

y. 2025-1329 – COUNTY EXECUTIVE

**RE: AUTHORIZING LITIGATION REGARDING EXECUTIVE ORDER 47.3 OF  
THE GOVERNOR OF THE STATE OF NEW YORK CONCERNING COUNTY  
HIRING OF FORMER EMPLOYEES OF THE NEW YORK STATE DEPARTMENT  
OF CORRECTIONS AND COMMUNITY SUPERVISION**

# ONEIDA COUNTY BOARD OF LEGISLATORS

## RESOLUTION NO.

### INTRODUCED BY:

### 2ND BY:

**RE: AUTHORIZING LITIGATION REGARDING EXECUTIVE ORDER 47.3 OF THE GOVERNOR OF THE STATE OF NEW YORK CONCERNING COUNTY HIRING OF FORMER EMPLOYEES OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**

**WHEREAS,** The Oneida County Correctional Facility has for centuries provided for the care and custody of persons awaiting trial, convicts, and others, but has in recent years has experienced significant staffing shortages which strain the facility's remaining workforce, who nonetheless diligently and commendably endeavor to maintain the safe and secure operation of the Correctional Facility and thereby protect and serve the public; and

**WHEREAS,** On February 17, 2025, corrections officers employed by the State of New York Department of Corrections and Community Supervision engaged in labor strikes, contending that conditions in New York State prisons were unsafe for such employees; and

**WHEREAS,** the Governor of the State of New York has fired thousands of New York State corrections officers and other employees, contending that the labor strikes are unlawful; and

**WHEREAS,** Since late February 2025 the County of Oneida has received dozens of applications for employment at the Oneida County Correctional Facility from current and former New York State corrections officers who, among other reasons for applying, seek to continue to serve and protect the community in an environment appreciative of their sacrifice and commitment to public safety and welfare; and

**WHEREAS,** On March 10, 2025, the Governor of the State of New York issued an Executive Order, No. 47.3 ("Executive Order 47.3"), which seeks to punish striking New York Department of Corrections and Community Supervision employees—and to chill such labor strikes—by imposing strict, punitive, and arbitrary barriers on their ability to obtain future employment, without affording such employees due process of law and in violation of the New York State Constitution and statutes, such barriers including, in relevant part: **(a)** asserting *ipse dixit* that employees who have separated from service under the foregoing circumstances have been removed "for cause," and requiring such "for cause" status to be reported to the New York State Central Registry of Police and Peace Officers, hindering their ability to be hired in the future in law enforcement, corrections, and related fields; **(b)** suspending and modifying County Law Articles 5 (General Powers of Boards of County Supervisors), 17 (County Sheriffs), and Section 450 (Powers of the Chairmans of the Boards of Supervisors) to prohibit the appointment, transfer, and promotion in County positions of persons separated from State employment under the above-described circumstances; **(c)** suspending and modifying the Municipal Home Rule Law to bar the appointment, transfer and promotion by local governments of persons separated from State employment under the above-described circumstances; and **(d)** suspending and modifying other statutes in order to prohibit and bar future employment of persons separated from State employment under the above-described circumstances; and

**WHEREAS,** Executive Order 47.3 is an abuse of authority and discretion, and unlawfully intrudes upon the County's powers of home rule—secured by Article IX of the New York State Constitution—and wholly violative of the County Charter, Administrative Code, and the New York State and United States Constitutions and laws; and

**WHEREAS,** The Oneida County Executive, Anthony J. Picente, Jr., requests authorization for the County Attorney, Amanda L. Cortese-Kolasz, to commence and/or participate in legal action against the Governor of the State of New York State, the State of New York, and such other defendants as she deems required, on behalf of the County, as well as the Oneida County Board of Legislators and Oneida County Sheriff, including any other plaintiff(s) she deems appropriate, in order to protect Oneida County's home rule powers, to preserve Oneida County's Charter and Administrative Code, and vindicate the rights secured by the New York State and United States Constitutions and laws, and further requesting authorization to execute any agreements and/or necessary documents for the County to retain counsel to represent the County in any such matter; now, therefore be it

**RESOLVED,** That the Oneida County Board of County Legislators hereby authorizes Oneida County to commence and/or participate in legal action against New York State on behalf of the County, as well as the Oneida County Board of Legislators and Oneida County Sheriff, including any other plaintiff(s) and/or defendant(s) as deemed appropriate, and to enter into such agreements, take such further actions, and execute such documents on behalf of the County and/or the Oneida County Board of Legislators and Oneida County Sheriff, as deemed appropriate, to protect Oneida County's Home Rule powers and to preserve Oneida County's Charter and Administrative Code; and it is further

**RESOLVED,** That the Oneida County Board of County Legislators hereby authorizes the execution of any agreements and/or necessary documents for the County to retain counsel to represent the County in any such matter.

APPROVED:

DATED:

Adopted by the following vote:

AYES    NAYS    ABSENT