

LOCAL LAW No. 5 - 1973

A local law amending local law number one—nineteen hundred fifty-nine, as amended, constituting the Erie county charter, in relation to covering-in certain employees of the Erie county sheriff's department in the competitive class of the classified service under the Civil Service Law of the state of New York, by repealing section fifteen hundred three, section two and substituting therefor a new section fifteen hundred three D.

Became a law with the approval of the county executive, January 23, 1973. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state February 5, 1973.

*Be it enacted by the legislature of the county of Erie as follows:*

Section 1. Findings of fact. The Erie county legislature hereby finds that the safety and general welfare of the people of Erie county requires an uninterrupted operation by trained, experienced and qualified personnel in the Erie county sheriff's department. Local law number two—nineteen hundred sixty-nine, which placed certain employees of the sheriff's department in the classified service under the Civil Service Law of the state of New York, was the subject of litigation for a period of more than two years, during which it was not practicable to administer competitive examinations for vacancies which arose since neither the validity nor the application of local law number two—nineteen hundred sixty-nine had been finally determined, and a court order enjoining any action by the parties was in effect. It was, however, necessary to appoint persons to fill these vacancies. Such persons, having been qualified when appointed and serving more than one year in their respective positions, have gained valuable knowledge and experience and comprise nearly one-third of the present work forces in the sheriff's department.

The Erie county legislature further finds that competitive examinations for all vacancies since November twenty-fifth, nineteen hundred sixty-nine, are impracticable at this time, since they would irreparably disorganize the department, endanger public safety, interrupt the continuous operation of mandated law enforcement services, adversely affect the morale of the sheriff's department and not be in the best interests of the residents of Erie county.

§ 2. The Erie county charter, section fifteen hundred three, section two, as added by local law number two—nineteen hundred sixty-nine, is hereby repealed, and a new section fifteen hundred three D is substituted, to read as follows:

§ 1503 D. All personnel employed by the Erie county sheriff's department who hold positions which are within the classified service under the New York State Civil Service Law and who have served for one year in their respective positions prior to the effective date of this local law shall be covered-in in their respective positions without further examination.

§ 3. This local law shall become effective immediately.