

RESOLUTION NO. 962 -2012, ADOPTING LOCAL LAW NO. 2 -2013, A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF LABOR, LICENSING AND CONSUMER AFFAIRS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on September 12, 2012, a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF LABOR, LICENSING AND CONSUMER AFFAIRS;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 2 -2013, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF LABOR, LICENSING AND CONSUMER AFFAIRS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that in order to create a solid economic foundation for the growth of Suffolk County, it is important to create a healthy business environment while protecting consumers from unfair and deceptive business practices.

This Legislature further finds that the roles of the Department of Labor and the Department of Consumer Affairs balance each other, each promoting the goal of a fair and vibrant marketplace for businesses and consumers.

This Legislature further finds that since the functions of these two departments complement each other, it would be in the best interest of the County to combine the departments to create a single department, the purpose of which would be to promote the health, safety, and economic well-being of both business and the public through job training and development, occupational and consumer regulation, licensing, and enforcement.

This Legislature determines that the creation of this new department will centralize the responsibility for business establishment and regulation, creating a "One-Stop" hub for job development, skill enhancement, consumer protection, and industry regulation.

This Legislature also finds that the combination of these two departments would allow the County to craft a better match between the needs of job-seekers and the needs of the business community by designing, among other things, customized job training courses with input from the business community.

This Legislature also finds and determines that all County elected officials have a fiduciary responsibility to ensure that taxpayer dollars are prudently and economically spent and that this Legislature has a fiduciary responsibility to ensure that public moneys are used in the best interest of County taxpayers.

This Legislature finds that by consolidating the functions of these departments, the Legislature is meeting its responsibility to prudently utilize resources in the best interest of County taxpayers.

This Legislature finds that it is in the best interest of this County to create the Department of Labor, Licensing and Consumer Affairs, and to transfer all of the functions of the Department of Consumer Affairs and the Department of Labor to this department due to the structural budget challenges the County faces as a result of decreased sales tax revenue and increased expenses.

Therefore, the purpose of this law is to create the Department of Labor, Licensing and Consumer Affairs and to transfer the functions of the Department of Consumer Affairs and the Department of Labor into this newly created department.

Section 2. Repealed.

Article 31 of the SUFFOLK COUNTY CHARTER, Article 31 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, and Chapter 136 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS are hereby repealed in their entirety.

Section 3. Creation of Department, Transfer of Functions.

A new Article XXXI of the SUFFOLK COUNTY CHARTER is hereby enacted to read as follows:

**ARTICLE XXXI
DEPARTMENT OF LABOR, LICENSING AND CONSUMER AFFAIRS**

§ C31-1. Definitions.

- A. "Commissioner" means the head of the Department.
- B. "Department" means the Suffolk County Department of Labor, Licensing and Consumer Affairs.

§ C31-2. Department established; Commissioner of Labor, Licensing and Consumer Affairs.

- A. There shall be a Department of Labor, Licensing and Consumer Affairs, the head of which shall be the Commissioner of the Department of Labor, Licensing and Consumer

Affairs. He or she shall be appointed by the County Executive, subject to approval of the County Legislature, and shall serve at the pleasure of the County Executive. The Commissioner may, within the appropriation provided, appoint and remove a Chief Deputy Commissioner and Deputy Commissioner(s), who shall act generally for and on behalf of the Commissioner in all matters, and all other officers and employees as may be likewise provided. The Commissioner may employ such special consultants as may be necessary; however, the contracts with the special consultants shall be subject to County Executive approval. The Commissioner shall be deemed the appointing authority for all employees within the Department.

- B. The Commissioner may also be designated as the Director of Weights and Measures, appointed in accordance with, and having all the powers and duties set forth in, the Agriculture and Markets Law of New York. No additional compensation shall be extended to the Commissioner holding this position.

§ C31-3. Powers and duties.

Except as otherwise provided in the Charter or by local law, the Department of Labor, Licensing and Consumer Affairs shall have the following powers, duties and responsibilities:

- A. Develop and administer industry and labor apprenticeship training programs and retraining programs, for, among others, Suffolk County's unemployed residents, Suffolk County veterans, and Suffolk County's disabled and dislocated worker populations.
- B. Manage the Suffolk Works Employment Program, the County's Welfare Employment Program operated in accordance with the Temporary Assistance for Needy Families as established in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- C. Coordinate the operations of the Suffolk County Workforce Investment Board, created pursuant to the Workforce Investment Act of 1998, the mission of which is to meet the needs of job seekers and employers and to support economic growth in Suffolk County.
- D. Provide labor mediation by attempting to arrange for, hold, adjourn or reconvene a voluntary conference or conferences between disputants and their representatives in the event that there is within the County an existing imminent or threatened labor dispute, all with a view toward facilitating the settlement of such labor dispute.
- E. Ensure compliance with the Suffolk County Lawful Hiring Law, the Fair Business Practice Law, and all other Suffolk County consumer protection laws.
- F. Receive and investigate complaints and to initiate investigations of unfair or deceptive practices against consumers.
- G. Hold hearings, subpoena witnesses, administer oaths, take the testimony of any person under oath and, in connection therewith, compel the production of any evidence relating to any matter under investigation by the Department; provided, however, that the Commissioner shall obtain the written consent of the County Executive or the County Attorney before issuing a subpoena or subpoena duces tecum. At any hearing, a witness

shall have the right to have present and be advised by counsel during the conduct of such hearing.

- H. Initiate and encourage consumer education programs and prepare and disseminate, through publication or otherwise, consumer educational and informational materials to the consumers of Suffolk County.
- I. Represent the interests of consumers before federal, state and local administrative and regulatory agencies and legislative bodies.
- J. Study the operation of federal, state and local laws for consumer protection and recommend amendments of such laws, where needed, for the protection of the consumer.
- K. Undertake activities to encourage businesses and industries in the County to maintain high standards of honesty, business practices and business responsibilities in the manufacture, distribution and sale of consumer goods and services.
- L. Establish facilities for the voluntary mediation of consumer disputes arising out of transactions which take place in the County.
- M. Initiate and conduct investigations, research, studies and analysis of matters affecting the interests of the consumers of Suffolk County.
- N. Report to the appropriate law enforcement agency information with respect to the violation of any federal, state or local consumer protection law.
- O. Cooperate and assist any agency, public or private, in the development of standards of quality for consumer goods and services.
- P. Assist, advise and cooperate with local, state and federal agencies to protect and promote the interests of the consumers of Suffolk County.
- Q. Render each year to the County Executive and to each member of the County Legislature a written report of the activities, investigations, complaints and recommendations of the Department.
- R. Collect and compile such statistical information and other data, with regard to labor generally within the County of Suffolk, as shall provide a central source of accurate and timely labor information.
- S. Perform such other responsibilities and duties as may be assigned by the County Executive or the County Legislature.
- T. Issue and promulgate such rules and regulations as it may deem necessary and appropriate for monitoring the operations of contractors and subcontractors of Suffolk County and ensuring compliance with County local laws.

Section 4. Transfer of Personnel, Records, Property, and Equipment.

Those employees in the Department of Consumer Affairs and the Department of Labor who are employed in positions in those departments and the divisions thereof on the effective date of this article and have duties to be performed by the Department shall be transferred to the Department subject to the provisions of the NEW YORK CIVIL SERVICE LAW and Rules of the Department of Human Resources, Personnel, and Civil Service.

All records, property and equipment currently associated with and utilized in connection with the powers, functions and duties of the Department of Consumer Affairs and the Department of Labor shall be transferred to the Department of Labor, Licensing and Consumer Affairs.

Section 5. 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 6. Transition and Applicability Provisions.

- A.) This law shall apply to all actions occurring on or after the effective date of this law.
- B.) Any reference to the Department of Labor or Labor Department in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Department of Labor, Licensing and Consumer Affairs and any reference to the Commissioner of the Department of Labor in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Commissioner of the Department of Labor, Licensing and Consumer Affairs, anything in any laws or regulations to the contrary notwithstanding.
- C.) In the event the term "Labor" is referenced as the Department of Labor in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, such reference shall be construed to mean the Department of Labor, Licensing and Consumer Affairs.
- D.) Any reference to the Department or Office of Consumer Affairs or Consumer Affairs in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule, or regulation, shall be construed to mean reference to the Department

of Labor, Licensing and Consumer Affairs, and any reference to the Commissioner or Director of Consumer Affairs in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Commissioner of the Department of Labor, Licensing and Consumer Affairs, anything in any other laws or regulations to the contrary notwithstanding.

E.) All County departments shall cooperate fully with the Commissioner of the County Department of Labor, Licensing and Consumer Affairs, or his or her designee, in all phases of implementing the provisions of this law.

Section 7. SEQRA Determination.

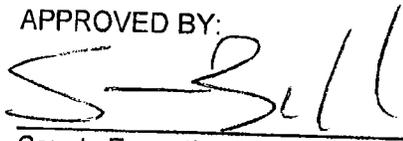
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 filing in the Office of the Secretary of State.

DATED: November 20, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-11-2012

After a public hearing duly held on December 5, 2012
Filed with the Secretary of State on January 14, 2013

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 20, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1926

Res. No. 962

November 20, 2012

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

| LD | Legislator | Yes | No | Abs | NP | R |
|--------|--------------------------|-----|----|-----|----|---|
| 1 | Edward P. ROMAINE | | | | | |
| 2 | Jay H. SCHNEIDERMAN | | | | | |
| 3 | Kate M. BROWNING | | | | | |
| 4 | Thomas MURATORE | | | | | |
| 5 | Kara HAHN | | | | | |
| 6 | Sarah S. ANKER | | | | | |
| 7 | Rob CALARCO | | | | | |
| 9 | Ricardo MONTANO | | | | | |
| 10 | Thomas CILMI | | | | | |
| 11 | Thomas F. BARRAGA | | | | | |
| 12 | John M. KENNEDY, JR. | | | | | |
| 13 | Lynne C. NOWICK | | | | | |
| 15 | DuWayne GREGORY | | | | | |
| 16 | Steven H. STERN | | | | | |
| 17 | Lou D'AMARO | | | | | |
| 18 | William SPENCER | | | | | |
| 14 | Wayne R. HORSLEY, D.P.O. | | | | | |
| 8 | William J. LINDSAY, P.O. | | | | | |
| Totals | | 16 | 1 | 2 | | |

| 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 |
| <input type="checkbox"/> NOT ADOPTED |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote