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

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I N A S S E M B L Y

April 20, 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 the calculation of seniority for purposes of layoffs or demotions

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

Section 1. Section 80 of the civil service law is amended by adding a new subdivision 1-e to read as follows:

1-E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE SWORN MEMBERS OF ANY POLICE AGENCY AS DEFINED IN SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, OTHER THAN POLICE AGENCIES REFERRED TO IN SUBDIVISIONS ONE-A THROUGH ONE-D OF THIS SECTION SHALL BE SUBJECT TO THE FOLLOWING PROCEDURE. 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 GRADE OR TITLE 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.

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 SERVICES SHALL BE SUSPENDED OR DEMOTED, AS THE CASE MAY BE, BEFORE ANY PERMANENT INCUMBENTS, AND AMONG SUCH PROBATIONARY EMPLOYEES THE ORDER OF SUSPENSION OR DEMOTION SHALL BE DETERMINED AS IF SUCH EMPLOYEES WERE PERMANENT INCUMBENTS.

S 2. This act shall take effect immediately.

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

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