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

2596

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to hiring of certain non-partisan legislative employees

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

Section 1. Legislative findings. The legislature hereby finds and declares that unnecessary duplication of services between the senate and assembly is a waste of taxpayer resources and otherwise fails to promote a form of government which is based on competency and ability rather than political patronage. The legislature declares that the state and its people would be better served if the administrative functions of the legislature were consolidated and implemented in a non-partisan manner based solely on objective criteria.

S 2. The legislative law is amended by adding a new section 8-a to read as follows:

S 8-A. NON-PARTISAN HIRING OF CERTAIN EMPLOYEES OF THE LEGISLATURE. 1. THE SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE ASSEMBLY, TEMPORARY PRESIDENT OF THE SENATE AND MINORITY LEADER OF THE SENATE (HEREINAFTER REFERRED TO AS "THE LEADERSHIP") SHALL, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, JOINTLY DEVELOP A LIST OF ALL EMPLOYEE TITLES WHICH ARE NOT HIRED UPON THE RECOMMENDATION OF A MEMBER SPECIFICALLY TO SERVE IN THAT MEMBER'S OFFICE OR ON THE COMMITTEE STAFF OF ANY COMMITTEE THAT MEMBER IS THE CHAIRPERSON OR RANKING MINORITY MEMBER OF. SUCH EMPLOYEE TITLES SHALL INCLUDE THOSE EMPLOYEES WHO PERFORM SERVICES INCLUDING, BUT NOT LIMITED TO, PAYROLL, ACCOUNTING, DISTRICT OFFICE OPERATIONS, SUPPLIES, TECHNOLOGY, POSTAL SERVICES, DOCUMENT PRINTING AND DISTRIBUTION, RESEARCH, MEDIA SERVICES INCLUDING THE OPERATION AND SCHEDULING OF RECORDING SESSIONS, PERSONNEL SERVICES, FINANCIAL ANALYSIS AND REPORTING, STATE BUDGET ANALYSIS AND REPORTING.

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

LBD09252-03-9

2. WITHIN ONE HUNDRED EIGHTY DAYS OF THE ADOPTION OF THE LIST PROVIDED FOR IN SUBDIVISION ONE OF THIS SECTION, THE SPEAKER, TEMPORARY PRESIDENT, AND MINORITY LEADERS SHALL TOGETHER OR THROUGH REPRESENTATIVES DETERMINE THE JOB DUTIES OF EACH TITLE AND PREPARE OR CAUSE TO BE PREPARED MINIMUM PROFESSIONAL QUALIFICATIONS AND COMPETITIVE EXAMINATIONS WHICH SHALL BE UTILIZED TO HIRE CANDIDATES FOR EACH SUCH POSITION UPON SUCH POSITION'S BECOMING VACATED. TO THE EXTENT REQUESTED BY THE SPEAKER, TEMPORARY PRESIDENT, AND EITHER OR BOTH MINORITY LEADERS, THE DEPARTMENT OF CIVIL SERVICE SHALL ASSIST WITH THE DEVELOPMENT OF THE QUALIFICATIONS AND EXAMINATIONS. IN THE EVENT AT LEAST THREE OF THE FOUR MEMBERS OF THE LEADERSHIP CANNOT AGREE ON THE LANGUAGE OF THE EXAM OR THE MINIMUM QUALIFICATIONS, THE DEPARTMENT OF CIVIL SERVICE SHALL, BY VOTE OF THE MAJORITY OF THE MEMBERS OF COMMISSIONERS, AFTER A HEARING, MAKE A REASONABLE DETERMINATION OF THE EXAMINATION LANGUAGE AND/OR MINIMUM QUALIFICATIONS AS THE CASE MAY BE.

3. ANY PERSON HIRED TO FILL ANY VACATED POSITION SHALL BE HIRED FROM A LIST OF THE TOP THREE SCORES OF THOSE WHO MEET THE MINIMUM PROFESSIONAL QUALIFICATIONS. SUCH PERSON SHALL BE HIRED BASED ON A VOTE OF THE MAJORITY OF THE LEADERSHIP. EXAMS SHALL BE GIVEN AT LEAST TWICE ANNUALLY. HIRING SHALL BE DONE ON A NON-PARTISAN MANNER. EMPLOYEES, ONCE HIRED SHALL BE RETAINED EXCEPT FOR THE ABOLITION OF THE POSITION OR FOR CAUSE. TO THE EXTENT OTHERWISE PROHIBITED BY LAW, ANY EMPLOYEE HIRED PURSUANT TO THE PROVISIONS OF THIS SECTION OR OTHERWISE HOLDING A TITLED POSITION COVERED BY THIS SECTION SHALL BE EXPRESSLY AUTHORIZED TO JOIN AND ENJOY THE PROTECTIONS OF A COLLECTIVE BARGAINING ORGANIZATION PROVIDED SUCH AN ORGANIZATION OTHERWISE QUALIFIES TO REPRESENT SUCH EMPLOYEE PURSUANT TO APPLICABLE STATE LAW AND HAVE THEIR SALARIES AND BENEFITS NEGOTIATED THEREBY.

4. ANY INCUMBENT WHOSE JOB TITLE IS CONTAINED ON THE LIST PROVIDED FOR IN THIS SECTION SHALL SIT FOR COMPETITIVE EXAMINATION. ANY INCUMBENT IN A JOB TITLE SHALL BE DEEMED TO MEET THE MINIMUM PROFESSIONAL QUALIFICATIONS SHALL BE RETAINED, UNLESS DISCHARGED FOR CAUSE. PROVIDED, HOWEVER THE INCUMBENT MUST, BY THE END OF THE THIRD YEAR AFTER THE EXAMINATION FOR HIS OR HER JOB IS FIRST OFFERED, TAKE THE EXAM AND EARN A POSITION IN THE TOP THREE AGAINST THE OTHER INDIVIDUALS WHO SAT FOR THE EXAM WHICH THE INCUMBENT SAT FOR OR HIS OR HER JOB SHALL TERMINATE AT THE END OF THE THIRD FULL YEAR AFTER THIS SECTION SHALL HAVE BECOME A LAW.

5. ANY PREFERENCE UNDER THE CIVIL SERVICE LAW GRANTING PREFERENCES OR ADDITIONAL EXAMINATION POINTS AVAILABLE TO OTHER PUBLIC POSITIONS SHALL EXIST FOR THESE POSITIONS.

S 3. The second undesignated paragraph of section 7-a of the legislative law, as amended by chapter 746 of the laws of 1974, is amended to read as follows:

Such library shall be suitably furnished, equipped and maintained under the direction of the legislative librarian, within the amount of any moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation thereto. There shall be, for such library, a legislative librarian and such assistant librarians and other employees as may be provided for in the legislative appropriation bill. Such librarian, assistant librarians and other employees shall be chosen [by the temporary president of the senate and speaker of the assembly] IN ACCORDANCE WITH SECTION EIGHT-A OF THIS ARTICLE. One of the assistant librarians shall be assigned by the legislative librarian to have charge of the legislative correspondents' room in the capitol. [The legislative librarian and assistant librarians heretofore chosen by the president of the senate and speaker

of the assembly, and in office when this section as hereby amended takes effect, shall continue to serve until their successors shall be chosen.] The salaries and compensation of the legislative librarian, assistant librarians and other employees shall be payable from moneys appropriated in the legislative appropriation bill. During a vacancy in the office of legislative librarian, the assistant librarian who shall have been longest in the service of the state as a legislative employee, shall be employed as acting legislative librarian with the powers and duties of such librarian, and shall receive during such period the compensation herein prescribed for the legislative librarian. Such librarian shall have charge of the legislative library, but the two houses of the legislature may, by joint rules, regulate the use of the library and prescribe the powers and duties of the legislative librarian and the assistant librarians.

S 4. Subdivision 1 of section 7-b of the legislative law, as added by chapter 875 of the laws of 1935 and as designated by chapter 867 of the laws of 1984, is amended to read as follows:

1. There shall be a legislative emergency health station, available for the use of members and employees of both houses of the legislature, and official reporters of the senate and assembly duly designated upon certificate of the legislative correspondent's association, to be located on the third floor of the state capitol, conveniently accessible to the legislature, and such emergency health station shall be open at all times while the legislature is in session. Such emergency health station shall be suitable and adequately equipped to administer first aid, within the amount of moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation thereto and maintained under the direction of a nurse registered under the laws of the state. The nurse provided for in this section shall be chosen [by the temporary president of the senate and the speaker of the assembly and shall serve until his or her successor shall be chosen in like manner] IN ACCORDANCE WITH SECTION EIGHT-A OF THIS ARTICLE. The salary and compensation of such nurse shall be payable monthly from moneys appropriated for compensation of officers and employees of the senate and assembly.

S 5. This act shall take effect immediately.