

## Human Resources Committee

I'd like to talk about some of the problems with Human Resources at the Adult Care Center. There are about 250 employees there, with approximately 60% of them employed by Frontline Staffing, Infinite Care's own agency, and many other contract agencies. Most of the Upper Management staff are contract staff, in spite of the fact that New York State Department of Health regulations specify that the operator of a nursing home is supposed to have the sole authority to hire and fire upper management level employees. One of the rationales for that is so that management level employees, who are responsible for their subordinates, should hold them civil service standards and the policies and procedures of the operator. That is also clearly specified in the consultancy contract which InfiniteCare holds. However, according to the "anonymous" letter the legislature received from dozens of medical staff, only county employees are held responsible for their actions according to county standards, and Frontline and other agency employees receive no disciplinary consequences following poor job performance such as failing to feed or change a resident. Further, the letter complained of a hostile work environment at the ACC in which incompetent management level employees disregard their concerns and target them with unfair work schedules. What, if anything, has been done to investigate these claims?

Most or all of the RNs are now in contract per diem positions. A new Federal requirement is that there must be an RN present at all times. How can Infiniticare comply with that with only per diem RNs? Per diems work when they want to.

There are still about 110 county employees there. All of them were told last spring by the Deputy County Manager and the Director of Human Resources that they should either transfer to other positions in the county or apply for jobs with Frontline, because as soon as the CON is granted, they will lose their county positions. At that time, InfiniteCare had informed all the staff that the CON was imminent. They repeated the announcement recently, claiming that the CON will be granted in June. In reality, there is no guarantee that they will ever get the CON, given the precipitous drop in the ratings of the ACC and the substantial public opposition. They have until late 2027 to keep trying to apply, although the application has already been heard, with negative results.

Now, there is some pretense by the county manager's office that if and when Infiniticare does get the CON, there will be negotiations with the unions regarding employee benefits and salaries, but obvious to me at least, that bird has flown a long time ago, looking at how many of the current staff have already abandoned their county positions, union protection and benefits as they were advised to do by county officials. I call that a very neat piece of union busting.

In the meantime, there's a sign at the reception desk at the ACC advising all job applicants to apply using an application for Frontline Staffing, although the consulting

contract specifies that contract staff are to be employed only when county staff is unavailable. Although there are still numerous vacancies listed on the county HR website, is the county actually doing any recruitment or hiring at the ACC? This situation could persist for years, and the county is in fact responsible, as the operator, for everything that happens at the ACC. If the county doesn't provide any real oversight of the contract staff, having deferred illegally to InfiniteCare to manage the facility, the county will still have to pay for their poor performance one way or another.

To close, the supervising Administrator of the ACC has repeatedly refused to appear before the legislature to answer questions. Infiniticare's CEO, Sol Klein, has said that he excused her from attending because he is concerned that she may be bullied. What right does he have to excuse her from her job duties? Isn't the county paying her salary? She is a Department Head, so how can she be excused by Sol Klein, who is neither a county employee or an elected official? Why is this Department Head exempted for what is clearly insubordination and noncompliance? Surely county policies such as the Code of Conduct should be applied evenly over the workforce or not at all.

Thank you.