

LABOR, WORKFORCE & AFFORDABLE HOUSING COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Labor, Workforce and Affordable Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 28, 2008.

MEMBERS PRESENT:

Leg. Kate M. Browning, Chairperson
Leg. Ricardo Montano, Vice-Chairman (not present)
Leg. Daniel Losquadro
Leg. Jay H. Schneiderman
Leg. Brian Beedenbender

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Brenda Rosenberg, Director of Local Law Compliance Unit, Department of Labor
Dennis Brown, County Attorney's Office
Barbara LoMoriello, Clerk of the Legislature
Jill Moss, Budget Review Office
Joe Muncey, Budget Review Office
Ben Zwirn, Deputy County Executive
Catherine Stark, Aide to Leg. Schneiderman
Bob Martinez, Aide to Leg. Montano
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, AME Legislative Director
Dan Anderson
All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 11:15 AM)

CHAIRPERSON BROWNING

Good morning. It's 11:15. We'll start with the Labor, Workforce and Affordable Housing Committee with the pledge of allegiance led by Legislator Schneiderman.

SALUTATION

Good morning. Good morning.

PUBLIC PORTION

Okay. We have two cards and we'll start with Dan Andersen. Mr. Andersen, you have three minutes.

MR. ANDERSON:

Could I ask for more time; a little more time?

CHAIRPERSON BROWNING:

No, I apologize. This is the public portion and you are only allowed three minutes.

MR. ANDERSON:

I was advised by -- I appeared before this other committee a few weeks back about the issue of time when one speaks. I was advised that I should go to the committee and question and request more time. That they didn't need to amend the Charter to do this. So that's why I'm requesting it.

CHAIRPERSON BROWNING:

At this time when you come -- I mean if you wanted to do a presentation and contacted me to do a presentation --

MR. ANDERSON:

Okay.

CHAIRPERSON BROWNING:

-- you could do that.

MR. ANDERSON:

I understand.

CHAIRPERSON BROWNING:

But, however, at this point in time when you fill out a yellow card it's three minutes.

MR. ANDERSON:

Okay.

CHAIRPERSON BROWNING:

Okay.

MR. ANDERSON:

Thank you.

CHAIRPERSON BROWNING:

So you may go ahead.

MR. ANDERSON:

I'm here speaking on an issue of the subject of temporary employment as it exists in the Department of Labor, Suffolk County. To make a long story short, I'm continuing to follow-up with this subject. And the latest situation is that I'm working through my local Legislator, Legislator Fisher. And she has drafted a letter to the Director of Suffolk County Labor in regards to this particular program that I proposed. And we have a response. And I have a copy of that response. And I had followed up with checking out every portion of this response for its validity as I had strong reason to suspect from previous experience that in such a short period of time these issues could not have been changed to any significant degree.

And it had borne itself out after I reviewed line by line the positions of the director that in large part what he claims in this letter is, it's non-existent. I don't know who he depended on for his information, but any temporary employment icons that were hastily placed on the County website so as to comply with the Legislator's inquiry are largely -- those four icons are largely vacant, empty, worthless and filled with commercial content that is confusing at best to the people looking for temporary employment. Those four icons produce nothing.

And I -- this is more of the same. And on the face of my proposal, it would seem to me that a director of a county agency would have a mandate at the very least to send up a trial balloon on a program that admittedly the Legislator says, and I agree, that does not involve any budget, manpower or equipment. It's an extremely simple program and extremely powerful. And it uses existing resources which is a room full of computers with an icon planted on there.

But the details of my proposal, which I don't have time to present to you now, it's a handful of things that administrators -- an administrator could carry out. And inside of a month this program could be on line and providing Suffolk County residents with a means to fill in the gaps with employment as little as one day in their already overloaded lives with two and three jobs, families, collapsing economy that has been produced by that gang in Washington, that can't manage the nation's economy. And mark my words, we're just in the beginning stages of a major collapse. Don't rely on the information lines that you read in your local papers. There are a long list of banks that are folding. There's runs on banks. And we're just in the beginning stages of what's going to be a permanent situation unlike any time before. This is an emergency in the street. There are thousands of people losing their houses in this County.

And this program needs to be implemented now. And either the Director to be replaced under a charge of dereliction of duty or put somebody else in that can carry this program out or whatever. But this is extremely important. And somebody should send in to confirm what I -- my findings on my examination of their empty, vacant, temp icons that exist on their computers are worthless and diversionary. It leads Legislators to become confused as to what really is. You got to look behind the curtain and examine these things and and you'll bear out what I'm telling you.

CHAIRPERSON BROWNING:

Thank you, Mr. Andersen. Your time is up. And I guess if I had known, you know, at some point we could have had the Commissioner here today but I wasn't aware that you were going to be here. So we will follow up and ask him some questions about this.

MR. ANDERSON:

And I'll follow up with the next meeting, maybe, with a previous request for more time to detail the proposals of my plan.

CHAIRPERSON BROWNING:

Thank you.

MR. ANDERSON:

Thank you.

CHAIRPERSON BROWNING:

Okay. We also have Brenda Rosenberg from Suffolk County Labor Department. And you have some questions about IR 1503.

MS. ROSENBERG:

Yes. Thank you for allowing me to speak today. I have a little laryngitis so please forgive me. My name is Brenda Rosenberg. I'm the Director of the Local Law Compliance Unit in the Department of Labor. And I'll be speaking on IR 1503 today which talks about not-for-profit organizations and paperwork requirements.

When reading this particular piece of legislation, it doesn't really go to the heart of the matter for us. We as the Department of Labor keeps a data base of all contracts for the County. When the paperwork comes in for a contract, we review it and we send over a sheet to the County Attorney's office through the departments, the awarding agency so the County Attorney's Office knows that a contract has been reviewed and complies with Living Wage Law and Lawful Hiring Law. Without that sheet, they don't know that the contract has been looked at. If we don't get the paperwork from a not-for-profit, we don't know that there's a contract out there.

So what this does, this law says that each not-for-profit only has to tell us once that it's not applicable. But the County Attorney's Office will have no mechanism to find out whether or not the law applies or not.

And I just would like to show the Committee this is a Living Wage sheet that they have to fill out. All it is check off a box, tell us why it's not applicable and put your name down and sign it. It doesn't take much for the not-for-profit to fill this out. And it certainly would create havoc for the whole contract process if we don't have this.

LEG. LOSQUADRO:

Madam Chairman? Madam Chairwoman?

CHAIRPERSON BROWNING:

Yes, go ahead.

LEG. LOSQUADRO:

I'll be happy to explain why I did this. Your department seems a bit overworked. And I'm surprised you didn't contact me instead of directing these comments to this committee. And I would have been happy to explain this to you. And this is actually not only an attempt to help the not-for-profits but to help your department as well. And you can't tell me this isn't true. Not-for-profits are waiting sometimes a month or better for you to simply review a sheet that says -- you're right -- it's a very simple thing that says they're in compliance.

And Counsel, he and I went through this and decided the best way to go about doing. This is -- this is creating a layer of work that is wholly unnecessary in the County. We talk about streamlining government. We talk about doing away with duplicity. Well, this is a prime example. We have organizations that have no employees, not a one. It doesn't apply to them. All they have to do is sign the form and say it doesn't apply to them.

Well how about we create a new system that the County Attorney's Office along as it's on file once that they say they don't have any employees, that's good for the year. It sounds to me like a much better system than having organizations waiting sometimes months for the simple process of having something reviewed.

MS. ROSENBERG:

I have to disagree with you a hundred percent. A) our department within one day we do turnaround time. One day. That's all it takes once we get it from the awarding agency, when it comes into my

unit. So I disagree with you on that part. And second of all --

LEG. LOSQUADRO:

Well, I don't know where the breakdown is then.

MS. ROSENBERG:

It's not with my unit.

LEG. LOSQUADRO:

Because I can -- I can -- we process our own contracts here now for our community service initiative grants.

MS. ROSENBERG:

I can tell you where the breakdown is.

LEG. LOSQUADRO:

And, you know, in working with Counsel's office, we have --

MS. ROSENBERG:

The breakdown --

LEG. LOSQUADRO:

-- we have delays that are quite extensive sometimes in waiting for paperwork to go through just a simple chain of command that I'm not putting blame on anyone. In fact, I think this creates an efficiency by not having a step that is wholly unnecessary. Why create something or in this case continue to do something only because we've always done it? Just because we've always done something doesn't mean it's right to keep doing it.

We have a situation where groups have to certify each and every time Living Wage, Lawful Hiring, Living Wage, Lawful Hiring. They have no employees. They're not-for-profits. Many of these groups that we deal with as legislators only have a couple of people volunteering anyway. Any paperwork for them to do these grants is a bit of a hardship because these individuals are giving of their own time freely. There are no employees. So what may seem like a very simple process for a business agency that we are in contract with, can be very difficult for a very small local not-for-profit. We have a situation where we can create an efficiency by just having these not-for-profits that have zero employees certify this once a year and it's applicable.

MS. ROSENBERG:

Okay. Okay.

LEG. LOSQUADRO:

I don't --

MS. ROSENBERG:

Can I just respond to that?

LEG. LOSQUADRO:

This seems to make sense to me. And I'm really -- I have to tell you this -- we tabled this last time. This is the first that I've heard from your department is us having this conversation.

MS. ROSENBERG:

Okay, I have three points to make. First, the breakdown is whoever fills out your forms, they're not filling them out properly. Okay? The breakdown isn't with us. We send them back because they haven't filled it out. They don't write the reason. They don't say there's no employees. That's the only reason you get them back and there's a breakdown. There is a one day turn around from the

time you -- or two days, maybe the mail takes another day, between the time it comes from your office to my office and back. So I disagree with that.

I have to tell you half the ones that we get from the Legislature are always incorrect. The agencies -- the other agencies that we get them from, who we've worked with for years now, we don't have this problem. That's number one. Number two --

CHAIRPERSON BROWNING:

Can I ask, I'd like to ask -- I'm trying to understand what this is about. And I thought it was a great idea because what I'm seeing is that we share LISA. And they're all volunteers. And so basically that paperwork won't go to the Department of Labor -- there is no paperwork that goes to them. It goes to the County Attorney's Office? Is that what's happening?

LEG. LOSQUADRO:

I'll ask Counsel because Counsel and I worked on this. I'll ask Counsel to explain it a little more in depth. But the point of this was that these groups only have to certify once now, that they have no employees and that the Living Wage Law is not applicable to them. It's a very simple process. It's going to actually create, I think, a better system that the Department of Labor now isn't reviewing something, that they just have to look at it and go, oh, not applicable.

CHAIRPERSON BROWNING:

So it doesn't go to them anymore? They won't receive anything because they have --

LEG. LOSQUADRO:

Counsel.

MR. NOLAN:

Both the Lawful Hiring Law and the Living Wage Law don't really apply to organizations that have no employees. The impetus behind this bill, I believe, from Legislator Losquadro is despite the fact that these laws don't apply to these organizations, every time they do a contract, they have to do the paperwork for Lawful Hiring and for Living Wage.

So Legislator Losquadro and I devised this bill which says that these -- just these groups, none profits that have no employees will certify once during the year on paperwork that's put together by the Department of Labor that they have no employees and the law has no application to them.

I think the Department of Labor's objection to the bill is not -- is really just practical, you know, they have a system in place now. And if this law passes, something else will have to be devised in order to -- so that the County Attorney's Office is apprised and everybody's apprised that this group doesn't have to complete this particular paperwork on every contract. That's why we made the application date for this law January 1st, 2009 to give the Department of Labor, County Attorney's Office and others the chance to put in place a new system to implement this law.

CHAIRPERSON BROWNING:

Okay. Mr. Brown?

MR. BROWN:

Sure, just before I say anything, just me preface with the fact that the County Attorney herself has been working with Labor and the not-for-profit corporations in trying to come up with the way to streamline the process. And the only thing that -- and, George, you were the Bureau Chief over there. The only thing I would say is that when the contracts do come in, the attorneys that are assigned to a particular department do -- before they sign off on a contract look for the various forms that say that there's compliance with Lawful Hiring or Living Wage or the union organization.

Whether or not another system is devised to show that there's been an annual filing, I suppose that can be worked out. But again I just preface that with the fact that the County Attorney has herself

been working on trying to streamline the process.

LEG. LOSQUADRO:

And since I've -- none of these questions were posed to myself or my office, I will certainly be happy to go through our records and find the instances that led me to file this law, which was -- and I don't have them in front of me, but I mean, you know, we can sit here and disagree with each other and say that there's a fast turnaround time. But if the system was working with the one day turnaround time and groups weren't being kept waiting for things, I would never have even thought to do something like this.

I did this because groups that have no employees, that have volunteers who are trying to put this paperwork together, sometimes very small groups of people that run organizations and do a lot of good in their communities have gotten very frustrated with these processes, especially if they have multiple contracts and have to submit this paperwork repeatedly when they have no employees. To me it seemed like a much more efficient system to not have to send paperwork to your office and have your examiner simply look at it and say, yes, they don't have any employees, they're good.

MS. ROSENBERG:

It doesn't work for us. And the other thing is it would have been appreciated if you would have spoken to us before you put in the legislation. I had to find it on the website when I looked over the -- what was laid on the table. Nobody ever told us this was being laid on the table and I would have spoken to you about it prior to that and maybe we could have --

LEG. LOSQUADRO:

As I said, with us handling our own contracts over here, sometimes we get a little frustrated with the system when it doesn't work as we expect it does. And I worked with our Counsel to develop something that seemed quite innocuous. It seemed to be a -- to be removing a step from the process that in our opinion was wholly unnecessary.

So I understand what you're saying in terms of one department, you know, there's a certain chain -- it goes from A to B to C to D. And if you take C out and D gets it, well, they might not know that it cleared C but we have in this legislation there will be a form that will have to be filed once annually that becomes part of that file.

MS. ROSENBERG:

And then who keeps --

LEG. LOSQUADRO:

So --

MS. ROSENBERG:

You're creating more work for all of our departments by -- what would you do? You need another data base, you need more people, you need more forms from us. So the not-for-profit who has to fill out one form, you're going to create a whole another layer for Living Wage Lawful Hiring and County Attorney and the awarding agencies.

LEG. LOSQUADRO:

See, I don't see that because you have --

MS. ROSENBERG:

I'm administering it. I can tell you.

LEG. LOSQUADRO:

You have one form. You simply substitute it with another.

MS. ROSENBERG:

I don't know when the next contract's coming in. I don't know that they're getting another contract from Social Services or Health on your system. It doesn't work like that.

LEG. LOSQUADRO:

But if it's not applicable to Labor, why would you need to know that?

MS. ROSENBERG:

I don't need to know but he does.

LEG. LOSQUADRO:

So it would still go to the County Attorney's Office.

MS. ROSENBERG:

How would he know?

LEG. LOSQUADRO:

Because it's going to go to his office.

MS. ROSENBERG:

What's going to his office?

LEG. LOSQUADRO:

The contract.

CHAIRPERSON BROWNING:

Isn't that the last place where it goes is the --

LEG. LOSQUADRO:

The County Attorney's Office has to sign off on every contract, doesn't it? Mr. Brown?

MS. ROSENBERG:

But he doesn't know --

LEG. LOSQUADRO:

Do you sign off on the contract. So it can bypass the Labor Department if it doesn't need to go to you.

MS. ROSENBERG:

But how does he know that it doesn't need to go to me?

LEG. LOSQUADRO:

Because the form is in there that says they're in compliance. It was filed once a year. It becomes part of the file.

MS. ROSENBERG:

So he has to look at that file again to fill it out. Go ahead.

MR. BROWN:

Yeah, I just have a question. So is it contemplated that, for example, the annual certification form would be filed? And that when the contract is prepared by the department, the department in lieu of the form that the Department of Labor would approve, the department that's preparing the contract would send to the County Attorney's Office along with the several copy of the contract some type of form that says that the annual certification has been filed in the past?

LEG. LOSQUADRO:

Why are we going to create another form? You have -- you have -- no, you have that form. It gets filed once; right? When you create -- when you review a contract, you have a certain check list you go through, right, make sure everything's in compliance?

MR. BROWN:

Yes.

LEG. LOSQUADRO:

So if we have the form that was filed for certification, even if it was just filed once that year, when you review a contract for that organization -- maybe we have a box -- you know, I hate to steal someone else's line but I remember Legislator Eddington quoted that Nextel commercial where, you know, the firefighters talk to each other and they just go beep, beep, beep, beep and they get it done. It seems like we're trying to create work here. I'm trying to reduce work.

MR. BROWN:

Well the reason I ask --

LEG. LOSQUADRO:

And it seems as though we're trying to make this more complex than it is.

MR. BROWN:

The reason why I ask --

LEG. LOSQUADRO:

We're trying to bypass a department that doesn't need to get something because it's not applicable to your department.

If they have no employees, then Department of Labor shouldn't have to review this. They filed a form once, they have no employees, Lawful Hiring Living Wage doesn't apply to them. So where is the difficulty come in that it should go back to the Department of Labor simply to have someone review it again and say, yes, it doesn't apply to them.

MR. BROWN:

Don't misunderstand me. I'm not saying that there's any difficulty because I was just -- the reason I asked the question is because when you referenced the form during your conversation, during the course of discussing this bill, I thought you were referring to another form, not just the Living Wage form that the Department of Law -- that the Department of Labor reviews and signs off on.

LEG. LOSQUADRO:

Well, what we anticipated was in lieu of that, you have just a form that says we have no employees, these don't apply to us. And that gets filed in lieu of the other. Or something -- you know, I'm not an attorney, you would have to include some legalese. But that -- you would then keep in your file and then nothing -- those other laws don't apply. If that is certified, then the other laws don't apply especially in instances where they have multiple contracts in the same calendar year. It doesn't have to bounce back and forth between your departments. Each time one comes into the County Attorney's Office, in that group's file, they're certified. Okay, they don't have any employees. We don't have to take the step of kicking it back over to Labor and getting it back from them.

MR. BROWN:

I'm certain that systems can be developed but what you're -- what you're proposing, what you're suggesting at this point is now if a contract -- if a contract comes in and it doesn't have this -- the Lawful Hiring form, that do -- the question becomes do we presume that it's missing by omission or error? Or do we presume that it's missing because it's an organization that has already filed some form annually with the Department of Labor? In either case what the Law Department would then be required to do is maintain a file of those agencies which have the annual statement filed that they have no employees. That would be -- that would be one way to do it. Is it the best way, I don't

know, but it's something certainly that we can talk about.

LEG. LOSQUADRO:

We have five or six months in which to come up with that.

MR. BROWN:

Agreed.

LEG. LOSQUADRO:

I think, you know, maybe just a little box that you can check off on the form that says we've already, you know, filed our certification form.

MR. BROWN:

Agreed.

LEG. LOSQUADRO:

And it doesn't apply to us. I think there are pretty simple ways to do this without getting too complicated and creating another level of work or two other levels of work because we omitted one.

MR. BROWN:

Absolutely.

LEG. LOSQUADRO:

I think -- I think we can actually remove a step from government without having to replace it with three others.

LEG. BEEDENBENDER:

No, come on.

LEG. LOSQUADRO:

So that's really what I'm trying to get at here. And I don't to see this become something more complicated than it was ever meant to be. We're trying to make life easier for these small not-for-profit volunteer groups while at the same time making life easier for our internal system and give the Labor Department more time to maybe look more in depth at the files that really apply to them instead of just having to go through stuff and say, yep, this one doesn't apply, yep, this one doesn't apply, they have no employees, they have no employees, they have no employees. Even if they can turn them around quickly, which some of the organizations that I've dealt with, that's not been the case, it's unnecessary work. So why not give them more time to look more deeply at the work that they really should be focussing on.

MR. BROWN:

From the point of view of executing a contract at the Department of Law level, if we receive the contract with something from the department that showed the not-for-profit agency had filed its form with the Department of Labor and it was current, there would be no delay from the Department of Law's perspective with respect to the execution of that contract. And I'm -- I agree with you 100 percent that I think if the Department attach something along those lines to the contract, it wouldn't be delayed at the department level either. And you're absolutely right. It may bypass those few days that are involved when the Department of Labor is involved with doing Lawful Hiring.

LEG. LOSQUADRO:

Again, I'm not going to get into, you know, arguing back and forth about the time involved in some of these and the turnaround time. Like I said, I will review the files in my office. And we'll have some specific examples. And, yes, you know, perhaps there are instances where these groups -- the smaller groups are, you know, unfamiliar. They see something like Living Wage and they have no employees and, you know, they get a little -- they get a little intimidated by it.

CHAIRPERSON BROWNING:

Dan, they, you know, and they do have six months to work with you on it, to come up with the correct paperwork. And I know that it winds up with the County Attorney's Office. And he'll kick it back if there's anything wrong with it.

So with that, I guess we can move onto the agenda. Thank you.

TABLED RESOLUTIONS

1435, authorizing planning steps for implementation of Suffolk County Workforce Housing Program. (Romaine) Mr. Zwirn, how did you know I was going to ask you to come up here? I did want to know what was going on. I know the last time I spoke with the residents, they were with the understanding that they were getting a \$50,000 down payment or something to that effect if we passed this bill. So that kind of made me a little worried, that that's not the fact. Do you know what's going on?

MR. ZWIRN:

Yes. I came up because intuitively. First let me apologize to Legislator Losquadro. This is not how we like to do things. I was not aware that the Labor Department had objections. If I had, I would have contacted you and done this before we got to Committee. And I take responsibility for that and I apologize. It's not legislation by ambush. We've gotten past those days pretty much.

With respect to this legislation that's pending, it really is moot as of right now. The state, I understand, has come up with 95 percent of the financing with respect to this. And the residents who live there have come up with the balance. And the owner of the property is now in litigation, I think, with the residents. But the County's role is pretty much removed. The state has stepped in as we anticipated that they would. So if you want to table this, you know, until we can have a formal resolution to the issue, but this moving forward now would just be the wrong time.

LEG. LOSQUADRO:

That's fine. Motion to table.

CHAIRPERSON BROWNING:

Okay. I will --

LEG. BEEDENBENDER:

I just have a question, Kate.

CHAIRPERSON BROWNING:

Okay. I guess Legislator Beedenbender has a question.

LEG. BEEDENBENDER:

I just had a quick question. When you say 95% of the financing, the state's going to help these people buy the land.

MR. ZWIRN:

That's correct.

LEG. BEEDENBENDER:

So they can keep -- okay.

CHAIRPERSON BROWNING:

Okay? With that, do we have a motion to table?

LEG. LOSQUADRO:

Motion.

CHAIRPERSON BROWNING:

Motion, Legislator Losquadro. Second Legislator Schneiderman. All in favor? Opposed? Abstentions? Okay, motion's tabled. **(Vote: 4-0-0-1. Leg. Montano not present)**

1503, adopting local law number - 2008, a local law to reduce paperwork requirements for volunteer not-for-profit organizations. (Losquadro)

LEG. LOSQUADRO:

Motion.

CHAIRPERSON BROWNING:

Motion to approve Legislator Losquadro, second Legislator Schneiderman. All in favor? Opposed? Abstentions? Okay. Motion is approved. **(Vote: 4-0-0-1. Leg. Montano not present)**

With that we have no other resolutions and we shall adjourn. Thank you.

**(THE MEETING CONCLUDED AT 11:45 PM)
{ } DENOTES SPELLED PHONETICALLY**