

RESOLUTION NO. 270

PROVIDING A SUSPENSION OF THE RESIDENCY REQUIREMENT FOR EMPLOYEES OF ALBANY COUNTY

Introduced: 7/11/22

By Mr. Ward, Ms. Lekakis, Messrs. A. Joyce, Kuhn, and Grimm:

WHEREAS, By Resolution No. 245-C for 1995, this Honorable Body established a requirement that all employees hired by Albany County subsequent to October 16, 1995, must be residents of Albany County, and

WHEREAS, That residency requirement policy was amended by Resolution No. 587 for 2013 to require, among other things, all employees be residents of Albany County upon the start of their employment, and

WHEREAS, Since the onset of the COVID-19 pandemic, the departments of Albany County have had difficulty finding qualified applicants who reside within Albany County, and

WHEREAS, Prior to the COVID-19 pandemic, departments of Albany County have sought and received waivers of the residency requirement allowing them to hire qualified out-of-county applicants, and

WHEREAS, It is the opinion of this Honorable Body that a two-year suspension of the residency requirement is in the best interest of Albany County, and

WHEREAS, It is the opinion of this Honorable Body that the two-year suspension of the residency requirement shall be used by this Honorable Body and the departments of Albany County to assess the utility and/or value of continuing the residency requirement policy, now, therefore, be it

RESOLVED, That effective the date this resolution is adopted by this Honorable Body and until the second anniversary of that date, the residency requirement established in the aforementioned resolutions is suspended and, be it further

RESOLVED, During the two-year suspension, all departments of Albany County may hire qualified applicants without regard to their residency or non-residency in Albany County and, be it further

RESOLVED, Subject to the exceptions set forth below, any employee initially hired by any department in Albany County during the two-year suspension of the residency requirement shall be permanently exempt from the residency requirement established in the aforementioned resolutions and, be it further

RESOLVED, The two-year suspension of the residency requirement does not eliminate the residency requirement for employees hired prior to the effective date of this resolution, and all such employees remain subject to the residency requirement in place at the time of their initial employment by Albany County and, be it further

RESOLVED, That any currently active waivers issued in accordance with the requirements of Resolution No. 245-C for 1995 are superseded by the two-year suspension of the residency requirement and, be it further

RESOLVED, That the requirements of the New York State Public Officers Law shall supersede this two-year suspension of the residency requirement and, be it further

RESOLVED, The two-year suspension of the residency requirement does not apply to Resolution No. 181 for 2018 related to staff of the Albany County Legislature and, be it further

RESOLVED, That no later than 90 days before the expiration of the two-year suspension of the residency requirement, the head of each department of Albany County shall prepare a brief report to the Albany County Legislature on the effect of the two-year suspension of the residency requirement on their ability to hire and retain qualified employees and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Personnel Committee – 7/11/22

Favorable Recommendation Personnel Committee – 7/28/22

Adopted by unanimous vote – 8/8/22