



Onondaga County Legislature

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DAVID H. KNAPP
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PUBLIC HEARING ON THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE BARGAINING UNIT REPRESENTED BY THE DEPUTY SHERIFF'S BENEVOLENT ASSOCIATION ("DSBA") OF ONONDAGA COUNTY, INC. FOR THE CALENDAR YEAR 2019

JULY 15, 2021 - 6:00 P.M.

MEMBERS PRESENT: Chairman Knapp, Mr. Burtis, Mrs. Tassone, Ms. Cody, Mrs. Abbott-Kenan, Ms. Kuhn, Mr. Ryan, Dr. Chase, Mr. McBride, Mr. Bush, Dr. Kelly, Mr. Kinne

MEMBERS ABSENT: Mr. May, Mr. Rowley, Mr. Holmquist, Mrs. Ervin, Mr. Williams

Chairman Knapp called the 6:00 p.m. public hearing to order at 6:09 p.m. The Clerk read the notice of public hearing and stated that the notice had been duly published.

Chairman Knapp asked for speakers wishing to be heard.

Carl Hummel, Commissioner of Personnel, read the following statement:

Chairman Knapp, Leader May, Leader Ervin, Legislators – Good Evening.

The County of Onondaga, the Onondaga County Sheriff, and the Deputy Sheriff's Benevolent Association (DSBA) entered into collective negotiations in October of 2018 for a successor agreement to the contract set to expire on December 31, 2018. Six negotiation sessions were held during 2018 and 2019 without successfully reaching agreement, at which time the parties filed for impasse. In accordance with New York State Labor Law, the Public Employment Relations Board (PERB) assigned a mediator to attempt to resolve the dispute and assist the parties in reaching an agreement. Three mediation sessions were subsequently conducted, the maximum allowed per statute, however the parties were still unable to reach an agreement.

In March of 2020, PERB assigned a fact-finder to conduct a hearing on the open items still in dispute between the parties and issue a report and recommendation. The fact finding process was significantly delayed due to the COVID-19 pandemic, and the report and recommendation was ultimately issued on February 22, 2021. Both parties rejected the fact-finder's report, but both also believed that the report and recommendation provided a basis for continued negotiations.

By letter dated March 4, 2021, the County Executive referred the matter to this body for legislative hearing and determination in accordance with the procedures, and within the timeframe, as set forth in New York State Labor Law. Concurrently, the parties continued to negotiate for a successor agreement in a good-faith effort to reach an agreement and avoid legislative determination.

In April of 2021, the parties met and were successfully able to agree to terms; signing a Tentative Agreement that was subject to ratification by union membership and adoption by this Legislature. Unfortunately, the DSBA membership rejected the Tentative Agreement. At that point, it did not appear that there was any hope for reaching an agreement, and both the County and the Sheriff were satisfied that, having made their best efforts, the

Legislature would make a determination for 2019 and the parties would commence negotiations anew for a successor agreement that would be effective from January 1, 2020 onward.

Shortly after the rejection of the Tentative Agreement in April, the union contacted the County and Sheriff requesting that we continue negotiating in an attempt reach a new Tentative Agreement and avoid legislative determination. The County and Sheriff in good faith re-engaged with the union in May of 2021 and again successfully reached a Tentative Agreement, which for the second time in two months had been approved and signed by the DSBA's negotiating team. But, as before, the union membership rejected it, and as a result we find ourselves here before you today.

There were a number of items in dispute throughout negotiations, mediation, fact-finding, and post fact-finding negotiations; but most prominent among these, and that which I believe is at the heart of two rejected Tentative Agreements, is the Work Limitation and Restriction Procedure. Under this procedure, Custody deputies can, with a valid doctor's note, be exempted from working any overtime shift needed by the Custody Department unless they choose not to invoke the exemption and work the shift. Some deputies, to their credit, will work as many overtime shifts as they can get. Others will work none, while plurality fall in between these two extremes. These restrictions, or J-meds as they are more commonly referred to, frequently leave the Custody Department below required staffing levels.

The County and Sheriff have regularly sought to eliminate J-meds during past negotiations including the most recent bargaining. Aside from the severe staffing and administrative problems that J-meds cause for the Custody Department, they quite frankly are no longer needed. The contract language that provides for J-meds was negotiated and adopted prior to the existence of the federal Family & Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA). One could say that J-meds, and those who negotiated them, were ahead of their time in providing certain protections for employees. But now they are antiquated and unnecessary due to the existence of the FMLA and the ADA.

That being said, the two Tentative Agreements that were signed and rejected did NOT eliminate J-meds. They did, however, increase the number of years of service a Custody Deputy would need to be eligible for a J-med from one (1) year to five (5) years; which we believed to be a reasonable compromise.

It is my belief that if the J-meds provision is in the contract, a provision by the way that does not exist in any other contract in this state or this country, that the parties would have reached agreement long ago. But, it does exist, and we are here today as a result having exhausted all other avenues to an agreement. Therefore, the County and the Sheriff's Office urge the Legislature to impose a contract for the DSBA for 2019 in accordance with the modified recommendation of the County Executive.

Thank you.

Kevin Moore:

Mr. Moore thanked everyone for coming, including his brothers and sisters from the DSBA. He has two weeks left in his term as President of the DSBA. He has a unique perspective looking back on his career, where many of his brothers and sisters are looking forward to theirs. Every single one of these guys and girls have taken a job in the field of public service. Those in public service will always put other people ahead of themselves. The DSBA has one of the most difficult jobs in public service, because the clientele does not say thank you. He looked at the last 3 years and everything everyone went through as a group with COVID. They dealt with bail reform, COVID, and now a significant staff shortage of about sixty deputies. During COVID, guys were scared and did not have the opportunity to work from home. They had to go into housing units, and sixty guys caught COVID. He cannot compare this to 9/11, but for those working at the jail, it might be the closest they got to it. Mr. Moore is very proud of the job they all did. It is now 2021, and they are facing a staff shortage. He is proud to be a jailer, and it has been part of his life for 25 years. These are lunch pail guys who eat chicken wings and drink

beer. They hunt and play fantasy football. This country was built on the backbone of the working man. These people have a thankless job, then lay on top of that bail reform and COVID. Not a lot has gone their way, and they are a defeated group; but they are still very proud. Mr. Moore said if people read about one incident in the jail out of 10-12,000 bookings, they are doing a great job. The story on Syracuse.com (9 times out of 10) is an inmate was lodged at the Justice Center, but the story does not end; it continues. Bob Richardson was assaulted by an inmate less than two weeks ago; punched across the desk. No one read about it, and he came right back to work. He is answering the cross of his calling like many of them do. If everyone goes home safe at night with no staff assaults, suicides, or escapes, then that was a great day in the field. COVID was crazy, and a lot of these guys were seeing others on unemployment and receiving stimulus checks. A lot of these guys did not qualify for that. In 1986, Mr. Moore was working at West End Seafood. His boss came up to him to say he was giving him a 10 cent raise; he was making \$3.35 per hour. It was the best thing in the world to him. Sometimes that is the only way to thank someone. He would like to invite any of the legislators to come and see how the jail works. It takes moxie to walk in there on a daily basis. Legislators would see how good they are at their job, and how efficient the building runs. Mr. Moore said the legislature has an opportunity to work with the group to make a decision. If they can find it in their hearts and minds to consider what the fact finder recommended, which was 2.5%, it would mean the world to Mr. Moore and the membership.

Joe Lee:

Mr. Lee stated that he is the incoming president for the DSBA. This is a pretty tough job, and he said he would love for any of the legislators to come and take a tour of the building to see what they do on a daily basis. They are not the prettiest positions in the County to work in, but it is a living. Right now they are looking for a little help and are asking for 2.5% with retro. Mr. Lee has stats they have gone over and submitted to the fact finder which include comparisons to other counties around.

Chairman Knapp asked Mr. Lee to leave the stats with the Clerk to be distributed.

Joe Lee:

There is also their counterpart from OCSPA and comparisons, as well as revenues from Custody and Civil (all part of DSBA). They make money for the county. Mr. Lee said to please feel free to reach out, as they have his email and phone number. He is always available.

Brian Hall:

Mr. Hall said he has been on the job since 1988; 7 years at Jamesville and the remainder at the Justice Center. He cannot explain in a limited time about the job they all have. When things go bad here, they bring them over there. The murders, drug raids, rapes, and burglaries. Bail reform came and population came down, but they stayed. COVID came, March Madness left, football left, basketball season left, the Olympics left, but the DSBA was not furloughed or went home. They stayed, and they had to put clothes in garment bags, take their boots off and spray them down with alcohol and disinfectant. Mr. Hall said there are a lot of things to say about the job they are doing. He states what he knows is based on the backs of the people he works with; male and female. They kept going and complained. People left, got fired, got suspended, passed away, and 60 plus people got COVID. They still came to work and did not miss a day. The building opened in 1995, and it has not been closed since. When the whole world said it is over, the Justice Center remained open. It is still open to this day. Through attrition, retirement, deaths, and people leaving for different reasons, the place still runs. The reason for medicals is because if they did not, then the Sheriff would say he has 294 new employees, why would he need to hire. There are conditions that put them in the situation they are in right now. Mr. Hall said he got worked a lot; some extreme work, some not. He cannot blame them if they do or do not. Hiring does not fall on them. Without the line staff, the building would not run. When legislators go home and think about people they see on the news, guess where they are; across the street. Where is the DSBA? Across the street trying to keep a lid on everything. Trying to make sure what happened to Bob Richardson does not happen to anyone else. They cannot predict that, but they have to be proactive, not reactive. Time and time again, deputies get assaulted, but no one hears about it. It happens every day, not only on county level, but state level. Some people develop PTSD, because of what they

do. It is non-stop from the time they swipe in to the time they swipe out. Mr. Hall said everyone here does a great job. He is proud to work with everybody. If anyone needs Mr. Hall, please call. He is still a union steward.

Chairman Knapp asked if anyone else would like to be heard on this topic. Hearing none, the public hearing was adjourned at 6:30 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jm', with a long horizontal flourish extending to the right.

JAMIE McNAMARA, Clerk
Onondaga County Legislature