

INTRO 8-3

A RESOLUTION TO BE SUBMITTED
LEGISLATOR BOVE

RE: Home Rule request to the Western New York Delegation of the New York State Legislature

WHEREAS, the County of Erie has two individuals employed by the County of Erie and the Erie County Sheriff as Deputy Sheriffs in the Criminal Division; and

WHEREAS, both the employees where precluded from electing membership in the twenty-year retirement plan pursuant to Article 14-b of the New York State Retirement and Social Security Law ("RSSL"), sections 552 and 553 because they failed to receive notification of their eligibility to elect the twenty-year retirement plan until after their enrollment period had closed; and

WHEREAS, both the bargaining unit representing the two Deputies and the management team from the Erie County Sheriff's Department concur that it would be fair and appropriate to open re-open the enrollment period to allow the two adversely impacted employees to elect the twenty-year plan, and

WHEREAS, the State Retirement System has advised that in order to re-open the enrollment period to allow the two adversely impacted employees to elect the twenty-year plan, a Home Rule Resolution would need to be introduced in the Erie County Legislature, and a bill in the New York Assembly or the New York Senate to allow for the re-opening of the enrollment period to allow Deputy Thomas Van Wie and Deputy Karen Ott-Kelly to elect the twenty-year retirement plan, and

WHEREAS, on March 21, 2011 Senate Bill S4163 was introduced in the New York State Senate to re-open the enrollment period to allow the two adversely impacted employees to elect the twenty-year plan

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, with the support of both the bargaining unit representing Deputy Thomas Van Wie and Deputy Karen Ott-Kelly as well as the management of the Erie County Sheriff's Department, requests that the members of the New York State Senate and the New York Assembly who comprise the Western New York Delegation sponsor and introduce a bill to the collective membership of the Assembly and the Senate which would allow for the re-opening of the enrollment

period to allow Deputy Thomas Van Wie and Deputy Karen Ott-Kelly to elect the twenty-year retirement plan; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation; the County executive; the Sheriff; the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.