

11297

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Governmental Employees

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:

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

3 5. ADMINISTRATION OF CERTAIN DIRECTOR OF FACILITY POSITIONS. NOTWITH-
4 STANDING THE PROVISIONS OF THIS SECTION, CHAPTER OR ANY PROVISIONS TO
5 THE CONTRARY CONTAINED IN ANY GENERAL, SPECIAL, OR LOCAL LAWS, THE
6 DEPARTMENT SHALL DEVELOP A STATEWIDE EXAM FOR THE POSITIONS OF DIRECTOR
7 OF FACILITIES I, II, & III IN SCHOOL DISTRICTS THROUGHOUT THE STATE.
8 SUCH ADMINISTRATION SHALL INCLUDE THE DEVELOPMENT OF ELIGIBILITY CRITE-
9 RIA FOR EXAMINATION OF POTENTIAL CANDIDATES FOR THE POSITIONS OF DIREC-
10 TOR OF FACILITIES I, II, & III BASED ON QUALIFICATIONS AND EXPERIENCE IN
11 ACCORDANCE WITH SECTION FIFTY OF THIS CHAPTER.

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

14 S 17-A. PLACEMENT OF CERTAIN DIRECTOR OF SCHOOL FACILITY POSITIONS. 1.
15 THE LEGISLATURE HEREBY FINDS AND DECLARES THAT THE CONTINUED, UNINTER-
16 RUPTED, ADEQUATE AND EFFICIENT OPERATION OF SCHOOL FACILITIES IS NECES-
17 SARY FOR THE GENERAL WELFARE OF THE PEOPLE; THAT SUCH ADEQUATE OPERATION
18 INVOLVES AND REQUIRES PERSONNEL WITH HIGHLY SPECIALIZED ABILITY, SKILL,
19 TRAINING, AND KNOWLEDGE; THAT LOCAL CIVIL SERVICE COMMISSIONS MAY DECIDE
20 TO CLASSIFY SUCH POSITIONS WHERE THEY CONSTITUTE BONA FIDE CIVIL SERVICE
21 POSITIONS AS EVIDENCED BY FACTORS INCLUDING ENHANCED PAY, BENEFITS, AND
22 DIGNITY OF POSITION; THAT WHILE COMPETITIVE EXAMINATION HAS BEEN DEEMED
23 PRACTICABLE FOR DIRECTORS OF SCHOOL FACILITIES, TO REQUIRE SUCH EXAMINA-
24 TION FOR VALID APPOINTMENT OF CURRENT LONG-STANDING EMPLOYEES WOULD
25 IRREPARABLY DISORGANIZE CERTAIN SCHOOL FACILITY OPERATIONS, ENDANGER THE
26 SAFETY OF STUDENTS, AND INTERRUPT THE CONTINUITY AND EFFECTIVE PERFORM-
27 ANCE OF IMPORTANT EDUCATIONAL OPERATIONS.

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

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

4 (A) SUPERVISOR OF BUILDINGS AND GROUNDS - ALBANY CITY SCHOOL DISTRICT,
5 SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES, DIREC-
6 TOR OF FACILITIES AND TRANSPORTATION, DIRECTOR OF FACILITIES AND OPER-
7 ATIONS - ALBANY COUNTY;

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

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

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

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

13 (F) FACILITIES MANAGER - FORESTVILLE SCHOOL, MAINTENANCE AND TRANSPOR-
14 TATION MANAGER - RIPLEY CSD, SUPERINTENDENT OF BUILDINGS AND GROUNDS,
15 SUPERINTENDENT OF BUILDINGS AND TRANSPORTATION - DUNKIRK SCHOOL
16 DISTRICT, SENIOR BUILDING AND MAINTENANCE MECHANIC - FREDONIA CSD,
17 DIRECTOR OF FACILITIES AND OPERATIONS AND SUPERINTENDENT OF BUILDINGS
18 AND GROUNDS - CITY OF JAMESTOWN - CHAUTAUQUA COUNTY;

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

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

22 (I) SUPERINTENDENT OF BUILDINGS AND GROUNDS; SUPERINTENDENT OF BUILD-
23 INGS AND GROUNDS II; SUPERINTENDENT OF BUILDINGS AND GROUNDS I; SUPER-
24 INTENDENT OF BUILDINGS AND TRANSPORTATION - CLINTON COUNTY;

25 (J) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
26 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
27 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - COLUMBIA COUNTY;

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

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

31 (M) DIRECTOR OF FACILITIES AND OPERATIONS I, II, III - DUTCHESS COUN-
32 TY;

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

34 (O) SUPERINTENDENT OF BUILDINGS AND GROUNDS; SUPERINTENDENT OF BUILD-
35 INGS, GROUNDS AND TRANSPORTATION - ESSEX COUNTY;

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

38 (Q) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
39 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
40 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - FULTON COUNTY;

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

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

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

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

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

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

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

1 (Y) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
2 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
3 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - MONTGOMERY COUNTY;
4 (Z) DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS I, II, III, IV,
5 DIRECTOR OF SCHOOL FACILITIES PLANNING AND DIRECTOR OF SCHOOL FACILI-
6 TIES, OPERATIONS AND TRANSPORTATION - NASSAU COUNTY;
7 (AA) DIRECTOR OF FACILITIES AND OPERATIONS I, DIRECTOR OF FACILITIES
8 AND OPERATIONS II - NIAGARA COUNTY;
9 (BB) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
10 AND GROUNDS, PLANT MANAGER, MAINTENANCE SUPERVISOR, HEAD CUSTODIAN -
11 ORISKANY CSD & NEW YORK MILLS UFSD - ONEIDA COUNTY;
12 (CC) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES,
13 DIRECTOR OF FACILITIES AND TRANSPORTATION - ONONDAGA COUNTY;
14 (DD) DIRECTOR, DIRECTOR OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILI-
15 TIES AND OPERATIONS - ONTARIO COUNTY;
16 (EE) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES
17 AND OPERATIONS, DIRECTOR OF BUILDINGS AND GROUNDS, DIRECTOR OF BUILDING
18 MAINTENANCE AND DIRECTOR OF OPERATIONS - ORANGE COUNTY;
19 (FF) DIRECTOR OF OPERATIONS AND MAINTENANCE, SUPERINTENDENT OF BUILD-
20 INGS AND GROUNDS - ORLEANS COUNTY;
21 (GG) SUPERINTENDENT OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS
22 AND GROUNDS - CITY OF OSWEGO, MANAGER OF BUILDINGS & GROUNDS & SECURITY
23 - CITY OF FULTON - OSWEGO COUNTY;
24 (HH) SUPERINTENDENT OF BUILDINGS & GROUNDS, HEAD CUSTODIAN - MORRIS
25 CSD, DIRECTOR OF FACILITIES - OTSEGO COUNTY;
26 (II) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
27 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
28 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - RENSSELAER COUNTY;
29 (JJ) DIRECTOR OF FACILITIES I, DIRECTOR OF FACILITIES II, DIRECTOR OF
30 FACILITIES III - ROCKLAND COUNTY;
31 (KK) BUILDINGS AND GROUNDS SUPERVISOR, SUPERINTENDENT OF BUILDINGS AND
32 GROUNDS, SUPERINTENDENT OF BUILDINGS AND GROUNDS I, SUPERINTENDENT OF
33 BUILDINGS AND GROUNDS II, SUPERINTENDENT OF BUILDINGS & GROUNDS & TRANS-
34 PORTATION; DIRECTOR OF OPERATIONS - ST. LAWRENCE COUNTY;
35 (LL) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
36 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES I, II AND
37 III - CITY OF SARATOGA SPRINGS, DIRECTOR OF FACILITIES AND TRANSPORTA-
38 TION, DIRECTOR OF FACILITIES AND OPERATIONS - SARATOGA COUNTY;
39 (MM) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
40 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
41 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - SCHENECTADY COUNTY;
42 (NN) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERVISOR OF BUILDINGS,
43 FACILITIES AND GROUNDS, MAINTENANCE SUPERVISOR - SHARON SPRINGS, HEAD
44 CUSTODIAN - GILBOA CONESVILLE, SCHOHARIE COUNTY;
45 (OO) SUPERINTENDENT OF BUILDINGS AND GROUNDS, BUILDING MAINTENANCE
46 SUPERVISOR - SCHUYLER COUNTY;
47 (PP) DIRECTOR OF FACILITIES AND GROUNDS - SENECA COUNTY;
48 (QQ) SUPERINTENDENT OF BUILDINGS AND GROUNDS, DIRECTOR OF FACILITIES
49 AND OPERATIONS I, HEAD BUILDING MAINTENANCE MECHANIC - STEUBEN COUNTY;
50 (RR) PLANT FACILITIES ADMINISTRATOR - SUFFOLK COUNTY;
51 (SS) DIRECTOR OF FACILITIES SUPPORT AND SERVICES I, II, III - SULLIVAN
52 COUNTY;
53 (TT) SUPERINTENDENT OF BUILDINGS AND GROUNDS - TIOGA COUNTY;
54 (UU) SUPERINTENDENT OF BUILDINGS AND GROUNDS, MAINTENANCE SUPERVISOR,
55 DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS III - TOMPKINS COUNTY;

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

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

8 (XX) SUPERVISOR OF BUILDINGS AND GROUNDS, SUPERINTENDENT OF BUILDINGS
9 AND GROUNDS, DIRECTOR OF FACILITIES, DIRECTOR OF FACILITIES AND TRANS-
10 PORTATION, DIRECTOR OF FACILITIES AND OPERATIONS - WASHINGTON COUNTY;

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

12 (ZZ) DIRECTOR OF SCHOOL FACILITIES AND OPERATIONS MAINTENANCE - WEST-
13 CHESTER COUNTY;

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

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

17 OR ANY OTHER COMPETITIVE POSITIONS NOT DELINEATED IN THIS SECTION THAT
18 ARE AN EQUIVALENT COMPETITIVE POSITION TO THOSE LISTED IN THIS SECTION,
19 WHO WAS SERVING IN SUCH CAPACITY ON THE DATE THE FIRST EXAM IS ADMINIS-
20 TERED FOR SUCH POSITION PURSUANT TO SECTION SEVENTEEN OF THIS CHAPTER,
21 SHALL RECEIVE A PERMANENT APPOINTMENT TO SUCH POSITION AS MAY BE PROPER-
22 LY CLASSIFIED BY THE LOCAL CIVIL SERVICE COMMISSION HAVING JURISDICTION,
23 WITHOUT FURTHER EXAMINATION OR QUALIFICATIONS AND SHALL HAVE ALL THE
24 RIGHTS AND PRIVILEGES OF THE JURISDICTIONAL CLASS TO WHICH SUCH POSITION
25 MAY BE ALLOCATED.

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

30 4. Use of state and county eligible lists by municipal commissions. A
31 municipal commission, in the absence of an eligible list of its own, may
32 request the state civil service department, county civil service commis-
33 sion or county personnel officer to furnish it with the names of persons
34 on an appropriate eligible list established by the department, commis-
35 sion or personnel officer, which, if so requested by the municipal
36 commission, shall be limited to residents of the city, or town or civil
37 division in which appointments are to be made, or to residents of the
38 county or judicial district in which such city, town or civil division
39 is located, or to any reasonable combination of political subdivisions
40 both in and outside of New York state contiguous to the city or civil
41 division in which appointment is to be made or contiguous to the poli-
42 tical subdivision in which such city or civil division is located,
43 EXCEPT FOR THE POSITION OF DIRECTOR OF FACILITIES I, II, & III OF A
44 SCHOOL DISTRICT LOCATED WITHIN THE STATE WHICH SHALL USE THE LIST DEVEL-
45 OPED PURSUANT TO SUBDIVISION FIVE OF SECTION SEVENTEEN OF THIS CHAPTER.
46 Such municipal commission may certify such names for appointment to a
47 position under its jurisdiction in the same manner as certifications are
48 made from the eligible lists of such commission. If the state civil
49 service department, county civil service commission or county personnel
50 officer, upon the request of such commission, has certified an appropri-
51 ate eligible list to fill a particular position, such list shall contin-
52 ue to be used until superseded by an eligible list established by such
53 municipal commission for such position, or until such list expires or is
54 exhausted or is otherwise terminated.

55 4-a. Residence restrictions for local positions. The state civil
56 service department or municipal commission having jurisdiction over

1 positions in a city or civil division may require that candidates for
2 examination for appointment to any such positions be residents of such
3 city or civil division, or residents of the county or judicial district
4 in which such city or civil division is located, or of any reasonable
5 combination of political subdivisions both in and outside of New York
6 state contiguous to such city or civil division or contiguous to the
7 political subdivision in which such city or civil division is located,
8 EXCEPT FOR CANDIDATES FOR THE POSITION OF DIRECTOR OF FACILITIES I, II,
9 & III OF A SCHOOL DISTRICT LOCATED WITHIN THE STATE. An appointing
10 authority of a department or agency of a city or civil division may
11 require that eligibles who are residents of such city or civil division
12 shall be certified first for appointment, EXCEPT FOR CANDIDATES FOR THE
13 POSITION OF DIRECTOR OF FACILITIES I, II, & III OF A SCHOOL DISTRICT
14 LOCATED WITHIN THE STATE, WHEREIN NO SUCH RESIDENCE REQUIREMENTS SHALL
15 APPLY, provided, however, no such preference shall be given on appoint-
16 ments from promotion lists. Upon exhaustion of the list of such resident
17 eligibles, certifications shall be made from the whole eligible list.
18 This subdivision shall not be deemed to supersede any general or special
19 law pertaining to residence qualifications of local officers or employ-
20 ees; provided, however, that any permanent employee who has been
21 suspended or demoted from a position and is on a preferred list for
22 reinstatement, shall not be barred from reinstatement solely on the
23 basis of residency requirements established subsequent to such suspen-
24 sion or demotion, in the event the employee does not meet such residence
25 qualifications but, nonetheless, was originally properly appointed.

26 S 4. This act shall take effect immediately.