



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 21, 2015

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Correctional Health – 2015 Budget Technical Amendment

Dear Honorable Legislators:

The Erie County Department of Health's Division of Correctional Health provides medical oversight and staff who provide health care at the Erie County Correctional Facility and Erie County Holding Center under an Interdepartmental Agreement with the Erie County Sheriff.

In the 2015 Budget, your Honorable Body deleted three nursing positions in the Division of Correctional Health: two new positions and one position that was a reallocation of two existing part time positions into one full time position. A grievance was previously filed by the Civil Service Employees Association Correction Officer unit with regards to the use of agency nursing staff to maintain certain staffing levels at the Erie County Holding Center and Erie County Correctional Facility as required by the U.S. Department of Justice.

Accordingly, to resolve this issue, we are requesting authorization to create three new nursing positions in the Division of Correctional Health Services to settle the grievance and avoid costly arbitration. These additional positions would eliminate the use of agency nurses for anything other than long term absences of Erie County Correctional Health employees, or when represented employees do not make themselves available for overtime for needed coverage.

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

Sincerely

Mark C. Poloncarz, Esq.
Erie County Executive

MCP
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Correctional Health – 2015 Budget Technical Amendment
Date: January 21, 2015

SUMMARY

Authorization is requested to create three nursing positions in the Department of Health's Division of Correctional Health Services, in order to provide healthcare services to the inmate populations of the Erie County Correctional Facility to address a union grievance and ensure federally-required services are provided.

FISCAL IMPLICATIONS

Funds in the amount of \$214,977 are available for the positions from 2015 savings in the Medicaid-MMIS account based on state adjustments and guidance for the County's 2015 fiscal year.

REASONS FOR RECOMMENDATION

To avoid a potentially protracted and costly arbitration process as the result of the grievance brought against the Department of Health by CSEA representing nurses in the Division of Correctional Health, the Department of Labor Relations negotiated a proposal to hire two additional nursing staff to eliminate the need for regular assignment of agency nurses. The two positions were in the proposed 2015 Budget but were deleted. In addition, the 2015 Budget reallocated two part time nursing positions into one full time position; however, that position was also deleted.

BACKGROUND INFORMATION

A grievance was filed by the Civil Service Employees Association Correction Officer unit that represents nursing staff at the Erie County Correctional Facility. This grievance notes that agency nurses on contract with the County are routinely used to do the same work as union nurses. The use of these agency nurses has long been common practice in Correctional Health, for coverage issues when regular County Correctional Health employees are not available for needed coverage. The use of agency nurses has been helpful in filling vacant shifts and meeting the goals of Erie County's stipulated settlement with the United States Department of Justice.

After reviewing the grievances with the Department of Labor Relations and the Commissioner of Personnel, as well as the Erie County Sheriff's Office, it was determined that the best course of action is to minimize the use of agency nurses for use during longer term absences of

Correctional Health employees, when bargaining unit employees are not available to overtime to fill the needed shifts, and bring on additional union staff to fill the shifts that had been filled via contract nursing. This will ensure the county does not become responsible for paying damages, or back pay that could potentially result from these three grievances going to arbitration.

On December 4, 2014, your Honorable Body approved creating two new nursing positions for the balance of 2014. This resolution seeks to continue those positions in 2015 as well as to re-establish the nursing services provided by a full time position (reallocated from the two part time positions in the 2014 budget) that was also deleted from the 2015 Budget by the Legislature.

CONSEQUENCES OF NEGATIVE ACTION

Erie County could be subject to costly arbitration for not addressing the union grievance or could encounter issues with the federal healthcare technical compliance monitor overseeing correctional health.

STEPS FOLLOWING APPROVAL

The Health Department will work with the Division of Budget and Management, Department of Personnel, and the Department of Labor Relations to implement this request and take the appropriate steps necessary to recruit and hire qualified candidates.

A RESOLUTION SUBMITTED BY
HEALTH DEPARTMENT

Re: Correctional Health – 2015 Budget Technical Amendment

WHEREAS, the Erie County Department of Health provides medical oversight and medical staffing to provide health care at the Erie County Correctional Facility and Erie County Holding Center under an Interdepartmental Agreement with the Erie County Sheriff; and

WHEREAS, to resolve a grievance filed by Civil Service Employees Association representing nurses in the Division of Correctional Health and to avoid a prolonged and costly arbitration process that would likely be against the County, the proposed 2015 Budget included two new nursing positions; and

WHEREAS, those positions were deleted from the 2015 Budget during the 2015 Budget process; and

WHEREAS, the 2015 Budget also included the reallocation of two part time nursing positions in Correctional Health into one full time position and that position was also deleted in the 2015 Budget process; and

WHEREAS, to ensure the CSEA grievance is addressed and staffing levels are maintained at the necessary levels to address union and federal oversight concerns, it is necessary to create the three nursing positions in the 2015 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of three full time positions of Correctional Facility Medical Aide, JG 12, (\$44,234 annual salary) in the CSEA bargaining unit as noted in B-100#8146; and be it further

RESOLVED, that the following budgetary adjustments to the 2015 Budget are hereby authorized effective January 1, 2015:

Fund 110 - 2015 Budget
12760 - Correctional Health

| <u>Expense Accounts</u> | <u>Increase/ (Decrease)</u> |
|---------------------------|---------------------------------|
| 500000 Full Time Salaries | \$ 132,702 |
| 502000 Fringe Benefits | 82,275 |
| Total | 214,977 |

Fund 110 - 2015 Budget
120- Social Services

| <u>Expense Account</u> | <u>Increase/ (Decrease)</u> |
|-------------------------------------|---------------------------------|
| 525000 MMIS Medicaid Local Share | (\$ 214,977) |
| Total | (214,977) |

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the necessary budgetary transfers to provide funding for the Correctional Health positions; 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 Deputy Director of Labor Relations, the Division of Budget and Management, the Department of Law and to Commissioner Gale R. Burstein in the Erie County Department of Health.