Intro. Res. No. 2061-2009 Laid on Table 11/17/2009
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1056-2009, ESTABLISHING BINDING ARBITRATION POLICY FOR SUFFOLK COUNTY POLICEMEN'S BENEVOLENT ASSOCIATION (PBA) CONTRACT

WHEREAS, Section 209(4)(c)(vi) of the NEW YORK CIVIL SERVICE LAW authorizes binding arbitration for collective bargaining agreements between a municipality and officers or members of a police department when an impasse is determined to exist in collective bargaining negotiations between an employee organization of such officers or members and a public employer as to the conditions of employment, said binding arbitration determination of the public arbitration panel not to exceed two years from the termination date of any previous collective bargaining agreement or, if there is no previous collective bargaining agreement, not to exceed two years from the date of the panel's determination; and

WHEREAS, the County of Suffolk and the Suffolk County Police Benevolent Association (PBA) have reached a labor cost savings agreement to defer 12 million dollars from the PBA unit members to help mitigate budget deficits sustained due to the "great economic recession"; and

WHEREAS, a condition of this agreement is the authorization of the 2008-2009 Compulsory Interest Arbitration Panel to issue an award of three years covering the period January 1, 2008 through December 31, 2010; now, therefore be it

1st **RESOLVED**, that, the County of Suffolk, pursuant to Section 153(1) of the NEW YORK COUNTY LAW and Civil Service Law Section 209.2, hereby authorizes the public arbitration panel now considering the conditions of employment of members of the Suffolk County PBA for the period January 1, 2008 through December 31, 2009 to do so for the period covering January 1, 2008 through December 31, 2010, and also hereby authorizes the Director of Labor Relations to enter into on behalf of the County and execute all documents necessary to implement this authorization, anything in Section 209(4)(c)(vi) of the NEW YORK CIVIL SERVICE LAW to the contrary notwithstanding; and be it further

2nd **RESOLVED**, that nothing contained herein shall be construed as waiving any right of Suffolk County to assert (through witnesses, testimony, evidence, and arguments) any position including, but not limited to, legal, financial, economic, governmental, and other related arguments regarding:

1.) the comparability of wages, hours, and conditions of employment with other employees working under similar conditions in public or private employment in comparable communities;

2.) the interests and welfare of the public;

3.) the financial ability of the County to pay;

4.) the comparison of hazards of employment, physical qualifications, educational qualifications, mental qualifications, job training and skills in other trades or professions; and

5.) the terms of previously negotiated collective bargaining agreements regarding salary, insurance, retirement benefits, medical benefits, hospitalization benefits, job security, and paid time off; and

6.) any other relevant factors.

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution 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, and 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 resolution.

DATED: DEC 1 2009

APPROVED BY:

County Executive of Suffolk County

Date: DEC 0 9 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature 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 December 1, 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 2061 Res. No. 1056 December 1, 2009

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

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

Second:
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-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	17	1	—	—	—

MOTION

- X Approve
- ___ Table: _____
- ___ Send To Committee
- ___ Table Subject To Call
- ___ Lay On The Table
- ___ Discharge
- ___ Take Out of Order
- ___ Reconsider
- ___ Waive Rule ___
- ___ Override Veto
- ___ Close
- ___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

- X ADOPTED
- ___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature