


Submitted by the County Executive and Introduced by Presiding Officer Richard Nicoletto

LOCAL LAW NO. 9 – 2018

A LOCAL LAW TO AMEND THE NASSAU COUNTY CHARTER TO
ADJUST THE QUALIFICATION OF ADMINISTRATIVE EMPLOYEES OF THE FIRE
COMMISSION.

Passed by the Nassau County Legislature on May 23, 2018.
Voting: Ayes: 17, Nays:0, Abstained:0.
Became a law on May 30, 2018 with the approval of the
Deputy County Executive acting on behalf of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

WHEREAS, the County Charter currently provides that employees of the Fire Commission shall, with the exception of “purely clerical” employees, have been members of volunteer fire departments within the County for at least five years; and

WHEREAS, the inclusion of such a qualification is entirely justified for those employees who engage in activities which directly impact the Fire Commission’s duty of preventing fires within the County; and

WHEREAS, the exception for “purely clerical” employees is vague and prevents the hiring of otherwise qualified employees in support positions that are not directly linked to the preventing of fires; and

WHEREAS, providing for greater flexibility and permitting the Chief Fire Marshal the discretion to determine whether a support position needs to be filled with a five-year veteran volunteer will increase the pool of otherwise qualified candidates for employment; now therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Section 1704(a) of the Nassau County Charter, as amended by Local Law No. 2-2008, is amended to read as follows:


a. There shall be a Chief Fire Marshal and Assistant Chief Fire Marshals, to be appointed by the Nassau County Fire Commission as a result of competitive examinations to be given by the Civil Service Commission, each of whom shall have had five years of service as a volunteer firefighter in the county. The Chief Fire Marshal and Assistant Chief Fire Marshals shall receive such compensation as may be provided. The County Fire Commission shall also appoint, subject to appropriations therefor and applicable civil service regulations, such Fire Marshals as are necessary to conduct inspections, investigate the causes of fires and enforce the provisions of the fire ordinance enacted by the Nassau County Legislature and such clerical, administrative, and other employees as are needed to support the work of fire prevention in the county. All Nassau County Fire Commission employees, except those who the Chief Fire Marshal determines to have duties that are purely clerical or administrative, including but not limited to administrative assistants, accountants and accounting assistants, shall have at least five years of service as a volunteer firefighter in the county.

Section 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership,

entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 4. This local law shall take effect immediately.

APPROVED
for 
County Executive
DATE 5/30/18