

The regular meeting of the Wyoming County Community Health System (WCCHS) Board of Managers, Wyoming County, New York was held on Tuesday, August 24, 2021

**BOARD OF MANAGERS PRESENT/ABSENT**

|   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Salman Abbasey, MD      | <input type="checkbox"/> Rich Kosmerl             | <input type="checkbox"/> J. Thomas Reagan, MD            |
| <input checked="" type="checkbox"/> Doug Berwanger          | <input checked="" type="checkbox"/> Mark Merrill  | <input checked="" type="checkbox"/> Larry Rogers         |
| <input type="checkbox"/> Cynthia Elbow                      | <input type="checkbox"/> Laura Paolucci           | <input checked="" type="checkbox"/> James Wawrzyniak, DC |
| <input checked="" type="checkbox"/> Bryan Kehl (BOS member) | <input checked="" type="checkbox"/> Steve Perkins |  |

**STAFF PRESENT/ABSENT**

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Connie Almeter (Chief Nursing Officer)                                      | <input checked="" type="checkbox"/> Dawn James (NF Administrator)                                  |
| <input type="checkbox"/> Ahmed Bayoumi, MD (Medical Staff President)  | <input checked="" type="checkbox"/> Paul Mason, MD (Chief Medical Officer of Orthopaedic Services) |
| <input checked="" type="checkbox"/> Amy Chase (Chief Financial Officer)   | <input checked="" type="checkbox"/> Joe McTernan (Chief Executive Officer)                         |
| <input type="checkbox"/> Greg Collins, DO (Credentials Committee Chair)   | <input checked="" type="checkbox"/> Mandip Panesar, MD (Hospital Medical Director)                 |
| <input checked="" type="checkbox"/> Mike Corcimiglia (Chief Operating Officer)                                  | <input checked="" type="checkbox"/> Pam Pettnot (Executive Assistant)                              |
| <input checked="" type="checkbox"/> Peggy Cunningham (Director of WPHS, Clinic Quality, & Corporate Compliance) | <input type="checkbox"/> Denise Prusak (NF Director of Nursing)                                    |
| <input checked="" type="checkbox"/> Dan Farberman (WC Human Resource Director)                                  | <input type="checkbox"/> Bill Sikes (County IT Director)   |
| <input checked="" type="checkbox"/> Bridget Givens (Director of Mental Health)                                  | <input checked="" type="checkbox"/> Craig Woodworth (Director of Plant Operations)                 |

**OTHERS PRESENT:** Becky Ryan (Chairwoman, Wyoming County Board of Supervisors and Supervisor, Town of Warsaw), Jerry Davis (Vice Chairman, Wyoming County Board of Supervisors and Supervisor, Town of Covington), David Privitera, MD

**CALL MEETING TO ORDER**

Manager Merrill, in the absence of President Kosmerl, called the meeting to order at 4:52pm.

**EXCUSE MEMBERS NOT PRESENT / QUORUM?**

Motion by Manager Wawrzyniak and seconded by Manager Kehl, the following member(s) are hereby excused:

- Manager Elbow
- President Kosmerl
- Manager Paolucci
- Manager Reagan

Manager Merrill declared that a quorum was present.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

**WCCHS-21-053 CONSENT AGENDA**

Motion by Manager Perkins and seconded by Manager Abbasey, the following items were listed for consideration on the consent agenda and are hereby approved as presented and on file in Administration:

- Approve BOM meeting minutes ..... July 27, 2021

**BOM Information Technology Committee ..... August 13, 2021**

- Approve a retainer agreement with **CDW GOVERNMENT, INC.**, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061, for CDW-G's resources to help WCCHSs Information Technology department in the event of a cybersecurity incident, \$0.00 cost retainer, minimum of 8 hours if engaged, emergency consultant rate \$375/hour and project administrator rate \$150/hour, not to exceed \$10,000 per year, effective 09/01/2021 – 08/31/2022.
- Amend contract with **NAVEX GLOBAL, INC.**, 5500 Meadows Route, Suite 500, Lake Oswego, OR 97035 related to Policy Tech software subscription to add additional user licenses in the one-time amount of \$765.55 effective immediately and to extend the term of the maintenance contract, not to exceed \$12,400.85 per year plus 2% annual increase, effective 11/30/2021 - 11/30/2024.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

**NF ADMINISTRATOR REPORT**

Dawn James reported on the following items:

- The nursing facility is allowing two (2) designated caregivers open visitation (one at a time) anytime from 9:00 am to 7:00pm, seven days/week. We continue to schedule visits with any visitor on Saturday's and Monday's, and allow compassionate care visits anytime for end of life or serious change in condition. This is working; however, we are struggling for staff to accommodate visits. On August 13, 2021, a staff member tested positive for COVID-19. Currently, residents are being isolated in their rooms for 2 weeks.
- Vaccination rates for staff continue to slowly increase. We have increased from 68% of staff vaccinated in May 2021 to 72% for June 2021. Resident vaccinations are 99% acceptance. We continue to report the vaccination status of each staff member and resident, this will be posted for the public to see. We continue to offer, educate, and encourage our staff to be vaccinated.
- Testing of nursing facility staff has again changed. We now only test unvaccinated staff monthly or more frequently if the community rate is above 10%. Vaccinated staff will only be tested if the community rate increases above 10%. Leading Age continues to advocate for the removal of the Hospital Emergency Response Data System (HERDS) survey that has been reported every day since March of 2020. Both State and Federal reporting is very burdensome and repetitive. Any support with contacting legislatures to reduce the remaining burdens would be greatly appreciated.
- Staffing remains **critically** low in the nursing facility. Staff are not available to hire to fill the positions open positions. We have had some luck with attaining agency nurses, but not certified nursing assistants. We are again working with Community Action and BOCES and our class started July 19, 2021. We only had five interested in a position with us upon successful completion.

- Occupancy remains high. We are at 98-100% occupancy for June and July 2021. This is becoming more difficult with the low staffing numbers, medical leaves, and vacations.
- It has been 29 months since our last New York State Department of Health (NYSDOH) survey. We are one of three in the Buffalo region that are the longest since most recent full survey. Preparation is ongoing for the facility.

### **CHIEF NURSING OFFICER REPORT**

Connie Almeter submitted the following report:

1. High Reliability – the journey to zero harm. We continue with many Quality goals/projects to include fall prevention, medication reconciliation, hand-off communication, departmental communication, nursing documentation, and infection prevention.
  - a. LEAN Training – Funding has been obtained through the Wyoming Community Hospital Foundation for an additional eight (8) team members to attend training. A kick off meeting has been set.
2. Age Friendly Health System – No update. The program is going smoothly. Deb Snow, Director of Medical/Surgical and Intensive Care and Erica Kilian, Director of Utilization Review continue to monitor documentation compliance and for opportunities of improvement. Data continues to be submitted as they pursue the next level of the program, *Age-Friendly Health System-Committed to Care Excellence*.
3. Organizational Daily Huddle – No update. A virtual huddle has been established and is working fairly well. Daily, managers enter pertinent information into a data base that is then emailed out to all department managers for review.
4. Transfer Management – Transfers continue to be monitored and reviewed frequently. Quarterly meetings are scheduled with management, Dr. Daniel Fahey, Dr. Ronald Weissenberg, Dr. Ahmed Bayoumi, and Dr. David Privitera. Discussion continues at the senior management level on a weekly basis and questionable transfers are often discussed directly with the transferring Emergency Department or on call Hospitalist.
5. EMS Partnerships – Monroe, our transferring agency continues to experience staffing issues but have been able to maintain appropriate coverage to transfer patients, as needed.
6. Joint Commission – Communication has been received from the Joint Commission that the Total Hip and Knee Joint Program will be surveyed virtually. Our window began August 1, 2021 through October 31, 2021. Numerous documents have been uploaded into a secure site and sent for review prior to the survey.
7. Operating Room Steering Committee – Due to numerous committee members not being available in July, the July 2021 meeting was cancelled. In addition, as we work towards recruiting a new Director of Surgical Services, the August 2021 meeting has been cancelled. We are presently finalizing the process of bringing in a consultant for interim leadership. We continue to work with Nexera on the perpetual inventory, establishing par levels and increasing efficiencies as well as working on product agreements.
8. Staffing – Staffing challenges are unchanged. Nursing staff continue to be poached by agencies for higher salaries and recruitment efforts are ongoing with minimal success.
9. Daisy Foundation Award: WCCHS has enrolled into a program that has been set up to recognize extraordinary skillful and compassionate nurses or teams of nurses. A team has been established to work through the program. Nurses are nominated by patients, families, and or peers and provided with an award. The Foundation was established in 1999 by members of an ill family member who had passed away from an auto-immune disease. D-Disease, A-Attacking, I-Immune, SY-System. Nurses or Teams chosen for the award will be registered on the Foundation website with their stories. The program provides tools to recognize four individuals per year.

### **Coronavirus Update:**

- Visitation hours remain unchanged at this time, allowing 2 visitors per patient.
- Multiple NYSDOH surveys continue on a daily basis in regards to of personal protective equipment (PPE), vaccinations, and COVID-19 vaccinations.
- Daily employee and visitor/outpatient screenings continue. Use of masks continue.
- Frequent assessments of PPE continue to be done.

- We continue with a few scattered inpatient admissions at this time.
- Leadership is working through the NYSDOH Commissioners mandate for the COVID-19 vaccination.
- Approximately 35 nursing staff remain unvaccinated at this time.

#### **CORPORATE COMPLIANCE REPORT**

Peggy Cunningham reported that routine audits are ongoing.

#### **DIRECTOR OF MENTAL HEALTH REPORT**

Bridget Givens submitted the following report:

- Inpatient Behavioral Health Unit - In July 2021, the unit admitted 42 patients with 42 discharges, 329 patient days. Staff completed 25 psychiatric consults throughout the facility. Top three counties for admission this month were Wyoming, Livingston and Genesee County.
- Unit Crisis Service Program - 165 individuals were served through contacting them after admission and/or they called for support following admit/evaluation.
- Emergency Room Mental Health Services – A total of 84 psychiatric evaluations through the Emergency Department.
- Collaborative Care Program - The collaborative care program in the primary care office continues to grow and do well within the community. Currently, 106 patients enrolled in the program with 56 being prescribed psychotropic medications.
- Jail Mental Health Services - The jail program served 55 inmates with 31 of them having medications prescribed. Groups continued to be offered at the jail by mental health therapy aides twice a week, groups focus on addiction and mental health issues, symptoms, supports, triggers and coping interventions.



#### **CHIEF FINANCIAL OFFICER (CFO) REPORT**

No report.

#### **COUNTY HUMAN RESOURCE DIRECTOR REPORT**

No report.

#### **DIRECTOR OF PLANT OPERATIONS**

Craig Woodworth submitted the following report:

##### **Construction Projects**

- Transfer Switch – The 500kW replacement breaker is complete. Dates and times are scheduled for crossing over the remaining six (6) electric panels to the transfer switch enabling back up electrical power during an outage throughout the facility. The first three panels will start on 08/27/2021 for CT, X-ray room 1 and 2. The remaining panels will be completed the following week.
- Laboratory/Medical Records Project – The NYSDOH inspection is completed. The lab equipment install continues along with the necessary validation for each piece. Programming and validation is expected to be completed by the end of September 2021 for the new lab. Once complete, Phase 2 of the project will start.
- Rooftop Unit Replacement – The two air handler submittals were approved and both units are in fabrication. The anticipated delivery for both air handlers is October 2021.
- Mt. Morris Dialysis – All equipment related to the dialysis renovation project was delivered to Livingston County. NYSDOH has approved moving forward with the facility renovations to accommodate the dialysis requirements. Livingston County is scheduling the work on the dialysis clinic within the near future. All testing agencies will be scheduled in time for the final inspection so the DOH documentation can be submitted without delay.

- Electric Panel Replacement – Bid opening was completed for this project and reviewed at the August BOM Plant and Equipment Committee meeting. The contracts are awaiting BOM and BOS approval before moving forward with the work.
- Radiology – Room # 3 and the changing rooms across the hallway are completely renovated, the project is completed.
- Parking Lots –The scope includes milling portions of the parking lot, crack filling the seams, and finally sealing all three locations (Parking Lots #1, #2, and #3). Meetings with WCCHS staff are ongoing in order to coordinate dates, times and alternative use of the parking lots over this time while minimizing the impact to the facility. Sealing of the parking lots is scheduled August 28 and 29, 2021.
- Met with a New York State Energy Research and Development Authority (NYSERDA) approved vendor to discuss the installation of an Electric Vehicle charging station. The location for the station was pre-approved by the Wyoming County building department. The electrical supply and location are approved by NYSERDA. The application for the charging station and installation will be fully reimbursable through funding by NYSERDA and NYSEG. The material should be on site by the end of September 2021.
- Wyoming County Family Medicine - Castile clinic will undergo renovations to meet Article 28 compliance. The maintenance staff will complete approximately 80% of the work for this project to save on contractual costs. Once the architect and engineer finalize the drawings, material will be ordered to start the project.
- A storage room at Wyoming County Family Medicine - Perry clinic was transformed into an office for incoming staff. The floor was removed, prepped, and new LVT flooring was installed. The existing cabinetry was removed, walls patched, primed and painted.
- The existing VCT floors in the old cardiology clinic will be removed the week of 08/23/2021 in preparation for new LVT floors. The new install will take place the beginning of September 2021.
- Three (3) damaged guardrails around the hospital were replaced to ensure the safety of patients, staff and the facilities.
- The maintenance staff continues to address the failing copper water lines, dual temp fittings and sanitary lines in SNF. A water line in the Specialty clinic failed during the day shift. Attempts to shut down the water with the existing shut offs failed. The repairs included new copper lines and a new water shut off for this location. Victaulic fittings are starting to fail in the SNF dual temp lines. Several repairs are scheduled for September 2021 to address these issues.
- The cooling tower legionella test was conducted. The lab results found no legionella in our sample. The results were listed on the NYSDOH website for both cooling towers.
- Maintenance staff completed 834 work orders over the last 30 days at a completion rate of 30.894 work orders per day. A total of 847 man-hours were logged for the specified time period.

#### **INFORMATION TECHNOLOGY DIRECTOR REPORT**

No report.

#### **MEDICAL DIRECTOR REPORT**

Mandip Panesar, MD reported on the following items:

- Inpatient records – there is one practitioner with one delinquent chart in the month of July 2021.
- Outpatient records – there is one practitioner that is falling significantly behind with open charts, the Medical Executive Committee met with this practitioner and continues to work with him/her.

#### **MEDICAL STAFF PRESIDENT REPORT**

No report.

#### **CHIEF MEDICAL OFFICER OF ORTHOPAEDIC SERVICES REPORT**

No report.

**CHIEF OPERATING OFFICER (COO) REPORT**

Mike Corcimiglia reported on the following:

- Dr. Salman Abbasey, MD will be joining Wyoming County Family Medicine – Perry clinic starting September 1, 2021.
- Received NYSDOH approval for outpatient dialysis center in Mt. Morris. Construction is expected to start.
- Received NYSDOH approval for acute inpatient dialysis as well.
- Received NYSDOH approval on the laboratory renovation project.

**WCCHS-21-054 PREAUTHORIZED ACCOUNTS AND ACCOUNTS PAYABLE**

Motion by Manager Wawrzyniak and seconded by Manager Perkins, the preauthorized accounts and accounts payable processed totaling \$4,398,669.75 be hereby approved as presented.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

**WCCHS-21-055 APPROVE WRITE-OFFS, DENIED CLAIMS, AND BAD DEBT**

Motion by Manager Perkins and seconded by Manager Wawrzyniak, the write-offs/denied claims/bad debt totaling \$171,133.99 be hereby approved as presented.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

# **WCCHS-21-056 APPROVE PERSONNEL REQUISITIONS IN PROCESS AND PROPOSED PERSONNEL CHANGES/FINANCIAL IMPACT**

Motion by Manager Kehl and seconded by Manager Abbasey, the personnel requisitions in process and the proposed personnel changes/financial impact be hereby approved as presented and as follows:

| PERSONNEL REQUISITIONS IN PROCESS - (RECOMMENDED) |                                       |      |          |                               |             |               |                      |                 |                 |          |
|---|---------------------------------------|------|----------|-------------------------------|-------------|---------------|----------------------|-----------------|-----------------|----------|
| August 24, 2021                                   |                                       |      |          |                               |             |               |                      |                 |                 |          |
| Proposed Positions for Approval                   |                                       |      |          |                               |             |               |                      |                 |                 |          |
| Senior Manager                                    | Title/Department                      | FTE  | Schedule | Vacating Employee             | Hourly Rate | Annual Salary | Benefits             | Proposed Hourly | Proposed Annual | Benefits |
| James:  | LPN Per Diem/04.571                   | 0.00 | WCCH     | Kimberly Barnett 04/14/2021   | \$23.96     | \$4,672       | \$357                | \$20.04         | \$3,908         | \$299    |
|   | Nursing Assistant Per Diem/05.718     | 0.00 | WCCH     | Abigail Clark 07/23/2021      | \$17.33     | \$3,379       | \$259                | \$16.95         | \$3,305         | \$253    |
| Almeter:  | RPN/03.202                            | 1.00 | WCCH     | Jennie Rocco 08/03/2021       | \$30.04     | \$58,578      | \$27,022             | \$24.79         | \$48,341        | \$22,299 |
|   | RPN Per Diem/03.863                   | 0.00 | WCCH     | Sarah Konfederath 01/25/2020  | \$27.53     | \$5,368       | \$411                | \$25.87         | \$5,045         | \$386    |
|   | Nursing Supervisor Per Diem/02.154    | 0.00 | C        | Michelle Grohs 08/13/2021     |             |               | \$150 / 4 hour shift |                 |                 |          |
|   | ED Unit Clerk/12.203                  | 1.00 | WCCH     | Kristen Grohs 08/27/2021      | \$17.21     | \$33,560      | \$15,481             | \$15.41         | \$30,050        | \$13,862 |
|   | RPN Per Diem/03.823                   | 0.00 | WCCH     | Betsy Mayer 05/16/2020        | \$30.19     | \$5,887       | \$450                | \$25.87         | \$5,045         | \$386    |
| Corcimiglia:                                      | Cleaner Per Diem/08.256               | 0.00 | WCCH     | Mamta Gurung 09/08/2021       | \$15.95     | \$3,110       | \$238                | \$13.46         | \$2,625         | \$201    |
|   | Cleaner/08.218                        | 1.00 | WCCH     | Linda Perkins 08/21/2021      | \$14.03     | \$27,359      | \$12,620             | \$12.24         | \$23,868        | \$11,010 |
|   | Senior Medical Technologist/06.306    | 1.00 | WCCH     | John Hu 08/16/2021            | \$37.25     | \$72,638      | \$33,508             | \$37.25         | \$72,638        | \$33,508 |
|   | Medical Office Assistant/12.904       | 1.00 | WCCH     | Brenda Bonafede 08/20/2021    | \$16.85     | \$32,858      | \$15,157             | \$15.41         | \$30,050        | \$13,862 |
|   | Food Service Helper Per Diem/08.370   | 0.00 | WCCH     | Jessica Spencer 08/02/2021    | \$16.47     | \$3,212       | \$246                | \$13.46         | \$2,625         | \$201    |
|   | Food Service Helper/08.360            | 0.40 | WCCH     | Elizabeth Sutay 07/31/2021    | \$13.46     | \$10,499      | \$803                | \$13.46         | \$10,499        | \$803    |
|   | Food Service Helper/08.311            | 0.40 | WCCH     | Amy Weber 12/19/2020          | \$13.46     | \$10,499      | \$803                | \$13.46         | \$10,499        | \$803    |
|   | Food Service Helper/08.354            | 0.40 | WCCH     | Savannah Helm 08/07/2021      | \$13.46     | \$10,499      | \$803                | \$13.46         | \$10,499        | \$803    |
|   | Student Aide/09.114                   | 0.40 | Student  | Lauren Schultz 08/07/2021     | \$12.25     | \$9,555       | \$731                | \$11.80         | \$9,204         | \$704    |
|   | Student Aide/09.142                   | 0.40 | Student  | Camron Gilbert 08/21/2021     | \$11.80     | \$9,204       | \$704                | \$11.80         | \$9,204         | \$704    |
|   | Medical Biller/12.866                 | 1.00 | WCCH     | Kimberly Wolfanger 08/07/2021 | \$18.82     | \$36,699      | \$16,929             | \$18.82         | \$36,699        | \$16,929 |
|   | Patient Information Specialist/12.251 | 1.00 | WCCH     | Jennifer Cygan 06/26/2021     | \$14.87     | \$28,997      | \$13,376             | \$14.87         | \$28,997        | \$13,376 |

## PROPOSED PERSONNEL CHANGES/FINANCIAL IMPACT

August 24, 2021

| POSITION   | ANNUAL SALARY PROPOSED | BENEFIT PACKAGE | BUDGETED SALARY  | BUDGETED BENEFITS |
|--|------------------------|-----------------|------------------|-------------------|
| <b>Sr. Manager - C, Almeter</b>  |                        |                 |                  |                   |
| <b>Delete 1</b> - 1.00 FTE Registered Professional Nurse/03.548<br>Schedule WCCH, Grade 15A-15E<br>\$33.05/Hr.<br>Effective Date: August 8, 2021 | \$0                    | \$0             | \$64,448         | \$29,730          |
| <b>Sr. Manager - M. Corcimiglia</b>  |                        |                 |                  |                   |
| <b>Delete 1</b> - 1.00 FTE Licensed Practical Nurse/04.157<br>Schedule WCCH, Grade 8A<br>\$20.85/Hr.<br>Effective Date: September 5, 2021        | \$0                    | \$0             | \$40,658         | \$18,755          |
| <b>Set Negotiated Salary</b> - 1.00 FTE Licensed Practical Nurse/04.172.147<br>Schedule X<br>\$20.00/Hr.<br>Effective date: September 1, 2021    | \$0                    | \$0             | \$0              | \$0               |
| <b>Set Negotiated Salary</b> - 1.00 FTE Medical Receptionist/12.221.153<br>Schedule X<br>\$16.50/Hr.<br>Effective date: September 1, 2021        | \$0                    | \$0             | \$0              | \$0               |
| <b>Create 1</b> - 1.00 FTE Respiratory Therapist<br>Schedule WCCH, Grade 14C & 15A<br>\$21.87-\$28.49/Hr.<br>Available Date: August 25, 2021     | \$42,647               | \$19,673        | \$0              | \$0               |
| <b>Sr. Manager - D. James</b>  |                        |                 |                  |                   |
| <b>Delete 1</b> - 1.00 FTE Licensed Practical Nurse/04.577<br>Schedule WCCH, Grade 8A - 8C<br>\$20.85/Hr.<br>Effective Date: August 25, 2021     | \$0                    | \$0             | \$40,658         | \$18,755          |
| <b>Delete 1</b> - 0.80 FTE Licensed Practical Nurse/04.133<br>Schedule WCCH, Grade 8A - 8C<br>\$19.10/Hr.<br>Effective Date: August 25, 2021     |                        |                 | \$29,796         | \$10,995          |
| <b>Create 1</b> - 0.60 FTE Licensed Practical Nurse<br>Schedule WCCH, Grade 8A - 8C<br>\$18.22 - \$22.95/Hr.<br>Available Date: August 25, 2021  | \$26,852               | \$7,432         | \$0              | \$0               |
| <b>Create 1</b> - 0.60 FTE Licensed Practical Nurse<br>Schedule WCCH, Grade 8A - 8C<br>\$18.22 - \$22.95/Hr.<br>Available Date: August 25, 2021  | \$21,317               | \$5,901         | \$0              | \$0               |
| <b>TOTALS</b>  | <b>\$90,815</b>        | <b>\$33,006</b> | <b>\$175,559</b> | <b>\$78,235</b>   |
| <b>TOTAL ANNUAL INCREASE:</b>  |                        |                 |                  | <b>-\$129,972</b> |

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

### **WCCHS-21-057 APPROVE CONTRACTS AND/OR GRANTS**

Motion by Manager Wawrzyniak and seconded by Manager Berwanger, the CEO with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC or Garfunkel Wild, PC, be hereby authorized and directed to sign contracts and/or grants on behalf of the Wyoming County Community Health System as presented and as follows:

- Amend Resolution approved on 06/24/2014 with **MEDENT**, 15 Hulbert Street, Auburn, NY 13021 related to a license software agreement to provide electronic medical records for ENT and other WCCHS specialty clinics with remote on-line backup service, as follows:
  - Update cost associated with electronic health record for outpatient services in an amount not to exceed \$130,020 per year, effective 09/01/2021 – 08/31/2023.
  - Pending approval by the Wyoming County Board of Supervisors.
- NATIONAL DIALYSIS ACCREDITATION COMMISSION, LLC**, 14182 Galley Ct., Naples, FL 34114, an accreditation services agreement for accreditation of the dialysis center, not to exceed \$16,000 per year, effective 08/12/2021 – 08/11/2024.
- Amend Resolution #WCCHS-20-073 approved on 08/25/2020 with **COUNTY OF LIVINGSTON through its Center for Nursing and Rehabilitation**, Livingston County Government Center, 6 Court Street, Geneseo, NY 14454, related to a service contract to provide laboratory services for COVID testing, WCCHS will bill individuals insurance, if insurance does not pay, Livingston County will reimburse WCCHS \$100 per test, \$0.00 cost to WCCHS, revenue contract, effective 08/14/2020 – 08/13/2021 as follows:
  - To extend the term of the agreement through 08/13/2022.
- Award bid and sign contract, pursuant to General Municipal Law §103, related to the panel board replacement project with **FERGUSON ELECTRIC CONSTRUCTION CO., INC.**, 333 Ellicott Street, Buffalo, NY 14203 for removal of two distribution panels and installation of replacement panels and reworking the feeders to the new panels, provide temporary power during the feeder cut overs in collaboration with WCCHS staff, not to exceed \$218,600 (\$198,600 base bid plus \$20,000 contingency), effective 08/15/2021 – 12/31/2021, pending approval by the Wyoming County Board of Supervisors.
- PBS MEDCODE CORP**, 275 Northpointe Parkway, suite 50, Amherst, NY 14228, a medical coding agreement to provide medical coding assistance for primary care, not to exceed \$10,000 per year, effective 08/16/2021 – 08/15/2022.
- AB STAFFING SOLUTIONS, LLC**, 3451 S. Mercy Road, Suite 10, Gilbert, Arizona 85297, a supplemental staffing agreement for hard to fill positions to provide coverage where needed, not to exceed \$100,000 per year, effective 08/18/2021 – 07/31/2022, pending approval by the Wyoming County Board of Supervisors.



7. **STRYKER MEDICAL (HOWMEDICA OSTEONICS CORP.)**, 325 Corporate Drive, Manwah, NJ 07430, a product pricing agreement and trauma inventory agreement for special pricing direct agreement for trauma surgical supplies, not to exceed \$250,000 over the term [savings of approximately \$45,000 over the 3 year term], effective 09/01/2021 – 08/31/2024, pending approval by the Wyoming County Board of Supervisors.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

### **COVID 19 VACCINATION POLICY AND PROCEDURE**

Joe McTernan reported that WCCHS is developing a policy in response to Governor Andrew Cuomo's recent announcement that all healthcare workers (and any ancillary services associated with the health system, including volunteers) in NYS will be required to be vaccinated against COVID-19 by September 27, 2021. WCCHS is awaiting the official copy of Public Health Law, Section 16 orders to fully understand and comply with the mandate before finalizing the policy. The law empowers the NYSDOH to mandate certain actions if those actions are going to be in the welfare of health and safety. There is a 2-week period after the declaration that allows employees to make statements but the statements must specifically point out why the action taken would not be in the health and welfare of the citizens of the state.

### **COVID-19 VACCINATION RELATED DISCUSSION**

In related COVID-19 vaccination discussions, Joe McTernan, reported that The Healthcare Association of New York State, Greater New York Hospital Association, Leading Age, and CSEA are all in favor of the vaccination plan.

This mandate has a significant impact on the health system and is very concerning. The current vaccination rate in the health system is 71%, 29% are not vaccinated. There is a range of reasons why employees remain unvaccinated. Some employees are changing their minds since the Pfizer vaccine has been FDA approved, some employees are waiting to hear if there is any potential change with Governor Kathy Hochul taking office, some employees are still digesting the information, and some employee are adamant they are not getting the vaccine.

As a result of the mandate announcement, management has held internal planning meetings, is working on educational sessions, encouraging employees to get vaccinated, developing a contingency plan, may need to contract labor or outsource, and may need to consolidate services to ensure patient safety.

Employees that do not receive the vaccine by the end of September 27, 2021, cannot work in hospitals, health systems, diagnostic centers, x-ray centers, etc. in NYS. There are conversations in other states that may also adopt the mandate to vaccine. The Joe Biden Administration is currently working on the rule making for Centers for Medicare & Medicaid Services (CMS) that will mandate all nursing home workers to receive the vaccine across the Country.

Workplace Health Services has setup additional vaccine clinics.

There are shortages on contract labor already and rates on contract labor has increased significantly (e.g., in January 2021 an RN cost \$72-77 per hour, now an RN costs \$177 per hour).

It's a challenge, but WCCHS is not in this alone, most of the hospitals in Western New York are feeling the same challenges. There is a lot of animosity among health care workers. WCCHS did not mandate the vaccine, but had previously acknowledged that if we were forced to mandate, that we would comply with the Governor's direction.

There is a religious and medical exemption. The message is very clear that they need to be narrow exemptions. There has been push back between the Governor's office and the industry. The Governor's office is forcing the exemptions to come from the health system but with a caveat that if the exemptions are broad, NYS will fine the health system. Health systems are pushing back and demanding NYS to define the exemption criteria. More information to come.

Connie Almeter reported that a rallying may take place in front of the hospital on August 28, 2021 as folks voice their opinions about the vaccine mandate.

#### **WCCHS-21-058 APPROVE 2021 NYSDOH FACILITY ASSESSMENT**

Motion by Manager Wawrzyniak and seconded by Manager Abbasey, the 2021 NYSDOH Facility Assessment be hereby approved as presented and on file in Administration.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

#### **WCCHS-21-059 OVERPAYMENT RECOVERY POLICY**

Motion by Manager Perkins and seconded by Manager Kehl, the Overpayment Recovery Policy, Rev. 0 be hereby approved as presented and attached, pending approval by the Wyoming County Board of Supervisors.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

**WCCHS RECRUITMENT ADVERTISING**

Dan Farberman reported on the following:

- There are over sixty (60) open positions throughout the County.
- Expanding our footprint for print advertising to include Wayland, Alfred, Brockport, Webster, Dansville, Mt. Morris, and LeRoy to attract potential candidates.
- Being mindful that potential candidates working in the health system understand the vaccination mandate.
- We are competing with other hospitals and nursing homes and WCCHS salaries are at the lower end of the scale compared to most competitors. In addition, WCCHS employees haven't had a raise in 24 months.

**WCCHS-21-060 AMEND SALARY SCHEDULE C – NURSING SUPERVISOR PER DIEM POSITIONS**

Motion by Manager Kehl and seconded by Manager Perkins, Salary Schedule C be hereby amended as follows, pending approval by the Wyoming County Board of Supervisors:

- Increase the salary of the six (6) **Nursing Supervisor Per Diem in the Nursing Services Office** positions (Position Codes #02.148.502, #02.149.502, #02.151.502, #02.153.502, #02.154.502, and #02.171.502) under NURSING ADMINISTRATION (ACUTE) from \$150/4 hour shift to \$200/4 hour shift, effective 09/07/2021.
- Increase the salary of the nine (9) **RN Supervisor SNF (Per Diem)** positions (Position Codes # 02.155.567, #02.156.567, #02.157.567, #02.158.567, #02.159.567, #02.163.567, #02.164.567, #02.167.567, #02.168.567) under NURSING FACILITY ADMINISTRATION from \$150/4 hour shift to \$200/4 hour shift, effective 09/07/2021.

The motion was passed upon the following vote:

| <b>VOTE</b>          |          |             |  |    |  |             |   |        |
|----------------------|----------|-------------|--|----|--|-------------|---|--------|
| Salman Abbasey, MD   | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Doug Berwanger       | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Cynthia Elbow        |          | Yes         |  | No |  | Abstain     | X | Absent |
| Bryan Kehl           | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Rich Kosmerl         |          | Yes         |  | No |  | Abstain     | X | Absent |
| Mark Merrill         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| Laura Paolucci       |          | Yes         |  | No |  | Abstain     | X | Absent |
| Steve Perkins        | X        | Yes         |  | No |  | Abstain     |   | Absent |
| J. Thomas Reagan, MD |          | Yes         |  | No |  | Abstain     | X | Absent |
| Larry Rogers         | X        | Yes         |  | No |  | Abstain     |   | Absent |
| James Wawrzyniak, DC | X        | Yes         |  | No |  | Abstain     |   | Absent |
|                      |          |             |  |    |  |             |   |        |
| <b>VOTE TOTAL:</b>   | 7        | Yes         |  | No |  | Abstain     | 4 | Absent |
| <b>RESULTS</b>       | <b>X</b> | <b>PASS</b> |  |    |  | <b>FAIL</b> |   |        |

**BOARD PRESIDENT REPORT**

No report.

**BOARD COMMITTEE CHAIR REPORTS****Acute Quality Committee**

Dr. Manager Wawrzyniak reported that the Acute Quality Committee met on August 18, 2021, referred to the draft minutes, and reported on the following items:

- Medication reconciliation project – patient communications and public awareness efforts have been done, presenting information at senior citizen groups throughout the County regarding pocket-sized booklets designed for patients' personal use to record details of their medication and related information and to thereby keep track of their past and current medicines use, and public service announcement/live interview on WCJW radio station regarding safe medication use.
- Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) and Merit-based Incentive Program System (MIPS) scores have improved.
- Joint replacement certification program – waiting for the virtual 2-day certification survey
- In-House collections – more effort being made to collect copays in house before accounts are forwarded to a collection agency.
- Patient falls – there were 10 patient falls between April and June 2021, analyzed data and contributing factors that led to the falls, and implementing fall prevention solutions.

**SNF Quality Committee**

Manager Merrill, in the absence of Manager Elbow, reported that the SNF Quality Committee met on August 18, 2021, referred to the draft minutes, and Dawn James reported that WCCHS remains 5 stars for quality of resident care (for the past 4 years).

**Finance/Personnel Committee**

No report.

**Plant and Equipment Committee**

Bryan Kehl reported that the Plant and Equipment Committee met on August 10, 2021 and referred to the draft minutes.

**Communications Committee**

No report.

**Information Technology Committee**

Pam Pettnot, in the absence of Bill Sikes, reported that the Information Technology Committee met on August 13, 2021 and referred to the draft minutes.

**Governance Committee**

No report.

**Compensation Committee**

No report.

**Credentials Committee**

No report.

**CHIEF EXECUTIVE OFFICER (CEO) REPORT**

Joe McTernan submitted the following report:

**COVID-19**

- COVID-19 Hospital and SNF case rates at very low levels. Operational response has been absorbed into our normal operations. Demand for vaccines has been low.

**Financials**

- Still no distribution plan for relief package from Washington, potential of \$35 billion for healthcare including \$7 billion in Rural Hospital Relief.
- Budget challenges continue with lost revenue and increased COVID-19 expenses. Cost control measures continue to be identified and implemented for all operations and services.
- Budget planning for 2022 has begun.

**Non-COVID related information**

- Staffing continues to be a challenge in all departments and as an industry. Working with Human Resources on recruitment and retention strategies.
- Dialysis – has received contingent approval. Moving forward with minor construction and preparing for inspection. Inpatient Certificate of Need (CON) has been submitted.
- Kick-off for strategic planning executive group is scheduled for August 26, 2021.
- August 2021 focus for marketing is pediatrics. WCCHS marketing at Wyoming County Fair, Attica Rodeo, and Genesee Rapids Baseball.

**NEXT REGULAR MEETING**

The next regular meeting is scheduled for Tuesday, September 28, 2021 immediately following the BOM Finance/Personnel Committee meeting, approximately 5:00pm.

**ADJOURN**

There being no further business to come before the Board, the meeting duly adjourned at 5:30pm upon motion by Manager Wawrzyniak.

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J. Thomas Reagan, MD, BOM Secretary      Date

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Pam Pettnot, Recording Secretary      Date

## WYOMING COUNTY &amp; WYOMING COUNTY COMMUNITY HEALTH SYSTEM

## ADMINISTRATIVE POLICY AND PROCEDURE

|  |  |                              |
|--|--|------------------------------|
| <b>EFFECTIVE DATE:</b><br>Revised:   | <b>REVIEWED BY</b><br>(Individuals/Committees)<br><b>Exp. Sr. Management</b> | <b>DEPARTMENT (S)</b><br>All |
| <b>DATE DEVELOPED:</b>   |  |                              |
| <u><b>SIGNATURE Board or Supervisors &amp; WCCHS Board of Managers</b></u> | <b>PREPARED BY:</b><br><br><b>Daniel J. Farberman, HR Director</b>           | <b>SUPERSEDES:</b> N/A       |
|  |  | <b>REFERENCES:</b>           |

### Recovery of Overpayments for Represented & Non-represented Employees

**PURPOSE:** To establish provisions governing authorized deductions for the benefit of employees, for the recovery of overpayments due to clerical or mathematical errors, and for repayment of advances consistent with the provisions of New York State Labor Law.

**SCOPE:** This policy applies to all employees of Wyoming County; either represented in a bargaining unit or non-represented who have been overpaid due to clerical or mathematical error where a recovery of this overpayment occurs.

**POLICY:** New York State Labor Law permits an employer to make deductions from an employee's wages for "an overpayment of wages where such overpayment is due to a mathematical or other clerical error by the employer." Such deductions are only permitted as follows:

(a) **Timing and duration.** The County may only recover such overpayments as were made in the eight (8) weeks prior to the issuance of the notice described in subdivision (e) below. The County may make deductions to recover overpayments for a period of six (6) years from the original overpayment;

(b) **Frequency.** The County shall recover overpayments by wage deduction no more frequently than once per wage payment, provided that such deduction complies with this policy.

(c) **Method of Recovery.** Overpayments may be recovered through wage deduction or by separate transaction.

(d) **Limitations on the Periodic Amount of Recovery.** The County may recover overpayments by deducting the amount of the overpayment from the employee's wages if the deduction complies with any final determination made in accordance with the procedures required pursuant this policy, and as follows:

- 
- 1 In such cases where the entire overpayment is less than or equal to the net wages earned after other permissible deductions in the next wage payment, the employer may recover the entire amount of such overpayment in that next wage payment.
  - 2 Where the recovery of an overpayment exceeds the net wages after other permissible deductions in the immediately subsequent wage payment, the recovery may not exceed 12.5% of the gross wages earned in that wage payment nor shall such deduction reduce the effective hourly wage below the statutory state minimum hourly wage.

**(e) Notice of Intent.** The employer shall provide the employee with notice of the intent to commence the deductions to recover the overpayment. In such cases where the entire amount of the overpayment may be reclaimed in the next wage payment pursuant to paragraph (1) of subdivision (d) above, notice shall be given at least three days prior to the deduction. In all other cases, notice shall be given at least three weeks before the deductions may commence. Such notice shall contain the amount overpaid in total and per pay period, the total amount to be deducted and the date each deduction shall occur followed by the amount of each deduction. The notice shall also provide notice to the employee that he or she may contest the overpayment, provide the date by which the employee shall contest, and include the procedure by which the employee may contest the overpayment and/or terms of recovery, or provide a reference to where such procedure can be located.

#### **DISPUTE PROCEDURE:**

An employee may dispute the overpayment and terms of recovery, and/or seek a delay in the recovery of such overpayment by utilizing the procedures detailed herein

(1) The employee must respond in writing within one week from the date of the receipt of the notice of intent to recover overpayments that is prepared in accordance with policy to the Human Resources Department.

(2) The Human Resources Department shall reply to the employee's dispute within one week of receipt of the employee's dispute. Such reply shall address the issues raised by the employee in his or her dispute, and contain a clear statement indicating the County's position with regard to the overpayment, including whether the County agrees with the employee's position(s) regarding the overpayment or disagrees with the employee's position(s) and provide a reason why the employer agrees or disagrees.

(3) The County shall give the employee written notice of the opportunity to meet with the County Human Resources Department within one week of receiving the County's reply to discuss any disagreements that remain regarding the overpayment recovery.

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(4) The County shall provide the employee with written notice of the County's final determination regarding the deductions within one week of this meeting. In making a final determination regarding the existence of an overpayment, the employer shall consider the agreed upon wage rate paid to the employee and whether the alleged overpayment appeared to the employee to be a new agreed upon rate of pay. When making a final determination regarding the amount of the deduction to be made per pay period and the date such deduction(s) shall commence, the employer shall consider the issues raised in the employee's request regarding the amount of each deduction.

(5) The failure of The County to afford this process to the employee will create the presumption that the contested deduction was impermissible.

(6) Nothing in this policy shall be construed as abridging the rights of the employer or employee to seek redress in any other forum, including with the Department of Labor.

DRAFT