



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

June 10, 2014

The Honorable  
Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Medical Examiner - Chief Toxicologist**

Dear Honorable Members:

As the primary source of medical investigation in Erie County and also several other counties in Western New York operating under agreements with the Erie County Department of Health, the Erie County Medical Examiner's office plays a critical role in helping bring closure to the families of the deceased, and in aiding law enforcement in bringing criminals to justice. While the pathologists who perform autopsies and conduct death investigations are often the face of the office, the Chief Toxicologist and his or her staff are just as instrumental in not only death investigations, but also in prosecuting DUI cases and other crimes involving controlled substances.

The current Chief Toxicologist is retiring. After a review of the position of Chief Toxicologist, including discussions with peer offices in Onondaga, Monroe, and Albany Counties, it was determined that both job description and pay level were sorely out of date. Major improvements in technology and technique have rendered Erie County's 1974 job specifications behind the times. This resolution seeks your Honorable Body's approval to upgrade the title of Chief County Toxicologist to Job Group 18 and to seek a variable minimum, to facilitate the recruitment of a qualified starting salary at a competitive level.

Should your Honorable Body require further information, I encourage you to contact Health Commissioner Gale R. Burstein, MD. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mc  
Enclosure

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Health  
**Re:** Erie County Medical Examiner-Chief Toxicologist  
**Date:** June 10, 2014

---

### **SUMMARY**

Authorization is requested to upgrade the position of Chief County Toxicologist from JG 16 to JG18 and to request a variable minimum authorization at a maximum of step 3, to be filled by a recently recruited highly qualified candidate. This is a non-competitive CSEA title.

### **FISCAL IMPLICATIONS**

No additional County dollars are required for this request. Funding is already available in account 500000 Full Time Salaries. The original position is currently budgeted at JG16 Step D at \$100,717. JG18 Step 3 starting salary would be budgeted at \$96,398.

### **REASONS FOR RECOMMENDATION**

The Medical Examiner's Office preforms hundreds of autopsies a year, and is a crucial component of the criminal justice system, and of the County's public health apparatus. It is incumbent upon Erie County staff the office with competent, qualified toxicologists.

While initiating the process of recruiting a new Chief Toxicologist due to the retirement of the current Chief Toxicologist, it became apparent that not only was the job group well below industry standards, even for upstate NY, but the job specifications was also in need of updating.

### **BACKGROUND INFORMATION**

After learning of the intentions of the incumbent Chief Toxicologist to retire in June 2014, the Erie County Health Department began the process of reviewing the positions and reaching out to Health Departments across New York State to gauge the demand/availability for qualified Chief Toxicologists. After comparing job groups and job specifications, it quickly became apparent that Erie County would be unable to attract a qualified candidate and that our current standards for what constituted a qualified candidate were out of date.

Working with the Department of Personnel a new job specification was put together and research was conducted to determine an appropriate Job Group.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Department of Health will be unable to recruit a Chief Toxicologist and unable to perform toxicological tests per New York State Department of Health Regulations and New York State Law.

**STEPS FOLLOWING APPROVAL**

The Health Department will work with the Division of Budget and Management and the Department of Personnel to implement this request.

**A RESOLUTION SUBMITTED BY  
HEALTH DEPARTMENT**

RE: Erie County Medical Examiner-Chief Toxicologist

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert toxicological skills is critical for the function of the medical examiner's office; and

WHEREAS, the Erie County Medical Examiner's office provides crucial support and determinations to the law enforcement community and

WHEREAS, the position of Chief County Toxicologist will soon be vacant; and

WHEREAS, as such, the Department of Health is requesting the modification of the Job Group for the position of Chief County Toxicologist; and

WHEREAS, funding for this change is available in account 500000 Full Time Salaries.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the position of Chief County Toxicologist to Job Group 18 (B-100 #7775) to be effective July 7, 2014; and be it further

RESOLVED, that variable minimum authorization is hereby provided at a maximum of step 3 in order to secure a qualified candidate for this essential position; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and to Commissioner Gale R. Burstein in the Erie County Department of Health.