

March 25, 2004

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (Comm. 16D-8)
PERSONNEL & LABOR RELATIONS: Collective Bargaining Agreements.
(6-0) Chairman Holt present as Ex-Officio Member.
 - b. Item Page -2004 (Comm. 1E-11)
HOLT: Copy of Letter to County Executive Re: ERP/SAP Project.
(6-0) Chairman Holt present as Ex-Officio Member.
 - c. Item Page -2004 (Intro. 4-5)
RANZENHOFER: AS AMENDED – Urging NYS Legislature to Adopt Early Retirement Incentive Legislation for Erie County.
(6-0) Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 6D-7)
COUNTY ATTORNEY: Notice of Claims.
(6-0) Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 6M-6)
LEGAL AID BUREAU OF BUFFALO: Unaudited Financial Statements for 9 Months Ending 9/30/03.
(6-0) Chairman Holt present as Ex-Officio Member.
 - f. Item Page -2004 (Comm. 6M-7)
VOLKER: Copy of S.6125 – An Act to Provide Temporary Retirement Incentive for Certain Public Employees Within Erie County.
(6-0) Chairman Holt present as Ex-Officio Member.
 - g. Item Page -2004 (Comm. 6M-12)
TOWN OF CHEEKTOWAGA: Copy of Letter to Erie County Personnel Commissioner Re: Civil Service List.
(6-0) Chairman Holt present as Ex-Officio Member.
 - h. Item Page -2004 (Comm. 7D-10)
COUNTY ATTORNEY: Notice of Claims.
(6-0) Chairman Holt present as Ex-Officio Member.

- i. Item Page -2004 (Comm. 7M-3)
ONEIDA COUNTY LEGISLATURE: Certified Resolution in Support of State Bills A.1757 & S.675.
 (6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

2. Item Page -2003 (Intro. 12-10)
KUWIK, SCHROEDER, SMITH & DEBENEDETTI
 WHEREAS, there has been an effort by business groups and major US employers over the past decade to establish cash balance pension plans and to move their employees into those new plans, and out of existing traditional, defined benefit pension plans, and

WHEREAS, cash balance pension plans combine features of traditional pensions with the 401(k), but in so doing, they transfer significant risk to the employee, particularly older workers nearing retirement, and

WHEREAS, cash balance plans implicitly encourage employers to move their employees with many years seniority in the company from traditional pensions to cash balance plans, so as to reduce the company's contribution to the employee's retirement, and

WHEREAS, national surveys of companies and employees who have been moved from traditional, defined benefit pensions to cash balance plans find that employees' retirement benefits have often been reduced severely (called "wear away"), and

WHEREAS, a 2002 audit of 60 corporate pension conversions conducted by the US Department of Labor's Inspector General uncovered instances in 20% of the time, workers were unfairly and improperly deprived of their retirement benefits due to the cash balance conversion, and

WHEREAS, older workers have filed lawsuits and complaints alleging age discrimination in the conversion of their retirement benefits, including complaints with the US Equal Employment Opportunity Commission, and a pending class action lawsuit against IBM on behalf of its 140,000 employees, and

WHEREAS, in 1999, the Internal Revenue Service established a moratorium on conversions in order to research and determine the legality of such conversions of retirement benefits, and

WHEREAS, the US Treasury Department seeks to lift that moratorium and allow many more employers to convert their pension plans, and

WHEREAS, legislation has been introduced in the US Congress by a number of members to regulate cash balance plan conversions and to allow older workers the opportunity to choose whether or not they would like to switch retirement plans, specifically, H.R. 1677, the Pension Benefits Protection Act of 2003 and S. 9, the Pension Protection and Expansion Act of 2003, and

WHEREAS, organizations representing seniors and workers have endorsed H.R. 1677 and S. 9, and

WHEREAS, major US employers including Kodak, Motorola, and CSX have voluntarily allowed their employees to choose between the traditional and cash balance pension plans,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports measures to protect and guard against the erosion of pension benefits provided to workers who have earned them through years of service to their employer, and be it further

RESOLVED, that the Erie County Legislature expresses its support for H.R. 1677, the Pension Benefits Protection Act of 2003, and calls on Reps. Jack Quinn, Thomas Reynolds, and Amory Houghton to co-sponsor the legislation to protect workers' retirement benefits, and be it further

RESOLVED, that the Erie County Legislature expresses its support for S. 9, the Pension Protection and Expansion Act of 2003, and be it further

RESOLVED, that certified copies of this resolution be transmitted to US Reps. Louise Slaughter, Thomas Reynolds, Jack Quinn, Amory Houghton, and Bernard Sanders (2233 Rayburn H.O.B., Washington, DC 20515), and US Senators Charles Schumer and Hillary Rodham Clinton.

Fiscal Impact: None for this resolution.
(6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

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| 3. | Item | Page | -2003 | (Intro. 14-11) |
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- HOLT, SCHROEDER, MARINELLI, DEBENEDETTI, SMITH, DUSZA & KUWIK**
WHEREAS, legislation, known as the Family Time Flexibility Act, H.R. 1119, has been introduced in the U.S. House of Representatives, and

WHEREAS, that bill would give employers the right to offer comp-time to employees instead of overtime monetary compensation for those employees who worked more than 40 hours in one week, and would limit the amount of comp-time that workers are allowed to accrue, and

WHEREAS, employers would be able to limit when and how their employees used that comp-time, and

WHEREAS, millions of working men and women, particularly young, single mothers, rely on overtime monetary compensation to supplement their incomes, and

WHEREAS, as recently as 1999, as many as 79% of all workers were entitled to overtime under current federal regulations, and

WHEREAS, organizations representing working men and women have stated their opposition to H.R. 1119, and

WHEREAS, the authors of H.R. 1119 have never held a single public hearing to discuss or analyze the impact of their bill on working men and women,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its opposition to H.R. 1119, and urges the Congress to reject legislation that rolls back workers' rights, and be it further

RESOLVED, that this Honorable Body expresses its support for working men and women and for their right to earn a living wage, and to continue to receive fair and equitable monetary compensation for their hourly work in excess of 40 hours in a week, and be it further

RESOLVED, that certified copies of this resolution be submitted to President George W. Bush (The White House, 1600 Pennsylvania Avenue, NW, Washington, DC 20500), the Western New York Delegation of the U.S. House of Representatives, U.S. Senators Charles Schumer and Hillary Rodham Clinton, U.S. Secretary of Labor Elaine Chao (200 Constitution Avenue, NW, Washington, DC 20210), Buffalo AFL-CIO Central Labor Council President John Kaczorowski (532 Ellicott Square Building, 295 Main Street, Buffalo, NY 14203) and Daniel Boody, WNY Central Labor Federation President (585 Aero Drive, Buffalo, NY 14225).

Fiscal Impact: None for this resolution.

(6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

4. Item Page -2003 (Intro. 15-5)
**DEBENEDETTI, HOLT, MARINELLI, WROBLEWSKI, MCCARVILLE, CHASE,
 KUWIK, SCHROEDER & SWANICK**

WHEREAS, identify theft is rapidly becoming one of the largest crimes in the United States, with some 12 million Americans falling victim to identity theft and another 1 million likely to be victims in 2003, and

WHEREAS, identity theft is the illegal and fraudulent use of a person's name, address, Social Security number, and bank information, and access to credit and banking instruments, and

WHEREAS, based on reports to the federal government, losses in 2002 alone due to fraud totaled \$343 million, and

WHEREAS, the impact on the individual is much, much worse, as persons who have had their identity stolen often cannot buy a home, purchase an automobile, get credit, obtain loans, and even open bank accounts or get jobs, and

WHEREAS, consumer groups have repeatedly called for Americans to review their credit report at least annually to ensure they are not falling victim to theft nor being victimized by unscrupulous financial institutions, and

WHEREAS, many Americans also are victims when the three major credit agencies (Equifax, Experian, and TransUnion) and others do not update their records or carry inaccurate or incorrect information in a person's credit report, thus denying credit or access to banking and financial products at reasonable prices or rates, and

WHEREAS, under federal law, consumers currently have the right to receive a free credit report annually only if they are denied credit or employment based on the information in the credit report, or if they are the victim of fraud, and

WHEREAS, six states (Colorado, Georgia, Maryland, Massachusetts, New Jersey, and Vermont) now require the three credit bureaus to provide consumers with one free copy of their credit report annually, and

WHEREAS, individuals in all other states, including New York, are forced to pay \$9.00 per credit report from each agency just to see one's own credit report, and consumers have to pay additional charges to see their credit score, and

WHEREAS, legislation has been introduced in the New York State Legislature to create a state law to allow you to see a copy of your credit report (A01562 and S00833), and

WHEREAS, the U.S. Congress now has pending legislation (H.R. 2546 and S.223) to allow Americans to receive one free annual report from each of the three credit-reporting agencies,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for stronger federal and state laws to protect against, and make it easier to prosecute those who engage in identity theft and credit fraud, and be it further

RESOLVED, that this Honorable Body expresses its support for federal and/or state legislation that will guarantee residents of New York State and Erie County the right to receive one free annual copy of their credit report from each of the credit agencies, and be it further

RESOLVED, that certified copies of this resolution be submitted to members of the Western New York Delegation of the New York State Legislature, to U.S. Reps. Louise Slaughter, Jack Quinn, and Tom Reynolds, to U.S. Senators Charles Schumer and Hillary Rodham Clinton, to the Better Business Bureau of Buffalo (741 Delaware Avenue, Suite 100 Buffalo, NY 14209), and the Western New York Law Center (295 Main Street, Suite 454, Buffalo, NY, 14203).

Fiscal Impact: Positive for Erie County residents.
(6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

5. Item Page -2004 (Intro. 7-10)
MARINELLI, WROBLEWSKI AND DEBENEDETTI

WHEREAS, many counties in New York State and other states typically retain outside individuals, organizations or law firms as lobbyists to represent their federal and/or state interests, and

WHEREAS, the current County Executive and his predecessor have retained lobbyists to represent Erie County Government's interests in Albany and Washington, DC, and

WHEREAS, those lobbyists have been compensated for his/her services through the Dues and Fees budget line in the Department of Law, and

WHEREAS, the hiring of a lobbyist has traditionally not been advertised through a RFP or discussed and the Legislature has not been notified of such expenditures of County funds, and

WHEREAS, in recent years, the Legislature has raised questions concerning the retention of a lobbyist, specifically the process by which an individual or organization has been retained through a request for proposal, or a less formal mechanism, and some Legislators have requested that the lobbyist appear before a legislative committee prior to his/her hiring to answer questions, and

WHEREAS, the County Attorney has previously cited as his/her legal authority to hire a lobbyist without legislative approval the fact that the lobbyist is a practicing lawyer and the County Attorney is allowed to retain outside legal counsel without such legislative approval,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its desire to engage in its proper legislative oversight over the County's federal and state lobbyists, and be it further

RESOLVED, that this Honorable Body expresses its desire that the County Executive and County Attorney appear at a future meeting of the Legislature's Government Affairs Committee to discuss this issue and to develop appropriate procedures for the future retention of lobbyists including appropriate legislative review and approval, and be it further

RESOLVED, that the County Executive, through the County Attorney, shall submit a document to the Legislature providing the names of the County's lobbyists, including their firm name, name of the registered individuals lobbying on behalf of Erie County, their compensation, and the written goals and objectives of their advocacy on behalf of Erie County, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive and County Attorney.

Fiscal Impact: None for this resolution.

(6-0) Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON