



Government Operations

411 Main Street
Catskill, NY 12414

Committee Meeting
<http://greenegovernment.com/>

~ Agenda ~

Monday, June 16, 2014

6:00 PM

Caucus Room 468

Government Operations Members: Chairperson Overbaugh; Legislators Lawrence, Martinez, Gardner, K. Lennon and Seeley

Call to Order

Proposed Agenda Items

1. Amending Resolution No. 279-11 Adopting Greene County Administrative Manual
2. Supporting Necessary Reforms To New York Labor Law §240 And §241 Commonly Known As The "Scaffold Law"
3. Appointing Member - Greene County Board of Ethics

Adjournment



Resolution No.

DOC ID: 1168 C

Amending Resolution No. 279-11 Adopting Greene County Administrative Manual

**AMENDING RESOLUTION NO. 279-11
ADOPTING GREENE COUNTY ADMINISTRATIVE MANUAL**

WHEREAS, the newest version of the Greene County Administrative Manual was adopted by Resolution No. 279-11 at the August 17, 2011 meeting of the Greene County Legislature; and

WHEREAS, the Administrative Manual Task Force continues to meet on a regular basis to review any necessary changes to the Administrative Manual; and

WHEREAS, at the most recent meetings of the Administrative Manual Task Force, the following changes were proposed:

| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
|---------------|------------------------|--|
| III-23 and 24 | III. Employee Benefits | Continuation of Health Care Coverage (COBRA) |

Pursuant to a new COBRA model notice issued by the Federal Government, existing pages III-23 and 24 are hereby deleted and replaced with the following:

POLICY: Greene County complies with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) mandates which offers employees and their families the opportunity for a temporary extension of health care at group rates when coverage under a plan would otherwise end.

INFORMATION: The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to Greene County employees that would otherwise lose their group health coverage. It can also become available to other members of their family who are covered under the Greene County Health Insurance Plan when they would otherwise lose their group health coverage.

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." An employee, their spouse, and their dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. **Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage, plus a 2% administrative fee.**

An employee will become a qualified beneficiary **if they lose their coverage** under the Plan because either one of the following qualifying

events happens:

- Their hours of employment are reduced, or
- Their employment ends for any reason other than your gross misconduct.

A spouse of an employee will become a qualified beneficiary **if they lose their coverage** under the Plan because any of the following qualifying events happens:

- Their spouse dies;
- Their spouse's hours of employment are reduced;
- Their spouse's employment ends for any reason other than his or her gross misconduct;
- Their spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- They become divorced or legally separated from their spouse.

An employee's dependent children will become qualified beneficiaries **if they lose coverage** under the Plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to Greene County and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee will become a qualified beneficiary with respect to the bankruptcy. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, commencement of a proceeding in bankruptcy with respect to the employer, or the employee becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), the employee must notify the Greene County Human Resources Department within 60 days after the qualifying event occurs.

Once the Human Resources Department receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. **(Note: NYS Law extends the federal COBRA benefit for health insurance to 36 months upon termination of employment. The NYS extension does not apply to vision and dental.)** There are two other ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If an employee or anyone in the employee's family covered under the Plan is determined by the Social Security Administration to be disabled and the employee or family member notifies the Greene County Human Resources Department in a timely fashion, the employee and his/her entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If a family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Human Resources Department. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had

the first qualifying event not occurred.

Contact Information

Questions concerning COBRA continuation coverage should be directed to the Greene County Human Resources Department. For more information about health insurance options available through a health insurance marketplace, visit www.healthcare.gov.

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| <u>Page:</u> XI-45 | <u>Section:</u> XI. General Office Procedures | <u>Title:</u> Social Networking Policy |
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Pursuant to Labor Relations Counsel and the County Attorney, existing page XI-45 is hereby deleted and replaced with the following policy:

POLICY: The County of Greene acknowledges that social networking exists and neither encourages it nor discourages its use. Since much of the information obtained during the course of employment may be subject to confidentiality, none of this confidential information shall be used during personal social networking activities, without the express written consent of the County Administrator or his designee. This Policy is designed to govern and regulate only those activities that might constitute harassment, create a hostile work environment within the County workplace, are in violation of the County Code of Ethics, or violate other applicable Federal, State, or local law or policy, and in no way is intended to impinge on employees' rights of free speech. Employees are reminded that they are responsible for the appropriateness and content of material they transmit or publish on the Internet and are advised that the County's Computer System and Phone and Fax System Use Manual should be read in conjunction with the Social Networking Policy (See Administrative Manual at VI-19.) Employees are also reminded that the County's Discriminatory Harassment Policy and Complaint Procedure applies in full to the use of Social Media. (See Administrative Manual at XI-2).

PROCEDURE:

1. Personal Social networking activities should only be done on personal time and personal equipment. Social networking should never be done on County equipment or County time, unless such activity is being performed for a work-related purpose, and has been approved by the County Administrator or applicable Department Head. Only those employees who are designated to engage in social networking activities by the County Administrator or Department Head for County-related purposes are authorized to engage in such activity on behalf of the County. There is no reasonable expectation of privacy for an employee who uses publically-accessible social networking sites or uses any County-owned or issued equipment to transmit or view electronic information. Further, the County reserves the right to monitor County-owned or issued electronic equipment at any time.
2. Social Media used for social networking purposes may include, but is not limited to: Facebook, MySpace, Twitter, LinkedIn, YouTube, and other services that permit the posting and/or exchange of information in an electronic format via the Internet. Employees' personal pages on such social networking sites, and related sites such as personal blogs, should have clear disclaimers that the views expressed by the author in the blog are the author's alone and do not represent the views of the County. The County reserves the right to monitor employee use of social media to the extent permitted under applicable law and/or policy. Unless designated as per paragraph 1 above, employees are not authorized to speak on behalf of the County, or to represent that they do so.
3. Information published using social media should comply with the County's confidentiality

and disclosure of proprietary data policies. This also applies to comments posted on other blogs, forums and social networking sites.

4. Recognize that you are legally liable for anything you write or present online. Employees can be disciplined by the County for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, can create a hostile work environment, or are otherwise contrary to applicable law and/or policy. Employees can also be sued by any individual, including other County employees or companies that view their commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous, tending to create a hostile work environment, or otherwise contrary to applicable law.

5. County logos may not be used without written consent from the County Administrator.

6. Media inquiries about the County and its current and potential policies, employees, partners, clients and customers should be referred for coordination and guidance to the County Administrator.

7. While not all information learned in the course of employment is confidential, employees are encouraged to honor the privacy rights of other current employees by seeking their permission before writing about or displaying internal County happenings that might be considered to be a breach of their privacy. As detailed above, publication of confidential information is strictly prohibited unless authorized by the County Administrator or his designee.

8. Employees officially designated to use social media on behalf of the County are to abide by this Policy and their Departmental social networking policy, if such exists. In the event there is a conflict between the policies, this Policy shall control.

| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
|--------------|-----------------|-----------------------|
| IV-3 | IV. INSURANCE | Workers' Compensation |

The county's Workers' Compensation Carrier has issued new forms and instructions for future claim submissions and therefore this section needs to be amended by adding the underlined language and deleting the language stricken:

1. The Department Head (or designee) together with the employee, must fill out a "Greene County ~~Self-Insurance Workers' Compensation~~ Incident/Accident Report" form (Greene County Form #21) ~~which can be obtained from the Human Resources Department~~ which is also then submitted by the Department Head (or designee) to the Human Resources Department.

~~2. The Department Head (or designee) must fill out the appropriate Workers' Compensation C-2 form (Greene County Form #23), which can be obtained at the Human Resources Department) with the employee and then must submit that form to the Human Resources Department who will investigate the circumstances of the incident/accident.~~

2. The employee's Department Head (or designee) must complete an Accident Notification form for injuries that require NO treatment beyond first aid and/or for which there is NO lost time. A C3 Employee Claim form is NOT required to be completed in these situations.

3. The C2F form replaces the C2 form (Greene County form #23). This form is to be filled out by the Department Head (or designee) when an employee is injured and receives medical attention and/or loses time from work. An employee MUST complete a C3 form to report an injury in these situations.

4. The Human Resources Department will then submit the ~~C-2~~ C2F form and any other forms to the County's Third Party Workers' Compensation Administrator, with a copy of only Form #21 to the County Administrator's Office, within five (5) days after the accident/incident has been reported.

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| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
| XI-18 | XI. General Office Procedures | Purchase of Goods or Services |

The recently adopted Local Law regarding authorizing the award of purchase and service contracts on the basis of "Best Value" Criteria is being incorporated into this policy as follows:

Move the current 'Procedure' paragraph to Section D, and replace it on Page XI-18 with the following underlined language:

'PROCEDURE: Purchases of goods and services can be accomplished in the following manners:

1. From State Contract: New York State, through their Office of General Services (OGS) often obtains a low price for many different commodities and services, which they are willing to share with other municipalities. These municipalities, including Greene County, may make purchases off of state contracts maintained by OGS.

2. From "Piggybacking" off existing contracts from other municipalities:

Subdivision 16 of General Municipal Law 103 authorizes political subdivisions and districts therein to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items through the use of contracts let by the United States or any agency thereof, any state, or any other political subdivision or district therein. The Contract must be made available for use by other governmental entities. (Per State Comptroller memo dated Nov. 2013).

3. Bid, Quote and Best Value Offers:'

Also add the following underlined words, and delete the following stricken words:

A. Bid & Quote and Best Value Offer Requirements for the Purchase of Commodities, Equipment or Goods:

\$10,000. And up: Sealed bids or Best Value Offers in conformance with Municipal Law, Section 103. ~~Bid~~ Award shall be upon recommendation of the Department Head or purchasing agent and approval by the Legislature.

B. Bid, Quote and Best Value Offer Requirements for the Purchase of Ordinary Services:

\$10,001 - \$34,999: Formal Request for Proposal (RFP) or Best Value Offers with a response from at least 3 vendors.

\$35,000. And up: Sealed bids or Best Value Offers in conformance with Section 103 of the General Municipal Law. ~~Bid~~-award shall be upon recommendation of the department head or purchase in agent and approval by the Legislature.

C. Bid, Quote and Best Value Offer Requirements for the Purchase of Professional Services:

\$20,000 and up Prices will be obtained by RFP or Best Value Offers from at least 3 sources.

Award of the contract shall be made upon recommendation of the County Administrator and approval by the Legislature. Awards to other than the lowest proposer must be properly documented with the rationale/reason for the rejection of the lowest price. Awards based upon a Best Value Offer must contain the evaluation criteria and the process used to make such determination. Whenever possible, the evaluation shall be based upon objective and quantifiable factors and shall not be solely on cost. Whenever possible and applicable, factors including, but not limited to quality, reliability, maintenance, useful lifespan and performance shall be evaluated.

D. Other Requirements

(Moved from 1st page:)

PROCEDURE : All advertisements for bids and requests for proposals shall be placed upon the County's website. Copies of advertisements should be electronically submitted to the Information Technology Department at webmaster@discovergreene.com in a timely manner, with a request that it be placed on the County's website. The person submitting the advertisement to the I.T. Department must be sure to contact the I.T. Department on the date of the bid/proposal opening and request that said advertisement then be removed from the County's website.

Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes, Bids and Best Value Offers will be awarded to the vendor providing the highest quality goods and services at a low cost. ~~LOWEST responsible and responsive vendor.~~ In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or its discretion, reject all bids and readvertise for new bids in the manner provided by this section. (General Municipal Law).

H. Authorizing "Piggyback" off of Political Subdivision contracts:

Pursuant to Section 100 of the New York State General Municipal Law and Section 408-a of the New York State County Law, the County is authorizing any political subdivision, fire company, district or school district to participate in contracts entered into by any municipality for any commodity or service. These purchases would be made directly by the political subdivision from the winning bidder. This language must be contained within the bid specifications.

| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
|--------------|-----------------|---|
| I-15 | EMPLOYMENT | Employee Performance Appraisals - Managerial Employees/Dept. Heads |

The following underlined language should be added to the "Procedure" paragraph and any stricken words should be deleted:

PROCEDURE: The evaluation period is for one (1) year. And The Human Resources Department sends out reminders to Department Heads quarterly based on anniversary dates. ~~All Employee Performance Appraisals must be completed by November 1st of each year and filed with Human Resources Department.~~ All employee performance appraisals must be done on one of these forms, all of which can be obtained from the Human Resources Department:

| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
|--------------|---------------------------|--------------------|
| XI-16 | GENERAL OFFICE PROCEDURES | Payroll Processing |

The following underlined language should be added to this Section:

Effective June 18, 2014, all new employees will be on a one (1) week lag payroll. Upon termination of employment, the held week of "lag" pay will be released. Any existing employee who is currently on a lag payroll schedule, will remain on said lag payroll schedule.

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| <u>Page:</u> | <u>Section:</u> | <u>Title:</u> |
| III-27 | III. Employee Benefits | Donation of Leave Time |

The following underlined language should be added to this Section, after the first paragraph under "Policy":

- each request for leave time will only be posted for five work days;
- the maximum donation of leave time to any one employee as a result of a five day posting is ten (10) days; any donations above the ten (10) days maximum will be returned to the employee(s) donating time;
- if the employee should request additional leave time, that request must be approved by the County Administrator and will follow the above two rules.
- At the option of the employee and the employee's Department Head, requests for donation of leave time can be opened to other employees in two separate ways: request for leave time donation can be made to only the employee's Department; or request for leave time donations can be made to all county employees.

The following underlined language should also be added to the following paragraphs, and any stricken words should be deleted:

-leave time can only be donated from members of the union that the employee belongs to. However, any managerial employees who is not represented by the affected any Bargaining Unit and who wish to donate any sick and/or vacation time may request permission to do so by writing to the County Administrator.

PROCEDURE: Notwithstanding the terms of each Union's Collective Bargaining Agreement, the employee in need of sick time should simultaneously notify their own Department Head and the Head of their own Union. The Head of the Union will then request written authorization from the County Administrator to collect donations of leave time on behalf of the employee. Upon approval of the County Administrator, the Head of the Union will distribute a memo and a Leave Donation form (Greene County Form #40 which can be obtained from representatives of the various Unions), for a period of five work days, to all bargaining unit members requesting donations of sick and/or vacation time and asking that the forms be turned in to the Treasurer's Department. The Treasurer's Department will only credit the employee with up to ten (10) days of leave time from that one posting. Should the employee receive more than ten (10) days of leave time from that five day posting, the Treasurer's Department will return the excess donations to the donor(s).

NOW, THEREFORE, BE IT RESOLVED, that all of the above suggested changes to the current Greene County Administrative Manual adopted on August 17th, 2011 by Resolution No. 279-11 be and hereby are made and said Administrative Manual will reflect these changes.



Resolution No.

DOC ID: 1142 A

**Supporting Necessary Reforms To New York Labor Law
§240 And §241 Commonly Known As The "Scaffold Law"**

Whereas, New York Labor Law §240 and §241, commonly known as the "Scaffold Law", outlines liability for injuries caused by an employee's fall from a height; and

Whereas, the laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

WHEREAS, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

WHEREAS, the Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the state stem from Scaffold Law issues and while scaffold related injuries have decreased in the past 20 years the number of Scaffold Law claims has increased 500 percent; and

WHEREAS, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

WHEREAS, the increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in other states; and

WHEREAS, not only does the law drive away out-of-state investment in infrastructure, but the lost investment to other states also serves to decrease the number new construction jobs created every year, making it more difficult for many of New York's skilled laborers to find appropriate employment; and

WHEREAS, recent studies by SUNY's Nelson Rockefeller Institute of Government suggests that workers are more likely to be injured due to the current version of the Scaffold Law; and

WHEREAS, this was based off statistics on construction injuries in Illinois that show a decrease in work related injuries since the 1995 repeal of its Scaffold Law at a much quicker pace than here in New York; and

WHEREAS, following the removal of the Illinois Scaffold Law, the state also found an increase in the number of construction jobs created on an annual basis; and

WHEREAS, comparative negligence standards would help maintain worker safety while

decreasing some of the insurance costs related to implementation of the current Scaffold Law; and

WHEREAS, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker's actions contributed to his or her injury; and

WHEREAS, federal regulations have been enacted that attempt to protect workers from injury to falls by requiring certain precautions to be in place for people working at height and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Greene County Legislature is strongly in support of Scaffold Law reform as well as meaningful protection of construction workers; and be it further

RESOLVED, that the Greene County Legislature hereby supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and Senator Cecilia Tkaczyk and Assemblyman Peter Lopez.

ATTACHMENTS:

- June 16, 2014 Gov. Ops. Scaffold Law Backup (PDF)

Don't Take Our Word For It

Editorial boards supporting Scaffold Law reform: **15**

Opposed to reform: **0**

"This outmoded 19th century legal standard — which exists in no state but New York — makes it virtually impossible for even the most conscientious builder to defend itself in court.

The obvious fix is for state legislators to dump the Scaffold Law and subject construction injuries to the same legal standards that apply everywhere else — with the degree of financial responsibility tied to degree of blame."

The New York Daily News: "Know When to Scaffold" (December 16, 2013)

"Unless the injured worker can somehow be shown to be 100 percent at fault, the contractor or property owner is presumed by law to be liable and prohibited from contending otherwise. They are muzzled — denied the fundamental right to defend themselves. It's a shocking and intolerable deviation from any recognizable concept of justice."

The Buffalo News: "Out of Date Legislation is Expensive Without Making Workers Any Safer" (May 3, 2013)

"...this is about more than the soaring financial and social damage caused by the law. This is about a fundamental flaw in our justice system. ...It's both an economic necessity and a moral one."

Crain's New York: "New York's Stupidest Law" (June 7, 2013)

"This law is wrong on so many levels. On the moral level, it's wrong to punish people for something not their fault. On the business level, it makes everything New York builds more expensive. If you think that affects only big companies, think again."

New York Post: "Going to the Scaffold" (June 15, 2013)

"In Illinois, which repealed its Scaffold Law in 1995, there was a 23 percent growth in construction industry employment in the first 11 years of the repeal. Illinois also saw significant reductions in workplace injuries and deaths."

Rochester Democrat and Chronicle: "Change Scaffold Law and Reduce Taxpayer Costs" (June 10, 2013)

"New York is the last state to have a 19th century Scaffold Law still on the books. It's well past time to reform it."

Syracuse Post-Standard: "On the NY State Legislature's to-Do List: Reduce Wrongful Convictions, Reform the Scaffold Law" (May 28, 2013)

"... We agree that property owners and contractors should be responsible for providing a safe workplace, but the 'Scaffold Law' goes too far."

Schenectady Daily Gazette: "At Last, It's Time to Dismantle 'Scaffold Law'" (April 19, 2012)

"... One way for New York state to gain competitive ground with other states is to reform the archaic Scaffold Law."

Utica Observer-Dispatch: "Disassemble State's Archaic Scaffold Law" (September 6, 2013)



Lawsuit Reform Alliance
of New York

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19 Dove Street, Suite 201 - Albany, NY 12210 - 518.512.5265

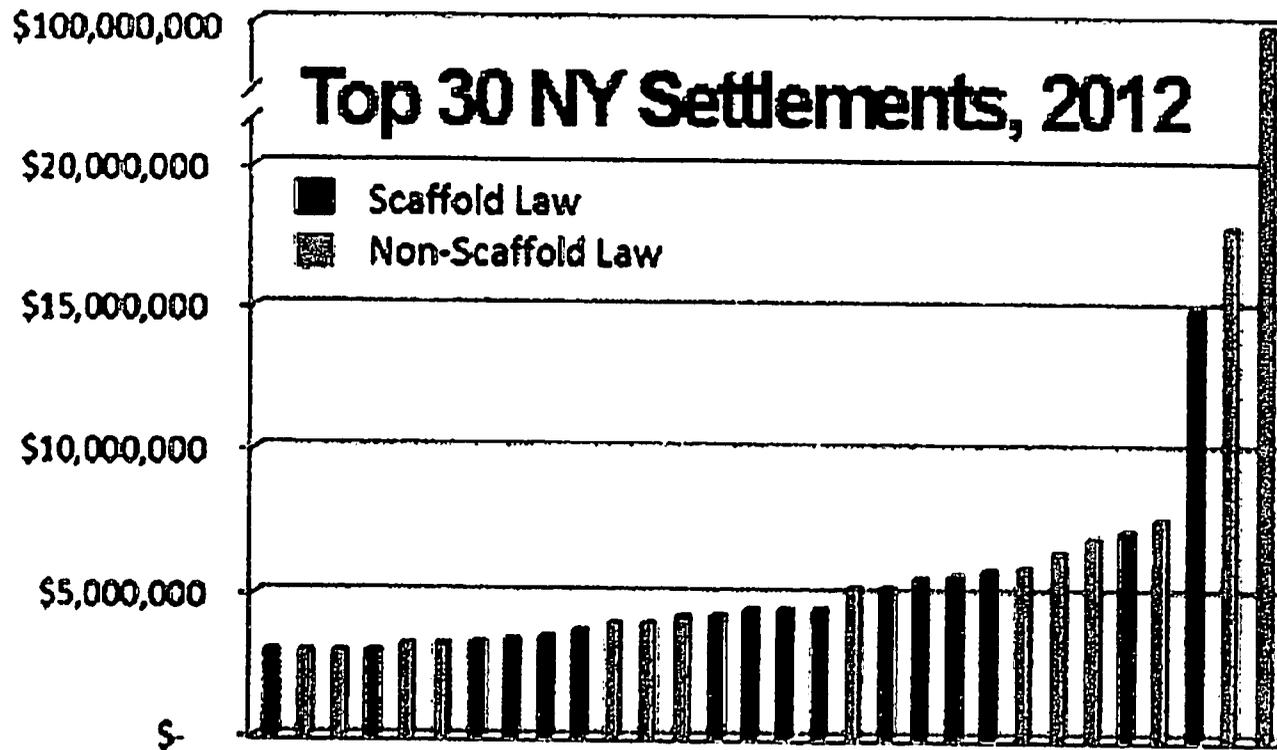
www.LRANY.org

The Scaffold Law:

“...imposes liability even on contractors and owners who had nothing to do with the plaintiff’s accident”

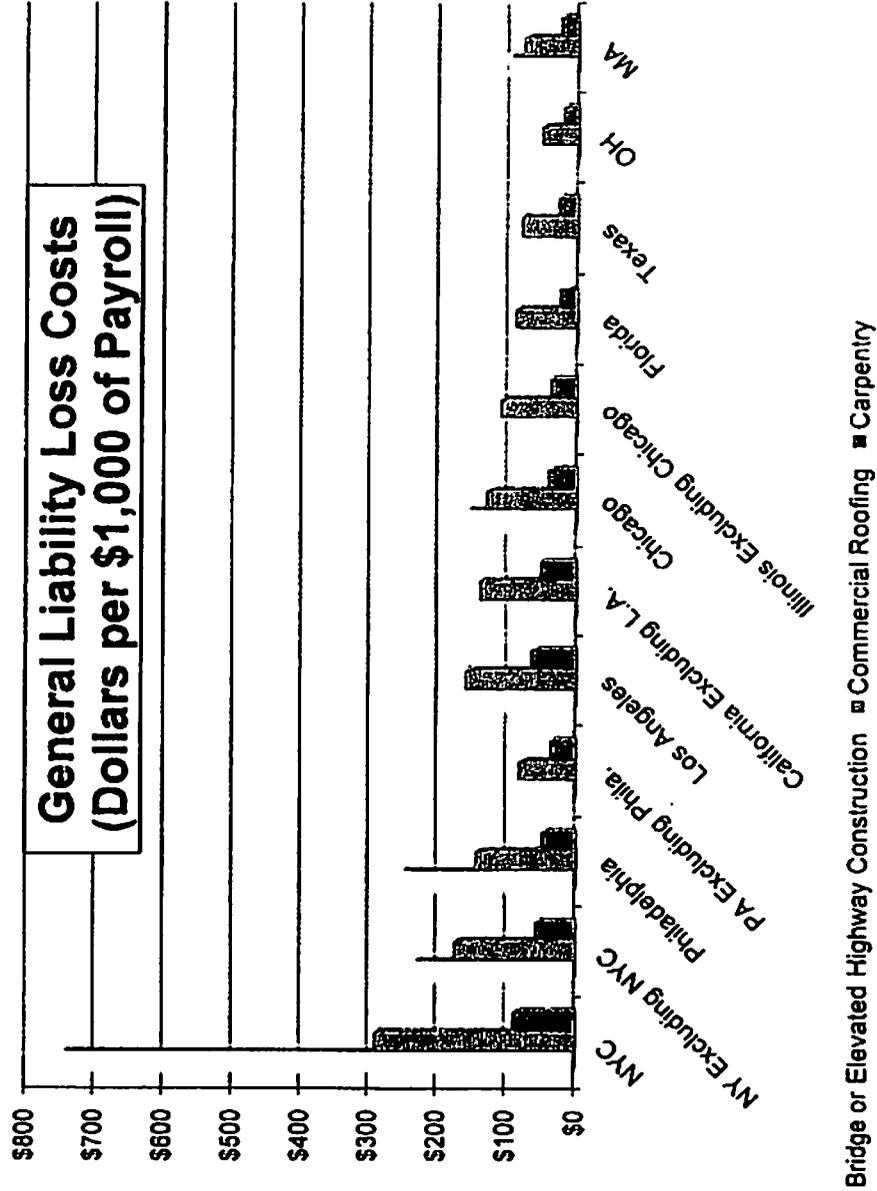
- Court of Appeals Judge Smith (Feb. 2012)

“One of the most frequent sources of litigation in New York courts”



Source: Dahar v. Holland Ladder, ALM VerdictSearch

It drives up insurance costs

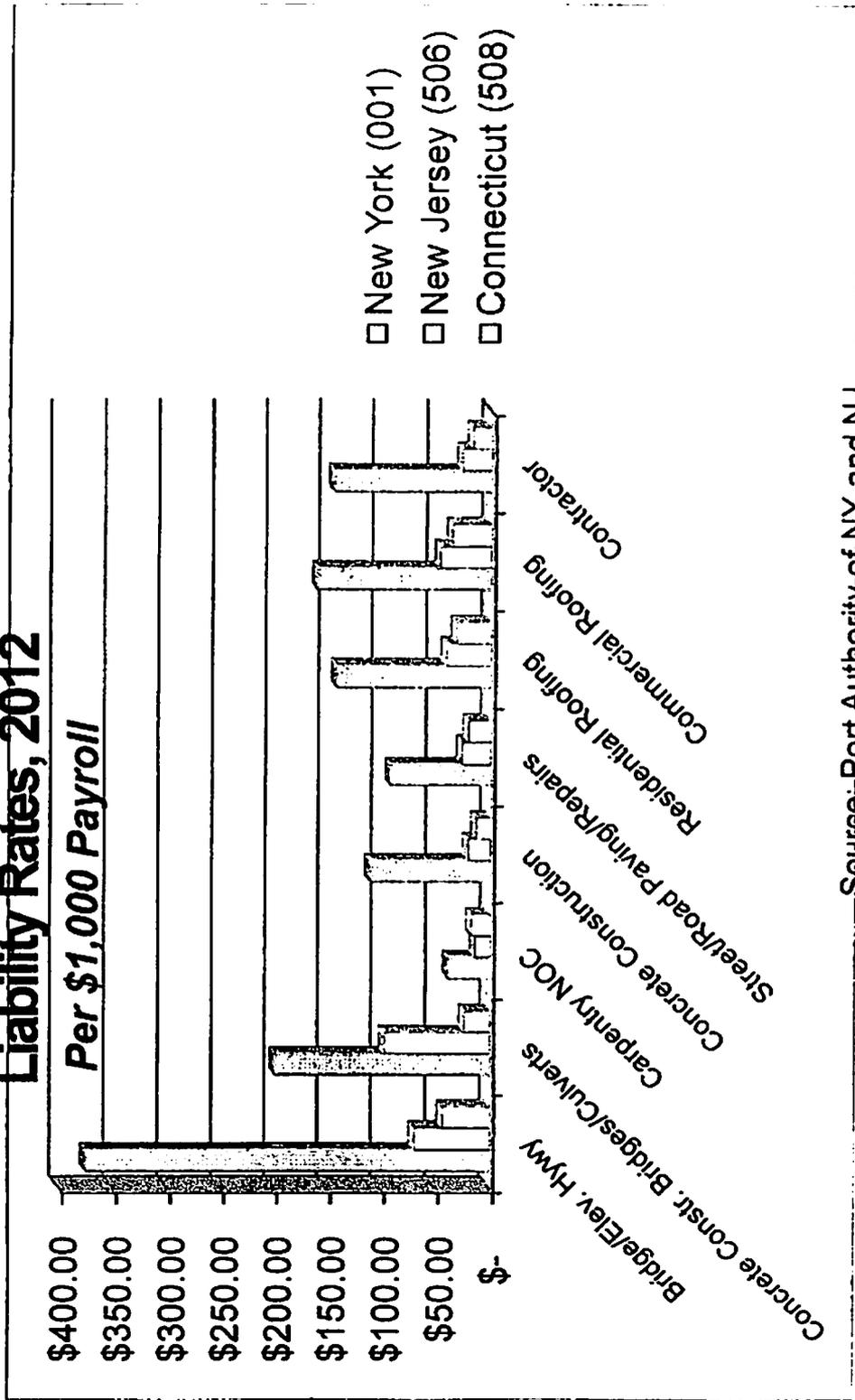


Source: Insurance Services Office, 2011 data

Making them the highest in the region

Premises Operation General

Liability Rates, 2012

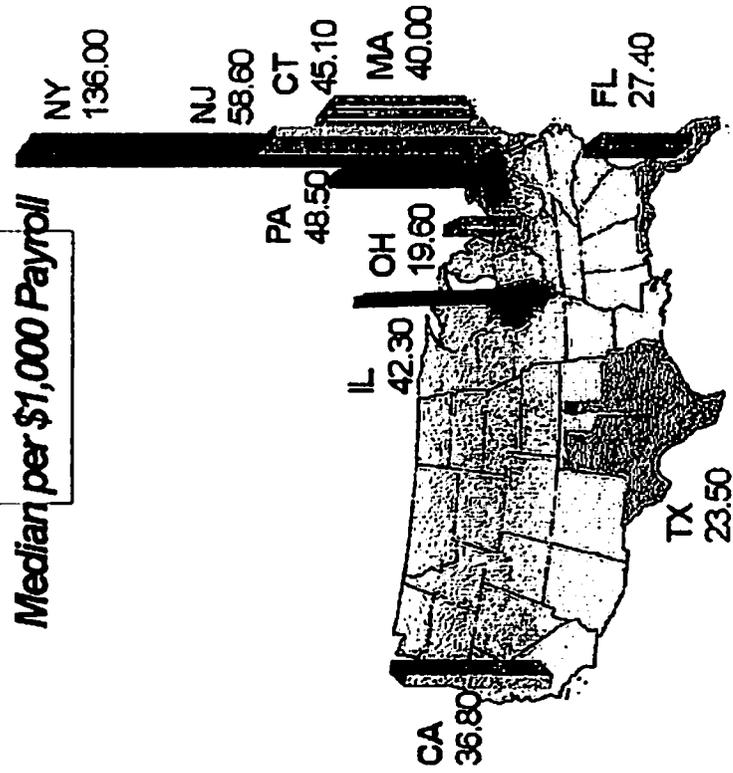


Source: Port Authority of NY and NJ

And the highest in the nation

ISO Base Loss Costs, 2012 Bridge/Elevated Highway Construction

Median per \$1,000 Payroll

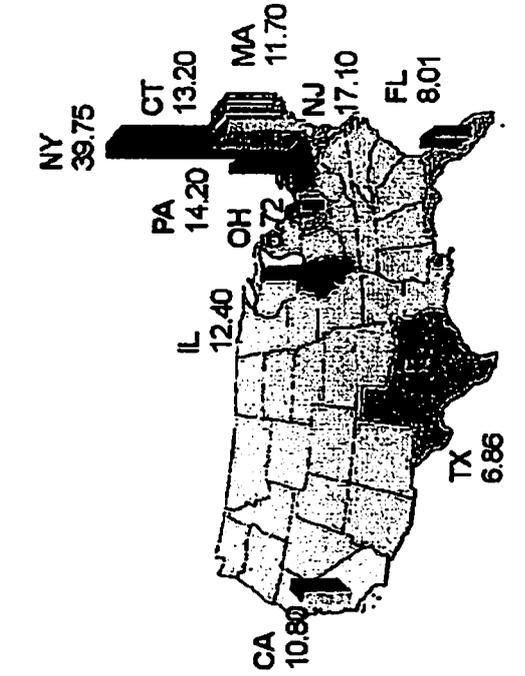


In virtually all categories

ISO Base Loss Costs, 2012

Concrete Construction

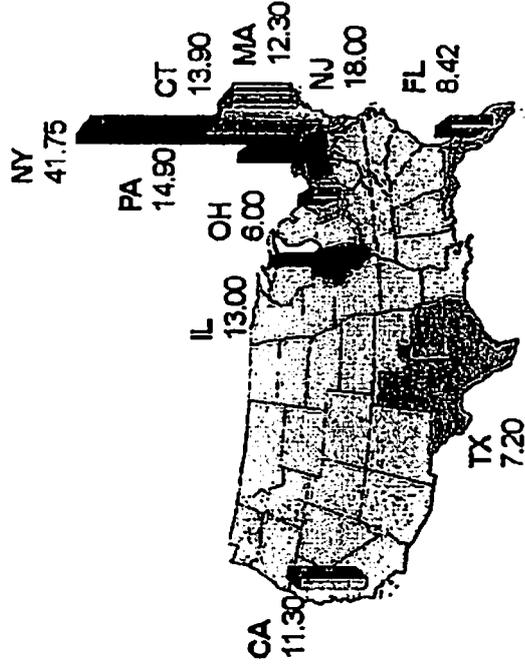
Median per \$1,000 Payroll



ISO Base Loss Costs, 2012

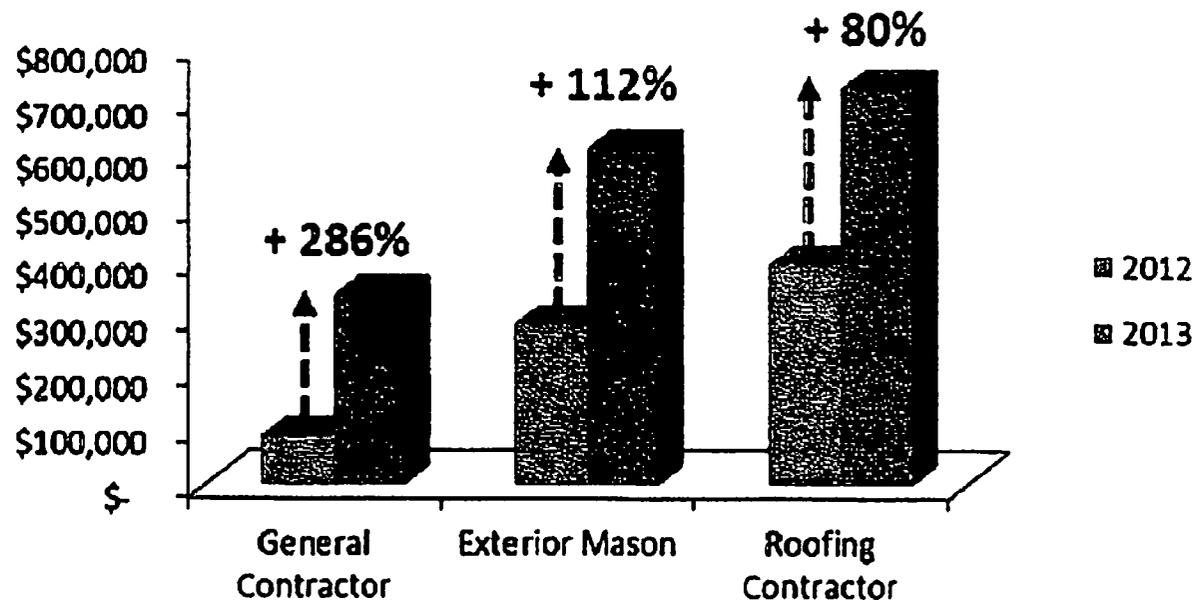
Structural Metal Construction

Median per \$1,000 Payroll



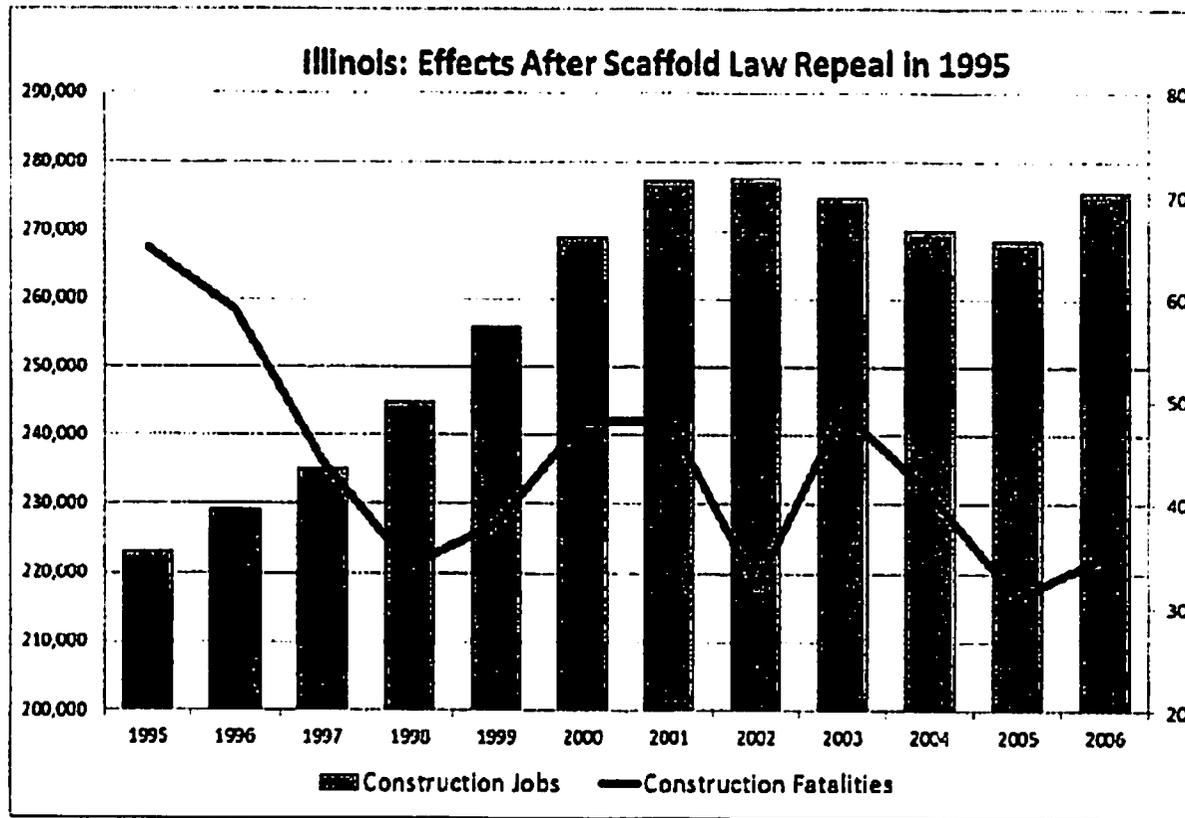
And it's getting worse

General Liability Premiums



Source: New York State Association for Affordable Housing / Levitt-Furst Insurance

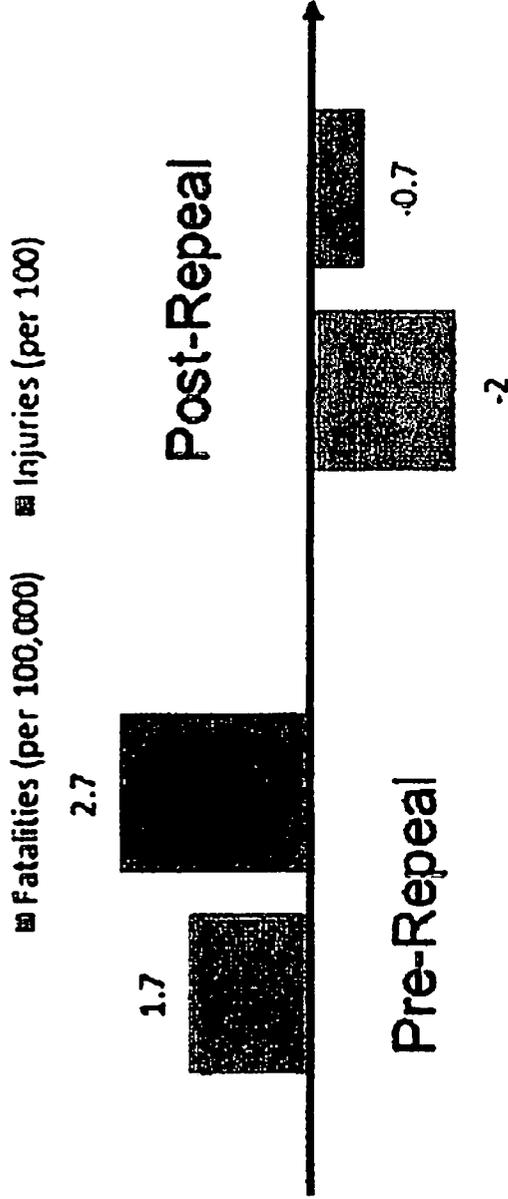
Without making workplaces safer



Source: U.S. Dept. Of Labor

Safety improved after repeal in IL

IL Construction Injury and Fatality Rates Relative to NY

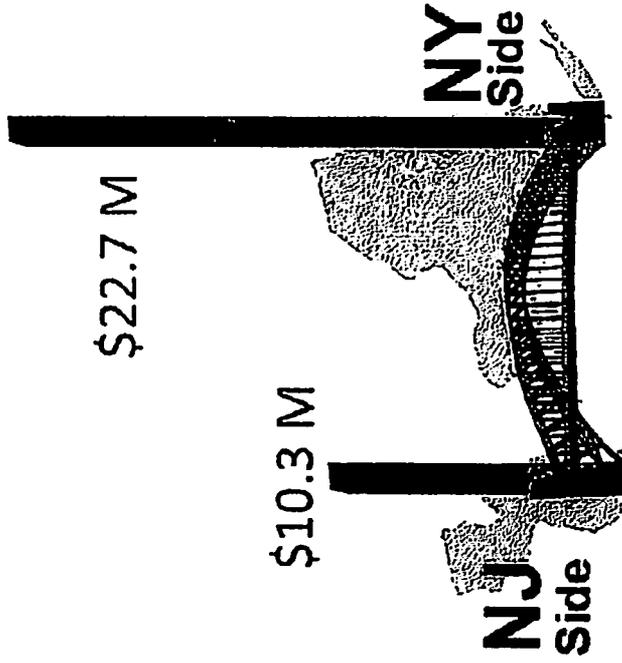


Source: Bureau of Labor Statistics. Illinois had a higher injury and fatality rate than NY before repeal, and lower injury rates than NY after repeal.

Attachment: June 16, 2014 Gov. Ops. Scaffold Law Backup (1142 : Supporting Necessary Reforms To NY Labor Law § 240 And § 241

New York's public projects cost more

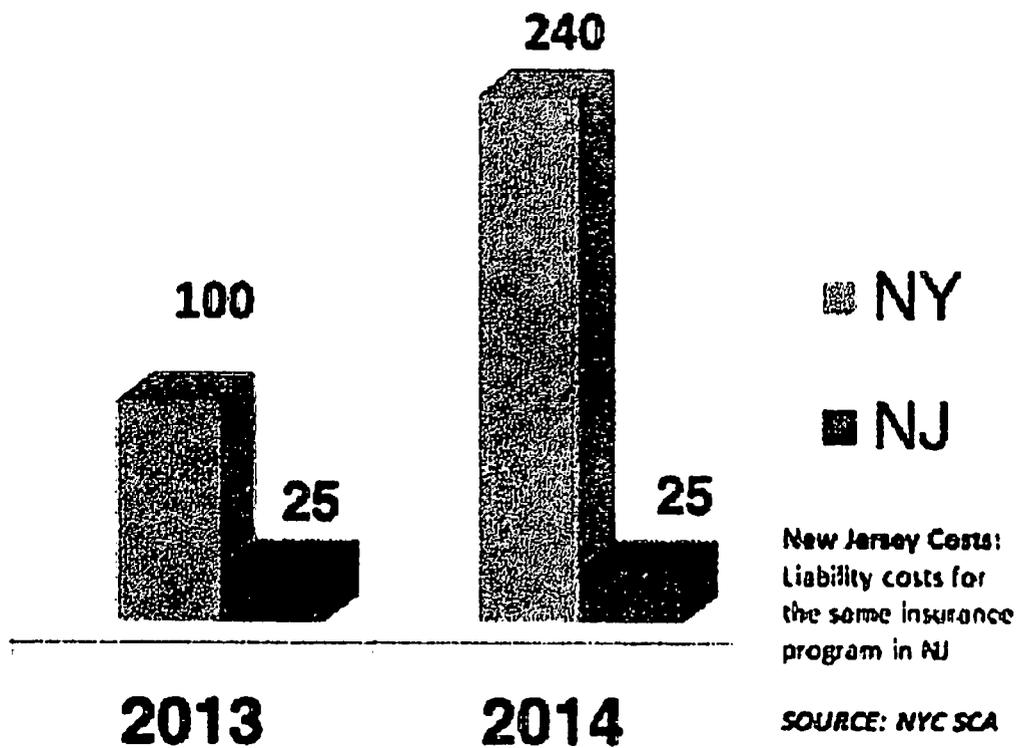
Average Incurred Claim Costs NY-NJ Joint Bridge Projects



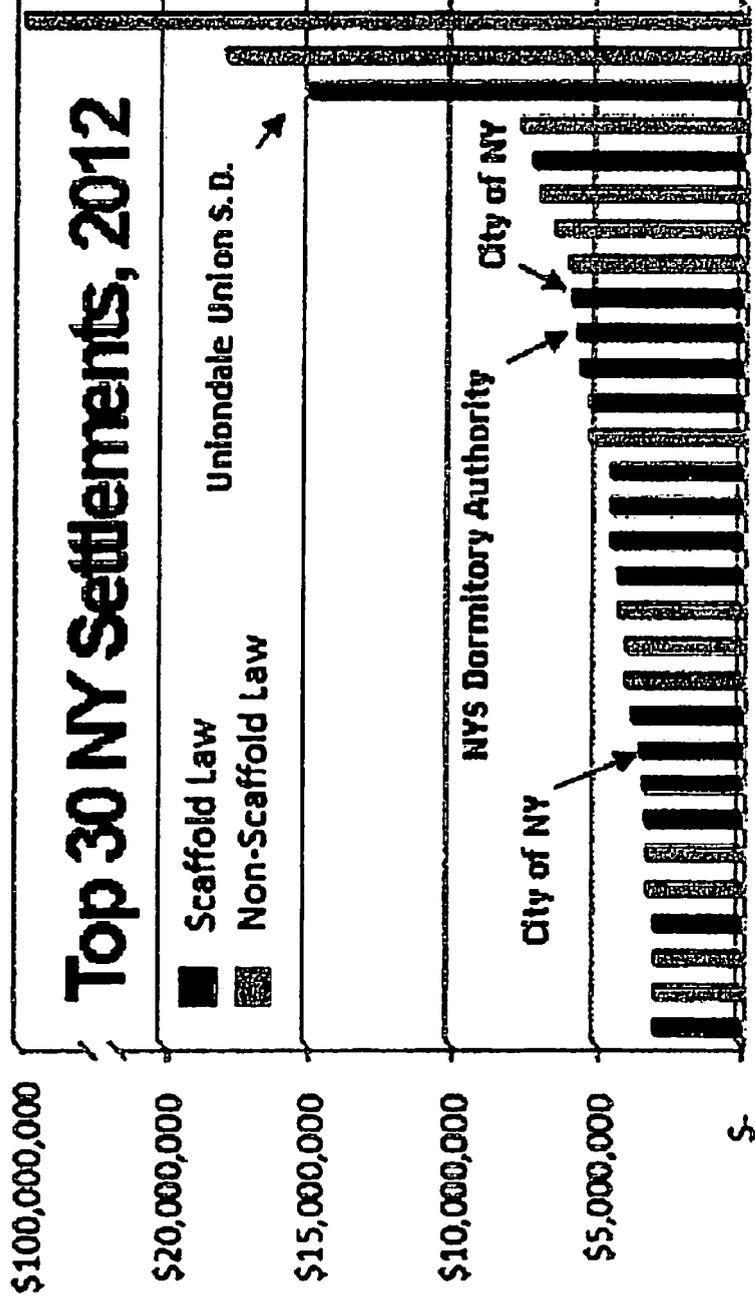
Source: Port Authority of NY and NJ

Schools are hard hit

New York City School Construction Authority Insurance Costs (Millions)



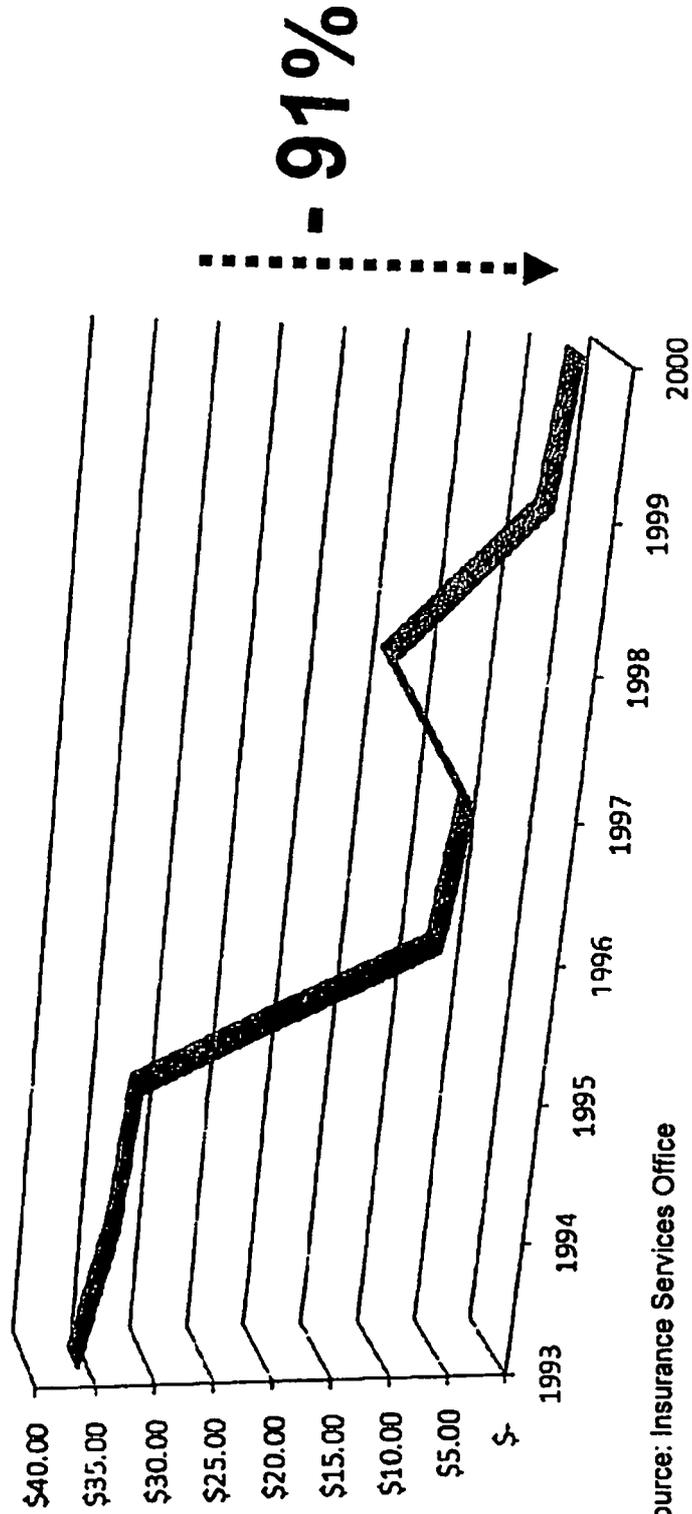
And taxpayers are on the hook



Source: ALM VerdictSearch

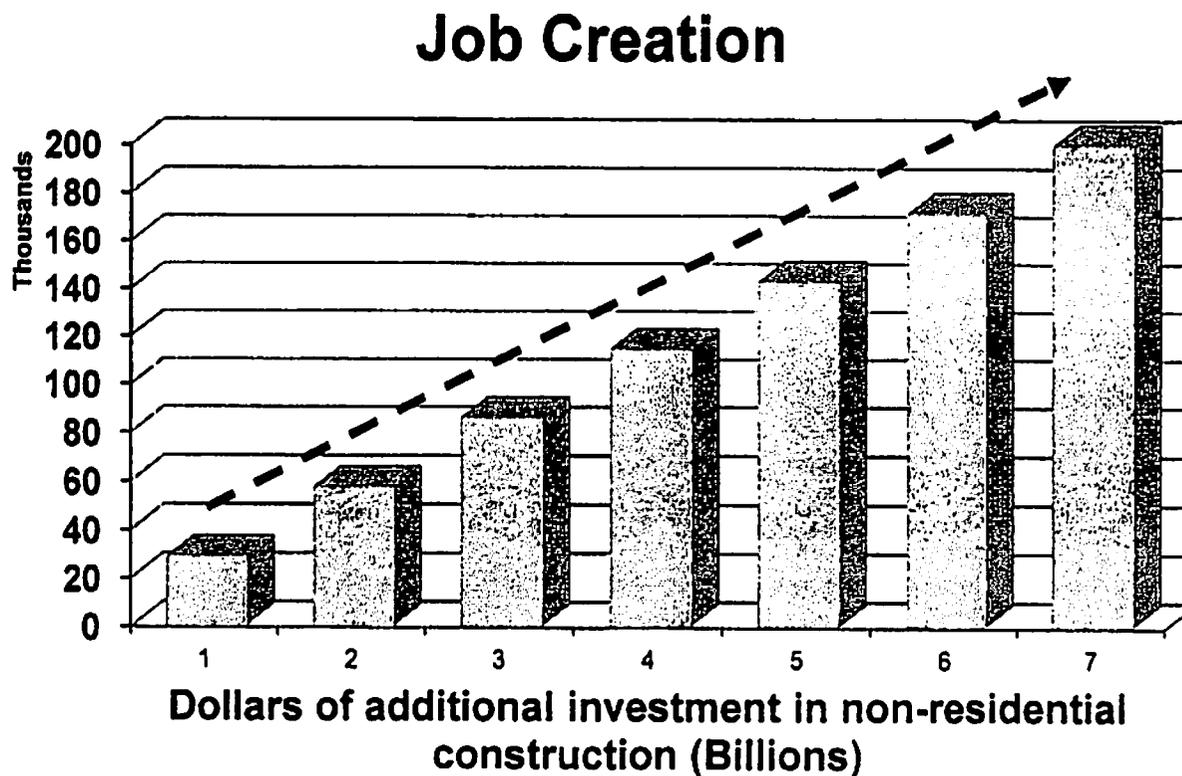
Reform would reduce insurance costs

Effects of Scaffold Law Repeal in IL on Loss Costs
Experience-Based Loss Costs for Classes with Significant Elevation Exposure
Per \$1,000 Payroll



Source: Insurance Services Office

And put New Yorkers back to work



Source: Dr. Stephen Fuller/George Mason University

**New York cannot remain the only state
with such a law**



Resolution No.

DOC ID: 1159 A

Appointing Member - Greene County Board of Ethics

BE IT RESOLVED, that **Susan True** of Cairo, New York be appointed as a member of the Greene County Board of Ethics (Republican Member) for a three year term which shall expire December 31, 2016. (Ms. True would be replacing Mr. Michael Avella).