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

7956

I N S E N A T E

May 26, 2010

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 establishing the qualifications of director of facilities of school districts by the department of civil service

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

Section 1. Section 17 of the civil service law is amended by adding a new subdivision 5 to read as follows:

5. ADMINISTRATION OF CERTAIN DIRECTOR OF FACILITY POSITIONS. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, CHAPTER OR ANY PROVISIONS TO THE CONTRARY CONTAINED IN ANY GENERAL, SPECIAL, OR LOCAL LAWS, THE DEPARTMENT SHALL DEVELOP A STATEWIDE EXAM FOR THE POSITIONS OF DIRECTOR OF FACILITIES I, II, & III IN SCHOOL DISTRICTS THROUGHOUT THE STATE. SUCH ADMINISTRATION SHALL INCLUDE THE DEVELOPMENT OF ELIGIBILITY CRITERIA FOR EXAMINATION OF POTENTIAL CANDIDATES FOR THE POSITIONS OF DIRECTOR OF FACILITIES I, II, & III BASED ON QUALIFICATIONS AND EXPERIENCE IN ACCORDANCE WITH SECTION FIFTY OF THIS CHAPTER.

S 2. The civil service law is amended by adding a new section 17-a to read as follows:

S 17-A. PLACEMENT OF CERTAIN DIRECTOR OF SCHOOL FACILITY POSITIONS. 1. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT THE CONTINUED, UNINTERRUPTED, ADEQUATE AND EFFICIENT OPERATION OF SCHOOL FACILITIES IS NECESSARY FOR THE GENERAL WELFARE OF THE PEOPLE; THAT SUCH ADEQUATE OPERATION INVOLVES AND REQUIRES PERSONNEL WITH HIGHLY SPECIALIZED ABILITY, SKILL, TRAINING, AND KNOWLEDGE; THAT LOCAL CIVIL SERVICE COMMISSIONS MAY DECIDE TO CLASSIFY SUCH POSITIONS WHERE THEY CONSTITUTE BONA FIDE CIVIL SERVICE POSITIONS AS EVIDENCED BY FACTORS INCLUDING ENHANCED PAY, BENEFITS, AND DIGNITY OF POSITION; THAT WHILE COMPETITIVE EXAMINATION HAS BEEN DEEMED PRACTICABLE FOR DIRECTORS OF SCHOOL FACILITIES, TO REQUIRE SUCH EXAMINATION FOR VALID APPOINTMENT OF CURRENT LONG-STANDING EMPLOYEES WOULD IRREPARABLY DISORGANIZE CERTAIN SCHOOL FACILITY OPERATIONS, ENDANGER THE SAFETY OF STUDENTS, AND INTERRUPT THE CONTINUITY AND EFFECTIVE PERFORMANCE OF IMPORTANT EDUCATIONAL OPERATIONS.

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

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2. NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER OR ANY PROVISIONS TO THE CONTRARY CONTAINED IN ANY GENERAL, SPECIAL, OR LOCAL LAWS, ANY PERSON HOLDING A PERMANENT COMPETITIVE CLASS APPOINTMENT AS:

(A) SUPERVISOR OF BUILDINGS AND GROUNDS - ALBANY CITY SCHOOL DISTRICT, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - ALBANY COUNTY;

(B) SUPERINTENDENT OF BUILDINGS AND GROUNDS - ALLEGANY COUNTY;

(C) DIRECTOR OF SCHOOL FACILITIES I, II AND III; DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS III - BROOME COUNTY;

(D) SUPERINTENDENT OF BUILDINGS & GROUNDS - CATTARAUGUS COUNTY;

(E) SUPERINTENDENT OF BUILDINGS AND GROUNDS - CAYUGA COUNTY;

(F) FACILITIES MANAGER - FORESTVILLE SCHOOL, MAINTENANCE AND TRANSPORTATION MANAGER - RIPLEY CSD, SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND TRANSPORTATION - DUNKIRK SCHOOL DISTRICT, SENIOR BUILDING AND MAINTENANCE MECHANIC - FREDONIA CSD, DIRECTOR OF FACILITIES AND OPERATIONS AND SUPERINTENDENT OF BUILDINGS AND GROUNDS - CITY OF JAMESTOWN - CHAUTAUQUA COUNTY;

(G) SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS AND GROUNDS - CHEMUNG COUNTY;

(H) SUPERINTENDENT OF BUILDINGS AND GROUNDS - CHENANGO COUNTY;

(I) SUPERINTENDENT OF BUILDINGS AND GROUNDS; SUPERINTENDENT OF BUILDINGS AND GROUNDS II; SUPERINTENDENT OF BUILDINGS AND GROUNDS I; SUPERINTENDENT OF BUILDINGS AND TRANSPORTATION - CLINTON COUNTY;

(J) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - COLUMBIA COUNTY;

(K) SUPERINTENDENT OF BUILDINGS AND GROUNDS - CORTLAND COUNTY;

(L) SUPERINTENDENT OF BUILDINGS AND GROUNDS, HEAD CUSTODIAN - FRANKLIN CSD, MARGARETVILLE CSD & SOUTH KORTWRIGHT CSD - DELAWARE COUNTY;

(M) DIRECTOR OF FACILITIES AND OPERATIONS I, II, III - DUTCHESS COUNTY;

(N) SUPERINTENDENT OF BUILDINGS AND GROUNDS - ERIE COUNTY;

(O) SUPERINTENDENT OF BUILDINGS AND GROUNDS; SUPERINTENDENT OF BUILDINGS, GROUNDS AND TRANSPORTATION - ESSEX COUNTY;

(P) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES AND OPERATIONS I & II; DIRECTOR OF FACILITIES - FRANKLIN COUNTY;

(Q) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - FULTON COUNTY;

(R) SUPERVISOR OF BUILDINGS AND GROUNDS - GENESEE COUNTY;

(S) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF SCHOOL FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - GREENE COUNTY;

(T) FACILITIES MANAGER, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES; HEAD CUSTODIAN - SOUTH JEFFERSON CENTRAL SCHOOL; HEAD CUSTODIAN - THOUSAND ISLAND CENTRAL SCHOOL - JEFFERSON COUNTY;

(U) SUPERINTENDENT OF BUILDINGS AND GROUNDS; SUPERVISOR OF BUILDINGS AND GROUNDS; TRANSPORTATION AND BUILDING MAINTENANCE SUPERVISOR - LEWIS COUNTY;

(V) SUPERINTENDENT OF BUILDINGS AND GROUNDS - LIVINGSTON COUNTY;

(W) SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS AND GROUNDS - MADISON COUNTY;

(X) DIRECTOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS - MONROE COUNTY;

(Y) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - MONTGOMERY COUNTY;

(Z) DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS I, II, III, IV, DIRECTOR OF SCHOOL FACILITIES PLANNING AND DIRECTOR OF SCHOOL FACILITIES, OPERATIONS AND TRANSPORTATION - NASSAU COUNTY;

(AA) DIRECTOR OF FACILITIES AND OPERATIONS I, DIRECTOR OF FACILITIES AND OPERATIONS II - NIAGARA COUNTY;

(BB) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, PLANT MANAGER, MAINTENANCE SUPERVISOR, HEAD CUSTODIAN - ORISKANY CSD & NEW YORK MILLS UFSD - ONEIDA COUNTY;

(CC) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION - ONONDAGA COUNTY;

(DD) DIRECTOR, DIRECTOR OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES AND OPERATIONS - ONTARIO COUNTY;

(EE) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES AND OPERATIONS, DIRECTOR OF BUILDINGS AND GROUNDS, DIRECTOR OF BUILDING MAINTENANCE AND DIRECTOR OF OPERATIONS - ORANGE COUNTY;

(FF) DIRECTOR OF OPERATIONS AND MAINTENANCE, SUPERINTENDENT OF BUILDINGS AND GROUNDS - ORLEANS COUNTY;

(GG) SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS AND GROUNDS - CITY OF OSWEGO, MANAGER OF BUILDINGS & GROUNDS & SECURITY - CITY OF FULTON - OSWEGO COUNTY;

(HH) SUPERINTENDENT OF BUILDINGS & GROUNDS, HEAD CUSTODIAN - MORRIS CSD, DIRECTOR OF FACILITIES - OTSEGO COUNTY;

(II) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - RENSSELAER COUNTY;

(JJ) DIRECTOR OF FACILITIES I, DIRECTOR OF FACILITIES II, DIRECTOR OF FACILITIES III - ROCKLAND COUNTY;

(KK) BUILDINGS AND GROUNDS SUPERVISOR, SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS I, SUPERINTENDENT OF BUILDINGS AND GROUNDS II, SUPERINTENDENT OF BUILDINGS & GROUNDS & TRANSPORTATION; DIRECTOR OF OPERATIONS - ST. LAWRENCE COUNTY;

(LL) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES I, II AND III - CITY OF SARATOGA SPRINGS, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - SARATOGA COUNTY;

(MM) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - SCHENECTADY COUNTY;

(NN) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS, FACILITIES AND GROUNDS, MAINTENANCE SUPERVISOR - SHARON SPRINGS, HEAD CUSTODIAN - GILBOA CONESVILLE, SCHOHARIE COUNTY;

(OO) SUPERINTENDENT OF BUILDINGS AND GROUNDS, BUILDING MAINTENANCE SUPERVISOR - SCHUYLER COUNTY;

(PP) DIRECTOR OF FACILITIES AND GROUNDS - SENECA COUNTY;

(QQ) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES AND OPERATIONS I, HEAD BUILDING MAINTENANCE MECHANIC - STEUBEN COUNTY;

(RR) PLANT FACILITIES ADMINISTRATOR - SUFFOLK COUNTY;

(SS) DIRECTOR OF FACILITIES SUPPORT AND SERVICES I, II, III - SULLIVAN COUNTY;

(TT) SUPERINTENDENT OF BUILDINGS AND GROUNDS - TIOGA COUNTY;

(UU) SUPERINTENDENT OF BUILDINGS AND GROUNDS, MAINTENANCE SUPERVISOR, DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS III - TOMPKINS COUNTY;

(VV) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES AND OPERATIONS, DIRECTOR OF OPERATIONS AND MAINTENANCE, DIRECTOR OF BUILDINGS AND GROUNDS, DIRECTOR OF BUILDING MAINTENANCE AND DIRECTOR OF OPERATIONS - ULSTER COUNTY;

(WW) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES - GLENS FALLS CITY, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - WARREN COUNTY;

(XX) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - WASHINGTON COUNTY;

(YY) DIRECTOR OF FACILITIES AND OPERATIONS II - WAYNE COUNTY;

(ZZ) DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS MAINTENANCE - WESTCHESTER COUNTY;

(AAA) SUPERINTENDENT OF BUILDINGS AND GROUNDS - WYOMING COUNTY;

(BBB) BUILDING AND MAINTENANCE SUPERVISOR, SUPERINTENDENT OF BUILDINGS AND GROUNDS;

OR ANY OTHER COMPETITIVE POSITIONS NOT DELINEATED IN THIS SECTION THAT ARE AN EQUIVALENT COMPETITIVE POSITION TO THOSE LISTED IN THIS SECTION, WHO WAS SERVING IN SUCH CAPACITY ON THE DATE THE FIRST EXAM IS ADMINISTERED FOR SUCH POSITION PURSUANT TO SECTION SEVENTEEN OF THIS TITLE, SHALL RECEIVE A PERMANENT APPOINTMENT TO SUCH POSITION AS MAY BE PROPERLY CLASSIFIED BY THE LOCAL CIVIL SERVICE COMMISSION HAVING JURISDICTION, WITHOUT FURTHER EXAMINATION OR QUALIFICATIONS AND SHALL HAVE ALL THE RIGHTS AND PRIVILEGES OF THE JURISDICTIONAL CLASS TO WHICH SUCH POSITION MAY BE ALLOCATED.

S 3. Subdivisions 4 and 4-a of section 23 of the civil service law, subdivision 4 as amended by chapter 647 of the laws of 1995 and subdivision 4-a as amended by chapter 141 of the laws of 1982, are amended to read as follows:

4. Use of state and county eligible lists by municipal commissions. A municipal commission, in the absence of an eligible list of its own, may request the state civil service department, county civil service commission or county personnel officer to furnish it with the names of persons on an appropriate eligible list established by the department, commission or personnel officer, which, if so requested by the municipal commission, shall be limited to residents of the city, or town or civil division in which appointments are to be made, or to residents of the county or judicial district in which such city, town or civil division is located, or to any reasonable combination of political subdivisions both in and outside of New York state contiguous to the city or civil division in which appointment is to be made or contiguous to the political subdivision in which such city or civil division is located, EXCEPT FOR THE POSITION OF DIRECTOR OF FACILITIES I, II, & III OF A SCHOOL DISTRICT LOCATED WITHIN THE STATE WHICH SHALL USE THE LIST DEVELOPED PURSUANT TO SUBDIVISION FIVE OF SECTION SEVENTEEN OF THIS TITLE. Such municipal commission may certify such names for appointment to a position under its jurisdiction in the same manner as certifications are made from the eligible lists of such commission. If the state civil service department, county civil service commission or county personnel officer, upon the request of such commission, has certified an appropriate eligible list to fill a particular position, such list shall continue to be used until superseded by an eligible list established by such municipal commission for such position, or until such list expires or is exhausted or is otherwise terminated.

4-a. Residence restrictions for local positions. The state civil service department or municipal commission having jurisdiction over

positions in a city or civil division may require that candidates for examination for appointment to any such positions be residents of such city or civil division, or residents of the county or judicial district in which such city or civil division is located, or of any reasonable combination of political subdivisions both in and outside of New York state contiguous to such city or civil division or contiguous to the political subdivision in which such city or civil division is located, EXCEPT FOR CANDIDATES FOR THE POSITION OF DIRECTOR OF FACILITIES I, II, & III OF A SCHOOL DISTRICT LOCATED WITHIN THE STATE. An appointing authority of a department or agency of a city or civil division may require that eligibles who are residents of such city or civil division shall be certified first for appointment, EXCEPT FOR CANDIDATES FOR THE POSITION OF DIRECTOR OF FACILITIES I, II, & III OF A SCHOOL DISTRICT LOCATED WITHIN THE STATE, WHEREIN NO SUCH RESIDENCE REQUIREMENTS SHALL APPLY, provided, however, no such preference shall be given on appointments from promotion lists. Upon exhaustion of the list of such resident eligibles, certifications shall be made from the whole eligible list. This subdivision shall not be deemed to supersede any general or special law pertaining to residence qualifications of local officers or employees; provided, however, that any permanent employee who has been suspended or demoted from a position and is on a preferred list for reinstatement, shall not be barred from reinstatement solely on the basis of residency requirements established subsequent to such suspension or demotion, in the event the employee does not meet such residence qualifications but, nonetheless, was originally properly appointed.

S 4. This act shall take effect immediately.