

RESOLUTION NO. 194

A RESOLUTION AMENDING RESOLUTION 283 FOR 1992, AS SUBSEQUENTLY AMENDED, TO RESTORE THE COMMITTEE TO FILL VACANCIES IN RESPONSE TO THE COVID-19 RELATED HEALTH EMERGENCY AND UNCERTAINTY IN THE BUDGETARY REALITIES CAUSED BY CURRENT THE GLOBAL PANDEMIC.

Introduced: 05/11/20

By Messrs. A. Joyce, Peter, O'Brien, Ricard and Ms. Willingham:

WHEREAS, By Resolution No. 283 for 1992, the Albany County Legislature created a Committee to Fill Vacancies, consisting of a representative from the County Executive's Office, County Comptroller's Office and Office of Employee Relations to determine whether vacant positions then existing or coming into existence should be filled while the County faced a substantial shortfall in revenues generated from local sales taxes due to a national recession, and

WHEREAS, Those same harrowing economic realities exist today as a result of the COVID-19 related global pandemic, and

WHEREAS, As recently as last year, the County and nation were on better economic footing, which caused the previous review of the Committee to Fill Vacancies to lapse, and

WHEREAS, At this critical time, this Honorable Body believes it necessary to take into consideration potential revenue shortfalls prior to the filling of any vacant County positions, and

WHEREAS, This Honorable Body recognizes the need to hire employees to fill critical and necessary positions, however, before a position is available to be filled, the decision to hire needs to be reviewed and approved by the Committee to Fill Vacancies for its approval, and

WHEREAS, Meaningful review of salary lines can occur without the need to place an official freeze on hiring within the County, and

WHEREAS, To sensibly effect such a review and approval process, the Committee to Fill Vacancies, as originally envisioned and set forth, needs to be expanded to include oversight so that the Legislature might perform its budgetary responsibilities to determine whether continued funding of vacant positions is appropriate, now, therefore, be it

RESOLVED, By the Albany County Legislature that the Committee to Fill Vacancies as established in Resolution No. 283 for 1992, and as subsequently amended, is hereby reestablished to include a representative from the County Executive's Office,

County Comptroller's Office and Office of Employee Relations, as voting members, in addition to the Chairs of the Personnel and Audit & Finance Committees of the Legislature (or their designees) as ex officio non-voting members, so that they may closely monitor the fiscal impact of any vacant positions being filled within the County, and be it further

RESOLVED, That regarding personnel positions within the following budget accounts, elected officials are exempt from review of the Committee to Fill Vacancies: County Clerk under Budget Accounts A1410 and A1411; County Comptroller under Budget Account A1315 County Coroners under Budget Account A1185; District Attorney under Budget Account A1165; County Executive under Budget Account A1230; County Legislature under Budget Account A1010; and the County Sheriff under Budget Accounts A3020, A3110, and A3150, and be it further

RESOLVED, that in order to increase the information available to this Legislative Body so that the Legislature might perform its budgetary responsibilities to determine whether continued funding of vacant positions is appropriate, the reporting requirements of the Committee to Fill Vacancies are as follows: all County employee resignations, deaths, retirements, promotions or other circumstances resulting in a funded position being vacant are to be reported by the Committee to Fill Vacancies to the Leadership Group (consisting of the Chairman, Majority and Minority Leaders); the Committee to Fill Vacancies shall also provide to the Leadership Group copies of all requests to fill vacancies from Departments and agendas which shall be developed by the Committee with all back-up relating to each vacancy and proposed hiree, and be it further

RESOLVED, That the Committee to Fill Vacancies shall take into consideration the fiscal consequences of filling any vacant position until the realities of this economic restlessness are able to be realized, and be it further

RESOLVED, That within sixty days of the adoption of this resolution, the Committee to Fill Vacancies be and hereby is requested to report to the County Legislature the steps taken to reduce the fiscal impact associated with filling vacant positions, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Personnel and Audit and Finance Committees – 5/11/20

Favorable Recommendation Personnel Committee – 5/28/20

Favorable Recommendation Audit and Finance Committee – 5/28/20

Referred to Law Committee – 6/8/20

Favorable Recommendation Law Committee – 6/25/20

On a long roll call vote, the following members voted in favor: Messrs. Beston, Bruschi, Ms. Chapman, Messrs. Clay, Cleary, Ms. Cunningham, Messrs. Ethier,

Feeney, Fein, A. Joyce, R. Joyce, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Ricard, Simpson, and Ms. Willingham - 25

Those opposed: Messrs. Burgdorf, Commisso, Domalewicz, Drake, Efekoro, Grimm, Langdon, Ms. Lockart, Messrs. Mauriello, Perlee, Smith, Tunny, Ward and Ms. Whalen - 14

Resolution was adopted. – 7/13/20

Resolution was vetoed by the County Executive – 7/23/20

No action was taken to override the veto. – 8/10/20