

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 15-1 2016

LOCAL LAW – NO. _____ - 2016

A Local Law Amending the Erie County Charter to Require Full Pay for Military Personnel on Leave

SECTION 1. Title

This local law shall be known as the “2016 Full Pay for Military Service”

SECTION 2. Legislative Intent

The Legislature hereby finds and determines that many of our reservists are receiving a lower salary during periods of deployment and training than they are when they are working for Erie County. Deployment often takes the reservist away from their homes and their families, which is difficult enough to endure without a decrease in their financial security.

The purpose of this law is to guarantee our employees who are serving in the military a constant income. To that end this Honorable Body hereby binds the county to supplement federal deployment pay for military reservists so that those reservists who are called to active duty receive the same level of income they would otherwise be entitled to in their role as a county employee.

Further, it is our intent to ensure that the reservists are awarded benefits under this law as swiftly as possible. To that end this honorable body requires County Departments to construe all individual circumstances in favor of the reservist. In the event a reservist is unable, after reasonable effort, to secure more than the preliminary documentation pertaining to their deployment, or in the event of a rapid deployment cannot secure any of the required paperwork, county departments shall continue processing benefits for the reservist so as to follow the provisions of this law to the best of their ability.

SECTION 3. Amendment to Erie County Charter

Article 9 of the Erie County Charter is hereby amended by adding a new Section 903 as follows:

Article 9 - Department of Personnel - Charter

Section 901. Department of personnel; commissioner.

902. Powers and duties.

903. Absence due to military service.

Section 903. The County shall ensure:

- 1) **That no personnel shall receive less than their full wages as budgeted while such employee is called to active military service;**
- 2) **That personnel shall not be required to expend vacation or personal time while called into active military service;**
- 3) **That personnel shall continue to receive all their benefits including, but not limited to, health insurance for the duration of the active military service; and**
- 4) **All Erie County Departments shall act under the provisions of this law in favor of the reservists. Bureaucratic requirements such as paperwork shall not be used to hinder or delay the receipt of benefits under this section. Departments shall be required to reasonably accommodate the reservist to the best of their abilities and to take into account individual circumstances when processing the benefits pursuant to this section.**

Article 9 was formerly numbered Article VII

SECTION 4. Severability

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

SECTION 5. Effective Date

This law shall become effective upon filing with the Secretary of State and any active reservist serving as of this laws effective date shall be given the benefits described in this law.

Sponsor: Legislator Lorigo