

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2-2013

LOCAL LAW NO. _____-2013

A LOCAL LAW establishing a residency requirement for employees of Erie County.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. TITLE.

This law shall be known as the "Erie County Employee Residency Requirement Act"

SECTION 2. INTENT.

Passage of this law will mandate that all employees of Erie County are residents of Erie County. Through its passage, the Erie County Legislature recognizes that employee residency:

- 1. Enhances the quality of employee performance, through greater personal knowledge of Erie County and its social, economic and municipal geography; and**
- 2. Enhances the quality of services that the county provides to residents; and**
- 3. Instills in county employees a greater personal stake in the condition and stability of the county.**

SECTION 3. DEFINITIONS.

Whenever used in this Local Law, the following terms shall be defined as follows unless the context or subject matter otherwise requires:

- A. "County" shall refer to Erie County, New York.**
- B. "Domicile" shall refer to an individual's legal residence and the place where an individual primarily lives, eats, sleeps, is eligible to vote and maintains usual household effects, and where that individual returns to whenever temporarily absent.**
- C. "Employee" shall refer to any individual who is employed by and directly works for any department, branch or division of Erie County, including department heads and discretionary/managerial confidential employees of elected officials,**

but excluding employees of Erie Community College or Erie County Medical Center Corporation.

- D. "Non-voluntary employment layoff" refers to the termination of county employment based solely on an act of the legislature or through passage of the annual county budget.
- E. "Re-employment" refers to an employee's re-appointment to county service after a discharge.
- F. "Resident" refers to a domiciliary of the County.

SECTION 4. ERIE COUNTY EMPLOYEE RESIDENCY POLICY

- 1. Each employee of Erie County shall be a resident of Erie County at the time of his or her appointment and during the entirety of his or her employment.
- 2. An employee's residence of record shall be his or her domicile.

SECTION 5. ENFORCEMENT AND PENALTIES.

- 1. This law shall be enforced by the Erie County Commissioner of Personnel. The Commissioner of Personnel is authorized to make the final determination and verification of an employee's compliance with this law. If an employee in good-standing is found to be in violation of this law, the Commissioner of Personnel shall inform the legislature in writing of the violation and the date of the impending termination.
- 2. The Erie County Comptroller shall on an annual basis confirm to the legislature that the county is compliant with the provisions set forth in this law.
- 3. An employee found in violation of the residency requirement of this law shall have his or her employment with the County terminated.
- 4. An employee terminated as the result of enforcement of this law shall not be eligible for re-employment with the County until a period of five years from the date of his or her termination has expired. After five years, re-employment consideration shall only be offered to individuals that have been county residents for one consecutive year or more.

SECTION 6. EXCEPTION CLAUSE.

This law shall not apply to employees appointed to their position before its effective date. However, no person shall remain an exception to this law if their employment with Erie County lapses for any reason, other than a non-voluntary employment layoff.

In the event it is deemed by the Commissioner of Personnel to be impossible to fill a vacancy with a current resident of Erie County, a super-majority vote of the

legislature shall suspend the law for the purposes of an individual appointment. The non-resident candidate for employment shall establish residency within six months of his or her appointment. The request for the law's suspension shall come in writing from the independently elected official charged with executing the department for which the employment applicant will work, accompanied by the following signed statement from the Commissioner of Personnel:

"I hereby affirm that without a temporary suspension of the Erie County Employee Residency Requirement Act it is impossible to recruit the most qualified candidate to serve as JOB TITLE. Therefore, I support ELECTED OFFICIAL/TITLE's request for suspension. I understand that, with your approval, this suspension is only applicable to this hire."

NAME

Erie County Commissioner of Personnel

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect on the first day of the month immediately following its approval.

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LEGISLATOR JOSEPH C. LORIGO