



Office of Erie County Comptroller  
**HON. STEFAN I. MYCHAJLIW**  
95 Franklin Street • 11th Floor • Buffalo, New York 14202 • (716) 858-8400

Contact: **Bryan Fiume**, Chief of Staff & Associate Deputy Comptroller  
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**FOR IMMEDIATE RELEASE**

September 9th, 2016

## **POLONCARZ PLAYS POLITICS WITH MILITARY MEMBERS**

*Erie County Executive's Photo-Op defies the County Charter, which clearly places authority over pay with the Erie County Legislature*

(Buffalo, New York) – Erie County Comptroller Stefan I. Mychajliw publicly released this letter to Erie County Legislature Chairman John J. Mills regarding the County Executive's publicity stunt pertaining to pay for active duty members of the military that are Erie County government employees:

"It is unfortunate Mark Poloncarz is playing politics with the lives of active duty personnel and their families. The County Executive knows he does not have authority to play dictator and change pay for any county employee. The Erie County Charter is crystal clear:

***Section 202. Powers and duties.** Except as otherwise provided in this charter, the county legislature shall have and exercise all powers and duties of the county, all powers and duties heretofore or hereafter conferred or imposed on said county legislature or other county legislative body by applicable law, and all powers necessarily incidental thereto. All provisions of applicable law wherein powers and duties are conferred upon the legislative body of a county of the state of New York shall be construed to refer to the county legislature of Erie county.*

*The county legislature shall have, but not by way of limitation, the following powers and duties:*

*6. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.*

*Source: Erie County Charter, Section 202, paragraph #6*

Friday's announcement (September 9<sup>th</sup>, 2019) was a political stunt. The County Executive tried to dupe the public. He can try to mislead taxpayers, but cannot avoid the letter of the law. Only the Erie County Legislature has the authority to amend compensation for county government employees.

That is why I call on the Legislature to pass the resolution I first proposed in April. I led the initiative to pay active duty personnel their full county pay. The Legislature must do this immediately. We cannot run government by press release like Mark Poloncarz. Besides, if the County Executive cared about veterans, why did he wait five years to finally take action to help them and their families?

I am confident this proposal has the full support of your Honorable Body. It most certainly did when I first brought this proposal to the Charter Revision Commission in April.

Strong support for my proposal was confirmed when a majority of the Legislature voted in favor of it this past July. Unfortunately Mark Poloncarz vetoed the revision to support members of the military and their families. The County Executive blocked critical legislation to pay active duty military personnel their full pay. He can't hide his record behind a misguided photo-op.

By simply legislating by edict, as the County Executive has done by issuing an Executive Order that he has zero authority over, he has now put the proposal in jeopardy. I hope a legal challenge does not take place, because the charter is clear: the County Executive must act in concert with the Legislature.

My reform initiative must be completed correctly and legally. The proposal must be brought forward properly. That involves recognizing and seeking approval of the Erie County Legislature.

When I introduced the proposal to the Charter Revision Commission in April, I did so in this fashion so that the proposal would have the full force and effect of law and not be subject to the whims of changing administrations or even changing minds. Of course, the proposal suffered a set-back when the County Executive vetoed the charter revision last month.

Thankfully, by changing his mind and issuing his Executive Order, it at least demonstrates a desire to recognize the hardships that our active service members in county government face in the defense of our country.

Given his reluctance to make this a part of the Erie County Charter, I ask the County Executive and this Honorable Body to refer to COMM 1E-15 (2002) to see exactly how to properly implement such a proposal. Back in 2002, former Erie County Executive Joel Giambra and the Erie County Legislature passed a proposal to provide active duty service members who were county employees with full salary that were involved with the "War on Terrorism."

Keep in mind, Mark Poloncarz tried pulling a 'fast one' last week pertaining to the approval of a contract agreement between police officers at ECMC, represented by AFSCME, and the hospital. Just like he did with today's photo-op, the County Executive unilaterally decided to give his blessing to the extension of a salary increase without formal approval. This 'ready, fire, aim' approach to governance is bad for taxpayers, bad for veterans, and terrible for the County of Erie."

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# ERIE COUNTY COMPTROLLER

## HON. STEFAN I. MYCHAJLIW

September 9, 2016

Hon. John J. Mills  
Chairman, Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Chairman Mills,

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Sincerely,



STEFAN I. MYCHAJLIW  
Erie County Comptroller

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The county legislature shall have, but not by way of limitation, the following powers and duties:

1. To make appropriations, levy taxes and incur indebtedness.
2. To exercise all powers of local legislation in relation to enacting, amending, repealing or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the county executive in such instances as are specifically provided in this charter.  
Amended by Local Law No. 10 1974.
3. By local law to adopt, amend and repeal an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of this charter and may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter.
4. By local law to create, alter, combine or abolish county administrative units not headed by elective officers.
5. To adopt by resolution all necessary rules and regulations for its conduct and procedure.
6. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.
7. To fix the amount of bonds of officers and employees paid from county funds.
8. To make such studies and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence, deemed necessary or material to the study or inquiry.
9. To determine and make provision for any matter of county government not otherwise provided for, including any matter involved in the transition to this charter form of government.
10. To award contracts submitted to it for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In the awarding of contracts, the first consideration shall be given to the best promotion of the public interest.  
Subsection j. Added by Local Law No. 7 1978.
11. To confirm each appointment of the county executive of heads of every department, division or other administrative unit not administered by another elective official, pursuant to Article III of this Charter.

OPEN



RECEIVED  
ERIE COUNTY LEGISLATURE

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# County of Erie

JOEL A. GIAMBRA  
COUNTY EXECUTIVE

PHONE: 716-858-8500  
FAX #: 716-858-8411

January 3, 2002

Honorable Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Increase and Extension of Benefits for Reserve  
Military Personnel Called to Active Duty  
**IMMEDIATE CONSIDERATION REQUESTED**

Honorable Members:

Attached please find a proposed resolution and accompanying memorandum requesting the Legislative approval of an increase and extension of benefits for Reserve Military Personnel called to active duty in the United States Armed Services during this "War on Terrorism."

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact the Department of Labor Relations or this office and we will be happy to accommodate your request.

Very truly yours,

JOEL A. GIAMBRA  
Erie County Executive

1E-15

## RESOLUTION

Re: Increase and Extension of Benefits for Reserve  
Military Personnel Called to Active Duty  
**IMMEDIATE CONSIDERATION REQUESTED**

WHEREAS, the County of Erie through its Collective Bargaining Agreements and otherwise by law, provide certain benefits to its employees who are called to active service in the United States Armed Services, and

WHEREAS, in most cases where employees are activated for long periods of time, those negotiated benefits result in the loss of health insurance, a reduction in pay, and only provide for one thirty (30) day period of paid leave per activation, and

WHEREAS, County Executive Joel A. Giambra has determined that those negotiated benefits are insufficient in times of long-term activation, and

WHEREAS, County Executive Joel A. Giambra has further determined that the County of Erie should fully support those county employees who are called to active duty in the United States Armed Services in this time of national tragedy, and

WHEREAS, County Executive Joel A. Giambra has negotiated with the various unions representing county employees,

NOW, THEREFORE, BE IT

RESOLVED, that each county employee called to active duty in the United States Armed Services will receive, as appropriate, thirty (30) calendar days or twenty-two (22) workdays, whichever is of greater benefit, of paid Military Leave in each calendar year; and be it further

RESOLVED, that the County of Erie shall continue to maintain the health insurance benefits of those county employees called to active duty in the United States Armed Services that they would otherwise be entitled to if they were still active county employees; and be it further

RESOLVED, that the County of Erie shall supplement the military pay of those county employees called to long-term active duty in the United States Armed Services so that the combination of their full military compensation and the supplement will equal what would otherwise be their regular base County pay retroactive to the date of their activation, and be it further

RESOLVED, that the Director of Labor Relations has negotiated with the unions representing county employees that these benefits will be made available based upon the

unique circumstances of this national tragedy and will not be considered as precedent or past practice and will be limited to the current armed conflict, and be it further

RESOLVED that the Director of Budget, Management and Finance is hereby granted authority to transfer funds as required into the appropriate accounts to fully implement this Resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Personnel Department; Division of Labor Relations; Division of Budget, Management and Finance; and the Comptroller.



# County of Erie

JOEL A. GIAMBRA  
COUNTY EXECUTIVE

DIVISION OF LABOR RELATIONS

BRIAN D. DOYLE  
DIRECTOR

PHONE: (716) 858-8476

January 3, 2002

Honorable Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Increase and Extension of Benefits for Reserve  
Military Personnel Called to Active Duty  
**IMMEDIATE CONSIDERATION REQUESTED**

Honorable Members:

## I. SUMMARY OF RECOMMENDED ACTION

It is recommended that the Legislature approve the attached Resolution and that these benefits be effective as indicated.

## II. FISCAL IMPLICATIONS OF THE AMENDMENTS

The added net cost of this Resolution will be dependant upon the number of county employees called to active service in the United States Armed Services. The average cost of health insurance is approximately five hundred and sixty-five dollars (\$565.00) for family plans.

## III. BACKGROUND OF THE PROPOSAL AND REASONS FOR RECOMMENDATION

The County of Erie recognizes the invaluable contributions of those heroic county employees who are or will be called into active service in the United States Armed Services as a result of the "War on Terrorism" declared by President George Bush after the attacks on our nation on September 11, 2001. County Executive Joel A. Giambra recognized that the current benefits provided to county employees would result in those employees so activated suffering undue financial and other hardships. Based thereupon, County Executive Joel A. Giambra authorized that the additional benefits described in the attached Resolution be offered to the various unions representing county employees. The

unions have agreed to accept the benefits on a non-precedent setting basis and that said benefits will not be considered a past practice.

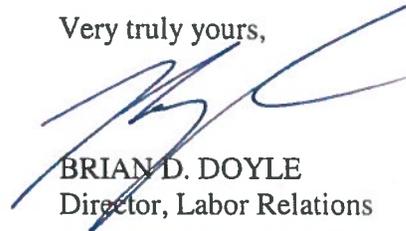
IV. CONSEQUENCES OF NEGATIVE ACTION

Failure to approve these amendments will cause those brave county employees who are called to active duty in the United States Armed Services to suffer undue financial and other hardships as a result of their activation.

V. STEPS FOLLOWING APPROVAL

Upon ratification of this Agreement, the new benefits shall become effective and the appropriate adjustments shall be made in the appropriate budgets.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'B. Doyle', is written over the typed name and title.

BRIAN D. DOYLE  
Director, Labor Relations