

Intro Res. No. 1113-2001

Laid on the Table 2/27/2001

Introduced by Legislator Bishop, Presiding Officer Tonna, Foley, Fisher and Legislator Guldi

RESOLUTION NO. 441 -2001, ADOPTING LOCAL LAW NO. 2001, A LOCAL LAW TO PERMANENTLY ESTABLISH LIVING WAGE POLICY FOR THE COUNTY OF SUFFOLK

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2001, a proposed local law entitled, "**A LOCAL LAW TO PERMANENTLY ESTABLISH LIVING WAGE POLICY FOR THE COUNTY OF SUFFOLK**" and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2001, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PERMANENTLY ESTABLISH LIVING WAGE POLICY FOR THE COUNTY OF SUFFOLK

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk provides grants, loans, tax incentives, contracts, and other forms of assistance to businesses that result in the creation or maintenance of a wide variety of employment opportunities.

This Legislature further finds and determines that Suffolk County has a limited amount of taxpayer resources to expend which must be spent wisely.

This Legislature also finds and determines that, even in the current booming economy, far too many working Suffolk County residents and their families live below or near the poverty line.

This Legislature hereby determines that employees of Suffolk County government currently receive a wage and benefit package that meets the living wage requirements contemplated by this local law.

This Legislature finds that the use of taxpayer dollars to promote sustenance and the creation of living wage jobs will increase consumer income, decrease levels of poverty, reinvigorate neighborhood businesses, and reduce the need for taxpayer-funded social programs.

This Legislature finds that the disclosure provisions contained in Resolution No. 232-2000 for County purchases of textile or apparel goods represents a first step on the road to a Countywide policy of living wages.

Therefore, the purpose of this law is to ensure that employees of County contractors and subcontractors and beneficiaries of tax, loan, grant and other subsidy assistance provided by the County earn an hourly wage that is sufficient for a family of four to live at or above the federal poverty level.

Section 2. Definitions.

- ̄ A.) “Awarding Agency” shall mean that subordinate or component entity or person of the County that is responsible for solicitation of proposals or bids and responsible for the administration of service contracts or financial assistance agreements.

- B.) “Assistance” shall mean:
 - 1.) 1.) Any grant, loan, tax incentive or abatement, bond financing, subsidy, or other form of assistance of more than \$50,000 which is realized by or provided to an employer of at least ten (10) employees by or through the authority or approval of the County of Suffolk including, but not limited to, industrial development bonds, Community Development Block Grant (CDBG) loans, and Enterprise Zone-related incentives.

 - 2.) 2.) Any service contract or subcontract let to a contractor with ten (10) or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involves an expenditure equal to or greater than ten thousand dollars (\$10,000). For the purposes of this definition, the amount of expenditure for more than one contract for the same service within one calendar year shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies, or other property is not an “Assistance” for the purposes of this definition.

- C.) “Beneficiary” shall mean any person or entity that is a recipient of “Assistance”, as defined in this Law ; and
 - 1.) Any tenant or leaseholder of a Beneficiary that employs at least ten (10) persons and occupies property or uses equipment or property that is improved or developed as a result of Assistance; and

 - 2.) Any contractor or subcontractor of a Beneficiary that employs at least ten (10) persons in producing or providing goods or services to a Beneficiary that are used by that Beneficiary in the project or matter for which the Beneficiary has received Assistance.

- D.) D.) “County” shall mean the County of Suffolk, any agency, office, position, administration, department, division, bureau, board, commission, corporation, public authority, or unit of government (1) the expenses of which are paid in

whole or in part by the County, or (2) over which majority control is exercised by officers of the County or of a County affiliated agency or their appointees.

- E.) "Covered Employer" shall mean a Beneficiary of, or an applicant for, Assistance that has not been granted an exemption from this Law.
- F.) "Covered Employee" shall mean a person employed on either a full, part time, or temporary basis, by a Covered Employer to perform work on or for the project or matter for which the Beneficiary has received Assistance; provided, however, that persons who are employed in construction work covered pursuant to federal, state, or local prevailing wage laws shall be exempt from this law.
- G.) G.) "Living Wage" shall have the meaning stated in Section 3 of this law.
- H.) H.) "Person" shall mean one or more of the following or their agents, employees, representatives, and legal representatives; individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this County.
- I.) I.) "Seasonal Employee" shall mean an employee hired temporarily for a period not to exceed ninety (90) consecutive days at any given time within a six (6) month period.

Section 3. Living Wage and other benefits.

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

- A.) A.) **Applicability.** Covered Employers shall pay no less than a Living Wage to their Covered Employees who actually perform work or render services on or for a project, matter, contract, or subcontract for which the beneficiary has received assistance; provided that in the case of employees performing non-construction work that is covered by state or local prevailing wage laws, Covered Employers shall pay the greater of a Living Wage or said prevailing wage for non-construction work.
- B.) B.) **Amount of Wage.** The Living Wage shall be calculated on an hourly basis and shall be no less than \$9.00 per hour worked with health benefits, as described in this Law, or otherwise \$10.25 per hour. The Living Wage shall be adjusted upwardly only, if applicable, each year no later than April 1 in proportion to the increase, if any, immediately preceding December 31 over the year earlier level of the area Consumer Price Index as published by the U. S. Department of Commerce, Bureau of Economic Analysis, applied to the Living Wage. The contractor shall provide written notification of the rate adjustments to each of its employees and to its subcontractors and/or tenants, who shall provide written notices to each of their employees, if any, and make the necessary payroll adjustments by July 1.

- C.) C.) **Health Benefits.** Health benefits required by this Law shall consist of the payment of at least one dollar and twenty five cents (\$1.25) per hour towards the provision of health care benefits for employees and their dependents. Proof of the provision of such benefits must be submitted to the agency not later than thirty (30) days after execution of the contract to qualify for the wage rate in Section 3 for employees with health benefits.
- D.) D.) **Certification of Employers Paying Less than Living Wage Barred.** Prior to entering into any agreement with the County of Suffolk for any form of Assistance, a Covered Employer must certify for the County Department of Labor that it will pay each of its Covered Employees no less than the Living Wage. A copy of this certification must be made available to the public, upon request, by the Beneficiary and by the County Clerk.
- E.) E.) **No Reduction in Collective Bargaining Wage Rates.** Nothing in this Law shall be read to require or authorize any Beneficiary to reduce wages established by a collective bargaining agreement or required under any prevailing wage law.
- F.) F.) **Cuts in Non-wage Benefits Prohibited.** No Beneficiary shall fund wage increases required by this Law, or other respond to the provisions of this Law, by reducing the health, insurance, pension, vacation, or other non-wage benefits of any of its employees.
- G.) G.) **Living Wage Reporting.** The County Department of Human Resources and Civil Service shall report to the Legislature within sixty (60) days after enactment as to which full-time County positions pay less than the Living Wage Standard. The County of Suffolk shall then use this information to comply with the standards of this law.
- 1.) Payroll recordkeeping and reporting. Each covered employee shall maintain payrolls for all Covered Employees and basic records relating thereto and shall preserve them for a period of three (3) years. The records shall contain: the zip code of each employee's place of residence, the number of hours worked each day, the gross wages, deduction made, actual wages paid, a record of fringe benefit payments, and any other data as may be required by the County Department of Labor from time to time. Annually, each Covered Employer shall file, with the County Department of Labor, a complete payroll showing the Covered Employer's payroll records for each of its Covered Employees for one payroll period. Upon request by the County Department of Labor, a Covered Employer shall produce for inspection and copying its payroll records for any or all of its Covered Employees for the prior three (3) year period.
 - 2.) 2.) Annual Reports from Covered Employers. Covered Employers shall provide annual reports to the County Department of Labor of their employment activities, including the zip code, job title, health benefits, and wage rate of Covered Employees hired and laid off.

3.) 3.) Notice of Application for Assistance. Any and all contracts or agreements to provide Assistance shall be void, and no Assistance may be awarded, unless, at least twenty-one (21) days before Assistance is awarded or an agreement to provide Assistance is signed, the applicant for Assistance files with the Office of the County Clerk a publicly available Application for Assistance which shall include the following:

- a.) The name, address, and phone number of both the prospective Beneficiary and, if different, the specific project for which the Assistance is sought;
- b.) The amount and origin of Assistance sought (e.g. State or County assistance program or contracting department);
- c.) A brief description of the project or service for which the Assistance is sought;
- d.) A statement of projected employment needs, by job classification, under the prospective Assistance, including calculation of estimated net increase or decrease in jobs as a result of Assistance;
- e.) A statement of the projected wage levels of all Covered Employees in each of the years for which Assistance is sought;
- f.) A workforce profile of the prospective Beneficiary; and
- g.) A written commitment to pay all Covered Employees a Living Wage, as defined by this law.

4.) **County Assistance Reports.** Each Awarding Agency shall file a County Assistance Report with the County Department of Labor. The report shall include, *for each Assistance package or contract approved*, by or through the authority or administration of the County Department of Labor, during the preceding quarter:

- a.) The name of the Awarding Agency, the name of the specific program under which the Assistance was awarded, and the origin of funds for Assistance;
- b.) A calculation of the total cost to the County of Assistance provided to each Beneficiary, including both face-value of Assistance, as well as revenue not collected by the County as a result of the Assistance;

- c.) A description of the purpose or project for which the Assistance is awarded;
 - d.) An accounting of the total number of jobs created per each project for which Assistance was given; and
 - e.) An accounting of the average wage paid on all jobs created by Assistance granted by the Awarding Agency during the quarter.
- H.) H.) Compensated Days Off. Employers shall provide at least twelve (12) days off per year for sick leave, vacation, or personal necessity at the employee's request. Employees shall accrue one compensated day off per month of full-time employment. Part-time employees shall accrue compensated days off in increments proportional to that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six (6) months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required twelve (12) compensated days off.

Section 4. Record Keeping.

- A.) A.) The County Department of Labor shall promulgate rules and regulations necessary and appropriate for the implementation of this law.
- B.) B.) The County Department of Labor shall submit annual reports to the County Legislature which shall include the following information at minimum:
 - 1.) 1.) A listing and the status of all RFP's and RFQ's, service contracts and lease agreements executed and financial assistance awarded, to which this Law applies including the term, dollar amount, and the service performed or assistance provided.

Section 5. Noncompliance Review and Appeal.

- A.) A.) Covered Employers who fail to submit documents, declaration, or information required to demonstrate compliance with this Law, shall be deemed non-responsive and subject to disqualification and other sanctions set forth herein.
- B.) B.) The County Department of Labor shall develop an administrative procedure and appeal process for determining compliance with this Law, subject to the following conditions:
 - 1.) 1.) The appeals process shall be available to every bidder/proposer who has been deemed non-compliant with this Law, or who disputes the determination of applicability of this Law to its business operation which will be involved in the proposed

contract. A contract shall not be executed until there is resolution of the relevant appeal.

- 2.) 2.) Appeals shall be filed with the County Department of Labor within seven (7) calendar days after the date of the notice of the County's written determination of noncompliance and reasons therefor, or written determination of the applicability of this Law.
- 3.) 3.) The County Department of Labor shall maintain records pertaining to all complaints, hearings, determinations and findings, waivers requested and granted, and shall submit a regular report on compliance with this Law no less than annually to the County Legislature. Special reports and recommendations on significant issues of interest to the Legislature shall be submitted as deemed appropriate by the County Department of Labor or as directed or requested by the Suffolk County Legislature.

C.) Living Wage Advisory Committee.

- 1.) 1.) A Living Wage Advisory Committee (Committee) is hereby created to review the effectiveness of this law at creating and retaining living wage jobs in Suffolk County.
- 2.) 2.) The Committee shall be comprised of seven (7) members as follows:
 - a.) two (2) members of the Suffolk County Legislature, one to be appointed by the majority leader, and one to be appointed by the minority leader of the County Legislature;
 - b.) two (2) labor union members to be selected by labor union affiliates of the Long Island Federation of Labor, AFL-CIO;
 - c.) three (3) members to be appointed by the County Executive, including two representatives of Covered Employers, and one member from the community at large.
- 3.) 3.) Members of this Committee shall serve a three- (3)-year term.
- 4.) 4.) The Committee shall meet at least once a year and in special session as required. All meetings of the Committee shall be open to the public and shall allow for public testimony on the uses of County Assistance generally, and on specific instances of Assistance or proposed Assistance as received or sought by individual enterprises.

Section 6. RFP, Contract, and Financial Assistance Agreement Language.

- A.) A.) All RFP's, County contracts, and financial assistance agreements subject to this Law shall contain the following two (2) paragraphs or substantially equivalent language:
- 1.) 1.) This contract is subject to the Living Wage Law of the County of Suffolk. The Law requires that, unless specific exemptions apply, or a waiver is granted, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees (as defined) of \$9.00 per hour with health benefits of at least \$1.25 per hour or otherwise \$10.25 per hour. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law, of the County of Suffolk.
 - 2.) 2.) Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies as set forth therein, for violations of this Law.

Section 7. Obligations of Covered Employers.

- A.) A.) All Covered Employers subject to the provisions of this Law shall submit a completed sworn (under penalty of perjury) Declaration of Compliance form, signed by an authorized representative, along with each proposal. The completed Declaration of Compliance form shall be made a part of any executed contract or project agreement and made available to the public upon request.
- B.) B.) Covered Employers shall require their subcontractors to comply with the provisions of this law for as long as the covered employer is in receipt of assistance and shall require tenants/leaseholders to comply with the provisions of this law for as long as they use and occupy a premises or lease equipment or property that is in receipt of assistance. Language indicating the subcontractor's or tenants/leaseholders agreement to comply shall be included in any contract or agreement between a Covered Employer and their contractors, subcontractors, tenants or leaseholders. A copy of such subcontracts or other such agreements shall be submitted to the County and made available to the public upon request.
- C.) C.) Covered Employers shall maintain a listing of the name, address, date of hire, occupation classification, rate of pay, and benefits paid for each of its employees, if any, and submit a copy of the list to the County on March 31, June 30, September 30, and December 31 of each year the contract is in effect. Failure to provide this list within five (5) days of the due date will result in a civil penalty of \$500.00 per day. Covered Employers shall maintain payrolls for all employees and basic records relating thereto, and shall preserve them for a period of three (3) years after termination of their contracts.
- D.) D.) Covered Employers shall give written notification to each current and new employee, at time of hire, of his or her rights to receive the benefits under the provisions of this Law. The notification shall be posted prominently in

communal areas at the work site. A copy of said notification shall be forwarded to the County and shall include the following:

- 1.) 1.) Minimum compensation and health benefits – The initial rates of \$9.00 an hour with health benefits, or \$10.25 without health benefits, will be adjusted each year no later than April 1 in proportion to the increase at the immediately preceding December 31 over the year earlier level of the Consumer Price Index, as published by the U.S. Department of Commerce, Bureau of Economic Analysis, applied to \$10.25. Proof of the provision of qualified health benefits shall be submitted to the County not later than thirty (30) days after execution of the contract to qualify for the wage rate in Section 3. Health benefits shall be provided to part-time employees as well as full-time employees.
 - 2.) 2.) Notice that the employers are required to file a Declaration of Compliance form as part of the contract with the County and that the County will make said declarations available for public inspection and copying during its regular business hours.
- E.) E.) Covered Employers shall permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with this Law, investigating employee complaints of non-compliance, and evaluating the operation and effects of this Law, including the production for inspection and copying of its payroll records for any or all of its employees for the term of the contract or for five (5) years, whichever period of compliance is applicable.
- F.) F.) Covered Employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the federal Earned Income Credit (EIC) under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make available to employees forms informing them of the EIC and forms required to secure advance EIC payments from the employer. These forms shall be provided to the eligible employees in English, Spanish, and other languages spoken by a significant number of the employees within thirty (30) days of employment under the terms of this section, and as required by the Internal Revenue Code.

Section 8. Retaliation and Discrimination Barred.

- Covered Employers shall not discharge, reduce the compensation of, or otherwise discriminate against any employee for making a complaint to the County, participating in any of its proceedings, using any civil remedies to enforce his or her rights, or otherwise asserting his or her rights under this Law. Covered Employers shall also be in compliance with federal law proscribing retaliation for union organizing.

Section 9. Monitoring, Investigation and Compliance.

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- A.) The provisions of this law shall augment the County's normal and customary procedure for administering its contracts. The County shall administer the requirements of this Law as follows:
- 1.) The County Department of Labor shall develop rules and regulations necessary and appropriate to review contract documents to insure that relevant language and information are included in County RFP's, agreements and other pertinent documents.
 - 2.) The County Department of Labor shall develop rules and regulations necessary and appropriate for the monitoring of the operations of the contractors, subcontractors, and financial assistance recipients to insure compliance including the review, investigation, and resolution of specific concerns or complaints about the employment practices of a Covered Employer relative to this Law. In such cases, the County shall attempt to resolve the problem within thirty (30) days.
 - 3.) Where a violation of any provision of this Law has been determined, the contractor shall be given a written notice by the County per the rules and regulations promulgated by the County Department of Labor. If the violation continues and/or no resolution is imminent, the County shall pursue all available legal remedies, including but not limited to, any or all of the following penalties and relief:
 - a.) Suspension and/or termination of the contract, subcontract, or financial assistance agreement, for cause;
 - b.) Payback of any or all of the contract or financial assistance awarded by the County of Suffolk;
 - c.) Deem the Covered Employer ineligible for future County contracts and/or financial assistance until all penalties and restitution have been paid in full;
 - d.) A fine payable to the County of Suffolk in the sum of Five Hundred Dollars (\$500.00) for each week for each employee found not to have been paid in accordance with this Law;
 - e.) Wage restitution for each affected employee.
- B.) The Suffolk County Attorney shall promulgate procedures for legal enforcement of the requirements of this Law.

Section 10. Employee Complaint Process

- ̄ A.) A.) An employee who alleges violation of any provision of this Law may report such acts to the County, and at the employee's discretion, exhaust available employer internal remedies. The complaint to the County shall be handled as follows:
- 1.) 1.) The employee shall submit to the County a completed complaint form and copies of all documents supporting the allegation.
 - 2.) 2.) The County shall notify the Awarding Agency and the Covered Employer of the complaint and seek resolution within five (5) days from receipt of the complaint form. If resolution is not accomplished, the County shall initiate an investigation and seek legal remedies, if appropriate.
 - 3.) 3.) An employee claiming retaliation (such as termination, reduction in wages or benefits, or adverse changes in working conditions) for alleging non-compliance with this Law may report the alleged retaliation in the same manner as the initial complaint.

Section 11. Applicability.

This Law shall apply to all actions occurring on or after July 1, 2002, and shall apply to:

- 1.) 1.) a contract or subcontract entered into or renewed and after the applicability date of this law;
- 2.) 2.) financial assistance awarded after the applicability date of this law;
- 3.) 3.) a contract amendment consummated after the applicability date of this Law which itself meets the financial threshold requirement of this law; and
- 4.) 4.) supplemental financial assistance provided for after the applicability date of this Law which itself meets the requirements of this law.

Section 12. Duration of Requirements.

- ̄ A.) A.) Receipts of Assistance in an amount greater than Fifty Thousand Dollars (\$50,000) in any twelve (12) month period shall require compliance with this law for the life of the project and for as long as such assistance is being received by a beneficiary.
- B.) B.) Assistance in the form of a service contract or subcontract of at least \$10,000, as defined in Section 2(B)(2) of this law, shall require compliance with this law for the term of the contract or subcontract.

Section 13. Exemptions.

̄A.) A.) Grounds for Granting Exemptions:

- 1.) 1.) General Exemption. Exemptions may be granted by the County Department of Labor where application of this law to a particular form of Assistance is found by the County to violate specific state or federal statutory, regulatory, or constitutional provision or provisions.
- 2.) 2.) Youth Employment Exemption. An exemption to this law may be granted where a Beneficiary is an organization that regularly employs individuals under the age of 21 in a summer youth or school-to-work program. The exemption shall only apply to such employees.
- 3.) 3.) Not-for-profit corporations. An exemption to this Section may be granted for a maximum period of one (1) year after the enactment of this law to any not-for-profit organization which is exempt from federal income tax under 501(c) of the INTERNAL REVENUE CODE of 1986 (26 U.S. C. 501(c)) and which performs services for the County or its departments for the benefit of the people of Suffolk County provided:
 - a.) a.) the Chief Executive Officer of such organization provides proof to the County of Suffolk that the highest paid employee of the corporation earns a salary which, when calculated on an hourly basis, is less than six (6) times the lowest wage or salary paid by the corporation, or
 - b.) b.) an applicant for an exemption demonstrates that the fulfilling of the requirement of this law will present a hardship in that the fulfilling of the requirement of this law will directly increase the expected total annual budget of the applicant in an amount greater than ten (10) percent of the prior year's adopted budget.
 - c.) c.) An applicant for an exemption pursuant to subsection (3) of paragraph (A) of this section shall submit in writing to the Suffolk County Department of Labor an application for an exemption containing the following information:
 - i.) i.) the anticipated total annual budget of the applicant should the exemption be granted;
 - ii.) ii.) the annual cost of the application of this law to the applicant;

- iii.) iii.) the percentage increase of the anticipated total annual budget of the applicant if the application for an exemption is denied; and
 - iv.) iv.) the number of employees that would be affected by the application of this law to the applicant.
- 4.) 4.) Not-for-profit seasonal employees. A not-for-profit corporation that employs seasonal employees may be granted a permanent exemption from this law with respect only to those seasonal employees. Proof that employees are seasonal employees as defined in this law and therefore eligible for an exemption must be provided to the County before an exemption can be granted.
- 5.) 5.) An applicant for exemption for contracts awarded through competitive bidding or a request for proposal process shall request such exemption by completing a "Request for Exemption – Living Wage" form contained in each bid or request for proposal solicitation issued by the County of Suffolk.
 - a.) a.) Applicants who are requesting an exemption to this section may submit more than one proposal or bid; i.e., one based on an approved exemption and one based on a disapproved exemption.
 - b.) b.) The application requesting such exemption shall contain the following information:
 - i.) i.) the anticipated total annual budget of the applicant should the exemption be granted;
 - ii.) ii.) the annual cost of the application of this law to the applicant;
 - iii.) iii.) the percentage increase of the anticipated total annual budget of the applicant if the application for an exemption is denied; and
 - iv.) iv.) the number of employees that would be

affected by the application of this law to the applicant.

B.) Contents of Exemption Requests.

All General Exemption requests shall include the following:

- 1.) 1.) The nature of Assistance to which this Law applies;
- 2.) 2.) The specific or official name of the Assistance and Assistance program, the statutory or regulatory authority for the granting of the Assistance, and a copy of that authority;
- 3.) 3.) The conflicting statutory, regulatory, or constitutional provision or provisions that make compliance with the Law unlawful, and a copy of each such provision; and
- 4.) 4.) A factual explication and legal analysis of how compliance with this Law would violate the cited provision or provisions, and the legal consequences that would attach if this violation were to occur.

Section 14. Implementing Regulations.

- The County Department of Labor is hereby authorized and empowered to issue and promulgate such rules and regulations as shall be necessary and appropriate to implement this law.

Section 15. Severability.

- If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 16. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate

SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 17. Effective Date.

This law shall take effect immediately upon filing in the office of the Secretary of State.

DATED: June 5, 2001

DISAPPROVED BY COUNTY EXECUTIVE OF SUFFOLK COUNTY

Date of Disapproval: June 28, 2001