



Onondaga County Legislature

MARK A. OLSON

County Legislator – 10th District
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PUBLIC SAFETY COMMITTEE AGENDA

Livestream Available: <https://www.facebook.com/OnondagaCountyLegislature>

9:00 a.m.
December 11, 2023

401 Montgomery St., Room 407 Court House
Syracuse, New York 13202

- A. Approval of the minutes of the previous meeting.
- B. Presentation of Resolutions and Local Laws:

1. SHERIFF:

- a. Personnel Resolution

2. EMERGENCY COMMUNICATIONS (911):

- a. INFORMATIONAL: Update on Nurse Navigator program

- C. Adjournment

December 19, 2023

Motion Made By Mr. Olson

RESOLUTION NO. _____

PERSONNEL RESOLUTION

WHEREAS, per New York State Department of Criminal Justice Services (“DCJS”) requirements and instructions, duties currently performed by those in the titles of Deputy Sheriff (Civil) and Deputy Sheriff Sergeant (Civil) must be done by certified Peace Officers; and

WHEREAS, in order to confer Peace Officer status upon such incumbent titles, the Sheriff, in consultation with DCJS and the Onondaga County Personnel Department, has proposed transferring the foregoing titles to Custody; and

WHEREAS, the Sheriff, the Onondaga County Personnel Department and the Deputy Sheriff’s Benevolent Association union have agreed to said transfer; and

WHEREAS, the incumbents in the titles of Deputy Sheriff (Civil) and Deputy Sheriff Sergeant (Civil) have been duly sworn in and transferred to Deputy Sheriff (Custody) titles by signed agreement with all parties effective October 2, 2023; and

WHEREAS, it is necessary to abolish all vacated Deputy Sheriff (Civil) and Deputy Sheriff Sergeant (Civil) titles and create an equivalent number of Deputy Sheriff (Custody) titles; now, therefore be it

RESOLVED, that the County Legislature hereby authorizes the abolishment and creation of the following positions, effective December 19, 2023:

Sheriff’s Office Admin Unit 79-00

Create Nine (9) Deputy Sheriff (Custody) at Grade 4

Abolish Deputy Sheriff Civil (L100831) at Grade 4
Abolish Deputy Sheriff Civil (L100815) at Grade 4
Abolish Deputy Sheriff Civil (L100822) at Grade 4
Abolish Deputy Sheriff Civil (L100823) at Grade 4
Abolish Deputy Sheriff Civil (L100827) at Grade 4
Abolish Deputy Sheriff Civil (L100833) at Grade 4
Abolish Deputy Sheriff Civil (L101035) at Grade 4

Abolish Deputy Sheriff Sergeant Civil (L100814) at Grade 5
Abolish Deputy Sheriff Sergeant Civil (L100821) at Grade 5

and, be it further

RESOLVED, that the Commissioner of Personnel is authorized to make any administrative corrections as may be reasonably needed to effectuate the intent of this Resolution.

AGREEMENT FOR DEPUTY SHERIFF CUSTODY (CIVIL DIVISION) PEACE OFFICER CERTIFICATION VIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)

This Agreement made on this 27th day of July, 2023, by and between ONONDAGA COUNTY (hereinafter "County"), ONONDAGA COUNTY SHERIFF'S OFFICE (hereinafter "OCSO") (together with the County referenced as "the Employers") and THE DEPUTY SHERIFFS BENEVOLENT ASSOCIATION OF ONONDAGA COUNTY, INC. (hereinafter "DSBA"); collectively ("the Parties").

WHEREAS, the Employers and DSBA are parties to a collective bargaining agreement effective January 1, 2020 through December 31, 2023 setting forth terms and conditions of employment for employees represented by the DSBA; and

WHEREAS, the Employers desire Deputy Sheriffs in the Civil Division to be certified by DCJS as a Peace Officer as described in section 2.10 of the NYS CPL, in order to safely conduct their duties; and,

WHEREAS, the Employers and DSBA have engaged in collective bargaining negotiations to facilitate a remedy for Deputy Sheriffs assigned to the Civil Division be DCJS certified as a Peace Officer; and,

WHEREAS, the Employers and Union agree the Deputy Sheriffs assigned to the Civil Division should obtain DCJS Certification to perform the duties of the position in order to keep the public and themselves safe while performing the duties of the Civil Division.


NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Upon execution of this agreement by all parties, the Sheriff agrees to not use the Civil Service titles of Deputy Sheriff Civil titles; Deputy Sheriff (CIVIL), Deputy Sheriff Sergeant (CIVIL), Deputy Sheriff Lieutenant (CIVIL), to fill openings in the Civil Division.
2. The aforementioned Deputy Sheriff Civil titles will be submitted to the Legislature to be abolished and Deputy Sheriff (CUSTODY) positions will be submitted to the Legislature to be created so that the number of OCSO authorized positions is unchanged.
3. The duties of Deputy Sheriff (CUSTODY) will be amended to include 'When assigned to the Civil Division' listing the current duties performed that are specific to the Civil Division.


4. All Deputy Sheriff (CIVIL) members will be offered Deputy Sheriff (CUSTODY) positions. It is understood anyone accepting appointment to the Deputy Sheriff (CUSTODY) position will be appointed in accordance with NYS Civil Service Law.
5. Anyone in a Deputy Sheriff (CIVIL) position who does not accept the offered Deputy Sheriff (CUSTODY) position will be laid off effective per the terms and approval of the Legislation submitted.
6. The Deputy Sheriff Sergeant (CIVIL) and Deputy Sheriff Lieutenant (CIVIL) positions will be submitted to the County Legislature to be abolished at the time the positions are vacated. It will be within the Sheriff's discretion to determine the number of Deputy Sheriff Sergeant (CUSTODY) or Deputy Sheriff Lieutenant (CUSTODY) positions submitted to the County Legislature to be created for the Civil Division.
7. The DSBA will continue to be the exclusive bargaining unit for the Deputy Sheriff positions within the Civil Division. Anyone in the Civil Division accepting the Deputy Sheriff (CUSTODY) position will keep their seniority and will be slotted in the appropriate pay scale.
8. The Parties agree to allow each Deputy Sheriff currently assigned to the Civil Division to remain assigned to the Civil Division. The assignment of Civil Division will be added to the next DSBA bid sheet so all members of the DSBA bargaining unit are able to bid on these positions in the future. All newly appointed Deputy Sheriff (CUSTODY) members assigned to the Civil Division will be recognized as holding preferred status and will be eligible to bid during the 2024 bid process.
9. It is understood anyone appointed to a Deputy Sheriff (CUSTODY) title will be required to take and pass the next Civil Service exam offered by Onondaga County and must be reachable on the certified eligible list to remain in the position and become permanent.
10. The Sheriff agrees to not order any Deputy Sheriff (CUSTODY) member assigned to the Civil Division to jail overtime prior to being fully certified as a Peace Officer and completing their probationary term.
11. All newly appointed Deputy Sheriff (CUSTODY) assigned to the Civil Division will be required to complete the Deputy Sheriff Custody Field Training Program. Field Training will be completed during current Civil shifts per the Collective Bargaining Agreement. It is understood the Field Training Program Supervisor has full discretion to determine the amount of time required for completion. Once completed, the Sheriff will authorize the training section to submit those records to DCJS for approval and Peace Officer Certification.

12. All Deputy Sheriff (CUSTODY) members assigned to the Civil Division will be under the direct supervision of the CHIEF CIVIL DEPUTY. Anyone assigned to the Civil Division will be required to adhere to CUSTODY policy and procedures.
13. The current incumbents in the title of Deputy Sheriff Sergeant (CIVIL) will have three options;
- Remain as Deputy Sheriff Sergeant (CIVIL) without the ability to be recognized as Peace Officers. Anyone remaining in this title will be considered administrative Sergeants. They will operate and run the Civil Office in plain clothes without a Department issued firearm and will not be authorized in the field.
 - Voluntarily demote to a Deputy Sheriff (CUSTODY) title and adhere to the above provisions. Anyone choosing this option will continue to perform their current assigned duties and will receive a stipend each pay period equal to the difference in salary from their previous position (Grade 5 to Grade 4).
 - Voluntarily demote to a Deputy Sheriff (CUSTODY) title and adhere to the above provisions.
 - Resign or Retire from their current position.

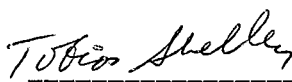
For the Union:

 7/27/2023
Jonathan Hagenmayer
DSBA President

For the County:

 7/27/2023
Donna D. Briscoe
Director of Employee Relations

For the Sheriff:

 07-27-2023
Tobias Shelley
Sheriff



**Division of Criminal
Justice Services**

September 6, 2022

Sheriff Eugene Conway
Onondaga County Sheriff's Office
407 South State St.
Syracuse, NY 13202

Dear Sheriff Conway:

It has come to the attention of the Division of Criminal Justice Services (Division) that current members of the Onondaga County Sheriff's Office Civil Deputy Unit are erroneously listed on the Central State Registry for Police Officers and Peace Officers (Registry) as peace officers designated under Criminal Procedure Law (CPL) §2.10(25).

Pursuant to CPL §2.10(25), this title is defined as "Officials, as designated by the commissioner of the department of corrections and community supervision pursuant to rules of the department, and correction officers of any state correctional facility or of any penal correctional institution." A correction officer is considered an individual who provides care and custody to inmates within a correctional facility.

After a careful review, including the job specifications provided by your department, it has been determined that the work activities of your civil deputy sheriff are separate and distinct from a correction officer. Consequently, CPL §2.10(25) is not an appropriate designation.

Please be advised pursuant to section 6056.6(a) of Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* that when the Division has cause to believe that any person who is registered as a peace officer may be ineligible under any provision of Article 2 of the CPL to be a peace officer, the Division shall notify the person's employer and shall direct that the employer notify the Division within 30 days that the person's name should be deleted from the Registry.

Accordingly, and based upon the aforementioned information, please have the following individuals currently employed as civil deputy sheriffs removed from the Registry, via the Acadis portal, within 30 days from the date of this letter: **Collen Alexander, Heather Brockway, Daniel DeBerjeois, William Hight, Joseph Kelly and Douglas Roser.** (WATERS)

Should you have any questions or concerns, you may contact me by writing to the address provided on the bottom of this letter.

Very truly yours,

David J. Mahany
Associate Training Technician

Onondaga County Sheriffs Office

Tobias Shelley
Sheriff
Jeffrey T. Passino
Undersheriff



Matthew Fischer	Chief Deputy Police Department
John S. Drapikowski	Chief Deputy Custody Department
Richard Miori	Chief Deputy Correction Department
Melissa J. Berlinski	Chief Deputy Civil Department
Maureen Murphy	Chief Deputy Administration
Craig Belcher	Chief Deputy Special Enforcement

Sheriff's Office	315-435-3044
Police Department	435-3036
Human Resources	435-1767
Civil Department	435-3060
Correction Department	435-5581
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

December 6, 2023

Honorary Legislators:

The Sheriff has presented for your consideration a Personnel Resolution to correct the Sheriffs Roster positions pursuant to the attached MOA agreed to between the Sheriff, The County and the DSBA union. This MOA has allowed The Sheriff to properly certify the members working in the Civil division as peace officers with DCJS.

These members have been allowed by DCJS to fully complete the training of a Custody Deputy and receive their Peace Officer certificate. All members have agreed to voluntarily assume the title of Deputy Sheriff Custody and The Sheriff will be assigning the duties of the Civil division to the members currently fully trained in the civil division to them.

The Resolution affects the roster changes required to abolish the title of Deputy Sheriff Civil and Deputy Sheriff Sgt. Civil and create the equal number of Deputy Sheriff Custody positions. This resolution will have no cost impact to the budget, as the titles currently receive the same pay grade within the contract.

As always we are happy to answer any questions you may have regarding this resolution.