

5630

2009-2010 Regular Sessions

I N S E N A T E

May 22, 2009

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 prohibiting the transfer of civil service employees in certain situations

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

1 Section 1. Paragraph (c) of subdivision 6 of section 52 of the civil
2 service law, as added by chapter 790 of the laws of 1958, is amended to
3 read as follows:

4 (c) Transfers shall be allowed between administrative positions in the
5 same or related or collateral specialties which involve substantially
6 equivalent tests or qualifications, subject to such conditions and limitations
7 as the state civil service department may prescribe, PROVIDED,
8 HOWEVER, THAT NO SUCH TRANSFER SHALL BE ALLOWED TO A POSITION IN THE
9 SERVICE OF THE STATE WHICH IS IN A HIGHER SALARY GRADE THAN THE POSITION
10 HELD BY THE EMPLOYEE PRIOR TO THE TRANSFER IF AT THE DATE OF SUCH TRANS-
11 FER THERE IS AN EXISTING, VALID ELIGIBLE LIST OR PREFERRED LIST OR
12 RE-EMPLOYMENT ROSTER FOR SUCH POSITION.

13 S 2. Subdivision 1 of section 70 of the civil service law, as amended
14 by chapter 718 of the laws of 1993, is amended to read as follows:

15 1. General provisions. Except as provided in subdivisions four and six
16 of this section no employee shall be transferred to a position for which
17 there is required by this chapter or the rules established hereunder an
18 examination involving essential tests or qualifications different from
19 or higher than those required for the position held by such employee.
20 The state and municipal commissions may adopt rules governing transfers
21 between positions in their respective jurisdictions and may also adopt
22 reciprocal rules providing for the transfer of employees from one
23 governmental jurisdiction to another. No employee shall be transferred
24 without his or her consent except as provided in subdivision six of this
25 section or upon the transfer of functions as provided in subdivision

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

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1 two of this section. NO EMPLOYEE SHALL BE TRANSFERRED PURSUANT TO THIS
2 SUBDIVISION TO A POSITION IN THE SERVICE OF THE STATE WHICH IS IN A
3 HIGHER SALARY GRADE THAN THE POSITION HELD BY THE EMPLOYEE PRIOR TO THE
4 TRANSFER IF AT THE DATE OF SUCH TRANSFER THERE IS AN EXISTING, VALID
5 ELIGIBLE LIST OR PREFERRED LIST OR RE-EMPLOYMENT ROSTER FOR SUCH POSI-
6 TION, UNLESS SAID TRANSFER IS TO A POSITION WITHIN THE SAME TITLE.
7 S 3. This act shall take effect immediately.