

(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

of Niagara, New York

Local Law No. 1 of the year 19 88

A local law establishing employment procedures for the Niagara County Sheriff's Department

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

of Niagara, New York as follows:

SECTION 1: DECLARATION OF POLICY AND LEGISLATIVE INTENT:

The Legislature hereby declares it to be the policy of the Legislature to promote the general welfare of the citizens of Niagara County by constantly improving law enforcement within the County. It is the further declaration of the Legislature that it is in the best interest of the citizens of the County that the prevention and control of crime be substantially strengthened by providing personnel who will meet the highest possible professional standards and be secure in their employment while undertaking the performance of their duties, thereby developing a law enforcement agency with the highest degree of morale and esprit de corps capable of reducing the incidence of crime through the development of technological advances and other innovations for preventing crime, thereby increasing the efficiency and fairness of law enforcement to the end of maintaining the personal safety of the residents of Niagara County.

SECTION 2: The following subsections shall apply to all full-time deputies, which shall include matrons, jailors, deputies and investigators employed by the Niagara County Sheriff's Department and hereinafter referred to as employee:

- A. Any employee, except probationary, shall not be removed from their existing position or otherwise subjected to any disciplinary penalty except for incompetency or misconduct, shown after a hearing upon stated charges pursuant to section 2, page 9, of the Deputies' Manual. Probationary deputies shall continue to serve subject to removal without a hearing during the fifty-two week probationary period.
- B. Notwithstanding provision A above however, the incumbent Undersheriff and/or Inspector may be

displaced to at least the highest held position below Inspector rank prior to his/her appointment to their present position. In the event that both positions are displaced to the same position seniority will prevail.

- C. Should an employee be demoted or his/her position terminated as a result of provision B above, his/her name shall be put on a preferred eligibility list. Such list will be used for filling a vacancy in any such position before a name from any other list is certified. Names of persons on a preferred list shall be certified therefrom in order of their original appointments.
- D. An employee will not be demoted except by his/her personal request, displacement or as a result of a disciplinary hearing pursuant to section 2, page 9, of the Deputies Manual.
- E. Promotions shall be made by the Sheriff based upon an evaluation of performance, conduct, skills and ability. Should the criteria aforementioned be equal for more than one candidate seniority will then be the deciding factor.

SECTION 3: Qualifications for the position of Deputy Sheriff shall include but not be limited to the following:

Citizenship: a citizen of the United States.

Residence: a resident of Niagara County.

Age: at least 20 years of age.

Education: applicant must be a high school graduate, or a holder of a high school equivalency diploma issued by an education department of any of the states of the United States or a holder of a comparable diploma issued by any commonwealth, territory or possession of the United States or by the Canal Zone, or a holder of a report from the United States Armed Forces certifying successful completion of the tests of general education development-high school level.

Physical: Must pass prescribed physical examination.

Shall meet such other standards as set by the Sheriff. Upon completion of an application form, the applicant will be called in for interviews to be conducted by the Sheriff, Undersheriff and Inspector. A complete records and background check shall be conducted by the department's criminal investigation bureau on each applicant. The Sheriff, Undersheriff and Inspector shall complete a panel of three who will determine the acceptance of applicants for employment with the Niagara County Sheriff's Department.

SECTION 3A: Qualifications for Road Patrol-Criminal must also include the following:

Education: At least a two (2) year Associate's Degree, or
Two (2) year prior law enforcement experience and enrolled in an associate's degree program, or
Four (4) years prior law enforcement experience.

Age: An applicant must have reached his/her 20th birthday. Such eligibility ceases when the candidate reaches his/her 29th birthday.

Military Duty: In determining an applicant's maximum age for certification appointment, the period of his/her military duty as defined in section 243(1b) or (10a) of the Military Law, not to exceed four years, shall be subtracted from his/her chronological age.

Driver's License: Must possess a valid New York State Driver's License.

SECTION 4: This Local Law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 1 of 19 88.
County
of the Niagara, NY, was duly passed by the Niagara County Legislature
(Name of Legislative Body)
on April 19 19 88 in accordance with the applicable provisions of law.

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

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

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

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

*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 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 § 36 of § 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 election held on general 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 paragraph1..... above.

David J. Kyzmir

DAVID J. KYZMIR, Clerk
Niagara County Legislature

Date: April 25, 1988

(Seal)

(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 NIAGARA

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.

Clement J. Gaddis
.....
Signature
.....
County Attorney
.....
Title

Date: April 25, 1988
County
of Niagara, New York