

**RESOLUTION NO. 434 -2013, ADOPTING LOCAL LAW
NO. 29 -2013, A CHARTER LAW TO CLARIFY EMPLOYEE
RESIDENCY REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 19, 2013 a proposed local law entitled, "**A CHARTER LAW TO CLARIFY EMPLOYEE RESIDENCY REQUIREMENTS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 29 -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO CLARIFY EMPLOYEE RESIDENCY
REQUIREMENTS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that with certain limited exceptions, employees of the County of Suffolk are required to be residents of the County at the time their employment begins.

This Legislature also finds that the Suffolk County Charter presently authorizes this Legislature to enact resolutions that waive the County's residency restrictions for a one-year period.

This Legislature also finds that it is unclear under the Charter's current language whether a non-resident may be employed prior to the adoption of a resolution authorizing a waiver.

This Legislature also finds that non-residents should not be placed on the County payroll until such time as the County Legislature has authorized a waiver of residency requirements.

This Legislature also determines that the Charter should be amended to clarify that the authority of the Classification and Salary Appeals Board to issue residency waivers is limited to those persons who are already employed by the County of Suffolk.

Therefore, the purpose of this law is to amend the Suffolk County Charter and clarify the process by which the residency requirement for County employment may be waived.

Section 2. Amendment.

Article VI of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article VI. Department of Human Resources, Personnel and Civil Service

§ C6-3. Recruitment of personnel; training programs; residency requirements.

* * * *

B. Residency requirements.

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(4) Exemptions.

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(b) Subject to Paragraph (2) of this Subdivision B, a nonresident may otherwise be employed[, provided that the County Executive proposes a resolution to the Legislature setting forth precisely defined classes of persons whose services are required by the County of Suffolk] for a period of employment not to exceed one year provided the County Legislature first enacts a resolution authorizing a temporary waiver of the residency requirement. [and the job requirements which may require the employment of such nonresident for a period of up to one year. Within 60 days after the first regular meeting after such resolution is laid on the table, the Legislature shall act thereon; and, in the event that the Legislature fails to act within such period, the resolution shall be deemed approved.] Nothing set forth in this paragraph shall be deemed to be in contradiction to the Civil Service Law requirements for probationary appointments to permanent positions in the competitive class as defined in the Civil Service Law.

* * * *

(d) An officer or employee of the County of Suffolk, or any agency thereof, who satisfied residency requirements when he or she entered County service, may apply, in writing, to the County Classification and Salary Appeals Board (Board), constituted under § 888-5 of the Suffolk County Code, for the purpose of requesting a temporary or permanent waiver of the provisions of this section. The Board is hereby empowered and authorized to grant such a waiver by a majority vote of the entire membership of said Board upon a showing by the applicant that a substantial hardship, either personal, economic or financial, upon said applicant and/or his immediate family will be caused by the continued application of this section to the applicant under the circumstance surrounding his or her employment situation. For the purposes of this paragraph, "immediate family" shall mean spouse, child, adopted child, parents, grandparents or grandchildren. The Board may impose such conditions on the grant of such a waiver as it deems fit and shall make a determination within 60 days after receiving such an application. The Board may also issue and promulgate such rules and regulations as it shall deem fit to implement the provisions of this paragraph of this section.

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Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED: June 4, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 2, 2013
After a public hearing duly held on June 19, 2013
Filed with the Secretary of State on July 31, 2013