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

9430

I N A S S E M B L Y

March 1, 2012

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 reductions in workforce

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

Section 1. Subdivision 1 of section 80 of the civil service law, as amended by chapter 283 of the laws of 1972, is amended to read as follows:

1. Suspension or demotion. Where, because of economy, consolidation or abolition of functions, curtailment of activities or otherwise, positions in the competitive class are abolished or reduced in rank or salary grade, suspension or demotion, as the case may be, among incumbents holding the same or similar positions shall be made in the inverse order of original appointment on a permanent basis in the classified service in the service of the governmental jurisdiction in which such abolition or reduction of positions occurs, subject to the provisions of subdivision seven of section eighty-five of this chapter; provided, however, that the date of original appointment of any such incumbent who was transferred to such governmental jurisdiction from another governmental jurisdiction upon the transfer of functions shall be the date of original appointment on a permanent basis in the classified service in the service of the governmental jurisdiction from which such transfer was made. FOR THE PURPOSES OF THIS SECTION, IN THE CASE OF AN INCUMBENT IN THE NON-COMPETITIVE CLASS OF THE STATE SERVICE WHO IS A RETIRED PERSON AS DEFINED IN SECTION TWO HUNDRED TEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, THE DATE OF ORIGINAL APPOINTMENT SHALL BE THE DATE ON WHICH SAID INCUMBENT WAS MOST RECENTLY APPOINTED TO HIS OR HER CURRENT POSITION AFTER THE DATE OF HIS OR HER RETIREMENT. Notwithstanding the provisions of this subdivision, however, upon the abolition or reduction of positions in the competitive class, incumbents holding the same or similar positions who have not completed their probationary service shall be suspended or demoted, as the case may be, before any permanent incumbents, and among such probationary employees the order of

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

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suspension or demotion shall be determined as if such employees were permanent incumbents.

S 2. Subdivision 1 of section 80-a of the civil service law, as added by chapter 283 of the laws of 1972, is amended to read as follows:

1. Suspension or demotion. Where, because of economy, consolidation or abolition of functions, curtailment of activities or otherwise, positions in the non-competitive class of the state service are abolished or reduced in rank or salary grade, suspension or demotion, as the case may be, among incumbents having tenure protection pursuant to paragraph (c) of subdivision one of section seventy-five of this chapter and holding the same or similar positions shall be made in the inverse order of original appointment on a permanent basis in the classified service of the state service, subject to the provisions of subdivision seven of section eighty-five of this chapter; provided, however, that the date of original appointment of any such incumbent who was transferred to the state service from another governmental jurisdiction upon the transfer of functions shall be the date of original appointment on a permanent basis in the classified service in the service of the governmental jurisdiction from which such transfer was made. FOR THE PURPOSES OF THIS SECTION, IN THE CASE OF AN INCUMBENT IN THE NON-COMPETITIVE CLASS OF THE STATE SERVICE WHO IS A RETIRED PERSON AS DEFINED IN SECTION TWO HUNDRED TEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, THE DATE OF ORIGINAL APPOINTMENT SHALL BE THE DATE ON WHICH SAID INCUMBENT WAS MOST RECENTLY APPOINTED TO HIS OR HER CURRENT POSITION AFTER THE DATE OF HIS OR HER RETIREMENT. Notwithstanding the provisions of this subdivision, however, upon the abolition or reduction of positions in the non-competitive class, incumbents holding the same or similar positions who have not completed their probationary service shall be suspended or demoted, as the case may be, before any permanent incumbents, and among such probationary employees the order or suspension or demotion shall be determined as if such employees were permanent incumbents.

S 3. This act shall take effect immediately.