

HUMAN RESOURCES & INSURANCE COMMITTEE

August 31, 2021 4:00 p.m.

AGENDA

Chair: Kevin Tollisen

Members:

Joe Grasso

John Lant

Jon Schopf - VC

Tom Richardson

Matt Veitch

Tom Wood

- I. Welcome and Attendance
- II. Approval of the minutes of the July 27, 2021 meeting
- III. Employee Recognition
- IV. Workers Compensation Report
- V. Resolution Authorizing an Amendment(s) to the 2021 Compensation Plan
 - a) Youth Bureau/Public Health/Aging
 - b) Sheriff's Department/Emergency Services
 - c) County Clerk/Historian
 - d) Public Health Temporary Positions
- VI. Resolution Approving a Transfer of Funds to Cover 18-B Attorney's Fees
- VII. Other Business
- VIII. Adjournment

The public will have an opportunity to hear the meeting live via an audio signal using this call-in number and access code: Dial: 1-978-990-5145 Access Code: 1840389

Human Resources and Insurance Committee Meeting

August 31, 2021





July 2021 Data



Participant	Total Paid	Claims Received	24/7 Utilization	
			Yes	No
City of Mechanicville-Public Works	\$1,136.56	0	0	0
City of Saratoga Springs-All Other	\$368.88	0	0	0
City of Saratoga Springs-Fire Department	\$5,038.37	0	0	0
City of Saratoga Springs-Police Department	\$5,940.92	4	4	0
City of Saratoga Springs-Public Works	\$8,791.99	0	0	0
Clifton Park Halfmoon Emergency Corp-Paid	\$2,349.32	0	0	0
Clifton Park Halfmoon Emergency Corp-Vol	\$88.51	0	0	0
Clifton Park Water Authority	\$139.46	1	1	0
Galway Emergency Medical Services-Paid	\$8.50	0	0	0
Malta-Stillwater Ambulance Corps-Paid	\$285.00	1	1	0
Malta-Stillwater Ambulance Corps-Volunteer	\$1,133.03	0	0	0
Saratoga Co -Public Health Nursing Service	\$0.00	1	1	0
Saratoga Co -Public Works Building & Grnds	\$9,878.76	0	0	0
Saratoga County-Animal Shelter	\$771.90	4	4	0
Saratoga County-District Attorney	\$3,040.88	0	0	0
Saratoga County-Maplewood Manor	\$7,581.99	0	0	0
Saratoga County-Public Works Highway	\$10,386.98	2	2	0
Saratoga County-Sewer District	\$8,287.25	0	0	0
Saratoga County-Sheriff	\$28,292.84	4	4	0
Saratoga County-Social Services	\$6,545.17	0	0	0
Saratoga County-SYEP	\$822.55	0	0	0
Saratoga County-Youth Bureau	\$0.00	1	0	1
Schuylerville-Victory Board-Water Mgmt	\$917.80	0	0	0
Town of Ballston-All Other	\$0.00	1	1	0
Town of Charlton-All Other	\$551.92	0	0	0
Town of Clifton Park-All Other	\$7,768.12	3	3	0
Town of Clifton Park-Public Works	\$500.00	0	0	0
Town of Edinburg-All Other	\$2,193.68	0	0	0
Town of Greenfield-All Other	\$133.34	1	1	0
Town of Hadley-All Other	\$582.52	0	0	0
Town of Hadley-Public Works	\$1,914.92	0	0	0
Town of Halfmoon-All Other	\$1,522.76	1	1	0
Town of Halfmoon-Public Works	\$367.91	0	0	0
Town of Halfmoon-Youth	\$0.00	1	1	0



July 2021 Data



Participant	Total Paid	Claims Received	24/7 Utilization	
			Yes	No
Town of Milton-All Other	\$415.65	0	0	0
Town of Milton-Public Works	\$1,022.49	0	0	0
Town of Moreau-All Other	\$774.92	0	0	0
Town of Moreau-Public Works	\$386.87	0	0	0
Town of Northumberland-All Other	\$135.50	0	0	0
Town of Saratoga-Public Works	\$38,607.93	1	1	0
Town of Stillwater-Public Works	\$652.89	0	0	0
Town of Waterford-All Other	\$5.00	1	1	0
Town of Waterford-Public Works	\$1,568.43	0	0	0
Town of Wilton-All Other	\$8.50	0	0	0
Town of Wilton-Public Works	\$203.50	0	0	0
Town of Wilton-Youth	\$0.00	1	1	0
Village of Ballston Spa-All Other	\$110.50	1	0	1
Village of Ballston Spa-Public Works	\$12,685.27	0	0	0
Village of Schuylerville-Public Works	\$4,157.23	1	1	0
Village of South Glen Falls-Public Works	\$13.50	0	0	0
Village of Victory-Public Works	\$371.28	0	0	0
Vol Fire Dept-Ballston Lake Fire Dept.	\$28,295.57	0	0	0
Vol Fire Dept-Clifton Park-Jonesville Fire	\$0.00	1	1	0
Vol Fire Dept-Clifton Park-Vischer Ferry Fre	\$252.00	0	0	0
Vol Fire Dept-Corinth Vol Fire Association	\$327.93	0	0	0
Vol Fire Dept-Greenfield Fire District	\$5,661.63	1	0	1
Vol Fire Dept-Milton Eagles Vol Fire Co	\$1,705.00	0	0	0
Vol Fire Dept-Northumberland-Gansevoort Fire	\$381.44	0	0	0
Vol Fire Dept-Stillwater-Arvin Hart Co	\$342.12	0	0	0
Vol Fire Dept-Vil of Schuylerville-Schuyler	\$4,620.00	0	0	0
Vol Fire Dept-Vil of South Glens Falls Fire	\$615.52	0	0	0
Vol Fire Dept-Vil of Stillwater-Newland Wd	\$1,600.00	0	0	0
Volunteer Fire Dept.-Wilton Fire Dept.	\$127.00	0	0	0
Wilton Emergency Squad-Paid	\$2,052.71	0	0	0
Grand Total	\$224,442.21	32	29	3



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

TO: Steve Bulger, County Administrator
Ridge Harris, Deputy County Administrator
Michael Hartnett, County Attorney
Therese Connolly, Clerk of the Board

CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office

FROM: Steve Bulger, County Administrator

DATE: August 25, 2021

RE: Youth Bureau/Public Health/Aging

COMMITTEE: Human Resources and Insurance

1. Is a Resolution Required: **YES** or **NO**
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed: **YES** or **NO**
(If yes, budget lines and impact must be provided)

Funds will be transferred from Youth Bureau to respected departments.

3. Are there Amendments to the Compensation Schedule: **YES** or **NO**
(If yes, provide details)

Positions will be transferred as described below.

4. Specific details on what the resolution will authorize:

Under the Department of Public Health, three civil service positions will be transferred from the Youth Bureau effective 1/1/22. These positions are as follows: (1) Principal Account Clerk, (1) Senior Account Clerk Typist, and (1) Account Clerk Typist.

Under the Office for the Aging, two civil services positions will be transferred from the Youth Bureau effective 1/1/22. These positions are as follows: (1) Youth Services Specialist and (1) Youth Program Assistant.

*See Remarks

5. Does this item require hiring a Vendors/Contractors: **YES** or **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement: **YES** or **NO**
- j. Vendor/Contractor comment/remarks:



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

6. Is this an annual housekeeping resolution: YES or NO
(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
 - Are the terms changing:
 - What is the reason for the change in terms:
7. Is a new position being created: YES or NO
- Effective date
 - Salary and grade
8. Is a new employee being hired: YES or NO
- Effective date of employment
 - Salary and grade
 - Appointed position:
 - Term:
9. Is a grant being accepted: YES or NO
- Source of grant funding:
 - Amount of grant:
 - Purpose grant will be used for:
 - Equipment and/or services being purchased with the grant:
 - Time period grant covers:
10. Remarks/Reasoning (Supporting documentation must be attached to this form):
- Personnel changes are being made at this time to facilitate changes to the 2022 Compensation Plan and the dissolution of the Youth Bureau department. This includes Public Health assuming responsibility for the preschool special education and early intervention programs currently administered by the Youth Bureau. This also includes the Office for the Aging assuming responsibility for the Youth Development Training, Homeless Youth as well as any community outreach youth programs. Any requests for individual position personnel changes that result from this consolidation will go through the normal personnel budget request cycle.



To: Scot Chamberlain, Director of Human Resources

From: Daniel Kuhles, Commissioner of Public Health

Date: August 18, 2021

RE: Department Organization

As requested, to facilitate changes to the 2022 Compensation Schedule and the dissolution of the Youth Bureau department, this department is requesting transfer of three civil service positions from the Youth Bureau to Public Health (Per 2021 Compensation Schedule):

- ✓ Principal Account Clerk c-1 \$44,069
- ✓ Senior Account Clerk Typist c-1 \$41,964
- ✓ Account Clerk Typist c-1 \$39,676

Thank you.

DANIEL KUHLES, MD, MPH
COMMISSIONER

ERIN MURRAY, SPHN
PREVENTION

KERRY WHITE
EI PROGRAM MANAGER

LORI PROCK
EMERGENCY PREPAREDNESS
COORDINATOR

MARY RICKARD
FISCAL MANAGER



Sandra M. Cross
DIRECTOR

Saratoga County Office for the Aging
152 West High Street
Ballston Spa, N.Y. 12020

Telephone: (518) 884-4100
Fax: (518) 884-4104
E-Mail: aging@saratogacountyny.gov

MEMORANDUM

TO: Scot Chamberlin
Director, Human Resources

FROM: Sandra Cross
Director, Office for the Aging

DATE: August 17, 2021

RE: Compensation Schedule

I am requesting the transfer of two Youth Bureau positions to the compensation schedule of Office for the Aging. The two positions requested are as follows:

- / 1. Youth Services Specialist
- / 2. Youth Program Assistant

Thank you



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

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Ridge Harris, Deputy County Administrator
Michael Hartnett, County Attorney
Therese Connolly, Clerk of the Board

CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office

FROM: Steve Bulger, County Administrator

DATE: August 25, 2021

RE: Sheriffs Department/Emergency Services

COMMITTEE: Human Resources and Insurance

1. Is a Resolution Required: **YES** or **NO**
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed: **YES** or **NO**
(If yes, budget lines and impact must be provided)

Funds will be transferred from Emergency Services to Saratoga County Sheriffs Department.

3. Are there Amendments to the Compensation Schedule: **YES** or **NO**
(If yes, provide details)

Positions will be transferred as described below.

4. Specific details on what the resolution will authorize:

Under the Saratoga County Sheriffs Department, six (6) positions will be transferred from Emergency Services effective 1/1/22. These positions are as follows: (1) Commissioner of Emergency Services, (1) Deputy Director Fire/Emergency Services, (1) Emergency Services Specialist & CAD System Coordinator, (1) Account Clerk Typist, (1) EMS Coordinator, PT and (1) Clerk, PT.

*See Remarks

5. Does this item require hiring a Vendors/Contractors: **YES** or **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement: **YES** or **NO**
- j. Vendor/Contractor comment/remarks:



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

6. Is this an annual housekeeping resolution: YES or NO
(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
 - Are the terms changing:
 - What is the reason for the change in terms:
7. Is a new position being created: YES or NO
- Effective date
 - Salary and grade
8. Is a new employee being hired: YES or NO
- Effective date of employment
 - Salary and grade
 - Appointed position:
 - Term:
9. Is a grant being accepted: YES or NO
- Source of grant funding:
 - Amount of grant:
 - Purpose grant will be used for:
 - Equipment and/or services being purchased with the grant:
 - Time period grant covers:
10. Remarks/Reasoning (Supporting documentation must be attached to this form):
- Emergency Services department consolidation request is being made at this time to facilitate changes to the 2022 Compensation Plan. This change will maximize resources between the Office of Emergency Services and the Saratoga County Sheriffs Department and all positions under the Department of Emergency Services will be consolidated to the Sheriffs Department. Any requests for individual position personnel changes that result from this consolidation will go through the normal personnel budget request cycle.



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

TO: Steve Bulger, County Administrator
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Therese Connolly, Clerk of the Board

CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office

FROM: Steve Bulger, County Administrator

DATE: August 25, 2021

RE: County Clerk/Historian

COMMITTEE: Human Resources and Insurance

1. Is a Resolution Required: **YES** or **NO**
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed: **YES** or **NO**
(If yes, budget lines and impact must be provided)

Funds will be transferred from Clerk of the Board to Saratoga County Clerk.

3. Are there Amendments to the Compensation Schedule: **YES** or **NO**
(If yes, provide details)

Position will be transferred as described below.

4. Specific details on what the resolution will authorize:

Under the Saratoga County Clerk, one (1) County Historian will be transferred from Clerk of the Board effective 1/1/22.

*See Remarks

5. Does this item require hiring a Vendors/Contractors: **YES** or **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement: **YES** or **NO**
- j. Vendor/Contractor comment/remarks:



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(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
 - Are the terms changing:
 - What is the reason for the change in terms:
7. Is a new position being created: YES or NO
- Effective date
 - Salary and grade
8. Is a new employee being hired: YES or NO
- Effective date of employment
 - Salary and grade
 - Appointed position:
 - Term:
9. Is a grant being accepted: YES or NO
- Source of grant funding:
 - Amount of grant:
 - Purpose grant will be used for:
 - Equipment and/or services being purchased with the grant:
 - Time period grant covers:
10. Remarks/Reasoning (Supporting documentation must be attached to this form):

The Saratoga County Historian is being transferred under the County Clerk to better serve the needs of Saratoga County. The County Clerk keeps all county records and the County Historian preserves said records making this transfer an efficient means to protect the integrity of the Counties historical record keeping. Any requests for individual position personnel changes that result from this consolidation will go through the normal personnel budget request cycle.



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

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CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office

FROM: Daniel Kuhles, Commissioner of Public Health

DATE: August 25, 2021

RE: COVID-19 School Testing Program

COMMITTEE: Human Resources and Insurance Committee

1. Is a Resolution Required: **YES** or **NO**
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed: **YES** or **NO**
(If yes, budget lines and impact must be provided)

3. Are there Amendments to the Compensation Schedule: **YES** or **NO**
(If yes, provide details)

Program Specific Titles will be created and individuals hired as temporary employees.

4. Specific details on what the resolution will authorize:

A resolution would authorize amending the 2021 Compensation Schedule to create the following titles for these temporary positions: Covid-19 School Epidemiology Officers (Epidemiologist) at \$40/hr; Covid-19 School Testing Site Supervisors at \$25/hr and Covid-19 School Testing Site Coordinators at \$20/hr.

5. Does this item require hiring a Vendors/Contractors: **YES** or **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement: **YES** or **NO**
- j. Vendor/Contractor comment/remarks:



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

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(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
 - Are the terms changing:
 - What is the reason for the change in terms:
7. Is a new position being created: YES or NO
- Effective date 9/22/2021
 - Salary and grade as above
8. Is a new employee being hired: YES or NO
- Effective date of employment 9/22/2021
 - Salary and grade as above
 - Appointed position:
 - Term:
Grant funding for these positions is only guaranteed through 7/31/22. Unless additional funds are made available for the COVID-19 school testing program, the term for these positions will end on 7/31/22.
9. Is a grant being accepted: YES or NO
- Source of grant funding: CDC ELC via NYSDOH
 - Amount of grant: 3,986,793.00
 - Purpose grant will be used for: COVID School Testing
 - Equipment and/or services being purchased with the grant:
 - Time period grant covers:
Through 7/31/22. The grant funds were accepted by the Board on 8/17/21.
10. Remarks/Reasoning (Supporting documentation must be attached to this form):
- At the August 17, 2021 Board of Supervisors meeting, Resolution 2021-224, "Accepting An Epidemiology And Laboratory Capacity Reopening Schools Grant For Public Health Services And Amending The 2021 County Budget In Relation Thereto" was approved. The resolution included mention of these positions. Amendment of the 2021 Compensation Schedule is now needed in order to bring these temporary employees on board.



SARATOGA COUNTY

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Therese Connolly, Clerk of the Board

CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office

FROM: Human Resources, 18-B

DATE: 8/24/21

RE: Approving transfer from Fund Balance to pay for 18-B Attorney Fee's

COMMITTEE: Human Resources & Insurance

1. Is a Resolution Required: **YES** or **NO**
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed: **YES** or **NO**
(If yes, budget lines and impact must be provided)

Increase Appropriations: A.21.214-8110.18B - Attorneys Fee's 18B - \$160,000
Increase Revenues: A.0599.B - Appropriated Fund Balance - \$160,000

3. Are there Amendments to the Compensation Schedule: **YES** or **NO**
(If yes, provide details)

4. Specific details on what the resolution will authorize:
This transfer of fund balance will cover mandated expenses related to Attorney's Fee's for eligible residents who are unable to afford representation under County law Article 18-B Section 722.

5. Does this item require hiring a Vendors/Contractors: **YES** or **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement: **YES** or **NO**
- j. Vendor/Contractor comment/remarks:



SARATOGA COUNTY

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8. Is a new employee being hired: YES or NO
- a. Effective date of employment
 - b. Salary and grade
 - c. Appointed position:
 - d. Term:
9. Is a grant being accepted: YES or NO
- a. Source of grant funding:
 - b. Amount of grant:
 - c. Purpose grant will be used for:
 - d. Equipment and/or services being purchased with the grant:
 - e. Time period grant covers:
10. Remarks/Reasoning (Supporting documentation must be attached to this form):

See Attached

No Prior Resolutions available for mark-up. This item is a non-housekeeping item. 18-B was implemented through the board at the end of 2019 for the following 2020 Budget year.

The current available balance in A.21.214.8110.18B is -\$51,853.25. This transfer will cover the current deficit in the budget and upcoming payments for the remainder of 2021. In February a total of \$26,867.30 was paid to attorney's from this account and \$25,000 was used as a conservative estimate for the four remaining months of 2021.

Agenda Item Request Form

10. Remarks/Reasoning

18-B Background

Pursuant to its authority under County Law Article 18-B, Saratoga County has established a mixed mandated representation system which combines the use of institutional providers (Public Defenders and Conflict Defenders) with an assigned counsel panel, comprised of private attorneys, to provide representation to eligible individuals who are financially unable to obtain counsel.

Assignments are made to private panel attorneys when a conflict exists which precludes representation of an individual by the Public Defender's Office or the Conflict Defender's Office. Prior to September 2019, the assigned counsel panel was maintained by, and assignments were made by, the Public Defender's Office. Conflict Defender services were provided under a contract with a local private attorney. In January 2020, both the Conflict Defender's Office and the Assigned Counsel Program became separate entities. The ACP was established in the Human Resources Department. This separation was required by the State to ensure the absence of potential conflicts in having the assigned counsel panel managed by either the Public Defender or the Conflict Defender.

Under County Law Article 18-B, Section 722, at the conclusion of representation by a panel attorney, the attorney shall receive compensation for attorney's fees at a rate of sixty dollars (\$60.00) per hour for misdemeanor representation and seventy-five dollars (\$75.00) per hour for felonies and for representation in certain Family Court proceedings.

Special Circumstances

Due to the impact Covid-19 had on the Court system, many cases could not proceed through the system to conclusion in 2020, creating a backlog of cases which needed to be disposed of in 2021. This has resulted in the closure of a higher number of cases this year, and therefore, an increased number of attorney vouchers being submitted.

There has also been an increase in vouchers for attorney's fees due to an Attorney General matter pending in County Court for which there were over thirty (30) defendants who needed counsel assigned. This is an unusual case with such a large number of defendants and the occurrence was impossible to anticipate. Some of those defendants' cases have resolved and their assigned attorneys have submitted vouchers.

Additionally, per the County Administrator's Office in 2020, the former Conflict Defender's vouchers are being processed through the 18-B division of the Human Resources' budget, and are to continue to be paid out of the 18-B budget, until those "leftover" cases have been concluded.

Legislation

> [The Laws of New York \(/legislation/laws/all\)](/legislation/laws/all) > [Consolidated Laws of New York \(/legislation/laws/CONSOLIDATED\)](/legislation/laws/CONSOLIDATED) :
[CHAPTER 11 County \(/legislation/laws/CNT/-CH11\)](/legislation/laws/CNT/-CH11) >
[ARTICLE 18-B Representation of Persons Accused of Crime or Parties Before the Family Court or Surrogate's Court \(/legislation/laws/CNT/A18-B\)](/legislation/laws/CNT/A18-B)

UP

ARTICLE 18-B

**[Representation of Persons Accused of
Crime or Parties Before the Family
Court or Surrogate's Court
\(/legislation/laws/CNT/A18-B\)](/legislation/laws/CNT/A18-B)**

NEXT

SECTION 722-A

**[Definition of crime
\(/legislation/laws/CNT/722-A\)](/legislation/laws/CNT/722-A)**

THIS ENTRY WAS PUBLISHED ON 2019-11-15 

SHARE

SEE MOST RECENT VERSION BEFORE OR ON:

2019-11-15



SECTION 722

Plan for representation

County (CNT) CHAPTER 11, ARTICLE 18-B

§ 722. Plan for representation. The governing body of each county and the governing body of the city in which a county is wholly contained shall place in operation throughout the county a plan for providing counsel to persons charged with a crime or who are entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the family court act, article six-C of the correction law,

section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel. Each plan shall also provide for investigative, expert and other services necessary for an adequate defense. The plan shall conform to one of the following:

1. Representation by a public defender appointed pursuant to county law article eighteen-A.

2. In criminal proceedings, representation by counsel furnished by a private legal aid bureau or society designated by the county or city, organized and operating to give legal assistance and representation to persons charged with a crime within the city or county who are financially unable to obtain counsel. In proceedings under the family court act, representation by a private legal aid bureau or society, or by any corporation, voluntary association, or organization permitted to practice law under the authority of subdivision five of section four hundred ninety-five of the judiciary law.

3. (a) Representation by counsel furnished pursuant to either or both of the following: a plan of a bar association in each county or the city in which a county is wholly contained whereby: (i) the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service; or (ii) such representation is provided by an office of conflict defender.

(b) Any plan of a bar association must receive the approval of the office of indigent legal services before the plan is placed in operation. In the county of Hamilton, representation pursuant to a plan of a bar association in accordance with subparagraph (i) of paragraph (a) of this subdivision may be by counsel furnished by the Fulton county bar association pursuant to a plan of the Fulton county bar association,

following approval of the office of indigent legal services. When considering approval of an office of conflict defender pursuant to this section, the office of indigent legal services shall employ the guidelines it has heretofore established pursuant to paragraph (d) of subdivision three of section eight hundred thirty-two of the executive law.

(c) Any county operating an office of conflict defender, as described in subparagraph (ii) of paragraph (a) of this subdivision, as of March thirty-first, two thousand ten may continue to utilize the services provided by such office provided that the county submits a plan to the state administrator within one hundred eighty days after the promulgation of criteria for the provision of conflict defender services by the office of indigent legal services. The authority to operate such an office pursuant to this paragraph shall expire when the state administrator (or, on or after April first, two thousand nineteen, the office of indigent legal services) approves or disapproves such plan. Upon approval, the county is authorized to operate such office in accordance with paragraphs (a) and (b) of this subdivision.

(d) For purposes of this subdivision, any plan of a bar association approved hereunder pursuant to this subdivision, as provided prior to April first, two thousand nineteen, shall remain in effect until it is superseded by a plan approved by the office of indigent legal services or disapproved by such office.

4. Representation according to a plan containing a combination of any of the foregoing. Any judge, justice or magistrate in assigning counsel pursuant to sections 170.10, 180.10, 210.15 and 720.30 of the criminal procedure law, or in assigning counsel to a defendant when a hearing has been ordered in a proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to

set aside a sentence or on a motion for a writ of error coram nobis, or in assigning counsel pursuant to the provisions of section two hundred sixty-two of the family court act or section four hundred seven of the surrogate's court procedure act, or in assigning counsel to a defendant when a case has been calendared for consideration of resentencing pursuant to subdivision four of section six hundred one-d of the correction law or when a court is otherwise called upon to consider whether a proper term of post-release supervision was imposed as part of a determinate sentence, shall assign counsel furnished in accordance with a plan conforming to the requirements of this section; provided, however, that when the county or the city in which a county is wholly contained has not placed in operation a plan conforming to that prescribed in this subdivision or subdivision three of this section and the judge, justice or magistrate is satisfied that a conflict of interest prevents the assignment of counsel pursuant to the plan in operation, or when the county or the city in which a county is wholly contained has not placed in operation any plan conforming to that prescribed in this section, the judge, justice or magistrate may assign any attorney in such county or city and, in such event, such attorney shall receive compensation and reimbursement from such county or city which shall be at the same rate as is prescribed in section seven hundred twenty-two-b of this article. When a case has been calendared for consideration of resentencing pursuant to subdivision four of section six hundred one-d of the correction law or when a court is otherwise called upon to consider whether a proper term of post-release supervision was imposed as part of a determinate sentence, the attorney appointed should be the attorney who appeared for the defendant in connection with the judgment or sentence or, if the defendant is currently represented concerning his or her conviction or sentence or with respect to an appeal from his or her conviction or sentence, such present counsel.

5. In classification proceedings under article six-C of the correction law or from an appeal thereof, representation shall be according to a plan described in subdivisions one, two, three or four of this section. If such plan includes representation by a private legal aid bureau or society, such private legal aid bureau or society shall have been designated to give legal assistance and representation to persons charged with a crime.

Upon an appeal in a criminal action, and on any appeal described in section eleven hundred twenty of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, wherein the party is financially unable to obtain counsel, the appellate court shall assign counsel furnished in accordance with the plan, conforming to the requirements of this section, which is in operation in the county or in the city in which a county is wholly contained wherein the judgment of conviction, disposition, or order of the trial court was entered; provided, however, that when such county or city has not placed in operation a plan conforming to that prescribed in subdivision three or four of this section and such appellate court is satisfied that a conflict of interest prevents the assignment of counsel pursuant to the plan in operation, or when such county or city has not placed in operation any plan conforming to that prescribed in this section, such appellate court may assign any attorney in such county or city and, in such event, such attorney shall receive compensation and reimbursement from such county or city which shall be at the same rate as is prescribed in section seven hundred twenty-two-b of this chapter. Assignment of counsel upon an appeal in a criminal action pursuant to this subdivision, or pursuant to paragraph b of subdivision one of section thirty-five of the judiciary law, includes authorization for representation by appellate counsel, or an attorney selected at the request of appellate counsel by the administrator of the plan in operation in the county (or city in

which a county is wholly contained) where the conviction was entered, with respect to the preparation and proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to set aside a sentence or on a motion for a writ of error coram nobis; compensation and reimbursement for such representation and expenses shall be governed by sections seven hundred twenty-two-b and seven hundred twenty-two-c of this article.