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

4070

2013-2014 Regular Sessions

I N S E N A T E

March 7, 2013

Introduced by Sens. GOLDEN, FUSCHILLO, MARCELLINO, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to reduction of positions based upon seniority with an employer

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 THE DIVISION OF CORRECTION OF THE SHERIFF'S DEPARTMENT OF THE COUNTY OF NASSAU 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 THE TIME SERVED 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, TIME IN RANK OR GRADE FOR THE PURPOSES OF THIS SUBDIVISION SHALL ONLY ACCRUE PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS SUBDIVISION, AND WHERE TIME IN RANK AND GRADE FOR TWO OR MORE INDIVIDUALS IS IDENTICAL, TIME IN SERVICE SHALL BE USED FOR THE PURPOSES OF THIS PROCEDURE. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, HOWEVER, UPON THE ABOLITION OR REDUCTION OF POSITIONS, THOSE EMPLOYEES 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 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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