

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, MILLS, HARDWICK, RATH & DIXON**

Re: Proposal to prevent cash payouts to Managerial/Confidential and Department Head Appointees who resign over personal misconduct

WHEREAS, that serious allegations of personal misconduct have arisen in Erie County is an embarrassment and a shame, but it is this honorable body's responsibility to work to ensure that it does not happen again and that other inappropriate actions are discouraged; and

WHEREAS, while the previous Social Services Commissioner has left his post, he did so with a \$19,452.12 payout, netting him more than \$10,000 in cash, despite knowledge of his alleged wrongdoing; and

WHEREAS, it is the intent of this resolution to prohibit monetary windfalls from being given to managerial/confidential and department head appointees who leave county employ after violations of county policy or in anticipation of the filing of criminal charges related to workplace behavior; and

WHEREAS, NYS voters recently passed a referendum wherein public pensions can be taken away from state and local government officials convicted of felonies related to their work; and

WHEREAS, it is the finding of this body that a similar policy should be in place for a violation of workplace conduct by managerial/confidential and department head appointees relative to buyouts of accrued compensation and vacation times; and

WHEREAS, there is precedent for the County Executive to withhold accrued time payouts to managerial/confidential and department head appointees; and

WHEREAS, in light of recent events, accusations, and indictments surrounding actions by the Commissioner of Social Services this honorable body finds and determines it necessary to implement similar amendments that would prevent payouts in instances where managerial/confidential or department heads are forced to leave county employ for a violation of the county's personnel policy, especially in circumstances wherein the appointee is facing criminal charges.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to practices followed under previous administrations, and in light of current events, the County Executive shall provide contract amendments, which prohibit the practice of "cashing out" compensatory time and vacation time by a managerial/confidential or department head appointees who resigns, retires, or is laid off as a result of a violation of county policy or in contemplation of pending legal action; and, be it further

RESOLVED, that said policy shall provide an opportunity for due process at the discretion of the County Executive and County Attorney; and, be it further

RESOLVED, that in no circumstances shall accrued time payouts be made to an individual who is actively facing felony criminal charges related to workplace misconduct until and unless the individual is found not guilty or the case is resolved in favor of the defendant; and, be it further

RESOLVED, that this honorable body requests amendments to all relevant bargaining agreements be drafted and submitted to the Legislature by the County Executive for Legislative approval in time for the next regularly scheduled Session; and, be it further

RESOLVED, that going forward the Commissioner of Personnel will report back to the Legislature each situation where accrued time payouts could be withheld from a Managerial Confidential or department head appointee who leaves county employ and whether any accrued time is actually withheld; and, be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Mark Poloncarz, Commissioners of Labor Relations and Personnel, the Erie County Comptroller, the Director of Budget and Management and any other party deemed necessary and proper.

Fiscal Impact: Positive for Erie County taxpayers.