



Personnel Committee

Committee Meeting

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

~ Minutes ~

Tuesday, October 13, 2020

8:30 AM

Board Room

CALL TO ORDER

The meeting was called to order at 8:30 AM by Committee Chair, Kelly L. Fairchild-Preston

Attendee Name	Organization	Title	Status	Arrived	Departed
Sandra Price	Cortland County, NY	Committee Member	Present		
Linda Jones	Cortland County, NY	Vice Chair	Present		
Kelly L. Fairchild-Preston	Cortland County, NY	Committee Chair,	Present		
Richard Stock	Cortland County, NY	Committee Member	Present		
Cathy Bischoff	Cortland County, NY	Committee Member	Present		
Kevin Fitch	Cortland County, NY	Committee Member	Present		
Eugene Waldbauer	Cortland County, NY	Committee Member	Present		9:15 AM
Eric Mulvihill	Cortland County, NY	Clerk of the Legislature	Present		
Rob Corpora	Cortland County, NY	County Administrator	Present		
Annette Barber	Cortland County, NY	Personnel Director	Present		
Karen Howe	Cortland County, NY	County Attorney	Present		
Sharon MacDougall	Cortland County, NY	Director of Community Services	Present		
Elizabeth Haskins	Cortland County, NY	Director of Area Agency on Aging	Present		
Andrea Herzog	Cortland County, NY	Director, Budget & Finance	Remote		8:36 AM
Joseph Nauseef	Cortland County, NY	Board Member	Present		
Ronald J. Van Dee	Cortland County, NY	Board Member	Present	8:38 AM	
Paul Heider	Cortland County, NY	Chair, Legislature	Present	8:40 AM	
George Wagner	Cortland County, NY	Board Member	Present	8:40 AM	
Patrick Perfetti	Cortland County, NY	District Attorney	Present	9:00 AM	
Shenandoah Briere	Cortland County, NY	Cortland Standard	Present		

MINUTES

Personnel Committee - Committee Meeting - Sep 8, 2020 11:00 AM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Sandra Price, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

Personnel Committee - Special Committee Meeting - Sep 22, 2020 2:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Sandra Price, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

RESOLUTIONS

Board of Elections

County Attorney

Legislature/Historian

Personnel Department

Action Items

AGENDA ITEM NO. 1 – Abolish Position of Nutrition Program Supervisor and Create the Position of Nutrition Program Manager - Area Agency on Aging

RESULT:	APPROVED [5 TO 2]
	Next: 10/13/2020 11:30 AM
MOVER:	Richard Stock, Committee Member
SECONDER:	Eugene Waldbauer, Committee Member
AYES:	Price, Stock, Bischoff, Fitch, Waldbauer
NAYS:	Linda Jones, Kelly L. Fairchild-Preston

ON MOTION OF BISCHOFF

RESOLUTION NO.

Abolish Position of Nutrition Program Supervisor and Create the Position of Nutrition Program Manager - Area Agency on Aging

WHEREAS, there is currently a full time position of Nutrition Program Supervisor, AND

WHEREAS, the needs of the Cortland County nutrition program will be served by abolishing the one full time position of Nutrition Program Supervisor and creating one full time position of Nutrition Program Manager in the Area Agency on Aging, AND

WHEREAS, the Health and Human Services Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that one full time position of Nutrition Program Supervisor, (CSEA, Grade 17, \$21.4561-26.7572/HR, competitive class) be and hereby is abolished effective October 22, 2020 at midnight, AND BE IT FURTHER

RESOLVED, that one full time position of Nutrition Program Manager (Management, Grade 10, \$43,732-53,208/YR, competitive class) be created with approval to fill on October 23, 2020.

AGENDA ITEM NO. 2 – Abolish Two Mental Health Program Aides (Part-Time) and Create Mental Health Program Aide (Full-Time) - Mental Health Department

RESULT:	APPROVED [UNANIMOUS]
	Next: 10/13/2020 11:30 AM
MOVER:	Richard Stock, Committee Member
SECONDER:	Cathy Bischoff, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

ON MOTION OF BISCHOFF

RESOLUTION NO.

Abolish Two Mental Health Program Aides (Part-Time) and Create Mental Health Program Aide (Full-Time) - Mental Health Department

WHEREAS, the Mental Health Department currently has two part-time Mental Health Program Aides, AND

WHEREAS, the needs of the agency will be better served by abolishing the two part-time positions of Mental Health Program Aide and creating one full-time position of Mental Health Program Aide in the Mental Health Department, AND

WHEREAS, the Health and Human Services Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that two part-time positions of Mental Health Program Aide, (CSEA, Grade 8, \$16.0058-19.9604/HR, up to 17 hours/week, competitive class) be and hereby are abolished effective October 22, 2020 at midnight, AND BE IT FURTHER

RESOLVED, that one full-time position of Mental Health Program Aide (CSEA, Grade 8, \$16.0058-19.9604/HR, competitive class) be created with approval to fill on October 23, 2020.

3. Hire Above Base: Paralegal - County Attorney

Ms. Preston made a motion to authorize the County Attorney to hire a paralegal at a grade 4 up to a step 3. Mr. Fitch seconded the motion. All voting in favor none opposed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Committee Chair,
SECONDER:	Kevin Fitch, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

Executive Session

Mr. Fitch made a motion to enter executive session to discuss matters leading to the employment of a particular person. Ms. Bischoff seconded the motion; all in favor none opposed. The committee entered executive session at 9:03 AM. Ms. Preston made a motion to return to regular session, Ms. Jones seconded. All voting in favor, none opposed. The committee returned to regular session at 9:12 AM.

1. Hire Above Base: Confidential Secretary District Attorney

Ms. Preston made a motion to allow the District Attorney to hire a confidential secretary above base at Grade 3 step 2. Ms Price seconded the motion; all voting in favor none opposed. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Committee Chair,
SECONDER:	Sandra Price, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

Discussion Items

1. Management Compensation Plan

RESULT:	COMPLETED
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2. Nepotism and Sexual Harassment Policies

RESULT:	COMPLETED
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3. Process for Adopting Local Laws

RESULT:	COMPLETED
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4. October Vacancy Report

RESULT:	COMPLETED
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Monthly Reports

1. Board of Elections Monthly Budget Report

RESULT:	COMPLETED
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2. County Attorney Monthly Reports

RESULT:	COMPLETED
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3. Clerk of the Legislature Monthly Budget Report

RESULT:	COMPLETED
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4. Legislature Monthly Budget Report

RESULT:	COMPLETED
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5. Personnel Monthly Budget Report

RESULT:	COMPLETED
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Personnel Committee

Committee Meeting

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

~ Minutes ~

Tuesday, September 8, 2020

11:00 AM

Room 304

CALL TO ORDER

The meeting was called to order at 11:00 AM by Committee Chair, Kelly L. Fairchild-Preston

Attendee Name	Organization	Title	Status	Arrived
Sandra Price	Cortland County, NY	Committee Member	Present	
Linda Jones	Cortland County, NY	Vice Chair	Present	
Kelly L. Fairchild-Preston	Cortland County, NY	Committee Chair,	Present	
Richard Stock	Cortland County, NY	Committee Member	Present	
Cathy Bischoff	Cortland County, NY	Committee Member	Present	
Kevin Fitch	Cortland County, NY	Committee Member	Present	
Eugene Waldbauer	Cortland County, NY	Committee Member	Present	
Paul Heider	Cortland County, NY	Chair, Legislature	Present	
Karen Howe	Cortland County, NY	County Attorney	Present	
Rob Corpora	Cortland County, NY	County Administrator	Present	
Joseph Nauseef	Cortland County, NY	Board Member	Present	
Ronald J. Van Dee	Cortland County, NY	Board Member	Present	
Eric Mulvihill	Cortland County, NY	Clerk of the Legislature	Present	
Charles Miller	Cortland County, NY	Buildings and Grounds Supervisor	Present	
Annette Barber	Cortland County, NY	Personnel Director	Present	
George Wagner	Cortland County, NY	Board Member	Present	

Minutes Acceptance: Minutes of Sep 8, 2020 11:00 AM (MINUTES)

MINUTES

Personnel Committee - Committee Meeting - Aug 18, 2020 9:00 AM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cathy Bischoff, Committee Member
SECONDER:	Richard Stock, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

RESOLUTIONS

Board of Elections

County Attorney

Legislature/Historian

Personnel Department

AGENDA ITEM NO. 1 – Create One Temporary Custodian Position - Buildings and Grounds

RESULT:	APPROVED [UNANIMOUS]
	Next: 9/15/2020 11:30 AM
MOVER:	Richard Stock, Committee Member
SECONDER:	Kevin Fitch, Committee Member
AYES:	Price, Jones, Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer

ON MOTION OF HARBIN

RESOLUTION NO.

Create One Temporary Custodian Position - Buildings and Grounds

WHEREAS, there are multiple vacancies in the County Buildings & Grounds Department custodial staffing, AND

WHEREAS, the Buildings & Grounds Committee recommends the creation of one temporary position of custodian, NOW THEREFORE, BE IT

RESOLVED, that one (1) temporary position of Custodian in the Buildings & Grounds Department (CSEA, Grade 3, \$13.6083-\$16.9705/HR, competitive class, full-time, without benefits) be created effective September 25, 2020 at 12:01 A.M., with approval to fill, and to expire on either March 26, 2021 at 12:01 A.M., or when encumbered employee returns.

Monthly Reports

Minutes Acceptance: Minutes of Sep 8, 2020 11:00 AM (MINUTES)

1. Monthly Budget Report - Elections

RESULT: COMPLETED

2. County Attorney Monthly Reports

RESULT: COMPLETED

3. Monthly Budget Report - Legislature

RESULT: COMPLETED

4. Monthly Budget Report - Clerk of the Legislature

RESULT: COMPLETED

5. Personnel Monthly Budget Report

RESULT: COMPLETED

6. Personnel Vacancy Report

RESULT: COMPLETED

Discussion Items

1. Cortland County Weapons Policy

Mr. Fitch moved the policy to the Judiciary Committee for review, Mr. Waldbauer seconded the motion. All in favor with the exception of Ms. Jones who voted nay.

RESULT: COMPLETED

2. Employee Reclassification / Reallocation

RESULT: COMPLETED

3. Nepotism and Sexual Harassment Policies

RESULT: COMPLETED



Personnel Committee

Special Committee Meeting

~ Minutes ~

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

Kelly L. Fairchild-Preston

Tuesday, September 22, 2020

2:00 PM

Board Room

I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Sandra Price	Cortland County, NY	Committee Member	Present	
Linda Jones	Cortland County, NY	Vice Chair	Excused	
Kelly L. Fairchild-Preston	Cortland County, NY	Committee Chair,	Remote	
Richard Stock	Cortland County, NY	Committee Member	Present	
Cathy Bischoff	Cortland County, NY	Committee Member	Present	
Kevin Fitch	Cortland County, NY	Committee Member	Remote	
Eugene Waldbauer	Cortland County, NY	Committee Member	Present	
Eric Mulvihill	Cortland County, NY	Clerk of the Legislature	Present	
Paul Heider	Cortland County, NY	Chair, Legislature	Present	
Rob Corpora	Cortland County, NY	County Administrator	Present	
Annette Barber	Cortland County, NY	Personnel Director	Present	
Brooke Cummings	Cortland County, NY	Confidential Secretary to the County Administrator	Present	
Eileen Chase	Cortland County, NY	One Group	Remote	
Steve Magosin	Cortland County, NY	One Group	Remote	
Lynsey Teller	Cortland County, NY	One Group	Remote	
Laurie Gosse	Cortland County, NY	Deputy Personnel Director	Present	

II. Discussion Items

Discussion Item (ID # 7892)

Review Responses to County Request for Proposals for Administration of County Prescription Drug Program

Minutes Acceptance: Minutes of Sep 22, 2020 2:00 PM (MINUTES)

COMMENTS - Current Meeting:

Following a brief overview of the request for proposals by Ms. Chase, Mr. Stock made a motion to enter executive session to discuss the financial, history of a particular corporation, and matters leading to the appointment, of a particular corporation.; Ms. Bischoff seconded the motion. All voting in favor, none opposed. The committee entered executive session at 2:05 PM.

Ms. Bischoff made a motion to return to regular session, Mr. Stock seconded the motion; all voting in favor, none opposed. The Committee returned to regular session at 3:24 PM.

Following lengthy discussion Mrs. Price made a motion to authorize a contract with ProAct for the administration of Cortland County's prescription drug program. Mr. Stock seconded the motion. Voting in favor were Price and Stock, opposed were Preston, Bischoff, Waldbauer, and Fitch. The motion failed.

Ms. Preston made a motion to authorize a contract with Capital Rx for the administration of Cortland County's prescription drug program. Ms. Bischoff seconded the motion. Voting in favor were Preston, Bischoff, Fitch, Waldbauer, and Stock. Opposed were Price. The motion carried.

RESULT:	COMPLETED
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III. Resolutions

1. Resolution (ID # 7890)

Authorize Agreement for Prescription Drug Program Administration - Personnel Department

RESULT:	APPROVED [5 TO 1]	Next: 9/24/2020 6:00 PM
MOVER:	Kelly L. Fairchild-Preston, Committee Chair,	
SECONDER:	Cathy Bischoff, Committee Member	
AYES:	Fairchild-Preston, Stock, Bischoff, Fitch, Waldbauer	
NAYS:	Sandra Price	
EXCUSED:	Linda Jones	

COUNTY OF CORTLAND

EMPLOYMENT POLICY MANUAL

for

DEPARTMENT HEADS
MANAGEMENT EMPLOYEES
MANAGEMENT/CONFIDENTIAL EMPLOYEES

December 7, 2005

11:05:31 AM

Revised: January 20, 2012; 11-20-12, 12-20-12, 12-19-13, 10-30-14; 5-28-15, 1-1-16; 11-4-6;
1-1-17; 1-1-18; 1-1-19; 1-25-19; 1-3-2020; 9 - 2020

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Purpose

The purpose of this policy manual is to provide Department Heads, Management employees, and Management/Confidential employees with a reference for the basic terms and conditions of employment with Cortland County.

The County Legislature is committed to providing a high quality of services to the citizens of Cortland County. The administrative employees of the County are one of the essential elements required to fulfill this commitment. Through their leadership and professionalism, the Board's philosophy and policy is manifested in the efficient and effective operation of the County departments.

The County Legislature values the dedication and service of its administrative employees. The policy and the provisions contained herein establish and provide the terms and conditions of employment for Department Heads, Management, and Management/Confidential personnel in the employment of Cortland County Government. This policy statement is intended to provide those employees with a better understanding of the privileges and responsibilities of their positions and to assist in the mission of the professional delivery of services in Cortland County.

Guidelines

The term “Administrative employee” is used in this policy manual to refer to all employees who occupy positions that are exempt from the bargaining unit under the Taylor Law. For the purposes of this manual, we have defined the administrative employees by using four major categories, which are explained below. Policies or benefits that apply to all employees have been referred to as applying to Administrative employees or employees covered by this policy. Specific benefits or responsibilities that pertain to specific groups of employees, for example, Department Heads, have been noted as such.

The following guidelines apply to this policy:

1. Department Heads - Employees who are recommended by the County Administrator for appointment by the County Legislature. Department Heads function in the primary leadership position in the department and are directly responsible for the development of departmental policies and the implementation of legislative initiatives. The County Administrator will complete an annual performance evaluation on department heads based on legislative policies.
2. Management Employees - Employees who are appointed by the Department Head to positions authorized by the County Legislature. Management employees have significant managerial responsibility in the areas of supervision and policy formation.
3. Management/Confidential - Employees who perform support functions for management positions and/or other assignments, which require them to be unrepresented by collective bargaining agreements.
4. Elected Officials - Employees who are elected by popular vote. Due to their unique status, Elected officials are exempt from leave and attendance requirements and are therefore ineligible for any fringe benefits related thereto. They are also exempt from the probation period.

Positions within each category are included in Attachment A.

I. Appointments

1. Full-Time Appointments

Department Heads, Management employees, and Management/ Confidential employees are for fixed or continuing terms.

- a. Fixed Term Appointments - Certain appointments are for a pre-established number of years as prescribed by the N.Y.S. Constitution, State and County Law, General Municipal Law, and Local Law or Rule. Included in this category are appointments which are made for the “Term of the Board”, which is ~~two~~ **four** years.
- b. Continuous Term Appointment - The remainder of appointments are continuous are, in most instances afforded Civil Service Status and Protection, and are renewed contingent on satisfactory performance and authorization by the County Legislature and/or the County Administrator or Department Head. This group includes administrative employees who are appointed “at the pleasure of” the County Legislature or the Department Head, within the confines of Civil Service. Information regarding the type of appointment is provided to candidates during the recruitment and selection process. Questions concerning the term of appointment may be directed to the Personnel Department.

2. Part-time Appointments and Benefits

In certain cases, the County Legislature may establish part-time and/or temporary appointments to accommodate unique situations. Employees appointed to part-time positions and who work less than the standard work week, shall receive the approved salary for the position and the statutory benefits referenced herein, including Retirement (if eligible), Unemployment Insurance, Social Security, Worker’s Compensation and Health, Dental and Vision Insurance. There shall be no earned leave benefits unless said part-time appointment consists of a regular schedule equal to or greater than one-half (1/2) of the standard work week for the position. In this case, leave benefits shall be prorated.

Fringe benefits shall be limited to the above-referenced items unless otherwise approved by the County Legislature.

3. Probationary Period

Employees in the classified service are subject to a probationary period in accordance with Cortland County Civil Service Rules. The classified service includes the Competitive, Non-Competitive, Exempt, and Labor classes of Civil Service. Employees who have been promoted to a position in the classified service are also subject to a probationary period.

Employees in the unclassified service or elected classification are not subject to a probationary period.

4. Promotions

Administrative positions are critical to the efficient and effective operation of County government. It is the policy of Cortland County to seek professionals with the qualifications and experience necessary to fulfill this goal. Emphasis will be placed on recruitment of current employees who possess the qualifications, experience, and employment history necessary for the quality operation of the department. Employees who are promoted or working out-of-title shall be placed at the minimum of the new grade unless the current hourly rate is above the minimum, in which case, they will be placed in the Step immediately above their current hourly rate. No one shall exceed the top of the range for the new grade. Out-of-title shall be defined as duties and responsibilities assigned beyond that of an employee's regular position for a period greater than five consecutive business days due to an absence, exclusive of annual leave.

5. Secondary Employment

Full-time Employees covered by this policy understand and agree that their employment with the County is of primary importance, and that secondary employment must not inhibit or impede the efficient and effective performance of their job duties, responsibilities, or attendance; nor shall it impair their judgment in exercising of their official duties. Department Heads, Deputy Department Heads, and Division Heads will discuss and receive written approval annually from the County Administrator prior to engaging in secondary employment. Any changes to the terms of the secondary employment approval, requires subsequent approval. Copies of all correspondence will be kept in the personnel files.

Certain positions covered by this manual also have a prohibition on secondary employment embodied in New York State statute or local rule.

II. Compensation

1. Annual Salary

Cortland County maintains a competitive salary structure and benefit package for administrative employees.

- A. A six step increment system (equal to a 4% increase between two year steps) shall be implemented fitting each employee into the proper grade and step in accordance with the MSD Study and length of service in an employee's title on January 1, 2005. All employees covered by this policy manual are placed in the graded salary schedule which has been adopted by the County Legislature. This graded salary schedule shall receive an annual **adjustment equal to the increase given to CSEA unit 6550.** ~~salary review during budget deliberations by the Personnel Committee of the Legislature and by the Personnel Director and County Administrator and shall be adjusted annually, as deemed appropriate. Following this review, the County Legislature will review the recommendations of the Personnel Committee along with recommendations of the County Administrator and the Personnel Director. At the conclusion of this review, a total compensation plan, including any cost of living adjustment, shall be submitted to the County Legislature for approval.~~

- B. Employees not at the job rate of the grade shall move to the next step upon the completion of 2, 4, 6, 8, or 10 years in the title upon their anniversary in that position. No employee may exceed the job rate of the grade.
- C. Employees shall begin employment at the Step 1 for the grade unless ~~the Personnel Committee~~ **County Administrator and Personnel Officer** determines that the need for the services or the employee's experience require that compensation be fixed at a higher Step.

2. Longevity

Employees, with the exception of the District Attorney, who have been continuously employed with the County ~~on a full-time basis or part-time employees regularly scheduled to work equal to or greater than one-half (1/2) the standard work week for the position,~~ shall receive ~~an non-cumulative~~ annual longevity incentive upon completion of continuous County service in accordance with the schedule listed below.

	<u>Full Time</u>	<u>Part-Time (halftime or less)</u>
Completion of 15th Year	\$ 1,500	\$ 750
Completion of 20th Year	\$ 2,000	\$1,000
Completion of 25th Year	\$ 2,500	\$1,250
Completion of 30th Year	\$ 3,000	\$1,500
Completion of 35th Year	\$ 3,500	\$1,750

For the purposes of this program, continuous service shall be defined as no break in employment that exceeds one (1) year unless said break in service is the result of personal illness, accident, military service or layoff.

Employees who are less than full time **but are more than half time** shall receive a pro-rated value of the full-time equivalent of the scheduled full-time hours. Employees who move from less than half-time to half-time or more will receive service credit for longevity purposes from the initial part time date of hire as long as the service is continuous.

If an employee has been on full pay status for less than eleven (11) working days of the calendar month, longevity will not be credited for that calendar month.

Longevity payments shall be made by the County in one lump sum payment in a separate paycheck to the employee in the payroll period after the employee's anniversary date.

Only regularly scheduled employees who are on the County payroll at the time of longevity payment will be entitled to the longevity benefit. Employees who retire prior to the longevity payment will receive a prorated amount at the time of retirement based on their date of retirement.

3. Health, Dental, and Vision Insurance

A. Health Insurance:

Cortland County provides group health, hospitalization, major medical insurance, and prescription drug coverage through a self insured Participating Provider Network (PPN) for all full time and part-time employees covered by this policy and their eligible dependents. Effective January 1, 2007, both the full and part-time employee share of this coverage shall be twenty percent (20%). The County's Health Benefits Program is fully described in the Plan Booklet.

Prescription Drug Coverage:

The County Health Insurance Plan includes a three tier formulary plan for prescription drugs. Employees may obtain prescription medications through the following providers and will pay the following co-pays:

Maintenance medications

- A. Employees may obtain available brand name prescription maintenance medications through the voluntary international mail order program from CortlandMeds at \$0 co pay. Please check available medications list at the Personnel Office or CortlandMeds.com.
- B. Employees who fill prescriptions for maintenance medications through the domestic mail order program will pay one co-pay per 90-day supply:
 - \$10 for generic
 - \$20 for brand name formulary
 - \$35 for non-formulary
- C. Employees who fill prescriptions for maintenance medications at a retail pharmacy will pay one co-pay per 30-day supply. Only 30 day fills will be available at the retail pharmacy.
 - \$10 for generic
 - \$20 for brand name
 - \$35 for non-formulary

UPON THE FOURTH REFILL AT RETAIL, EMPLOYEES SHALL PAY A PENALTY CO PAY AT 50% OF THE **DRUG COST**.

Maintenance medications that are not able to be filled through the mail order program are excluded from the fourth refill penalty and may be processed as non-maintenance medications as described below.

Non-maintenance medications

\$10 for generic

\$20 for brand name formulary

\$35 for non-formulary

Employee contributions / Eligibility:

Employee contributions for the health insurance premium shall be deducted in equal amounts from each bi-weekly paycheck. Coverage for new employees hired prior to the 16th of the month shall become effective on the first of the following month. Coverage for new employees hired on or after the 16th of the month shall become effective on the first day of the second month following employment (e.g. date of hire of May 17 would result in coverage effective July 1).

Enrollment in the health insurance plan shall take effect as described herein or during the open enrollment period held ~~at six (6) month intervals.~~ **once per year.**

B. Dental Insurance:

The County provides a self insured dental plan for full-time and part-time employees. Employees shall be responsible for 50% of the monthly premium equivalent, if coverage is elected. Dependent coverage is available at 100% of the cost of the monthly premium equivalent.

C. Vision Insurance:

The County provides a self insured vision plan for full-time and part-time employees. Employees shall be responsible for 50% of the monthly premium equivalent, if coverage is elected. Dependent coverage is available at 100% of the cost of the monthly premium equivalent.

The Employer provides the I.R.S. Section 125 spending account plan for employee contributions toward Health, Dental, Vision and other authorized and applicable health care related costs, and authorized and eligible day care expenses. The plan is administered by a Third Party Administrator and conforms with I.R.S. regulations.

4. Health Insurance coverage upon retirement

Employees shall be eligible to continue health coverage for themselves and any eligible dependents in retirement, provided they have met the following requirements:

- a. completion of a minimum of ten years of service (Employees hired on or after January 1, 2005 shall require ten (10) years continuous service) with Cortland County during which the employee was eligible to receive Health Insurance; and
- b. are employed by Cortland County at the time of retirement; and

- c. are enrolled in the health plan at the time of retirement; and
- d. provide the Employer with proof of retirement and otherwise meet the definition of retirement as specified by the NYS Retirement System.
- e. Be at least 55 years old;

The Retiree's share of Health Insurance costs shall be as follows:

Employees who retire and were hired prior to January 1, 2006:

<u>Employee Share</u>	<u>County Share</u>
10%	90%

Employees hired on or after January 1, 2006:

	<u>Employee Share</u>	<u>County Share</u>
10 years service but less than 15 years	50%	50%
15 years service but less than 20 years	35%	65%
20 years service or more	20%	80%

For All Retirees: Upon qualification for Medicare Part B, all retirees must enroll and provide the Medicare Part B required information to the Personnel Department.

The spouse of a deceased retired employee may continue to participate in the County's Health Plan upon payment of 100% of the monthly premium equivalent.

5. Retirement

The County participates in the New York State Employee's Retirement System with all rights and benefits presently provided by the Career Retirement Plan under Section 75i and 14b of the Retirement and Social Security Law. All permanent, full-time employees are enrolled in the New York State and Local Retirement System. A Retirement System booklet is provided at orientation. This booklet provides all basic information on the Retirement System benefits. Due to changing legislation and regulations, you should check with the N.Y.S. and Local Retirement System directly to obtain information regarding your benefits.

In addition, Cortland County offers the following Retirement Enhancements:

* May not apply to 14b members

1. Section 41(j)* - the application of unused sick leave accruals towards additional service credit upon retirement
2. Section 41(k) - military service credit buy back.
3. Section 60(b) - Minimum Death Benefit of up to three times the employee's annual rate of pay depending on length of service of employee at time of death and retirement tier.

6. Social Security

Social Security provides income protection when an employee's earnings either cease or are reduced as a result of retirement, disability, or death. Social Security benefits are based on the employee's salary history up to the maximum Social Security taxable wage base. Each payroll period, payroll deductions made by the employee are matched by Cortland County to provide this benefit. Complete information is available from the Social Security Office.

~~7. Life Insurance and Long-term Disability Insurance~~

~~The County participate in, through payroll deduction, both Life Insurance and Disability Insurance through the New York State Association of Counties. Both programs are voluntary, with the full premium paid by the employee.~~

8. 7. Worker's Compensation

Employees who suffer an injury or illness which is directly related to their employment shall be eligible for Worker's Compensation Benefits amounting to a maximum of two-thirds of an employee's salary, depending on the degree of injury. Employees must file the required report form immediately following the job related accident.

9. 8. Employee Assistance Program

The County will provide an Employee Assistance Program through a qualified provider of the County's choice. Employees will be responsible for any co-payments applicable to the services provided. All records of the Employee Assistance Program are confidential between the employee and the provider. The fact that an employee utilizes such assistance shall not impact promotional opportunities or job security.

~~10. 9. Defense and Indemnification~~

The County of Cortland shall provide for the defense and indemnification of employees covered by this policy for actions or omissions made in the ordinary course of their employment in accordance with the procedures and policy outlined in Local Law # 3 of 2004. Employees requesting assistance under this section are advised to make a written request to their Department Head or County Administrator within three (3) business days of their receipt of any summons, complaint, process, notice, demand, or pleading that may require defense and indemnification coverage.

~~11. 10. Deferred Compensation Plan (457c)~~

A Deferred Compensation Plan is a voluntary savings program created by federal and state law that enables public employees to save a portion of their gross pay before federal, state, and local income taxes are deducted. Currently, Cortland County participates in the NYS Deferred Compensation Program ~~administered by the National Retirement Solutions~~. The amount deferred accumulates tax free until the funds plus earnings are distributed, generally after retirement. Information regarding the complete details of the Deferred Compensation Program and payroll deduction forms are available in the Personnel Department.

12. 11. Tuition Reimbursement

Employees covered by this policy are eligible for tuition, books and fees reimbursement for job related/advancement courses at the undergraduate and graduate level, subject to the approval of the Department Head and the oversight Committee. Reimbursement will be made at the four-year SUNY undergraduate or graduate rate, as applicable for approved courses upon receipt of satisfactory completion of the course. Employees who withdraw from a course after the deadline date for withdrawal without penalty may be required to reimburse the County for the cost of the course. The County will not duplicate reimbursement from any other source. Course requests are available in the Personnel Office.

The County shall reimburse the renewal cost of licenses and certifications required to perform their jobs.

An employee who resigns from County employment, excluding for reasons of disability, death or an event beyond the control of the employee, and has received tuition reimbursement shall be required to refund the County according to the following schedule:

<u># of Months Since Course Completion</u>	<u>% Refund Due the County</u>
0 - 12	100
13 - 24	50
25 - 36	25

In the event an employee fails to make such refund by the resignation date, the employee shall forfeit payment of accrued vacation and compensatory time, not to exceed monies owed. Any remaining balance shall be deducted from the employee's final paycheck.

Professional development requests will be reviewed as part of the annual County budget process subject to procedures developed by the County Administrator.

~~13. Employees' Savings Plans~~

~~A number of different options are available for ordinary savings through payroll deductions. Employees may enroll for U.S. Saving Bonds through authorized payroll deductions by contacting the Treasurer's Office. Should an employee desire to use the direct deposit payroll option, the County's bank will transfer funds to the employee's savings or checking account. The Credit Union will also provide savings accounts through authorized payroll deduction.~~

14. 12. Travel for County Business

Employees covered by this policy will be reimbursed for necessary and reasonable expenses incurred in the performance of County business in accordance with separate policy and upon submission of an approved claim form. Generally, mileage will be reimbursed at the rate in cents per mile that is allowed by the IRS.

Travel authorization and conference attendance shall be required in all cases involving out of County and overnight travel. ~~Travel authorization shall be submitted on the approved form in writing to the County Administrator no later than seven (7) days prior to the first date of travel.~~ **Travel will be in accordance with the Cortland County Police and Procedures Authorization to Travel.**

~~15.~~ 13. Civil Service Exam Fees

Cortland County Managers and Administrators taking civil service examinations for Cortland County positions shall pay only the fee assessed the County by the New York State Municipal Service Division.

~~16.~~ 14. Safety Equipment

The County will, at its cost through reimbursement, provide managerial-level employees with necessary safety equipment and/or uniforms to carry out job duties. Requests for reimbursement will be processed by voucher submitted to the **Manager of Audit & Financial Projects.** ~~County Auditor.~~

III. Attendance and Leave Benefits

1. Office Hours

County Offices shall be open for the conduct of business and convenience of the public in strict accordance with the hours prescribed by the Cortland County Legislature and in accordance with existing State and County regulations.

(Generally, 8:30 a.m. - 4:30 p.m. ~~or~~ , 9:00 a.m. to 5:00 p.m.) , **or 8:00 a.m. to 4:00 p.m.)**

2. Base Work Day/Work Week

- A. Department Heads and Management employees are responsible for performing the duties of their office. The work day is determined by the tasks to be performed. The work week **for full time employees** shall be a minimum of 35 hours per week or 40 hours per week, depending on the position. **Part time employees vary dependent on the position.**

Most Department Heads and Management employees are not eligible for overtime compensation; however, they may accumulate one (1) week of compensatory time on a rolling bank basis to be used during their employment. **Part time employees compensation time may not exceed 40 hours unless approved by the County Administrator.** Compensatory time will be earned hour for hour. Compensatory time is to be earned only for time worked in the actual performance of the job. Examples of time worked include (but not limited to) required attendance at evening Legislative Sessions, community meetings on evenings and weekends, completion of special projects requiring a deadline (ie: grant writing) and responding after hours and /or on weekends for work issues that cannot wait until normal work days/ hours. Compensatory time is not intended to be earned for occasional work at home, reading reports, or material that will otherwise prepare you and make you successful at your

job.

Management employees shall receive prior approval to earn and use compensatory time from the Department Head. Earned and used compensatory time will be reported to Personnel like all other leave accruals.

***Compensation may be provide in special circumstances at the discretion of the County Administrator.**

Department Heads are not required to obtain prior approval to earn compensatory time; however, in addition to reported, earned, and used compensatory time will be reported to Personnel like all other leave accruals. An e-mail will be sent to the ~~Chairman of the Legislature~~ **County Administrator** recording the date, reason, and amount earned.

Unused compensatory time will not be paid at time of separation from service for Grades 1-11 Department Heads and Management Employees

3. Emergency Management Responsibilities

It shall be the responsibility of all employees covered by this policy to report for duty at times and places designated by the Chairman of the ~~Board~~ **Legislature** or County Administrator, or their designee, when a natural disaster or emergency has occurred. Designated radio and television station(s) shall be considered as carrying official information. A designated phone number and County website will also be accessible.

4. Holidays

Employees covered by this policy who, in the judgment of the Department Head, can be spared without interfering with the operation of the department, will be allowed time off with pay to observe the following holidays, provided such employee shall have worked the work day immediately preceding such holiday and provided such employee works the work day immediately following such holiday unless the employee is using paid benefit time, other than sick time, for which prior approval has been given. Employees who are required to work on a holiday will receive equal time off in lieu of the holiday.

New Year's Day	Columbus Day
Martin Luther King's Birthday	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Eve
Labor Day	Christmas Day

An annual holiday calendar will be issued by the Personnel Department designating when holidays will be observed.

In addition, employees on payroll prior to July 1st of any year will receive one (1) floating holiday.

If an employee is absent from work due to illness on either the last regularly scheduled work day prior to the holiday or the first regularly scheduled work day following the holiday, he/she shall forfeit being paid for the holiday unless the absence is verified by a medical provider's statement, if requested by the Department Head, Personnel Director or County Administrator.

5. Annual Leave

- A. Annual Leave will be earned and credited monthly. New employees must start on or before the 15th of a month to receive annual leave credit for that month. On the first of January of each year of employment and every year of full-time continuous service thereafter, annual leave will be credited as follows:

Years of Credit	Days of Vacation Accrued Monthly	Maximum Days Earned Annually
At Least		
1 month	0.8333	10
2 years	0.9167	11
3 years	1	12
4 years	1.0833	13
5 years	1.1667	14
6 years	1.25	15
7 years	1.3333	16
8 years	1.4167	17
9 years	1.5	18
10 years	1.5833	19
11 years	1.6667	20
15 years	1.75	21
18 years	1.8333	22
20 or more years	2.0833	25

For the first January 1 of employment, the employee shall be credited with two years of service credit for vacation. Each January 1 thereafter, the employee shall be credited with an additional year of service.

Part-time employees regularly scheduled to work greater than half the Full Time Equivalent will receive a pro-rated value of annual leave.

Employees shall not accrue vacation leave for any period during which they are off the payroll for more than half of the working days per month.

- B. Department Heads and Management Employees may carry a maximum balance of 50 days of accumulated annual leave credit.

- C. Management/Confidential employees may carry 50 days of accumulated annual leave.
- D. Upon the termination of an employee, either by resignation or retirement, **the employee works ten (10) working days (days do not need to be consecutive but must include the last day of employment) following the day written notification is given, unless the employee has a death in his/her immediate family (as defined in II. Attendance and Leave Benefits 12. Bereavement) is required to report for jury duty (as defined in III. Attendance and Leave Benefits 13. Jury Duty) or as required to be absent from work for any other unforeseen reason that, at the discretion of the County Administrator and Personnel Officer, constitutes a valid reason for absence. (For this clause only, if a paid holiday falls within the ten (10) day notice period, it shall be considered a day worked if all other required days are worked by the employee.)** ~~and when at least two weeks notice is given by such employee of his intended termination, any unused annual leave credits are to be compensated at the employee's regular rate of pay.~~ Employees will receive a lump sum payment during the last payroll period for accumulated annual leave credits.
- E. Employees shall submit requests for approval of use of annual leave to their Department Head. Department Heads shall notify the County Administrator **and Chairperson of the oversight committee**, in writing, of their intent to use consecutive days of annual leave, at least one (1) week in advance of the intended leave date, unless or except in special circumstances. Department Heads shall notify the County Administrator **and Chairperson of the oversight committee** when expecting to not report for work for the day. ~~In no event shall a Department Head and second in command take their annual leave at the same time unless approved by the County Administrator, Legislative Chairperson and Committee Chairperson of oversight Committee.~~
- F. Annual Leave shall be used in minimum increments of fifteen (15) minutes.
- G. Use of Accrued Vacation to pay Health Insurance Premium
- A. Effective January 1, 2015, employees may convert accrued vacation days to monies to be used toward payment of their health care premium. Up to 4 days may be converted annually. A minimum of 10 days of accrued vacation must be available at the time of declaration. ***Effective 1-1-2021 up to 5 days.**

Individuals will declare in writing the intent to make this conversion during the health care open enrollment period of the prior year. The dollar amount will be applied toward the employee's health care premium contribution for the next calendar year and spread out equally to each pay period.
- B. At the time of retirement, employees may opt to apply some or all of their accrued vacation towards payment of retiree health insurance premiums. If the retiree should die prior to exhausting all of the accrued vacation, the remainder shall be paid to the retiree's estate.

6. Sick Leave

Absence from duty by an employee of Cortland County by reason of the employee's own sickness, disability, or medical/dental appointments or that of their immediate family, shall be allowed as provided in this section. Absence from duty for such reasons, if duly granted by the Department Head, shall be considered and known as "sick leave".

- A. Sick leave shall be credited at the rate of one and one-half (1½) days per month. Half-time employees shall earn a pro-rated amount of sick leave. Employees shall be charged sick leave time for actual hours used, in a minimum increment of fifteen (15) minutes. Sick leave credits will be earned when an employee is on full and active pay status for fifty percent (50%) of the working days in the calendar month. Days during which an employee is out on Worker's Compensation, in excess of 20 days are not considered to be days on full pay status for purposes of earning sick leave.
- B. An employee who is absent on sick leave shall report his absence, and reason therefore, to his supervisor at the earliest possible time but no later than 9:30 a.m.
- C. Sick leave shall be granted by the Department Head. Department Heads who are absent under the provisions of this section shall notify the County Administrator if the absence is anticipated to be of an extended nature and/or will interfere with departmental operations.
- D. After 3 consecutive days of illness or after 12 cumulative days of illness during a 12 month period, a medical certificate may be required. When a pattern of abuse of sick leave is suspected, the department head may, upon advance notice, require an employee to provide proof of illness at any other time. The department head also may require the employee to be examined, at the County's expense, by a physician designated by the County Administrator.
- E. Employees may utilize sick leave during the statutory waiting period while under Workers' Compensation.
- F. Employees may accumulate unused sick leave up to a maximum of 200 days.
- G. An employee who is employed for a full calendar year and who does not use any sick leave during a calendar year shall accrue an extra day of annual leave.
- H. At the time of retirement, employees shall use the first 165 *unused sick leave days as extra pension credit in accordance with the rules established by the New York State Employees Retirement System. Employees may convert up to 35 unused sick leave days in excess of the 165 on a two-for-one basis not to exceed \$1,750 to pay for the employee's portion of retiree health insurance.
*Tier 6 employees hired after 12-31-14 are limited to one hundred (100) days or as provided in the retirement legislation for Tier 6.

7. Emergency Pool

In conformance with the rules, the Personnel Officer is authorized to permit the use of hours in the pool by any current County employee who qualifies and makes a request for such hours based on a personal or family emergency. All decisions by the Personnel Officer shall be final and binding.

8. Family Sick Leave

- A. An employee shall be allowed to use up to a maximum of thirty-five (35) hours [for a seven hour per day employee] or forty (40) hours [for an eight hour per day employee] of accumulated sick leave per calendar year for absence from work necessitated by illness of the employee's parent (including stepparents and foster parents), spouse, child (including stepchild and foster child), sibling (including step sibling), grandparent, grandchild, parent-in-law, son/daughter-in-law or other person who is a member of the household. The Department Head may request written documentation from the employee to verify residency of other household members.
- B. Effective July 1, 2008, each employee may use up to an additional thirty (30) days of sick leave for a family event which is Family Medical Leave qualified. The additional leave is not applicable for an intermittent FMLA request.

9. Personal Leave

1. Personal leave with pay shall be granted for religious observance or personal business.
2. Effective January 1st of each year, employees shall be credited with four days of personal leave. Employees who work at least half time shall receive prorated personal leave. Employees hired after January 1 or terminating service before December 31st shall receive a prorated share of personal leave credit.
3. Whenever possible, a request for personal leave should be submitted to the department head or their designee forty-eight (48) hours prior to the requested date. Department Heads shall notify the County Administrator's Office of instances where a Department Head will not be reporting for work for the day.
4. Personal leave may be granted only with the approval of the department head. Unused personal leave time shall be carried over at the end of the year credited as accumulated sick leave.

During the first year of hire, personal time shall be prorated as follows:

Date of Hire	Time Earned (40 Hours/Week)	Time Earned (35 Hours/Week)
1/01 – 2/14	32 hours	28 hours
2/15 – 3/31	28 hours	24.5 hours
4/01 – 5/14	24 hours	21 hours
5/15 – 6/30	20 hours	17.5 hours

7/01 – 8/14	16 hours	14 hours
8/15 – 9/30	12 hours	10.5 hours
10/01 – 11/14	8 hours	7 hours
11/15 – 12/31	4 hours	3.5 hours

SECTION 3. Upon permanent separation from County service, the time allowed for use prior to separation shall be pro-rated as follows:

Date of Resignation	Total Time Allowed to be Use (40 Hours/Week)	Total Time Allowed to be Used (35 Hours/Week)
1/01 – 2/14	4 hours	3.5 hours
2/15 – 3/31	8 hours	7 hours
4/01 – 5/14	12 hours	10.5 hours
5/15 – 6/30	16 hours	14 hours
7/01 – 8/14	20 hours	17.5 hours
8/15 – 9/30	24 hours	21 hours
10/01 – 11/14	28 hours	24.5 hours
11/15 – 12/31	32 hours	28 hours

10. Family Medical Leave

The County will abide by provisions and regulations of the Federal Family and Medical Leave Act (FMLA).

~~An eligible employee shall be granted Family Medical Leave in satisfaction of the Federal Family Medical Leave Act not to exceed a total of twelve work weeks during any twelve month period for the following:~~

- ~~1. Because of the birth of a son or daughter of the employee in order to care for such son or daughter;~~
- ~~2. Because of the placement of a son or daughter with the employee for adoption or foster care;~~
- ~~3. In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition;~~
- ~~4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee;~~

~~An eligible employee shall be required to use accrued paid vacation or personal leave for instances provided under subparagraphs 1 or 2 above. An eligible employee shall be required to use accrued paid vacation leave, personal leave, sick leave or family sick leave for leave provided under paragraph 3 or 4 above for any part of the twelve week period of such leave.~~

~~The County shall maintain coverage for health insurance to an employee on leave pursuant to this section for the duration of the twelve week period, and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The County may recover the premium that the County paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave if the employee fails to return from leave after the twelve week period except if~~

~~the employee fails to return because of the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph 1 or 2 above or, other circumstances beyond the control of the employee.~~

~~Nothing contained in this provision shall otherwise limit the obligations of the employer or the employee under the provisions of the family leave act.~~

11. Leaves of Absence

- A. A leave of absence without pay of up to one year may be granted to employees covered by this policy. A written request for a leave of absence must be submitted to the County Administrator (for Department Heads) or to the Department Head (for Management and Management/ Confidential employees) at least four (4) weeks prior to the requested date of leave stating the reason for the leave and the anticipated duration of the leave. Department Heads will confer with the County Administrator and the Personnel Director prior to granting a leave to Management and Management/Confidential employees.
- B. A leave of absence shall not be granted to accept other employment.
- C. No leave shall be authorized which may exceed the remaining period of a term appointment.
- D. Not less than thirty (30) days prior to the expiration of an employee's leave, the employee shall be required to submit written notification to the County Administrator or Department Head of their intention to return to work.
- E. When an employee is on a leave of absence for one-half of a month or longer, sick leave, longevity and vacation will be pro-rated to reflect the leave. Employees on an unpaid leave of absence will be required to contribute the full cost of health insurance and any other paid fringe benefits for the period beyond three (3) months, except as otherwise provided by law or rule.

12. Bereavement Leave

- A. In the event of the death of an employee's parent (including stepparents and foster parents), spouse, child (including stepchild and foster child), sibling (including step sibling), grandparent, grandchild, parent-in-law, or other person who is a member of the household (the Department Head may request written documentation from the employee to verify residency of other household members), the employee shall be excused from work, if the employee was scheduled to work, with pay at his/her request, for up to four (4) days. One (1) day of the four (4) may be retained for funeral later interment and/or celebration.

The use of up to four (4) days referred to in "A" are to be used within thirty (30) days of the employee's receipt of notification of a qualifying death. The requested bereavement days must be used consecutively and cannot be spread over a 30-day period. Employees may still retain one (1) day for interment. Where special

circumstances exist which prohibits use within the 30-day period, a request may be made to the County Personnel Officer for other accommodations. The Personnel Officer shall have sole authority to grant an exception.

- B. In the event of the death of any relative not outlined in Section 1 of this Article, the employee shall be excused from work at his/her request on the day of the funeral utilizing accrued personal leave, vacation leave, floating holiday or comp time.
- C. Employees covered by this Agreement who are less than full-time shall receive a pro-rated value of the full-time equivalent of the scheduled full-time hours.

13. Jury Duty

Upon receipt of proof of the necessity of jury services or appearance as a witness to subpoena or other order of the court (for job related actions only), employees shall be granted leave with pay to provide time as needed for such service. Any compensation received, less expenses, for said service shall be returned to the County Treasurer within five (5) working days from the time it is received by the employee. An employee, who is dismissed for the day or from service within two (2) hours or more remaining in his/her regular scheduled work day is required to report to work.

14. Military Leave

Employees serving as a member of an organized militia or any reserve force or reserve component of the Armed Forces of the United States are entitled to paid leave not to exceed thirty (30) calendar days or twenty-two (22) work days, whichever ever occurs first, in accordance with Section 242 of Military Law. Requests for military leave should be presented to the Department Head or County Administrator as soon as possible upon receipt of orders.

Miscellaneous

IV. Reasonable Suspicion Alcohol and Controlled Substance Policy

Cortland County intends to maintain a drug and alcohol free workplace and, as such, has adopted procedures for conducting screenings of all employees for the use of illegal drugs and improper use of prescription drugs and alcohol based upon reasonable suspicion.

V. Personal Appearance of Employees

It is important that all County employees project a professional image to the patients, clients and/or members of the general public with whom they interact. Employees are expected to dress in a manner appropriate to their working environment and to the type of work performed. Employees who are required to wear uniforms and safety equipment are expected to wear them in their entirety.

VI. Employee Evaluations

With the exception of Elected Officials, all employees under this policy shall receive an annual performance appraisal 60 days prior to their anniversary date in accordance with adopted Legislative Policy.

VII. Equal Employment Opportunity

It is the policy of Cortland County to provide equal opportunity in employment for all qualified persons; to prohibit unlawful discrimination in employment; and to promote the full realization of equal opportunity on a continuing basis through a realistic Affirmative Action Plan.

This Policy of Equal Employment Opportunity:

Applies to all persons without regard to race, color, creed, national origin, age (18-70), sex, disability, religion, marital status, political affiliation, or criminal record.

Applies to all County organizational departments and governs all County employment practices, policies, and actions.

Provides that no local practice, or procedure or policy exists which serves to diminish or negate such equal opportunity.

All Department Heads, Management, and Management/Confidential employees are expected to comply with this policy directive and to insure equal opportunity in all Human Resources practices within their individual departments.

VIII. Code of Ethics

Employees shall be bound by Section 806 of the General Municipal Law and Resolution of the County Legislature adopting a Code of Ethics. Employees shall behave in the highest moral and ethical conduct in accordance with State and County Law. A copy of the County's Code of Ethics is provided upon hire.

IX. External News Media

Employees covered by this policy are to interact with external new media (ie: broadcast, electronic print) as prescribed below to provide an effective and efficient framework to facilitate the timely, accurate, comprehensive, authoritative and relevant to all aspects of Cortland County.

Refer all media inquiries to your respective department head. Please do not say you are not allowed to talk to the media. Instead, state that all media inquiries are to be directed to department heads. In some instances department heads may want to involve and/or refer to the County Attorney.

A department head may designate a deputy or an employee covered by this policy to speak in their absence. A written designation letter shall be filed with Personnel, County Attorney and the Clerk of the Legislature. Said designation may be revoked at any time.

X. Questions of Intent or Application of this Policy

Questions regarding the intent of proper application of any provision of this policy shall be directed to the Director of Personnel. The Director of Personnel shall meet with the County Administrator and Chairman of the Legislature to determine the proper course of action to take on any question.

ON MOTION OF KELLY PRESTON

RESOLUTION NO. 394-19

**Amend Management/Management Confidential Compensation Policy Grade and Step
Schedule for 2020**

WHEREAS, the Cortland County Legislature adopted a local law on November 14, 2011 entitled “A Local Law to Adopt the County of Cortland Employment Policy Manual for Department Heads, Management Employees, Management/Confidential Employees and a Grade and Step plan for employees falling under the plan”, AND

WHEREAS, the 2020 adopted County budget includes a 2% cost of living adjustment for Management/Management Confidential employees, AND

WHEREAS, the 2020 adopted County budget includes a 2% cost of living adjustment for employees who are off scale, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes and directs a 2% cost of living adjustment for those employees who in the “County of Cortland Employment Policy Manual for Department Heads, Management Employees, Management/Confidential Employees and a Grade and Step plan for employees falling under the plan” effective January 1, 2020 in accordance with the following schedule

**2020 GRADE AND STEP FOR MANAGEMENT CONFIDENTIAL
BASED ON A 2.0% INCREASE**

Grade	1 hire rate	2 2 year	3 4 year	4 6 year	5 8 year	6 10 year
1	\$83,845	\$87,200	\$90,687	\$94,314	\$98,086	\$102,010
2	\$77,994	\$81,116	\$84,360	\$87,734	\$91,242	\$94,893
3	\$72,554	\$75,456	\$78,474	\$81,614	\$84,877	\$88,272
4	\$67,492	\$70,191	\$73,000	\$75,919	\$78,956	\$82,113
5	\$62,783	\$65,295	\$67,906	\$70,622	\$73,447	\$76,385
6	\$58,403	\$60,738	\$63,168	\$65,695	\$68,323	\$71,056
7	\$54,328	\$56,502	\$58,761	\$61,112	\$63,556	\$66,099
8	\$50,536	\$52,560	\$54,664	\$56,849	\$59,122	\$61,488
9	\$47,012	\$48,892	\$50,848	\$52,882	\$54,996	\$57,197
10	\$43,732	\$45,482	\$47,302	\$49,191	\$51,161	\$53,208
11	\$40,681	\$42,308	\$44,001	\$45,760	\$47,591	\$49,494
Management Confidential						
5	\$21.4283	\$22.2856	\$23.1771	\$24.1040	\$25.0681	\$26.0710
4	\$19.8078	\$20.6000	\$21.4241	\$22.2811	\$23.1722	\$24.0993
3	\$19.0458	\$19.8078	\$20.6000	\$21.4241	\$22.2811	\$23.1722
2	\$18.3135	\$19.0458	\$19.8078	\$20.6000	\$21.4241	\$22.2811
1	\$17.6090	\$18.3135	\$19.0458	\$19.8078	\$20.6000	\$21.4241

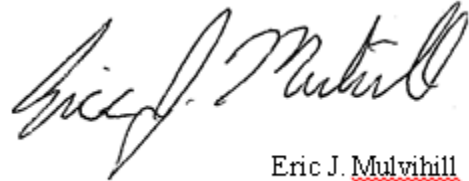
<u>Grade 1</u> Public Defender County Attorney Commissioner of Social Services Director of Information Technology Public Health Director Director, Comm. Mental Health Services Superintendent of Highways Director of Finance	<u>Grade 2</u> Sheriff	<u>Grade 3</u> Undersheriff Personnel Officer Chief Assist. District Attorney Chief Social Services Attorney Chief Assist. Public Defender Chief County Attorney	<u>Grade 4</u> Probation Director (Group B) Deputy Highway Supt. Deputy Public Health Director Director of Planning County Clerk Asst. District Attorney County Auditor Asst. Public Defender Asst. County Attorney Assistant Director of Finance Social Services Attorney Director of Emergency Response & Communications Manager of Audit and Financial Projects Deputy Director of Information Technology Plan Administrator
<u>Grade 5</u> Director, Area Agency on Aging Director, Real Property 1 Grant Administrator Director of Environmental Health Highway Engineering and Maintenance Supervisor Director of Community Health Services Deputy Commissioner of Social Services	<u>Grade 6</u> Director of Administrative Services Clinical Dir. of MH Deputy Personnel Officer Supervisor, Solid Waste Management	<u>Grade 7</u> Bldg. & Grounds Superintendent Medical Director Medical Advisor Clerk of the Legislator Deputy Dir. Of Real Property I Assistant Dir. Area Agency on Aging Director of Program Development	<u>Grade 8</u> Public Health Program Manager Assistant Director of Administrative Services Recycling Coordinator Assistant Dir. of Emergency Response & Communications
<u>Grade 9</u> Emp. & Training Director Family Support Services Director CAC Coordinator	<u>Grade 10</u> Fiscal Officer Dir. of Veterans' Services Agency Dir. of Weights and Measures	<u>Grade 11</u> Deputy County Clerk Motor Vehicle Director Safety Officer Coroner County Treasurer Fiscal Officer Trainee Deputy Clerk of the Legislature	

<u>Grade 1</u> Election Clerk Secretary to the Plan Administrator	<u>Grade 2</u> Secretary II Secretary to Co. Administrator Investigator Secretary to County Administration Secretary to the Commissioner of Social Services Secretary to County Attorney	<u>Grade 3</u> Sr. Election Clerk Secretary to Sheriff Secretary to D. A. Personnel Assistant	<u>Grade 4</u> Paralegal Personnel Tech. Trainee Payroll Coordinator Office Manager Data Officer	<u>Grade 5</u> Personnel Technician
---	--	---	---	--

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 19th day of December, 2019 and that the same is a correct and true transcript of such actions taken.

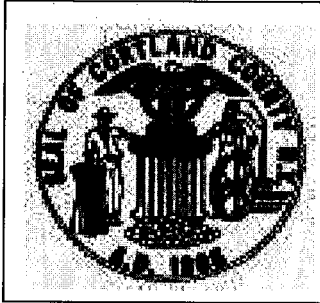
IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 19th day of December, 2019.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

Attachment: ManagementCompPlan under revision 9 2 2020 (7936 : Management Compensation Plan)

Current



County of Cortland County
 60 Central Avenue
 Cortland, NY 13045
 Phone: (607) 753-5076
 Fax: (607) 758-5517
www.cortland-co.org

Martin Murphy
 County Administrator

Cortland County

Policy and Procedures Nepotism

1. Purpose:

This policy is designed to guard against employment relations from which nepotism or charges of nepotism might arise, to assure reliability and appearance of fairness in the best interest of the County, to assure and maintain accountability and to avoid the potential for employment related conflicts of interest.

2. Policy:

It is the policy of the Cortland County not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, no person shall be appointed or employed in any position in the County if such appointment or employment would cause the employee to come under the supervision of a relative, either directly or through a chain of authority. Further, no person shall hold a position where they would be responsible for auditing or evaluating the work of a relative.

3. Application:

This policy applies to all categories of employment, including full and part time, temporary, casual or seasonal appointments within all Departments/divisions of the County. This section does not prohibit the appointment, in the competitive service, of a individual if (1) the individual is within reach for selection from an appropriate certified eligibility list and (2) an equally qualified alternative selection cannot be made from the certified eligibility list.

4. Definitions:

1. Relative: Includes individuals who are related by blood, marriage or adoption including the following: parent, child, spouse,

brother, sister, grandparent, grandchild, adopted or foster child, in-laws and step relationships.

2. Supervision: Shall mean any employee, regardless of job description or title, having authority (or practical power) in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

5. Procedure:

1. The County shall employ no person in any position that places such person under supervision of another employee to whom such person is a relative. Exceptions may be approved, by the County Administrator, for employment that would be for the benefit of the County.
2. Whenever a department head proposes, as an exception to the County's policy, to employ a person or to continue the employment of a person in a position that would fall under the administrative supervision of anyone to whom the person is related in any manner specified in paragraph 1, such supervisor shall prepare a written request for approval of each appointment or continuation. This request, which shall include an alternative procedure for supervision, shall be submitted to his or her immediate supervisor for review and recommendation, through each higher supervisory level, to the County Administrator, for approval. Exceptions will only be permitted where there are unique circumstances and there is a benefit to the County.
3. When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the department head in conjunction with the Personnel Officer, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation of transfer. The proposed plan for accommodation shall be submitted to the County Administrator for approval.
4. The County Administrator, in consultation with the County Attorney and the Chairman of the Legislature, shall have the final authority and responsibility for determining if a potential for adverse impact exists or does not exist, and deciding whether to approve the appointment or promotion of the applicant or employee.

6. Effective Date:

This policy shall become effective upon adoption by the County Legislature and applies to all future appointments and promotions of employees of Cortland County.

Reference: Resolution No. 385-03 adopted August 12, 2003.

Tompkins County

The Administrative Manual: The Policies and Procedures of Tompkins County Government

Employment of Relatives (Nepotism)

Objective:	To establish limits on the employment of relatives and commit to the highest standard of professional conduct ensuring that relationships within County government do not create conflicts of interests and situations that might impair objective judgment.	Policy/Procedure Number:	02-07
Reference: (All applicable federal, state, and local laws)	Tompkins County Code of Ethics; NYS Civil Service Law, Article 14;	Effective Date:	January 12, 1981
Legislative Policy Statement:	It is Tompkins County's policy to hire, promote and transfer employees on the basis of individual merit and to avoid any suggestion of favoritism or discrimination in making such decisions. The purpose of this policy is to promote a positive work environment.	Responsible Department:	Human Resources
General Information:	This policy and the Code of Ethics does not absolutely prohibit relatives from working for the County, however questions of fairness and impartiality may arise in such situations. The County can minimize these concerns if the County conducts all hiring activity in a fair, open, and impartial manner.	Modified Date (s):	August 13, 1991; August 2019
		Resolution No.:	2019-171
		Next Scheduled Review:	August 2024

I. Definitions:

Conflicts of Interest - For the purpose of this policy, a conflict of interest shall mean a situation in which the employee of the relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, advancement or performance evaluation.

Employee - All persons filling positions of any rank within County government, including elected or appointed officials, paid staff, and members of any administrative board, commission, or agency of that government.

Nepotism - The practice among those with power or influence of favoring relatives or friends, especially by giving them jobs.

Relative - A parent, step-parent, spouse, spouse equivalent, domestic partner, sibling, step-sibling, sibling's spouse, natural or adopted child, step-child, grandparent, parent of spouse or spouse equivalent or domestic partner; including in-laws and members of the household of an employee, and individuals having any of these relationships to the spouse of the employee.

II. Policy:

Employment of Relatives

Tompkins County permits members of the same family to work at the County. However, the County will not authorize an appointment where employment would result in nepotism or in a possible conflict of interest.

A. Except as otherwise required by law, a relative of a current Tompkins County employee may not be employed under any of the following circumstances:

1. No employee may supervise or be supervised by a relative directly or indirectly. For example: No employee of a department may be related to the Department Head. However, an employee in Unit A of a department may be related to the Director of Unit B, provided the Director has no direct or indirect supervisory responsibility over Unit A.
2. Relatives of members of the Mental Health Community Services Board, the Board of Health and the Advisory Board on Indigent Representation may not be employed in the respective departments.
3. An employee cannot participate or have influence in any decision (formally or informally) or use his/her position to secure any decision, that affects the hiring/appointment, continuation, implementation, termination, compensation, benefits, evaluations, promotions, disciplinary actions, or terms and conditions of a relative's employment.
4. Relatives shall not be employed in the same department if the Department Head and/or Supervisor determines that safety, efficiency, morale, or administration of the department's operation is adversely affected.
5. When other circumstances exist that may lead to potential conflicts of interest of one or both parties in the best interests of Tompkins County.
6. Any pre-existing family relationships that predate this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that this conflict no longer exists, i.e., the relative is in a position that no longer directly reports to the relative supervisor, this policy will apply for future employment decisions.

Post-Employment Relationships

B. If two (2) employees subsequently begin a personal relationship similar to those identified above (e.g. marriage, dating, cohabitation), or one that, in the County's judgement creates potential conflicts of interest or the perception of favoritism:

1. It is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their Department Head and the Commissioner of Human Resources.
2. The Department Head in conjunction with the Commissioner of Human Resources shall make reasonable efforts to minimize problems and reserves the right to address the concern through reassignment of duties or relocating and/or removing an employee from their position.

II. Procedure:**A. Policy Exceptions**

Any exceptions to the above policy required to fill job titles must adhere to the following requirements prior to any offers of employment or appointment:

1. The Department Head is to create a written Nepotism Compliance Plan and Agreement that describes the situation warranting an exception, outlines the plan to address and avoid conflicts of interest and nepotism, and must include the signatures of all affected parties including employees involved, Department Head(s), the Commissioner of Human Resources, and the County Administrator. See Attachment A for general plan outline. This may need to be adapted to suit different circumstances.
2. The Nepotism Plan and Agreement must then be proposed by the Department Head and the Commissioner of Human Resources for approval to the Legislative Committee responsible for the Human Resources function and the committee to which the involved department(s) reports. Once approved by the appropriate Legislative Committees, the Chair of those Committees must sign the proposed plan.

Appendix A

Nepotism Compliance Plan and Agreement
(Regarding Employment Relationships to Immediate Family Members)

It is the goal of Tompkins County to seek qualified candidates for County positions through appropriate search procedures preceding each appointment. There shall be no bars to the appointment of immediate family members in the same or different units and/or departments as long as prior to employment or appointment, an exception to Tompkins County Administrative policy 02-07 (Employment of Relatives) has been approved by the Legislative committee responsible for the Human Resources function, has been approved by the Legislative committee to which the particular Department reports, and an approved written plan to address potential conflicts of interest that may arise from that relationship has been established and agreed upon.

Background

[Insert background information regarding the situation needing an exception to policy]

Plan

In compliance with the provisions of the aforementioned policy, both of which require the establishment of a plan intended to avoid conflicts of interest that may otherwise be created by the direct or indirect supervision of family members, all parties shall agree to the following provisions:

* [List provisions of plan]

This plan is hereby memorialized in the form of a Compliance Agreement signed by all affected parties.

Agreement

This is to certify that I have read the above stated plan and agree that I fully understand the terms of that plan. I agree to abide by and enforce the elements of that plan.

Employee(s)

Date: ____/____/____

This is to certify that I have read the above stated plan and agree that I fully understand the terms of that plan. I agree to abide by and enforce the elements of that plan.

Department Head(s)

Date: ____/____/____

As County Administrator and Human Resources Commissioner, we recognize that this employment relationship requires the special written provisions provided herein and consistent oversight to ensure that decisions related to personnel matters are not based on the relationship of an immediate family member. We have discussed the responsibilities relating to the compliance with Tompkins County policy and Code of Ethics with the employees involved. We recognize that we are responsible for acting upon and coordinating the investigation of concerns regarding conflicts of interest or favoritism involving members of the same immediate family.

County Administrator

Date: ____/____/____

Human Resources Commissioner

Date: ____/____/____

As provided in the County's Code of Ethics and Administrative Policy, the Legislature's [Committee Name which Department reports] Committee and the Legislature's Budget, Capital, and Personnel Committee has reviewed and approved the above stated plan.

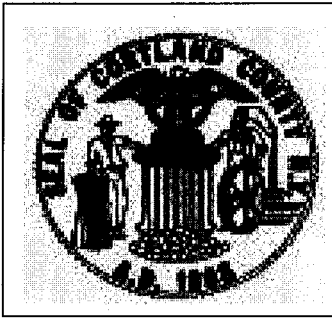
[Committee Name] Committee Chair

Date: ____/____/____

Budget, Capital, and Personnel Committee Chair

Date: ____/____/____

DRAFT



County of Cortland County

60 Central Avenue
Cortland, NY 13045
Phone: (607) 753-5076
Fax: (607) 758-5517
www.cortland-co.org

Cortland County

Policy and Procedures **Nepotism Policy**

1. Purpose:

This policy is designed to guard against employment relations from which nepotism or charges of nepotism might arise, to assure reliability and appearance of fairness in the best interest of the County, to assure and maintain accountability and to avoid the potential for employment related conflicts of interest.

2. Policy:

It is the policy of the Cortland County not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, no person shall be appointed or employed in any position in the County if such appointment or employment would cause the employee to come under the supervision of a relative, either directly or through a chain of authority. Further, no person shall hold a position where they would be responsible for auditing or evaluating the work of a relative.

3. Application:

This policy applies to all categories of employment, including full and part time, temporary, casual or seasonal appointments, **volunteers and interns** within all Departments/divisions of the County. This section does not prohibit the appointment, in the competitive service, of a individual if (1) the individual is within reach for selection from an appropriate certified eligibility list and (2) an equally qualified alternative selection cannot be made from the certified eligibility list.

4. Definitions:

1. Relative: ~~Includes individuals who are related by blood, marriage or adoption including the following: parent, child, spouse,~~

brother, sister, grandparent, grandchild, adopted or foster child, in-laws and step-relationships.

A parent, step-parent, spouse, domestic partner, sibling, step-sibling, sibling's spouse, natural, adopted or foster child, step-child, grandparent, parent of spouse or domestic partner; including in-laws and members of the household of an employee, and individuals having these relationships to the spouse of the employee.

2. **Employee:** All persons filling positions of any rank within County government, including elected or appointed officials, paid staff, volunteers, interns, and members of any administrative board, commission or agency of that government.

3. **Supervision:** Shall mean any employee, regardless of job description or title, having authority (or practical power) in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, **approve/deny use of leave accruals** or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

4. **Conflict of Interest** For the purpose of this policy, a conflict of interest shall mean a situation in which the employee of the relative would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, **approval/deny use of leave accruals discipline, advancement or performance evaluation.**

5. **Nepotism:** The practice among those with power or influence of favoring relatives or friends, especially by giving them jobs.

5. Procedure:

Employment of Relatives:

Cortland County permits members of the same family to work at the County. However, the County will not authorize employment would result in nepotism or in a possible conflict of interest.

- A. Except as otherwise required by law, a relative of a current Cortland County employee may not be employed under any of the following circumstances:

1. No employee may supervise or be supervised by a relative directly or indirectly. For example: No employee of a department may be related to the Department Head. However, an employee in Unit A of a department may be related to the Director of Unit B, provided the Director has no direct or indirect supervisory responsibility over Unit A.
2. Relatives of members of the Mental Health Community Services Board, the Board of Health and the Assigned Counsel Plan (ACP) Committee may not be employed in the respective departments.
3. An employee cannot participate or have influence in any decision (formally or informally) or use his/her position to secure any decision, that affects the hiring/appointment, continuation, implementation, termination, compensation, benefits, evaluations, promotions, disciplinary actions, or terms and conditions of a relative's employment.
4. Relatives shall not be employed in the same department if the Department Head determines that safety, efficiency, morale, or administration of the department's operation is adversely affected.
5. When other circumstances exist that may lead to potential conflicts of interest of one or both parties in the best interest of Cortland County.
6. Any pre-existing relative relationships that predate this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that this conflict no longer exists, i.e., the relative is in a position that no longer directly reports to the relative supervisor, this policy will apply for future employment decisions. Resolution No. 385-03 adopted 8-12-03 Revised 2-13-15.

Post-Employment Relationships

- B. If two (2) employees subsequently begin a personal relationship (i.e., dating, cohabitation or becomes a relative as defined in Section 4), or one that in the County's judgement creates potential conflicts of interest or the perception of favoritism:
 1. It is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their *Department Head and Personnel Officer.

2. The *Department Head in conjunction with the Personnel Officer shall make reasonable efforts to minimize problems and reserves the right to address the concern through reassignment of duties or relocating.

NOTE:

When* is used in Section B&C substitute with:
Chairman of Standing Committee to whom the department head reports, if department head is the employee who has the relative* (as defined by this policy) relationship and/or has a post-employment relationship.

Policy Exceptions

- C. Any exceptions to the above policy required to fill positions (including volunteers and interns) must adhere to the following requirements prior to any offers of employment or appointment:

1. The *Department Head and the Personnel Officer are to create a written Nepotism Compliance Plan and Agreement that describes the situation warranting an exception, outlines the plan to address and avoid conflicts of interest and nepotism, and must include the signatures of all affected parties involved, *Department Head, the Personnel Officer. See Attachment A for general plan outline. This may need to be adapted to suit different circumstances.
2. The Nepotism Plan and Agreement proposed by the Department Head and Personnel Officer is forwarded to the County Administrator for approval. The County Administrator in consultation with the County Attorney and the Chairman of the Legislator, shall have the final authority and responsibility for determining if a potential for adverse impact exists or does not exist; and deciding whether to approve the appointment or promotion of the applicant or employee.

Any pre-existing Post-Employment Relationship that pre-dates this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that this conflict no longer exists i.e., the employee is in a position that no longer directly reports to the employee supervisor, this policy will apply for future employment decision.

- ~~7. The County shall employ no person in any position that places such person under supervision of another employee to whom such person is a relative. Exceptions may be approved, by the County Administrator, for employment that would be for the benefit of the County.~~
- ~~8. Whenever a department head proposes, as an exception to the County's policy, to employ a person or to continue the employment of a person in a position that would fall under the administrative supervision of anyone to whom the person is related in any manner specified in paragraph 1, such supervisor shall prepare a written request for approval of each appointment or continuation. This request, which shall include an alternative procedure for supervision, shall be submitted to his or her immediate supervisor for review and recommendation, through each higher supervisory level, to the County Administrator, for approval. Exceptions will only be permitted where there are unique circumstances and there is a benefit to the County.~~
- ~~9. When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the department head in conjunction with the Personnel Officer, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. The proposed plan for accommodation shall be submitted to the County Administrator for approval.~~
- ~~10. The County Administrator, in consultation with the County Attorney and the Chairman of the Legislature, shall have the final authority and responsibility for determining if a potential for adverse impact exists or does not exist, and deciding whether to approve the appointment or promotion of the applicant or employee.~~

6. Effective Date:

This policy shall become effective upon adoption by the County Legislature and applies to all future appointments and promotions of employees of Cortland County.

Reference: Resolution No. 385-03 adopted August 12, 2003.
Revised 2-13-1; January 2020

J:policies/NepotismPolicyRevJan2020

CORTLAND COUNTY

ANTI-DISCRIMINATION POLICY

2.2.b

Cortland County does not discriminate in employment and activities which it operates on the basis of sex, race or handicap in violation of Title VII of the Civil Rights Act of 1964, or §504 of the Rehabilitation Act of 1973.

Cortland County does not tolerate discrimination based on gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, familial status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, gender identity, or expression, or any other basis, protected by federal, state or local laws. Cortland County is committed to preventing discrimination from occurring and to providing an avenue to promptly and effectively address complaints of discrimination. These standards of conduct apply to interactions with customers, vendors and others while conducting business with Cortland County, even if the setting is informal or outside the traditional workplace.

Grievance Procedure

If any person believes that Cortland County or any of the County's staff has failed to apply or has inadequately applied the principles or regulations of (1) Title VII of the Civil Rights Act of 1964, or (2) §504 of the Rehabilitation Act of 1973, that person may bring forward a complaint, which shall be referred to as a grievance, to the County's compliance officer (Personnel Officer or Public Health Director).

Section 2

The complainant shall discuss the grievance informally with the compliance officer, who shall investigate the complaint and respond in writing to the complainant.

The complainant may thereafter initiate formal procedures according to the following steps:

Step A:

A written statement of the grievance signed by the complainant shall be submitted to the compliance officer within seven days of receipt of the response to the grievance. The compliance officer shall further investigate the matters contained in the grievance and shall reply in writing to the complainant within seven days.

Step B:

If the complainant wishes to appeal the decision of the compliance officer, the complainant may submit a signed statement of appeal to the County Attorney within seven days after receipt of the compliance officer's response. The County Attorney shall meet with the complainant and any representative and make such other inquiries which the County Attorney deems appropriate. Thereafter, the County Attorney shall set forth a conclusion and respond in writing to the complainant within 14 days.

Step C:

If the complainant is not satisfied with the conclusion of the County Attorney, the complainant may appeal through a signed, written statement to the County Legislature within seven days of receipt of the County Attorney's response in Step B. In an attempt to resolve the grievance, the County Legislature shall meet with the complainant and any representative within 30 days of receipt of such an appeal. The County Legislature's written disposition of the appeal shall be sent to the complainant within ten days of this meeting.

Step D:

If the grievance has not been satisfactorily settled at Step C, further appeal may be made to the EEOC. (Equal Employment Opportunity Commission, a Federal agency overseeing compliance with Civil Rights Act of 1964.)

Attachment: Anti Discrimination and Sexual Harassment Policy 2020 (7468 : Nepotism and Sexual Harassment Policies)

The compliance officers, on request, will provide a copy of the County's grievance procedure to any employee of the County.

A copy of each of the Acts and Regulations upon which this notice is based will be made available upon written request directed to the County's compliance officers.

When used in this policy, days shall mean work days. The words "person" and "complainant" shall include an employee of the County.

Responsibilities

The Personnel Officer will make changes to the Policy as appropriate.

Publication

The County shall promulgate this policy and sexual harassment policy as follows:

- New employees will receive and sign for these policies at orientation.
- This policy is available on line in the Cortland County Intranet Portal and/or upon request from the Personnel/Civil Service Department.

CORTLAND COUNTY
ANTI-DISCRIMINATION COMPLAINT FORM

Name _____ Date _____

Job Title _____

Immediate Supervisor _____

Who was responsible for the alleged improper action? _____

Date, time and place the alleged improper action occurred: _____

Were there other persons involved with the event(s)? _____

If so, who was responsible and describe their involvement? _____

List any witnesses: _____

What was your reaction to the event(s)? _____

Describe any subsequent incidents: _____

Signature of complainant _____ Date: _____

Sexual Harassment Policy for All Employers in New York State



Combating Sexual Harassment

Introduction

Cortland County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Cortland County's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Cortland County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Cortland County's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Cortland County. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Cortland County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Cortland County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Personnel Officer. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Cortland County to liability for harm to targets of sexual harassment. Harassers may also be

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. Cortland County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Cortland County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Cortland County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Personnel Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Cortland County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Personnel Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Personnel Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Cortland County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Personnel Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Cortland County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Cortland County, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year (three years beginning Aug. 12, 2020)** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Cortland County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Sexual Harassment Prevention Policy Notice



Combating
Sexual Harassment

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and Cortland County is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, Cortland County has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or the Personnel Officer so we can take action.

Our complete policy may be found: www.cortland-co.org

Our Complaint Form may be found: www.cortland-co.org

If you have questions and to make a complaint, please contact:

Cortland County Personnel Officer
Personnel/Civil Service Office
60 Central Ave.
Cortland, NY 13045
607-753-5076

For more information and additional resources, please visit:

www.ny.gov/programs/combating-sexual-harassment-workplace

Model Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

Cortland County

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Cortland County Personnel Officer, Personnel/Civil Service Office, 60 Central Ave., Cortland, NY, 13045. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.



**Division of Local
Government Services**

Adopting Local Laws In New York State

JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES

A Division of the New York Department of State

Andrew M. Cuomo, Governor

Rossana Rosado, Secretary of State

NEW YORK STATE DEPARTMENT OF STATE
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PREFACE

Since colonial times, citizens of New York State have looked to local governments for basic services. Even now, in the twenty-first century, citizens continue to rely on cities, counties, towns and villages for a great many of their needs.

The enactment of Article IX of the State Constitution, the Municipal Home Rule Law and the Statute of Local Governments have provided local governments the means to meet the challenges of our times. Through the adoption of local laws, cities, counties, towns and villages may implement the policies as mandated by the demands of the people and the times.

The power to enact local laws is granted by the State Constitution. The scope of this power and the procedures for implementing it are set out in the Municipal Home Rule Law. A local law has the same status as an act of the State Legislature. Accordingly, it is important that the legal procedures for the adoption of local laws be closely observed.

This publication was originally prepared in 1972 by the Office for Local Government as a resource for municipal attorneys who have the responsibility for seeing that all proper procedures are carried out in enacting a local law. In 1983 a revised edition was published. This edition, our third, is intended for the elected official, government employee and private citizen who are interested in improving local governments as well as for the municipal attorney. It has been both revised and updated.

HOME RULE TODAY

The starting point in an examination of local law powers and procedures is the status of home rule today in the State of New York. The initial determination is whether the subject matter of the proposed local legislation falls within the general or specific grants of power contained in the State Constitution and statutes.

Grants of Home Rule Powers

Constitutional Provisions

The present Article IX of the Constitution, adopted in 1963, is not a radical departure from its predecessor. It does, however, represent a substantial simplification of previous provisions, and introduces several novel features. Among these are a Bill of Rights for Local Governments (Section 1) and provision for a unique Statute of Local Governments, under which home rule powers may be given quasi-constitutional protection against change (Section 2(b)(1)).

Constitutional home rule power is now granted to all counties outside New York City, and all cities, towns and villages (Section 3(d)(1)). Prior to 1963 no towns and only some villages had constitutional home rule power.

Bill of Rights. Among the rights and powers enumerated under the Bill of Rights for Local Governments are the rights to have a legislative body elected by the people; power to adopt local laws; the right to have local officers elected or appointed by the local residents or officers; the power to agree, as authorized by the Legislature, with the federal government, a State or other government to provide cooperatively governmental services and facilities.

Also included are the power of eminent domain; the power to make a fair return on the value or property used in the operation of certain utility

services, and the right to use the profits therefrom for refunds or any other lawful purpose; and the power to apportion costs of governmental services of functions upon portions of local areas as authorized by the Legislature.

The Bill of Rights prohibits annexation of a territory unless the people thereof consent in a referendum and unless the governing boards of each local government consent to the annexation or, in the absence of such consent, the courts find that the annexation is in the overall public interest.

Finally, the Bill of Rights also protects the right of counties, other than those within a city, to adopt alternative forms of county government, subject to double or triple mandatory referendum requirements and, in some cases, permissive referendum requirements in the event of certain structural changes. This double referendum requirement has been upheld by the United States Supreme Court (*Town of Lockport v. Citizens for Community Action at Local Level*, 423 U.S. 808).

Basic Limitation on State Power. Article IX, Section 2, is the key section controlling the allocation of power between the State Legislature and local governments. There are basically two sides to this provision of the Constitution. The first limits the power of the Legislature to act in relation to local governments.

Under Section 2(b)(2), the State Legislature is specifically prohibited from acting with respect to the "property, affairs or government" of any local government except by general law or by special law enacted at the request of two-thirds of the membership of a local legislative body or at the request of its chief executive officer, concurred in by a majority of the legislative body, or, except in the case of the City of New York, by a two-thirds vote of each house upon receiving a certificate of necessity from the Governor.

Section 3(a) makes it clear, however, that these limitations (on State power) in no way restrict the State's power with respect to (1) the public school system or retirement systems pertaining thereto, (2) the courts, and (3) matters other than the property, affairs or government of a local government.

Basic Source of Home Rule Powers. The other side to the home rule provision of the Constitution is the set of affirmative grants of home rule power contained in Article IX, Section 2(c). There every local government is empowered:

- (1) To adopt or amend local laws relating to its "property, affairs or government" which are not inconsistent with the provisions of the Constitution or of any general law; and
- (2) To adopt or amend local laws, not inconsistent with the Constitution or any general law, relating to ten enumerated subjects, whether or not they relate to its "property, affairs or government" subject, however, to the power of the Legislature, under Section 2(b)(3), to restrict the adoption of such a local law not relating to property, affairs or government.

Finally, the State Legislature is expressly granted power to confer upon local governments additional powers not relating to their property, affairs or government and to withdraw or restrict such additional powers.

To all intents and purposes, these are the same powers which were first enumerated in Article XII, Section 2, of the Constitution of 1924.

Statute of Local Governments

Pursuant to Article IX, Section 2(b)(1), the Legislature enacted the Statute of Local

Governments, to accord to those home rule powers not warranting constitutional protection, a form of quasi-constitutional protection. Under the Statute of Local Governments, no power granted to a local government therein can be repealed, diminished, impaired or suspended except by the action of two successive Legislatures with the concurrence of the Governor. However, powers granted under the Statute of Local Governments may be encroached upon or even superseded by ordinary legislative enactment where matters of State concern are involved (*Wambat Realty Corp. v. State*, 41 N.Y. 2d 490, 393 N.Y.S. 2d 949).

Section 11 of the Statute of Local Governments contains specific reservations of power to the Legislature with references to the grants in Section 10 thereof.

Municipal Home Rule Law

Section 10 of the Municipal Home Rule Law contains the constitutional grants of power to local governments and adds thereto the powers to collect local taxes authorized by the Legislature, to provide for the protection and enhancement of the physical and visual environment, the apportionment of local legislative bodies, and assessments for local improvements, as well as the powers granted to local governments in the Statute of Local Governments.

Various other powers are conferred separately on counties, cities, towns and villages. Included among these, in the case of villages, is the power to supersede any general law contained in the Village Law relating to property, affairs or government or the other subjects listed in the Constitution, unless expressly prohibited by the State Legislature. A village local law which superseded the Village Law by granting the Board of Trustees rather than the Mayor the power to appoint, supervise and terminate officers and employees was upheld (*Rozler v.*

Franger, 61 A.D., 2d 46, 401 N.Y.S. 2d 623, aff'd 413 N.Y.S. 2d 654, 46 N.Y. 2d 760). Towns have a similar power to supersede the Town Law, except for state statutes relating to the following areas: (1) special or improvement districts, (2) creation of areas of taxation, (3) referendums, and (4) town finances as provided in Article 8 of the Town Law. Local laws relating to zoning that supersede sections of Town Law have been upheld (*Yoga Society of New York, Inc. v. Inc. Town of Monroe*, 56 A.D. 2d 842, 392 N.Y.S. 2d 81; *Sherman v. Frazier* 84 A.D. 2d 401, 446 N.Y.S. 2d 372).

A cautionary note was sounded by the court in the case of *Turnpike Woods, Inc. v. Town of Stony Point*, 70 N.Y. 2d 735. There, the Court of Appeals held that in superseding a provision of the Town Law, a town's local law must refer specifically to the section of the Town Law being superseded, and must expressly describe the manner in which it is being superseded. The law of the Turnpike Woods case doubtless applies to villages as well.

Restrictions on Local Law Powers

The next point is an examination of local law powers and procedures is to determine whether there are legal restrictions or limitations which would inhibit the exercise of the powers of local legislation.

This topic will now be dealt with at some length, not to take away from the wide scope which is afforded to adopt local laws but rather to put the reader on guard in relation to an unavoidable aspect of the subject.

Generally speaking, restrictions on local law powers are found (1) in the source of the local law power itself, and (2) in other legislative enactments.

Restrictions in Source of Authority

The first place to look for any restrictions on the power to adopt local laws is in the phrasing of the grant of such power whether by the Constitution or State statute. This involves a restriction based upon the fact that the power itself is limited. Obviously, a local law may not be adopted if its subject matter is not within a grant of the local law power.

Rule of Conformity. The local law powers granted in Article IX of the Constitution as implemented by the Municipal Home Rule Law, Section 10, are phrased in two-fold fashion: (1) the power generally relating to "property, affairs or government," and (2) powers relating to enumerated subjects appearing there, whether or not they relate to "property, affairs or government."

Under the language of the Constitution, local laws relating to "property, affairs or government" may not be inconsistent with the provisions of the Constitution or of any general law (See *City of Amsterdam v. Helsby*, 371 N.Y.S. 2d 404, 37 N.Y. 2d 19; *Toia v. Regan*, 387 N.Y.S. 2d 309, 54 A.D. 2d 46, aff'd 387 N.Y.S. 2d 832, 40 N.Y. 2d 837, appeal dismissed 429 U.S. 1082). Local laws relating to the powers enumerated in Municipal Home Rule Law, Section 10(1)(ii)(a) also may not be inconsistent with the provisions of the Constitution or any general law. As noted earlier, the Legislature is specifically authorized to restrict the power to adopt local laws relating to the enumerated powers. However, where a local government is otherwise authorized to act, it will be prohibited from legislating in a subject area only if the State pre-empts the field through legislation evidencing a State purpose to exclude this possibility of varying local legislation (*Monroe-Livingston v. Town of Caledonia*, 51 N.Y. 2d 679, 435 N.Y.S. 2d 966; *Albany Area Builders' Assn. v. Town of Guilderland*, 74 N.Y. 2d 372).

A "general law" is defined as a State statute which in terms and effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages (Municipal Home Rule Law, Section 2(5)). It is to be contrasted with a "special law" which is a State statute that in terms and in effect applies to one or more, but not all, counties, counties other than those wholly included within a city, cities, towns or villages (Municipal Home Rule Law, Section 2(12)).

Constitutional Restrictions. No local law may be inconsistent with any provision of the State Constitution -- which necessarily involves the restrictions generally applicable to all laws, such as due process of law and equal protection of laws, as well as specific restrictions in Article IX or other articles of the State Constitution. Thus a local law may not ignore the provisions of Article VIII, Section 1, restricting gifts of public moneys and loans of public credit. A local law of a non-charter county, providing that a vacancy in the office of county legislator occurring other than by expiration of its term be filled by the remaining membership of the body was upheld, notwithstanding Article XIII, Section 3 of the State Constitution which provides that, "the legislature shall provide for filling vacancies in office" (*Resnick v. County of Ulster*, 405 N.Y.S. 2d 625, 44 N.Y. 2d 279). The court reasoned that Article IX, Section 2 of the State Constitution, which grants local governments authority to adopt and amend local laws relating to the mode of selection and removal of their officers, authorized the adoption of such local laws. To the extent that there is an inconsistency between Article IX, Section 2 and Article XIII, Section 3 of the State Constitution, the later amendment to the Constitution (Article IX, Section 2) would prevail. (See also, *Westchester County CSEA v. DelBello*, 70 A.D. 2d 604, 418 N.Y.S. 2d 914 (dissenting opinion), rev'd 47 N.Y. 2d 886, 419 N.Y.S. 2d 494).

Restrictions on Enumerated Powers

The enumerated powers in Article IX, Section 2, also contain various express restrictions.

The first enumerated power, relating to the powers, duties, qualifications, number, mode of selection or removal of a local government's officers and employees specifically provides that cities and towns shall not have this power with respect to the members of the legislative body of the county (board of supervisors) in their capacity as county officers.

The second enumerated power relating to membership and composition of its legislative body applies to cities, towns or villages but not to counties. However, this power is available to counties through adoption or amendment of a county charter under the County Charter Law (Municipal Home Rule Law, Article 4).

The fourth and eighth enumerated powers, relating to the incurring of obligations and the levy, collection and administration of local taxes and assessments for local improvements, in addition to being limited grants, contain a further restriction to the effect that local laws relating to the issuance of evidences of indebtedness and the levy, collection and administration of local taxes and assessments for local improvements must be consistent with laws enacted by the Legislature. In other words, local laws enacted pursuant to these provisions must be consistent with any law enacted by the legislature, whether general or special.

Restrictions Applicable to Particular Units

The Municipal Home Rule Law grants further specific powers of local legislation to particular local governments, some of which contain restrictions. For example, a town's power to regulate or license businesses and occupations, unless otherwise specifically provided, may be

exercised only in the area of the town outside of villages (Municipal Home Rule Law, Section 10(1)(a)(12) and Section 11(3)).

Certain powers of a county board of supervisors to delegate certain functions, powers and duties are restricted to prevent a local law from divesting the board of such functions, powers and duties (Municipal Home Rule Law, Section 10(1)(b)(3) and (4)).

Impairment of Powers of Other Units

An express restriction in Article IX of the Constitution on the power to adopt local laws is found in paragraph d of Section 2(3), which provides that a local government shall not have power to adopt local laws which impair the power of any other local government, except in the case of a transfer of functions under an alternative form of county government (county charter). The statutory implementation of this restriction in the Municipal Home Rule Law is not limited to local laws impairing powers of other local governments. Subdivision 5 of Municipal Home Rule Law, Section 10, contains a broader restriction in that it bars local laws which impair the powers of any other public corporation (see General Construction Law, Section 66). In addition to other counties, cities, towns and villages, the prohibition protects such entities as school districts, fire districts and public authorities.

Regulation of Businesses. The concept of impairment of powers may be somewhat elusive, but a simple example is found in local power to license business and occupations.

Counties, cities, towns and villages have the power to regulate and license businesses and occupations under subparagraph (12) of subdivision 1 of Section 10 of the Municipal Home Rule Law. The prohibition therein, however, would prevent a county from adopting a

local law relating to the licensing and regulation of businesses or professions to the extent that it would impair the power of cities, towns and villages to enact such a local law. The Municipal Home Rule Law authorizes counties to adopt local laws on the subject but limits the effectiveness of any such county local law to the area of the county outside of any city, village or town during such time as the city, village or town is regulating or licensing the particular occupation or business.

Local Laws Adopted by Towns. Subdivision 3 of Section 11 of the Municipal Home Rule Law relates to the effect of local laws adopted by towns. It provides that such a local law shall be effective and operative only in that portion of the town outside of any village or villages therein except in the case where the power of the town board extends to and includes the area of the town within any such village or villages. This appears to be a clarification and modification of the restriction on the local law power insofar as it would impair the powers of another local government.

Inconsistency with State Laws

Subdivision 1 of Section 11 of the Municipal Home Rule Law contains specific restrictions on the power to adopt local laws. It expressly provides that a local government shall not be deemed authorized to adopt a local law which supersedes a State statute relating to the subjects set forth therein.

General or Special Laws. Whether a particular law is general or special is often difficult to determine; while on its face a given statute may be a general law, an exception may exist in another statute which would render the so-called general law a special law within the meaning of the Municipal Home Rule Law. For example, Town Law, Section 23 and Public Officers Law, Section 3 both require town officers in general to

reside within the town. Amendments to each of these sections create, however, an exemption allowing the town highway superintendent in the Town of New Castle, in Westchester County, to reside outside the town. These amendments in effect render Town Law, Section 23 and Public Officers Law, Section 3 special laws regarding the residence requirements for town highway superintendents, since their general requirements regarding that office no longer apply to all towns in like manner. Any town may, therefore, adopt alternative residence requirements for its town highway superintendent simply through the adoption of a local law.

Inconsistency with a General Law. Whether or not a local law is inconsistent with a general law is sometimes difficult to ascertain. As a general statement, a local law which neither prohibits what the State law permits nor allows what the State law prohibits is not inconsistent. Thus, a penal statute in which a local law provides a greater penalty than a State law is not void for reasons of inconsistency. (*People v. Lewis*, 295 N.Y. 42, 64 N.E. 2d 702). On the other hand, a local law of a town that added additional requirements for the incorporation of villages within its borders to those already in the Village Law was determined to be inconsistent with a general law of the State (*Marcus v. Baron*, 57 N.Y. 2d 862, 456 N.Y.S. 2d 39, rev'g 84 A.D. 2d 118, 445 N.Y.S. 2d 587 (Hopkins J., dissenting)).

Where, however, the extension of the principle of a State law by means of a local law results in a situation where what would be permissible under State law becomes a violation of a local law, the local law is inconsistent and, therefore, unauthorized (*Jewish Consumptives' Relief Soc. v. Town of Woodbury*, 230 A.D. 228, 243 N.Y.S. 686, aff'd 256 N.Y. 619, 117 N.E. 165).

Matters of State Concern

As a general principle, a local government may not adopt a local law relating to a "matter of state concern" unless it is within the powers enumerated in the constitutional grant, or unless the Legislature has specifically granted such power by law.

"Matter of state concern" is a phrase born in judicial opinions rather than in the Constitutions or statutes. Court cases, construing the home rule grants, have indicated that "state concern" includes such matters as taxation, incurring of indebtedness, education, water supply, transportation and highways, health, parks, social services, aspects of civil service and banking. (See, *Wambat Realty Corp. v. State*, supra; *Toia v. Regan*, N.Y.S. 2d 309, 54 A.D. 46, aff'd 387 N.Y.S. 2d 309, 54 A.D. 2d 46, aff'd 387 N.Y.S. 2d 832, 40 N.Y. 2d 837, appeal dismissed 429 U.S. 1082).

Some areas of "state concern" are expressly reserved to the Legislature in both the Constitution and the Municipal Home Rule Law. As noted earlier, Section 3 of Article IX of the Constitution expressly preserves the Legislature's power in three areas of State concern -- (1) the public school system or any retirement system pertaining to the public school system, (2) the courts, and (3) matters other than "property, affairs or government" of a local government.

Doctrine of State Pre-emption

A subject which is somewhat analogous to "matters of state concern" is pre-emption by the State of a particular subject of regulation. Pre-emption may occur when a State law clearly indicates a State purpose to pre-empt or occupy a particular field of regulation. This type of pre-emption was noted in the unsuccessful attempt of the City of New York to establish a minimum wage by local law where a general State law

already existed (*Wholesale Laundry Board of Trade v. City of New York*, *infra*). A general law of the State mandating binding arbitration in the case of an impasse in collective bargaining negotiations between a public employer and its firemen and policemen may not be superseded by local law (*City of Amsterdam v. Helsby*, 371 N.Y.S. 2d 404, 37 N.Y. 2d 19).

In certain instances there is a clear expression in the law itself to the effect that the State has exercised the right of jurisdiction over the particular subject involved (see for example, Village Law, Sections 5-532 and 9-916). A further discussion of the pre-emption doctrine follows, in Section 3 Exercise of Local Police Power).

Restrictions in Other Laws

Restrictions on local law powers may be found in other acts of the Legislature. For example, when the finance article of the Village Law was codified by Chapter 767 of the Laws of 1967, section 3 of the act provided that no local law shall be adopted changing, amending or superseding any of the provisions of such article. This restriction did not appear in the Village Law, but only in the session laws.

Valid restrictions on local law powers may be contained in the provisions of county, city and village charters. These could take the form of additional referendum requirements and prohibitions against the adoption of certain local laws. Charters should be checked for any such restrictions on the adoption of local laws.

Reference is made to subdivision 2 of Section 11 of the Municipal Home Rule Law. This subdivision restricts the adoption of local laws by the legislative body of a county, city or village which:

- (1) Amend the charter of the county, city or village contrary to any provision of

- such charter regulating its own amendment; or which
- (2) The legislative body is by provision of the charter prohibited from adopting.

In some instances, therefore, it may be necessary to obtain an act of the Legislature to remove certain charter restrictions on local law powers if it is deemed advisable to remove the restrictions.

Exercise of Local Police Power

The exercise of police power by local governments merits separate consideration in the board context of home rule.

Police Power Defined. The police power has been defined generally as the power to regulate persons and property for the purpose of securing the public health, safety, welfare, comfort, peace and prosperity of the municipality and its inhabitants (*Village of Carthage v. Frederick*, 122 N.Y. 268). The power is as old as is the organization of municipalities. In fact, some courts have said that the State imparts police power to the municipality by the mere organization of it. It is implied in the grant to govern (*Carollo v. Town of Smithtown*, 20 Misc. 2d 435, 190 N.Y.S. 2d 36).

Scope of Police Power. The scope of the municipal police power has been given, from time to time, a broad construction in municipal practice and in the courts. Within precise limits, it has included the prevention, suppression and abatement of public nuisances, including street nuisances and air pollution; preservation of the public peace and tranquility; regulation of hours of business; protection of the public against offenses in violation of the public morality and decency; regulation of public amusements, recreations and resorts.

Also, protection of the public health in connection with regulation of sanitation, disposal of waste products, interments, cemeteries, keeping of animals; protection of the public from the deleterious effects of industrial and commercial developments, fraudulent sales, weights and measures; proper growth of the municipality through zoning.

Also, regulation of business, occupations and trades such as filling stations, garages, laundries and dry cleaning, junk and second-hand dealers, peddlers, markets, billboards; protection against fire and explosion; regulation of buildings and housing; regulation of streets, traffic; and numerous other subjects related to the protection of the public health and welfare.

Local laws and ordinances enacted in the exercise of the police power are rarely struck down on grounds that the subject matter is not within the scope of municipal police power.

Grants of Police Power

General Grants of Police Power. General grants of the police power to local governments are contained in the State Constitution Article IX; Municipal Home Rule Law, Section 10; General City Law, Section 20; Town Law, Section 130; Village Law, Section 4-412, and the various city and village charters.

A general grant may be found in the usual general welfare clause which carries the power to enact all laws necessary. One example would be the provisions contained in Municipal Home Rule Law, Section 10(1)(12), namely, the power to enact local laws with respect to the "government, protection, order, conduct, safety, health and well-being of persons or property therein."

The courts have held that a general grant of police power is one which grants broad power with respect to a specific subject such as the

power to act with respect to streets or the power to regulate businesses and occupations (*Safee v. City of Buffalo*, 204 A.D. 561, 198 N.Y.S. 646).

In the well-known case of *Wells v. Town of Salina*, 119 N.Y. 280, the Court of Appeals said that towns and other municipal corporations possess only such powers as are expressly conferred by State law or necessarily implied from such express powers. The fact of the matter is that the Town of Salina case related to a financial matter and is not related to the exercise of the police power by the town. The case is not, therefore, properly applicable to the construction of the effect and scope of a general grant of police power. It would seem that what was said by the Court of Appeals in the Town of Salina case concerning express and implied powers has been misconstrued by attorneys and others to mean that a grant of police power to a local government must be specific and that the general grant is somehow insufficient.

It could also be maintained that the Town of Salina case has been modified or superseded to the extent of the home rule power granted in Article IX of the Constitution, a point often overlooked by some attorneys in applying court decisions written before 1964 to current legislation.

Specific Grants of Police Power. A specific grant of police power is one which authorizes enactment of a local law or ordinance on a specific subject and defines its details and mode of enforcement (*Safee v. City of Buffalo*, supra; *Matter of Stubbe v. Adamson*, 220 N.Y. 459).

It has been held, with respect to regulations enacted by ordinances pursuant to a general grant of police power, that evidence on the reasonableness of the ordinance may be received by the court. On the other hand, evidence on the reasonableness of an ordinance enacted pursuant to a specific grant may not be presented (id.).

While the foregoing principle might be applicable to a local law enacted solely under a legislative delegation of police power, there are sound reasons why it should not apply to a local law enacted pursuant to a constitutional grant of police power. The latter type of local law is co-equal with "and just as binding" as an act of the Legislature (*Matter of Mooney v. Cohen*, 272 N.Y. 33). It could therefore be concluded that, when it is within the scope of the constitutional power, such a local law is entitled to the same presumption of reasonable exercise of constitutional power as an act of the Legislature.

In determining consistency of an ordinance or local law with State statutes, it seems that a local law or ordinance which is enacted pursuant to a specific legislative grant has a greater chance of overcoming the argument of State pre-emption than an ordinance enacted under a general grant since it may be reasonably presumed that the State, by specifically authorizing a local government to act upon a subject, did not intend to pre-empt that field.

Further Test of Validity

In addition to meeting the requirements of being within the scope of a legislative grant and not being inconsistent with State statutes, to be valid, a local law or ordinance adopted pursuant to the police power must also meet the following criteria:

- (1) The State must not have indicated an intention to pre-empt the field; and
- (2) In regulating the conduct of individuals the action must be reasonable.

To determine whether any regulation is reasonable, it must be shown that (a) a problem exists; (b) the means selected to curtail the problem have a real and substantial relation to the result sought; and (c) the means availed of must not

unduly infringe upon or oppose fundamental rights of those whose activities or conduct is curbed.

State Pre-emption. The case of *Wholesale Laundry Board of Trade, Inc. v. City of New York*, 17 A.D. 2d, 327, 234 N.Y.S. 2d 862, aff'd 12 N.Y. 2d 998, 239 N.Y.S. 2d 128, is of particular significance regarding the question of pre-emption. In that case New York City enacted a local law establishing a higher minimum wage within the city than that established throughout the State. An action was brought to declare the law invalid on the grounds that the subject matter was not within the police power and that it was inconsistent with the statewide minimum wage law.

The city contended that the law was within the scope of the police power, and cited *People v. Lewis*, 295 N.Y. 42, in which the Court of Appeals upheld the validity of a New York City local law imposing more severe penalties than those imposed by the State for violation of Federal price control regulations. The City further argued that the local law was consistent with the State Minimum Wage Law because any person complying with the local law would also be complying with the State law.

The Appellate Division unanimously held that the State law indicated a purpose to occupy the entire field. It cited a provision of the City Home Rule Law to the effect that the powers granted in such law could not be exercised to supersede any provision of the Labor Law. The Court also cited the State Minimum Wage Law itself, which it said contained elaborate machinery for the determination of an adequate wage in any occupation and locality in the State.

In a landmark case regarding the financing of public improvements, *Albany Area Builders Association v. Town of Guilderland* 74 N.Y. 2d 372, the Court of Appeals struck down a town's

Transportation Impact Fee Law, which had provided for the financing of town highway improvements through fees charged to applicants for development approvals. The court held that the provisions of the Town Law and the Highway Law dealing with the expenditure of town moneys for highway purposes evidenced a "detailed regulatory scheme in the field of highway funding, pre-empting local legislation on the subject."

General Limitations. Except for the tests of validity outlined above, a local law enacted by a municipality pursuant to the police power is in all other respects subject to the same limitations as an act of the State Legislature enacted under its police power. It must not be inconsistent with the State or Federal constitutions, there must be an actual or reasonable anticipated evil to be remedied and the measures provided must bear a reasonable relationship to this purpose. It must not violate the equal protection clauses of the State and Federal constitutions or any other provisions thereof.

DEVELOPING AND ADOPTING A LOCAL LAW

The municipality is usually requested by a local officer to prepare legislation on a specific subject because there is a need for a new local law; or because there is need to change the existing law, to supplement it, or to amplify it. There are a variety of considerations in the development and adoption of a local law.

Local Law Defined

A local law is defined in Municipal Home Rule Law, Section 2(9) as follows:

"a law (a) adopted pursuant thereto or to other authorization of a State statute or charter by the legislative body of a local government, or

(b) proposed by a charter commission or by petition, and ratified by popular vote, as provided in article four of this chapter or as provided in a state statute, charter or local law; but shall not mean or include an ordinance, resolution or other similar act of the legislative body or of any other board or body."

A local law may be viewed as a form of municipal legislation which is superior to the older forms of municipal legislation by ordinance, resolution, rule or regulation, because the local law power is granted by the State Constitution, and is not a strictly delegated power from the State Legislature.

Local Law Status

A valid local law has status equivalent with a law enacted by the Legislature. A local law has the quality that it may be inconsistent with a law enacted by the Legislature and may amend, supersede or repeal such a law, providing, of course, that the State law is not a general law, or that the Legislature has not restricted the local law power on a particular subject. The courts have recognized the difference between a local law and an ordinance, resolution or other similar act of a legislative body, not only in form but also in substance. Among these terms there are decided differences. Municipal Home Rule Law, Section 2(9) provides that a "local law" shall not include an ordinance, resolution or other similar act of the legislative body.

Local Law Power

Whenever a local law is under consideration, the municipal attorney must reach a decision as to the existence and extent of local law power in relation to the subject matter at hand. This entails, in substance, the resolution of three threshold questions, as follows:

- (1) Does the proposed subject matter of the local law fall within the general or specific grants of power contained in the Municipal Home Rule Law or elsewhere?
- (2) Are there, however, restrictions, limitations or prohibitions which would militate against the exercise of such power?
- (3) Is there overriding general law on the subject or has the state pre-empted the field?

After having resolved these issues, the municipal body can turn to the several steps involved in the development and adoption of the local law. This is a teamwork effort involving the municipal attorney, local government officials, the citizens, the local legislators and the clerk of the local legislative body. If active and willing cooperation and coordination is provided by each participant during the process, a successful local law will be achieved.

Referendum Considerations

Policy Aspects

Initially the municipal attorney should check to see whether the proposed local law would be subject to a mandatory referendum or referendum on petition under Sections 23 or 24 of the Municipal Home Rule Law. If he determines that the proposed local law is subject to referendum, he might want to raise a policy question with the members of the local legislative body as to whether they desire to adopt a local law which would be subject either to a mandatory referendum or to a referendum on petition. The questions raised by the referendum requirements should be carefully considered in light of the local situation, the desires and attitudes of municipal officials, civic organizations and citizens generally.

Required Procedures

Procedural referendum requirements are found in Municipal Home Rule Law, Sections 23 and 24. Section 23 relates to local laws subject to mandatory referendum and requires that proposed local laws within this category be voted upon at the next general election of "state or local governmental officers" in the local government, unless the local law itself provides for submission at a special election to be held on a designated day, or unless there is a valid petition requesting that it be submitted at a special election -- in which case the local legislative body would be required to fix a date for such special election.

Section 24 relates to local laws subject to referendum on petition and provides requirements for petitions in such cases. There is no provision in the Municipal Home Rule Law whereby a local legislative body may determine for itself whether to submit a local law to referendum.

Where under Section 24 a valid petition is received for a referendum on a proposed local law adopted by the local legislative body, the referendum is required to be held at the "next general election of state or local government officers" held in the local government, unless the petition requests that the referendum be at a special election and in accordance therewith the local legislative body takes action by local law to submit the matter to such a special election.

General Determinations

Assuming that no referendum is required or that the problem concerning referendum has been resolved in favor of taking action by local law, the next problem would relate to the approach to be taken in the local law that is to be drafted. The techniques of drafting are covered in Chapter 3, but prior to actual drafting, questions would arise such as:

- (1) Is the subject matter such that a legislative finding would be desirable for the purpose of reciting legislative intent or objective? This may help in sustaining validity in the event of litigation. If so, consideration should be given to the specific language that would precisely express the findings or intent.
- (2) What officer or agency of the local government is to have the power or duty?
- (3) How should the adjustment of a local law be phrased? Should it be phrased in terms of a direct requirement or should an officer or agency of the local government be authorized to determine whether or not to act?
- (4) Is an officer or agency to be empowered to adopt and promulgate rules and regulations as authorized by Municipal Home Rule Law, Section 10(4)(a)? If so, legislative standards will have to be provided and the municipal attorney will have to develop an adequate statement of such standards.
- (5) What enforcement remedies, if any, should be provided? Municipal Home Rule Law, Section 10(4)(b) provides a broad authorization for penalties and fines and for legal and equitable remedies, including the power to grant public servants the authority to issue appearance tickets.

With respect to some of these matters, the Municipal Home Rule Law provides specific authorizations; with respect to others, it does not. Some of these matters require a basic knowledge concerning the scope of police power and the manner of its exercise, the regulation of activities and businesses by administrative agencies, and the review of administrative determinations by the courts. Here, again, the other chapters of the handbook are designed to provide helpful guidelines.

Major Procedural Steps

After a local law has been drafted, the procedural requirements of Municipal Home Rule Law, Article 3 take effect.

Introduction of the Local Law

After the proposed local law has been drafted and is ready for introduction in the local legislative body, sufficient copies should be prepared in accordance with the requirements of the legislative body. It should be determined whether it is planned to introduce the proposed local law at a meeting of the legislative body or whether it is proposed to introduce it by mailing a copy to each member under the procedure provided in Section 20(4) of the Municipal Home Rule Law. The Municipal Home Rule Law makes it clear that a proposed local law may be introduced only by a member of the local legislative body.

While not required by the Municipal Home Rule Law, it is suggested that local legislative bodies establish a system of introductory and print numbers for proposed local laws and amendments thereof and that the present practice in some local governments of assigning a final number to each proposed local law as it is introduced be discontinued. Numbering will be discussed in more detail in Chapter 4.

Legislative Stage

After introduction, the proposal is ready for consideration by the local legislative body. It may be debated, and hearings open to the public and regular and executive meetings of the legislative body may be held with respect to it. Local officials, representatives of civic organizations and interested persons may be heard or their views solicited concerning the proposal.

Waiting Time. Possibly, one or more amendments may be considered and accepted. Assuming that the proposed local law is to be amended, it should be rewritten and reproduced in its amended form and given the same introductory number but a new print number. It would then be subject to the requirements of the Municipal Home Rule Law, Section 20(4), concerning being on the desks or table of the members for at least seven calendar days (exclusive of Sundays) or having been mailed to the members at least ten calendar days (exclusive of Sundays) before the local legislative body may act on it.

The waiting period requires exact computations of time that involve not only the Municipal Home Rule Law but also the General Construction Law. In counting days, the day on which a local law is placed on the desk or mailed should not be counted (General Construction Law, Section 20). It has also been held that the day of passage should not count in the waiting period (*London v. Wagner*, 22 Misc. 2d 360, 195 N.Y.S. 2d 550, aff'd 13 A.D. 2d 479, 214 N.Y.S. 2d 647, aff'd 11 N.Y. 2d 762, 227 N.Y.S. 2d 13).

In regard to the theory of substantial compliance as expressed in *Commission of Public Charities of City of Hudson v. Wortman*, 225 App. Div. 241, 7 N.Y.S. 2d 631, the court in *London v. Wagner* held that "the Court of Appeals has long since declared that almost identical language is mandatory and compliance is required. *People ex rel. Hatch v. Reardon*, 184 N.Y. 431, 439, 77 N.E. 970, 971, 8 L.R.A., N.S. 314."

Emergency Message. The Municipal Home Rule Law does, however, provide an emergency procedure for waiving the above waiting time requirements in the event there is necessity for immediate passage of the proposal (Section 20(4)). This requires a message of necessity from the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the

board of supervisors in the case of a county, the mayor in the case of a city or village, or the supervisor in the case of a town.

It has been held that the courts cannot inquire into the motives of the mayor or a city in sending an emergency message to the municipal assembly dispensing with the necessity that local laws be in their final form and on the desks of the members at least seven calendar days prior to final passage. The statute does not require that the emergency message shall set forth the facts constituting the emergency. (*Murway v. O'Brien*, 161 Misc. 438, 293, N.Y.S. 481).

Adoption of the Local Law. It is still possible that in its amended form the proposed local law will not be completely acceptable and that further amendments will be determined upon and the proposal further amended accordingly and then considered. Regardless of the number of times a proposed local law is amended, it must still be on the desks or table of the members, or mailed to them as the case may be, for the required time period in its final form, prior to passage.

Assuming that the local legislative body eventually reaches the point where it is ready to act on the proposal, it may do so by a majority vote of the total authorized membership of the body, except that a two-thirds vote is required for immediate passage under the emergency procedure. The courts have held that this overrides the provisions of the Second Class Cities Law (*Grady v. Yonkers*, 303 N.Y.S. 2d 620, 3d. case).

If the chief executive officer vetoes a proposed local law, the local legislative body may, within thirty days after receipt of the veto at a regular meeting thereof, reconsider the local law and override the veto by a two-thirds vote.

Public Hearings

A public hearing must be held on each proposed local law. Where the elective chief executive officer of the local government has power to approve or to veto a proposed local law, he is required to give notice of and hold a public hearing before he approves or disapproves. If there is not such elective chief executive officer with power to approve or to veto, then the public hearing must be held by the local legislative body before it may take action to adopt a local law.

Time Frame. It is the responsibility of the municipal attorney to see that the format of procedures has been adhered to. For this reason and for clarification the following sequence is provided as a guide for moving an idea through the system to the adoption of a local law.

Step I. The local governing body has heard citizen complaints or has received information regarding a problem within the municipality. This complaint or problem has created a need for a local law.

Step II. The municipal attorney is requested to draft a law which deals with the problem at hand.

Step III. The law is presented to the municipal governing body and introduced by one of its members.

Step IV. A notice of hearing is published which informs the public governed by this proposed law, that such a matter is before the municipal body (or the chief executive officer who must finally approve the law, as the case may be) and their comments will be heard on the issue.

Note: Five (5) days must lapse between the notice of public hearing and the public hearing itself. The local government may, however, adopt a local law setting its own hearing-notice requirement for all local laws adopted by that

municipality. If it does so, such a local law, which must itself have a hearing held on five days' notice, may set a general notice period of as little as three days.

Step V. The public hearing is held and the issues heard. If no changes are made to the proposed law, the municipal body moves to adoption (*Step VI*).

If the proposed law is changed, go to *Step VII*.

Step VI. As soon as is practicable after the hearing is concluded, the proposed law can be voted on and adopted or approved by the chief executive officer as the case may be. However, there must be a seven (7) day lapse (ten days if mailed) between the introduction of the proposed law and the adoption (between *Step III* and *Step VI*). Municipal attorneys should keep in mind that Sundays are not counted in the 7 day time frame. It should be useful to note that the 7 day (or ten day) introduction period can run concurrently with the hearing notice time period.

Step VII. The municipal attorney may be required to amend or redraft the proposed law based on the input from the local residents at the public hearing. If so, the procedure will start over at *Step II* and follow the same time frame as the original draft.

Notice of Hearing. There is no guideline set forth as to the content of the notice or how extensive the public hearing should be. (*Carlen v. The City of Glens Falls*, 35 Misc. 2d 363, 230 N.Y.S. 2d 965).

Sufficiency of Hearing. The hearing should provide for a complete presentation of arguments for and against the proposed law by the public in attendance at the hearing. Information generated at the hearing is then reduced to writing and used for reference by the legislative body prior to the enacting of the proposed law.

Cases have been heard concerning the issue of sufficiency of the hearing and the right to terminate the public hearing when it was felt that all arguments were heard. (*Miner v. The City of Yonkers*, 189 N.Y.S. 2d 762 and *Martin v. Flynn*, 19 A.D. 2d 653, 241 N.Y.S. 2d 883).

Lastly, during the local law adoption process, the municipal attorney should be aware of other statutory requirements, such as a required referral to a state or county agency, which may affect the procedure for adoption of the local law.

DRAFTING TECHNIQUES

The preparation of the drafted legislation by the involved citizens, boards, consultants, or municipal attorneys is a step-by-step process designed to follow guidelines within the Constitution, applicable statutes, court decisions, prior legislation and government agencies. The municipal attorney should be employed to review and scrutinize the material presented in the draft to assure the municipality that what is submitted, is workable and addresses the matter at hand.

Sources of Drafting Assistance

Municipal Home Rule Law

There are two sections of the Municipal Home Rule Law that specifically deal with the drafting of a local law. Municipal Home Rule Law, Section 20(2) details the enacting clause, while subdivision 3 limits such laws to one subject matter. The latter subdivision was recently amended so that local laws codifying or recodifying ordinances or local laws are deemed to embrace only one subject. Municipal Home Rule Law, Section 22(1) contains some instructions for the draftsman when a local law changes or supersedes the provisions of a State statute, a prior local law or ordinance.

Assistance from State Agencies

In some instances, State agencies may be of assistance in rendering advisory services. Sometimes they have sample or model laws that may be used as drawn, modified to fit the local situation or used as a guide to accomplish the local objective. At other times the agency staff may be available to review or critique a local law which is in draft form. Rarely, because of staff and time limitations, can state agencies actually draft local laws.

Published Volumes of Local Laws

Prior to 1974 bound volumes of all local laws filed were published by the Secretary of State. These volumes remain a valuable source of assistance in drafting local laws.

The drafting and enactment of any local law should, however, be undertaken with the advice and assistance of experienced legal counsel. As there have been several judicial decisions on the extent to which municipalities may regulate various activities, provisions found in the local laws of other municipalities should not be used out-of-hand unless they are determined to be legally sound for your local government.

Bill Drafting Manual

Perhaps the best source for form, style and techniques is the *Bill Drafting Manual* published in limited quantity by the Legislative Bill Drafting Commission. Although the manual is oriented towards the drafting of State Laws, its principles apply equally well to drafting local laws.

Standard Guidelines

Every local law should contain four formal parts, each of which will be separately considered in the order named:

- (1) The title
- (2) The enacting clause
- (3) The body
- (4) The effective date

Title of the Local Law

Municipal Home Rule Law, Section 20(3) provides as follows: "Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter. For purposes of this chapter, a local law relating to codification or recodification of ordinances or local laws into a municipal code shall be deemed to embrace only one subject. As used herein codification or recodification shall include amendments, deletions, repeals, alterations or new provisions in the municipal code; provided, however, that the notice of public hearing required by this section shall briefly describe the codification or recodification."

General Principles. Modern authorities on local law drafting assert that the best title is one which is brief and kept in general terms, not one which is an abstract of all the incidental provisions of the local law.

Some authorities assert that the title is the last part of a local law to be prepared. Certainly a title should be carefully checked after the local law is completed, to ascertain if all provisions of the local law are germane to the title. However, if the draftsman first carefully considers the object or purpose of the proposed local law, and prepares a title expressive of this object or purpose, it will be a useful guide for him in

drafting the local law and should require little if any, later amendment.

Judicial Guidelines. A law may not be used to conceal another provision which would create legislative logrolling. In *Burke v. Kern*, 287 N.Y. 203, the court stated that although a law must be limited to one subject, it may embrace the carrying out of that subject matter in various objective ways, provided the objectives are naturally connected with the subject matter and the title could be said to apprise the reader of what may reasonably be found in the statute.

Since this case was decided in 1941, it has consistently been followed in the Court of Appeals and the lower courts. Twenty years later the Appellate Division, Third Department, using these guidelines ruled that a local law of the City of Glens Falls was valid because:

"...the title clearly indicates and correctly describes the subject as the enactment of a minimum salary schedule and a reading of the proposed law will disclose nothing at variance therewith. That the title recites, whether diffusely or unnecessarily, a number of purposes -- again as distinct from the subject - is not enough to condemn the form of the projected act." (*in re Mitrione's Petition*, 14 A.D. 2d 716, 291 N.Y.S. 2d 866)

Examples of Titles

A local law establishing standards of conduct for officers and employees of the City of Schenectady

A local law relating to the establishment of a commissioner for conservation of the City of Ithaca

A local law to establish a narcotics guidance council in the town of Putnam Valley

Enacting Clause of the Local Law

The enacting clause is specifically stated in Municipal Home Rule Law, Section 20(2), where it is stipulated that the style of the local law shall be "Be it enacted by the (naming the legislative body) of the (name of local government) as follows:" This quoted wording must appear in every local law.

Failure to include an enacting clause renders a local law invalid. (*Noonan v. O'Leary*, 206 Misc. 175, 132 N.Y.S. 2d 726)

Examples of Enacting Clauses

Be it enacted by the board of supervisors of the county of Saratoga as follows:

Be it enacted by the legislature of the county of Erie as follows:

Be it enacted by the common council of the city of Utica as follows:

Be it enacted by the town board of the town of German Flats as follows:

Be it enacted by the board of trustees of the village of Herkimer as follows:

Body of the Local Law

Basic Rules. The body of any local law contains the legislative objective and expresses how it is to be accomplished. It should be set forth clearly, concisely, and logically within the limitations of the Municipal Home Rule Law.

Although the law does not specifically use the term, it takes cognizance of the body of a local law in two instances. The most important rule to be observed is stated in Municipal Home Rule Law, Section 20(3) viz., "Every such local law shall embrace only one subject," The other basic

rule to be followed is expressed by Municipal Home Rule Law, Section 22(1) which states:

"In adopting a local law changing or superseding any provision of a state statute or of a prior local law or ordinance, the legislative body shall specify the chapter or local law or ordinance, number and year of enactment, section, subsection or subdivision, which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may contain the text of such statute, local law or ordinance, section, subsection or subdivision and may indicate the changes to be effected in its text or application to such local government by enclosing in brackets, or running a line through, the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein."

Division into Sections. The body of every proposed local law consists of one or more parts referred to as sections, which should be consecutively numbered with Arabic numbers (1, 2, 3, etc.) commencing with 1. In the first section of every proposed local law, the word "section" should be written out and in each succeeding section the section symbol (§) should be used.

There are various types of sections, e.g., legislative declarations, separability clauses, effective dates, appropriations, etc. Most frequently, sections are used to identify the portions of law to be affected, that is, amendments or repeals of existing provisions or additional provisions.

In doing this, the section of the proposed local law must not only identify any portion of existing law being affected, but also indicate by number and year the State or local law, which added, last numbered or last amended the portion of law identified in the section.

For example, assume section 3 of Local Law No. 6 for the year 1985 of a local government was part of the original enactment of such law and was amended once by Local Law No. 1 for the year 1987. If it is proposed to amend section 3, the first section must set forth the law, the section to be amended, and the local law and the year in which the most recent change was made to the section, as shown in the following example:

Section 1. Section three of local law number six of 1985, as amended by local law number one of 1987, is hereby amended to read as follows:

Important Details. Drafting is even further refined by guidelines for the proper expression of numbers, the use of abbreviations or capital letters, how to use brackets and underlining and many other items. These can become so minute that it is best to read the detailed discussion of them in the legislative bill drafting manual.

Good draftsmanship and common sense indicates that the requirements of Municipal Home Rule Law, Section 22(1) be followed meticulously to achieve clarity and definiteness. However, failure to specify the chapter, number, year or act of the statute does not affect the validity of the local law. (*Commission of Public Charities of City of Hudson v. Wortman*, 255 A.D. 241, 7 N.Y.S. 2d 631, aff'd. 279 N.Y. 711).

There is also latitude given local laws that amend a city or county charter. A charter need not be amended piecemeal by a series of separate local laws, but a single charter amendment may be proposed dealing with the various provisions of the charter. (*City of Albany v. Yaras et al.* 283 A.D. 214, 126 N.Y.S. 2d 733 and cases cited therein, aff'd., 308 N.Y. 864).

Judicial Standards. In many instances litigation regarding local laws involves the requirement that every local law shall embrace but one subject,

and that the title shall briefly refer to the subject matter. All of the cases previously cited in regard to title, enacting clause and charter amendments discuss the proposition that the local law shall embrace only one subject. There are many shades of gray, and all of the cases should be read and digested in order too ascertain the trend of judicial opinion.

The principles enunciated in *Burke v. Kern*, supra, are still employed. Courts will differ in their application. In the *Mitrone* case, supra, the Supreme Court held the local law invalid, but the Appellate Division overruled, holding that there was but one subject within the law even though it was clouded by the recitation of numerous purposes. However, if the law obviously violates these requirements, the courts will reject it summarily.

In another case, the court stated that from a reading of the petition it was obvious that the proposed local law contained matters requiring either mandatory or permissive referendum, and that more than one subject was covered. In the absence of referenda and by covering more than one subject, it appeared that the law was not ready for filing. (*Village of Massena v. Lomenzo*, 58 Misc. 2d 40, 294 N.Y.S. 2d 657).

Effective Date of the Local Law

Basic Rules. The Municipal Home Rule Law recognizes that a local law should have an effective date. Section 27, subdivision 3, states that notwithstanding the effective date of any local law, a local law shall not become effective before it is filed in the Office of the Secretary of State. Subdivision 4 of the same section states that subject to the provisions of subdivision 3 thereof, every local law shall take effect on the twentieth day after it shall finally have been adopted, unless a different time shall be prescribed therein or required by either the

Municipal Home Rule Law or other provisions of law.

Qualifying Conditions. While it is strongly advocated that every local legislative enactment should conclude with an effective date, this still requires careful consideration. For example, if a local law imposes new duties upon a local agency, consideration should be given to postponing the effective date of the local law sufficiently to permit the agency affected to make adequate preparation for the proper administration of the new duties.

The same need is apparent for delaying the effective date of a local law which affects local legal procedures, or which defines as a crime some act or omission not previously a crime, or which affects or imposes limitation upon a person's rights, obligations or duties. The moving consideration should be to allow ample time for those who have been affected by the new law to become acquainted with its provisions.

Local Laws Subject to Referendum. A properly structured effective date may prevent severe complications in a locality. Municipal Home Rule Law, Section 23(1) provides that a local law subject to mandatory referendum becomes operative as prescribed therein only if approved by the qualified electors voting upon the proposition. This provision must, however, be read together with Section 27(3), which in any case prohibits a local law from becoming effective until filed with the Secretary of State.

A law of a city, county or town subject to referendum on petition does not take effect until at least 45 days after adoption, providing no petition is filed. If a petition is filed, the law does not take effect until approved by the qualified electors voting for its approval. In each of these cases the effective date still hinges upon the law being filed with the Secretary of State. A definite expression within the law stating an effective date

could prevent complications. The procedure for village local laws subject to referendum on petition is set out in Article 9 of the Village Law. In the case of villages, the local law takes effect 30 days after adoption if no petition is filed.

A local law that is not subject to a referendum should specify an effective date, especially if it is one that imposes new duties upon a local agency or which defines as a crime some act or omission not previously a crime.

Examples of Effective Date

This local law shall take effect immediately.

This local law shall take effect twenty days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.

This local law shall take effect on January first, nineteen hundred ninety-three.

ADOPTION, FILING AND PUBLICATION

Municipal Home Rule Law, Section 27 details the procedure required for the filing and publication of local laws. Publication is the duty of the Secretary of State. The clerk or other official designated by the legislative body is responsible for the multiple filings required by this section.

The "Sequence of Events" outlined at the end of this chapter provides a scheduling guide to aid legislators with prescribed steps in the law making procedure. Omission or failure to observe these technicalities may embarrass local officials, delay the effective date of the local law and render the local law invalid.

Adoption of Local Laws

Laws Not Subject to Referendum

If the local law is not subject to referendum, it is ready for filing after it has been finally adopted. Final adoption occurs after it has received the required public hearing and after it receives the majority affirmative vote of the total voting power of the legislative body in those local governments which do not have an elective chief executive officer with the power to veto local laws.

Approval by Elective Chief Executive. In those local governments with an elective chief executive officer possessing power to veto local laws, final adoption occurs when the elective chief executive officer holds a hearing and approves the law presented to him by the legislative body. It should be noted that the elective chief executive officer has 30 days to either approve or disapprove a local law.

An elective chief executive officer is defined as "The chief executive officer of a county elected on a county-wide basis or if there be none, the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances." (Municipal Home Rule Law, Section 2(4))

Such power to approve or veto local laws by the elective chief executive officer may be conferred by a state law or it may result from the passage of a local law granting such power to the elective chief executive officer of the local government.

Disapproval by Elective Chief Executive. If the elective chief executive officer disapproves the law, he must return it to the clerk of the legislative body with his objections stated in writing. The clerk is then directed to present the disapproved law, with the objections, to the

legislative body at its next regular meeting. The objections are then entered in the record of the proceedings of the legislative body. The legislative body thereafter, within 30 days, may reconsider the law.

There is a distinct prohibition against the clerk of the legislative body presenting the vetoed law at any meeting but the next regular meeting. If the legislative body convenes a special meeting to receive the executive's veto and to override that veto, the law is not legally adopted. (*Barile v. City Comptroller of City of Utica*, 56 Misc. 2d 190, 288 N.Y.S. 2d 191)

Once the veto and message have been presented at the next regular meeting, the legislative body within the next 30 days may, however, convene a special meeting to override the executive's veto. (*Barile v. The City of Utica*, supra)

Laws Subject to Referendum

If the local law is subject to a referendum -- mandatory or on petition -- it cannot take effect until it receives the affirmative vote of a majority of the qualified electors voting thereon at a general or special election.

If the local law is subject to a referendum on petition and no valid petition is filed requesting such referendum, it cannot take effect until after the time for the filing of such petition expires. Such a petition must be filed with the clerk of the legislative body within 45 days after the adoption of the law in the case of a city, county or town, and within 30 days in the case of a village.

Even though Municipal Home Rule Law, Section 27, states that a local law must be filed within 20 days after final adoption, the courts have held that a local law which is subject either to a mandatory referendum or to a referendum on petition is not ready for filing until after the question of the

referendum has been settled. (*Village of Massena v. Lomenzo*, 58 Misc. 2d 40).

Submission for Filing

Preparation of Required Copies

When a local law is ready for filing, the clerk, or other officer designated by the legislative body, should prepare at least four copies of the local law and if it is a county local law, an additional copy should be prepared. These copies are prepared upon forms furnished by the Department of State which are the official forms required for filing local laws.

Style of Copies. If additional pages are required, they must be of the same size as the form furnished by the Department of State. For convenience, printed, mimeographed or typewritten copies of the local law may be pasted on the form but these must not be a size larger than the form. Only true and legible copies will be accepted for filing. (19 NYCRR, Section 130.3)

Each certified copy shall contain the text only of the local law. If the local law amends an existing local law, each certified copy shall contain the text only as amended. There should not be included in such copy brackets, deletions, italics or underscoring to indicate changes. Do not include in such certified copy any parts of the old law to be omitted and do not italicize any new matter. (See Municipal Home Rule Law, Section 27(2))

Numbering Local Laws

At this time, the local law should be given a number. Proper technique and procedure dictate that while a proposed local law is being considered for adoption or approval, it should be

given an introductory number. If this system is not used, confusion can result.

Consider for a moment what happens when identifying numbers are not used. As a case in point, a town may have under consideration the adoption of four local laws which are numbered respectively Local Law 1, 2, 3 and 4 of the year 1992. Local Law 1 is finally adopted and duly filed with the Secretary of State. Local Law 2 is not adopted and consequently not forwarded for filing. Local Law 3 is subject to permissive referendum and therefore cannot be filed until after the expiration of the forty-five day period or after its approval by the electors. Local Law 4 is finally adopted and submitted for filing to the Secretary of State.

Under the above circumstances, the Department of State's records would show that only Local Law 1 has been filed when it received Local Law 4. The Department of State would then want to know what happened to Local Laws 2 and 3. This, needless to say, creates problems which could be easily avoided by proper numbering.

Importance of Introductory Numbers. When introductory numbers are used, neither the local government nor the Department of State will have any problems with respect to the correct numbering of local laws. Take the same four proposed local laws just discussed and give them appropriate introductory numbers such as: Proposed Local Law 1, 2, 3 and 4, respectively.

Under the given illustration, Proposed Local Law 1 was finally adopted and being the first local law submitted for filing in the year 1992 would be identified and filed as Local Law 1 of 1992. An appropriate notation to the effect should be entered in the local clerk's records. Proposed Local Law 2 was not adopted and therefore would not bear a local law number. Since Proposed Local Law 4 was finally adopted while the fate of Proposed Local Law 3 had not been

determined, Proposed Local Law 4 would become identified and filed as Local Law 2 of 1992. An appropriate entry to this effect should be made by the local clerk in his records. The local government's determination of the correct local law number should therefore be based on the date of final readiness for filing, regardless of other actions taken preliminary to that date.

Certification of Copies

Each required copy of a local law must have affixed to it a certification by the clerk of the legislative body or other officer designated by the legislative body. The exact type of certification is provided by the Department of State on its form. (19 NYCRR, Section 130.5)

Municipal Home Rule Law Section 27 was amended in 2011 to repeal the requirement for an additional certification by the municipal attorney.

Places for Filing Copies

After the proper number of copies have been prepared and certified by the clerk and the attorney, the multiple filings should be accomplished within 20 days. One certified copy is filed in the office of the clerk of the legislative body in a separate book which contains an index, and one certified copy is filed with the Secretary of State. If the local law has been adopted by a county, a certified copy is filed in the office of the county clerk.

Publication

Processing by Secretary of State

When a local law is received by the Secretary of State, it is referred to the State Records and Law Bureau for processing. There it is checked for compliance with the formal requirements of the Municipal Home Rule Law and the rules of the Department of State. If the formal requirements are met, the local law is filed and a filing stamp containing the date of filing is impressed thereon. If the formal requirements are not met, the local law is returned promptly and the Bureau points out what needs to be done to make the local law acceptable for filing.

Before returning a local law, the Bureau reviews the subject matter of the local law for the purpose of ascertaining whether or not a delay in filing could cause complications for the local government. When the Bureau has reason to believe that it might, it will alert the clerk or attorney by phone in order that a responsible local officer will have a clear understanding of the defect or omission and suggestions can be made to expedite filing. Minor corrections, such as proper numbering, may be accomplished by a letter from the local government rather than return of the local law for correction and recertification. More substantial corrections will be handled on a case-by-case basis through communication with the local government.

Publication

After a local law has been accepted for filing, it is filed and indexed. The indices of local laws are maintained in Albany by the Secretary of State. In this way, general knowledge concerning all local laws adopted by local governments throughout the State is available. Counties must publish local laws in their official newspapers as required by County Law, Section 214.

Observance of Filing Requirements

Since a local law does not become effective until it is filed in the office of the Secretary of State, the determination of the Department of State with respect to whether or not a local law has been filed with control. This has produced litigation.

Municipal Home Rule Law, Section 27(1) requiring the filing of local laws with the Secretary of State within (at that time) five days of final adoption was held to be directory, not mandatory. Late filing delays the effective date of the law but does not invalidate the law. (*Schacht v. City of New York*, 30 Misc. 2d 77, 219 N.Y.S. 2d 53, modified on other grounds, 14 A.D. 2d 526, 217 N.Y.S. 2d 278). It should be noted that the time for filing local laws has now been extended to 20 days.

Problems Created by Late Filing. Late filing may create local problems. In one case a local law provided it was to become effective when approved by the electors at a referendum. The law was not filed with the Secretary of State until 35 days after such approval. The court concluded that the law become effective upon its filing with the Secretary of State but made a distinction between the effective date of a statute and its operative date.

The court further held that a legislative body may prescribe that a law shall be operative at a time either before or after its effective date. In this instance the court felt it was intended that, no matter what the effective date of the law might be, it should become operative at the time of its approval at the referendum. Thus, it became effective when filed with the Secretary of State, but operative from the date of its approval at the referendum. (*Hehl v. Gross*, 35 A.D. 2d 570, 313 N.Y.S. 2d 422)

Discretionary Power of Secretary of State. In some cases an attempt is made to force the

Secretary of State to accept and file a local law. The technical requirements of Municipal Home Rule, Sections 20-27 must be observed meticulously or the action will fail. It has been stated that the Secretary of State may exercise discretion in the filing of local laws. (*Village of Massena v. Lomenzo*, supra).

The use of local laws can bring prompt and effective control of local matters applying the wisdom and knowledge of those people who are best acquainted with the problem and the locality to achieve a well-reasoned solution that is tailored to local conditions. It would be highly inappropriate to frustrate this process by failing or omitting to observe the technical requirements of proper filing.

Summary of Rules for Filing Local Laws With the Secretary of State

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by Section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that

of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate with changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number local laws consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is adopted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town, or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:

NYS Department of State
Division of Corporations, State Records and
Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave
Albany, New York 12231

LOCAL LAW TIME SCHEDULE

Minimum Time Frame

7 calendar days
exclusive of
Sundays if placed
on desk of
members

20 days

10 calendar
days exclusive
of Sundays if
mailed to each
member

20 days
(maximum)

5
days

Sequence of Events

Introduction of
Proposed Law to the
Governing Municipal
Body

Notice of Public
Hearing

Public Hearing

Adoption of Local Law
after Vote

Recorded by Clerk of
the Legislative Body
upon approval*

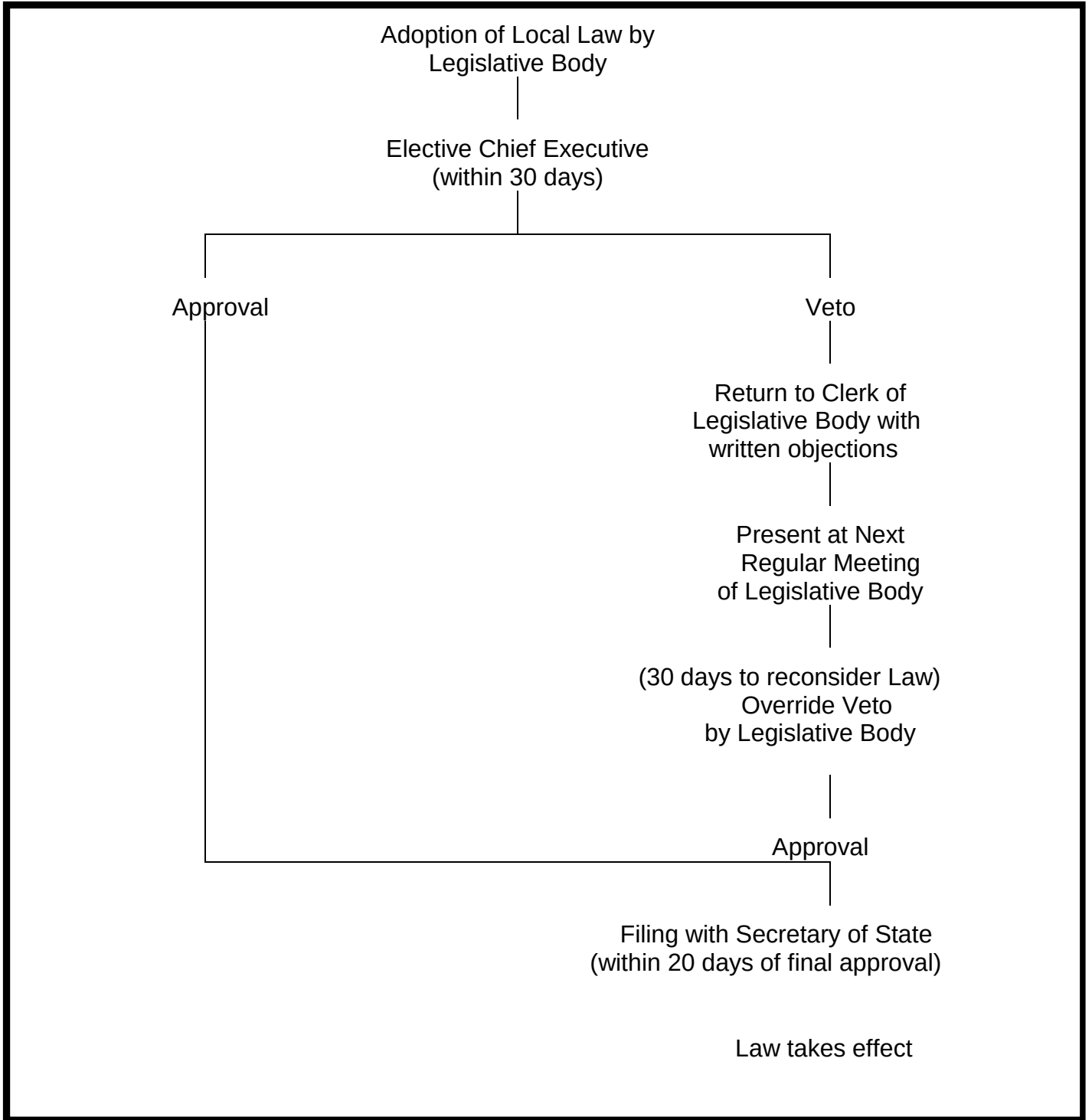
Filing with Secretary of
State

3 copies for Secretary of
State (including at least
one original).

Date Law takes effect
(if not otherwise stated)

*Elective Chief Executive, see page 26.

EXECUTIVE APPROVAL TIME SCHEDULE



ADOPTION AND AMENDMENT OF COUNTY AND CITY CHARTERS

The organization and administration of government in most counties of the State are prescribed generally by the County Law and various special laws enacted upon local request. In 1935, however, the State Constitution was amended to authorize the Legislature to enact "alternative" forms of county government with the power to transfer functions of local political subdivisions to the county on referendum.

At the November 1958 general election, the people approved an extensive amendment of the Constitution relating to county government. A significant provision in this amendment required the Legislature, on or before July 1, 1959, to confer by general law on all counties outside the City of New York, power to prepare, adopt and amend their own charters, "subject to such limitations as the legislature may by general law from time to time impose."

The constitutional provisions relating to powers of counties to provide alternative forms of government for themselves were continued in the new constitutional Home Rule Amendment which took effect January 1, 1964 and the County Charter Law was continued in the New Municipal Home Rule Law which also took effect on such date (Municipal Home Rule Law, Sections 30-35).

Under these constitutional and statutory authorizations, counties outside the City of New York have broad powers to draft and adopt their own charters by action of the legislative body and approval of the voters at a general or special election. To become effective, a county charter, with or without the transfer of a function, must be approved by the voters of the cities in the county considered as one unit and also by the voters outside the cities considered as one unit. A proposed transfer of powers from villages or a

class of villages must be approved by the voters in the affected villages, considered as one unit.

All cities in the State are governed by city charters which set forth the basic organization and administration of government for the city. Cities are authorized to enact new or revised city charters and to amend existing charters.

The enactment of a new or revised city charter should initially be distinguished from mere amendment of a portion of the charter by local law enacted by the governing body of the study of the charter as a whole with the view towards making basic changes in the organization and administration of city government. Such a study may be undertaken directly by the governing body of the city pursuant to the authority granted in Municipal Home Rule Law, Section 10(1c(1)) or by a charter commission established pursuant to the provisions of Municipal Home Rule Law, Section 36.

Whether Section 36 or Section 37 is used as the basis of authority for charter revision, the proposed charter or amendments may effect only such results as can be accomplished by the legislative body of the city by local law (Municipal Home Rule Law, Sections 36(5)(a) and 37(4)). To put it another way, Sections 36 and 37 do not grant to charter commissions greater powers than those granted to the legislative body of the city in Municipal Home Rule Law, Section 10. Consequently, it may be necessary to seek State legislation in given situations to accomplish certain charter revisions.

DEPARTMENT OF STATE LOCAL GOVERNMENT PUBLICATIONS

Handbooks provide basic guidelines for legislative bodies, citizen groups and charter commissions in the performance of their task, amending existing charters or adopting new ones.

The Department of State's Division of Local Government can provide useful information in helping municipalities accomplish their goals. Some of the publications available to local officials are:

Adopting and Amending County Charters. Provides historical, technical and legal information for the commission members and staff involved in drafting or revising a county charter.

Revising City Charters. Describes in detail the legal methods and requirements of revising a city charter, and provides statistical data and technical guidance for charter committee members and staff.

Guide to Planning and Zoning Laws in New York State. This essential publication for municipal officials, attorneys and planning board is newly revised. It has the complete text of relevant laws -- including statutory changes from the 2010 Legislative Session.

Check the Division of Local Government Services website for a complete list of available publications:

<http://www.dos.ny.gov/lg/publications.html>

APPENDIX

The Laws of 1993, Chapter 605, section 6, which became effective August 4, 1993, amended Municipal Home Rule Law, section 27, subdivision 1 as follows:

"1. Within twenty days after a local law shall finally have been adopted, the clerk, or other officer designated by the legislative body, shall file one certified copy thereof in the office of such clerk except that in the case of a county it shall also be filed in the office of the county clerk and <three> one certified <copies> copy in the office of the secretary of state. In the case of a local law subject to a referendum, however, such local law shall be filed within twenty days after its approval by the electors, or where the local law was subject to a permissive referendum and no petition was filed requesting the referendum, the local law shall be filed within twenty days after the time for filing of such petition shall have expired."

As of the effective day of the above provision, only one certified copy of each local law must be filed with the Secretary of State, rather than the three copies previously required.

POSITION VACANCY REPORT

As of October 1, 2020

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled	Filled By	Funding
EISEP/Respite Aide Grade 4 \$13.8683-\$17.2947/hr	Aging	Resignation	1/13/2020	12/31/2019	12/31/2019	1/2/2020	Posted		*
Driver Grade 2 \$12.8427-\$16.0157/hr	Aging	Resignation	4/9/2020	8/7/2020	8/7/2020				*
Nutrition Program Supervisor Grade 17 \$21.4561-\$26.7572/hr	Aging	Resignation	7/23/2020	7/27/2020	7/27/2020	7/29/2020	Posted		*
Secretary II Grade 2 \$18.3135-\$22.2811/hr	Aging	New Position	8/29/2020	8/28/2020	Approved by resolution	8/28/2020	Exam file apps		*
Custodian Grade 3 \$13.6083-\$16.9705/hr	Building & Grounds	Resignation	9/16/2020	9/18/2020	9/21/2020	9/21/2020	Posted		*
Custodian Grade 3 \$13.6083-\$16.9705/hr	Building & Grounds	Temporary	9/25/2020	9/24/2020	Approved by resolution	9/24/2020	Posted		*
Senior Cleaner Grade 4 \$13.8683-\$17.2947/hr	Building & Grounds	Retirement	10/9/2020	9/23/2020	9/23/2020				*
Secretary to the County Administrator Grade 3 \$19.0458-\$23.1722/hr	County Administrator	Resignation	2/26/2015	8/10/2020	8/10/2020	8/11/2020	9/14/2020	Brooke Cummings	*
Paralegal Grade 4 \$19.8078-\$24.0993/hr	County Attorney	Retirement	2/29/2020	2/10/2020	2/10/2020	2/14/2020	Waiting for exam results		*
Keyboard Specialist Grade 5 \$14.6440-\$18.2871/hr	County Attorney	Resignation	4/30/2020	3/25/2020	3/25/2020				*
Assistant District Attorney Grade 4 \$67,492-\$82,113/yr	District Attorney	Resignation	6/26/2020	7/7/2020	7/7/2020	7/8/2020	9/21/2020	Adam Ratner	*
Family Advocate Grade 12 \$18.1364-\$22.6174/hr	District Attorney	Transfer	7/13/2020	7/10/2020	7/10/2020	7/13/2020	Posted		Grant Funded
Secretary to the District Attorney Grade 3 \$19.0458-\$23.1722/hr	District Attorney	Resignation	9/14/2020	9/1/2020	9/1/2020	9/2/2020	Posted		*

Attachment: October 2020 (7965 : October Vacancy Report)

* Funded in 2020 Budget

** Will Discuss

POSITION VACANCY REPORT

As of October 1, 2020

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled	Filled By	Funding
Case Aide Grade 7 \$15.5390-\$19.3781/hr	DSS	Resignation	11/22/2019	11/6/2019	11/7/2019	11/12/2019			*
Caseworker Grade 17 \$21.4561-\$26.7572/hr	DSS	Removal from Probation	2/12/2020	2/12/2020	2/13/2020	2/14/2020			*
Caseworker Grade 17 \$21.4561-\$26.7572/hr	DSS	Resignation	8/21/2020	8/18/2020	8/18/2020	8/18/2020	9/28/2020	Mikayla Miles	*
Case Aide Grade 7 \$15.5390-\$19.3781/hr	DSS	Removal from Probation	8/27/2020	8/28/2020	8/31/2020	8/31/2020			*
Case Aide Grade 7 \$15.5390-\$19.3781/hr	DSS	Retirement	10/9/2020	9/21/2020	9/22/2020	9/22/2020	Canvass		*
Community Services Workers (HEAP) Grade 5 \$14.6640-\$18.2871/hr	DSS	3 Temporary Positions	10/19/2020	7/7/2020	7/8/2020	7/15/2020	Canvass/Cert/Post		*
Employment & Training Specialist Grade 12 \$18.1364-\$22.6174/hr	E&T	New	6/15/2020	5/14/2020	Approved by resolution	5/14/2020			Grant Funded
Dispatcher Grade 6 \$20.1542-\$29.7365/hr	ERAC	Resignation	6/29/2020	6/22/2020	6/22/2020	6/23/2020	9/21/2020	Jenica Jenney	*
Dispatcher Grade 6 \$20.1542-\$29.7365/hr	ERAC	Resignation	9/8/2020	8/25/2020	8/25/2020	8/25/2020	Canvass/Cert		*
Nurse Practitioner \$31.7996-\$37.0650/hr	Health	Retirement	12/31/2015	10/7/2015	10/8/2015	10/8/2015	Posted/ Advertised		Fully funded with matching revenue **
Clinic Aide Grade 5 \$14.1292-\$17.5342/hr	Health	Resignation	10/26/2018	10/10/2018	10/11/2018	Posted			*
Public Health Educator Grade 16 \$20.7263-\$25.8471/hr	Health	Resignation	9/6/2019	9/9/2019	9/10/2019				Grant Funded
Nurse Practitioner \$35.6345-\$41.7404/hr	Health	Resignation	8/22/2020	8/14/2020	8/14/2020	8/14/2020	Posted		*

Attachment: October 2020 (7965 : October Vacancy Report)

* Funded in 2020 Budget

** Will Discuss

POSITION VACANCY REPORT

As of October 1, 2020

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled	Filled By	Funding
Nurse Practitioner \$35.6345-\$41.7404/hr	Health	Resignation	8/27/2020	8/14/2020	8/14/2020	8/14/2020	Posted		*
Motor Equipment Operator Grade 11 \$17.5665-\$21.9065/hr	Highway	Removal from probation	4/24/2020	9/2/2020	9/9/2020	9/21/2020	Posted		*
Motor Equipment Operator Grade 11 \$17.5665-\$21.9065/hr	Highway	Removal from probation	4/24/2020	9/2/2020	9/9/2020	9/21/2020	Posted		*
Highway Construction Mechanic Grade 13 \$18.7365-\$23.3657/hr	Highway	Resignation	5/1/2020	9/2/2020	9/9/2020	9/21/2020	9/29/2020	Brandon Metcalf	*
Motor Equipment Operator Grade 11 \$17.5665-\$21.9065/hr	Highway	Promotion	5/15/2020	6/8/2020	6/10/2020	6/25/2020	10/5/2020	Michael Clark	*
Heavy Equip. Maint. Supervisor Grade 20 \$23.8699-\$29.7674/hr	Highway	Removal of provisional	7/3/2020	9/2/2020	9/9/2020	9/21/2020	Posted		*
Heavy Equipment Operator Grade 13 \$18.7365-\$23.3657/hr	Highway/ Solid Waste	New	11/22/2019	N/A			Hold		*
Recycling Coordinator Grade 8 \$50,536-\$61,488/yr	Highway/ Recycling	Removal of provisional	1/21/2020	1/30/2020	1/30/2020	1/31/2020			*
Deputy Director of Information Tech Grade 4 \$67,792-\$82,113/yr	IT	Promotion	1/24/2020	1/24/2020	1/24/2020	1/24/2020	Posted		*
Network Technician Grade 8 \$22.2231-\$27.7137/hr	IT	Resignation	10/5/2020	9/16/2020	9/16/2020	9/17/2020	Posted		*
Staff Psychiatrist (Part-time) \$112/hour	Mental Health	Resignation	5/1/2011	3/28/2011	3/31/2011	3/31/2011	Posted/ Advertised		1 **
Mental Health Program Aide Grade 8 \$15.6920-\$19.4735/hr	Mental Health	Removal	5/23/2019	5/16/2019	5/17/2019	5/17/2019	Posted		*
LMSW Grade 24 \$27.6956-\$34.5384/hr	Mental Health	Resignation	8/7/2020	8/6/2020	8/6/2020	8/7/2020	Waiting for exam results		*

Attachment: October 2020 (7965 : October Vacancy Report)

* Funded in 2020 Budget

** Will Discuss

POSITION VACANCY REPORT

As of October 1, 2020

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled	Filled By	Funding
Mental Health Practitioner \$105,000/yr	Mental Health	Resignation	9/4/2020	6/30/2020	6/30/2020	7/7/2020	9/29/2020	Deborah Bearmar	*
Driver, per diem (1) Grade 2 \$11.9997-\$14.8915/hr	Nutrition	New Position	7/25/2013	7/26/2013	7/29/2013	7/31/2013	Posted		*
Director of Planning Grade 4 \$67,492-\$82,113/yr	Planning	Retirement	7/31/2020	6/30/2020	6/30/2020	7/7/2020	Posted		*
Client Liaison Specialist Grade 7 \$15.5390-\$19.3781/hr	Public Defender	Promotion	2/14/2020	3/6/2020	Approved by resolution	3/17/2020	Cert/Posted		Grant Funded
Case Mgr for Indigent Defendants Grade 14 \$19.3682-\$24.1535/hr	Public Defender	Transfer to Probation	3/30/2020	3/6/2020	3/6/2020	3/9/2020	Posted		Grant Funded
Director of Real Property Grade 5 \$62,783-\$76,385/yr	Real Property	Retirement	8/28/2020	8/12/2020	8/12/2020	8/12/2020	Posted		*
PT Jail Cook (12 hrs) Grade 2 \$16.4048-\$21.8036/hr	Sheriff	Filled 32hr vacancy	10/20/2017	10/10/2017	10/13/2017	11/2/2017	Posted		*
Jail Cook-Per Diem Grade 2 \$16.4048-\$21.8036/hr	Sheriff	Took 32hr Cook position	5/23/2018	6/5/2018	6/11/2018	6/20/2018	Posted		*
Corrections Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Took Caseworker	1/14/2019	1/28/2019	2/5/2019	2/19/2019	Canvass/Cert		*
Corrections Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Took CPO position	2/4/2019	2/4/2019	2/5/2019	2/19/2019	Canvass/Cert		*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Resignation	6/20/2019	6/20/2019	6/21/2019	6/24/2019	Canvass/Cert		*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Retirement	10/31/2019	10/16/2019	10/17/2019	10/18/2019	Canvass/Cert		*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Resignation	3/29/2020	4/20/2020	4/20/2020	4/21/2020	Canvass/Cert		*

Attachment: October 2020 (7965 : October Vacancy Report)

* Funded in 2020 Budget

** Will Discuss

POSITION VACANCY REPORT

As of October 1, 2020

Position (Title, Grade, Salary)	Department	Reason for Vacancy	Date of Vacancy	Date of Request to Take Action	Date forms sent to County Admin.	Date of Approval of Action	Date Filled	Filled By	Funding
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Resignation	4/1/2020	4/20/2020	4/20/2020	4/21/2020	Canvass/Cert		*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Promotion	6/5/2020	6/5/2020	6/5/2020	6/15/2020	Canvass/Cert		*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Transfer to Road Patrol	8/7/2020	8/19/2020	8/19/2020	8/19/2020			*
Correction Officer Grade 1 \$20.7911-\$34.3419/hr	Sheriff	Resignation	8/19/2020	9/11/2020	9/11/2020	9/14/2020			*
Correction Officer Grade 1 \$20.7911-\$34.3420/hr	Sheriff	Retirement	9/15/2020	9/15/2020	9/16/2020	9/17/2020			*
County Police Sgt (Deputy Sheriff) SGT \$37.5258/hr	Sheriff	Retirement	9/30/2020	9/18/2020	9/18/2020	9/21/2020	10/1/2020	Christopher Estep	*

Attachment: October 2020 (7965 : October Vacancy Report)

* Funded in 2020 Budget

** Will Discuss



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Cortland County
YEAR-TO-DATE BUDGET REPORT

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FOR 2020 13

ACCOUNTS A	FOR: GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
A145042 ELECTIONS								
A145042	41289 ELECTIONS FEES	-300	0	-300	-510.52	.00	210.52	170.2%
A145042	41289 SCH DEPARTMENTAL F	-3,000	0	-3,000	-680.00	.00	-2,320.00	22.7%*
	TOTAL ELECTIONS	-3,300	0	-3,300	-1,190.52	.00	-2,109.48	36.1%
A145043 ELECTIONS								
A145043	43145 SHOE BD ELECTIONS	0	-55,590	-55,590	-55,589.85	.00	.00	100.0%
	TOTAL ELECTIONS	0	-55,590	-55,590	-55,589.85	.00	.00	100.0%
A14505 ELECTIONS								
A14505	43089 STATE AID - GENERA	0	0	0	393.73	.00	-393.73	100.0%*
A14505	51005 PERSONAL SERVICES	78,825	0	78,825	61,751.76	.00	17,073.24	78.3%
A14505	51010 PART-TIME PAY	63,687	0	63,687	58,651.92	.00	5,034.84	92.1%
A14505	51015 TEMP PAY	36,500	0	36,500	20,430.00	.00	16,070.00	56.0%
A14505	51020 OVERTIME PAY	0	0	0	6,217.43	.00	-6,217.43	100.0%*
A14505	51035 OTHER COMPENSATION	2,000	0	2,000	.00	.00	2,000.00	.0%
A14505	52060 Capital Computer E	0	52,520	52,520	31,512.00	.00	21,008.00	60.0%
A14505	54000 TELEPHONE	200	8,042	8,242	6,695.72	889.81	656.15	92.0%
A14505	54001 COPYING/PRINTING	54,000	23,055	77,055	67,215.02	.00	9,839.83	87.2%
A14505	54004 COMPUTER SOFTWARE	34,400	-807	33,593	32,602.00	.00	991.32	97.0%
A14505	54005 Office Materials &	1,500	0	1,500	1,313.56	71.99	114.45	92.4%
A14505	54020 POSTAGE	30,000	7,928	37,928	37,508.27	.00	420.21	98.9%
A14505	54035 EDUCATION & TRAINI	1,500	-1,500	0	.00	.00	.00	.0%
A14505	54040 ASSOC/MEMBERSHIP D	140	0	140	.00	.00	140.00	.0%
A14505	54041 PUBLICATIONS	350	0	350	.00	.00	350.00	.0%
A14505	54045 Travel & Sustenanc	3,000	-1,428	1,572	1,571.52	.00	.00	100.0%
A14505	54047 MILEAGE REIMBURSEM	250	0	250	182.85	.00	67.15	73.1%
A14505	54050 Equip. Repairs & M	300	0	300	.00	.00	300.00	.0%
A14505	54055 PROFESSIONAL SERVI	75,000	-32,220	42,780	31,953.30	.00	10,826.70	74.7%
A14505	54060 LEGAL NOTICES / AD	3,000	0	3,000	1,604.13	.00	1,395.87	53.5%
A14505	54065 EQUIP RENT / LEASE	3,500	0	3,500	582.66	.00	2,917.34	16.6%
A14505	54070 INSURANCE	2,964	0	2,964	5,546.12	.00	-2,581.97	187.1%*
A14505	54078 Fuel	500	0	500	83.86	.00	416.14	16.8%

Attachment: YTD Budget September - Elections (7952 : Board of Elections Monthly Budget Report)

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Cortland County
YEAR-TO-DATE BUDGET REPORT

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FOR 2020 13

ACCOUNTS A	FOR: GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
A14505 54212	I/D PHONE	648	0	648	432.00	.00	216.00	66.7%
A14505 54213	I/D COPIER	1,240	0	1,240	666.32	.00	573.68	53.7%
A14505 58020	RETIREMENT	17,794	0	17,794	.00	.00	17,793.75	.0%
A14505 58030	FICA	11,055	0	11,055	10,943.93	.00	111.22	99.0%
A14505 58040	WORKERS COMP	7,186	0	7,186	5,916.64	.00	1,269.36	82.3%
A14505 58060	HEALTH INS	16,696	0	16,696	12,201.04	.00	4,495.28	73.1%
A14505 58062	DENTAL INS	271	0	271	198.36	.00	72.36	73.3%
A14505 58065	VISION CARE BENEFI	59	0	59	42.75	.00	16.05	72.7%
TOTAL ELECTIONS		446,565	55,590	502,155	396,216.89	961.80	104,975.81	79.1%
TOTAL GENERAL FUND		443,265	0	443,265	339,436.52	961.80	102,866.33	76.8%
TOTAL REVENUES		-3,300	-55,590	-58,890	-56,386.64	.00	-2,503.21	
TOTAL EXPENSES		446,565	55,590	502,155	395,823.16	961.80	105,369.54	

Attachment: YTD Budget September - Elections (7952 : Board of Elections Monthly Budget Report)

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YEAR-TO-DATE BUDGET REPORTP
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FOR 2020 09

ACCOUNTS FOR: A GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
A14205 COUNTY ATTORNEY							
A14205 51005 PERSONAL SERVICES	83,840	-10,000	73,840	37,729.86	.00	36,110.14	51.1%
A14205 51010 PART-TIME PAY	178,252	0	178,252	116,704.76	.00	61,547.24	65.5%
A14205 51020 OVERTIME PAY	0	10,000	10,000	1,517.80	.00	8,482.20	15.2%
A14205 51035 OTHER COMPENSATION	0	0	0	928.30	.00	-928.30	100.0%*
A14205 54000 TELEPHONE	200	0	200	70.88	.00	129.12	35.4%
A14205 54001 COPYING/PRINTING	200	0	200	1.48	.00	198.52	.7%
A14205 54005 Office Materials &	500	0	500	277.46	32.61	189.93	62.0%
A14205 54020 POSTAGE	300	0	300	57.85	.00	242.15	19.3%
A14205 54035 EDUCATION & TRAINI	2,000	0	2,000	500.00	.00	1,500.00	25.0%
A14205 54040 ASSOC/MEMBERSHIP D	1,000	0	1,000	327.00	.00	673.00	32.7%
A14205 54041 PUBLICATIONS	1,345	0	1,345	665.33	.00	679.67	49.5%
A14205 54045 Travel & Sustenanc	1,200	0	1,200	.00	.00	1,200.00	.0%
A14205 54047 MILEAGE REIMBURSEM	1,200	0	1,200	87.00	.00	1,113.00	7.3%
A14205 54055 PROFESSIONAL SERVI	5,000	3,125	8,125	325.40	3,125.00	4,674.60	42.5%
A14205 54060 LEGAL NOTICES / AD	500	0	500	60.45	.00	439.55	12.1%
A14205 54070 INSURANCE	2,444	0	2,444	2,380.44	.00	63.56	97.4%
A14205 54212 I/D PHONE	1,080	0	1,080	504.00	.00	576.00	46.7%
A14205 54213 I/D COPIER	1,513	0	1,513	1,008.40	.00	504.60	66.6%
A14205 54215 I/D LEXIS NEXIS	2,406	0	2,406	1,603.84	.00	802.16	66.7%
A14205 54500 MEDICAL FEES & SER	100	0	100	.00	.00	100.00	.0%
A14205 58020 RETIREMENT	34,072	0	34,072	.00	.00	34,071.96	.0%
A14205 58030 FICA	20,050	0	20,050	11,592.48	.00	8,457.55	57.8%
A14205 58040 WORKERS COMP	9,582	0	9,582	7,889.40	.00	1,692.60	82.3%
A14205 58060 HEALTH INS	61,872	0	61,872	19,377.69	.00	42,494.51	31.3%
A14205 58062 DENTAL INS	271	0	271	125.28	.00	145.44	46.3%
A14205 58065 VISION CARE BENEFIT	78	0	78	20.25	.00	58.15	25.8%
TOTAL COUNTY ATTORNEY	409,005	3,125	412,130	203,755.35	3,157.61	205,217.35	50.2%
TOTAL GENERAL FUND	409,005	3,125	412,130	203,755.35	3,157.61	205,217.35	50.2%
TOTAL EXPENSES	409,005	3,125	412,130	203,755.35	3,157.61	205,217.35	

Attachment: 9-30-2020 MUNIS YTD (7951 : County Attorney Monthly Reports)

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Cortland County
 YEAR-TO-DATE BUDGET REPORT

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FOR 2020 09

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	409,005	3,125	412,130	203,755.35	3,157.61	205,217.35	50.2%

** END OF REPORT - Generated by Maria Adsit **

Attachment: 9-30-2020 MUNIS YTD (7951 : County Attorney Monthly Reports)



CORTLAND COUNTY ATTORNEY

KAREN L. HOWE

CORTLAND COUNTY OFFICE BUILDING

60 CENTRAL AVENUE, CORTLAND NY 13045

TEL 607-753-5095

FAX: 607-756-3489

September 30, 2020

Contracts referred to County Attorney's Office for review:

<u>January 1, 2016 – December 31, 2016</u>	327
<u>January 1, 2017 – December 31, 2017</u>	374
<u>January 1, 2018 – December 31, 2018</u>	338
<u>January 1, 2019 – December 31, 2019</u>	360
<u>January 1, 2020 – September 30, 2020</u>	238



**CORTLAND COUNTY ATTORNEY
KAREN L. HOWE**

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TEL 607-753-5095
FAX: 607-756-3489

September 30, 2020

Family Court matters referred for prosecution by the County Attorney's Office in Juvenile Delinquency (JD), Persons in Need of Supervision (PINS) and Violation of Probation/Support matters:

January 1, 2017 – December 31, 2017

2017 -	JD referred for petition:	24
	PINS petitions:	36
	Vio. Probation/Support:	<u>06</u>
		66

January 1, 2018 – December 31, 2018

2018 -	JD referred for petition:	20	(**01 RTA)
	PINS petitions:	12	
	Vio. Probation/Support:	<u>09</u>	
		41	

January 1, 2019 – December 31, 2019

2019 -	JD referred for petition:	35*	(**13 RTA)
	PINS petitions:	15	
	Vio. Probation/Support:	<u>06</u>	
		56	

January 1, 2020 – September 30, 2020

2020 -	JD referred for petition:	28*	(**8 RTA)
	PINS petitions:	04	
	Vio. Probation/Support:	<u>03</u>	
		35	

JD referrals for petition by classification of offense:

2019	Property crimes:	19	2020	Property crimes:	23
	Crimes against persons:	06		Crimes against persons:	04
	Sex offenses:	<u>10</u>		Sex offenses:	<u>01</u>
		35			28

****RTA (Raise the Age) JD petitions included above:**

(respondent 16 years old at date of offense(s), committed 10/1/18-9/30/19
17 years old at date of offense(s), committed after 10/1/19)



**CORTLAND COUNTY ATTORNEY
KAREN L. HOWE**

CORTLAND COUNTY OFFICE BUILDING
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September 30, 2020

Orders prepared in Family Court matters referred for prosecution by the County Attorney's Office in Juvenile Delinquency (JD), Persons in Need of Supervision (PINS) and Violation of Probation/Support matters:

(Note: Orders are prepared by County Attorney's Office, sent to Attorney for the Child/Respondent for review, held for 10 days, then submitted to the Family Court Judge for signature and entry)

January 1, 2017 – December 31, 2017: 72 orders

January 1, 2018 – December 11, 2018: 97 orders

January 1, 2019 – December 31, 2019: 87 orders

January 1, 2020 – September 30, 2020: 56 orders

Attachment: October Committee Report (7951 : County Attorney Monthly Reports)



**CORTLAND COUNTY ATTORNEY
KAREN L. HOWE**

CORTLAND COUNTY OFFICE BUILDING
60 CENTRAL AVENUE, CORTLAND NY 13045

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Wendy Franklin
Chief Assistant County Attorney

Jeri DuVall
Assistant County Attorney

Vacant
Paralegal
Maria Adsit
Confidential Secretary
Vacant
Keyboard Specialist

DEBT COLLECTION

722(d), Landfill, W&M, Personnel, etc.

September 2020	YTD 2020	2019	2018	2017
\$0.00	\$0.00	\$4,348.13	\$4,178.03	\$25,922.39

INSURANCE RECOVERIES

Related to Vehicle & Property Damage (road signs, guide rails, vehicles, etc.)

September 2020	YTD 2020	2019	2018	2017
\$0.00	\$20,129.69	\$122,477.76	\$19,524.26	\$19,156.95

TOTALS:	\$20,129.69	\$126,825.89	\$23,702.29	\$45,079.34
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CURRENT YEAR COLLECTIONS

MONTH REC'D	ORIGIN DATE	TYPE OF COLLECTION	COUNTY DEPARTMENT	AMOUNT
January				\$ 0.00
February	07/09/19	Property Damage - Vehicle	DSS	1,787.83
March				0.00

Continued on next page

Attachment: October Committee Report (7951 : County Attorney Monthly Reports)

CURRENT YEAR COLLECTIONS CONTINUED

MONTH REC'D	ORIGIN DATE	TYPE OF COLLECTION	COUNTY DEPARTMENT	AMOUNT
April				0.00
May				0.00
June				0.00
July	04/14/20	Property Damage – Broom Tractor	Highway	18,341.86
August				0.00
September				0.00
October				0.00
November				0.00
December				0.00
				\$ 20,129.69

- The **2018** numbers jumped up by \$18,854.00 based on review and closing out a file from July 2018 in which the office assisted with recovery from the boiler issue at the County Court House.

CORTLAND COUNTY ATTORNEY
2020 BUDGET SPENDING REPORT
REPORT DATE: 9/30/2020, 2:23 PM

3.2.b

OBJ CODE	ACCOUNT TITLE	2020 BUDGET	SPENDING TO DATE	BUDGET BALANCE	% OF BUDGET REMAINING
	Paralegal	36,198.00	8,378.89	\$ 27,819.11	76.85%
	Sec. to County Attorney	37,642.00	27,921.97	\$ 9,720.03	25.82%
51005	PERSONAL SERVICES	73,840.00	36,300.86	\$ 37,539.14	50.84%
	County Attorney	93,715.00	67,636.01	\$ 26,078.99	27.83%
	Chief Assistant County Attorney	37,728.00	30,012.09	\$ 7,715.91	20.45%
	Assistant County Attorney	33,746.00	15,887.37	\$ 17,858.63	52.92%
	Keyboard Specialist	13,063.00	4,598.29	\$ 8,464.71	64.80%
51010	PART-TIME PAY:	178,252.00	118,133.76	\$ 60,118.24	33.73%
51020	OVERTIME PAY	10,000.00	1,517.80	\$ 8,482.20	84.82%
51035	OTHER COMPENSATION	-	928.30	\$ (928.30)	--
54000	TELEPHONE (USAGE)	200.00	70.88	\$ 129.12	64.56%
54001	COPYING/PRINTING	200.00	1.48	\$ 198.52	99.26%
54005	SUPPLIES	500.00	310.07	\$ 189.93	37.99%
54020	POSTAGE	300.00	57.85	\$ 242.15	80.72%
54035	EDUCATION & TRAINING	2,000.00	500.00	\$ 1,500.00	75.00%
54040	ASSOC/MEMBERSHIP DUES	1,000.00	327.00	\$ 673.00	67.30%
54041	PUBLICATIONS	1,345.00	665.33	\$ 679.67	50.53%
54045	TRAVEL & SUBSISTENCE	1,200.00	-	\$ 1,200.00	100.00%
54047	MILEAGE REIMBURSEMENT	1,200.00	87.00	\$ 1,113.00	92.75%
54055	PROFESSIONAL SERVICES	8,125.00	325.40	\$ 7,799.60	96.00%
54060	CLASSIFIED ADVERTISING	500.00	60.45	\$ 439.55	87.91%
54070	INSURANCE	2,444.00	2,380.44	\$ 63.56	2.60%
54212	I/D PHONE (BASE FEES)	1,080.00	504.00	\$ 576.00	53.33%
54213	I/D COPIER	1,513.00	1,008.40	\$ 504.60	33.35%
54215	I/D INT COUNTY DEPT (LEXIS)	2,406.00	1,603.84	\$ 802.16	33.34%
54500	MEDICAL FEES	100.00	-	\$ 100.00	100.00%
58020	RETIREMENT	34,072.00	25,553.97	\$ 8,518.03	25.00%
58030	FICA	16,250.00	9,394.44	\$ 8,457.52	42.18%
58031	MEDICARE	3,800.00	2,198.04		
58040	WORKERS COMP	9,582.00	7,889.40	\$ 1,692.60	17.66%
58060	HEALTH INS	61,872.00	17,034.66	\$ 44,837.34	72.47%
58062	DENTAL INS	271.00	114.84	\$ 156.16	57.62%
58065	VISION CARE BENEFITS	78.00	20.25	\$ 57.75	74.04%
	TOTAL \$	\$ 412,130.00	\$ 226,988.46	\$ 185,141.54	44.92%
% of Year Remaining					25.14%

Attachment: October Committee Report (7951 : County Attorney Monthly Reports)

CORTLAND COUNTY ATTORNEY
 2020 BUDGET SPENDING REPORT
 REPORT DATE: 9/30/2020, 2:23 PM

3.2.b

Revenue & Income

Previous Years:

A141001-CA Accounts Receivable

2020 Opening Balance 1,779.00

Payments Received -

New Receivables -

Current A/R Balance: \$ 1,779.00

Current Year:

A142042-41289 Program Fees Collected - 722d Orders -

Liability - Awards & Claims #A17115.54920

CK#		Ck. Amount	Spending YTD	Balance	Department
	BUDGET			\$10,000.00	BUDGET

Attachment: October Committee Report (7951 : County Attorney Monthly Reports)

MUNIS RECONCILIATION
County Attorney Spending
9/30/2020, 2:28 PM

OBJ CODE	ACCOUNT TITLE	SPENDING TO DATE	MUNIS	DIFFERENCE	EXPLANATION
	Paralegal	\$ 8,378.89			
	Sec. to County Attorney	\$ 27,921.97			
51005	PERSONAL SERVICES	\$ 36,300.86	\$ 37,729.86	\$ (1,429.00)	8/28 Longevity Posted to incorrect account - sent request to correct.
	County Attorney	\$ 67,636.01			
	Chief Assistant County Attorney	\$ 30,012.09			
	Assistant County Attorney	\$ 15,887.37			
	Keyboard Specialist	\$ 4,598.29			
51010	PART-TIME PAY:	\$ 118,133.76	\$ 116,704.76	\$ 1,429.00	8/28 Longevity Posted to incorrect account - sent request to correct.
51020	OVERTIME PAY	\$ 1,517.80	\$ 1,517.80	\$ -	
51035	OTHER COMPENSATION	\$ 928.30	\$ 928.30	\$ -	
54000	TELEPHONE (USAGE)	\$ 70.88	\$ 70.88	\$ -	
54001	COPYING/PRINTING	\$ 1.48	\$ 1.48	\$ -	
54005	SUPPLIES	\$ 310.07	\$ 277.46	\$ 32.61	PO#20200764 \$10.02 Exhibit Tabs & PO#20200980 Calendars not paid yet.
54020	POSTAGE	\$ 57.85	\$ 57.85	\$ -	
54035	EDUCATION & TRAINING	\$ 500.00	\$ 500.00	\$ -	
54040	ASSOC/MEMBERSHIP DUES	\$ 327.00	\$ 327.00	\$ -	
54041	PUBLICATIONS	\$ 665.33	\$ 665.33	\$ -	
54045	TRAVEL & SUBSISTENCE	\$ -	\$ -	\$ -	
54047	MILEAGE REIMBURSEMENT	\$ 87.00	\$ 87.00	\$ -	
54055	PROFESSIONAL SERVICES	\$ 325.40	\$ 325.40	\$ -	
54060	CLASSIFIED ADVERTISING	\$ 60.45	\$ 60.45	\$ -	
54070	INSURANCE	\$ 2,380.44	\$ 2,380.44	\$ -	
54212	I/D PHONE (BASE FEES)	\$ 504.00	\$ 504.00	\$ -	
54213	I/D COPIER	\$ 1,008.40	\$ 1,008.40	\$ -	
54215	I/D INT COUNTY DEPT (LEXIS)	\$ 1,603.84	\$ 1,603.84	\$ -	
54500	MEDICAL FEES	\$ -	\$ -	\$ -	
58020	RETIREMENT	\$ 25,553.97	\$ -	\$ 25,553.97	Jan-Sept retirement allocation not posted in MUNIS yet.
58030	FICA	\$ 9,394.44	\$ 11,592.48	\$ -	
58031	MEDICARE	\$ 2,198.04			
58040	WORKERS COMP	\$ 7,889.40	\$ 7,889.40	\$ -	
58060	HEALTH INS	\$ 17,034.66	\$ 19,377.69	\$ (2,343.03)	Need to reconcile ACA Coverage start date with Personnel
58062	DENTAL INS	\$ 114.84	\$ 125.28	\$ (10.44)	Need to reconcile ACA Coverage start date with Personnel
58065	VISION CARE BENEFITS	\$ 20.25	\$ 20.25	\$ -	
	TOTAL \$	\$ 226,988.46	\$ 203,755.35	\$ 23,233.11	

OTHER MUNIS RECONCILIATIONS:

		BALANCE TO DATE	MUNIS	DIFFERENCE	EXPLANATION
A141001-CA	ACCOUNTS RECEIVABLE	\$ 1,779.00	\$ 1,779.00	\$ -	
A142042-41289	PROGRAM FEES	\$ -	\$ -	\$ -	
A17115-54920	AWARDS & CLAIMS	\$ -	\$ -	\$ -	

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YEAR-TO-DATE BUDGET REPORTP
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FOR 2020 13

ACCOUNTS A	FOR: GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
A104042 CLERK OF THE LEGISLATIVE BOARD								
A104042	41289 DEPARTMENTAL FEES	0	-10,000	-10,000	.00	.00	-10,000.00	.0%*
	TOTAL CLERK OF THE LEGISLATIVE BOARD	0	-10,000	-10,000	.00	.00	-10,000.00	.0%
A10405 CLERK OF THE LEGISLATIVE BOARD								
A10405	51005 PERSONAL SERVICES	99,442	0	99,442	71,329.54	.00	28,112.64	71.7%
A10405	54000 TELEPHONE	300	0	300	174.74	.00	125.26	58.2%
A10405	54001 COPYING/PRINTING	1,100	-864	236	.00	.00	236.00	.0%
A10405	54002 COMPUTER MTN/AGREE	14,956	0	14,956	12,407.10	2,548.90	.00	100.0%
A10405	54005 Office Materials &	1,000	0	1,000	671.86	328.14	.00	100.0%
A10405	54020 POSTAGE	500	950	1,450	879.71	.00	570.29	60.7%
A10405	54035 EDUCATION & TRAINI	200	0	200	.00	.00	200.00	.0%
A10405	54040 ASSOC/MEMBERSHIP D	375	0	375	100.00	.00	275.00	26.7%
A10405	54041 PUBLICATIONS	100	304	404	234.00	170.00	.00	100.0%
A10405	54045 Travel & Sustenanc	400	0	400	123.38	.00	276.62	30.8%
A10405	54047 MILEAGE REIMBURSEM	100	0	100	.00	.00	100.00	.0%
A10405	54055 PROFESSIONAL SERVI	500	5,000	5,500	.00	.00	5,500.00	.0%
A10405	54070 LIABILITY INSURANC	585	0	585	250.58	.00	334.42	42.8%
A10405	54075 OFFICE EQUIPMENT	500	4,330	4,830	1,445.91	208.88	3,175.21	34.3%
A10405	54076 DWYPK Building Repa	0	90,000	90,000	71,496.57	6,170.98	12,332.45	86.3%
A10405	54212 I/D PHONE	648	0	648	396.00	.00	252.00	61.1%
A10405	54213 I/D COPIER	1,600	280	1,880	1,248.12	.00	631.88	66.4%
A10405	54400 Food Materials & S	700	0	700	444.43	.00	255.57	63.5%
A10405	58020 RETIREMENT	12,928	0	12,928	.00	.00	12,927.65	.0%
A10405	58030 FICA	7,607	0	7,607	5,329.88	.00	2,277.45	70.1%
A10405	58040 WORKERS COMP	4,790	0	4,790	3,943.87	.00	846.13	82.3%
A10405	58060 HEALTH INS	28,654	-15,095	13,559	6,100.52	.00	7,458.44	45.0%
A10405	58062 DENTAL INS	180	0	180	132.24	.00	48.24	73.3%
A10405	58065 VISION CARE BENEFI	20	0	20	.00	.00	19.60	.0%
	TOTAL CLERK OF THE LEGISLATIVE BOARD	177,185	84,905	262,090	176,708.45	9,426.90	75,954.85	71.0%
	TOTAL GENERAL FUND	177,185	74,905	252,090	176,708.45	9,426.90	65,954.85	73.8%
	TOTAL REVENUES	0	-10,000	-10,000	.00	.00	-10,000.00	
	TOTAL EXPENSES	177,185	84,905	262,090	176,708.45	9,426.90	75,954.85	

Attachment: YTD Budget September - Clerk of the Legislature (7955 : Clerk of the Legislature Monthly

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shempsteadCortland County
YEAR-TO-DATE BUDGET REPORTP
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FOR 2020 13

ACCOUNTS FOR: A GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
A101042 COUNTY LEGISLATURE							
A101042 41289 1011 DEPARTMENTAL	-10,000	0	-10,000	-10,000.00	.00	.00	100.0%
TOTAL COUNTY LEGISLATURE	-10,000	0	-10,000	-10,000.00	.00	.00	100.0%
A10105 COUNTY LEGISLATURE							
A10105 51010 PART-TIME PAY	186,355	0	186,355	130,989.00	.00	55,366.00	70.3%
A10105 54000 TELEPHONE	0	0	0	42.96	.00	-42.96	100.0%*
A10105 54040 ASSOC/MEMBERSHIP D	0	29,675	29,675	28,870.00	.00	805.00	97.3%
A10105 54045 Travel & Sustenanc	2,000	4,644	6,644	1,920.95	.00	4,722.87	28.9%
A10105 54047 MILEAGE REIMBURSEM	3,500	0	3,500	2,392.80	.00	1,107.20	68.4%
A10105 54048 COV19 Prog Spec Mat	0	2,500	2,500	.00	.00	2,500.00	.0%
A10105 54055 PROFESSIONAL SERVI	0	183,107	183,107	102,905.00	24,675.00	55,527.00	69.7%
A10105 54055 1011 PROFESSIONAL S	10,000	-4,000	6,000	1,555.00	155.00	4,290.00	28.5%
A10105 54060 LEGAL NOTICES / AD	500	1,000	1,500	932.39	23.49	544.12	63.7%
A10105 54070 INSURANCE	5,475	0	5,475	5,229.33	.00	245.67	95.5%
A10105 54075 OFFICE EQUIPMENT	0	2,000	2,000	1,731.79	.00	268.21	86.6%
A10105 54212 I/D PHONE	325	0	325	144.00	.00	181.00	44.3%
A10105 58020 RETIREMENT	1,346	0	1,346	.00	.00	1,345.89	.0%
A10105 58030 FICA	14,256	0	14,256	10,015.42	.00	4,240.67	70.3%
A10105 58040 WORKERS COMP	20,366	0	20,366	16,768.47	.00	3,597.53	82.3%
A10105 58062 DENTAL INS	90	0	90	66.12	.00	24.12	73.3%
A10105 58065 VISION CARE BENEFI	20	0	20	14.25	.00	5.75	71.3%
TOTAL COUNTY LEGISLATURE	244,233	218,926	463,159	303,577.48	24,853.49	134,728.07	70.9%
TOTAL GENERAL FUND	234,233	218,926	453,159	293,577.48	24,853.49	134,728.07	70.3%
TOTAL REVENUES	-10,000	0	-10,000	-10,000.00	.00	.00	
TOTAL EXPENSES	244,233	218,926	463,159	303,577.48	24,853.49	134,728.07	

Attachment: YTD Budget September - Legislature (7954 : Legislature Monthly Budget Report)

10/05/2020 10:02

Cortland County
YEAR-TO-DATE BUDGET REPORTP
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FOR 2020 12

ACCOUNTS FOR:
GENERAL FUNDORIGINAL
APPROPTRANSFERS/
ADJUSTMENTSREVISED
BUDGET

YTD EXPENDED

ENCUMBRANCES

AVAILABLE
BUDGETPCT
USED

A14305 PERSONNEL - CIVIL SERVICE

A14305 51005	PERSONAL SERVICES	265,062	0	265,062	188,090.33	.00	76,971.43	71.0%
A14305 51020	OVERTIME PAY	1,000	0	1,000	439.49	.00	560.51	43.9%
A14305 54000	TELEPHONE	400	0	400	282.46	.00	117.54	70.6%
A14305 54001	PRINTING/COPYING	400	0	400	.00	.00	400.00	.0%
A14305 54005	Office Materials & POSTAGE	2,000	0	2,000	905.34	.00	989.78	50.5%
A14305 54020	EDUCATION & TRAINING	3,500	0	3,500	1,758.91	.00	1,741.09	50.3%
A14305 54035	ASSOC/MEMBERSHIP D	500	0	500	.00	.00	500.00	.0%
A14305 54040	PUBLICATIONS	1,300	0	1,300	594.95	.00	705.05	45.8%
A14305 54041	Travel & Sustenanc	1,400	0	1,400	1,073.98	.00	326.02	76.7%
A14305 54045	LEGAL NOTICES / AD	4,500	0	4,500	3,228.38	.00	500.00	98.9%
A14305 54060	LEGAL FEES	4,500	0	4,500	21,893.65	15,221.62	22,553.35	62.4%
A14305 54063	INSURANCE	60,000	0	60,000	2,331.41	.00	468.59	83.3%
A14305 54070	OFFICE EQUIPMENT	2,800	0	2,800	.00	.00	200.00	.0%
A14305 54075	Fuel	200	0	200	.00	.00	250.00	.0%
A14305 54078	I/D COPIER	250	0	250	648.00	.00	216.00	75.0%
A14305 54212	EMPLOYEES EXPENSES	1,678	0	1,678	1,131.83	.00	546.17	67.5%
A14305 54380	FEES & PERMITS	25,168	0	25,168	9,928.45	.00	15,239.55	39.4%
A14305 54444	EVALUATIONS	5,523	0	5,523	15.00	.00	5,507.50	.3%
A14305 54505	REIMBURSEMENTS	1,100	0	1,100	.00	.00	1,100.00	.0%
A14305 54600	CONTRACTED MEDICAL	5,000	0	5,000	.00	.00	3,570.00	28.6%
A14305 54615	AUDITOR	5,000	0	5,000	990.00	.00	4,500.00	.0%
A14305 54750	RETIREMENT	4,500	0	4,500	.00	.00	34,588.00	.0%
A14305 58020	FICA	34,588	0	34,588	.00	.00	7,786.13	63.0%
A14305 58030	WORKERS COMP	21,025	0	21,025	13,239.03	.00	2,115.31	82.3%
A14305 58040	HEALTH INS	11,975	0	11,975	9,859.69	.00	14,589.10	77.9%
A14305 58060	DENTAL INS	65,927	0	65,927	51,338.30	.00	186.72	58.6%
A14305 58062	VISION CARE BENEFIT	451	0	451	264.48	.00	41.00	58.2%
A14305 58065		98	0	98	57.00	.00		
TOTAL PERSONNEL - CIVIL SERVICE		522,209	0	522,209	308,070.68	17,319.50	196,818.84	62.3%
TOTAL GENERAL FUND		522,209	0	522,209	308,070.68	17,319.50	196,818.84	62.3%
TOTAL EXPENSES		522,209	0	522,209	308,070.68	17,319.50	196,818.84	62.3%