

SUFFOLK COUNTY LEGISLATURE



BUDGET REVIEW OFFICE

March 11, 2020

To: Robert Calarco, Presiding Officer
and All Suffolk County Legislators

From: Lance Reinheimer, Director 
Budget Review Office

Subject: **Analysis of the 2019-2024 Suffolk County Deputy Sheriffs Police
Benevolent Association Contract**

This memo provides the Legislature with an analysis of the cost and fiscal impact of the agreement between the County Executive and the Suffolk County Deputy Sheriffs Police Benevolent Association (DSPBA) signed on March 3, 2020, representing a new labor agreement for the period of January 1, 2019 to December 31, 2024.

Summary

To project the salary costs associated with the proposed agreement we used the 3-8-20 biweekly payroll, which included 252 Deputy Sheriffs. We projected costs for each employee including steps and salary increases where applicable. Based on the actual number of retirements in 2019, we assumed ten retirements each year and a class of ten Deputy Sheriffs each fall. Although there is no net change in the projected workforce, adjustments are made to account for the higher salaries of retiring employees and the lower salaries of new employees.

For overtime and items not specifically addressed elsewhere in this document, we assumed expenditures as reported in the 2019 W-2 report and increased them by the same percentage as salaries. Retirement costs were calculated using a blended ERS contribution rate of 28.4% based on the latest NYS projection for Suffolk County. Social Security is calculated at 7.65% since the majority of employees earn less than the \$137,700 FICA wage cap.

The methodology used in the Executive's fiscal impact statement (FIS) differs from the BRO methodology in two regards. First, the Executive FIS is limited to the five-year period from 2019 to 2013; our analysis extends through the term of the contract, 2024. Second, the Executive assigns savings associated with Section 5 of the agreement, which prohibits the DSPBA from joining another employee benefit fund, as allowed under the current agreement. Since the union could have

exercised this option at any point during the last seven-year agreement, and chose not, BRO did not assume that the union would have automatically joined a more expensive benefit fund in 2020. Accordingly, we did not subtract savings from a cost that the County has yet to incur.

BRO projects an average annual cost from 2019 to 2024 of \$2.5 million and a total cost of \$15 million through the term of the contract. We estimate a cost of \$10 million through 2023, compared to \$7.8 million projected by the Executive, a difference \$2.28 million. After adjusting for the difference in methodology regarding the benefit fund provision, the BRO projection differs from the Executive's by an average of approximately \$23,000 annually, \$115,000 through 2023. The following table summarizes the BRO estimated cost for the DSPBA contract from 2019 to 2024 by category and compares the total projected cost to the County Executive's fiscal impact statement.

BRO Cost of 2019-2024 DSPBA Contract							
Category	2019	2020	2021	2022	2023	2024	Total
Permanent Salaries	\$70,974	\$690,601	\$930,006	\$1,332,947	\$1,754,483	\$2,287,787	\$7,066,797
Overtime and other Salaries	\$34,794	\$264,630	\$315,112	\$587,857	\$846,180	\$1,182,540	\$3,231,112
Terminal Pay	\$0	\$10,988	\$15,191	\$24,229	\$35,135	\$49,069	\$134,612
Longevity	\$0	\$68,950	\$86,600	\$98,850	\$107,800	\$118,400	\$480,600
Cleaning and Clothing	\$0	\$129,900	\$129,900	\$129,900	\$129,900	\$129,900	\$649,500
Stipends	\$0	\$50,843	\$50,908	\$50,985	\$51,074	\$51,076	\$254,885
Social Security	\$8,091	\$92,177	\$115,708	\$168,341	\$221,042	\$288,382	\$893,741
Retirement	\$0	\$30,038	\$345,319	\$433,871	\$631,834	\$830,579	\$2,271,641
BRO Total	\$113,859	\$1,338,126	\$1,988,743	\$2,826,979	\$3,777,448	\$4,937,732	\$14,982,888
BRO Cumulative	\$113,859	\$1,451,985	\$3,440,728	\$6,267,708	\$10,045,156	\$14,982,888	
Executive Cost of 2019-2024 DSPBA Contract							
Category	2019	2020	2021	2022	2023	2024	Total
Executive FIS Cost	\$63,279	\$1,295,578	\$1,981,006	\$2,809,495	\$3,780,861	NA	\$9,930,219
Executive FIS Savings	\$0	(\$418,143)	(\$524,854)	(\$581,330)	(\$638,825)	NA	(\$2,163,152)
Executive FIS Total	\$63,279	\$877,435	\$1,456,152	\$2,228,165	\$3,142,036	NA	\$7,767,067
Executive FIS Cumulative	\$63,279	\$940,714	\$2,396,866	\$4,625,031	\$7,767,067	NA	
Comparison Cost of 2019-2024 DSPBA Contract							
Category	2019	2020	2021	2022	2023	2024	Total
BRO - Exec	\$50,580	\$460,691	\$532,591	\$598,814	\$635,412	NA	\$2,278,089
BRO - Exec (Exclud. Benefit Fd.)	\$50,580	\$42,548	\$7,737	\$17,484	(\$3,413)	NA	\$114,937

Term of Contract (Section I): The term of this contract is six (6) years from January 1, 2019 through December 31, 2024.

Base Salary schedule (Section 2): Base Salary is increased for members hired before May 1, 2017 as follows. The percentages are the same as in the recently settled Correction Officers Association contract.

Effective Date	% Increase
January 1, 2019	0%
January 1, 2020	2%
July 1, 2021	1.50%
July 1, 2022	1.75%
July 1, 2023	2%
July 1, 2024	2.75%

Pay Scale (Section 3)

Prior to the 2011-2018 agreement, there were six steps in the Deputy Sheriff pay scale. Members hired before May 1, 2017 will remain on this salary schedule. Currently, 210 of the 252 Deputy Sheriffs are on this schedule, 197 of which are at top step. The remaining 13 employees will reach top step in 2021.

Under the previous agreement, members hired after May 1, 2017 were placed in a 24-step schedule with increases occurring every six months. The new salary schedule provided savings because it would take employees twice as long to reach top step, and the top step salary was set approximately 16% lower for Deputy Sheriff I, 17% less for Deputy Sheriff II, and 22% less for Deputy Sheriff III and IV.

The 2019-2024 agreement preserves the 24-step schedule, but increases it in accordance with Attachment A of the MOA, which allows Deputy Sheriff I employees to eventually reach the same top step salary as employees hired before May 1, 2017. The following table compares estimated annual salaries (including rotating shift pay) for employees hired under the 2011-2018 agreement and the proposed 2019-2024 agreement. Under the proposed agreement, permanent salaries for Deputy Sheriff I employees will be an average of approximately \$18,000 higher each year for the first 12 years, and \$26,700 each year thereafter. When promoted to Deputy Sheriff II-IV, annual salary costs will be approximately \$31,000, \$36,000, and \$42,000 higher, respectively.

Salary Schedule for Members Hired After May 1, 2017						
Title	Year	Step	2011-2018	2019-2024	Annual Cost	Cumulative Cost
Deputy Sheriff I	1	1	\$33,752	\$37,537	\$3,785	\$3,785
		2				
	2	3	\$36,780	\$42,815	\$6,034	\$9,820
		4				
	3	5	\$39,809	\$48,651	\$8,841	\$18,661
		6				
	4	7	\$42,838	\$55,046	\$12,207	\$30,868
		8				
	5	9	\$46,487	\$62,908	\$16,421	\$47,290
		10				
	6	11	\$52,014	\$71,452	\$19,438	\$50,307
		12				
	7	13	\$57,540	\$78,147	\$20,606	\$70,913
		14				
	8	15	\$63,081	\$84,841	\$21,760	\$92,673
		16				
	9	17	\$68,593	\$91,536	\$22,942	\$115,616
		18				
	10	19	\$74,135	\$98,229	\$24,095	\$139,710
		20				
	11	21	\$79,647	\$104,924	\$25,277	\$140,893
		22				
	12	23	\$85,188	\$111,618	\$26,431	\$167,323
		24				
13	24	\$86,574	\$113,274	\$26,700	\$194,024	
Deputy Sheriff II			\$100,425	\$131,398	\$30,972	
Deputy Sheriff III			\$116,494	\$152,421	\$35,928	
Deputy Sheriff IV			\$135,133	\$176,809	\$41,676	

The pay scale in Attachment A includes an increase effective July 17, 2019 that averages 14%. We included retroactive payments for the 31 employees affected by the change in pay scale in our cost of the contract. For salaries, overtime, and other expenses we estimate a cost of approximately \$106,000. The following table shows the estimated salary costs for all DSPBA members by year for each category not specifically calculated elsewhere in this report.

2019-2024 Salary Costs (excluding stipends and longevity)							
Category	2019	2020	2021	2022	2023	2024	Total
Permanent Salaries	\$70,974	\$690,601	\$930,006	\$1,332,947	\$1,754,483	\$2,287,787	\$7,066,797
Overtime and other Salaries	\$34,794	\$264,630	\$315,112	\$587,857	\$846,180	\$1,182,540	\$3,231,112
Terminal Pay	\$0	\$10,988	\$15,191	\$24,229	\$35,135	\$49,069	\$134,612
Total	\$105,767	\$966,219	\$1,260,308	\$1,945,032	\$2,635,798	\$3,519,396	\$10,432,521

Sick Leave (Section 4)

DSPBA members hired after May 1, 2017 and before the full ratification of this agreement will no longer be credited with sick time for each day they are actually ill and unable to work and instead will be credited with an annual allotment of 13 days each January 1, beginning January 1, 2021, in accordance with Section 16.4 of the baseline agreement. These employees will also be credited with 11 sick days for 2020 and between 0 and 3 additional days for each year they have been employed that will be pro-rated depending upon their sick leave usage in those years. Additionally, these members that have used all their sick time will be granted extended sick leave in accordance with Section 16.4 of the baseline agreement except capped at half pay for up to 6 pay periods in 2020 and at half pay for up to 4 pay periods in each of 2021-2024.

DSPBA members hired after May 1, 2017 and before the full ratification of this agreement or prior to December 31, 2005 (171 currently) receive thirteen sick days annually and are paid out for 50% of accumulated unused sick time up to 180 days paid for 360 days accumulated upon retirement or death. Employees hired after the full ratification of this agreement will earn sick time and be paid for accrued sick time in the same way. DSPBA members hired between December 31, 2005 and May 1, 2017 (81 currently) will continue to be credited with sick time for each day they are actually ill and unable to work and therefore will not accumulate unused sick time. We believe this provision of the contract will result in savings to the County, somewhat offset by additional terminal pay costs in future years. By limiting the amount of sick days available to employees, absences will likely decrease thereby reducing the need to cover shifts with overtime.

Benefit Fund (Section 5)

The MOA deletes a paragraph in Section 14 of the Collective Bargaining Agreement that allows the DSPBA to change its membership to another existing county Benefit Fund. There is no cost for this provision; however, there is a cost avoidance to the County for preventing the DSPBA from joining the PBA Benefit Fund, which has a larger per member contribution.

Clothing (Section 6) and Cleaning (Section 7)

This section increases the clothing and cleaning allowances set forth in Section 6.11 and Appendix B of the Collective Bargaining Agreement. The cleaning allowance, which applies to all members, increases by \$450 from \$800 to \$1,250; the clothing allowance, which applies to 55 members, increases by \$300 from \$700 to \$1,000. These provisions would cost a combined \$129,500 annually.

Longevity (Section 8)

Longevity will be increased in each year of the MOA as illustrated in the following table.

Effective Date	Increase
January 1 2020	\$350 at years 5,10,15,20,25,30
January 1 2021	\$100 at years 10,15,20,25,30
January 1 2022	\$100 at years 15,20,25,30
January 1 2023	\$100 at years 20,25,30
January 1 2024	\$100 at years 20,25,30

The total estimated additional cost to the County resultant from these increases over the life of the agreement is \$480,600 assuming the ten most senior employees retire in each year of the agreement.

Supplemental Tasks Stipend (Section 9)

Effective January 1, 2020, an annual stipend of \$1,000 shall be paid to all employees assigned to the Sheriff's Response Team (SRT). This stipend shall not increase the members' "rate of pay" for other compensation calculations. This provision of the agreement would apply to 34 employees currently and will cost the County \$34,000 annually based upon the number of employees currently eligible to receive the stipend.

Investigator Salary Charts (Section 10)

There are four steps beyond the top-step Deputy Sheriff salary for those employees designated as Deputy Sheriff Investigators. The agreement sets step 1 of the DSI Investigator schedule at five percent above the top step salary, step 2 at six percent, step 3 at seven percent, and step 4 at eight percent. The new index is approximately one percent higher than the current index. There are currently 39 DSI Investigators. The following table shows the estimated cost each year for the new index. These costs are included in Permanent Salaries in Section 3 of this report.

Investigator Pay Scale Costs						
2019	2020	2021	2022	2023	2024	Total
\$0	\$60,886	\$61,113	\$61,868	\$63,024	\$65,027	\$311,917

Personal Leave (Section 11)

This section pro-rates personal leave in an employee's separation year for all months including month of separation. The provision is intended to reduce the County's terminal pay liability. Assuming 10 annual retirements, the maximum savings is approximately \$2,500 annually.

Education (Section 12)

This provision reduces the college credit requirement for top step from 120 to 90 credits for employees without a Bachelor's degree that were hired after May 1, 2017 and completed the Suffolk County Police Academy, but did not receive college credit for the SC Police Academy. There are no costs or savings associated with this provision.

Sick Leave Management (Section 13)

Employees designated as a first-time sick leave abuser are eligible to work overtime 90 days after the designation, provided the employee used no sick leave during their designation as a sick leave abuser. There are no costs or savings associated with this provision.

X Days (Section 14)

This section increases the number of X days, which are additional days off, from five days to seven days for personnel working Monday through Friday with a fixed shift. There are currently 50 Deputies working these shifts. The intent of the provision is to close the gap in workdays between those on rotating shift and those on fixed shift. Although these day shift employees are unlikely to be replaced during their absence, there is a potential cost to the County associated with compensating employees for these vacation days, if they are unused, upon separation from the County.

Representative Compensation (Section 15)

Effective January 1, 2020, all DSPBA Executive Board members will receive an annual \$2,500 stipend for work performed on their days off. This provision of the agreement would apply to five employees currently and is estimated to cost the County \$12,500 during each year of the agreement.

Range Day (Section 17)

This section adds one additional work day to the Deputies' work year for firearms qualification training. The intent is to reduce overtime costs related to firearms qualification; however, it is unlikely that any significant overtime savings will be realized.

Canine (Section 18)

This provision amends Section 6.7 and Appendix B of the Collective Bargaining Agreement to state that effective January 1, 2020, Deputy Sheriffs assigned a canine will receive the same canine allowance as the Suffolk County Police Benevolent Association members, 30 minutes of straight time pay per day (3.5 hours per week) at the prevailing rate of pay. This provision currently applies to three Deputies, all at top step. This provision would cost the County an average of \$4,477 from 2020 to 2024, \$22,385 for the entire contract.

Overtime (Section 19)

This section amends Section 9.1 of the Collective Bargaining Agreement by adding a provision that all employees hired on or after December 31, 2005 and who work a regular 5 on and 2 off shift with holidays should count those holidays as days worked for FLSA purposes. This portion of the agreement is intended to reduce overtime by higher paid Deputies. We did not assign a cost or savings to this provision.