

Legal Counsel Approval 

RL13-213

Introductory No. 013-93

Permanent No. 013-87



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: November 20, 2013

Sponsored by Council Members: Berg, Webb, Motsavage, Rennia, Mihalko, Papastrat, Matzo

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING
AMENDMENTS AND ADDITIONS TO
ARTICLE VII EMPLOYEE BENEFITS AND
ARTICLE VIII OFFICERS AND EMPLOYEES
NOT COVERED BY COLLECTIVE
BARGAINING AGREEMENTS

WHEREAS, Article VII *Employee benefits* and Article VIII *Officers and Employees not covered by collective bargaining agreements*, require periodic review and updates; and

WHEREAS, City Council wishes to amend certain sections of these Articles as provided in the attached Exhibit "A."

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That Article VII *Employee benefits*, and Article VIII *Officers and Employees not covered by collective bargaining agreements*, are amended as provided in the attached Exhibit "A." Except as amended or renumbered as provided in Exhibit "A," other sections shall continue in full force and effect.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 11/20/13. Approved by the
Mayor on 11/21/13.



EXHIBIT A

AMENDMENT AND ADDITIONS TO ARTICLE VII EMPLOYEE BENEFITS AND
 ARTICLE VIII OFFICERS AND EMPLOYEES NOT COVERED BY COLLECTIVE
 BARGAINING AGREEMENTS DATED NOVEMBER __, 2013

§ 124-17. Annual leave. [Amended 12-20-1999 by Ord. No. 99-187; Amended 4-7-08 by Ord. No. 16-2008; Amended 12-21-09 by Ord. No. 42-2009]

B. Officers, employees not represented by recognized employee organizations. Any officer or employee of the City of Binghamton who is not represented by a recognized employee organization pursuant to the provisions of Article 14 of the Civil Service Law shall earn annual leave at the rates set forth hereinafter:

(1) Officers and employees of the City of Binghamton (the "City") shall earn and accumulate annual leave credits at the rate of 1/2 day per biweekly ~~semimonthly~~ pay period ~~or as may be awarded by the Mayor up to 20 days a year~~. An officer or employee shall not earn annual leave credit for any biweekly pay period unless he or she is in full pay status for at least seven workdays during such biweekly pay period. ~~If the Mayor awards annual leave days in excess of 1/2 day per semimonthly period and the additional annual leave days below, then additional annual leave days will not accrue until total annual leave days awarded equal total annual leave days accumulated. The amended language herein in italics will sunset and be null and void as of December 31, 2010, unless extended by City Council.~~

~~(2) A regular, part-time employee who is required to work a fixed number of hours, five days per week, shall also receive annual leave as provided herein, but his or her total pay for such period of annual leave shall be the amount which would have been due him or her if he or she had been working regularly at his or her usual hours for such period.~~

(3) Officers and employees of the City shall also earn and be credited with additional annual leave in accordance with the following schedule:

<u>Completed Years of Continuous Service</u>	<u>Additional Annual Leave Days</u>
1	1
2	2
3	3
4	4
5	5
6	6
7-19	7
20+	9

~~(8) Any officer or employee of the City who has 25 or more continuous years of City service, and who retires in any given current year, will, as of the date of retirement, be credited with that current year's accumulated unused and unearned annual leave credits. The separation date for retirement purposes shall be the expiration of the unused and unearned annual leave days which~~

~~have been credited to his or her annual leave account as provided herein. [Superseded by §124-45]~~

~~(9) Annual leave credits shall not be cumulative from one calendar year to the next succeeding calendar year. [Superseded by §124-41]~~

§ 124-39. Definition. [Amended 12-16-1985 by Ord. No. 174-85; 5-1-1989 by Ord. No. 49-89; 2-20-1996 by Ord. No. 18-96; 12-20-1999 by Ord. No. 99-187; Amended 4-7-08 by Ord. No. 16-2008; Amended 8-18-10 by Ord. No. 10-39]

Wherever the term "officers and employees" is used in this article, said term shall be deemed to include only the positions set forth in sections 1 and 2 below or their equivalents, except where specified to the contrary. Should any of the below enumerated positions become a part of a collective negotiation unit, said position shall be deleted from this section. The provisions of this article shall be applicable to the officers and employees to the extent allowable under law.

1. The positions (elected and management appointed) to be included in this Section 1 are designated as follows:

- A. 1st Assistant Corporation Counsel
- B. 1st Deputy DPW Commissioner
- C. Assessor
- D. Assistant Corporation Counsel
- E. Chief Information Officer
- F. City Clerk
- G. City Engineer
- H. Comptroller
- I. Corporation Counsel
- J. Deputy City Clerk
- K. Deputy Comptroller
- L. Director of Economic Development
- M. Director of Planning, Housing, and Community Development
- N. DPW Commissioner
- O. Executive Assistant to the Mayor
- P. Mayor
- Q. Personnel & Safety Director
- R. Secretary to Corporation Counsel
- S. Secretary to the Mayor
- T. Treasurer

Salary increases for officers and employees listed in this Section 1, except for the Mayor, are pursuant to § 124-40, *Salary increases*, below

Salary increases for the Mayor are pursuant to § 92-12. *Salary established annually.*

2. The positions (management tested) to be included in this Section 2 are designated as follows:

- A. Administrative Assistant (5)
- B. Assistant Director of Economic Development
- C. Assistant Director of Parks & Recreation
- D. Assistant Police Chief (2)
- E. Civil Service Administrator
- F. Director of Parks & Recreation
- G. Director of Youth Bureau
- H. Economic Development Specialist Admin/Research
- I. Economic Development Specialist Financial Analyst
- J. Finance Data Processing Operations Coordinator (confidential)
- K. Fire Chief
- L. Legal Typist
- M. Payroll Supervisor
- N. Police Chief
- O. Program Assistant (confidential)
- P. Purchasing Agent
- Q. Risk Assistant / Paralegal
- R. Staff Accountant
- S. Superintendent of City Streets
- T. Supervisor of Building, Inspection & Construction

Salary increases for officers and employees listed in this Section 2, except the Police Chief, Fire Chief, and Assistant Police Chiefs, are pursuant to Permanent Ordinance No. 05-40, to wit: (i) That the Mayor is authorized to provide annual salary increases to positions contained in this in Section 2 on parity with those received by represented CSEA employees; (ii) In no year shall the annual salary increase provided for in this Section 2 be paid out until a collective bargaining agreement has been fully executed by and between the City of Binghamton and the CSEA for that year; and (iii) No retroactive payment shall be issued to the positions listed in this Section 2 until after or contemporaneous with the date upon which retroactive payments are issued to the members of the CSEA.

Salary increases for the Police Chief, Fire Chief, and Assistant Police Chiefs are pursuant to § 124-40, *Salary increases*, below.

§ 124-39. A, Standard work day [Added 12-7-2011 by Ord. No. 11-47]

The standard work day for "officers and employees," as defined in § 124-39 above, is seven (7) hours per day, not including one (1) hour for lunch, five days per week; except the standard work day for the following positions is eight (8) hours per day, not including one (1) hour for lunch, five days per week: Commissioner of Public Works, City Engineer, 1st Deputy DPW

Commissioner, Supervisor of Building, Inspection & Construction, Administrative Assistant (to the Commissioner of Public Works), Fire Chief, Police Chief, Assistant Police Chief(s), Chief Information Officer, Superintendent of City Streets, and Finance Data Processing Operations Coordinator (confidential).

§ 124-41. Annual leave credits.

Officers and employees shall receive annual leave credits as provided for in § 124-17 of the Code of the City of Binghamton, except that an employee shall carry over up to ten (10) days unused leave credits to the next calendar year, and with written consent of the Mayor, may carry over up to an additional five (5) days unused leave credit to the next calendar year.

To the extent sections or paragraphs are deleted herein, related sections or paragraphs will be re-numbered or letters re-assigned by the City Clerk as necessary.