

Establishing A Policy To Increase The Amount Of Hours In An Employee's Legal Work Week Regarding The Modification Of The Legal Work Week For Ulster County Employees

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Maio, Maloney, Provenzano, Rodriguez and Ronk) and The Health and Personnel Committee (Chairman Aiello and Legislators Belfiglio, Robert Parete, Provenzano and Ronk)

Chairman of the Ways and Means Committee, Richard A. Gerentine, offers the following:

WHEREAS, the Charter deems the Ulster County Legislature as the legislative, appropriating and policy-determining body of the County; and

WHEREAS, section C-11(F) of the Charter states that it is the Legislature's responsibility to fix the number of hours constituting a legal day's work (**hereinafter referred to as "basic/standard work week"**) for all classes of County employees; and

~~WHEREAS, the Legislature has established that the normal work week is 35 hours a week on a regular full time basis in all departments except the Sheriff's Department, Public Works Department Highway and Bridges, Office of the Clerk of the Legislative Board, Emergency Communications, and Board of Elections; and~~

~~WHEREAS, from time to time, an appointing authority wishes to increase the amount of hours for a legal work week for an employee; now, therefore be it~~

~~RESOLVED, that any appointing authority that wishes to increase the amount of hours for a legal work week for an employee shall seek the approval of the Legislature prior thereto; and, be it further~~

~~RESOLVED, that the appointing authority shall file with the Clerk of the Legislature a request that shall include the name of the employee whose legal work week would be increased, a description of the employee's responsibilities, the fiscal impact of the increase in hours, and an explanation for the need to increase the legal work week; and, be it further~~

~~RESOLVED, that in the event the Legislature does not approve the request, the appointing authority shall be prohibited from changing the employee's legal work week,~~

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WHEREAS, prior to the adoption and enactment of the Charter, the County Legislature established 35 hours a week as the basic/standard work week for full time employees with certain exceptions resulting from labor agreements and/or appropriations adopted in the County Budget; and

WHEREAS, since the adoption of the Charter, both the County Legislature, under its policy making authority, and the County Executive under his authority as the chief executive of the County, together with their duties and responsibilities as set forth under the Charter and relevant law, have continued to recognize the 35 hour week as the basic/standard work week for full time employees with certain exceptions continuing to result from labor agreements and/or appropriations adopted in the County Budget; and

WHEREAS, from time to time, the County Executive, under his authority as the chief executive officer of the County and his responsibility for the proper administration of the County, has the authority to authorize and has authorized alternative work schedules, non-permanent in nature, from time-to time, for certain employees for the purpose of the orderly management and operation of the affairs of the County; and

WHEREAS, pursuant to Section C-32 of the Charter, it is the duty of the County Executive to prepare and file the County budgets for each fiscal year in accordance with the provisions of the Charter and applicable state law; and

WHEREAS, pursuant to Section C-33 of the Charter, the head of each department, agency, office or unit of County government is required to submit to the County Executive annual budget estimates for their respective departments, agencies, offices or units of County government; now, therefore, be it

RESOLVED, that the permanent modification of the basic/standard work week may only be addressed and authorized within the annual budget or the approval of a labor agreement; and, be it further

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RESOLVED, that in the event that the head of any County department, agency, office or unit of government, including the Comptroller, County Clerk, District Attorney and Sheriff, seeks to permanently modify the amount of hours for a basic/standard work week for any position, other than for a non-permanent alternative work schedule, he or she shall submit to the County Executive together with his or her annual budget estimate, a detailed estimate that shall include the position sought to be modified, a description of the responsibilities in support thereof, the fiscal impact of the modification of hours, and an explanation for the need for such a modification; and, be it further

RESOLVED, that in the event that the head of any County department, agency, office or unit of government, including the Comptroller, County Clerk, District Attorney and Sheriff, seeks to permanently modify the amount of hours for a basic/standard work week for any employee, other than for a non-permanent alternative work schedule, the County Executive shall include notification thereof to the Legislature when the recommended budget is presented to the Clerk of the Legislature; and, be it further

RESOLVED, that the head of any County department, agency, office or unit of government, including the Comptroller, County Clerk, District Attorney and Sheriff, shall be prohibited from permanently modifying any employee's basic/standard work week which has not been authorized within the annual budget or the approval of a labor agreement; and, be it further

RESOLVED, that this resolution shall be prospective in nature and shall not apply to any modifications of an employee's basic/standard work week which has been authorized within the prior annual budget(s) or any approved labor agreements,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 12 NOES: 0

(Absent: Legislators Aiello, Briggs, Fabiano, Harris, Lopez, Maio, John Parete, Robert Parete, Provenzano, Roberts, and Wawro)

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Passed Committee: Ways and Means as amended on December 17, 2013

Postponed in Committee: Health and Personnel on December 2, 2013

FINANCIAL IMPACT:

NONE

Legislator Gerentine motioned, seconded by Legislator Ronk, to amend the resolution title and body by striking certain language, and by inserting the language in bold font, as indicated above.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 12 NOES: 0

(Absent: Legislators Aiello, Briggs, Fabiano, Harris, Lopez, Maio, John Parete, Robert Parete, Provenzano, Roberts, and Wawro)

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 17th Day of December, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of December in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
20th Day of December, 2013.

Approved by the County Executive this
30th Day of December, 2013.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive