

Local Law Filing

New York STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 _____
City _____
~~Town~~ of Baxter Estates
Village _____

Local Law 1 of the year 2019

**FILED
STATE RECORDS**

MAR 26 2019

DEPARTMENT OF STATE

(Insert Title)

A local law to Amend the Code of the Village of Baxter Estates to replace all references therein to "Building Inspector" from "Building Inspector" to "Superintendent of Buildings"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County _____
City _____
~~Town~~ of Baxter Estates
Village _____

Section 1. Legislative Findings. The Board of Trustees of the Village of Baxter Estates notes that the Nassau County Civil Service Commission, the local Civil Service Agency having jurisdiction over appointments to the Civil Service by the Village (the "NCCS Commission"), has classified the position of "Superintendent of Buildings" as "exempt," for purposes of the New York State Civil Service Law, pursuant to Appendix A, Village Service, to the Civil Service Rules promulgated by the NCCS Commission (the "Nassau Civil Service Rules"). The Board also notes that the NCCS Commission until recently classified the position of "Building Inspectors (Part-Time)," as "non-competitive," for purposes of the New York State Civil Service Law, pursuant to Appendix A, Village Service, to the Nassau Civil Service Rules.

The Village hires one individual to serve part-time as its Building Inspector under the Village Code, having determined that its small population and corresponding demand for Building Department services warrants only a part-time employee. Filings made by the Village with, and accepted by, the NCCS Commission for the Village's position of

Building Inspector have been made pursuant to the Nassau Civil Service Rules applicable to the non-competitive position of "Building Inspectors (Part-Time)."

The NCCS Commission recently advised the Village that it has reclassified, or intends to reclassify, the position of "Building Inspectors (Part-Time)," from "non-competitive," to "competitive" for purposes of the New York State Civil Service Law and the Nassau Civil Service Rules.

The Village Attorney has advised the Board that, based upon his conversations with representatives of the NCCS Commission, the functions of the Building Inspector under the Village Code are consistent with the functions of the exempt position of "Superintendent of Buildings" under the Nassau Civil Service Rules. The Board of Trustees agrees that appointments to the position of Superintendent of Buildings, equivalent to the Village position now identified as "Building Inspector," should not be competitive, and instead should be "exempt," in light of elements of professionalism, discretion, confidentiality and input on rule-making, policy development and hiring associated with such position. Such an exempt position should be filled by the hiring agency in its discretion, subject to any requirements of the NCCS Commission applicable to appointments to exempt positions.

The NCCS Commission has advised the Village that it will not extend the "exempt" status of the position of Superintendent of Buildings to the position of Building Inspector under the Village Code, regardless of the fact that the functions of the two positions are substantially identical. Therefore, in order to maintain autonomy in selecting the person to fill this important position in the Village administration, the Board has determined to amend its Code to change all references therein from "Building Inspector" to "Superintendent of Buildings," an action the NCCS Commission has advised the Village will enable the Village to make appointments to such title in accordance with Nassau Civil Service Rules applicable to exempt positions.

Section 2. Authority. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii).a..

Section 3. Amendment of Village Code. The Code of the Village of Baxter Estates, and each Chapter therein and section and provision thereof, is hereby amended as follows: Each reference contained in the Code of the Village of Baxter Estates, and in each Chapter therein and in each section and provision thereof, to "Building Inspector" shall be deleted, and the following shall be substituted in lieu thereof: "Superintendent of Buildings."

Section 4. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

