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SHERIFF OF ERIE COUNTY

September 15, 2026

The Honorable
Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

Re: 207-c Hearing Officer

Honorable Members:

Attached, please find a proposed resolution and accompanying memorandum authorizing the county to enter into an agreement with Ms. Kathleen O'Hara to serve as an independent hearing officer to preside over 207-c Hearings as required by § 207-c of the New York State General Municipal Law.

Representatives of my Office will be made available upon request to answer any questions you may have.

Very Truly Yours,

John C. Garcia
Sheriff of Erie County

Attachments

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: 207-c Hearing Officer
Date: September 15, 2026

Summary of Recommended Action

Approval of this item will authorize the County Executive and Sheriff to enter into an agreement with Ms. Kathleen O'Hara to serve as an objective and independent hearing officer for all 207-c Hearings conducted. Ms. O'Hara will be compensated \$800 per hearing.

Fiscal Implications of Proposal

Sufficient funding to cover the County's obligation to compensate Ms. O'Hara is available within the Erie County Sheriff's Office, Police Services Division budget (Fund 110, Funds Center 11510). No new funding is required to be allocated.

Reasons for Recommendation

§ 207-c of the New York State General Municipal Law states:

Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county... who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality... by which he or she is employed the full amount of his or her regular salary or wages from such employer until his or her disability arising therefrom has ceased...

In the event the Sheriff's Office denies an employee's claim under § 207-c, that employee shall have the right to request a hearing. The County is required to provide an objective and independent hearing officer to administer that hearing. It is the role of the hearing officer to determine the causal relationship of the employee's work function and their injury and issue a decision on the employee's ability to return to full or light duty in the event conflicting evidence is produced.

Ms. O'Hara is a qualified hearing officer who was previously under contract by the County to serve as 207-c Hearing Officer. That contract lapsed on December 31, 2023. The Erie County Sheriff's Office is now seeking to enter into a new contract with Ms. O'Hara should an employee request a 207-c Hearing.

Consequences of Negative Action

The County would not have a hearing officer available to conduct 207-c Hearings, potentially putting the County in jeopardy of non-compliance with § 207-c of the New York State General Municipal Law.

Steps Following Approval of Measure

Certified copies of the approved resolution shall be forwarded to the County Executive, County Attorney, Division of Budget and Management, Purchasing Division, Comptroller, and Erie County Sheriff's Office.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: 207-c Hearing Officer

WHEREAS, it is the mission of the Erie County Sheriff's Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction with an emphasis on integrity, fairness and professionalism; and

WHEREAS, § 207-c of the New York State General Municipal Law provides for full pay and benefits for employees of the Erie County Sheriff's Office if they are injured or have taken ill in the performance of their duties; and

WHEREAS, if an employee is denied such benefits, they have the right to request a hearing; and

WHEREAS, the Sheriff's Office requires the services of a qualified hearing officer to conduct 207-c Hearings; and

WHEREAS, the Sheriff's Office recommends that the County enter into an agreement with Ms. Kathleen O'Hara to serve as hearing officer to conduct 207-c Hearings; and

WHEREAS, Ms. O'Hara is a qualified attorney who previously served as hearing officer for the County from 2016-2023; and

WHEREAS, failure to engage with a hearing officer would block the County from conducting 207-c Hearings, putting the county in jeopardy of non-compliance with § 207-c of the New York State General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and Sheriff are authorized to enter into an agreement with Ms. Kathleen O'Hara, Esq., 348 Parker Avenue, Buffalo, New York 14216 to serve as hearing officer for Section 207-c Hearings; and be it further

RESOLVED, Ms. O'Hara shall be compensated at a rate not to exceed \$800 per hearing; and be it further

RESOLVED, the Comptroller is authorized to release the designated funds and make any payments pursuant to this resolution; and be it further

RESOLVED, certified copies of the approved resolution shall be forwarded to the County Executive, County Attorney, Division of Budget and Management, Purchasing Division, Comptroller, and Erie County Sheriff's Office.

FISCAL IMPACT: As Indicated