

Chapter 34

OFFICERS AND EMPLOYEES

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[HISTORY: Adopted by the Town Board of the Town of Rochester as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Appointive Boards** **[Adopted 1-8-1987 by L.L. No. 1-1987]**

§ 34-1. Purpose. [Amended 4-2-1998 by L.L. No. 1-1998]

This article is enacted pursuant to the provisions of the Municipal Home Rule Law and provides for establishing standards of conduct for members of appointive boards. The Town Board of the Town of Rochester, by the enactment of this article, finds that it is in the best interests of the residents of the town to establish strict attendance standards for members of appointive boards so as to avoid delay in processing applications and to provide for a fair hearing before said boards for residents of the town.

§ 34-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPOINTIVE BOARD — Any group of three or more persons delegated by local law, ordinance or state law to perform a specific governmental function and which board is appointed by the Town Board of the Town of Rochester.

CALENDAR QUARTER — Each three month period of each year beginning with January 1 of each year.¹

¹ Editor's Note: The former definition of "Code Enforcement Officer," which immediately followed this definition, was deleted 4-2-1998 by L.L. No. 1-1998.

§ 34-3. Attendance and training standards. [Amended 8-26-1999 by L.L. No. 3-1999]

- A. Members of all appointive boards in the Town of Rochester are expected to attend all regularly scheduled and specially scheduled meetings of such appointive board. In the event that a member of an appointive board is absent from three consecutive meetings, or in the event that a member of the board is absent from five meetings within any one calendar year, then such member may be sanctioned as provided for in this chapter.
- B. All members appointed to the Planning Board and the Zoning Board of Appeals of the Town of Rochester shall be required, as a condition of appointment, to attend a training program related to the functions of said Board within six months of the date of such appointment. Thereafter, every member of the Planning Board and Zoning Board of Appeals shall be required to attend a minimum of two training programs annually. Authorized training programs shall include programs presented by the Ulster County Planning Board, the New York State Association of Towns or their equivalents or any other program, provided that same has been approved by the Board's Chairman.

§ 34-4. Sanctions for violation.

- A. Referral to Town Board. At least four days prior to the first monthly Town Board meeting in each calendar quarter (i.e., January, April, July and October) the Chairperson of each appointive board shall notify the Town Board when any member of the Chairperson's board has failed to satisfy the required standards of attendance during the preceding calendar quarter. A copy of such notice shall also be sent, via certified mail, return receipt requested, to the last known address of said board member.
- B. Hearing required. Upon receipt of the notice specified in Subsection A, the Town Board shall schedule a hearing for purposes of consideration of sanctions to be imposed. Such hearing shall take place on no less than 10 days' written notice to the board member and, in addition, public notice shall be given at least 10 days prior to said hearing in the official newspaper or newspapers of the town.
- C. Conduct of hearing. The hearing to be conducted shall be informal in nature and may be conducted in executive session as such term is defined in the Public Officers Law of the State of New York, provided that all procedural requirements of said statute are complied with. The board member complained of shall have the right to be represented by counsel. The Town Board shall consider any explanation provided by said member and shall make allowances for illness, vacation time and other extenuating circumstances.
- D. Disposition. At the conclusion of the hearing, the Town Board shall determine to either take no action or to remove said board member from office. In the event that said board member is removed, the Town Board shall place its reasons for such action in the official minutes of the Town Board. Nothing herein shall be construed to prevent the Town Board from waiting a reasonable period of time after said hearing to provide an opportunity for a member of an appointive board to submit his or her written resignation from such board to the Town Clerk.

- E. Filling vacancies. Upon voting to remove a member of an appointive board from office, the Town Board shall notify the Chairman of such board, in writing, of the Town Boards action. The Town Board shall immediately fill the vacancy created by the removal action.²

ARTICLE II

Wage Equivalent Payments

[Adopted 2-27-1992 by L.L. No. 1-1992]

§ 34-5. Purpose.

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York which allows municipalities to adopt local laws concerning the wages and conditions of employment of employees and officers of the town. The Town Board hereby declares that those employees who have health insurance coverage through their spouses or others are, in effect, deprived of a valuable economic incident of employment because they do not receive health insurance coverage from the town. It is the purpose of this article to rectify this inequality of monetary treatment and allow such individuals to receive wage-equivalent payments for those sums of money that the town would ordinarily pay on such employees behalf for health insurance coverage.

§ 34-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE EMPLOYEE — Any employee or officer of the Town of Rochester who qualifies for health insurance coverage provided by the town as a benefit of employment but who has health insurance coverage from some other source.

- A. Employees having health insurance coverage provided by the town prior to January 1, 1992, shall, in lieu of coverage, be entitled to the lesser of \$5,184 or the town's share of health insurance annual premium payable.
- B. Employees who become newly eligible for health insurance coverage provided by the town between January 1, 1992, and December 31, 1998, inclusive, shall be entitled to the lesser of \$1,500 or the town's share of health insurance annual premium as computed in Subsection C below. Employees who on or after January 1, 1999, become newly eligible for health insurance coverage provided by the town shall be entitled to the lesser of \$1,000 or the town's share of health insurance annual premium as computed in Subsection C below. [Amended 12-30-1998 by L.L. No. 4-1998]

- C. Wage equivalent payment: The dollar amount resulting from the following formula:

$$\frac{a}{1 + b + c} \div d = \text{wage equivalent payable weekly}$$

² Editor's Note: Former Section 5, Term of office of the Code Enforcement Officer, amended 11-3-1988 by L.L. No. 3-1988, was deleted 4-2-1998 by L.L. No. 1-1998.

Where

a = \$5,184 or the town's share of health insurance annual premium.

or

a = \$1,500 or the town's share of health insurance annual premium.

b = employer's contribution rate, if any, to retirement system.

c = then current employer's combined FICA and medicare contribution rate.

d = hours worked per year converted to wage equivalent payable weekly.

§ 34-7. Equivalent payments authorized.

Any employee or officer of the Town of Rochester who is a covered employee as defined in this article may request a waiver of health insurance coverage and payment of the wage equivalent as defined herein.

§ 34-8. Procedure.

For the year 1992 and thereafter, any covered employee may apply for such wage equivalent by filing a request for the same on such form as may be prescribed by the Town Board with the fiscal officer of the town on or before January 15 in each year and at such other times as may be determined by the Town Board. As a condition of waiver satisfactory proof of health insurance coverage from another source shall be presented to the Town Supervisor.