

(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 ..... Ontario .....  
~~Town~~  
Village

Local Law No. ... Three ..... of the year 1991 .....

A local law ..... Providing Civil Service Coverage for Certain .....  
Employees of the Office of the Ontario County Sheriff

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

County ..... Ontario ..... as follows:  
~~City~~ of .....  
~~Town~~  
~~Village~~

Be it enacted by the Board of Supervisors of the County of Ontario, New York as follows:

Section 1: Declaration of Policy and Legislative Intent.

This Board of Supervisors hereby reaffirms its declaration of policy and statement of legislative intent as manifested in Local Laws 5 of 1977 and 4 of 1978, which provided civil service coverage for certain employees in the Office of the Ontario County Sheriff. The purpose of this local law is to provide civil service coverage for those employees who were excluded from the earlier enactments. This local law is occasioned by the 1989 Amendment to the Constitution of the State of New York, which removed the prohibition against a county's being made responsible for the acts of the sheriff. The rationale for excluding civil service coverage from the employees affected by this local law was premised upon the sheriff's personal liability for their acts, a liability which no longer exists by virtue of the constitutional amendment. Similarly, Laws 1990, Chapter 372 has amended the County Law to provide that the appointment and promotion of deputy sheriffs may continue, where there is a procedure established, without modification through June 30, 1991. It is the desire of this Board of Supervisors that those persons holding permanent appointment in the enumerated positions as of December 31, 1989, continue to hold said positions on a permanent basis without examination, and that those persons holding any of the affected positions as of June 30, 1991,

(If additional space is needed, attach pages the same size as this sheet, and number each.)

continue to hold said positions on a permanent basis without examination. Further, it is the intent of this Board that this local law be deemed severable, and, in the event that any part thereof be declared invalid by a court of competent jurisdiction, it shall not affect the validity of the remainder of the local law.

Section 2: Deputies and Employees Placed in the Classified Service.

The undersheriff, the secretary to the sheriff, civil deputies, ~~court attendants and other employees~~ engaged exclusively in the performance of civil duties are hereby placed in the classified service of civil service and shall be employed in accordance with the provisions of the Civil Service Law of the State of New York and shall be subject to and governed by such law and the Ontario County Civil Service Rules and Regulations.

Section 3: Status of Permanent Employees, December 31, 1989.

All such employees who hold permanent appointments in duly established positions as of December 31, 1989, shall continue to hold such positions on a permanent basis, without examination, and shall have all the rights and privileges of the civil service jurisdictional classification to which such positions may be allocated.

Section 4: Status of Existing Employees, June 30, 1991.

All such employees who hold permanent appointments in duly established positions as of June 30, 1991, shall continue to hold such positions on a permanent basis, without examination and shall have all the rights and privileges of the civil service jurisdictional classification to which such positions may be allocated.

Section 5: Separability.

If any section of this local law shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any section of this local law should be restrained by such tribunal, the remaining sections of this local law shall be considered to remain in full force and effect.

Section 6: Repeal.

All portions of all local laws or resolutions of the Board of Supervisors of Ontario County which are inconsistent herewith are hereby repealed.

Section 7: Effective Date.

This local law shall take effect on January 1, 1990, and shall be retroactive thereto.

---

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Three (3) of 1991 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Ontario was duly passed by the Board of Supervisors on January 8 1991, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Lorraine M. Brooks*

Clerk of the County legislative body, ~~City, Town or Village Clerk~~  
~~or officer designated by local legislative body~~

(Seal)

Date: January 9, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Ontario County Attorney

Title

County

~~City~~

~~Town~~

~~Village~~

of ONTARIO

Date: January 9, 1991