

Introduced by Presiding Officer, on request of the County Executive and Legislators Muratore, Horsley, Gregory

**RESOLUTION NO. 421 -2010, ESTABLISHING BINDING
ARBITRATION POLICY FOR SUFFOLK COUNTY
DETECTIVE INVESTIGATORS PBA (DIPBA) 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 Detective Investigators when an impasse is determined to exist in collective bargaining negotiations between an employee organization of such Detective Investigators 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 Detective Investigators PBA (DIPBA) have reached a labor cost savings agreement to defer the cash equivalent of four days pay from the DIPBA 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 DIPBA 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: May 11, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 26, 2010