

(Please Use this Form for Filing your 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 RUSHVILLE
~~Town~~
Village

Local Law No. 1 of the year 19 85

A local law to establish residency requirements for Village employees.
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of RUSHVILLE as follows:
~~Town~~
Village

SECTION 1. The Board of Trustees recognizes that emergency work situations arise which require employees of the Village of Rushville to be near their place of employment and to assume the continuation of public services to protect health, safety, and general welfare of the people. Through the adoption of this Local Law, the Board of Trustees makes a legislative determination that those who are residents of the Village take a greater interest in promoting the public safety and health in the future of this community than do non-residents whose families reside in areas unaffected by Village services. The Board of Trustees further declares that such a quality is desirable to its employees. The Board of Trustees considers that residency by its employees and officers within a community will assure continuation of essential public services. The Board of Trustees determines that the public need is sufficient to require that employees hired or promoted after the effective date of this Local Law be residents of the Village.

SECTION 2. Definition. Residency shall mean, for the purpose of this Local Law, the actual principal domicile of an individual, where he or she normally sleeps and maintains usual personal and household effects.

SECTION 3. Residency For New Employees. Except as otherwise provided by Law, the Board of Trustees hereby establishes a residency requirement for all prospective employees of the community. Every person initially employed by the Village of Rushville on or after January 1, 1986, shall as a qualification of employment, become a resident of the Village of Rushville within six months of the date of initial service for the Village. During the time of service of such employees, no individual shall cease to be a resident of the Village.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4. Residency Upon Promotion. All employees promoted by the Village on or after January 1, 1986, shall be, or within one year of such promotion become, a resident of the Village of Rushville.

SECTION 5. Posting. A copy of this Local Law shall be provided to all employees upon initial appointment or upon promotion. However, the failure of the employer to do so shall not affect the applicability of this Local Law to any employee appointed or promoted after its effective date. A copy of this Law shall also be posted on all notice boards normally used by the employer for employee communications.

SECTION 6. Breach of Residency Requirement. Should it be alleged that an employee is not in compliance with Section 3 or 4 of this Local Law, as the case may be, the Mayor, upon becoming aware of the allegation, shall provide the employee written notice of his or her alleged violation and shall allow the employee seven (7) calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the Mayor, sufficient to satisfy the requirements of this Local Law, the Mayor shall designate an officer of board to set a hearing date to hear the charge of non-residency and to make a record of the hearing. An employee establishing residency to the satisfaction of the Mayor prior to the hearing date shall result in a cancellation of the hearing authorized by this Section.

The employee shall be sent a notice of the hearing date at last fifteen (15) days prior to the hearing. The hearing record and the determination of the hearing officer or board conducting the hearing as to whether the employee is a non-resident in violation of this Local Law shall be referred to the Board of Trustees for its review and decision. Should the Board of Trustees decide that the employee is a non-resident in violation of this Local Law, the employee shall be deemed to have voluntarily resigned from employment. Upon re-establishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

SECTION 7. Waiver of Requirements. In the event that the Board of Trustees determines that it is in the best interest of the Village to do so, the provisions of Section 3 or 4 may be waived with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:

a.) Lack of applicants. The requirement of residency may be waived in those instances where the employer has difficulty hiring or promoting the most qualified person because of the residency requirements.

b.) Necessity for non-residency. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interests of the employer.

Such a waiver shall not in any way affect the application of Section 3 or 4 of this Local Law with respect to any other title or titles.

SECTION 8. Savings Clause. In the event that this Local Law or any ~~provision of it shall be deemed by a Court of competent jurisdiction~~ to be in conflict with a provision of the New York State Constitution or with a provision of a general law, or if adherence to or enforcement of any section of this Local Law shall be restrained by a Court of competent jurisdiction, the remaining provisions of this Local Law shall not be affected.

SECTION 9. Effective Date. This Local Law shall take effect upon its adoption and filing as required by Law.