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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 18, 2018

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

RE: CSEA Local 815 Erie County Unit Job Upgrades – ECDMH
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find enclosed for your consideration a memorandum and proposed resolution for approval expressing legislative assent and directing implementation of an increase in job groups for certain positions within CSEA Local 815 Erie County Unit ("Unit").

The proposed job group increases are designed to bring salaries closer to other government and community agencies, to reduce turnover, and to adhere to the recommendations of the mental health staffing plan between the County and the U.S. Department of Justice for the provision of mental health services for our holding center and jail. Thus, the increases benefit both the employees in those positions and the County in its ability to attract and retain employees.

Should your Honorable Body require further information, I encourage you to contact Commissioner Michael Ranney at the Department of Mental Health (ECDMH). Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dvs
Enclosure

cc: Commissioner David A. Palmer, Department of Personnel
Commissioner Michael Ranney, Department of Mental Health

Comm. 15E-12

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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Mental Health
Re: CSEA Local 815 Erie County Unit Job Upgrades - ECDMH
Date: July 18, 2018

SUMMARY

The Erie County Department of Mental Health (ECDMH), specifically the Forensic Mental Health Division, in consultation with the Departments of Personnel and Labor Relations, requests Legislative approval of increases in certain job groups.

FISCAL IMPLICATIONS

The County will fund the 2018 costs associated with these increases through a combination of additional State funding (\$18,514 recently announced) and from known combined payroll turnover and fringe benefit savings (\$60,742).

REASONS FOR RECOMMENDATION

If the pay is not adjusted, the Department of Mental Health (ECDMH), specifically its Forensic Mental Health Division, risks losing existing employees and not being able to attract and retain talented employees as position openings become available in other government and community agencies.

BACKGROUND INFORMATION

The County and the CSEA were unable to negotiate the needed changes to health insurance options for represented employees from January 2007 through August 2014. As a result, wages remained flat for that period of time. Staffing concerns have been building up over the course of the past two plus years. The issue has progressed into a constant cycle of difficulty in filling open positions, and maintaining personnel in those positions. The training and credentialing of newly hired staff has become a persistent issue.

The 2011 Stipulated Order of Dismissal between Erie County and the United States Department of Justice (DOJ) requires the Department to adhere to specified times in responding to mental health referrals in the downtown jail and the Alden correctional facility. This persistent problem has begun to impact the ability of the Department to meet the required response times. Thus the Department – which was previously in “sustained compliance” with this requirement – has now been found out of compliance by the Technical Compliance Consultant working with the Department and the DOJ.

As a result, the Technical Compliance Consultant and the DOJ have found that the Department is vulnerable, should something untoward occur due to the challenges arising from our inability to timely see referred inmates in the prescribed timeframes. If not addressed, the next step will be for the DOJ to take the County back to federal court in order to bring an enforcement action,

based on the County's violation of the mental health staffing plan contained in the 2011 Stipulated Order between the County and the DOJ.

CONSEQUENCES OF NEGATIVE ACTION

The inability to timely see referrals places the Department at risk of a potential untoward incident occurring within the vulnerable mental health population. Leaving this unattended has the potential to expose the County to liability. Additionally, persistent turnover renders more difficult the retention of current employees, and below-market wages impairs the Department's ability to attract and retain quality employees. All of these factors contribute to a decline in the quality of services that the Department of Mental Health provides to Erie County residents who are incarcerated in the jail or correctional facility.

STEPS FOLLOWING APPROVAL

ECDMH will work with the Division of Budget and Management to implement any necessary budgetary actions to effectuate the job group increases.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF MENTAL HEALTH

RE: CSEA Local 815 Erie County Unit Job Upgrades - ECDMH

WHEREAS, the Department of Mental Health, in consultation with the Departments of Personnel and Labor Relations, hereby requests approval to upgrade certain CSEA Local 815 positions within the County of Erie; and

WHEREAS, the Department of Mental Health's Forensic division risks losing existing staff and not being able to attract new talented employees as positional openings become available if the positions are not adjusted; and

WHEREAS, due to the inability of Erie County and CSEA to come to a collective bargaining agreement for seven years, the salaries of certain titles within the Department of Mental Health's Forensic Division have fallen below the salaries of similar workers in NYS or local community agency counterparts, and functioning at only seventy-five percent (75%) of full staffing due to constant turnover; and

WHEREAS, not adequately addressing this situation leaves Erie County vulnerable to liability, should an incident take place where a member of the vulnerable mental health population is not treated within the required timeframes; and

WHEREAS, Erie County is out of compliance with the 2011 Stipulated Order of Dismissal between Erie County and the United States Department of Justice, thus placing the County at risk of penalties should the issue become the subject of an enforcement action in the United States District Court.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves upgrading the following positions upon approval and certification of this resolution as follows:

<u>Title</u>	<u>Current Job Group</u>	<u>Recommended Job Group</u>
FMH Community Discharge Planner	8	9
FMH Specialist I – Adult	10	11

and be it further

RESOLVED, that subsequent salary increases for employees in these positions follow the salary scale schedules and other relevant provisions contained in the Collective Bargaining Agreement by and between the County of Erie and the CSEA Local 815; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2018 Budget to properly fund the increased costs associated with the job group increases, and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the increases; and be it further

RESOLVED, that all payroll and personnel adjustments provided for in this resolution shall take effect as soon as practicable; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Division of Budget and Management, Department of Mental Health, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.