

Approved

**Public Safety Committee
May 20, 2003
4:40 p.m.
Courthouse Conference Room**

Present: B. Blanchard, K. Herrera, L. McBean, G. Totman, M. Robertson (arrived at 4:50 p.m.)
Staff: J. Wood

Called to Order

Ms. Blanchard called the meeting to order at 4:30 p.m.

**RESOLUTION NO. 99 - APPROPRIATION FROM CONTINGENT FUND FOR
TERMINAL PAY AT THE SHERIFF'S OFFICE**

MOVED by Ms. Herrera, seconded by Ms. McBean, and unanimously adopted by voice vote by members present.

WHEREAS, the Fiscal Policy of Tompkins County allows County departments to request reimbursement from the Contingent Fund for terminal pay, and

WHEREAS, the Sheriff's Office had the following employees leave employment:

Lynette Kessler, Civil Action Permit Clerk - effective April 11, 2003

Mildred Martinez, Corrections Officer - effective April 14, 2003

, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee and the Budget and Capital Committee, That the Director of Finance appropriate a total of \$1,340 to the Sheriff's budget for terminal pay,

RESOLVED, further, That the money be distributed to the following accounts:

FROM:	A1990.54440	Contingent Fund	\$1,340.00
TO:	A3110.51000424	Civil Action Permit Clerk - Salary	\$ 531.00
	A3110.58800	Civil Action Permit Clerk - Fringe	\$ 143.00
	A3150.51000406	Corrections Officer - Salary	\$ 525.00
	A3150.58800	Corrections Officer - Fringe	\$ 141.00

SEQR ACTION: TYPE II-20

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**RESOLUTION NO. 124 - APPROPRIATION FROM CONTINGENT FUND FOR TERMINAL
PAY AT THE PROBATION AND COMMUNITY JUSTICE
DEPARTMENT**

MOVED by Ms. Blanchard, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present.

WHEREAS, the Probation and Community Justice Department had the employment of one employee, Katherine Cornell, terminated, effective March 28, 2003, at a cost of \$10,272 for terminal pay, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal pay replacement from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance appropriate a total of \$10,272 for terminal pay for Katherine Cornell,

RESOLVED, further, That the money be distributed to the following accounts:

FROM:	A1990.54440	Contingent Fund	\$10,272	
TO:	Probation Intake/	A3142.51000535	Regular Pay	\$ 6,471
	Investigation	A3142.58800	Fringes	\$ 1,747
	Alternatives to	A3141.51000535	Regular Pay	\$ 1,617
	Incarceration	A3141.58800	Fringes	\$ 437

SEQR ACTION: TYPE II-20

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**RESOLUTION NO. 97- AUTHORIZATION TO ACCEPT AN AWARD OF A GRANT
FROM THE NEW YORK STATE DIVISION OF CRIMINAL
JUSTICE SERVICES**

MOVED by Mr. Totman, seconded by Ms. McBean, and unanimously adopted by voice vote by members present.

WHEREAS, the Probation Director has been notified of a grant award from the New York State Division of Criminal Justice Services in the amount of \$44,500 and referred to as the STOP grant, and

WHEREAS, the STOP grant represents a collaborative effort among Tompkins County, Cayuga Medical Center, Center for Crime Victims and Sexual Assault Services and Advocacy Center of Tompkins County, and will fund the Sexual Assault Nurse Examiner (SANE) program, Rape Aggression Defense Training, and a lock change program for victims of domestic violence and sexual assault, and

WHEREAS, the budget for the revenue and appropriations for the grant has already been set up for 2003 in FU 3998, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County Administrator or his designee execute all contracts related to this award.

SEQR ACTION: TYPE II-20

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**RESOLUTION NO. 100 - OPPOSITION TO ENACTMENT OF SENATE BILL 4090 (A 5187) TO
EXTEND BINDING ARBITRATION DURING PERIODS OF
COLLECTIVE BARGAINING IMPASSE TO ANY ORGANIZED
UNIT OF DEPUTY SHERIFFS**

MOVED by Ms. McBean, seconded by Ms. Herrera. Ms. Blanchard said NYSAC has been trying to block this legislation for several years because it moves negotiations out of the control of the two parties involved and inserts a third party.

Ms. Herrera said she will not support this because she has found reasearch that shows binding arbitration does not raise costs. She said it would be better to support binding arbitration because they will go ahead and come up with a settlement and the longer the negotiations are held the higher the costs are. She also believes extended negotiations result in a loss of productivity on the job and that binding

arbitration produces a fairer settlement. There also would not be situations where negotiations are at an impasse for two to three years.

A voice vote resulted as follows: Ayes - 3, Noes - 1 (Herrera); Excused - 1 (Robertson).
MOTION CARRIED.

WHEREAS, binding arbitration strips local elected officials, who are accountable to the taxpayer, of their lawful responsibility to determine and manage the cost of operating county government, and

WHEREAS, by placing final decision-making authority in the hands of an individual not answerable to the voters, the bill has the effect of disenfranchising the taxpayer from the decisions that affect the operation of county government, and

WHEREAS, Tompkins County firmly believes that the terms and conditions of employment should be resolved at the bargaining table, not through the intervention of individuals unfamiliar with local conditions and not accountable to the voting public, and

WHEREAS, this legislation unduly interferes with the collective bargaining process and mandates that a third party arbitrator have final, binding authority over decisions that affect the finances and budgetary commitments of local government regardless of its ability to pay, and

WHEREAS, current budgetary difficulties confronting counties, brought about in part by the burgeoning costs of state mandates, will be further exacerbated if this bill is enacted into law, and

WHEREAS, over the past ten years, Tompkins County has cautioned that expansion of binding arbitration has had a serious and detrimental financial effect on all county governments, and

WHEREAS, language within this bill addresses the concerns previously expressed by New York State Association of Counties or the Governor that would warrant support in its current form, and

WHEREAS, absence of a common sense provision within this bill that an arbitrator first consider a county's ability to pay an award without raising taxes, prior to issuance of an award finding, alone is reason to oppose this new unfunded mandate on all county governments, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature opposes the enactment of Senate Bill 4090 (A5187) into law.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 101 - OPPOSITION TO ENACTMENT OF SENATE BILL 4088 (A 7192) TO
EXTEND BINDING ARBITRATION DURING PERIODS OF
COLLECTIVE BARGAINING IMPASSE TO COUNTY
CORRECTION OFFICERS AND CERTAIN DEPUTY SHERIFFS
ENGAGED IN CORRECTION OFFICER DUTIES**

MOVED by Ms. McBean, seconded by Mr. Proto. A voice vote resulted as follows: Ayes - 3, Noes - 1 (Herrera); Excused - 1 (Robertson). MOTION CARRIED.

WHEREAS, binding arbitration strips local elected officials, who are accountable to the taxpayer, of their lawful responsibility to determine and manage the cost of operating county government, and

WHEREAS, by placing final decision-making authority in the hands of an individual not answerable to the voters, the bill has the effect of disenfranchising the taxpayer from the decisions that affect the operation of county government, and

WHEREAS, Tompkins County firmly believes that the terms and conditions of employment should be resolved at the bargaining table, not through the intervention of individuals unfamiliar with local conditions and not accountable to the voting public, and

WHEREAS, the bill provides an arbitrator vast authority to impose contractual terms on county governments of both an economic and non-economic nature, and

WHEREAS, this legislation unduly interferes with the collective bargaining process and mandates that a third party arbitrator have final, binding authority over decisions that affect the finances and budgetary commitments of local government regardless of its ability to pay, and

WHEREAS, over the past ten years, New York State Association of Counties has cautioned that expansion of binding arbitration has had a serious and detrimental financial effect on all county governments, and

WHEREAS, current budgetary difficulties confronting all counties and local governments, brought about in part because of the burgeoning cost of state mandates, will be further exacerbated if this bill is enacted, and

WHEREAS, absence of a common sense provision within this bill that an arbitrator first considers a county's ability to pay an award without raising taxes, prior to issuance of an award finding, alone is reason to oppose this new unfunded mandate on all county governments, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature opposes the enactment of Senate Bill 4088 (A7192) into law.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 102 - OPPOSITION TO ENACTMENT OF SENATE BILL 3904 (A 4635) TO AMEND SECTION 207-C OF THE GENERAL MUNICIPAL LAW IN RELATION TO CERTAIN PAYMENTS TO POLICE OFFICERS AND OTHERS WHO ARE INJURED OR TAKEN ILL IN THE PERFORMANCE OF THEIR DUTIES

MOVED by Ms. Blanchard, seconded by Mrs. Schuler. Ms. Blanchard said this is the police version of Worker's Compensation. If this became law police officers that were hurt while they were working in ways other than in the line of duty would not receive the same benefits as those injured in the course of their job. Mr. Wood spoke of Section 207-c and said it has created several problems because some officers are being paid more when they aren't working and it is difficult to get an employee to return to work in those situations. A voice vote resulted as follows: Ayes - 5, Noes - 0. MOTION CARRIED.

WHEREAS, Section 207-c of the general municipal law requires all counties and municipalities outside the City of New York to provide for the full payment of salary, benefits, and all hospitalization costs for police officers, sheriffs, sheriff deputies, corrections officers, and other law enforcement personnel who are injured or become ill as a result of the performance of hazardous duties associated with the law enforcement work, and

WHEREAS, these payments are non-taxable, and can potentially continue for years or even decades until there is recovery, a disability retirement determination, or the attainment of retirement age, and

WHEREAS, this bill will significantly broaden the entitlement for benefits under section 207-c by redefining covered injuries to include all injuries suffered by law enforcement personnel, "*regardless of whether or not the injury or sickness resulted from the heightened risks and duties of employment...*", and

WHEREAS, the language contained in this bill will treat all common work place injuries suffered by law enforcement personnel as eligible for municipal compensation benefits, greatly increasing the scope of covered injuries and the costs to all local governments, and

WHEREAS, this bill will serve to overturn a unanimous New York State Court of Appeals ruling in the case, *Balcerak v County of Nassau*, 94 NY2d 253 [1999], which upheld Nassau County's denial of benefits under general municipal law section 207-c because the injury was not sustained as a result of the performance of the individuals special work duties, and

WHEREAS, the Court of Appeals, in its decision, found that municipal compensation benefits under section 207-c were "*meant to fulfill a narrow purpose: to compensate specified municipal*

employees for injuries in the performance of special work related to the nature of heightened risks and duties involved in the criminal justice process,” and

WHEREAS, the language of this bill will not restore compensation benefits to what they were, but will expand coverage to those injuries that the Court of Appeals specifically held were not automatically entitled to benefits under this section, and

WHEREAS, the bill is, in fact, yet another unfunded mandate on every county and local government outside the City of New York, and

WHEREAS, Tompkins County believes that treating all common work place injuries suffered by law enforcement personnel as eligible for section 207-c benefits, rather than just those that occur as a result of the performance of hazardous duties as is the case under existing law, will necessitate major increases in law enforcement budgets due to the increased local government liability for municipal compensation this bill will impose, and

WHEREAS, the increased local appropriations for law enforcement that will be necessary to pay for the additional liability costs this bill will mandate on all local governments will not place one additional officer on the street, will not make one corrections officer safer in the performance of their duties, nor will it provide for increased public security for the local taxpayers who will be required to foot the bill for this massive benefit enhancement, and

WHEREAS, in a time when local governments across New York State are experiencing budgetary shortfalls and many are facing possible layoffs of municipal employees to cut expenses, it is not sound public policy to mandate significant new costs on them, which will only serve to make the problem worse, and

WHEREAS, local governments and the taxpayers they serve simply cannot afford the massive benefit enhancement this bill will impose, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature opposes the enactment of Senate Bill 3904 (A4635) into law.

SEQR ACTION: TYPE II-20

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Appointment(s)

It was MOVED by Ms. Herrera, seconded by Ms. McBean, and unanimously adopted by voice vote, to approve the following appointment(s) to advisory boards:

Criminal Justice Advisory/Alternatives to Incarceration Board

Kathleen Schlather, Department of Social Services representative; term expires December 31, 2004

William J. Rusen, At-large representative; term expires December 31, 2004

Family Court Advisory Council

Tom Callaghan - At-large representative; term expires December 31, 2005 (appointment approved pending verification of residency in Tompkins County).

Adjournment

The meeting adjourned at 4:53 p.m.

Respectfully submitted by Michelle Pottorff, Legislature Office