

Intro. Res. No. 1410-2009
Introduced by Presiding Officer Lindsay and Legislator Browning

Laid on Table 4/28/2009

**RESOLUTION NO. 485 -2009, ADOPTING LOCAL LAW
NO. 21 -2009, A LOCAL LAW TO AMEND THE LIVING WAGE
LAW AND ESTABLISH NEW DATE FOR COST OF LIVING
ADJUSTMENT**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT**"; " now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

**LOCAL LAW NO. 21 -2009, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND
ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 12-2001 established a living wage policy for the County of Suffolk.

This Legislature also further finds that the Living Wage Law contains a provision that the living wage shall increase annually in proportion to any increase in the Consumer Price Index, and such living wage adjustments are required to be implemented by covered employers on July 1 each year.

This Legislature finds that numerous not-for-profit organizations have asked that the annual implementation date for living wage adjustments be moved to January 1 to coincide with the term of their County contracts as well as their normal budget calendar.

This Legislature also determines that the County of Suffolk set a policy that precluded contract agencies from including personnel pay increase in their 2009 contracts. As a consequence of this policy, the scheduled July 1, 2009 living wage adjustment is, in effect, an unfunded mandate for contract agencies.

This Legislature further finds and determines that the deep national recession has had a severe negative effect on the fiscal health of not-for-profit agencies; deferring the scheduled living wage adjustment from July 1, 2009 to January 1, 2010 will provide necessary relief to these organizations.

Therefore, the purpose of this local law is to delay the date for the scheduled living wage adjustment from July 1, 2009 to January 1, 2010 and to establish January 1 as the date for annual cost of living adjustments in all years thereafter.

Section 2. Living Wage Adjustment Deferred.

The living wage rate adjustment scheduled to be implemented on July 1, 2009 in accordance with the requirements of Section 347-3(B) of the SUFFOLK COUNTY CODE, shall be deferred until January 1, 2010. The living wage rate adjustment implemented on January 1, 2010 shall be calculated in accordance with the formula set forth in Section 347-3(B), as amended by this local law.

Section 3. Amendments.

Section 347 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 347, LIVING WAGE

* * * *

§ 347-3. Living wage and other benefits.

* * * *

B. Amount of wage. The living wage shall be calculated on an hourly basis and shall be no less than \$9 per hour worked with health benefits, as described in this chapter, or otherwise \$10.25 per hour. For the employees of child-care providers only, the living wage shall be calculated on an hourly basis and shall be no less than \$9 per hour worked, with or without health benefits, of which no less than \$7.75 shall be attributable to non-benefit employee compensation until January 1, 2005. In the event that health benefits are not provided, then such employees shall receive \$9 per hour worked. Beginning on January 1, 2005, the living wage for employees of child-care providers shall be calculated on an hourly basis and shall be no less than \$9.75 per hour worked, with or without health benefits, of which no less than \$8.50 shall be attributable to non-benefit employee compensation. In the event that the health benefits are not provided, then such employees shall receive \$9.75 per hour worked. Beginning on January 1, 2006, the living wage for all covered employees of child-care providers will increase by \$0.75 per hour worked. The living wage shall be adjusted upwardly only, if applicable, each year beginning in [2004, no later than April 1] 2010 in proportion to the increase[, if any, immediately preceding December 31 over the year-earlier level] of the area consumer price index as published by the U. S. Department of Labor[, applied to the living wage] and calculated on a period of twelve (12) months ending in September of the previous year. The covered employer shall provide written notification of the rate adjustments to each of its covered employees and to its subcontractors and/or tenants, who shall provide written notices to each of their employees, if any, and make the necessary payroll adjustments by [July] January 1, beginning in [2004] 2010.

* * * *

Section 4. Applicability.

This law shall apply to living wage rate adjustments occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

~~This Legislature, being the State Environmental Quality Review Act (SEQRA)~~ lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

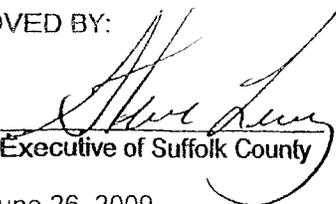
Section 7. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 9, 2009

APPROVED BY:


County Executive of Suffolk County

Date: June 26, 2009

After a public hearing duly held on June 22, 2009
Filed with the Secretary of State on June 30, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County, on June 9, 2009, and by the County Executive on June 26, 2009, after a public hearing duly held on June 22, 2009 and filed with the Secretary of State on June 30, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

RESOLUTION NO. 485 -2009, ADOPTING LOCAL LAW NO. -2009, A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT

Intro. Res. 1410 Res. No. 485 June 9, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, ~~Lindsay~~, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

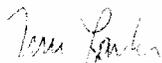
Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, ~~Gregory~~, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Roll Call _____ Voice Vote


 Tim Laube, Clerk of the Legislature