S T A T E O F N E W Y O R K

3778

2009-2010 Regular Sessions

I N S E N A T E

March 31, 2009

Introduced by Sen. SAVINO -- (at request of the Department of Civil Service) -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the civil service law, in relation to promotional examinations for certain positions and promotions and transfers to administrative positions in state service

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

Section 1. Subdivision 1 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended to read as follows:

1. General provisions. Except as provided in subdivisions four and six of this section no employee IN THE COMPETITIVE OR NON-COMPETITIVE CLASS shall be transferred to a position for which there is required by this chapter or the rules established hereunder an examination involving essential tests or qualifications different from or higher than those required for the position held by such employee. The state and municipal commissions may adopt rules governing transfers between positions in their respective jurisdictions and may also adopt reciprocal rules providing for the transfer of employees from one governmental jurisdiction to another. No employee shall be transferred without his or her consent except as provided in subdivision six of this section or upon the transfer of functions as provided in subdivision two of this section. NOTWITHSTANDING THE PROVISIONS OF SECTION FIFTY OF THIS CHAPTER OR ANY OTHER LAW, EMPLOYEES IN NON-COMPETITIVE CLASS POSITIONS IN STATE SERVICE MAY TRANSFER TO COMPETITIVE CLASS POSITIONS WHERE THE DEPARTMENT DETERMINES THAT THE EXAMINATION FOR SUCH NON-COMPETITIVE CLASS POSITION INCLUDES TESTS AND QUALIFICATIONS REQUIRED FOR POSSESSION OF CREDENTIALS, LICENSES OR CERTIFICATIONS EQUIVALENT TO THE ESSENTIAL TEST OR QUALIFICATIONS OF SUCH COMPETITIVE CLASS POSITION.

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

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S 2. Subdivision 4 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended to read as follows:

4. Transfer and change of title. Notwithstanding the provisions of subdivision one of this section or any other provision of law, any permanent employee in the competitive, NON-COMPETITIVE, OR LABOR class who meets all of the requirements for a competitive examination, and is otherwise qualified as determined by the state civil service commission or the municipal civil service commission, as the case may be, shall be eligible for participation in a non-competitive examination in a different position classification, provided, however, that such employee is holding a position in a similar grade.

S 3. This act shall take effect immediately.