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Title: A Local Law to amend the administrative code of the city of New York in relation to providing an exemption to the application of residency requirements when an exempted employee would lose the exemption as a result of a change in title.

Sponsors: Peter F. Vallone, Lucy Cruz, Martin Malave-Dilan, Pedro G. Espada, Lloyd Henry, Mary Pinkett, Alphonse Stabile, Wendell Foster, Jerome X. O'Donovan, Annette M. Robinson

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Int. No. 956

By the Speaker (Council Member Vallone) and Council Members Cruz, Malave-Dilan, Espada, Henry, Pinkett and Stabile; also Council Members Foster, O'Donovan and Robinson

A Local Law to amend the administrative code of the city of New York in relation to providing an exemption to the application of residency requirements when an exempted employee would lose the exemption as a result of a change in title.

Be it enacted by the Council as follows:

Section 1. Section 12-120 of the administrative code of the city of New York is amended as follows:

§ 12-120 **Employees to be city residents.** Except as otherwise provided in section 12-121, any person who enters city service on or after September first nineteen hundred eighty-six (i) shall be a resident of the city on the date that he or she enters city service or shall establish city residence within ninety days after such date and (ii) shall thereafter maintain city residence as a condition of employment. Failure to establish or maintain city residence as required by this section shall constitute a forfeiture of employment; provided, however, that prior to dismissal for failure to establish or maintain city residence an employee shall be given notice of and the opportunity to contest the charge that his or her residence is outside the city. Any person who entered city service prior to September first nineteen hundred and eighty-six shall not be required to establish city residence, regardless of position and regardless of whether a position to which such person is appointed or promoted requires city residence.

§ 2. Section 12-121 of the administrative code of the city of New York is amended as follows:

§ 12-121 **Exceptions to city residence requirements.** a. The commissioner of citywide administrative services on his or her own initiative or upon application of the head of an agency may certify that there is difficulty in the recruitment of personnel for a position and that to restrict recruitment for such position to city residents and persons who would be willing to establish city residence would not be in the public interest. Persons appointed to positions so certified by the commissioner shall not

be required to establish or maintain city residence as a condition of employment while in service in that position. Each agency head may make application to the commissioner, in such form as the commissioner shall prescribe, for the certification of positions within the agency head's jurisdiction. The commissioner may certify such positions subject to such limitations and conditions as the commissioner may deem appropriate. Notwithstanding the foregoing provisions, positions in the city council may be so certified by the speaker of the city council. Copies of all certifications of the commissioner and the speaker shall be filed with the city clerk and shall be subject to annual review by the commissioner and speaker.

b. City residence shall not be required as a condition of employment for:

- (1) persons appointed to the position of chaplain; or
- (2) employees whose regular work site is outside the city; or
- (3) employees who have performed functions at a regular work site outside the city, where the city has reduced or terminated, or is in the process of reducing or terminating, the direct performance by city employees of such functions at such site, and the city seeks to transfer, reassign, or appoint such employees to positions located within the city. This paragraph shall apply only where the commissioner of citywide administrative services finds that it is in the public interest to waive the residence requirement for reasons including, but not limited to, facilitating the operations of the affected agency or agencies or furthering the interests of employee relations[.];
or
- (4) Any person who entered city service prior to September first nineteen hundred eighty-six.

§ 3. This local law shall take effect immediately.