

2763

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

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 ASSEM-
BLY, 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 vacan-
17 cies in any comparable position as determined by the department, except
18 that employees suspended or demoted from positions in the non-competi-
19 tive and labor classes may not be certified to fill vacancies in the
20 competitive class. Such reemployment roster shall be certified for fill-
21 ing 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.