

9887

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 80 of the civil service law is amended by adding a  
2     new subdivision 1-e to read as follows:  
3     1-E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
4     SECTION, THE SWORN MEMBERS OF ANY POLICE AGENCY AS DEFINED IN SECTION  
5     EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, OTHER THAN POLICE AGEN-  
6     CIES REFERRED TO IN SUBDIVISIONS ONE-A THROUGH ONE-D OF THIS SECTION  
7     SHALL BE SUBJECT TO THE FOLLOWING PROCEDURE. WHERE, BECAUSE OF ECONOMY,  
8     CONSOLIDATION OR ABOLITION OF FUNCTIONS, CURTAILMENT OF ACTIVITIES OR  
9     OTHERWISE, POSITIONS IN THE COMPETITIVE CLASS ARE ABOLISHED OR REDUCED  
10    IN RANK OR SALARY GRADE, SUSPENSION OR DEMOTION, AS THE CASE MAY BE,  
11    AMONG INCUMBENTS HOLDING THE SAME OR SIMILAR POSITIONS SHALL BE MADE IN  
12    THE INVERSE ORDER OF ORIGINAL APPOINTMENT ON A PERMANENT BASIS IN THE  
13    GRADE OR TITLE IN THE SERVICE OF THE GOVERNMENTAL JURISDICTION IN WHICH  
14    SUCH ABOLITION OR REDUCTION OF POSITIONS OCCURS, SUBJECT TO THE  
15    PROVISIONS OF SUBDIVISION SEVEN OF SECTION EIGHTY-FIVE OF THIS CHAPTER;  
16    PROVIDED, HOWEVER, THAT THE DATE OF ORIGINAL APPOINTMENT OF ANY SUCH  
17    INCUMBENT WHO WAS TRANSFERRED TO SUCH GOVERNMENTAL JURISDICTION FROM  
18    ANOTHER GOVERNMENTAL JURISDICTION UPON THE TRANSFER OF FUNCTIONS SHALL  
19    BE THE DATE OF ORIGINAL APPOINTMENT ON A PERMANENT BASIS IN THE CLASSI-  
20    FIED SERVICE IN THE SERVICE OF THE GOVERNMENTAL JURISDICTION FROM WHICH  
21    SUCH TRANSFER WAS MADE.  
22    NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, HOWEVER, UPON THE  
23    ABOLITION OR REDUCTION OF POSITIONS IN THE COMPETITIVE CLASS, INCUMBENTS  
24    HOLDING THE SAME OR SIMILAR POSITIONS WHO HAVE NOT COMPLETED THEIR  
25    PROBATIONARY SERVICES SHALL BE SUSPENDED OR DEMOTED, AS THE CASE MAY BE,  
26    BEFORE ANY PERMANENT INCUMBENTS, AND AMONG SUCH PROBATIONARY EMPLOYEES  
27    THE ORDER OF SUSPENSION OR DEMOTION SHALL BE DETERMINED AS IF SUCH  
28    EMPLOYEES WERE PERMANENT INCUMBENTS.  
29    S 2. This act shall take effect immediately.

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

LBD15339-01-2