

7780

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 17, 2011

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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 suspension or  
demotion upon the abolition or reduction of positions for labor class  
titles

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

1     Section 1. Subdivision 6 of section 80 of the civil service law, as  
2     added by chapter 283 of the laws of 1972 and renumbered by chapter 360  
3     of the laws of 1985, is amended to read as follows:  
4     6. Displacement in civil divisions. A permanent incumbent of a posi-  
5     tion in a civil division in a specific title to which there is a direct  
6     line of promotion, OR AN INCUMBENT IN A TITLE IN THE LABOR CLASS THAT  
7     HAS BEEN EXTENDED THE OPPORTUNITY TO TAKE THE PROMOTIONAL EXAMINATION  
8     FOR THE POSITION OF A PERMANENT INCUMBENT PURSUANT TO SECTION FIFTY-TWO  
9     OF THIS CHAPTER, who is suspended or displaced pursuant to this section,  
10    together with all other such incumbents suspended or displaced at the  
11    same time, shall displace, in the inverse order of the order of suspen-  
12    sion or demotion prescribed in subdivisions one and two of this section,  
13    incumbents serving in positions in the same lay-off unit in the next  
14    lower occupied title in direct line of promotion OR IN THE TITLE IN THE  
15    LABOR CLASS IN WHICH INCUMBENTS HAVE BEEN EXTENDED THE OPPORTUNITY TO  
16    TAKE THE PROMOTIONAL EXAMINATION FOR THE POSITION OF THE SUSPENDED OR  
17    DISPLACED PERMANENT INCUMBENT PURSUANT TO SECTION FIFTY-TWO OF THIS  
18    CHAPTER, who shall be displaced in the order of suspension or demotion  
19    prescribed in subdivisions one and two of this section; provided, howev-  
20    er, that no incumbent shall displace any other incumbent having greater  
21    retention standing. If a permanent incumbent of a position in a civil  
22    division is suspended or displaced from a position in a title for which  
23    there are no lower level occupied positions in direct line of promotion,  
24    he shall displace the incumbent with the least retention right pursuant

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

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1 to subdivisions one and two of this section who is serving in a position  
2 in the title in which the displacing incumbent last served [on a perma-  
3 nent basis] prior to service in one or more positions in the title from  
4 which he is suspended or displaced, if: (1) the service of the displac-  
5 ing incumbent while in such former title was satisfactory and (2) the  
6 position of the junior incumbent is in (a) the competitive OR LABOR  
7 class, (b) the layoff unit from which the displacing incumbent was  
8 suspended or displaced, and (c) a lower salary grade than the position  
9 from which the displacing incumbent is suspended or displaced; provided,  
10 however, that no incumbent shall displace any other incumbent having  
11 greater retention standing. Refusal of appointment to a position  
12 afforded by this subdivision constitutes waiver of rights under this  
13 subdivision with respect to the suspension or displacement on account of  
14 which the refused appointment is afforded. The municipal civil service  
15 commission shall promulgate rules to implement this subdivision includ-  
16 ing rules which may provide adjunctive opportunities for displacement  
17 either to positions in direct line of promotion or to formerly held  
18 positions; provided, however, that no such rule shall permit an incum-  
19 bent to displace any other incumbent having greater retention standing.  
20 For the purpose of acquiring preferred list rights, displacement pursu-  
21 ant to this subdivision is the equivalent of suspension or demotion  
22 pursuant to subdivision one of this section.  
23 S 2. This act shall take effect immediately.