

STRICKEN AS OF 5/20/2013
AMENDED COPY AS OF 4/19/2013

Intro. Res. No. 2067-2012
Introduced by Legislator Calarco

Laid on Table 11/20/2012

RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO CLARIFY LEGISLATURE'S
ROLE IN COLLECTIVE BARGAINING

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 20, 2012 a proposed local law entitled, "**A CHARTER LAW TO CLARIFY LEGISLATURE'S ROLE IN COLLECTIVE BARGAINING**"; now, therefore be it

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

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

A CHARTER LAW TO CLARIFY LEGISLATURE'S ROLE IN
COLLECTIVE BARGAINING

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 respective roles of the County Executive and the County Legislature in the collective bargaining process are set forth in Article 14 of New York Civil Service Law, the "Public Employees Fair Employment Act".

This Legislature further finds that in general terms, state law authorizes the County Executive to negotiate agreements with public employee unions and the County Legislature to ratify such agreements.

This Legislature determines that the County Executive, the Legislature and the public employee unions do not always agree as to whether a negotiated agreement should be submitted to the Legislature for approval.

This Legislature finds and determines that in 2011, the former County Executive negotiated an agreement with the union representing the County's deputy sheriffs. In 2012, the new County administration took the position that this agreement was unenforceable, in part, because the County Legislature did not approve it.

This Legislature further finds that County Executive representatives often negotiate "side agreements" with the County's public employee unions which help implement the larger controlling collective bargaining agreement or only impact individual or small groups of employees in a bargaining unit; this legislation shall not be construed to apply to these side agreements.

This Legislature finds that while many side agreements do not require legislative approval, major agreements that have significant fiscal impacts or which contain provisions that require legislative approval under controlling law, should be submitted to the Legislature for ratification.

This Legislature also finds and determines that the cooperative relationship between the County and its employees is based on an understanding that all parties will abide by agreements that have been duly negotiated and agreed upon. Legislative approval of agreements adds great certainty to the collective bargaining process.

This Legislature concludes that the Legislature must reaffirm its statutory role in the collective bargaining process and clearly define, consistent with state law, the type of collective bargaining agreements that must be submitted to the County Legislature for ratification.

Therefore, the purpose of this law is to reaffirm the County Legislature's role in the collective bargaining process by clearly defining the types of agreements that are subject to legislative approval.

Section 2. Amendments.

Article II the SUFFOLK COUNTY CHARTER is hereby amended by the addition of a new section C2-22 which shall read as follows:

Article II. County Legislature.

* * * *

§ C2-22. Collective Bargaining Agreements Subject to Legislative Approval.

- A. Consistent with Article 14 of New York Civil Service Law, any provision of an agreement reached by the County Executive and a public employee organization, which requires approval by the County Legislature under a provision of state or local law, or which requires further legislative action to permit its implementation by amendment of local law or by providing additional funding therefore, shall not become effective until approved by the Legislature.
- B. Provisions requiring legislative approval shall include, but not be limited to, those that:
1. Establish, amend or otherwise affect the compensation of employees.
 2. Defer scheduled compensation, which deferral increases the amount of compensation owed to employees.
 3. Establish, amend or otherwise affect the total hours of work of employees.
 4. Establish, amend or otherwise affect vacation, sick leave and leave of absences offered to employees, with or without pay.
 5. Establish, amend or otherwise affect the health insurance benefits offered to employees.
 6. Establish a lag payroll for employees which increases the amount of compensation owed to employees.
 7. Establish an incentive to induce employees to separate from County service.

Section 3. Applicability.

This law shall apply to collective bargaining agreements entered into on or after the effective date of this law.

Section 4. Exemptions.

- A. This law shall not require the legislative approval of agreements that affect the terms and conditions of employment of individual employees within a bargaining unit.
- B. This law shall not apply to design changes made to the Employee Medical Health Plan (“EMHP”) during the term of an agreement, which are approved by the EMHP committee as authorized by a controlling agreement.
- C. This law shall not apply to a change in term or condition set forth in a collective bargaining agreement that is de minimus in nature and results from the implementation of another provision of the same agreement.
- D. This law shall in no way impair or affect the grievance/arbitration process authorized under the collective bargaining agreement.

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. 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 7. Effective Date.

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

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: