

UNFINISHED BUSINESS

Referral No. 9497

October 15, 2013

**LOCAL LAW NO. 5 OF 2013
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe)

Mr. Wolfe offered the following Local Law, which was seconded by Mrs. Low-Hogan and unanimously adopted:

A local law creating the Rockland county public employee rehiring disclosure act.

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

Section 1. Title.

This local law shall be known as the Rockland county public employee rehiring disclosure act.

Section 2. Legislative Intent.

It is the intention of the legislature of Rockland county to develop a policy to prevent former employees who have left, separated or retired from county government and have received compensation for unused fringe benefits or incentives to separate or incentives for early retirement or other forms of monetary payments other than wages for days worked, from returning to county employment as an employee, consultant or outside contractor. There have been incidents where those who have received enhanced compensation or enhanced pension credits have returned to county employment, as an employee, and become eligible for additional enhanced compensation or enhanced pension credits on their next termination of employment.

The county has participated in New York State pension incentives and/or created local Rockland county created incentive proposals to encourage employees to terminate employment with the county. These programs were represented as a means to achieve financial savings to the County as a result of terminations of employment, however it was later discovered that some participating employees were rehired or employed again. Therefore the financial benefits sought were not realized or drastically reduced in value.

The legislature, as the appropriating and policy-making arm of county government, has the duty and obligation to ensure that employees who receive enhanced compensation or enhanced pension credits not be rehired. The legislature needs to be able to rely upon savings projections and enforce the intention and/or representations offered; specifically, that there would be savings and/or reduction in personnel of the county workforce when enhanced compensation or enhanced pension credits are received by employees.

In order to obtain the savings and to follow through on the understandings set forth upon agreeing to multiple forms of employment reduction, it is an absolute necessity that re-hiring of individuals who have received enhanced compensation or enhanced pension credits not be rehired by the county executive without the concurrence of the legislature on a verification of the need, necessity and stated duration of such rehiring and protection against additional accruals given to rehired employees after having already been compensated in the first instance.

Section 3. Definitions.

- A. Enhanced compensation shall mean the payment to a retiring or separating employee as an incentive to participate in an offering to terminate employment with the county and also be paid all or some of said employee's unused fringe benefits, steps or any form of termination payment, excluding payment for days worked.
- B. Enhanced pension credits shall mean the addition of days or months of credited service or credited compensation for days not worked as an incentive to participate in an offering to terminate employment with the county, to be included in the calculation of a retiring or separating employee's New York State and Local Retirement Pension.

Section 4. Public Employee Abuse Prevention Restrictions

- A. The county of Rockland shall not rehire or employ as a contractor, consultant or employee, any former Rockland county employee who has previously received enhanced compensation or enhanced pension credits.
- B. No employee who has received enhanced compensation or enhanced pension credits shall be appointed as a non-union employee, whether pending or not pending the taking of civil service test, nor hired as a temporary employee.
- C. The prohibition on rehiring or contracting with former employees who received enhanced compensation or enhanced pension credits may be waived by resolution of the county setting forth the justification and need to rehire said employee and state the duration of his or her reemployment and the compensation rate for said rehired employee.

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, effect 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. Effective date.

This local law shall become effective upon filing with the New York State secretary of state.

