

Intro. Res. No. 1362-2020

Laid on Table 4/28/2020

Introduced by Legislators Hahn, Berland, Fleming, Calarco, Piccirillo, Gonzalez, Sunderman, Anker, Muratore, Flotteron, Richberg and Spencer

RESOLUTION NO. 441 -2020, ADOPTING LOCAL LAW NO. 20 -2020, A LOCAL LAW TO PROVIDE STATE AUTHORIZED BENEFITS TO CERTAIN COUNTY EMPLOYEES WHO SERVE OUR NATION IN THE MILITARY RESERVES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2020, a proposed local law entitled, **“A LOCAL LAW TO PROVIDE STATE AUTHORIZED BENEFITS TO CERTAIN COUNTY EMPLOYEES WHO SERVE OUR NATION IN THE MILITARY RESERVES”**; now, therefore be it

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

LOCAL LAW NO. 20 -2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROVIDE STATE AUTHORIZED BENEFITS TO CERTAIN COUNTY EMPLOYEES WHO SERVE OUR NATION IN THE MILITARY RESERVES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County employs many individuals who are both civil servants and military reservists and has the largest population of veterans in New York State.

This Legislature also finds and determines that NYS Military Law §242(5) now authorizes local governments to extend a new benefit to military reservists who are employees or officers and become activated for combat service.

This Legislature further finds and determines that NYS Military Law §242(5)(c) allows local governments to authorize the provision of five (5) additional days of paid sick leave each calendar year to public employees who are activated from the military reserves and need such time to address health concerns arising from their combat service.

This Legislature hereby finds and determines that these recent amendments to NYS Military Law §242(5)(c) became effective on March 10, 2020.

This Legislature determines that opting in to NYS Military Law §242(5)(c) would be beneficial to reservists who are employees or public officials of Suffolk County government and provides another means for the County to support those employees who volunteer to protect this nation.

Therefore, the purpose of this law is to authorize the implementation of NYS Military Law §242(5)(c) for employees and officers of Suffolk County.

Section 2. Definitions.

As used in this article, the following term shall have the meaning indicated:

PUBLIC OFFICER OR EMPLOYEE – every person, by whatsoever title, description or designation known, who receives any pay, salary or compensation of any kind from the County of Suffolk, but shall not include a person holding a position in the exempt class of the civil service whose appointment is terminated or whose position is filled by other than a substitute appointee.

Section 3. Additional sick leave for health-related services related to military combat duty.

A. Every public officer or employee who has served in a combat theater or combat zone of operations as documented by a copy of his or her DD214, certificate of release or discharge from active duty, or other applicable department of defense documentation, shall be entitled to additional paid leave for health-related services related to duty in a combat theater or combat zone of operations, not to exceed five working days in any one calendar year.

B. Nothing in this law shall be construed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement.

Section 4. Applicability.

This law shall apply to all combat theatre veterans and combat zone of operations veterans employed by Suffolk County during the time of their military deployment on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect on January 1, 2021.

DATED: June 9, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 23, 2020

After a public hearing duly held on June 22, 2020
Filed with the Secretary of State on July 15, 2020