



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: December 23, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Employees

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 124,
PERSONNEL POLICIES, VARIOUS SECTIONS**

WHEREAS, Chapter 124, *Personnel Policies*, of the Code of the City of Binghamton, provides for a range of benefits, including annual leave, sick leave, health insurance, and separation benefits; and

WHEREAS, certain sections of Chapter 124 should be amended to address changes in policies and required contributions.

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

Section 1. That Chapter 124, *Personnel Policies*, of the Code of the City of Binghamton is hereby amended as set forth in Exhibit A, *i.e.*, additions, other than titles, are in bold and deletions are strike through.

Section 2. That this Ordinance shall take effect as of January 1, 2021.

Introductory No. 020-118

Permanent No. 020-115

Sponsored by City Council Members:
Scaringi, Resciniti, Riley, Friedman, Burns, Strawn,
Scanlon

AN ORDINANCE AMENDING THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 124,
PERSONNEL POLICIES, VARIOUS SECTIONS

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date 12/23/2020

City Clerk Deanne Schmitt

Date Presented to Mayor 12/24/2020

Date Approved 12/24/2020

Mayor Michael J. Dowd

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

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 12/23/2020. Approved
by the Mayor on 12/24/2020.

Michael J. Dowd

EXHIBIT A – AMENDMENT DATED DECEMBER 23, 2020

Chapter 124, PERSONNEL POLICIES

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

§ 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; Amended 5-22-2013 by Ord. No. 39-2013; Amended 11-20-2013 by Ord. 13-87; Amended 2-12-16 by Ord. No. 16-04; Amended 1-6-17 by Ord. No. 16-105]

- A. Officers, employees represented by recognized employee organizations. Each officer or employee of the City of Binghamton who is represented by a recognized employee organization pursuant to the provisions of Article 14 of the Civil Service Law shall earn any and all vacation privileges set forth in the appropriate duly authorized agreement, if any, by and between the City of Binghamton and such recognized employee organization.
- 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 days at the rate of ½ day per biweekly 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 ½ 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, 2016, unless extended by City Council.*
 - (2) Officers and employees of the City shall also earn and be credited with additional annual leave in accordance with the following schedule:

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

- (3) As of January 1 of each year, the total additional annual leave credits, based upon the above schedule, shall be credited to each officer's or employee's annual leave record. During any current year, the officer or employee shall be credited with the one additional annual leave day on the anniversary date of his or her employment with the City.
- (4) **Officers and employees with at least ten (10) years of continuous service with the City of Binghamton shall be credited on the first day he/she works in the New Year and shall not be required to earn same throughout the year. [Moved from 124-45]**

§ 124-18. Sick leave.

- D. ~~Records. Each department head shall immediately set up as January 1, 1945, and keep and have available at all times, an accurate sick leave record of each such person in his or her department. He or she shall transmit immediately upon completion a copy of such record to the Comptroller and thereafter report to the Comptroller at the end of each payroll period all sick leaves approved by him or her. The Comptroller shall keep and have available at all times a record of the sick leave of each employee of the City as reported to him or her.~~

§ 124-18(a). **Record.** Each department head shall immediately set up as January 1, 1945, and keep and have available at all times, an accurate annual leave and sick leave record of each such person in his or her department. He or she shall transmit immediately upon completion a copy of such record to the Comptroller and thereafter report to the Comptroller at the end of each payroll period all annual leaves and sick leaves approved by him or her. The Comptroller shall keep and have available at all times a record of the annual leave and sick leave of each employee of the City as reported to him or her. **Employees will also have access to such records from the department head and electronic payroll. In the event of a dispute, and after an opportunity to correct any errors, the Comptroller's records will be considered the correct record.**

§ 124-26. **City to pay portion of costs of premiums for continued health insurance for eligible retired employees.** [Amended 12-17-1973 by Ord. No. 244-73; 5-7-1984 by Ord. No. 40-84; Deleted 1-6-2017 by Ord. No. 16-105; Amended 6-19-2019 by Ord No. 19-66]

The City of Binghamton will provide continued health insurance coverage for eligible retired employees as follows:

- C. For all eligible retired employees, including retired members of the International Brotherhood of Teamsters, AFL-CIO, Blue Collar and Supervisor Units, Local No. 317, and the spouses, surviving spouses, and dependents of the retired employees who are Medicare eligible must enroll in the City's Advantage Plan for Groups or the equivalent replacement policy. The City of Binghamton will pay Seventy (70%) Percent of the premium charged for the Advantage Plan for Groups. The retired employee will pay the remaining Thirty (30%) Percent of the premium charged for the Advantage Plan for Groups.
- D. **For all officers and employees who have at least ten (10) years of full time service with the City of Binghamton subsequent to or after January 1, 2009, who separate from service in good standing, and prior to filing for retirement with the New York State and Local Retirement System, will be entitled to join the City's Advantage Plan for Groups or the equivalent replacement policy, when he or she is Medicare eligible provided he/she pays 100% of the cost of such plan and that all payments are deducted from his/her New York State pension. In addition, any elected official who serves at least two (2) four (4) year terms, will be entitled to join the City's Advantage Plan for Groups or the equivalent replacement policy, when he or she is Medicare eligible provided he/she will pay the remaining percent of the premium charged for the Advantage Plan for Groups as provided in paragraph "C" above and that all payments are deducted from his/her New York State pension.**
- E. A surviving spouse of an employee who was eligible for continued health insurance coverage, whether or not that employee has retired, is eligible for continued health insurance as provided above, except the surviving spouse will be responsible to pay One Hundred (100%) of the premium charged to the City of Binghamton.

§ 124-34. Coverage under Workers' Compensation Law. [Amended 9-4-1973 by Ord. No. 178-73]

- A. The Mayor of the City of Binghamton be and he or she hereby is authorized, empowered and directed to execute the necessary documents to provide workers' compensation insurance coverage for all employees of the City of Binghamton, **as may be approved by City Council.** ~~including police and Police Department employees and elected and appointed officials.~~
- ~~B. The workers' compensation insurance coverage shall be in accordance with the proposal contained in a letter from the State Insurance Fund dated May 1, 1973, and annexed hereto as Exhibit A~~
- ~~C. The effective date for the insurance coverage shall be October 1, 1973, for the balance of 1973, with a provision for renewal of coverage for the calendar year 1974. The estimated costs for the insurance coverage for three months of 1973 and for the year 1974 shall be as outlined in estimated premiums furnished by the State Insurance Fund and annexed hereto as Exhibit B.~~
- ~~D. The provisions of insurance coverage shall be as stated in the same insurance policy, which is annexed hereto as Exhibit C.~~
- ~~E. Constables of City Court. Constables of the City Court while serving and executing any process or mandate issued out of or in connection with any proceeding in the City Court or while performing such other duties as they are required to perform by law shall be deemed officers of the City within the meaning and intent of this section, and thereby are entitled any and all benefits under the provisions of the Workers' Compensation Law.~~

§ 124-39. Definitions

- 1. The positions (elected and management appointed) to be included in this Section 1 are designated as follows:
Delete City Treasurer
- 2. The positions (management tested) to be included in this Section 2 are designated as follows:
DD. City Treasurer

§ 124-44. Health insurance and disability benefits.

- A. Payment schedule for health insurance premiums.
 - (1) The Comptroller of the City of Binghamton, as directed by the Mayor, may pay up to the following percentage of the cost of the health insurance premiums for non-union-represented officers and employees (as defined in § 124-39):

Traditional Plan	PPO	High Deductible	Fiscal Year
84%	85%	n/a	2014
84%	85%	n/a	2015
83%	85%	n/a	2016
83%	85%	85%	2017
83%	84%	85%	2018
82%	83%	85%	2019
81%	82%	84%	2020
81%	82%	84%	2021

- (2) ~~The Comptroller of the City of Binghamton, as directed by the Mayor, may pay up to 85% of the cost of health insurance premiums for the Blue Cross/Blue Shield PPO B Plan for all non-union represented officers and employees hired after February 3, 2010. In the event the Blue Cross/Blue Shield PPO B Plan is discontinued, this section shall apply to the equivalent replacement policy.~~

§ 124-45. Separation benefits. [Added 12-16-1985 by Ord. No. 174-85; Amended 4-7-08 by Ord. No. 16-2008; Amended 12-4-2013 by Ord. 13-94]

- A. ~~Employees who have 10 years of service within the City of Binghamton shall be credited on January 1 with their entire annual leave entitlement and shall not be required to earn same throughout the year. [Moved to 124-17]~~

- B. **Elected and management appointed employees, as defined in § 124-39.1 above, with at least seven (7) years of continuous service with the City of Binghamton, but less than ten (10) years, will be entitled to a payment equivalent to one-half (1/2) of accumulated and unused sick leave up to a maximum of one hundred and four (104) days (e.g. an employee with 104 accumulated sick days would be entitled to receive a payment equivalent to 52 days).**

Officers and employees, including management appointed employees, with at least ten (10) years of continuous service with the City of Binghamton will be entitled to a payment equivalent to two-thirds (2/3) of accumulated and unused sick leave up to a maximum of one hundred and fifty (150) days (e.g. an employee with 150 accumulated sick days would be entitled to receive a payment equivalent to 100 days). ~~A Mayor who serves two consecutive four year terms with the City of Binghamton will be entitled to a payment equivalent to one-half (1/2) of accumulated and unused sick leave up to a maximum of seventy-six (76) days (e.g. a Mayor with 76 accumulated sick days would be entitled to receive a payment equivalent of 38 days).~~

