

ELECTED OR APPOINTED HIGHWAY SUPERINTENDENT

Background, Procedures, and Considerations

Currently, all cities and villages in New York State appoint their Highway Superintendents, as well as 92 towns. A growing number of towns are moving in this direction as technical requirements and administrative knowledge become more important.

It is generally thought that Highway Superintendent position is fundamentally apolitical. All residents need and deserve safe roads and bridges, efficient snow removal, as well as high quality customer service when raising concerns about any of the above.

The elected Town Board is determined by the town's constituency and should set professional qualifications and accountability standards associated with appointed positions to ensure quality of public service for all residents and assure that its team of professionals can work together to achieve goals set by those elected to represent the people of the Town.

To change these positions from elected to appointed, the Town Board must hold a public hearing, pass a local law, and organize a mandatory referendum, at which voters will decide if the law should go into effect or not.

Although Town Law allows towns, through a referendum, to determine whether the Highway Superintendent will be elected or appointed, if the voters approve having an appointed position, the Clinton County Personnel Department works with the Town and State to determine the most appropriate type of appointment: renewable term appointment or competitive with full Civil Service protections.

One option the Town will need to consider is whether to require its Highway Superintendent to be a Town resident or whether to waive residency requirements and invite qualified applicants from adjacent towns to apply, which will give a wider pool of professional applicants from which to choose.

The Town Board can review pros and cons of appointment options and clarify its preferred type of appointment prior to the referendum. A chart outlining some of the differences between elected and appointed positions follows.

Elected or Appointed Officials- Summarized

	ELECTED	APPOINTED
Qualifications	<ul style="list-style-type: none"> No minimum job-related qualifications by law Any resident of the town can run if they are 18 years or older Qualifications are provided in campaign material 	<ul style="list-style-type: none"> Town sets minimum qualifications via a job description The Town Board decides whether to require residency
Accountability	<ul style="list-style-type: none"> An elected official cannot be removed from office unless they break the law in the course of their duties. Elected officials cannot be disciplined, suspended, terminated or supervised by the Town Board or Town Supervisor. Elected officials act independent of the Town Board are not restricted or regulated in the time devoted to official duties. Must take oath of office. No requirement to work on site at the Highway Department. 	<ul style="list-style-type: none"> Performance reviews are done. If necessary, disciplinary action is allowed if employee is not performing his/her duties in a way acceptable to the Town Board and Town residents. Hours of employment are determined by the Town Board. A requirement to be on site while performing the duties on Highway Superintendent may be implemented.
Compensation	<ul style="list-style-type: none"> Salaries for elected officials are set by the Town Board and cannot be reduced or withheld during the term of office unless a referendum is held. 	<ul style="list-style-type: none"> Salaries are set by the Town Board based on qualifications and experience.
Public Participation	<ul style="list-style-type: none"> Some voters choose the official. 	<ul style="list-style-type: none"> The Public elects four Town Councilpersons and a Town Supervisor who select and oversee non-elected employees of the town based on performance and resident input.
Job Security	<ul style="list-style-type: none"> Elected for a 4-year term. 	<ul style="list-style-type: none"> The appointed positions can be either renewable term appointments or Civil Service. Civil Service provides strong job protections.
Time Off	<ul style="list-style-type: none"> No restrictions on amount of time taken off for vacation, sick leave, or other. 	<ul style="list-style-type: none"> Employee must adhere to the Personnel Policy for time off.
Financial	<ul style="list-style-type: none"> The Highway Superintendent has wide latitude on spending for equipment, paving and road maintenance within limits set by Town Board. 	<ul style="list-style-type: none"> The Town Board works with the Highway Superintendent on capital plans and spending based on legal requirements, budgetary needs and resident input.