



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 26, 2016

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

ECLEG FEB29'16 AM10:27

RE: Tuberculosis Prevention & Control Program Cost of Living Adjustments

Dear Honorable Members:

This resolution seeks to fulfill a requirement from the New York State Department of Health certifying that Direct Care Cost of Living Adjustment (DC COLA) funding will be used solely to support salary and salary-related fringe benefit increase for the Tuberculosis Prevention & Control Program.

This funding is made available to eligible county departments of health for State Fiscal Year 2015 through the order of the New York State Commissioner of Health to cover annual expense increases of 2.0%. Legislative assent is required under State law to accept and appropriate the Direct Care Cost of Living Adjustment funding.

Should your Honorable Body have any questions, please contact Commissioner Gale Burstein at 858-6976.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

DCE

bqs
Enclosure

cc: Health Commissioner Gale R. Burstein, MD

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Tuberculosis Prevention & Control Direct Care Cost of Living Adjustment
Date: February 26, 2016

SUMMARY

Many New York State Department of Health (NYSDOH) funded programs provide annual cost of living increases for direct care staff. To ensure that the Erie County Department of Health Tuberculosis Prevention & Control Program is eligible for this increase, the New York State Department of Health requires the local governing body to pass a resolution certifying that these funds will be used for their stated purpose.

FISCAL IMPLICATIONS

Positive. DC COLA ensures that grant-funded programs continue to be able to operate at no county share. This adjustment will provide an additional 2.0% for staff salaries and fringe benefits.

REASONS FOR RECOMMENDATION

This resolution will enable the Erie County Department of Health Tuberculosis Prevention & Control Program to continue to operate at no county share.

BACKGROUND INFORMATION

The Direct Care Cost of Living Adjustment (DC COLA), made available through Subdivision 3-d of Section 1 of Part C of Chapter 57 of the Laws of 2006 as amended by Section 2 of Part I of Chapter 60 of the Laws of 2014, provides for a limited amount of additional State funding to eligible organizations with active Department of Health (DOH) contracts during SFY15. The statute empowers the Commissioner of Health to establish an annual DC COLA for staff who provide direct care services in programs defined in the statute (see attached). This funding will be distributed to eligible employees at the rate of 2.0% as applied to eligible expenditures associated with SFY15.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would lose out on additional NYSDOH funding.

STEPS FOLLOWING APPROVAL

The Health Department will work with the Division of Budget and Management, Office of the Comptroller and the County Attorney to implement this request.

**A RESOLUTION SUBMITTED BY
HEALTH DEPARTMENT**

RE: Tuberculosis Prevention and Control Direct Care Cost of Living Adjustments

WHEREAS, the Erie County Department of Health Tuberculosis Prevention and Control Program provides front-line services to find, treat, and prevent the spread of Tuberculosis; and

WHEREAS, the Tuberculosis Prevention and Control Program is a 70% grant funded program from the New York State Department of Health; and

WHEREAS, the New York State Department of Health provides a 2.0% annual Direct Care Cost of Living Adjustment to cover annual increases in expense; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the county approve a resolution memorializing how the Direct Care Cost of Living Adjustment funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED; that the Erie County Legislature agrees to accept the New York State Department of Health DC COLA of 2%, as applied to salary and fringe expenditures, for those employees determined by the New York State Department of Health to be eligible to receive the bonus; and be it further

RESOLVED; that This funding will be distributed solely to those eligible employees at the rate of 2.0% as applied to actual salary and fringe expenditures incurred during the award period; and be it further

RESOLVED; that the funding received for any DC COLA will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals, clinical staff, and eligible foster parents and adoptive parents; and be it further;

RESOLVED; that this action is conducted pursuant to Subdivision 3-d of section 1 of part C of chapter 57 of the laws of 2006, as added by L. 2014, chapter 60, Part I, Section 2 (paragraph (i)) and the applicable standards issued by DOH; and be it further

RESOLVED; that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney and the Commissioner of Health.

Subdivision 3-d of section 1 of part C of chapter 57 of the laws of 2006, as added by L. 2014, ch. 60, Part I, Section 2

3-d. (i) Notwithstanding the provisions of subdivision 3-b of this section, as amended by section one of a chapter of the laws of 2014 which added this subdivision, or any other inconsistent provision of law, and subject to the availability of the appropriation therefor, for the programs listed in paragraphs (i), (ii), (iii), (iv), (v) and (vi) of subdivision 4 of this section, the commissioners shall provide funding to support (1) a two percent (2%) increase in annual salary and salary-related fringe benefits for direct care staff and direct support professionals, and in payment to foster parents and adoptive parents, as defined by the commissioner of the applicable state agency subject to the approval of the director of the budget beginning January 1, 2015, and (2) a two percent (2%) increase in annual salary and salary-related fringe benefits for direct care staff, direct support professionals and clinical staff, and in payment to foster parents and adoptive parents, as defined by the commissioner of the applicable state agency subject to the approval of the director of the budget beginning April 1, 2015. Such commissioners shall use the consolidated fiscal reporting manual as a reference, to the extent that applicable job titles are listed therein. Where applicable, the funding provided under this subdivision shall be applied to reimbursable costs or contract amounts to support salary increases and salary-related fringe benefits of eligible persons, that took effect on or after January 1, 2014. The commissioners shall provide funding for such salary and associated fringe benefit increases in a

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manner which will result in a consistent methodology among programs and provider types.

(ii) The commissioners shall develop standards, including but not limited to, requiring that a local government unit or provider agency develop a plan of implementation to ensure that such funding increases shall be directed to direct care staff, direct support professionals, clinical staff, foster parents and adoptive parents, as appropriate, pursuant to paragraph (i) of this subdivision. Each local government unit or direct contract provider receiving such funding shall submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting to how such funding will be or was used for purposes eligible under this section. Further, providers shall submit a resolution from their governing body to the appropriate commissioner, attesting that the funding received will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals, clinical staff, foster parents and adoptive parents, pursuant to paragraph (i) of this subdivision and the applicable standards issued by the appropriate commissioner pursuant to this paragraph. Such commissioners shall be authorized to recoup any funds as appropriated herein determined to have been used in a manner inconsistent with such standards or inconsistent with the provisions of this subdivision, and such commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local governmental unit or provider.

(iii) Where appropriate, transfers to the department of health shall be made as reimbursement for the state share of medical assistance.