

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

10/03/11 4:10:12



October 3, 2011

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

Re: Erie County Sheriff's Office
Contract Approval – 207-c Hearing Officer
Immediate Consideration Requested

Honorable Members:

Attached please find a proposed resolution and accompanying memorandum requesting authorization to enter into contract with George E. Deitz, Ph. D. to act as a New York State General Municipal Law §207-c Hearing Officer.

Please refer this matter for immediate consideration and approval at the October 6, 2011 meeting of your Honorable Body. Representatives of the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

PROPOSED RESOLUTION

Re: Erie County Sheriff's Office
Contract Approval – 207-c Hearing Officer

WHEREAS, the Erie County Sheriff's Office requires the services of an objective and independent hearing officer to preside over 207-c Hearings as required by New York State General Municipal Law §207-c; and

WHEREAS, George E. Deitz, Ph.D. has been selected by the Sheriff's Office to serve in this capacity; and

WHEREAS, the Erie County Sheriff's Office has sufficient funds to cover the estimated cost of these services, therefore requiring no additional tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to appoint George E. Deitz, Ph. D. as a 207-c Hearing Officer; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with George E. Deitz, Ph.D. to perform the duties of a Hearing Officer at a rate of \$600.00 per hearing; and be it further,

RESOLVED, that payments will not exceed \$10,000 in 2011; and be it further,

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Office of the Sheriff, the Erie County Comptroller and the County Attorney.

ACCOMPANYING MEMORANDUM

RE: Erie County Sheriff's Office -
Contract Approval – 207-c Hearing Officer

I. Summary of Recommended Action

The attached resolution requests authorization for the Erie County Sheriff's Office to appoint George E. Deitz, Ph. D. as a Hearing Officer to preside over hearings regarding benefits under consideration of Section 207-c of the New York State General Municipal Law and authorize the County Executive to execute a contract with Dr. Deitz for these services.

II. Fiscal Implications of Proposal

Funding for these services is available in the Sheriff's Office 2011 Operating Budget in Account 516020 – Professional Services & Fees therefore, requiring no additional funds.

III. Reasons for Recommendation

New York State General Municipal Law §207-c under which benefits are being paid to sworn employees of the Sheriff's Office who are injured in the performance of their duties cannot be discontinued without a hearing. An objective and independent Hearing Officer is required to preside over the hearing and determine the employees' rights to continued 207-c benefits or a return to light duty work. These hearings are important to lowering the cost of both 207-c benefits paid as well as overtime costs incurred to cover injured officers who are out on leave.

IV. Consequence of Negative Action

If the Sheriff's Office is unable to hold 207-c hearings, employees cannot be ordered to return to work and benefits for employees who are on longer eligible cannot be ceased. Therefore, the Sheriff's Office will be required to continue paying full wages and benefits despite the statutory authority to hold hearings, and will incur the additional overtime costs required to cover the injured officer's post.

V. Steps Following Approval of Measure

Certified copies of this resolution will be forwarded to the County Executive's Office, the Office of the Sheriff, the Erie County Comptroller and the County Attorney.