

October 1, 2020

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 17D-1 (2020)
DEPT. OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)

2. COMM. 17E-15 (2020)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, within the Department of Mental Health, the Forensic Mental Health Division employs certain clinical staff with eligible position title codes pursuant to applicable provisions of the New York State Mental Hygiene Law; and

WHEREAS, the New York State Office of Mental Health provides a 2% Workforce COLA to cover increases in salary and salary-related fringe benefit expenses; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the county approve a resolution ensuring how the Workforce COLA funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature agrees to accept the New York State Office of Mental Health COLA of 2%, as applied to salary and fringe expenditures, for those employees determined by the New York State Office of Mental Health to be eligible to receive the funding; and be it further

RESOLVED, that this funding will be distributed solely to those eligible employees at the appropriate rate as applied to actual salary and salary-related fringe expenditures incurred during the award period; and be it further

RESOLVED, that the funding received for any Workforce COLA will be used solely to support salary and salary-related fringe benefit expenses for eligible clinical staff professionals; and be it further; and be it further

RESOLVED, that this action is conducted pursuant to Subdivisions 3-b and 3-c of Section 1 of Part C of Chapter 57 of the Laws of 2006, as amended by L. 2019, Chapter 57, Part Y, Section 3 (paragraph (f)) and the applicable standards issued by New York State; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney and the Commissioner of Mental Health.

Subdivisions 3-b and 3-c of Section 1 of Part C of Chapter 57 of the Laws of 2006, as added by L. 2019, Ch. 57, Part Y, Section 3

3-f. (i) Notwithstanding the provisions of subdivision 3-b of this section or any other inconsistent provision of law, and subject to the availability of the appropriation therefor, for the programs listed in paragraphs (i), (ii), and (iii) of subdivision 4 of this section, the commissioners shall provide funding to support (1) an overall average two percent (2.00%) increase to total salaries for direct care staff, direct support professionals for each eligible state-funded program beginning January 1, 2020; and (2) an overall average two percent (2.00%) increase to total salaries for direct care staff and direct support professionals, and clinical staff for each eligible state-funded program beginning April 1, 2020. For the purpose of this funding increase, direct support professionals are individuals employed in consolidated fiscal reporting position title codes ranging from 100 to 199; direct care staff are individuals employed in consolidated fiscal reporting position title codes ranging from 200 to 299; and clinical staff are individuals employed in consolidated fiscal reporting position title codes ranging from 300 to 399.

(ii) The funding made available pursuant to paragraph (i) of this subdivision shall be used: (1) to help alleviate the recruitment and retention challenges of direct care staff, direct support professionals and clinical staff employed in eligible programs; and (2) to continue and to expand efforts to support the professionalism of the direct care workforce. Each local government unit or direct contract provider receiving such funding shall have flexibility in allocating such funding to support salary increases to particular job titles to best address the needs of its direct care staff, direct support professionals and clinical staff. Each local government unit or direct contract provider receiving such funding shall also submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting to how such funding will be or was used for purposes eligible under this section. Further, providers shall submit a resolution from their governing body to the appropriate commissioner, attesting that the funding received will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals and clinical staff, pursuant to paragraph (i) of this subdivision. Salary increases that take effect on and after April 1, 2019 may be used to demonstrate compliance with the January 1, 2020 funding increase authorized by this section, except for salary increases necessary to comply with state minimum wage requirements. Such commissioners shall be authorized to recoup and funds as appropriated herein determined to have been used in a manner inconsistent with such standards or inconsistent with the provisions of this subdivision, and such commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local government unit or provider.

(iii) Where appropriate, transfers to the department of health shall be made as reimbursement for the state share of medical assistance.

(5-0)

3. COMM. 17E-19 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$425,000 annually for a 5-year period that began 10/1/17 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of an initiative to offer expanded and enhanced substance use disorder treatment services in existing family treatment drug courts; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve high-risk families residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision of related services by amending its contract with BestSelf Behavioral Health, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
October 1, 2020 - September 30, 2021
124SAMHSAFTDC2021

Revenue	Increase
Account 414000 – Federal Revenue	\$425,000
Appropriation	Increase
Account 517534 – BestSelf Behavioral Health OMH	\$425,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with BestSelf Behavioral Health, Inc. on June 8, 2017 (Comm. 10E-18); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

(5-0)

LISA M. CHIMERA
CHAIR