

3778

2009-2010 Regular Sessions

I N S E N A T E

March 31, 2009

Introduced by Sen. SAVINO -- (at request of the Department of Civil Service) -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the civil service law, in relation to promotional examinations for certain positions and promotions and transfers to administrative positions in state service

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

1 Section 1. Subdivision 1 of section 70 of the civil service law, as
2 amended by chapter 718 of the laws of 1993, is amended to read as
3 follows:
4 1. General provisions. Except as provided in subdivisions four and six
5 of this section no employee IN THE COMPETITIVE OR NON-COMPETITIVE CLASS
6 shall be transferred to a position for which there is required by this
7 chapter or the rules established hereunder an examination involving
8 essential tests or qualifications different from or higher than those
9 required for the position held by such employee. The state and municipal
10 commissions may adopt rules governing transfers between positions in
11 their respective jurisdictions and may also adopt reciprocal rules
12 providing for the transfer of employees from one governmental jurisdic-
13 tion to another. No employee shall be transferred without his or her
14 consent except as provided in subdivision six of this section or upon
15 the transfer of functions as provided in subdivision two of this
16 section. NOTWITHSTANDING THE PROVISIONS OF SECTION FIFTY OF THIS CHAP-
17 TER OR ANY OTHER LAW, EMPLOYEES IN NON-COMPETITIVE CLASS POSITIONS IN
18 STATE SERVICE MAY TRANSFER TO COMPETITIVE CLASS POSITIONS WHERE THE
19 DEPARTMENT DETERMINES THAT THE EXAMINATION FOR SUCH NON-COMPETITIVE
20 CLASS POSITION INCLUDES TESTS AND QUALIFICATIONS REQUIRED FOR POSSESSION
21 OF CREDENTIALS, LICENSES OR CERTIFICATIONS EQUIVALENT TO THE ESSENTIAL
22 TEST OR QUALIFICATIONS OF SUCH COMPETITIVE CLASS POSITION.

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

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1 S 2. Subdivision 4 of section 70 of the civil service law, as amended
2 by chapter 718 of the laws of 1993, is amended to read as follows:
3 4. Transfer and change of title. Notwithstanding the provisions of
4 subdivision one of this section or any other provision of law, any
5 permanent employee in the competitive, NON-COMPETITIVE, OR LABOR class
6 who meets all of the requirements for a competitive examination, and is
7 otherwise qualified as determined by the state civil service commission
8 or the municipal civil service commission, as the case may be, shall be
9 eligible for participation in a non-competitive examination in a differ-
10 ent position classification, provided, however, that such employee is
11 holding a position in a similar grade.
12 S 3. This act shall take effect immediately.