

## **Chapter 41. RESIDENCY REQUIREMENTS**

**[HISTORY: Adopted by the Town Board of the Town of Lancaster 4-3-2006 by L.L. No. 3-2006. Amendments noted where applicable.]**

### **§ 41-1. Purpose.**

The purpose of this local law is to require that employees of the Town of Lancaster reside within the boundaries of the Town as a matter of public policy. Pursuant to such local law, the Town will be permitted to request a resident preference list pursuant to NYS Civil Service Law in the issuance of certification of candidates from an open competitive eligible list. This local law also provides that in the event that a resident preference list does not exist, the Town may inform certified candidates from a nonresident list that they must relocate to the Town as a condition of employment. The local law further provides that all other employees of the Town, whether noncompetitive civil service, exempt, part-time or seasonal, must be residents of the Town unless otherwise exempt by this local law or other law which shall provide for such exemption.

### **§ 41-2. Hiring of employees.**

- A. Civil service competitive classifications. The Town shall hire only persons who appear on a resident preference list issued for open competitive positions generated by the County of Erie, Department of Personnel, where such a list exists. In the event that such a resident preference list does not exist and a nonresident list is provided by the County of Erie, Department of Personnel, then the Town shall advise any nonresidents that appear on the list that they will only be considered for employment with the Town if they commit to relocating their residence into the Town of Lancaster within six months of the date of commencing employment. In the event the employee does not relocate his residence to within the boundaries of the Town of Lancaster within said six-month period, he shall be terminated for failing to meet this condition of employment.
- B. Noncompetitive civil service positions. The Town of Lancaster shall hire only those persons who reside within the Town of Lancaster on the date of hire.
- C. Non-civil service positions, full-time. The Town of Lancaster shall hire for full-time non-civil service positions only those persons who reside within the Town of Lancaster on the date of hire.
- D. Non-civil service positions, part-time and seasonal.

- (1) Required Town residence. The Town of Lancaster shall hire for part-time and seasonal non-civil service positions only those persons who reside within the boundaries of the Town of Lancaster unless Subsection **D (2)** herein applies.
- (2) Exemption for part-time and seasonal employees. A person who resides outside the Town of Lancaster may be hired where the position requires a skill, expertise or degree of experience which cannot be satisfied by an applicant who resides within the Town, but only after the Town has exercised diligent efforts to find a Town resident with the skill, expertise or experience to fill the position. Given that the position is part-time or seasonal in nature, such an employee will not be required to relocate his residence to the Town. In the event, however, that a Town resident who has the required specialized qualifications becomes available to fill the position, then the nonresident employee shall be terminated and replaced by a Town resident.

### **§41-3. When effective.**

This chapter shall become effective upon filing with the Secretary of State.