

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 11, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Dent, Ryan, Schacher, Sipp, Stupp,
Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank and Communications
Nicholas Zimmitti, Associate Staff Analyst & President of Local Union 1183
Gregory Lehman, Chief Clerk, Manhattan Borough Office
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
Adam Listig, NY Daily News
Rima McCoy, CIDNY
Jerome Koenig
Kate Doran, LWV
Teresa Hommel, Wheresthepaper.org
Alex Camarda, Citizens Union
Anthony Walker
John D. Smith
Alex Voetsch, NYDLC
Alan Flacks, Member of NY County Democratic Committee
Edward King

President Polanco called the meeting to order at 1:40 P.M.

Commissioner Araujo moved to approve the minutes of the October 22, 2010 meeting. Commissioner Dent seconded the motion, with Commissioner Umane abstaining. The motion was adopted.

Ms. Sandow reported on the Voter Feedback Survey. She announced that the survey is live on the Board's website and it is part of the Board's commitment to improve the voter experience. The survey asks voters to share their Election Day experience with a variety of issues such as ballot design, voter privacy, and poll worker knowledge. The Board issued a press release that included a positive comment from Citizens Union. A copy of the press release is in the agenda and is posted on the Board's website. Ms. Sandow stated that Board staff will compile the data from the surveys and report back to the Commissioners and the public.

Secretary Soumas requested to add an Executive Session to the agenda to discuss personnel matters.

President Polanco asked Ms. Sandow if she had an update concerning the severe snow storm warning for tomorrow. Ms. Sandow

stated that the Borough Offices were instructed to have their employee's telephone number list prepared and to have a recording extension ready in case of an emergency closing. President Polanco requested for Ms. Sandow to keep the Executive Committee informed.

Commissioner Dent inquired if the Board received any additional resumes for the position of the Executive Director. Ms. Delayo replied no.

President Polanco noted that Commissioner Barrera joined the meeting.

Mr. Ward presented the Comparative Expenditures report dated January 11, 2011. A copy of the report is in the agenda.

Mr. Ward reported that the Borough Offices' Poll Worker Department staff will attend NYCAPS input training on January 17th and 18th. Commissioner Umane noted that the Board has been slower with issuing poll worker paychecks this year due to new requirements. Mr. Ward reported that the Internal Revenue Service (IRS) directed that poll workers are City employees, not independent contractors. The Board's Finance Department and the Financial Information Services Agency (FISA) had to

input over 59,000 poll worker Social Security numbers into the computer system.

President Polanco inquired about a compensatory time issue which concerns Board employees that he read about in a newspaper article this weekend. Mr. Richman reported that in 2005 the Commissioners unanimously adopted a policy for a change and conditions in employment for those employees that are designated as managerial to authorize that they be eligible for compensatory time. The City's general rules are that managerial employees are not permitted to earn compensatory time. Under Section 3-300 of the New York State Election Law, it empowers the board of elections to set the terms and conditions of employment for its employees subject to the amount appropriated for salaries. Mr. Richman stated that the Board made the request and the resolution was adopted and signed by the then Board's President and Secretary. The then Board's Executive Director submitted the request to the appropriate governmental authorities to request implementation. The Board received a response from DCAS stating that the City's system is designed to follow the City's personnel rules and they could not provide a mechanism for recording and processing the Board's payroll. The Commissioners considered the reply and could not obtain six (6) votes in favor of commencing legal action to

compel the City to enforce the Board's policy. Mr. Richman reported that the Board participates in the Office of Payroll Administration (OPA) system. DCAS determined that managerial employees do not apply because it would set a bad precedent for other managerial employees. Mr. Richman reported that other non-mayoral City agencies have provided compensatory time to their managers using their own payroll system.

President Polanco noted that Commissioner Ryan joined the meeting.

Commissioner Dent inquired if an employee that holds a title to earn compensatory time can receive their accumulated compensatory time after they leave the Board. Mr. Richman stated yes; the employee would receive the compensatory time first then their annual leave. Commissioner Dent asked if there is duration to use the compensatory time or can it keep accumulating. Mr. Ward reported that there are not many occasions to receive compensatory time.

President Polanco moved to convene an Executive Session to discuss personnel matters. Commissioner Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Polanco reported on the action taken in Executive Session:

- I. The Commissioners unanimously repealed the November 2005 policy with respect to compensatory time for managerial employees, effective immediately.

President Polanco adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, January 18, 2011 at 1:30 P.M.