

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

RECEIVED

2008 DEC 31 P 2:15

COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

December 31, 2008

Mr. Timothy Laube
Clerk of the Legislature
Suffolk County Legislature
Veterans Memorial Highway
Hauppauge, New York 11788

RE: - December 16, 2008 - Legislative Meeting

Vetoed Resolution: #1162

Dear Mr. Laube:

Attached please find the above resolutions, which have been acted upon as indicated.

Very truly yours,

Ben Zwirn
Deputy County Executive

Received by *Rene Ortiz* Date 12/31/08 Time 2:15 PM

BZ:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

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2008 DEC 31 P 2:16

COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

December 31, 2008

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

**RE: RESOLUTION NO. 1162 -2008, DIRECTING THE
DEPARTMENT OF LABOR TO DEVELOP CRITERIA FOR LIVING
WAGE HARDSHIP FUNDING**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 1162 -2008, DIRECTING THE DEPARTMENT OF LABOR TO DEVELOP CRITERIA FOR LIVING WAGE HARDSHIP FUNDING** vetoed in its entirety because the Suffolk County Department of Labor's Living Wage Unit has been processing applications using the same criteria they developed since 2002.

When a contract agency receives an application for Living Wage Contingency Funds, they are notified of the program rules and regulations. The Suffolk County Department of Labor's website has a section dedicated to Living Wage which features a Frequently Asked Questions portion, copies of the application, the actual text of the Local Law, and the Rules and Regulations are also available to anyone interested in applying for Living Wage Contingency funds. The Department of Labor's Living Wage Unit holds work sessions to help local organizations understand the Living Wage Law and apply for funding.

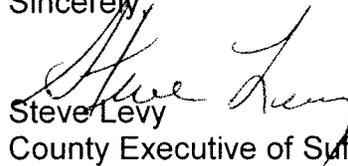
The Living Wage Unit has taken proactive measures to educate contract agencies about program guidelines and eligibility annually.

There has to be some type of cut off to be eligible for the subsidy. Awarding money above the threshold to contract agencies sets a dangerous precedent and opens the door for other contract agencies to

demand County funds to supplement the wages paid to employees over the living wage rate.

For the reason stated above, I urge the Legislature to sustain my veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Levy". The signature is written in a cursive style with a large initial "S".

Steve Levy
County Executive of Suffolk County

SL:bc

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
James A. Morgo, Chief Deputy County Executive
Frederick B. Pollert, Deputy County Executive for Finance and Management
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff
Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res. 2077 Res. No. 1162

December 16, 2008

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-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: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

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

Roll Call _____ Voice Vote

Tim Laube
 Tim Laube, Clerk of the Legislature

**RESOLUTION NO. 1162 -2008, DIRECTING THE
DEPARTMENT OF LABOR TO DEVELOP CRITERIA FOR
LIVING WAGE HARDSHIP FUNDING**

WHEREAS, Suffolk County enacted Local Law No. 12-2001 to require County contractors and the recipients of County funding to pay their employees a living wage; and

WHEREAS, the Suffolk County Legislature recognized that the salary and benefit requirements of the Living Wage Law might pose a financial hardship for some not-for-profit organizations and child care providers; and

WHEREAS, in response to those concerns, Suffolk County established the Living Wage Contingency Fund ("Contingency Fund") to provide funds to not-for-profit organizations and child care providers that are unable to independently pay the increased salary and benefit costs associated with the Living Wage Law; and

WHEREAS, the Department of Labor is charged with the administration of the Contingency Fund and the distribution of funds to organizations that apply for and meet the requirements for assistance; and

WHEREAS, to date, the Department of Labor has not developed objective standards and criteria to determine which groups are qualified to receive aid from the Contingency Fund; and

WHEREAS, it appears that an otherwise eligible child care provider was denied funding because it paid some of their employees slightly more than the minimum wage levels established by the Living Wage Law; and

WHEREAS, not-for-profit organizations and child care providers should know the requirements they must meet in order to obtain aid through the Contingency Fund; now, therefore be it

1st **RESOLVED**, that the Department of Labor is hereby authorized, empowered and directed to develop objective standards and criteria to be applied when considering applications for assistance from the Contingency Fund; and be it further

2nd **RESOLVED**, that the standards and criteria developed by the Department of Labor shall not penalize applicants for paying employees more than the minimum wage levels established under the Living Wage Law; and be it further

3rd **RESOLVED**, that the Department of Labor shall develop the Contingency Fund standards and criteria and present same to the County Legislature within ninety (90) days of the effective date of this resolution; and be it further

4th **RESOLVED**, that the new Contingency Fund standards and criteria shall not be effective until approved by a duly enacted resolution of the County Legislature; and be it further

5th **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 (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: December 16, 2008

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 12-31-08