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

Date: January 11, 2023

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

Introduced by Committee: Employees

**ORDINANCE**

*entitled*

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

WHEREAS, the Council of the City of Binghamton wishes to amend various sections of the Code of the City of Binghamton, Chapter 124, *Personnel Policies*.

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

Section 1. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, §124-39, *Definition*; Chapter 124, *Personnel Policies*, §124-39.A, *Standard Work Day*; Chapter 124, *Personnel Policies*, §124-40, *Salary Increases*; and Chapter 124, *Personnel Policies*, §124-44, *Health Insurance & Disability Benefits*, be amended as shown in the attachment.

Section 2. That this Ordinance shall take effect January 1, 2023.

Introductory No. 023-01

Permanent No. 023-01

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

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

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

Date 1/25/23

City Clerk Christina A. McGowan

Date Presented to Mayor 1/26/23

Date Approved 1/26/23

Mayor JMM

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi				✓
<b>Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>

Code of the City of Binghamton

Adopted  Defeated

6 Ayes 0 Nays 0 Abstain 1 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 1/25/23. Approved  
by the Mayor on 1/26/23.

JMM

§ 124-44. Health insurance and disability benefits. [Amended 2-20-1996 by Ord. No. 18-96; 11-21-2002 by Ord. No. 02-133; Amended 12-17-07 by Ord. No. 07-58; Amended 4-7-08 by Ord. No. 08-16; Amended 12-1-08 by Ord. No. 08-40; Amended 2-3-10 by Ord. No. 10-8; Amended 3-17-10 by Ord. No. 10-11; Amended 12-7-2011 by Ord. No. 11-46; Amended 11-6-2013 by Ord. No. 13-81; Amended 1-6-2017 by Ord. No. 16-105; Amended 12-06-2017 by Ord. No. 17-82; Amended 11-20-2018 by Ord.No. 18-105; Amended 12-5-2018 by Ord. No. 18-118; Amended 11-6-2019 by Ord. No. 19-117; Amended 12-23-2020 by Ord. No. 20-115; Amended 11-17-2021 by Ord. No. 21-132]

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):

<b>Traditional Plan</b>	<b>PPO</b>	<b>High Deductible</b>	<b>Fiscal Year</b>
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
81%	82%	84%	2022
<u>79%</u>	<u>81%</u>	<u>84%</u>	<u>2023</u>
<u>78%</u>	<u>80%</u>	<u>84%</u>	<u>2024</u>

26-29 years of service	\$1,000
30+ years of service	\$1,250

- F. Compensation for Assistant Police Chiefs (up to two positions). Effective July 10, 2010, Assistant Police Chiefs are officers and employees not covered by a collective bargaining agreement and will receive salary and benefits as follows:
- (1) Base salary of \$74,635 and “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time.
  - (2) Increases to base salary and “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time; to wit as of July 10, 2010, the Assistant Police Chiefs will receive at least the same dollar amount percentage increase in base salary and increases in “other compensation” as a permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the Assistant Police Chiefs, *i.e.*, a Captain, in such unit. ~~The Assistant Chiefs will be eligible for overtime as may be directed by the Commissioner of Public Safety (the Mayor). Overtime will be paid at time and one half in the applicable pay period.~~ Assistant Chiefs are not entitled to compensatory time or overtime, off in lieu of overtime payments.
- G. Compensation for the Police Chief. Effective January 1, 2006, the Police Chief will receive salary and benefits as follows:
- (1) Base salary of \$85,715 and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time.
  - (2) Increases to base salary and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time; except as of July 10, 2010, the Police Chief will receive at least the same dollar amount percentage increase in base salary ~~increase as an Assistant Police Chief would have received if an Assistant Police Chief received the same percentage increase~~ as a permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the Assistant Chief, *i.e.*, a Captain, in such unit. The Police Chief is not entitled to compensatory time or overtime.
- H. Compensation for the Fire Chief. Effective January 1, 2006, the Fire Chief will receive the salary and benefits as follows:
- (1) Base salary of \$85,715 and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time.
  - (2) ~~Same base salary increases as the Police Chief as provided in paragraph G above.~~ Increases to base salary and ~~The Fire Chiefs~~ “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time, except as of January 2, 2023, the Fire Chief will receive at least the same dollar amount increase in base salary and “other compensation” as a permanent full-time firefighter who is member of the negotiating unit and who is the highest ranking subordinate to the Chief, ie. Deputy Chief in such unit. ~~based on the same benefits and obligations as a permanent full time firefighter who is a member of a negotiating unit and who is the highest ranking subordinate to the Fire Chief, i.e., an Assistant Chief.~~ Notwithstanding the foregoing, if the negotiating unit in the Police Bureau does not have a contract for more than one calendar year, the Fire Chief will receive a two (2%) percent increase in base salary per year pending settlement of the collecting bargaining agreement with the negotiating unit in the Police Bureau, at which time there will be a reconciliation and the Fire Chief will be paid the additional amount due and owing or will refund any overpayment to the City. The Fire Chief is not entitled to compensatory time or overtime.
- I. Intermunicipal agreements to share costs and services. Notwithstanding any provision herein, the City may contract to share costs and services with other municipalities or other public entities as may be permitted under the General Municipal Law. Such intermunicipal agreements may include certain positions, including Police Chief, Assistant Police Chiefs, and Fire Chief. Any additional compensation paid to any officer or employee under an intermunicipal agreement will not be included in any of the interrelated calculations in paragraphs F, G, and H above.

§ 124-40. Salary increases. [Amended 12-21-1992 by Ord. No. 92-122; Amended 4-7-2008 by Ord. No. 16-2008; Amended 8-18-2010 by Ord. No. 10-39; Amended 8-4-2021 by Ord. No. 21-75]

- A. Officers and employees, other than elected officials, may be awarded annual salary increases from an annual salary increase pool. The annual salary increase pool shall be the current annual salary of eligible officers and employees multiplied by the average rate increase received by the City's collective bargaining units for that year; provided, however, that any settlement imposed by an arbitration panel shall not be included in the average. If less than three bargaining units are settled in a particular year, then the annual salary increase pool shall be the current annual salary of eligible officers and employees multiplied by the average New York consumer price index as determined by the U.S. Department of Labor for the preceding twelve (12) month average as of October 1. When at least three bargaining units are settled thereafter, the annual salary increase pool will be adjusted accordingly. Only current or retired officers and employees will be eligible for retroactive pay adjustments. The City Council of the City of Binghamton may provide, by ordinance, for a rate increase in excess of that provided for above, for any position listed in § 124-39. This section does not include officers and employees covered under Permanent Ordinance No. 05-40. An increase in salary will not increase longevity pay, if any. This section is effective immediately.
- B. Except as provided in Subsection C below, using the average annual salary increase received by all the City's collective bargaining units, the administration, the Mayor, and his or her administrative staff may provide any amount of increase to eligible officers and employees based either on cost of living and/or merit or a combination of the two so long as the maximum amount of annual salary increases does not exceed the pool so established herein.
- C. Increases for City Clerk and Assistant City Clerk. [Added 6-20-2005 by Ord. No. 05-38]
- (1) The Common Council shall determine whether the City Clerk and/or the Assistant City Clerk should receive an annual salary increase and the amount of said increases if any are provided for.
  - (2) It shall be the responsibility of the Employees Committee of the Common Council to forward to the Council as a whole its recommendation as to whether there should be an increase in the salary of either the City Clerk or the Assistant City Clerk, along with the percentage of any increase for the next fiscal year, by the first work session of ~~August~~ July in the preceding fiscal year.
  - (3) The recommendation of the Employees Committee may or may not be adopted by the Common Council by a majority vote of its members for a resolution stating the percentage of any increases for either position at a regularly scheduled meeting no later than the first regularly scheduled meeting in ~~September~~ August.
  - (4) If such a resolution is adopted, a copy of the resolution shall be forwarded to the Mayor of the City of Binghamton for his or her consideration in the preparation of the proposed budget for the next fiscal year.
- D. In accordance with any annual salary increase provided to any officer and employee, the department supervisor shall advise said employee or officer of that portion which is deemed cost of living versus that portion which is deemed a merit increase based on the prior year's job performance. In addition, supervising personnel should provide annual evaluations of job performance to each and every officer and employee eligible pursuant to this section.
- E. Longevity. Beginning with the first pay period in 2009, the City will include longevity pay in the "regular rate of pay." Longevity will be calculated as of the anniversary date of employment. The City will use the following longevity payment amounts:

15-20 years of service	\$500
21-25 years of service	\$750

- H. Assistant Police Chief(s)
- I. Superintendent of City Streets
- J. Comptroller
- K. Assistant Comptroller
- L. Staff Accountant
- M. Assessor
- N. Information Technology Manager
- O. City Treasurer
- P. Commissioner of Parks
- Q. Assistant City Engineer
- R. Assistant to the Mayor for Youth and Neighborhood Affairs
- S. Assistant Supervisor of Building Construction and Code Enforcement
- T. Three (3) Administrative Assistants (from the Bureau of Police)
- U. City Clerk
- V. Deputy City Clerk
- W. Assistant Director of Parks & Recreation
- X. Water & Sewer Superintendent
- Y. Director of Planning, Housing, and Community Development
- Z. Assistant Director of Planning, Housing, and Community Development
- AA. Purchasing Agent
- [BB. Assistant IT Manager](#)

(See Permanent Resolution 11-19, adopted March 19, 2011; Permanent Resolution 13-87, Adopted November 20, 2013; Permanent Ordinance 16-105, Adopted December 21, 2016; Permanent Ordinance 18-91, Adopted October 17, 2018; Permanent Ordinance 20-04 Adopted January 8, 2020; Permanent Ordinance 21-31 Adopted April 7, 2021; Permanent Ordinance 21-94 Adopted September 9, 2021; Permanent Ordinance 21-132 Adopted November 17, 2021; Permanent Ordinance 22-82 Adopted May 4, 2022; Permanent Ordinance 22-98 Adopted June 22, 2022; Permanent Ordinance 22-119 Adopted August 25, 2022)

- H. Legal Typist
- I. Payroll Supervisor
- J. Police Chief
- K. Personnel & Civil Service Assistant
- L. Purchasing Agent
- M. Risk Assistant/Paralegal
- N. Staff Accountant
- O. Superintendent of City Streets
- P. Supervisor of Building, Inspection & Construction
- Q. Water and Sewer Superintendent
- R. Civil Service Administrator
- S. Assistant City Engineer
- T. Assistant Comptroller
- U. Financial Payroll Specialist
- V. Information Technology Manager
- W. Assistant to the Mayor for Youth and Neighborhood Affairs
- X. Project Analyst
- Y. Manager/HUD Administration and Housing
- Z. Payroll Assistant
- AA. Assistant Purchasing Agent
- BB. Assistant Supervisor of Building Construction & Code Enforcement
- CC. [Administrative Assistant \(from the Bureau of Police, 2020 salary \\$42,000\)](#)
- DD. Director of Community Outreach & Recruitment
- EE. [Assistant IT Manager](#)

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; Amended 11-20-2013 by No. Ord. 13-87; Amended 1-6-2017 by Ord. No. 16-105; Amended 1-8-2020 by No. Ord. 20-04; Amended 4-7-2021 by Ord. No. 21-31; Amended 9-9-2021 by Ord. No. 21-94; Amended 11-17-2021 by Ord. No. 21-132; Amended 5-4-2022 by Ord No. 22-82; Amended 6-22-2022 by Ord No. 22-98; Amended 8-25-2022 by Ord No. 22-119]**

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 are [listed below as follows: Lunch for all employees will be one \(1\) hour or one-half \(1/2\) hour as approved by the Mayor.](#)

A. Commissioner of Public Works

- B. City Engineer
- C. 1<sup>st</sup> Deputy DPW Commissioner
- D. Supervisor of Building Inspection & Construction
- E. [Administrative Assistant \(to Commissioner of Public Works\)](#)
- F. Fire Chief
- G. Police Chief

## Chapter 124, PERSONNEL POLICIES

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

### ARTICLE VIII, Officers and Employees Not Covered by Collective Bargaining Agreements [Added 6-6-1983 by Ord. No. 86-83]

§ 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 6-20-2005 by Ord. No. 05-40; Amended 4-7-08 by Ord. No. 16-2008; Amended 8-18-10 by Ord. No. 10-39; Amended 11-22-2013 by No. Ord. 13-87; Amended 12-17-2014 by Ord. No. 14-71; Amended 1-6-2017 by Ord. No. 16-105; Amended 12-5-2018 by Ord. No. 18-116; Amended 1-8-2020 by Ord. No. 20-04; Amended 12-23-2020 by Ord. No. 20-115; Amended 11-17-2021 by Ord. No. 21-132; Amended 5-4-2022 by Ord No. 22-81 & Ord No. 22-82]

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 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. 1<sup>st</sup> Assistant Corporation Counsel
  - B. 1<sup>st</sup> Deputy Commissioner
  - C. Assessor
  - D. Assistant Corporation Counsel (2)
  - E. City Clerk
  - F. City Engineer
  - G. Comptroller
  - H. Commissioner of Parks
  - I. Corporation Counsel
  - J. Deputy City Clerk
  - K. Director of Economic Development
  - L. Director of Planning, Housing and Community Development
  - M. Commissioner of Public Works
  - N. Executive Assistant to the Mayor
  - O. Mayor
  - P. Personnel & Safety Director
  - Q. Secretary to Corporation Counsel
  - R. Secretary to the Mayor
  - S. City 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 (~~6~~) (7)
  - B. Assistant Director of Economic Development
  - C. Assistant Director of Parks & Recreation
  - D. Assistant Police Chief (~~2~~) (1)
  - E. Assistant Director of Planning, Housing & Community Development
  - F. Economic Development Specialist Financial Analyst
  - G. Fire Chief