



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

ANTHONY J. ANNUCCI
ACTING COMMISSIONER

DANIEL F. MARTUSCELLO III
DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

MEMORANDUM

To: All Superintendents

From: Darren Ayotte
Director of Personnel

Subject: New York State Residency Requirement
Stipulation of Settlement and Order

Date: August 27, 2013

For all Department staff who maintain peace officer status, residency in New York State is required to accept and continue employment in this capacity, pursuant to New York State Public Officers' Law §3, Qualifications for Holding Office, and §30, Creation of Vacancies.

In December of 2010, the Department took action regarding those peace officer staff who it was believed were not in compliance with the requirements of Public Officers' Law. As a result of those actions, litigation was initiated and the Department suspended its actions. Since that time the Department has actively engaged the plaintiff in negotiations and has recently entered into a stipulation of settlement and order.

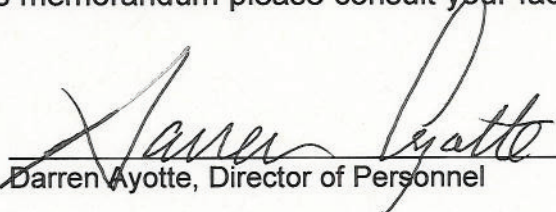
In the stipulation of settlement and order, the Department agreed not to vacate any appointment to the position of Correction Officer, Correction Sergeant or Correction Lieutenant for a specific list of employees, based upon the residency requirement or to require the specified employees to establish residence within the State of New York as a condition of continued employment; provided the subject employees provide proof satisfactory to DOCCS of their actual out-of-state residence on the entry date of the stipulation. Those staff specified in the stipulation will receive a notice from the Director of Personnel, via certified mail, with specific instructions and deadlines for compliance.

The stipulation of settlement and order also allows those Correction Officers, Correction Sergeants or Correction Lieutenants who were not specifically listed, but who have a legal residence outside of the State of New York and are employed by DOCCS, from 90 days of the entry date of the stipulation, which is close of business, Monday, November 25, 2013, to give written notice to DOCCS of their legal out-of-state residence. Any employee who provides such notice will be afforded an additional twelve months to establish residence in the State of New York and to provide proof satisfactory to DOCCS of such residency. Proof of such residency is outlined in Personnel Procedure #450 – Employee Change of Residence, Address, Telephone, Name Request.

The provisions of the stipulated order of settlement do not prohibit DOCCS from taking action against any DOCCS' employees with a legal residence outside of the State of New York who are not on the list of specified employees and for those employees not listed who do not give notice of an out-of-state residence by November 25, 2013 or who are appointed to any position other than Correction Officer, Correction Sergeant or Correction Lieutenant.

Please ensure this information is posted in conspicuous staff areas, read at all line-ups over the earliest 72-hour period, and provided to local union representatives.

If you have any questions relative to this memorandum please consult your facility personnel office.



Darren Ayotte, Director of Personnel