

# COUNTY OF SUFFOLK



STEVE LEVY

SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES  
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ALAN SCHNEIDER  
COUNTY PERSONNEL DIRECTOR

June 29, 2010

Cheryl Felice, President  
SCAME  
30 Orville Drive  
Bohemia, NY 11716

Dear Ms Felice:

Before responding to your letter dated June 21, 2010, I want you to know that I still have not received your letter addressed to me. I have a copy that was given to me by an AME member.

I note that the date on your letter is June 21, 2010, one week before the extension period expires on the Deferred Compensation program moving to the State Plan for employees working at the Suffolk Community College and months after the College became a separate employer.

The Legislative Resolution was finalized in early 2009. That resolution determined that the College was to become autonomous from the County and would become a separate employer. On November 18, 2009 the Deferred Compensation Board was advised that under New York State Deferred Compensation Law employees of a separate employer could not continue to contribute to the Suffolk County Deferred Compensation Plan. This was subsequently confirmed by the Executive Director of the New York State Deferred Compensation Board. As you are aware, since the College became a separate employer on January 1, 2010, the State gave us a six month extension until the end of June to remove all College employees from the County Plan.

The Deferred Compensation Board began its discussion on the Legislative Resolutions and its ramifications in the summer of 2009. Meetings with the College were scheduled as early as September 2009 to discuss the transition and your representative on the Deferred Compensation Board took part in those meetings. The College Board of Directors subsequently passed a resolution to adopt the State Deferred Compensation Plan for their employees and we were able to work out an agreement whereby College employees would be able to leave existing funds in the County Plan and continue to have access to T. Rowe Price and VALIC funds while making contributions to the State Plan through Nationwide Insurance. In addition, the employees of the College would also have the ability to contribute to the College's 403b Plan administered by TIAA CREF.

In regard to the promotional issue, once the College became a separate employer and no longer a County Department on January 1, 2010, under Civil Service Law the College became what is known as a separate jurisdiction. As such, the College employees were no longer eligible to promote to positions in the County and County employees were no longer eligible to promote to positions at the College. This is made clear in the section of the Legislative Resolution stating "Each Party is an independent entity and neither party, nor any of its officers, directors, appointees, employees, contractors, or agents shall (a) be deemed an employee of the other; (b) commit either to any obligation; or (c) hold itself, himself, or

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herself out as an employee of the other, or a person with the authority to commit the other to any obligation. As used in this Agreement, the word "Person" means any individual person, entity (including partnerships, corporations and limited liability companies) and government or political subdivision thereof (including agencies, bureaus, officers and departments thereof)."

I advised you of the above earlier this year at a meeting at AME. I am shocked and dismayed that you are, after all this time, now sending me a letter asking me to rescind the two rulings that have been made and threaten if I did not do this that you would have no choice but to explore legal options.

I have no choice but to deny both of your requests since both the Deferred Compensation and Promotion determinations were made as a result of the Legislative resolution and in accordance with State law.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan Schneider". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan Schneider  
Personnel Director

AS:ms