



Tuesday, October 25, 2016
GCEDC- Andrews Conference Room – Suite 106
Employment & Compensation Committee Meeting
12:00 pm

MINUTES

ATTENDANCE

Committee Members: M. Wiater, P. Battaglia, M. Gray
Agency Members: J. Rizzo
Staff: L. Farrell, M. Masse, S. Hyde, E. Richardson
Guests:
Absent: M. Davis

1. CALL TO ORDER / ENTER PUBLIC SESSION

M. Wiater called the meeting to order at 12:05 p.m. in the Andrews Conference Room.

2. EXECUTIVE SESSION

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 12:05p.m., for the following reasons:

1. To discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The motion was seconded by M. Gray and approved by all members present.

****E. Richardson left the meeting at 12:05pm.**

****L. Farrell, M. Masse and S. Hyde left the meeting at 12:30pm.**

RE-ENTER PUBLIC SESSION

P. Battaglia made a motion to enter back into public session at 1:15 p.m., seconded by M. Gray and approved by all.

****L. Farrell, M. Masse, S. Hyde and E. Richardson joined the meeting at 1:15pm.**

3. CHAIRMAN'S REPORT & ACTIVITIES

3a. Agenda Additions / Deletions / Other Business – M. Wiater asked the Committee to add item 4d. Conversion of Salaried Employees to Hourly Employees to the agenda.

P. Battaglia made a motion to approve adding item 4d to the agenda; the motion was seconded by M. Gray. Roll call resulted as follows:

M. Wiater -	Yes
P. Battaglia -	Yes
M. Gray -	Yes
M. Davis -	Absent

The item was approved as presented.

3b. Minutes: April 14, 2016

M. Gray made a motion to approve the April 14, 2016 Minutes; the motion was seconded by P. Battaglia. Roll call resulted as follows:

M. Wiater - Yes
P. Battaglia - Yes
M. Gray - Yes
M. Davis - Absent

The item was approved as presented.

4. DISCUSSIONS / OFFICIAL RECOMMENDATIONS TO THE BOARD

4a. Standard Workday Resolution for Employees – L. Farrell shared that one title has changed since this was last approved and the Standard Workday Resolution for Employees needs to be updated. All GCEDC employees are not included on this form. In the past, elected or appointed officials were listed on a separate form. This does not get submitted, but must be kept on file and made available to the Retirement System upon request.

L. Farrell asked the Committee to recommend to the full Board approval of the updated Standard Workday Resolution for Employees.

P. Battaglia made a motion to approve the updated Standard Workday Resolution for Employees; the motion was seconded by M. Gray. Roll call resulted as follows:

M. Wiater - Yes
P. Battaglia - Yes
M. Gray - Yes
M. Davis - Absent

The item was approved as presented.

4b. Staff Cell Phone Policy – L. Farrell shared with the Committee a sample staff cell phone policy. She shared that currently several staff members have a cell phone that is provided to them by the Agency. This has caused some concern when it comes to Freedom of Information Law (FOIL) Requests. Information on Agency owned cell phones could be FOIL-able. Another concern is when it comes to potential litigation, information on Agency owned cell phones could be considered evidence. Currently ECIDA has an allowance policy that gives reimbursement/allowances to certain employees. These allowances are taxable payments that the employee would receive as part of their paycheck.

J. Rizzo shared that he finds the whole thing to be counterintuitive. If the Agency owns the phone and there is litigation and you receive a demand for the information/records on the cell phone, it would be so much easier to produce the records for that phone if it is all business related than to go through someone's personal phone and have to delineate what is personal and what is business.

L. Farrell shared that the sample cell phone policy that was provided in the meeting materials is a potential way to help alleviate concerns.

J. Rizzo shared that a clear-cut solution would be to provide the staff with a business phone that is strictly for business use only, not for personal use. They can have a separate personal phone if they so choose.

P. Battaglia shared that when he reviewed the draft policy he looked at it as a burden to the employee. They would have to pay for their own phone and we would provide them an allowance. Keeping in mind that the allowance should only cover expenses related to Agency business, if the allowance is going to be used to subsidize the personal use portion of the cost, then he would say that the allowance in the sample policy is too high.

M. Wiater shared that she feels strongly that Agency phones should be used for Agency business only. This is an issue that needs to be discussed further.

4c. Long Term Disability – No discussion at this time.

4d. Conversion of Salaried Employees to Hourly Employees – L. Farrell shared that the Department of Labor’s (DOL) Final Rule on Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees under the Fair Labor Standards Act (FLSA) updates the salary level required for the executive, administrative, and professional (‘white collar’) exemption to ensure that the FLSA’s intended overtime protections are fully implemented.

In the Final Rule, the DOL updated the salary level above which certain “white collar” workers may be exempt from overtime pay requirements. This change raises the salary level from its previous amount of \$455 per week (\$23,660 per year) to a new level of \$913 per week (\$47,476 per year). These changes will take effect on December 1, 2016.

The GCEDC has two employees/positions that will be affected by this change. Hourly rates of pay will need to be established for these employees. It is proposed that the employee’s current annual salary be divided by 37.5 hours per week to come up with their hourly rate.

M. Wiater asked the Committee to recommend to the full Board approval of the hourly wages for newly classified non-exempt employees as presented starting December 1, 2016.

M. Gray made a motion to recommend to the full board approval of the hourly wages for newly classified non-exempt employees starting December 1, 2016; the motion was seconded by P. Battaglia. Roll call resulted as follows:

M. Wiater -	Yes
P. Battaglia -	Yes
M. Gray -	Yes
M. Davis -	Absent

The item was approved as presented.

ADJOURNMENT

As there was no further business, P. Battaglia made a motion to adjourn at 1:32p.m., seconded by M. Gray and passed unanimously.