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OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

OPEN

April 12, 2011

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: District Attorney's Office
M/C Extended Sick Leave Exemption
Immediate Consideration Requested

Honorable Members:

Enclosed please find a proposed resolution and an accompanying memorandum requesting authorization to allow a one-time exemption of the rescinded Extended Sick Leave Policy for Erie County Managerial/Confidential employees.

Thank you for your immediate consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will be happy to accommodate your requests.

Very truly yours,

FRANK A. SEDITA, III
DISTRICT ATTORNEY

FAS/ah

8E-6

ACCOMPANYING MEMORANDUM

To: Erie County Legislature
From: Frank A. Sedita, III, District Attorney
Date: April 12, 2011
Re: District Attorney's Office
M/C Extended Sick Leave Exemption
Immediate Consideration Requested

I. Summary of Recommended Action

The proposed resolution requests authorization to allow an exemption of the rescinded Extended Sick Leave Policy for one Erie County Managerial/Confidential employee.

II. Fiscal Implication of Proposal

The District Attorney's Office does not foresee any fiscal implications for this proposal, as monies have already been appropriated in the 2011 approved budget for this position. We do not plan on under filling the position while she is out on leave, therefore no additional costs to the county will be incurred.

III. Reasons for Recommendation and Background of Proposal

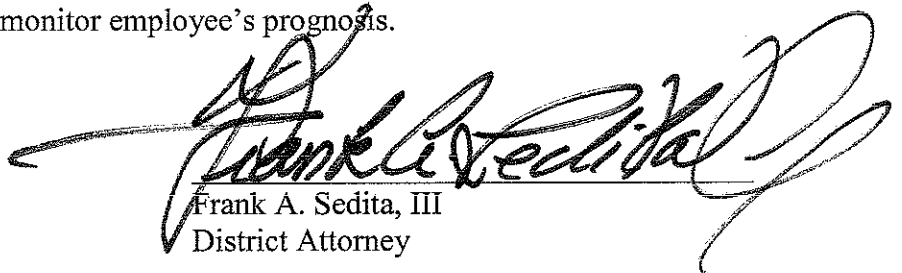
There is currently one 16 year veteran employee currently working in the Administrative Bureau who is out on an extended sick leave and will run out of benefits. Restoring the extended sick leave will allow this employee the assurance of monies and benefits during her recuperation period.

IV. Consequences of Negative Action

By not approving this one time exception of the Extended Sick Leave policy, the District Attorney's Office will run the risk of losing a veteran administrative employee. This employee is currently of good standing and is expected to return to work.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Personnel Department and Division of Budget to monitor employee's prognosis.



Frank A. Sedita, III
District Attorney

PROPOSED RESOLUTION

Re: District Attorney's Office
M/C Extended Sick Leave Exemption
Immediate Consideration Requested

WHEREAS, through a previously approved resolution Comm. (23E-8 [2005]), the Erie County Legislature approved the removal of Extended Sick Leave for Managerial Confidential employees; and

WHEREAS, the Extended Sick Leave policy was established for employees who completed continuous years of service and could be eligible to receive additional sick leave with pay as recommended by the employees' Department Head; and

WHEREAS, under the Extended Sick Leave policy, an said employee shall be eligible for the additional period of sick leave granted in accordance with the extended sick leave provision until the levels of sick leave they are entitled to are exhausted;

WHEREAS, the District Attorney has a Managerial Confidential employee who is out on sick leave and will exhaust all of her accrued sick and other available leave time and is not yet ready to return to work; and

WHEREAS, the monies have been appropriated for 2011 for this employee's salary and the District Attorney does not intend to under-fill this position; and

WHEREAS, the District Attorney has good knowledge that the employee's prognosis is good and is expected to return to full time employment; and

NOW, THEREFORE, BE IT

RESOLVED, that the Personnel Department and the Budget Office is hereby authorized to grant a one-time exemption Comm. (23E-8 [2005]), allowing a Managerial Confidential employee of the District Attorney's Office extended sick leave; and be it further

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, Erie County Personnel and the Director of Budget and Management.