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Local Law(s) No. 3
Year 1987
Municipality Village of Dolgeville

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NYS Department of State
Bureau of State Records

LOCAL LAW RELATIVE TO THE RESIDENCY OF EMPLOYEES INITIALLY APPOINTED
OR PROMOTED BY THE VILLAGE OF DOLGEVILLE ON OR AFTER NOVEMBER 30, 1987.

Section 1. The Board of Trustees recognizes that emergency work situations arise which require employees of the Village of Dolgeville 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 Village Board makes a legislative determination that those who are residents of the Village of Dolgeville 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 Village Board further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees and officers within a community will assure continuation of essential public services. The Village Board 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 of Dolgeville.

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 Village Board hereby establishes a residency requirement for all prospective employees of the community. Every person initially employed by the Village of Dolgeville on or after November 30, 1987 shall, as a qualification of employment, become a resident of the Village of Dolgeville within six(6)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.

Section 4. Residency upon promotion. All employees promoted by the Village on or after November 30, 1987, shall be or within one year of such promotion become, a resident of the Village of Dolgeville.

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 board 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 three or four of this local law, as the case may be, (the employee's supervisor, the Personnel Officer, or other appropriate municipal officials), upon becoming aware of the allegation, shall provide the employee written notice of his 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 (employee's supervisor, Personnel Officer, or other appropriate municipal official), sufficient to satisfy the requirements of this local law, the (employee's supervisor, Personnel Officer, or other appropriate municipal official) shall designate an officer or board to set a hearing date to hear the charge of nonresidency and to make a record of the hearing. An employee establishing residency to the satisfaction of the (employee's supervisor, Personnel Officer, or other appropriate municipal officials) 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 least 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 nonresident in violation of this local law shall be referred to the Village Board for its review and decision. Should the Village Board decide that the employee is a nonresident 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 Village

Board determines that it is in the best interests of the public employer to do so, the provisions of section three or four 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 requirement.
- b) Necessity for nonresidency. 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. (for instance, an employee whose responsibilities for the operation of a water or sewer plant which is located outside a municipality might best be fulfilled by permitting residency to be located near the facility.)

Such a waiver shall not in any way affect the application of section three or four 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 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, the remaining provisions of this local law shall not be affected.

Section 9. Effective Date. This local law shall take effect upon its filing with the office of the Secretary of State.