



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

Date: September 29, 2021

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

Introduced by Committee: Employees

RESOLUTION

entitled

A RESOLUTION ESTABLISHING A STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS, TO ADOPT THE REGULATIONS ON REPORTING FOR ELECTED AND APPOINTED OFFICIALS, AND AUTHORIZING THE CITY CLERK TO FILE THE STANDARD WORK DAY AND REPORTING RESOLUTION RS 2417-A WITH THE OFFICE OF THE NEW YORK STATE COMPTROLLER

WHEREAS, the New York State Comptroller is authorized by Sections 34 and 334 of the Retirement and Social Security Law to adopt rules and regulations for reporting the service and salary information for all employees of participating employers in the New York State and Local Employees' Retirement System ("Retirement System"); and

WHEREAS, the City of Binghamton is a participating employer in the Retirement System; and

WHEREAS, the New York State Comptroller has promulgated Regulation 315.4 which imposes certain reporting requirements for elected and appointed officials of participating employers, and requires the governing board of each participating employer to adopt a resolution establishing a standard work day for each elected or appointed official; and

WHEREAS, the City wishes to adopt Regulation 315.4 on Reporting for Elected or Appointed Officials; and

WHEREAS, among the requirements for employers are a more detailed description of a Standard Work Day along with a Legislative resolution establishing and reporting such Standard Work Day, public posting of the Resolution, and submission of the Resolution to the New York State Retirement System; and

WHEREAS, each of the elected or appointed officials listed in the form attached hereto have kept records of their actual time (ROA) worked in their current position for the required ninety days or taken part in the City of Binghamton time keeping system; and

WHEREAS, the Standard Work Day and reporting requirements will be updated as necessary.

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

Date: September 29, 2021

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

RESOLVE that the City of Binghamton adopts Regulation 315.4 on Reporting for Elected or Appointed Officials; and be it further

RESOLVED that the Council of the City of Binghamton hereby establishes a Standard Work Day for elected and appointed officials who are not covered by a collective bargaining agreement, and will report the following days worked to the New York State and Local Employees' Retirement System based on the established time keeping system or the record of activities (ROA) maintained and submitted by the City Clerk in the form attached hereto; and be it further

RESOLVED that the City Clerk is directed to post a copy of this resolution on the City's website for a period of not less than 30 days; and be it further

RESOLVED the City Clerk is hereby further directed to file a certified copy of this resolution along with an affidavit of publication of posting with the Office of the New York State Comptroller within 45 days of the adoption of this resolution.

Introductory No. R21-78

Permanent No. R21-78

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

A RESOLUTION ESTABLISHING A STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS, TO ADOPT THE REGULATIONS ON REPORTING FOR ELECTED AND APPOINTED OFFICIALS, AND AUTHORIZING THE CITY CLERK TO FILE THE STANDARD WORK DAY AND REPORTING RESOLUTION RS 2417-A WITH THE OFFICE OF THE NEW YORK STATE COMPTROLLER

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

Date 9/29/21

City Clerk Jeanine Stark

Date Presented to Mayor 9/30/21

Date Approved 9/30/21

Mayor William Davis

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilwoman Resciniti	✓			
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 9/29/21. Approved by the Mayor on 9/30/21. JD



Regulation on Reporting for Elected or Appointed Officials

315.4 Additional reporting requirements for elected or appointed officials who work for a participating employer of the retirement system and are required to be reported to the retirement system.

(a) Record of work activities.

(1) Except as otherwise provided in this subdivision, any elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals, shall record his or her work activities for a period of three consecutive months. The elected or appointed official should extend the period of his or her record of work activities by the amount of time utilized for vacations, illness, holidays or other reasons during the three-month period. The record of work activities must represent months that are not unusually slow or busy. If a position is seasonal in nature, the record of work activities should be kept for an extended period of up to 12 months to capture an accurate account of work activities. In recording the description of work activities, such elected or appointed official shall include the start and end time of each activity performed. The elected or appointed official may also include activities performed outside the normal working hours that require his or her attention to attend to official duties, including responding to an emergency, attending an employer sponsored event or meeting with or responding to members of the public on matters of official business. During a period that an elected or appointed official is required to be on-call, he or she may only record the time actually spent performing a work-related activity. The elected or appointed official may not include activities that would not be considered work-related such as attending electoral or campaign events, socializing after town board meetings or attending a candidates' forum. The elected or appointed official's initial three-month record of work activities shall be completed within 150 days of commencing a new or subsequent term of office, or upon joining the Retirement System, on or after August 12, 2009. The elected or appointed official must sign the record of work activities attesting to its accuracy and submit it to the secretary or clerk of the governing board within 30 days of completion. Each such record of work activities and any subsequent recertification shall be retained by the employer for a period of at least 30 years and full and complete copies thereof shall be provided to the State Comptroller upon his or her request. A record of work activities shall not be valid for more than eight years from the date it was initially maintained. If the hours worked have not substantially or materially increased or decreased during the eight year period, the elected or appointed official may certify to such in writing to the governing board in lieu of maintaining a new record of work activities. The elected or appointed official must submit this certification to the governing board within 180 days of taking a subsequent term of office. If the hours worked have substantially increased or decreased during the eight year period, the elected and appointed official must prepare, sign and submit a new record of activities.

(2) In the event the elected or appointed official or the employer determines the initial recording of work activities for a period of three consecutive months is not representative of the average number of hours worked by the elected or appointed official, he or she must record work activities during the same calendar year for an alternative period of three consecutive months which is representative of the average number of hours worked by such official. Such record of work activities shall be signed by such elected or appointed official and submitted to the secretary or clerk of the governing board within 30 days of the completion of the record. The failure of an elected or appointed official to record, sign and submit a record of work activities within the required time frame shall result in the suspension of service crediting and retirement system membership benefits. The suspension of service crediting will remain in effect until such time as the elected or appointed official completes a record of work activities that complies with the requirements of this regulation and submits it to the secretary or clerk of the governing board. The record of work activities must be submitted to the secretary or clerk prior to the elected or appointed official ending service in that title.

(b) Completion of the standard work day and reporting resolution.

In addition to the reporting requirements set forth in section 315.3 of this Part, and for the sole purpose of reporting days worked to the retirement system, the governing board of a participating employer of an elected or appointed official shall establish, by resolution, a standard work day for each elective or appointive office or position using the standard work day and reporting resolution form provided by the retirement system or a form or format approved by the retirement system. Such standard work day and reporting resolution shall indicate:

- (1) the title of the position;
- (2) the first and last name of the elected or appointed official holding the position;
- (3) the last four digits of the social security number of each elected or appointed official;
- (4) the registration number of each elected or appointed official;
- (5) the number of hours prescribed as a standard work day equal to no fewer than six hours nor more than eight hours for each such elective or appointed office or position;
- (6) the full month, day and year of the commencement and expiration of the term for each such office or position.

For each elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals and who has submitted a record of work activities pursuant to paragraph (a)(1) of this section, the employer shall indicate the average number of days worked per month in the resolution. In the event that the official has not recorded and submitted to the secretary or clerk of the governing board his or her record of work activities for a period of three consecutive months the employer shall so indicate in the resolution. The governing board shall determine whether activities listed on the record of work activities are official duties of the position. Activities that do not consist of official duties as described in paragraph (a)(1) of this section are to be excluded from the calculation of the average number of days worked per month to be listed on the standard workday and reporting resolution. Such standard work day and reporting resolution shall be adopted at the first regular meeting held after a record of work activities has been submitted. In the event an elected or appointed official submits a new record of work activities pursuant to paragraph (a)(ii) of this section, the governing board must pass an additional resolution for that individual amending the average number of days worked per month based on such record of work activities.

(c) Standard work day and reporting resolution: filing and posting requirements.

The standard work day and reporting resolution required by subdivision (b) of this section shall be prominently posted on the employer's website for a minimum of 30 days or, in the event the employer does not maintain a website available to the public, such standard work day and reporting resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the employer. After the 30-day posting period, the standard work day and reporting resolution shall be made available either through the website or upon request. The elected or appointed official's social security number (last four digits) and registration number must be omitted from the copy of the standard work day and reporting resolution that is publicly posted. A certified copy of the standard work day and reporting resolution and an affidavit of posting shall be filed by the secretary or clerk of the governing board with the Office of the State Comptroller within 15 days after the public posting period has ended. The failure of the governing board to adopt such standard work day and reporting resolution shall result in the suspension of service crediting and retirement system membership benefits for the elected or appointed official until such time as the standard work day and reporting resolution is adopted, posted and filed with the comptroller. In the event the governing board submits an additional standard work day and reporting resolution amending the average number of days worked per month for an elected or an appointed official pursuant to subdivision (b) of this section, such additional standard work day and reporting resolution shall be subject to the posting and filing requirements set forth in this subdivision.

(d) Reporting days worked on the monthly (quarterly/semi-annual/annual) report

Once a standard work day and reporting resolution is passed, the average number of days worked per month listed on the standard work day and reporting resolution must be provided to the individual(s) responsible for reporting days worked to the retirement system on the employer's behalf. These individual(s) must ensure that the days worked reported on the standard work day and reporting resolution are accurately converted to correspond with the official's payroll frequency and recorded on the report submitted to the retirement system. In the event that the report submitted to the retirement system does not reflect the average days worked per month documented on a standard work day and reporting resolution, then retroactive adjustments must be submitted for the period covered by the corresponding record of work activities. A record of work activities submitted by an elected or appointed official, pursuant to this section, should be used as the basis for his or her days worked reported for prior terms served in the same title, if no record of work activities was submitted for the prior terms.

*New York Codes, Rules and Regulations (NYCRR) Section 315.4 current through August 15, 2015

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A (Rev.11/19)

Employer Location Code
 2 0 0 0 6

BE IT RESOLVED, that the CITY OF BINGHAMTON (Name of Employer) / 2006 (Location Code) hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYS SLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Richard C David	[REDACTED]	[REDACTED]	Mayor	01/01/18 - 12/31/2021	7	21.67	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Giovanni Scaringi	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/2023	7	7.81	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
Philipp Strawn	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/2023	7	6.08	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
Appointed Officials:									
Juliet Berling	[REDACTED]	[REDACTED]	Director of Planning, Housing & Comm Dev	01/01/18 - 12/31/21	7	21.58	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Jared Kraham	[REDACTED]	[REDACTED]	Executive Asst to Mayor	01/01/18 - 12/31/21	7	21.00	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Donna Ferranti	[REDACTED]	[REDACTED]	Secretary to Mayor	01/01/18 - 12/31/21	7	21.67	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>

I, Leighton A Rogers (Name of Secretary or Clerk) secretary/clerk of the governing board of the City of Binghamton (Name of Employer) of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Binghamton on this _____ day of _____, 20____

(Signature of Secretary or Clerk) _____ (Name of Employer)
 Affidavit of Posting: I, Leighton A Rogers (Name of Secretary or Clerk) being duly sworn, deposes and says that the posting of the Resolution began on

September 29, 2021 (Date) and continued for at least 30 days. That the Resolution was available to the public on the:

Employer's website at: binghamton-ny.gov

Official sign board at: _____

Main entrance Secretary or Clerk's office at: _____

(seal)

Please type or print clearly
 in blue or black ink

Employer Location Code

2 0 0 0 6

Received Date

**Standard Work Day and Reporting
 Resolution for Elected and
 Appointed Officials Continuation Form**

RS 2417-B

(Rev.04/20)

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Angela Riley	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/23	7		<input checked="" type="checkbox"/>	Monthly	<input type="checkbox"/>
Sophia Resciniti	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/23	7		<input checked="" type="checkbox"/>	Monthly	<input type="checkbox"/>
Aviva Freidman	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/23	7		<input checked="" type="checkbox"/>	Monthly	<input type="checkbox"/>
Joseph Burns	[REDACTED]	[REDACTED]	Councilmember	01/01/20 - 12/31/23	7		<input checked="" type="checkbox"/>	Monthly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
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Appointed Officials:									
Clarence Shager	[REDACTED]	[REDACTED]	Comptroller	01/01/18 - 12/31/21	8	21.67	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Mark Donovan	[REDACTED]	[REDACTED]	Deputy DPW Commissioner	07/16/18 - 12/31/21	8	19	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Leighton Rogers	[REDACTED]	[REDACTED]	City Clerk	01/01/20 - 12/31/23	7	20	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Phillip Cahill	[REDACTED]	[REDACTED]	Bingo Inspector	01/01/21 - 12/31/21	7		<input checked="" type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Brian Seachrist	[REDACTED]	[REDACTED]	1st Asst Corporation Counsel	01/01/18 - 12/31/21	7	22	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Sharon Sorkin	[REDACTED]	[REDACTED]	Acting Personnel Director	1/5/21 - 12/31/21	7	21.67	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Patrick O'Day	[REDACTED]	[REDACTED]	Civil Service Commissioner	06/01/18 - 05/31/23	7	3.69	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
John Spurduti	[REDACTED]	[REDACTED]	Treasurer	11/18/19 - 12/31/21	8		<input checked="" type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Janine Faulkner	[REDACTED]	[REDACTED]	Deputy City Clerk	06/05/21 - 12/31/23	7	20.34	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>

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