

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of ERIE  
Town ..  
Village ..

Local Law No. 9 of the year 19 93

A local law with respect to regulation of home health services provided pursuant to contracts between (Insert Title) the county of Erie and providers of home health services.

Be it enacted by the Erie County Legislature of the  
(Name of Legislative Body)

County  
City of ERIE  
Town .. as follows:  
Village ..

Section 1. Subdivision four of section three of Erie county local law number six of nineteen hundred ninety-one is hereby amended to read as follows:

4. Personnel screening. a. Each home health care agency and certified home health care agency under contract with the county of Erie to provide home health care services shall be responsible for: the recruitment of appropriate personnel; verification of credentials and references; review of criminal record information; screening of all current prospective personnel; and selection and hiring of personnel necessary to furnish home health care services. The screening program shall include, but not be limited to, the following requirements:

(i) each applicant for a position shall in the home health care agency shall be interviewed by a person at the supervisory/managerial level in the employing agency to assess the applicant's background, maturity, emotional and mental stability, attitude and ability to apply learning skills;

(ii) the employing agency shall require the applicant to

(If additional space is needed, attach pages the same size as this sheet, and number each.)

produce identification and shall be responsible for verifying such identification;

(iii) the employing agency shall require all applicants for employment to submit references from his/her two most recent employers or, if fewer than two employers, a combination of employer or character references from a former or current teacher, clergyman or other professional;

(iv) the employing agency shall conduct reference checks on all applicants, including written or oral contact with references provided by the applicant for employment and written or oral contact with any former or current home health care agency employers who may be disclosed through a central home health care employment register.

b. The employing agency shall conduct a review of the home health care employment history of all current personnel and prospective personnel:

(i) Each home health care agency and certified home health care agency which contracts with the county of Erie is required to participate in and to have the home health care employment history of all current and prospective employees checked through a central, county-wide home health care employment data registry;

(ii) Prior to employment, and as a condition of continued employment, the contractor shall obtain written consent from all current and prospective home health care personnel for a home health employment history to be obtained from a centralized, county-wide home health care employment data registry. Refusal

of such consent shall be grounds for dismissal or refusal to hire;

(iii) Each agency shall contact in writing or verbally, each past or current employer of the applicant for employment as revealed by the home health employment history report;

(iv) Each agency shall review continuing the employment of any current employee, or the hiring of any new employee, who fails to reveal past employment with another home health care agency.

c. The employing agency shall conduct a review of the criminal records and pending criminal actions against all current personnel or prospective personnel.

(i) Each home health care agency and certified home health care agency contracting with the County of Erie is required to have the records of all current and prospective employees checked for criminal histories by the Erie County Department of Central Police Services.

(ii) Prior to employment, and as a condition of continued employment, the contractor shall obtain written consent from all current and prospective home health care personnel for criminal record history by the Erie County Department of Central Police Services. Denial of such request shall be grounds for dismissal or refusal to hire.

(iii) Each agency shall, in accordance with the standards established by Article 23-A of the New York State Correction Law, review continuing the employment of any present employee or

hiring of any prospective employee discovered to be previously convicted of one or more criminal offenses.

(iv) Any failure to comply with the provisions of paragraphs (i) and (ii) of this subdivision shall be a material breach of the contract sufficient to cause termination under section 7 of this local law.

Section 2. This local law shall be effective immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

~~1. (Final adoption by local legislative body only.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)~~

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 1993 of the (County)(City)(Town)(Village) of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on November 18, 1993, and was (approved)(not disapproved)(repassed after disapproval) by the ERIE COUNTY EXECUTIVE and was deemed duly adopted on December 15, 1993, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

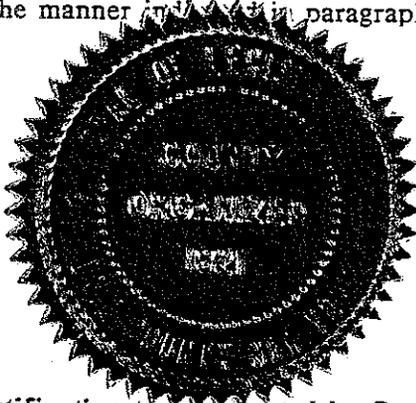
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner provided in paragraph 2, above.



*[Handwritten Signature]*

\_\_\_\_\_  
Clerk of the County legislative Body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: 12/20/93

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Handwritten Signature]*

\_\_\_\_\_  
Signature

ERIE COUNTY ATTORNEY

\_\_\_\_\_  
Title

County \_\_\_\_\_  
City \_\_\_\_\_ of ERIE  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 12/20/93