

68420

To: Honorable Board of Acquisition and Contract

From: Mary Jennings Mahon
Commissioner of Human Resources

Date: March 12, 2019

Re: Resolution authorizing the County of Westchester ("County") to enter into an agreement with the Westchester County Health Care Corporation ("WCHCC") pursuant to which the County, through its Department of Human Resources, will work with WCHCC to review and address those civil service activities conducted while WCHCC self-administered its own civil service functions.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize the County to enter into an agreement with WCHCC, whereby the County, through its Department of Human Resources ("DHR"), will work with WCHCC to review and address those civil service activities conducted while WCHCC self-administered its own civil service functions (the "Agreement").

As your Honorable Board may know, DHR is the civil service administrator for all County departments, agencies and commissions, including WCHCC. Upon its creation in 1997 and until on or about June 30, 2013, the civil service functions of WCHCC were administered by DHR. However, on or about June 30, 2013, WCHCC's board decided that it would self-administer such civil service functions and thereafter proceeded to do so without the County's consent. As a result of a 2013 litigation brought against WCHCC by Civil Service Employees Association, Inc. and the New York State Nurses Association et al., it was determined that WCHCC did not have the authority to administer its own civil service system.

In light of the above, the parties would like to transition WCHCC's civil service functions back to DHR. One issue that has arisen is the existence of a significant backlog of unresolved or incomplete personnel transactions that accumulated during the period in which WCHCC self-administered its civil service functions. WCHCC has asked that the County, through DHR, expedite the administrative "clean-up" of this backlog and the County is amenable to doing so.

Pursuant to the terms of the Agreement, DHR will work with WCHCC to resolve such outstanding or incomplete personnel transactions, including but not limited to, appointments, reappointments,

promotions, demotions, title changes, re-hires, separations from service (resignations, discharges, and terminations), salary changes and demographic changes, that arose while WCHCC self-administered its civil service functions, in accordance with the requirements of the New York State Civil Service Law.

The term of the Agreement will commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and will continue for a period of eighteen (18) months thereafter. In consideration for services to be rendered, WCHCC will pay the County the sum of Thirty Four Thousand Three Hundred Sixty-Five dollars (\$34,365) per month, up to a total amount not to exceed Six Hundred Eighteen Thousand Five Hundred Sixty-Six dollars (\$618,566), which fee is based on the salary and fringe benefits of those temporary County employees selected to perform the services.

This Agreement will serve a public purpose by ensuring that all outstanding personnel issues involving employees of WCHCC that arose while WCHCC self-administered its civil service functions are properly addressed in accordance with the requirements New York State Civil Service Law.

As your Honorable Board is aware, Section 3307(4) of the New York Public Authorities Law requires the approval of both the Board of Legislators and Board of Acquisition and Contract for agreements between the County and WCHCC. Accordingly, on March 11, 2019 the Westchester County Board of Legislators adopted an Act which authorized the County, through the DHR, to enter into an agreement with WCHCC for the above stated purposes.

Based upon the foregoing, I most respectfully recommend your Honorable Board's approval of the annexed Resolution.

MJM/HM/jpg
Attachment

RESOLUTION

Upon a communication from the Commissioner of Human Resources, be it hereby

RESOLVED, that the County of Westchester ("County") is authorized to enter into an agreement with the Westchester County Health Care Corporation ("WCHCC"), whereby the County, through its Department of Human Resources, will work with WCHCC to review and address those civil service activities conducted while WCHCC self-administered its own civil service functions (the "Agreement"); and be it further

RESOLVED, that the term of the Agreement shall commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and will continue for a period of eighteen (18) months thereafter; and be it further

RESOLVED, that in consideration for services rendered, WCHCC shall pay the County the sum of Thirty Four Thousand Three Hundred Sixty-Five dollars (\$34,365) per month, up to a total amount not to exceed Six Hundred Eighteen Thousand Five Hundred Sixty-Six dollars (\$618,566), which fee is based on the salary and fringe benefits of those temporary County employees selected to perform the services; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	12	6010	9519		618,566.00

Budget Funding Year(s) 2019-2020 _ Start Date upon execution _ End Date 18 months thereafter _ (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
618,566 Federal Aid _____
 (must match resolution) Other WCHCC REVENUE _____

APPROVED BOARD OF ASSISTANTS COMPTROLLER - 03/14/2019 - USAMRIJAJ, SECRETARY