

Replacement Local Law B

LOCAL LAW NO. 8 - 2017

A LOCAL LAW AMENDING THE ONONDAGA COUNTY CHARTER AND ADMINISTRATIVE CODE TO PROMOTE GOOD GOVERNMENT AND PROVIDE CLARIFICATION AND GUIDANCE RELATED TO COUNTYWIDE ELECTED OFFICIALS TO CONFORM WITH HISTORICAL CONSTRUCTION, PRACTICE AND USAGE

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, AS FOLLOWS:

Section 1. Findings.

The Onondaga County Charter and the Onondaga County Administrative Code require certain countywide elected officials and employees to devote their "whole time" (Onondaga County Charter) and/or their "entire time" (Onondaga County Administrative Code) to their positions in County government.

No definition of "whole time" and/or "entire time" exists in the Onondaga County Charter or the Onondaga County Administrative Code.

As a result, questions and concerns have been raised about whether Countywide elected officials subject to the term "whole time" and/or "entire time" can have employment, and receive compensation, other than for their County employment ("Outside Employment").

Subject to the exceptions set forth in Section 2 below, the acceptance of compensation for Outside Employment is evidence that a Countywide official subject to the whole time and/or entire time requirement is not devoting his or her whole time or entire time to their respective County employment.

The County Legislature is the representative County body most closely connected with its constituency, the citizens within each of the seventeen districts. This local law is intended to clarify certain terms based on historical construction, practice and usage, and set standards and procedures to address the concerns and questions raised about elected Countywide officials Outside Employment.

Section 2. Limit on Outside Employment.

(a) Section 105 of the Charter is amended to add the following subsection (j), clarifying existing language in the Charter based on historical practices, construction and usage:

As used in this Charter, "whole time" shall mean the entirety of one's time and work hours, and "whole time" shall be interpreted and applied in a way to exclude the possibility of the Countywide official holding any external employment beyond the scope of the official's office, where employment shall be the performance of services or the provision of goods in exchange for compensation of any nature, including without limitation, receipt of money. Said another way, any external employment for compensation conflicts with an Countywide elected official's duties and is prohibited where such official is subject to the "whole time" provision of the Onondaga County Charter. Notwithstanding the foregoing, nothing contained in this definition shall prohibit a Countywide elected official subject to the

“whole time” provision of the Onondaga County Charter from seeking an official opinion from the Charter Conflict Committee, created in this Local Law, as to whether certain nominal (as defined in the current Oxford English Dictionary under subsection 2 as “very small; far below the real value or cost”) part-time employment, passive income, volunteer work, and/or similar type non-profit making positions, are excluded from the “whole time” provisions of the Charter because they will not have a material effect on the Countywide elected officials duties.

Section 3.

(a) A new Section 106 shall be added to Article I of the Onondaga County Charter and shall read as follows:

The County Legislature hereby creates the Charter Conflict Committee whose duty shall be to review and provide opinions and determinations on whether employees who are subject to the “whole time” and “entire time” provisions of the Onondaga County Charter and Onondaga County Administrative Code will meet, are meeting, or have violated, the requirements set forth in Section 2 of this Local Law (or Section 105 (j) of the County Charter, as amended). The Charter Conflict Committee shall consist of five (5) members, three (3) to be appointed by the Chairman of the County Legislature and two (2) to be appointed by the County Executive, such appointments to be subject to a majority vote of the County Legislature. Upon the advice of the Law Department, the Charter Conflict Committee shall set the rules and procedures of hearing and determining cases under this Section. Nothing contained herein shall be read, interpreted, construed or understood to impede, limit or restrict in any way the authority of the Onondaga County Ethics Board to fulfill its separate and distinct responsibilities under Article 18 of the General Municipal Law or Local Law 13 of 1990.

The County Legislature hereby authorizes and approves the Charter Conflict Committee to assess fines and/or recommend other types of appropriate employment and disciplinary actions against any employee or public official who the Charter Conflict Committee deems, by a majority vote, to have violated the Outside Employment prohibitions. The fines shall be up to one thousand dollars (\$1,000.00) for each violation and the Charter Conflict Committee may impose multiple fines in the case of multiple violations. The imposition of such fine(s) shall be subject to approval by a majority vote of the County Legislature. Any Countywide elected official subject to any fine shall have the right to appeal such determination under Article 78 of the Civil Practice and Procedure Laws.

Section 4. Section 105 of the Onondaga County Administrative Code is hereby amended to add a new paragraph (aa) clarify existing language in the Onondaga County Administrative Code based on historical practice, custom, usage that shall be as follows:

(aa) the term “entire time” shall be defined and be construed in the same manner as “whole time” in the Onondaga County Charter.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section of part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 7. Effective Date.

This local law shall be effective immediately upon filing, consistent with the provisions of the Municipal Home Rule Law.

LOCAL LAW – Whole Time Review Clean Copy Final revised 9.1.17
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ADOPTED
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ONONDAGA COUNTY
LEGISLATURE
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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

5th DAY OF September, 20 17.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK