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

2810

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to providing competency standards for exempt and non-competitive class positions

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

Section 1. Section 41 of the civil service law is amended by adding a new subdivision 3 to read as follows:

3. NO PERSON SHALL BE PERMITTED TO ASSUME ANY EXEMPT CLASS POSITION WHO HAS NOT DEMONSTRATED HIS OR HER COMPETENCE FOR THAT POSITION BY REASON OF PROFESSIONAL TRAINING, SUBSTANTIVE EXPERIENCE AND EDUCATION OR SUCH EXAMINATION AS MAY BE DEEMED APPROPRIATE IN ACCORDANCE WITH SECTION FIFTY OF THIS CHAPTER.

S 2. Subdivision 1 of section 42 of the civil service law, as amended by chapter 155 of the laws of 1961, is amended to read as follows:

1. The non-competitive class shall include all positions that are not in the exempt class or the labor class and for which it is found by the commission having jurisdiction to be not practicable to ascertain the merit and fitness of applicants by competitive examination. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the state civil service department or municipal commission having jurisdiction, EXCEPT THAT NO PERSON SHALL BE PERMITTED TO ASSUME ANY ADMINISTRATIVE OR SUPERVISORY POSITION WHO HAS NOT DEMONSTRATED HIS OR HER COMPETENCE FOR THAT POSITION BY REASON OF PROFESSIONAL TRAINING, SUBSTANTIVE EXPERIENCE AND EDUCATION OR SUCH EXAMINATION AS MAY BE DEEMED APPROPRIATE IN ACCORDANCE WITH SECTION FIFTY OF THIS CHAPTER. No position shall be deemed to be in the non-competitive class unless it is specifically named in such class in the rules. Not more than one appointment shall be made to or under the title of any office or position placed in the non-competitive

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

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class pursuant to the provisions of this section, unless a different or an unlimited number is specifically prescribed in the rules.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that any rules and regulations necessary for the implementation of this act on its effective date shall be promulgated on or before such date.