



Labor & Housing

BOL Meeting Minutes - Published Draft

Committee Chair: Damon Maher

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, June 2, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on Budget & Appropriations

With a quorum present, Chair Maher called the meeting to order at 11:15 AM.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.

A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in attendance: BOL: Kitley Covill, Nancy Barr, Alessandra Restiano, Jill Axelrod, Lisa Hochman BOL Remote: Mary Jane Shimsky, Jose Alvarado, Colin Smith, David Tubiolo, Ruth Walter BUDGET Remote: Larry Soule Law Remote; Fred Sullivan LAW: John Fico GUESTS Remote: Vince Toomey Karen Pecora

Present: Committee Chair Maher and Legislator Borgia

Absent: Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

Remote: Committee Vice-Chair Johnson, Legislator Parker and Legislator Williams

MINUTES APPROVAL

Monday, May 24, 2021 10 AM Minutes

On motion of Legislator Borgia, seconded by Committee Vice-Chair Johnson, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2021-345](#) **ACT-Agreement-County of Westchester & CSEA**

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860, Unit 9200 for a one (1) year period commencing on January 1, 2022 and ending on

December 31, 2022.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LABOR & HOUSING

Guests: Labor Counsel Vince Toomey & CSEA President Karen Pecora

Vince Toomey, Labor Counsel for the County, Karen Pecora, President CSEA, Assistant Chief Deputy County Attorney Fred Sullivan and Budget Director Larry Soule appeared before the joint committee to discuss the Act- agreement - County of Westchester & CSEA. This is an Act between the County of Westchester and the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860 and Unit 9200 on a one year agreement commencing January 1, 2022 and ending December 31, 2022. A copy of the Agreement can be found in the legislation. All provision of the prior collective bargaining agreement are in effect except for the modifications contained in this legislation. Before the Board are two provision that require consideration in compliance with the Taylor Law.

First, under Wages, effective January 1, 2022, each step in the salary schedule in effect on December 31, 2021 shall be increased by 2%.

Second, under Holiday with Pay, Effective January 1, 2021, the nineteenth of June, known as Juneteenth, shall be considered a holiday with pay for all employees regularly scheduled to work on that date. All employees required to work on the nineteenth of June will receive their regular straight time pay for the day and will be granted an additional day off.

Mr. Toomey discussed that due to the uncertainty of the past year, the County decided it would be best to extend the collective bargaining agreement by one year with the two noted amendments. He discussed that the Juneteenth Holiday which is not a Federal Holiday, but the County Executive had conferred a Holiday in 2020 does not fall on a workday until 2023. We do have many members that work over the weekend and this would be granted as a comp day for those employees.

Mr. Soule discussed that the members that would be those who work on the weekends including some DEF members, child protective services and communication officers. He said if those members work on the day they will receive a day off in lieu of that and get paid their regular salary, compensatory time.

Karen Percora asked if clarification can be made regarding "Holiday" does that mean they are receiving Holiday Pay? Mr. Toomey noted that this is something that could definitely be worked out by the parties and labor management in structuring language for the actual final collective bargaining agreement. He stated that the basic principal was that it was to be taken as paid time off. Ms. Percora asked for more clarification of the type of pay.

Legislator Walter asked is this for all employees or just CSEA. Mr. Toomey, discussed that this is for just CSEA, each collective bargaining unit would have to negotiate for their agreements.

Legislator Maher asked about clarification, with other holidays that fall on the weekend, employees are given the closest workday off. Is that going to happen here? Ms. Pecora stated that this is not a Federal Holiday, so as of right now, it will not be the same as other holidays.

Legislator Barr noted that it is misleading right now the way it is written, and maybe the term needs to be defined.

Legislator Covill agreed and she said having language that states "Holiday with Pay" is not accurate and additionally it says effective January 1st, 2021 Ms. Covill believes it should also

say, and going forward. Mr. Toomey discussed that in contract drafting when you establish something as an effective date that stays in effect for all future years. If the parties put language to the contrary, which is sometimes known as a sunset clause, but if you've done it in this manner, this could be consistent with many other sections in the contract that remains in the agreement in perpetuity unless the parties decide to take that out and there's no anticipation of that. He also noted that sometimes when you draft a memorandum of agreement, there's a tendency to latch on to existing sections of the contract. Holidays with pay is a item that's already in the agreement. He said it might be best, perhaps to sever this out in the actual collective bargaining agreement and have a subsection specific to this. Chairwoman Borgia asked if we can hold this over until Monday, when all parties can discuss with the Administration the language associated with "Holidays with Pay". No action was taken, the item was tabled for further discussion.

This ACT - Enter Into Agreement was tabled

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Johnson, seconded by Legislator Borgia, the Committee adjourned at 12:08 PM.