

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

RECEIVED
2011 JUL -7 P 4:04
SUFFOLK COUNTY EXECUTIVE
OFFICE OF THE COUNTY EXECUTIVE
HAUPPAUGE, NY

July 7, 2011

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

RE: - June 21, 2011 – Legislative General Meeting

Vetoed 2011 Resolution: #543-2011 – Establishing Standard Work Day and Reporting Requirements for Elected Officials

Dear Mr. Laube:

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

Very truly yours,

Brendan Chamberlain
Intergovernmental Relations Director

Received by Michael Howard Date 7/7/11 Time 4:04P

BC:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

RECEIVED
2011 JUL -7 P 11:04
OFFICE OF THE COUNTY EXECUTIVE
100 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, N.Y. 11787
PHONE (631) 853-4000
FAX (631) 853-4818

July 7, 2011

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. 543 – 2011, ESTABLISHING STANDARD WORK DAY
AND REPORTING REQUIREMENTS FOR ELECTED OFFICIALS.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 543 – 2011, ESTABLISHING STANDARD
WORK DAY AND REPORTING REQUIREMENTS FOR ELECTED OFFICIALS;**
vetoed in its entirety.

Effective August 12, 2009 the New York State and Local Retirement System adopted new regulations to more clearly define the reporting requirements for elected and appointed officials. These changes included an expanded record of work activities, a more detailed standard work day resolution and specific time frames within which requirements must be completed.

I am vetoing Resolution 543 because I believe that this resolution does not adequately address the State requirements and establishes too short of a standard work day for elected officials.

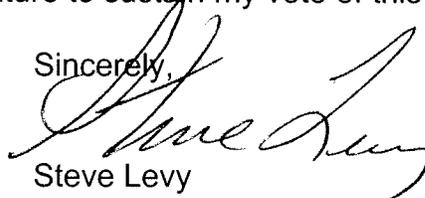
According to the Office of the State Comptroller, the governing board of a participating employer of an elected or appointed official shall establish, by resolution, a standard work day for each elective or appointive office or position. This resolution only addresses elected officials and does not address appointed officials with policy making authority, such as department heads, as required by regulation.

Also, State regulation gives the County Legislature flexibility to establish a standard workday of a minimum 6 hours to a maximum of 8 hours. Given that other employees of the county are required to work more than a 6 hour workday, I feel it's appropriate to ask our elected officials to meet similar standards.

Lastly, the resolution is also technically flawed as it does not accurately reflect all elected officials who are already receiving public pensions and are not eligible for further pension credits.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy
County Executive of Suffolk County

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
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res.

1563

Res. No.

543

June 21, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vioria-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	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
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
<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

Tim Laube

Roll Call ___ Voice Vote

**RESOLUTION NO. 543 -2011, ESTABLISHING STANDARD
 WORK DAY AND REPORTING REQUIREMENTS FOR
 ELECTED OFFICIALS**

WHEREAS, the New York State Comptroller issued Regulation No. 315.4 (2 NYCRR 315.4) effective August 12, 2009 applicable to all local governments that have elected and appointed officials who are members of the New York State and Local Retirement System ("NYSLRS"), and the regulation enlarges the existing employer reporting requirements, and requires an official who is a member of the NYSLRS, but who is not included in the employer's time keeping system, to prepare and submit to its employer a record of work day activities and the governing board of an employer participating in the NYSLRS to establish by formal resolution a standard work day for each elective or appointive position in order to ensure that the elected and appointed officials receive accurate service credit and retirement benefits; and

WHEREAS, 2 NYCRR 315.4 contains explicit items of information that must be included in such a resolution, and this resolution will satisfy those requirements; now, therefore be it

1st RESOLVED, that the following is adopted as Suffolk County's standard work day and reporting resolution for the purpose of reporting days worked to the NYSLRS:

STANDARD WORK DAY AND REPORTING RESOLUTION

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/ Month Based on Record of Activities
Elected Officials							
County Executive	Steve Levy			6.0	01/01/2008-12/31/2011	N	
County Clerk	Judith Pascale			6.0	01/01/2007-12/31/2010	N	
Comptroller	Joseph Sawicki			6.0	01/01/2007-12/31/2010	N	
County Treasurer	Angie Carpenter			6.0	01/01/2010-12/31/2013	N	
District Attorney	Thomas Spota			6.0	01/01/2010-12/31/2013	N	
Sheriff	Vincent DeMarco			6.0	01/01/2010-12/31/2013	N	

Presiding Officer of the County Legislature	William Lindsay			6.0	01/01/2010-12/31/2011	N	
Deputy Presiding Officer of the County Legislature	Vivian Vilorio-Fisher			6.0	01/01/2010-12/31/2011	N	
County Legislator	Edward Romaine			6.0	01/01/2010-12/31/2011 NOT IN NYSLRS	N	
County Legislator	Jay Schneiderman			6.0	01/01/2010-12/31/2011	N	
County Legislator	Kate Browning			6.0	01/01/2010-12/31/2011	N	
County Legislator	Thomas Muratore			6.0	01/01/2010-12/31/2011	N	
County Legislator	Sarah Anker			6.0	4/12/2011-12/31/2011	N	
County Legislator	Jack Eddington			6.0	01/01/2010-12/31/2011 NOT IN NYSLRS	N	
County Legislator	Ricardo Montano			6.0	01/01/2010-12/31/2011	N	
County Legislator	Thomas Cilmi			6.0	01/01/2010-12/31/2011	N	
County Legislator	Thomas Barraga			6.0	01/01/2010-12/31/2011 NOT IN NYSLRS	N	
County Legislator	John M. Kennedy, Jr.			6.0	01/01/2010-12/31/2011	N	
County Legislator	Lynne Nowick			6.0	01/01/2010-12/31/2011	N	
County Legislator	Wayne Horsley			6.0	01/01/2010-12/31/2011	N	
County Legislator	DuWayne Gregory			6.0	01/01/2010-12/31/2011	N	
County Legislator	Steven Stern			6.0	01/01/2010-12/31/2011	N	
County Legislator	Louis D'Amaro			6.0	01/01/2010-12/31/2011	N	

County Legislator	Jon Cooper			6.0	01/01/2010-12/31/2011	N	
-------------------	------------	--	--	-----	-----------------------	---	--

2nd 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: JUN 21 2011

APPROVED BY:


County Executive of Suffolk County

Date: 7/7/11