

**RESOLUTION NO. 971 -2013, ADOPTING LOCAL LAW  
NO. -2013, A LOCAL LAW TO SAFEGUARD EMPLOYEES  
DISPLACED BY PRIVATIZATION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 18, 2013, a proposed local law entitled, "**A LOCAL LAW TO SAFEGUARD EMPLOYEES DISPLACED BY PRIVATIZATION**"; now, therefore be it

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

**LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO SAFEGUARD EMPLOYEES DISPLACED BY  
PRIVATIZATION**

**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 the County of Suffolk continues to face chronic budget shortfalls years after the national economic meltdown.

This Legislature also finds that the County of Suffolk has employed many strategies to address budget deficits, but has now reached a point where it is forced to layoff employees and privatize functions and services.

This Legislature determines that the County of Suffolk terminated security guards working at the Department of Social Services ("DSS") centers and replaced them with a private security firm. Additionally, this Legislature approved the sale of the John J. Foley Skilled Nursing Facility to a private operator, which will result in the termination of employment of several hundred County employees.

This Legislature finds that while privatization may save taxpayer dollars in the short term, it is also sure to cause serious long-term negative consequences for the affected County employees.

This Legislature further determines that during this time of economic upheaval, the County of Suffolk has an obligation to provide minimum protections for workers who lose their County employment as a result of privatization.

Therefore, the purpose of this local law is to ensure that County employees who are affected by privatization retain employment for at least 90 days after they are separated from County service.

**Section 2. Definitions.**

As used in this law the following term shall have the meaning indicated:

“PRIVATIZE” - The transfer of responsibility for providing a service or performing a function from persons employed by the County of Suffolk to a private non-governmental entity. This term shall not include a plan, proposal, action or contract which supplements, and does not replace, work performed by employees of the County of Suffolk. This term shall not include the retention of private legal services by the County Attorney.

### **Section 3. Requirements for Privatization of Services and Functions.**

- A. No plan, proposal, action or contract which privatizes a service or function shall be implemented by any officer, employee or agent of the County of Suffolk, unless such plan, proposal, action or contract is approved by a duly enacted resolution of the County of Suffolk.
- B. No plan, proposal, action or contract which privatizes a service or function and results in the termination of employment of any County employee, shall be approved by the County Legislature unless it:
  - 1. Provides that the non-governmental entity assuming the performance of the service or function will retain the County employees who previously provided the service or function on behalf of the County for at least 90 days after the responsibility for providing the service or performing the function is transferred from the County to the non-governmental entity.
  - 2. Includes a complete list of all employees to be retained for said 90 days. Such list shall include the employee’s name, address, date of hire, and employment occupation classification.
- C. A plan, proposal, action or contract to privatize a service or function may permit the non-governmental entity which assumes such a service or function to terminate former County employees during the 90 day retention period for cause.

### **Section 4. Notice to Employees.**

Upon the execution of a plan, proposal, action or contract which privatizes a service or function and will result in the termination of employment of County employees, the County shall post a notice at the workplace of the affected employees stating the rights of the employees pursuant to this law, including a copy of the list of employees provided to the non-governmental entity. Such notice shall also be provided to the employees’ collective bargaining representative. The notice and list shall be posted in the same location and manner as all other statutorily required notices to employees are posted in the affected building(s).

### **Section 5. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 6. 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 7. 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 8. Effective Date.**

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

**\*\*NOT ADOPTED ON NOVEMBER 19, 2013\*\***