

STRICKEN AS OF 12/9/2009
REVISED AS OF 5/14/2009

Intro. Res. No. 1467-2009

Laid on Table 6/9/2009

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, ADOPTED LOCAL LAW
NO. -2009, A LOCAL LAW AUTHORIZING AN OPTIONAL
LAG PAYROLL FOR CERTAIN ELECTED COUNTY OFFICIALS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2009, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING AN OPTIONAL LAG PAYROLL FOR CERTAIN ELECTED COUNTY OFFICIALS;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING AN OPTIONAL LAG PAYROLL FOR
CERTAIN ELECTED COUNTY OFFICIALS

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

Section 1. Legislative Intent.

This Legislature has previously determined that weak national, state and regional economies have affected economic activity in Suffolk County.

This Legislature has also determined that it is incumbent upon the County to continue funding essential services to constituents, especially in times of fiscal crises.

This Legislature has approved, among other initiatives, Resolution No. 337-2009 which institutes a "lag payroll" for some members of the County workforce to avoid, at least in part, a reduction in the County workforce and to enable the County to take steps necessary to achieve a balanced budget despite a projected revenue shortfall within the 2009 Operating Budget.

This Legislature has further determined that the "lag payroll" will be instituted as follows: one week's pay deferred from the July 13, 2009 through and including July 26, 2009 pay period and one week's pay deferred from the December 14, 2009 through and including December 27, 2009 pay period for a total of 10 days lagged.

This Legislature has also approved, pursuant to Resolution No. 283-2008, a wage freeze on certain employees via the suspension of step advances in fiscal year 2009.

This Legislature finds that the contribution by County employees to meeting a balanced budget, in the form of freezing step increases and accepting a "lag payroll," could be shared by other County employees across the board.

This Legislature further finds that Chapter 152 of the Suffolk County Administrative Code outlines the provisions for Equitable Compensation of Certain Elected County Officers.

This Legislature also finds that measures to meet County fiscal crises that effectively reduced or froze the salaries of certain elected officials in order to achieve parity with the contribution of other County employees were adopted by this Legislature pursuant to Local Law Nos. 20-1991, 2-1992 and 11-1993.

This Legislature finds and determines that certain elected County officials could opt to be in solidarity with the rank and file employees in efforts to resolve the current fiscal crisis and unanticipated loss of revenue.

Therefore, the purpose of this law is to authorize certain elected County officials to opt to be subject to the same provisions of a "lag payroll" as other County employees for the same period of time.

Section 2. Payroll Lag.

All elected County officials, with exception of the Suffolk County District Attorney, whose salary is set by the by the State Judiciary Law, may opt to be subject to the provisions of a "lag payroll," as imposed on other County employees pursuant to Resolution No. 337-2009, as follows: one week's pay deferred from the July 13, 2009 through and including July 26, 2009 pay period and one week's pay deferred from the December 14, 2009 through and including December 27, 2009 pay period for a total of 10 days lagged.

Section 3. Reimbursement.

Elected County officials who participate in the two week "lag payroll" as specified herein, shall be entitled to receive reimbursement upon separation from employment with the County for such lagged time at the rate of pay at the time of his or her separation from the County.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. 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 6. Effective Date.

This law shall be immediately filed with the Secretary of State, but shall take effect no sooner than sixty (60) days after its final enactment, unless if within such sixty days a petition protesting against this law is filed by the electors of Suffolk County with the Suffolk County Clerk, this law shall become effective only if approved in accordance with section 34(4) of the New York Municipal Home Rule law.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: