

RESOLUTION NO. 243

AN ACT TO MODIFY THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES

Introduced:

By: Mauriello, Burgdorf, Grimm, Drake, Lockart, Tunny, Langdon, Whalen and Perlee

WHEREAS, According to the Final Report – Time and Attendance Audit (“Final Report”), dated April 2020 issued by Comptroller Susan Rizzo and Chief Auditor Stephanie Slominski CIA, which reviewed the outgoing Comptroller, Michael Conners, Interim Audit Report, dated December, 2019, and a forensic audit by an outside CPA firm, Berdon LLP, certain areas of improvement exist for internal controls over time and attendance recording for the purpose of payroll disbursements; and

WHEREAS, some of the Key Observations of the Final Report are:

- 1) “Albany County Policy, as set forth by the County Legislature, related to time and attendance recording, does not provide specific guidance to require that departments maintain adequate supporting documentation of time and attendance records”;
- 2) “Manual Entries to record time and attendance are either not supported by documentation or documentation is not obtained on a regular basis”;
- 3) “Manual entries to record time and attendance are signed off by subordinates”; and
- 4) “Individuals with edit access making and approve their own time records”; and

WHEREAS: the existing “Rules and Regulations for Albany County Employees” contains no measure prohibiting County employees from engaging in political campaign work, while on the County clock, at the public expense; and

WHEREAS, pursuant to the Albany County Charter, entitled Powers and Duties of the Albany County Legislature, this body is charged with “*Determining policy for the County and to adopt all necessary rules and regulations for its conduct and procedure*” (Sec. 208 (a)), and with “*Exercising legislative oversight of county programs and administrative units*” (Sec. 208 (i)), and

WHEREAS, this body has previously adopted “Rules and Regulations for Albany County Employees” and amendments thereto, and

WHEREAS, it is the desire of this body to amend the above-described employee handbook;

NOW, THEREFORE, BE IT RESOLVED that the “Rules and Regulations for Albany County Employees” are modified as follows:

A) Article XIV, entitled “Infractions”, is amended as follows:

“It is the County’s policy to base the disciplining of employees on just cause and all instances of cause for disciplinary action shall be considered in their full context. The County endorses a policy of progressive discipline in which attempts are made to provide employees with notice of deficiencies and an opportunity to improve. There are, however, certain misdeeds that by their very nature are particularly inappropriate to the workplace and may require the County to seek immediate removal of an employee, even for a first time offense. The infractions listed below include some, but not all, offenses that may necessitate immediate disciplinary action:

- Use, sale, dispensing, distribution, purchase, possession or manufacture of illegal drugs, controlled substances, narcotics or alcoholic beverages on County premises or work sites;
- Being under the influence of the above while on the job;
- Profane and/or abusive language;
- Gross insubordination, including but not limited to, a direct refusal to obey a lawful order of a supervisor;
- Unauthorized use of equipment;
- Theft of property or services;
- Falsification of employment applications;
- Deliberate falsification of a time and attendance record;
- Sleeping on duty;
- Unauthorized absence;
- Possession of unauthorized firearms, explosives and other weapons on County premises and work sites;
- Performing political campaign work for candidates, political parties, political appointees, or elected officials while at work on the County payroll.”

BE IT FURTHER RESOLVED, that nothing in this policy amendment pertaining to campaign work shall discourage the First Amendment rights of Albany County employees, as the right to exercise personal political beliefs is cherished by Albany County, but that does not mean that it can or should be subsidized by the taxpayers. Such activities must be performed outside of public paid time; and

BE IT RESOLVED, that this resolution shall take effect immediately.

Referred to Audit and Finance and Personnel Committees – 7/13/20

Negative Recommendation Audit and Finance Committee – 8/27/20

Negative Recommendation Personnel Committee – 8/27/20

On long roll call vote the following members voted in favor: Messrs. Burgdorf, Drake, Grimm, Langdon, Ms. Lockart, Messrs. Mauriello, Perlee, Smith, Tunny, and Ms. Whalen – 10

Those opposed – Messrs. Beston, Bruschi, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Ms. Cunningham, Messrs. Domalewicz, Efekoro, Ethier, Feeney, Fein, A. Joyce, R. Joyce, Kuhn, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Ricard, Simpson, Ward and Ms. Willingham – 28

Resolution was defeated – 9/14/20