the Dutchess County Non-Union Benefit Plan, and, be it further

RESOLVED, that the County Executive is authorized to execute the Memorandum of Agreement and to take such actions necessary to implement the Memorandum of Agreement and the Temporary Amendment to the Dutchess County Non-Union Benefit Plan, and, be it further,

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to take all actions necessary to implement the terms of the Memorandum of Agreement and the Temporary Amendment of the Dutchess County Non-Union Benefit Plan, including but not limited to making payments and payroll deductions to ensure the continuation of contributory health insurance during the period of a temporary layoff.

CA-070-20
CEB/TJL/kvh
G-0175-A
05/28/20
Fiscal Impact: See attached statement

APPROVED

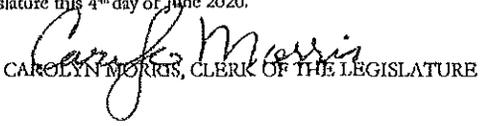
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date Jun. 5 2020

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 4th day of June 2020, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 4th day of June 2020.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

This resolution authorizes the continuation of contributory health insurance benefits for employees who elect to take part in a temporary layoff. These expenses have already been budgeted in each respective department and do not have a fiscal impact. The purpose of this program is to generate savings of at least one half of each employee's salary during the period of the furlough. Total saving will be based on the number of employees who request to take part, how many are approved by the county to do so and the duration of each layoff. The temporary layoff plan is intended to provide a cost savings to the county, therefore instances where employee furloughs would result in the need for replacement overtime at an additional cost will not be approved.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 5/29/2020

5/28/2020

TEMPORARY AMENDMENT

to the

COUNTY OF DUTCHESS

Non-Union Benefit Plan (NUB)

WHEREAS, the County and the Management and Confidential employees Participants are covered by a Non-Union Benefit Plan; and

WHEREAS, Andrew M. Cuomo, Governor of the State of New York declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 has had, and continues to have, a significant financial impact for the County; and

WHEREAS, the County is taking steps to mitigate the financial impact that has resulted from COVID-19, including the temporary layoff of Management and Confidential employees; and

WHEREAS, it is the intention of the County of Dutchess to commence said temporary layoffs; and

WHEREAS, the County believes temporary layoffs are the appropriate mechanism to achieve the needed results; and

NOW, THEREFORE, the County temporarily amends the Non-Union Benefit Plan for Management and Confidential Employees as follows:

1. For Competitive Class employees who, because of their seniority status, may be ineligible to be laid off pursuant to a traditional public sector reduction in force may waive their layoff protection solely for the purpose of this temporary workforce reduction. Affected and interested employees will be given the opportunity to expressly and knowingly waive their rights under Civil Service Law, the New York State Retirement System (hereinafter referred to as "seniority rights".) Once the employee expresses interest in waiving their seniority layoff protection, the employee will be given until the end of the following business day to review the waiver.

5/28/2020

2. This Amendment shall not apply to Elected Officials, Board of Elections employees or Unrepresented Employees.
3. The County may consider those employees who have executed a waiver of their layoff protection for layoff during this temporary workforce reduction at its discretion.
4. Temporary layoffs shall be done according to seniority as provided in the Civil Service Law and Rules except those employees who have relinquished their seniority rights pursuant to paragraph 2 of this Temporary Amendment may be laid off without regard to the seniority rights of others giving the County complete discretion with regard to the layoff of those individuals. For the purposes of vertical bumping and retreating rights, the County reserves the right to determine if an employee is qualified to bump or retreat into a different position.
5. Employees that are subject to a temporary layoff shall return to their previous department, title and position by July 31, 2020, provided, however, that the terms of this Amendment may be further extended, subject to approval by the County. At no time, however, shall this Temporary Amendment survive the expiration of the federal expansion of unemployment benefits. The County shall review the necessity of layoffs for the employees every thirty (30) days from the date of this Agreement through July 31, 2020.
6. The employees will be eligible to apply for New York State Unemployment Insurance Benefits and the Federal Pandemic Unemployment Compensation offered to unemployed individuals. The County of Dutchess will not oppose the granting of unemployment benefits to eligible employees under the Temporary Amendment.
7. Employees subject to this Temporary Amendment, who are temporarily laid off, will continue to maintain their employee health insurance, dental and vision if currently covered under their County employment; by continuing to pay their existing premium bi-weekly or monthly, whichever is easiest for the employee. If the employee is unable to pay their premium during the period of their layoff, the full amount of premium expense of the employee shall be subsequently deducted from their wages, upon their return to employment with the County after this temporary layoff from their initial paycheck or payout upon separation of service if the employee resigns during the temporary layoff or if the employee is subject to a permanent layoff.
8. Employees will not lose their seniority status during the temporary layoff, and their seniority time shall continue to accrue while they are part of the temporary workforce reduction.

5/28/2020

9. During the period of temporary layoff, the employees will not earn additional sick leave
10. During the period of temporary layoff; employees who are recalled at the County's discretion will receive five (5) business days' notice, minimally by email, registered or certified mail.
11. The Human Resource Office of County of Dutchess will provide each employee that is temporarily laid off with: (1) a seniority rights waiver for the workforce reduction; (2) with instructions on how to apply for unemployment insurance; and (3) instructions on how to remit premium health insurance payments
12. This Amendment shall not be transferable to or enforceable by any other party. This Amendment shall not be precedent setting, and only applies to this specific pandemic. This Amendment shall not be modified except by approval from the Legislature.
13. Employees who are entitled to a longevity payment during the temporary layoff shall be awarded such longevity upon return to work, or at permanent separation from employment, whichever occurs earliest. In the event of permanent separation of employment of an employee, prior to the expiration of the temporary layoff, all payouts of accruals, or other benefits, shall be paid at the rate the employee would have achieved prior to, or during the temporary layoff, whichever is higher.
14. Temporarily laid off employees are in unpaid leave status with no hours worked or pay reported to NYS Employees' Retirement System (ERS) for the period of temporary layoff. Temporarily laid off employees shall not accrue any retirement service credit during the period of temporary layoff, unless and only if, the NYS Retirement System makes any future exceptions for this layoff period.
15. Nothing herein shall limit the County's right to permanently layoff employees, which layoff shall be in accordance with the Civil Service Law and the NUB Plan as applicable. At which time, the waiver, referenced in provision 1, shall be null and void.

5/27/2020

MEMORANDUM OF AGREEMENT

by and between the

COUNTY OF DUTCHESS

and the

**CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
LOCAL 1000 AFSCME, AFL-CIO
DUTCHESS COUNTY UNIT,
DUTCHESS COUNTY LOCAL 814**

WHEREAS, the County and the CSEA are parties to a Collective Bargaining Agreement (CBA) which expires on December 31, 2020; and

WHEREAS, Andrew M. Cuomo, Governor of the State of New York declared a Disaster Emergency in the State of New York to address the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the COVID-19 has had, and continues to have, a significant financial impact for the County; and

WHEREAS, the County is taking steps to mitigate the financial impact that has resulted from COVID-19, including the temporary layoff of non-essential employees; and

WHEREAS, it is the intention of the County of Dutchess to commence said temporary layoffs; and

WHEREAS, the parties have engaged in good faith negotiations in an effort to arrive at a mechanism to achieve the needed results; and

NOW, THEREFORE, the County and CSEA, in consideration of the mutual promises and covenants set forth herein, hereby stipulate and agree as follows:

1. Employees who, because of their seniority status, may be ineligible to be laid off pursuant to a traditional public sector reduction in force may waive their layoff protection solely for the purpose of this temporary workforce reduction. Affected and interested employees will be given the opportunity to expressly and knowingly waive their rights under Civil Service Law, the New York State Retirement System and under the CBA (hereinafter referred to as "seniority rights".) Once the employee expresses interest in waiving their seniority layoff protection, the employee will be given until the end of the following business day to review the waiver.

5/27/2020

2. The County may consider those employees who have executed a waiver of their layoff protection for layoff during this temporary workforce reduction at its discretion.
3. The parties agree that temporary layoffs shall be done according to seniority as provided in the CBA and the Civil Service rules except those employees who have relinquished their seniority rights pursuant to paragraph 2 of this MOA may be laid off without regard to the seniority rights of others giving the County complete discretion with regard to the layoff of those individuals.
4. The parties agree that the employees that are subject to a temporary layoff shall return to their previous department, title and position by July 31, 2020, provided, however, that the parties may be able to extend this MOA by mutual understanding. At no time, however, shall this MOA survive the expiration of the federal expansion of unemployment benefits. The County shall review the necessity of layoffs for the employees every thirty (30) days from the date of this Agreement through July 31, 2020.
5. The employees will be eligible to apply for New York State Unemployment Insurance Benefits and the Federal Pandemic Unemployment Compensation offered to unemployed individuals. The County of Dutchess will not oppose the granting of unemployment benefits to eligible employees under the MOA.
6. Employees subject to this MOA, who are temporarily laid off, will continue to maintain their contributory employee health insurance (paying the employee portion), dental and vision if currently covered under their County employment; by continuing to pay their existing premium bi-weekly or monthly, whichever is easiest for the employee. If the employee is unable to pay their premium during the period of their layoff, the parties agree that the full amount of premium expense of the employee shall be subsequently deducted from their wages, upon their return to employment with the County after this temporary layoff from their initial paycheck or payout upon separation of service if the employee resigns during the temporary layoff or if the employee is subject to a permanent layoff.
7. Employees will not lose their seniority status during the temporary layoff, and their seniority time shall continue to accrue while they are part of the temporary workforce reduction.
8. During the period of temporary layoff, the employees will not earn additional benefits such as vacation, sick leave, holiday, and personal leave.

5/27/2020

9. During the period of temporary layoff; employees who are recalled at the County's discretion will receive five (5) business days notice, minimally by email, registered or certified mail.
10. The Human Resource Office of County of Dutchess will provide each employee that is temporarily laid off with: (1) a seniority rights waiver for the workforce reduction; (2) with instructions on how to apply for unemployment insurance; and (3) instructions on how to remit premium health insurance payments.
11. This MOA shall not be transferable to or enforceable by any other party. This MOA shall not be precedent setting, and only applies to this specific pandemic. This MOA shall not be modified except by written consent by each party.
12. Employees who are entitled to a longevity payment during the temporary layoff shall be awarded such longevity upon return to work, or at permanent separation from employment, whichever occurs earliest. Employees who would otherwise be entitled to a salary step increase during the temporary layoff will have their salary adjusted, to that proper step, upon return to work. In the event of permanent separation of employment of an employee, prior to the expiration of the temporary layoff, all payouts of accruals, or other benefits, shall be paid at the grade and step the employee would have achieved prior to, or during the temporary layoff, whichever is higher.
13. Temporarily laid off employees are in unpaid leave status with no hours worked or pay reported to NYS Employees' Retirement System (ERS) for the period of temporary layoff. Temporarily laid off employees shall not accrue any retirement service credit during the period of temporary layoff, unless and only if, the NYS Retirement System makes any future exceptions for this layoff period.
14. Nothing herein shall limit the County's right to permanently layoff employees, which layoff shall be in accordance with the Civil Service Law and the Collective Bargaining Agreement as applicable. At which time, the waiver, referenced in provision 1, shall be null and void.

5/27/2020

IN WITNESS WHEREOF, the Memorandum of Agreement is executed as of the date first above mentioned.

COUNTY OF DUTCHESS

Title

Date: _____

CIVIL SERVICE EMPLOYEES
ASSOCIATION, INC.
LOCAL 1000 AFSCME, AFL-CIO
DUTCHESS COUNTY UNIT,
DUTCHESS COUNTY LOCAL
814

Lizabeth Marino

CSEA President

Title

Date: *6/1/2020*

Roll Call Sheets

District	Last Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	✓	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 12 - Town of East Fishkill	Metzger		
District 6 - Town of Poughkeepsie	Edwards		
District 18 - City of Beacon and Town of Fishkill	Page		
District 1 - Town of Poughkeepsie	Llaverias	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Polasek		
District 4 - Town of Hyde Park	Black		
District 5 - Town of Poughkeepsie	Keith		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Johnson		
District 10 - City of Poughkeepsie	Vacant		
District 11 - Towns of Rhinebeck and Clinton	Kearney		
District 14 - Town of Wappinger	Paoloni		
District 15 - Town of Wappinger	Cavaccini		
District 16 - Town of Fishkill and City of Beacon	Zernike		
District 17 - Town and Village of Fishkill	McHoul	<i>absent</i>	
District 20 - Town of Red Hook/Tivoli	Munn		
District 21 - Town of East Fishkill	Caswell		
District 22 - Towns of Beekman and Union Vale	Garito		
District 23 - Towns of Pawling, Beekman and East Fishkill	Hauser		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston		

Present: 22 Resolution: ✓ Total: 22 0
 Absent: 2 Motion: Yes No
 Vacant: 1 Abstentions: 0

20200103 APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN DUTCHESS COUNTY AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. AND APPROVING A TEMPORARY AMENDMENT TO THE DUTCHESS COUNTY NON-UNION BENEFIT PLAN

JUNE 4, 2020

There being no further business, the Chair adjourned the meeting at 6:40 p.m.