

**Instituting Compensation Parity And Authorizing Stipends For Participants In The Counsel At First Appearance (“CAFA”) Program In The Office Of The Ulster County Public Defender And Amending The 2019 Ulster County Budget – Office Of The Public Defender**

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Eckert and Legislators Collins, Haynes, Heppner, and Ronk), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, James Maloney, Joseph Maloney, Petit, and Rodriguez)

Chairwoman of the Law Enforcement and Public Safety Committee, Lynn Eckert, and Deputy Chair Kenneth Ronk, Jr. offer the following:

WHEREAS, this resolution has been submitted by the Acting County Executive on behalf of the Office of the Public Defender; and

WHEREAS, the New York State Office of Indigent Legal Services has approved \$40,000 in annual funding to increase access to counsel for indigent individuals (as part of the Statewide Expansion of Hurrell-Harring Settlement funding); and

WHEREAS, the State of New York has mandated a Counsel At First Appearance (“CAFA”) initiative, wherein institutional public defense providers are to provide an Assistant Public Defender to appear at the first court appearance (arraignment) of any accused person; and

WHEREAS, the New York State Office of Indigent Legal Services, as part of its statewide expansion of Hurrell-Harring settlement funding, has approved additional compensation for those Assistant Public Defenders who will participate in the CAFA program; and

WHEREAS, each participating Assistant Public Defender, who will be subject to call-outs “24/7” to attend such court appearances will be compensated with a \$10,000 annual stipend plus their respective hourly compensation for actual appearances; and, now, therefore, be it

RESOLVED, that the 2019 Ulster County Budget is hereby amended as follows:

	<u>AMEND</u>	<u>AMOUNT</u>
1170-1161 (PL#)	Assistant Public Defender Management (Part-Time) Hourly rate increase from \$31.60	\$2,430.00

**Resolution No. 190      May 21, 2019**

**Instituting Compensation Parity And Authorizing Stipends For Participants In The Counsel At First Appearance (“CAFA”) Program In The Office Of The Ulster County Public Defender And Amending The 2019 Ulster County Budget – Office Of The Public Defender**

To \$35.35 or \$4,340.16 annually  
Per Attorney. In addition, there will  
be \$1,028.00 additional FICA and  
retirement annually.  
Compensation will be pro-rated to  
Year-end beginning June 10, 2019.

1170-1186      Assistant Public Defender      \$2,430.00  
(PL#)      Management (Part-Time)

Hourly rate increase from \$31.60  
To \$35.35 or \$4,340.16 annually  
Per Attorney. In addition, there will  
be \$1,028.00 additional FICA and  
retirement annually.  
Compensation will be pro-rated to  
Year-end beginning June 10, 2019.

1170-1150      Assistant Public Defender      \$2,430.00  
(PL#)      Management (Part-Time)

Hourly rate increase from \$31.60  
To \$35.35 or \$4,340.16 annually  
Per Attorney. In addition, there will  
be \$1,028.00 additional FICA and  
retirement annually.  
Compensation will be pro-rated to  
Year-end beginning June 10, 2019.

1170-1159      Assistant Public Defender      \$2,430.00  
(PL#)      Management (Part-Time)

Hourly rate increase from \$31.60  
To \$35.35 or \$4,340.16 annually  
Per Attorney. In addition, there will  
be \$1,028.00 additional FICA and  
retirement annually.  
Compensation will be pro-rated to  
Year-end beginning June 10, 2019.

**Resolution No. 190      May 21, 2019**

**Instituting Compensation Parity And Authorizing Stipends For Participants In The Counsel At First Appearance (“CAFA”) Program In The Office Of The Ulster County Public Defender And Amending The 2019 Ulster County Budget – Office Of The Public Defender**

1170-1188 (PL#)	(Senior Felony) Assistant Public Defender (Full-Time) Hourly increase from \$43.78 to \$48.89 or \$9,336.00 annually. In addition, there will be \$2,212.00 additional FICA and Retirement expense Annually. Compensation will be pro-Rated to year-end beginning June 10, 2019.	\$5,228.00
1170-1221 (PL#)	(Senior Felony) Assistant Public Defender (Full-Time) Hourly increase from \$43.78 to \$48.89 or \$9,336.00 annually. In addition, there will be \$2,212.00 additional FICA and Retirement expense Annually. Compensation will be pro-Rated to year-end beginning June 10, 2019.	\$5,228.00
1170-1189 (PL#)	Senior (Conflict) Assistant Public Defender (Full-Time) Hourly increase from \$43.78 to \$48.89 or \$2,311.77 annually. In addition, there will be \$548.00 Additional FICA and Retirement Expense annually. Compensation Will be pro-rated to year-end Beginning June 10, 2019.	\$1,295.00

**Resolution No. 190      May 21, 2019**

**Instituting Compensation Parity And Authorizing Stipends For Participants In The Counsel At First Appearance (“CAFA”) Program In The Office Of The Ulster County Public Defender And Amending The 2019 Ulster County Budget – Office Of The Public Defender**

	<u>INCREASE</u>	<u>AMOUNT</u>
AA.1170.1046-1300.1300	Regular Pay	\$21,471.00
AA.1170.1046-1420.1460	Stipend Pay	\$56,000.00
AA.1170.1046-8000.8000	Retirement	\$ 3,435.00
AA.1170.1046-8010.8010 (App. #)	SS/FICA	\$ 1,643.00
AA.1170.1048-3300.3025 (Rev. #)	State Aid Indigent Legal Services	\$82,549.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Absent: Legislator James Maloney)  
(Legislator Roberts left at 7:45 PM)

Passed Committee: Law Enforcement and Public Safety on May 6, 2019

Passed Committee: Ways and Means on May 14, 2019

FINANCIAL IMPACT:

\$ 82,549.00 – INCREASE 2019 APPROPRIATION DOLLARS  
\$ 82,549.00 – INCREASE 2019 STATE REVENUE DOLLARS

**Resolution No. 190      May 21, 2019**

**Instituting Compensation Parity And Authorizing Stipends For Participants In The Counsel At First Appearance (“CAFA”) Program In The Office Of The Ulster County Public Defender And Amending The 2019 Ulster County Budget – Office Of The Public Defender**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 21<sup>st</sup> Day of May in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 24<sup>th</sup> Day of May in the year Two Thousand and Nineteen.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
24<sup>th</sup> Day of May, 2019.

Approved by the Acting County Executive this  
29<sup>th</sup> Day of May, 2019.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

[s] Adele B. Reiter  
Adele B. Reiter, Acting County Executive