

**PROPOSED ORDINANCE NO. 40-2012**

**AN ORDINANCE EXTENDING A VOLUNTARY SEPARATION  
INCENTIVE TO CERTAIN OFFICERS AND EMPLOYEES**

WHEREAS, due to the nation-wide fiscal crisis Nassau County finds it necessary and prudent to take measures to address an anticipated shortfall in revenues in order to undertake steps to eliminate a potential budget gap; and

WHEREAS, the Police Benevolent Association of the Police Department of the County of Nassau, Inc., the Nassau County Detectives' Association Inc., and the Superior Officers Association, Police Department of Nassau County, N.Y., have executed a Memorandum of Agreement ("Voluntary Separation Incentive Program") with the County to offer an incentive to encourage its members to separate from service voluntarily in order to help the County realize savings necessary to eliminate the potential budget gap; and

NOW THEREFORE, BE IT ORDAINED, by the County Legislature of the County of Nassau as follows:

Section 1. Eligibility. An officer or employee shall be eligible to participate in the Incentive described in section 3 of this Ordinance so long as the officer or employee is a covered employee pursuant to the Voluntary Separation Incentive Program MOA.

§ 2. Required action. An officer or employee who meets the conditions for the Incentive set forth in section 1 of this Ordinance shall be eligible for the Incentive only if the officer or employee voluntarily complies with the terms of the Voluntary Separation Incentive Program MOA.

§ 3. Incentive. Subject to the restrictions in this ordinance, an officer or employee who meets both the conditions of section 1 and the requirements of section 2 of this ordinance shall

receive (a) a payment of \$1,000 for each full year of actual completed service to be paid in a lump sum consistent with the terms established in the applicable Voluntary Separation Incentive Program MOA, and (b) any other payment to which he or she is entitled pursuant to the applicable Voluntary Separation Incentive Program MOA.

§ 4. Voluntary agreement. Participation in the Incentive is voluntary and no employee shall be required to participate in the incentive.

§ 5. Program options. If the Governor of the State of New York signs into law a Voluntary Separation Incentive Program or Retirement Incentive Program that applies to any of the employees represented by the respective Unions, and such program is extended by the County to its eligible employees, any such eligible employees will have the option of participating in either the program established by this Ordinance or the program authorized by such State law, whether or not such employee has already submitted a Letter of Resignation, provided that such employee has not already separated from County service.

§ 6. SEQRA determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Clerk of the Legislature.

§ 7. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 8. This ordinance shall be null and void in the event that the County fails to obtain any necessary local legislative authority to bond the termination payments and incentive payments referred to in this ordinance, or if the County fails to obtain any necessary authority from the Nassau Interim Finance Authority (NIFA) to bond the termination payments and incentive payments referred to in this ordinance.

§ 9. Effective date. This ordinance shall be effective immediately.