

PERSONNEL

**Chapter 36A**

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ARTICLE I

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**[HISTORY: Adopted by Attica Village Board: Art. I, 9-16-82 as L.L. No. 1-1982. Amendments noted where applicable.]**

Article I

**Residency Requirement**

**[Adopted 9-16-82 as L.L. No. 1-1982]**

**S 36A-1. Legislative determination.**

The legislative body of the Village of Attica notes that unemployment within the community is currently rising. It is further recognized that emergency work situations arise which require employees of the Village of Attica to be near their place of employment and to assume the continuation of public services to protect the 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 take a greater interest in promoting the public safety and health and in the future of this community than do nonresidents 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 strengthen the economic status of the village and will encourage stability in its neighborhoods and assure continuation of essential public services. Pursuant to the authority of law and pursuant to determinations by the State Public Employment Relations Board, the Village Board determines that the public deed is sufficient to require that employees hired after the effective date of this local law be residents of the village.

## **S 36A-2 Definitions.**

As used in this local law, the following terms shall have the meanings indicated:

RESIDENCY – The actual principal domicile of an individual, where he or she normally eats and/or sleeps and maintains usual personal and household effects.

## **S 36A-3. Requirement established; applicability; copies of law to be provided to Employees.**

- A. The Village Board hereby establishes a residency requirement for all prospective employees of the community. Every person employed by the Village of Attica on or after October 1, 1982, shall be a resident of the Village or shall become a resident within six (6) months of the date of completion of his or her probationary period for the village. During the time of service of such employees, no individual shall cease to be a resident of the village. This local law shall be applicable to all employees regardless of civil service classification.
- B. A copy of this local law shall be provided to all employees upon hiring or promotion. However, the failure of the employer to do so shall not affect the applicability of this local law to any employee hired after its effective date. A copy of this local law shall also be posted on all notice boards normally used by the employer for employee communications.

## **S 36A-4. Notice of violation; hearing.**

Should it be alleged that an employee subject to the provisions of S 36S-3 of this local law is no longer a resident of the village, the Mayor, 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. Regardless of whether or not a response is received, a hearing date shall be determined to examine the charge of nonresidency. The employee shall be sent a notice of the hearing date fifteen (15) days prior to the hearing. Upon a determination by a hearing officer or by a board conducting the hearing that the employee is a nonresident in violation of this local law, the employee will be deemed to have voluntarily resigned.

## **S 36A-5. Waiver of requirement.**

- A. In the event that the Village board determines that it is in the best interests of the village to do so, the provisions of S 36A-3 may be waived with respect to a particular person or a particular position in accordance with these standards:
  - (1) Lack of applicants. The requirement of residency may be waived in those instances where the village has difficulty hiring persons because of the residency requirements.
  - (2) Necessity for nonresidency. The requirement residency may be waived in

those instances where it is determined that residency is not in the best interests of the village.

- B. Such a waiver shall not in any way affect the application of S 36A-3 of this local Law to any other person or position.

**S 36A-6. Severability.**

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 state law or if adherence to or enforcement of any section of this chapter should be restrained by a court, the remaining provisions of this local law shall not be affected.

**S 36A-7. When effective.**

This local law shall take effect immediately upon filing in the office of the Secretary of State.