

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2022

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2022), ENTITLED “WAIVER OF RESIDENCY REQUIREMENTS FOR MONROE COUNTY JAIL DEPUTIES”, BE LIFTED FROM THE TABLE**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_ of 2022) entitled “Waiver of Residency Requirement for Monroe County Jail Deputies” be lifted from the table.

File No. 22-0353.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



# Office of the County Executive

Monroe County, New York

**Adam J. Bello**  
*County Executive*

October 11, 2022

|                                                                                |    |
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| <b>OFFICIAL FILE COPY</b>                                                      |    |
| No. <u>220353</u>                                                              |    |
| Not to be removed from the<br>Office of the<br>Legislature Of<br>Monroe County |    |
| Committee Assignment                                                           |    |
| <b>URGENT</b>                                                                  | -L |

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

**Subject:** Enact a Local Law Entitled "Waiver of Residency Requirement for Monroe County Jail Deputies"

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body enact a local law entitled "Waiver of Residency Requirement for Monroe County Jail Deputies."

Over the course of the past year, staffing levels at the Monroe County Jail for the position of Deputy Sheriff Jailer ("Deputy Jailer") have reached a critical level. The Monroe County Sheriff's Office has encountered significant difficulty in both recruiting and retaining qualified Deputy Jailors. The volume of individuals taking civil service examinations for Deputy Jailer has significantly decreased. The new civil service list, after the written examination and agility test have been conducted, includes only 44 eligible individuals, whereas in past years that number would have been four or five times higher. Traditionally, less than half of the candidates make it through the vetting and background process. There are currently fifty-six (56) Deputy Jailer vacancies in the Monroe County Jail. There are also twelve (12) Deputy Jailors who are scheduled to transfer to the road patrol or other local police agencies and an additional fifty (50) Deputy Jailors will be eligible for retirement in the coming year.

Currently, Deputy Jailors are required to reside in Monroe County. The proposed local law will help to ease staffing levels among Deputy Jailors and will allow Deputy Jailors to reside not only in Monroe County, but in any other county within New York. Several other counties in our region have enacted local laws with residency waivers in order to increase staffing levels for jailors. With the closing of state correctional facilities, Monroe County would like to attract mid-career correctional officers from the state who are interested in joining Monroe County as Deputy Jailors as well as other qualified candidates who do not reside in Monroe County. This local law will allow Monroe County to recruit qualified candidates for the Monroe County Jail at a time when staffing levels are critically low.

**The specific legislative action required is:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law entitled "Waiver of Residency Requirement for Monroe County Jail Deputies."

This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

No additional net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Bello", written over the word "Sincerely,".

Adam J. Bello  
Monroe County Executive

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2022

**ENACT A LOCAL LAW ENTITLED "WAIVER OF RESIDENCY REQUIREMENT  
FOR MONROE COUNTY JAIL DEPUTIES"**

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

**Section 1.** A new chapter shall be added as Chapter 390 of the Monroe County Code entitled "Waiver of Residency Requirement for Monroe County Jail Deputies" and shall read as follows:

**§ 1 Definitions.** Defined terms used in this local law shall have the same meaning as ascribed to them below:

**COUNTY** shall mean Monroe County.

**JAIL DEPUTY** shall mean an individual employed by the Monroe County Sheriff's Department as a Deputy Sheriff Jailer or Corrections Officer in the Monroe County Jail.

**§ 2 Residency Requirement.** Public Officers Law § 3, as amended or changed, is hereby amended and superseded in its application to the County as follows: provisions of Public Officers Law § 3, as amended or changed, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or which his or her official functions are required to be exercised, shall not prevent a person from holding the position of Jail Deputy, provided that such person resides within New York State.

**Section 2.** 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 3.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

\_\_\_\_\_, Committee; \_\_\_\_\_, 2022 - CV:  
File No. 22-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_