

LEGAL ALERT

TO: School District Clients c/o District Clerks

FROM: Keane & Beane, P.C.

RE: Reporting for Appointed Officials

DATE: December 2, 2010

From time to time, Keane & Beane, P.C., will issue a Legal Alert to our clients to keep them informed of important changes or updates in the law. Such an update was issued to you on October 21, 2009, regarding Section 315.4 of the Regulations of the State Comptroller relating to new reporting requirements for appointed officials of School Districts. This Legal Alert is intended as a reminder to all School Districts regarding the impending deadline for establishing standard workdays for its appointed officials.

As set forth in the October 21, 2009 Legal Alert, Section 315.4(a) of the Regulations of the State Comptroller (the "Regulations") requires that each appointed official who is a member of the Retirement System and does not participate in a time and attendance system must keep a log of work related activities for three (3) consecutive months within one hundred fifty (150) days of the start of a new term or appointment so that the school district can accurately determine the number of days worked to report. Furthermore, this log must be submitted to the district clerk within one hundred eighty (180) days of the start of a new term or appointment for review by the board of education to determine: (1) whether the activities listed constitute reasonable and appropriate work for the position and (2) whether the hours reported seem appropriate for the duties.

After the board of education completes its review, it must establish, through a resolution, a standard work day for each appointed office or position. The board of education must review all the logs of each appointed official prior to passing said resolution. The resolution must indicate: (1) the number of hours prescribed as a standard work day for each such elective or appointed office or position which is compensated (which can be no fewer than six hours nor

more than eight hours); (2) the expiration of the term for each such office or position; (3) that the employer maintains an actual daily record of time worked for the appointed official or that the official holding the office has recorded and submitted to the clerk his or her work activities for a period of three consecutive months (as provided in §315.4[a]); and (4) for each elected and appointed official who has submitted a record of work activities (as provided in §315.4[a]), the total number of days per month to be reported based upon such record of work activities. *See* attached sample resolution.

The resolution must be adopted at the first regular meeting held after the first one hundred eighty (180) days of the new term, or whenever a new appointed office is established. In most cases this will require the board of education to pass such a resolution during the first board meeting in January of 2011. The resolution must also be posted on the school district's public website¹ for at least thirty (30) days or, if a website isn't available to the public, on the official sign-board or at the main entrance to the clerk's office. An affidavit of the posting and a copy of the resolution must also be filed with the Office of the State Comptroller within forty five (45) days of adoption. *See* attached sample affidavit.

Should you have any questions regarding the above, or should you wish to have another copy of the October 21, 2009 Legal Alert, please feel free to contact Ronald A. Longo, William Kang or Suzanne E. Volpe of this Office.

cc: Superintendents of Schools

¹ The employees' personal information (such as the last 4 digits of their social security numbers and their registration numbers) may be redacted to protect their privacy and security.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the _____ hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Appointed Officials							

On this _____ day of _____, 20__

Date enacted: _____

(Signature of clerk)

I, _____, clerk of the governing board of the _____, of
(Name of Employer)

the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the ___ day of _____, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of ___ members, and that ___ of such members were present at such meeting and that ___ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the

(Name of Employer)



(seal)

Affidavit of Posting

Location Code: **39999**

Employer Name: **Town of Willabee**

Affidavit attesting that the Standard Work Day and Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York)
)
County of Albany)

Alan Smithee
(Name)

being duly sworn, deposes and says:

1. That (s)he is the Clerk of Town of Willabee.
(Title) (Employer)
2. That the posting of the Resolution began on November 25, 2009 and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):
 Employer's website at _____
 Official sign board at _____
 Main entrance to office of the clerk at 123 Main St., Willabee, New York

Name _____ Title _____
(Signature of clerk of governing body)