

2344

2009-2010 Regular Sessions

I N   S E N A T E

February 18, 2009

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to requiring sixty days notice to an employee prior to suspension or demotion

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 81-a of the civil service law, as  
2     amended by chapter 140 of the laws of 1993, is amended to read as  
3     follows:  
4     1. Establishment of reemployment rosters in the state service; general  
5     provisions. The head of any department, office or institution from which  
6     an employee in the state service is to be suspended or demoted in  
7     accordance with the provisions of section eighty or eighty-a of this  
8     article, shall, at least [twenty] SIXTY days prior to such suspension or  
9     demotion, furnish the AFFECTED EMPLOYEE, state civil service department  
10    AND EMPLOYEE ORGANIZATION with a statement showing such employee's name,  
11    title or position, date of appointment, and the date of and reason for  
12    suspension or demotion. NOTICE GIVEN TO ANY EMPLOYEE PURSUANT TO THIS  
13    SECTION SHALL BE BY PERSONAL SERVICE OR BY CERTIFIED MAIL TO THE LAST  
14    ADDRESS FILED BY THE EMPLOYEE WITH THE EMPLOYER. Upon such employee's  
15    suspension or demotion, it shall be the duty of the department to place  
16    the name of such employee upon a reemployment roster for filling vacancies  
17    in any comparable position as determined by the department, except  
18    that employees suspended or demoted from positions in the non-competitive  
19    and labor classes may not be certified to fill vacancies in the  
20    competitive class. Such reemployment roster shall be certified for filling  
21    a vacancy in any such position before certification is made from any  
22    other list, including a promotion eligible list, but not prior to a  
23    preferred list. Eligibility for reinstatement of a person whose name  
24    appears on any such reemployment roster shall not continue for a period  
25    longer than four years from the date of suspension or demotion provided,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 however, in no event shall eligibility for reinstatement from a reem-  
2 ployment roster continue once the person is no longer eligible for rein-  
3 statement from a preferred list.  
4 S 2. This act shall take effect immediately.