



FINANCE, LEGAL & SAFETY COMMITTEE

February 14, 2023

10:30 a.m.

- APPROVAL OF MINUTES: January 10, 2023
  
- FINANCIAL
  - Safety
  - Law
  
- OLD BUSINESS
  - Litigation
  
- NEW BUSINESS
  - New and amended policies
  - Ethics Board appointments
  - Accessible Parking Education
  - Flood insurance deductibles
  
- PERSONNEL
  - Secretary to the 1<sup>st</sup> Assistant County Attorney
  - Safety Officer
  
- RESOLUTIONS
  - AUTHORIZE TO CREATE AND FILL SECRETARY TO THE 1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY; TEMPORARY INCREASE FULL-TIME HEADCOUNT LAW DEPARTMENT
  - AMEND EMPLOYEE HANDBOOK; WORKPLACE VIOLENCE PREVENTION PROGRAM POLICY AND DISCRIMINATORY HARASSMENT POLICY
  - AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES: SUBSECTION V. LEAVE TIME
  - AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH TEVA CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS
  - APPOINT SAFETY OFFICER
  
- PROCLAMATIONS

- N/A

- EXECUTIVE SESSION

- 

- ADJOURNMENT

TIOGA COUNTY, NEW YORK

# Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



## FINANCE, LEGAL AND SAFETY COMMITTEE

January 10, 2023

10:30am

### ATTENDANCE:

Legislators: Chair Sauerbrey, Mullen, Ciotoli, Monell, Roberts and Weston, Brown, Standinger

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Personnel Office Parke, Treasurer McFadden, Assistant Public Defender Cline,

**APPROVAL OF THE MINUTES:** Legislator Monell asked for a motion to approve the December 13, 2022, minutes. Legislator Mullen made the motion, seconded by Legislator Ciotoli, and was unanimously carried.

**FINANCIAL:** Safety's budget for 2022 was under budget due to the resignation of the former Safety Officer. Safety and Legal's budget are tracking well for 2023.

**OLD BUSINESS:** The County has received the 2023 Insurance Renewal premium, and payment is in process.

The 2022 Annual Safety Training have been completed by all but ten (10) employees. A brief discussion followed on possible options to ensure employee compliance.

**NEW BUSINESS:** The County has retained cyber insurance coverage through Coalition. The premium has increased however the policy provides better coverage than previous years.

The County Attorney's Office has been in the process of identifying plans and policies that need to be updated and created to ensure compliance with State and Federal law. The Title VI plan has been updated to include updated data,

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forms, and environmental information. A Section 3 Plan has been created to ensure compliance with grant applications.

An Interim Director of Public Health will start tomorrow. Their information has been provided to the state for review.

The County is in the process of closing on 70 Delphine Street and finalizing ILS's rental agreement for 170 Main Street. ILS's 2023 budget will be reviewed, research is continuing on a property in Town of Owego and County Attorney DeWind has spoken to Judge Schumacher regarding a possible redemption policy for In Rem. Legislator Mullen stated he would like to see a one time, one person only redemption policy.

Paralegal Humes has completed extensive ADA training and has begun to address ADA compliance issues at the Ronald E. Dougherty County Office Building. Mr. Humes is working collaboratively with the Department of Public Works to ensure ADA standards are being met.

**PERSONNEL:** The Part Time 4<sup>th</sup> Assistant County Attorney will start on January 17, 2023

Assistant Public Defender Cline stated the creation of a full time Office Specialist III position will greatly increase efficiency and retention. There are funds available in the Public Defender's budget to pay for this position.

**RESOLUTIONS:** AMEND RESOLUTION 193-18; ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN AND AMEND EMPLOYEE HANDBOOK; SECTION IV: PERSONNEL RULES, SUBSECTION L. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA POLICY; AMEND EMPLOYEE HANDBOOK: ADD NEW POLICY TO NEW SECTION XII. SUBSECTION A. ENTITLED SECTION 3 PLAN FOR TIOGA COUNTY; APPOINT TITLE VI COORDINATOR; AMEND RESOLUTION 277-06; APPOINT ADA COORDINATOR; 2023 STAFF CHANGES LAW DEPARTMENT; AUTHORIZE CONTRACT WITH SECURITAS SECURITY SERVICES FOR 56 MAIN STREET; RECOGNITION OF JUDGE GERALD A. KEENE'S FORTY-ONE YEARS OF SERVICE TO TIOGA COUNTY; ABOLISH TWO PART-TIME PARALEGAL POSITIONS AND CREATE ONE FULL TIME OFFICE SPECIALIST III

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PUBLIC DEFENDER'S OFFICE; CREATE AND FILL TEMPORARY, PART-TIME PARALEGAL (SEASONAL) POSITION DISTRICT ATTORNEY'S OFFICE; these resolutions were moved into full Legislative session without further questions.

PROCLAMATIONS: None

EXECUTIVE SESSION: None

ADJOURNMENT: Legislator Monell adjourned the Legal and Safety Committee meeting at 11:24 AM.

Respectfully submitted,

*Christine Freyvogel*

Secretary to the County Attorney



# TIOGA COUNTY, NEW YORK

## Tioga County 2023 SAFETY BUDGET REPORT

FOR 2023 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>CI Liability Insurance Fund</b>							
<b>CI8042 504 Coordinator/Safety</b>							
CI8042 424010 Interest And Earn	0	0	0	-34.29	.00	34.29	100.0%
CI8042 510010 Fulltime	57,523	0	57,523	.00	.00	57,523.00	.0%
CI8042 540140 Contracting Servi	164,500	0	164,500	.00	.00	164,500.00	.0%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
CI8042 540420 Office Supplies	400	0	400	.00	.00	400.00	.0%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	.00	224.00	376.00	37.3%
CI8042 540733 Training/All Othe	3,500	0	3,500	348.95	.00	3,151.05	10.0%
CI8042 581088 State Retirement	2,744	0	2,744	.00	.00	2,743.78	.0%
CI8042 583088 Social Security F	2,232	0	2,232	.00	.00	2,232.10	.0%
CI8042 584088 Workers Compensat	1,224	0	1,224	.00	.00	1,224.34	.0%
CI8042 588988 Eap Fringe	15	0	15	.00	.00	14.56	.0%
TOTAL 504 Coordinator/Safety	235,063	0	235,063	314.66	224.00	234,524.12	.2%
TOTAL Liability Insurance Fund	235,063	0	235,063	314.66	224.00	234,524.12	.2%
TOTAL REVENUES	0	0	0	-34.29	.00	34.29	
TOTAL EXPENSES	235,063	0	235,063	348.95	224.00	234,489.83	
GRAND TOTAL	235,063	0	235,063	314.66	224.00	234,524.12	.2%

\*\* END OF REPORT - Generated by Freyvoget, Christine \*\*



# TIOGA COUNTY, NEW YORK

## Tioga County 2023 LEGAL BUDGET REPORT

FOR 2023 02

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>A General Fund</b>							
<b>A1420 Law</b>							
A1420 412706	Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00 .0%
A1420 510010	Full Time	212,439	0	212,439	16,341.40	.00	196,097.60 7.7%
A1420 510020	Part Time/Temporar	45,000	0	45,000	1,480.77	.00	43,519.23 3.3%
A1420 510050	All Other(On Call,	2,000	0	2,000	.00	.00	2,000.00 .0%
A1420 520200	Office Equipment	450	0	450	.00	.00	450.00 .0%
A1420 540010	Advertising	100	0	100	.00	.00	100.00 .0%
A1420 540040	Books	500	0	500	418.95	.00	81.05 83.8%
A1420 540180	Dues	1,200	0	1,200	678.00	.00	522.00 56.5%
A1420 540330	Legal Fees	65,000	0	65,000	3,450.00	37,950.00	23,600.00 63.7%
A1420 540390	Mileage Expense	100	0	100	.00	.00	100.00 .0%
A1420 540420	Office Supplies	825	0	825	.00	.00	825.00 .0%
A1420 540480	Postage	150	0	150	.00	.00	150.00 .0%
A1420 540485	Printing/Paper	400	0	400	.00	.00	400.00 .0%
A1420 540731	Training/State Req	200	0	200	.00	.00	200.00 .0%
A1420 581088	State Retirement F	17,918	0	17,918	1,936.83	.00	15,981.59 10.8%
A1420 583088	Social Security Fr	15,182	0	15,182	1,812.35	.00	13,369.83 11.9%
A1420 584088	Workers Compensati	3,673	0	3,673	489.70	.00	3,183.32 13.3%
A1420 585588	Disability Insuran	204	0	204	23.49	.00	180.09 11.5%
A1420 586088	Health Insurance F	49,507	0	49,507	8,328.88	.00	41,178.50 16.8%
A1420 588988	Eap Fringe	44	0	44	6.10	.00	37.58 14.0%
TOTAL Law		364,813	0	364,813	34,966.47	37,950.00	291,896.79 20.0%
TOTAL General Fund		364,813	0	364,813	34,966.47	37,950.00	291,896.79 20.0%
TOTAL REVENUES		-50,079	0	-50,079	.00	.00	-50,079.00
TOTAL EXPENSES		414,892	0	414,892	34,966.47	37,950.00	341,975.79
GRAND TOTAL		364,813	0	364,813	34,966.47	37,950.00	291,896.79 20.0%

\*\* END OF REPORT - Generated by Freyvogetl, Christine \*\*

REFERRED TO:

PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION  
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -23

AUTHORIZE TO CREATE AND FILL SECRETARY TO  
1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY;  
TEMPORARILY INCREASE FULL-TIME HEADCOUNT  
LAW DEPARTMENT

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: Due to the announced retirement of the current Secretary to 1<sup>st</sup> Assistant County Attorney as of March 31<sup>st</sup>, 2023, the County Attorney has implemented a succession plan which includes the current Secretary to 1<sup>st</sup> Assistant County Attorney training her replacement for a period of time in order to transition duties; and

WHEREAS: In an attempt to recruit and train for said replacement the County Attorney would like to temporarily increase his authorized full-time headcount to offer the employee benefits; therefore be it

RESOLVED: That one full-time Secretary to the 1<sup>st</sup> Assistant County Attorney position shall be created effective February 15, 2023, at an annual salary of \$39,940 – \$49,740 (Management/Confidential); and be it further

RESOLVED: That the authorized full-time headcount for the Tioga County Law Department shall increase from 8 to 9 through March 31<sup>st</sup>, 2023 and shall revert back to 8 as of April 1, 2023.



REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK;  
SECTION IX. SAFETY RULES, SUBSECTION J.  
WORKPLACE VIOLENCE PREVENTION PROGRAM  
POLICY AND DISCRIMINATORY HARASSMENT POLICY

WHEREAS: Tioga County's Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy was reviewed by the Workplace Violence Advisory Team and the Loss Control Committee for the annual review of the Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy for necessary updates; and

WHEREAS: The Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy warrants revisions in several sections and the need for forms to be updated in their entirety; therefore be it

RESOLVED: That the Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy be updated to include inclusive pronouns; and be it further

RESOLVED: That **Section I. Workplace Violence Prevention Program Policy, Subsection III. Definitions** is hereby amended to include two new definitions; 6. Harassment and 7. Furniture Abuse to read as follows:

### III. Definitions

6. Harassment occurs when you have the intent to harass, annoy or alarm some person and you: Strike them in some manner or make physical contact with them (or attempt to do so); or follow a person around in public areas; or engage in a course of conduct (repeated actions) of annoyance or alarm to that person without any legitimate reason to do so.
7. Furniture Abuse can be defined as the deliberate kicking, smashing, slamming or hitting of chairs, tables, workstations, walls, doors, objects or other items of furniture in the workspace.

And be it further

RESOLVED: That **Section I. Workplace Violence Prevention Program Policy, Subsection V. Responsibilities**, 1. Department Head/ Supervisor Responsibility and 3. Safety Officer are hereby amended to read as follows:

## V. Responsibilities

### 1. Department Head/Supervisor Responsibility

Department Heads and supervisors are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies their Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report, the Department Head is responsible for following the reporting procedures as outlined in Section VII of this policy. Failure to follow reporting procedures could result in disciplinary action.

### 3. County Attorney's Office

The County Attorney's Office, or their designee, will be responsible for annual training and disseminating any changes made to this policy to County personnel, as well as ensuring the policy is posted appropriately throughout county buildings and other work sites.

And be it further

RESOLVED: That **Section I. Workplace Violence Prevention Program Policy, Subsection VIII. Incident Investigation, 1. Risk Evaluation After a Workplace Violence Incident** is hereby amended to read as follows:

## VIII. Incident Investigation

### 1. Risk Evaluation After a Workplace Violence Incident

The County Attorney's Office, or their designee, will perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of the review, the County Attorney's Office, or their designee, will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The County Attorney's Office may also make recommendations for revising the Workplace Violence Prevention Policy. Any revisions to the policy will be put in writing and made available to employees. Employee training will be provided if significant changes to the policy are made. The County will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

And be it further

RESOLVED: That **Section I. Workplace Violence Prevention Program Policy, Subsection X. Workplace Risk Evaluation** is hereby amended to include additional risk factors, worksite locations, and applicability in Tioga County and to read as follows:

#### **X. Workplace Risk Evaluation**

As required by Section 27-b of the NYS Labor Law, the County conducted an evaluation of the workplace in general, and each worksite specifically, to identify existing or potential hazards that might place employees at risk of workplace violence.

The following risk factors, locations and applicability in Tioga County are listed below:

1. Working in public settings applies to all County locations and personnel.
2. Working late night or early morning hours applies to personnel at the Ronald E. Dougherty County Office Building, Court Annex/County Clerk's Building, Health and Human Services Building, Public Safety Building, Highway Department, Buildings & Grounds, Mental Hygiene Building in Waverly, Public Defender's Building, ILS Building, Child Advocacy Center Building, and the County Truck Wash Building.
3. Exchanging money with the public applies to personnel at the County Office Building, Public Safety Building, Court Annex/County Clerk's Building, Health and Human Services Building, Ronald E. Dougherty County Office Building and the Mental Health Building in Waverly.
4. Working alone or in small numbers applies to personnel at all County Office Buildings. It also applies to personnel who do County work off County premises.
5. Uncontrolled access to the workplace applies to personnel at the County Office Buildings or sites with unrestricted access.
6. Areas of previous security problems include the Ronald E. Dougherty County Office Building and Health and Human Services Building.

And be it further

RESOLVED: That **Section I. Workplace Violence Prevention Program Policy, Subsection XI. Methods for Hazard Prevention and Control, #2** is hereby amended to read as follows:

#### **XI. Methods for Hazard Prevention and Control**

2. The hierarchy of controls to be used is:
  - Elimination
  - Substitution
  - Engineering Controls.
  - Administrative Controls.
  - Personal Protective Equipment.

And be it further

RESOLVED: That **Section 2 Discriminatory Harassment Policy, Subsection I. Policy Statement, paragraph 1** is hereby amended to read as follows:

It is the policy of the County of Tioga to provide and maintain a work environment which is free from unlawful discrimination based on race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, gender identity, and any other class protected by law (collectively referred to as "discriminatory harassment" or "harassment"). Harassment based on these characteristics is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

And be it further

RESOLVED: That **Section 2 Discriminatory Harassment Policy, Subsection II. Definitions, 1. Sexual Harassment** is hereby amended to read as follows:

1. "Sexual Harassment" is defined as:

A form of gender-based discrimination. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc.);
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions (e.g., hiring, evaluation, promotion) affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an employee's sex
- Any sexual advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities
- Leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender.

And be it further

RESOLVED: That **Section 3. FORMS – ALL FORMS ARE LOCATED ON COUNTY INTRANET** is hereby amended to read as follows with the following updated forms located on the County Intranet:

**SECTION 3 – FORMS – ALL FORMS ARE LOCATED ON COUNTY INTRANET**

**Form 1:** Workplace Violence Incident Report Form

**Form 2:** Workplace Violence Prevention Program Policy Acknowledgement Form

**Form 3:** Workplace Violence Prevention Program Training Acknowledgement Form

**Form 4:** Workplace Violence Discriminatory Harassment Complaint Form

**Form 5:** Workplace Violence Notice of Withdrawal of Complaint of Discriminatory Harassment

And be it further

RESOLVED: That the remainder of the Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy remains unchanged.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
SECTION IV. PERSONNEL RULES:  
SUBSECTION V. LEAVE TIME

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with State and Federal Law and has identified the need to amend Section IV. Personnel Rules, Subsection V. Leave Time, with the revision of Paragraph C. and the addition of Paragraphs E. and F.; and

WHEREAS: Section 202-j of the New York State Labor Law requires employers to provide up to three (3) hours of unpaid leave time per calendar year to donate blood; and

WHEREAS: Section 202-a of the New York State Labor Law requires employers to allow unpaid leave absences to undergo a medical procedure to donate bone marrow not exceeding twenty-four (24) hours per each request; and

WHEREAS: Tioga County does not have its own leave time for blood donation and bone marrow donation policies; and

WHEREAS: The County Attorney has written and proposed new paragraphs entitled E. related to blood leave donation and F. related to bone marrow donation; and

WHEREAS: Paragraph C. related to cancer screening has been revised to remove the term "male/female" and to add the word "time" to the following sentence "Leave time for cancer screening(s) is not cumulative and expires at the close of business on the last day of each calendar year"; therefore be it

RESOLVED: That Section IV., Personnel Rules, Subsection V. Leave Time, Paragraph C. related to cancer screening is hereby amended to read as follows:

- C. In accordance with Section 159-b of the Civil Service Law (amended as of March 18, 2018, all County employees (full-time, temporary or permanent) are allowed up to four (4) hours of paid leave time per calendar year annually for cancer screening(s). Leave time for cancer screening(s) is not cumulative and expires at the close of business on the last day of each calendar year. Travel time to and from the screening(s) is included in the four hours. Absence beyond the four hours must be charged to other leave time. Employees who undergo the screening(s) outside their regular

work schedule do so on their own time. Employees are not granted compensatory time off for cancer screening(s) that occur on days off or holidays. Employees are required to provide satisfactory medical documentation that their absence was for the purpose of screening for cancer. The documentation should be attached to the employee's time sheet or presented to the Department Head.

And be it further

RESOLVED: That Section IV., Personnel Rules, Subsection V. Leave Time, is hereby amended to add new Paragraphs E. related to blood work donation and F. related blood marrow donation to read as follows:

- E. In accordance with Section 202-j of the New York State Labor Law all County employees, full-time, temporary, or permanent are allowed up to three (3) hours of unpaid leave time per calendar year annually for the purpose of donating blood. Leave time for blood donation(s) is not cumulative and expires on the last day of each calendar year. Travel time to and from blood donation sites is included in the three hours. Leave taken by employees at a county-designated donation alternative (such as an employer-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, or other leave time. Employees are required to give reasonable notice of at least three working days prior to the day of their intended use of leave time. Documentation should be attached to the employee's time sheet or presented to the Department Head.
  
- F. In accordance with Section 202-a of the New York State Labor Law all County employees, full-time, temporary, or permanent are allowed unpaid leaves of absence to undergo a medical procedure to donate bone marrow. The length and duration of leave must be determined by a physician, but the combined leaves may not exceed twenty-four (24) hours per each request for the purpose of donating bone marrow, unless agreed to by the Department Head. This leave is available only to the extent that it conflicts with the employee's work schedule. Leave may be taken in increments of either full or partial days, and may include any necessary travel time, medical testing, or further procedures to determine bone marrow compatibility, medical procedure, and recovery time. Employees must provide suitable verification from a physician regarding the purpose and length of each leave. Documentation should be

attached to the employee's time sheet or presented to the Department Head.

And be it further

RESOLVED: That the remainder of the Section IV. Personnel Rules: Subsection V. Leave Time Policy remains unchanged.



REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -23 AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH TEVA CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS

WHEREAS: Tioga County has joined in a legal action seeking compensation from those who are responsible for causing and perpetuating the opioid addiction crisis (the "Action"); and

WHEREAS: The Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS: The Action alleges several causes of action against defendant Teva based on claims that Teva contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various "front groups" and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in New York; and

WHEREAS: Teva has offered to settle the claims against it by entering into a national settlement and paying a sum to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS: The final amount to be received by Tioga County will vary depending on several factors including the number of Plaintiff's ultimately agreeing to enter into the settlement but will have an approximate value to Tioga of \$303,293.00; and

WHEREAS: It is in the best interest of Tioga County to resolve this matter with respect to Teva without further litigation and enter into an agreement to settle all allegations against Teva and avoid protracted litigation; therefore be it

RESOLVED: That Tioga County is authorized to participate in the proposed settlement with Teva and Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claim the Defendants Teva and distribute the proceeds between the participating Plaintiffs.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 AUTHORIZE APPOINTMENT OF SAFETY OFFICER

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Since November 1, 2022, the position of Safety Officer has been vacant due to resignation; and

WHEREAS: The County Attorney has recruited and identified a qualified candidate whom he would like to hire for said position; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Doreen Holbrook to the title of Safety Officer effective February 27, 2023, pending successful completion of civil service examination requirements at an annual Management/Confidential salary of \$56,000.00.