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**(Use this form to file a 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 OF LEWIS**

**Local Law No. 2 of the Year 2010**

**A LOCAL LAW AUTHORIZING LEWIS COUNTY TO WITHDRAW  
FROM CIVIL SERVICE COMMISSION AND ESTABLISHING  
THE LEWIS COUNTY HUMAN RESOURCES DEPARTMENT**

**SECTION 1. TITLE:**

This local law shall be entitled "A LOCAL LAW AUTHORIZING LEWIS COUNTY TO WITHDRAW FROM THE CIVIL SERVICE COMMISSION AND ESTABLISHING THE LEWIS COUNTY HUMAN RESOURCES DEPARTMENT".

**SECTION 2. LEGISLATIVE FINDINGS:**

While recognizing its continuing duty to administer the provisions of the Civil Service Law, the Board of Legislators finds that the needs of administering its workforce require a more focused effort on providing comprehensive and integrated human resources services on behalf of the County's elected officials to the management and staff in support of the County's overall mission.

For this reason, the Board of Legislators finds that it is in the public interest to develop a Human Resources Department that will bring together the functions of civil service administration, payroll/benefit administration, employee relations, personnel policy development and implementation, and staff training. It is further in the public interest that the head of such a department be deemed the personnel officer for Lewis County for purposes of administering the Civil Service Law.

The purpose of this Local Law is to enable the County of Lewis:

- (a) to withdraw from the current form of civil service administration under a Civil Service Commission ("local Commission");
- (b) to replace the local Commission with a personnel officer to be known as the Lewis County Director of Human Resources;
- (c) to establish a Human Resources Department under the leadership of the Director of Human Resources.

**SECTION 3. AUTHORITY:**

This Local Law is enacted pursuant to the home rule authority granted by Municipal Home Rule Law § 10.

In particular, authority for this Local Law is found in Civil Service Law § 15, which states in pertinent part:

**“§ 15. Optional forms of local civil service administration**

**“1. Optional forms of administration. There shall be the following forms of local civil service administration for the purpose of administering the provisions of this chapter in counties, including civil divisions therein:**

**\* \* \* \***

**“(b) Personnel officers. The personnel officer of a county shall be appointed by the board of supervisors [legislators] or, in a county having a county executive, by the county executive with the advice and consent of the board of supervisors. . . . The term of office of a personnel officer shall be six years. A personnel officer shall have all the powers and duties of a municipal civil service commission. . . .”**

This Local Law is further authorized by Civil Service Law § 16, which states in pertinent part:

**“§ 16. Change of form of administration**

**“1. Election to change form of administration.**

**“(a) Counties. The board of supervisors [legislators] of any county, other than a county wholly included within a city, may at any time and from time to time, authorize the withdrawal of the county from its then existing form of administration and elect that the provisions of this chapter be administered in such county under one of the other forms of administration authorized by section fifteen of this chapter.”**

**SECTION 4. WITHDRAWAL FROM CIVIL SERVICE COMMISSION.**

A. The County of Lewis hereby withdraws from the Lewis County Civil Service Commission effective upon the first day of the month immediately following the one year anniversary of the adoption of this Local Law (“date of withdrawal”).

B. The terms of office of each Civil Service Commissioner currently holding office is hereby deemed terminated effective upon the date of withdrawal without further action by the Board of Legislators.

**SECTION 5. ESTABLISHING THE OFFICE OF LEWIS COUNTY DIRECTOR OF HUMAN RESOURCES.**

A. The Board of Legislators is hereby authorized to create by resolution the position of Director of Human Resources and to establish the duties and responsibilities thereof. The Director of Human Resources shall be deemed the personnel officer of the County of Lewis.

- B. The term of office of the Director of Human Resources shall be six years.
- C. The salary and benefits of the Director of Human Resources shall be established by the Board of Legislators and may be amended at any time throughout the term of office either by resolution or upon adoption of the annual budget.
- D. The Director of Human Resources shall, among other duties and responsibilities, be responsible for the administration of the Civil Service Law within Lewis County and shall have all the powers and duties of a municipal civil service commission. The Director of Human Resources shall have such other duties and responsibilities as may be assigned by the Board of Legislators from time to time. Provided, however, that regardless of the date upon which the Director of Human Resources shall take office, he or she shall not assume the administrative duties of the local Commission until immediately following the date of withdrawal from the local Commission as set forth above.
- E. The Director of Human Resources shall not hold any other public office or employment within any municipality or political subdivision over which he or she exercises jurisdiction as civil service administrator, and for which he or she shall receive compensation other than necessary travel and other expenses incurred in the performance of the duties of such office or employment.
- F. The Director of Human Resources shall not serve as an officer of any political party.

#### **SECTION 6. ESTABLISHING THE HUMAN RESOURCES DEPARTMENT**

The Board of Legislators is hereby authorized to organize and establish a Human Resources Department under the leadership of the Director of Human Resources, which may include the following:

- A. The Board of Legislators may establish new positions or transfer existing positions, establish new or amend existing job titles, and take such other measures as may be deemed expedient and necessary to establish a Human Resources Department and carry out the intent of this local law.
- B. The Board of Legislators may create the position of confidential secretary to the Director of Human Resources. Such position shall be in the exempt class of the civil service. The Director of Human Resources shall appoint such confidential secretary, who shall serve at his or her pleasure.
- C. The Board of Legislators may authorize the Director of Human Resources to appoint a deputy. Such position shall be in the exempt class of the civil service. The deputy shall serve at the pleasure of the Director of Human Resources.

#### **SECTION 7. EFFECTIVE DATE**

The law shall take effect immediately upon filing with the Secretary of State.

(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. 2 of 2010, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 3, 2010, in accordance with the applicable provisions of law.

~~**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 20\_\_\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was approved, not disapproved, repassed after disapproval, by the \_\_\_\_\_, and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~

**3. (Final Adoption by Referendum.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was approved, not disapproved, repassed after disapproval, by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. 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 \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to a 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 2004, of the County of Lewis was duly passed by the Lewis County Board of Legislators on \_\_\_\_\_, 2004. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 2004, in accordance with the applicable provisions of law.~~

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\* 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 20\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_, 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 20\_\_\_\_, of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to the 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.



Clerk of the Lewis County Board of Legislators Clerk or  
officer designated by local legislative body  
TERESA K. CLARK, CLERK

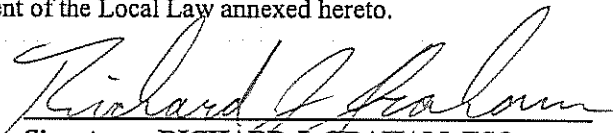
(Seal)

Dated: August 4, 2010.

**(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 LEWIS ) ss:

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 - RICHARD J. GRAHAM, ESQ.  
LEWIS COUNTY ATTORNEY  
County of Lewis

Dated: August 4, 2010.