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

10445

I N A S S E M B L Y

May 27, 2016

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 provisional employees of certain public employers; to amend chapter 5 of the laws of 2008 amending the civil service law relating to provisional employees of certain public employers, in relation to extensions of certain negotiated agreements and extending the provisions of such chapter; and to amend part I of chapter 56 of the laws of 2008 amending the civil service law relating to excess provisional employees of a city having a population of one million or more, in relation to extending the provisions thereof

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

Section 1. Statement of legislative findings and intent. The legislature hereby finds that the city of New York and other employers for which the New York city department of citywide administrative services ("DCAS") manages civil service appointments ("the DCAS employers") have made substantial progress in reducing the number of provisional appointments since the inception of the planning process created by chapter 5 of the laws of 2008. The legislature additionally finds that the constitutional mandate of making appointments and promotions "according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive," would be furthered by maintaining, for an additional defined period, the orderly planning and implementation process, including review by the state civil service commission, originally established by that chapter and later extended by chapter 284 of the laws of 2014.

However, the difficulties created by the large number of affected titles and employees, and the potential operational and budgetary dislocation, as well as potential difficulties in labor relations, that would be caused by rapid turnover in the many remaining titles, require that the constitutional mandate be furthered by unique means, limited to the situation presented, that go beyond the simple extension or minor modification of previous plans. In particular, thousands of provisional

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

LBD15648-01-6

employees have crucial experience in implementing and directing key initiatives that benefit the public. Therefore, in addition to the substantial regimen of competitive testing that was contained in previous plans as well as proposed reclassification of titles where appropriate, DCAS is authorized to administer an examination to provisional employees with specified qualifications and experience. This examination, in the context of the present plan, will facilitate lawful appointment of these employees to permanent competitive class positions, and thereby accelerate the transition of the DCAS employers to a system that does not require substantial use of provisional appointments.

S 2. Subdivision 5 of section 65 of the civil service law is amended by adding two new paragraphs (c-2) and (c-3) to read as follows:

(C-2) QUALIFIED INCUMBENT EXAMINATION.

(I) DCAS MAY ADMINISTER A QUALIFIED INCUMBENT EXAMINATION ("QIE") FOR APPOINTMENT TO ANY COMPETITIVE TITLE, CONSISTENT WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCLUSIVELY TO CURRENT EMPLOYEES WHO, AT THE TIME OF APPLICATION TO TAKE SUCH EXAMINATION, HAVE SERVED PROVISIONALLY IN SUCH TITLE FOR TWO OR MORE YEARS. PROVIDED THAT THE EMPLOYEE TAKING SUCH EXAMINATION SHALL MEET THE MINIMUM EDUCATIONAL AND OTHER SPECIFIED REQUIREMENTS SET FORTH IN THE NOTICE OF EXAMINATION FOR THE TITLE IN WHICH HE OR SHE CURRENTLY SERVES, AS ESTABLISHED BY THE DCAS EMPLOYERS, AN EMPLOYEE WITH TWO YEARS OF PROVISIONAL SERVICE MAY BE APPOINTED FROM THE LIST RESULTING FROM SUCH EXAMINATION. NEITHER PROVISIONAL SERVICE IN A TITLE PERFORMED BY AN EMPLOYEE DURING A PERIOD OF TIME IN WHICH THERE EXISTED AN APPROPRIATE ELIGIBLE LIST OF CANDIDATES FOR THE TITLE, UNLESS SUCH LIST WAS NOT ADEQUATE TO FILL ALL POSITIONS THEN HELD ON A PROVISIONAL BASIS OR WAS EXHAUSTED IMMEDIATELY FOLLOWING ITS ESTABLISHMENT, NOR SERVICE IN A TEMPORARY TITLE ESTABLISHED PENDING PROPOSED RECLASSIFICATION SHALL COUNT TOWARD SUCH TWO YEARS OF PROVISIONAL SERVICE.

(II) DCAS MAY ADMINISTER A QIE ONLY FOR THOSE TITLES THAT ARE SET FORTH IN SECTION FOUR OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS PARAGRAPH.

(III) DCAS SHALL NOT ADMINISTER A QIE FOR ANY TITLE FOR WHICH (A) AN EXAMINATION HAS BEEN ADMINISTERED BUT AN ELIGIBLE LIST HAS NOT BEEN ESTABLISHED, OR (B) THERE EXISTS AN ELIGIBLE LIST RESULTING FROM AN OPEN COMPETITIVE EXAMINATION THAT CONTAINS THREE OR MORE INDIVIDUALS.

(IV) A LIST RESULTING FROM A PROMOTIONAL EXAMINATION FOR A TITLE MUST BE EXHAUSTED BEFORE A LIST RESULTING FROM A QIE FOR THAT TITLE MAY BE ESTABLISHED.

(V) A LIST RESULTING FROM A QIE MUST BE EXHAUSTED BEFORE AN ELIGIBLE LIST RESULTING FROM AN OPEN COMPETITIVE EXAMINATION FOR THAT TITLE MAY BE CERTIFIED TO ANY AGENCY.

(VI) A PERSON APPOINTED FROM A LIST RESULTING FROM A QIE SHALL BE CREDITED WITH THE TIME HE OR SHE SERVED PROVISIONALLY IN THAT TITLE TOWARD THE PROBATIONARY PERIOD FOR THAT TITLE UP TO A MAXIMUM OF NINE MONTHS.

(C-3) REVISED PLAN FOR PROVISIONAL EMPLOYEES. WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THE DCAS EMPLOYERS SHALL BE REQUIRED TO SUBMIT TO THE STATE COMMISSION FOR ITS APPROVAL A SINGLE COMPREHENSIVE REVISION OF THE PLAN PREPARED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, TO BE IMPLEMENTED BY NOVEMBER FIRST, TWO THOUSAND EIGHTEEN, TO FURTHER REDUCE THE NUMBER OF PROVISIONAL APPOINTMENTS THAT HAVE CONTINUED BEYOND THE PERIODS OTHERWISE PERMITTED BY THIS SECTION. SUCH REVISED PLAN MAY ADDITIONALLY CONTAIN ANY ELEMENTS OR MEANS OF IMPLEMENTATION AUTHORIZED BY PARAGRAPH (B) OF THIS SUBDIVISION. THE REVISED PLAN SHALL BE SUPPORTED BY APPROPRIATE DOCUMENTATION AND EXPLA-

NATION, AND THE INFORMATION CONTAINED IN THE PLAN SHALL BE CONFIRMED BY THE COMMISSIONER OF DCAS AS ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE, BASED ON A REASONABLE INQUIRY BY DCAS INTO THE FACTS SET FORTH THEREIN. WITHIN SIXTY DAYS OF THE SUBMISSION OF SUCH PLAN, THE STATE COMMISSION SHALL APPROVE THE REVISED PLAN, WITH OR WITHOUT RECOMMENDED CHANGES, OR DISAPPROVE IT. THE APPROVAL PROCESS SHALL OTHERWISE CONFORM TO THE TIMEFRAMES AND PROCEDURES SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SUBDIVISION, THIS SUBDIVISION SHALL NO LONGER BE IN FORCE AND EFFECT IF NO REVISED PLAN HAS BEEN APPROVED BY THE STATE COMMISSION WITHIN EIGHTEEN MONTHS FROM THE EFFECTIVE DATE OF THIS PARAGRAPH.

S 3. Paragraphs (d), (f) and (g) of subdivision 5 of section 65 of the civil service law, as amended by chapter 284 of the laws of 2014, are amended to read as follows:

(d) Modifications of the plan. During the course of implementing the plan developed, approved and revised in accordance with paragraphs (b), (c) [and], (c-1) AND (C-3) of this subdivision, if the DCAS employers determine that there is a need to modify the plan, they shall submit a request for modification of the plan to the state commission. Such request shall detail the circumstances that have arisen necessitating the request, including but not limited to unforeseen demands upon resources, unforeseen projected impacts upon the provision of public services, or a finding that implementation of any part of the plan is impracticable, unduly burdensome or otherwise likely to prevent the successful implementation of the plan or any aspect thereof. The state commission shall act upon the request for modification within sixty days. The state commission may in its discretion approve the modification, approve the modification with recommended changes, or disapprove the modification; provided, however, that if the state commission takes no action within such period, it shall be deemed to have approved the modification, and provided further that if the changes recommended by the state commission are not accepted by the DCAS employers within thirty days, the modification shall be deemed disapproved. Notwithstanding any inconsistent provision of this paragraph, where a modification is insubstantial, and will not materially affect the ability of the DCAS employers to reduce the number of provisional appointments in accordance with paragraph (c-1) OR (C-3), AS APPLICABLE, of this subdivision, DCAS may so certify and the modification may be implemented and shall be filed by DCAS with the state commission within five business days. In the event that a request for modification is disapproved, the plan previously in effect shall remain in effect, provided that the DCAS employers may at any time submit a new proposed modification. ANY MODIFICATION APPROVED PURSUANT TO THIS PARAGRAPH MAY EXTEND THE DURATION OF A PLAN TO A DATE NO MORE THAN ONE YEAR BEYOND THE TWO-YEAR PERIOD AUTHORIZED BY PARAGRAPH (C-3) OF THIS SUBDIVISION.

(f) Time limitation. Notwithstanding any inconsistent provision of this chapter or any other law or rule to the contrary, the provisions of subdivision two of this section shall not apply to DCAS employers upon the effective date of [the] chapter FIVE of the laws of two thousand [seven which added this subdivision] EIGHT, and during the timely submission, approval and implementation of a plan in accordance with paragraphs (b), (c) and (e) of this subdivision, and of [a] revised [plan] PLANS in accordance with [paragraph] PARAGRAPHS (c-1) AND (C-3) of this subdivision. The provisions of subdivision two of this section shall be applicable to any provisional employee serving in a position for which an appropriate eligible list has been established pursuant to

such plan or revised [plan] PLANS, unless such list is not adequate to fill all positions then held on a provisional basis or is exhausted immediately following its establishment.

(g) Agreements governing disciplinary procedures. Notwithstanding any inconsistent provision of this chapter or any other law or rule to the contrary, any DCAS employer and an employee organization, as such term is defined in article fourteen of this chapter, may enter into agreements to provide disciplinary procedures applicable to provisional appointees or categories thereof who have served for a period of twenty-four months or more in a position which is covered by such an agreement. No such provisional employee shall be deemed to be permanently appointed under such circumstances, nor may such disciplinary procedures be deemed to preclude removal of an employee as a result of the establishment of and appointments from an appropriate eligible list or in accordance with any other provision of law. Any such agreement may apply upon the effective date of chapter five of the laws of two thousand eight, and during the timely submission, approval and implementation of a plan in accordance with paragraphs (b), (c) and (e) of this subdivision, and of [a] revised [plan] PLANS in accordance with [paragraph] PARAGRAPHS (c-1) AND (C-3) of this subdivision, and shall not apply to any provisional employee serving in a position for which an appropriate eligible list has been established pursuant to a plan approved in accordance with this subdivision unless such list is not adequate to fill all positions then held on a provisional basis or is exhausted immediately following its establishment.

S 4. The New York city department of citywide administrative services, acting pursuant to paragraph (c-2) of subdivision 5 of section 65 of the civil service law, as added by section two of this act, may administer qualified incumbent examinations only in connection with appointment to the following titles:

40510 ACCOUNTANT
40731 ACTUARIAL SPECIALIST
10004 ADMINISTRATIVE ARCHITECT
10053 ADMINISTRATIVE CITY PLANNER
82991 ADMINISTRATIVE CONSTRUCTION PROJECT MANAGER
83006 ADMINISTRATIVE HOUSING DEVELOPMENT SPECIALIST
10073 ADMINISTRATIVE INSPECTOR (BUILDINGS)
10248 ADMINISTRATIVE JOB OPPORTUNITY SPECIALIST (NON-MANAGERIAL)
10034 ADMINISTRATIVE LANDMARKS PRESERVATIONIST
10023 ADMINISTRATIVE LANDSCAPE ARCHITECT
83008 ADMINISTRATIVE PROJECT MANAGER
10064 ADMINISTRATIVE TESTS AND MEASUREMENT SPECIALIST
31315 AIR POLLUTION INSPECTOR
40410 APPRAISER (REAL ESTATE)
91352 AREA SUPERVISOR (HIGHWAY MAINTENANCE)
31312 ASBESTOS HAZARD INVESTIGATOR
40201 ASSISTANT CITY ASSESSOR
22305 ASSISTANT HIGHWAY TRANSPORTATION SPECIALIST
21310 ASSISTANT LANDSCAPE ARCHITECT
22405 ASSISTANT PLAN EXAMINER (BUILDINGS)
92122 ASSISTANT PRINTING PRESS OPERATOR
22092 ASSISTANT URBAN DESIGNER
31316 ASSOCIATE AIR POLLUTION INSPECTOR
55038 ASSOCIATE HUMAN RIGHTS SPECIALIST
33996 ASSOCIATE INSPECTOR (CONSUMER AFFAIRS)
20272 ASSOCIATE OPERATIONS COMMUNICATIONS SPECIALIST

41122 ASSOCIATE PARKING CONTROL SPECIALIST
60217 ASSOCIATE PUBLIC RECORDS OFFICER
91755 ASSOCIATE RAILROAD SIGNAL SPECIALIST
91756 ASSOCIATE RAILROAD SIGNAL SPECIALIST (OPERATIONS)
13120 ASSOCIATE TRANSIT MANAGEMENT ANALYST
13134 ASSOCIATE TRANSIT MANAGEMENT ANALYST (OPERATIONS)
22124 ASSOCIATE URBAN DESIGNER
21562 BIO MEDICAL EQUIPMENT TECHNICIAN
92105 BOOKBINDER
91516 CAPTAIN (SLUDGE BOAT)
13644 CERTIFIED IT ADMINISTRATOR (DATABASE)
13643 CERTIFIED IT DEVELOPER (APPLICATIONS)
91523 CHIEF MARINE ENGINEER (DIESEL)
54910 COMMISSARY MANAGER
92110 COMPOSITOR (JOB)
13621 COMPUTER ASSOCIATE (OPERATIONS)
13611 COMPUTER ASSOCIATE (TECHNICAL SUPPORT)
10074 COMPUTER OPERATIONS MANAGER
13651 COMPUTER PROGRAMMER ANALYST
13622 COMPUTER SPECIALIST (OPERATIONS)
10050 COMPUTER SYSTEMS MANAGER
51611 CONSULTANT (EARLY CHILDHOOD EDUCATION)
51613 CONSULTANT (PUBLIC HEALTH SOCIAL WORK)
40563 CONTRACT REVIEWER (OFFICE OF LABOR SERVICES)
51214 COUNSELOR (ADDICTION TREATMENT)
60666 DIRECTOR (TELEVISION)
51380 ENVIRONMENTAL HEALTH TECHNICIAN
90313 FILM MANAGER
91533 FIRST ASSISTANT MARINE ENGINEER (DIESEL)
51225 FITNESS INSTRUCTOR
92705 FURNITURE MAINTAINER
91215 GEOLOGIST
92406 HIGHWAY REPAIRER
92320 HORSESHOER
22506 HOUSING DEVELOPMENT SPECIALIST TRAINEE
31305 INDUSTRIAL HYGIENIST
91001 INSTRUMENTATION SPECIALIST
31013 INTERPRETER (SPANISH)
31017 INTERPRETER, CHINESE (CANTONESE, MANDARIN, TAIWANESE-FACILITATOR)
21315 LANDSCAPE ARCHITECT
91546 MARINE OILER
50811 MEDICAL RECORD LIBRARIAN
50415 NUTRITION CONSULTANT
50410 NUTRITIONIST
20271 OPERATIONS COMMUNICATIONS SPECIALIST
41120 PARKING CONTROL SPECIALIST
52700 PHYSICIAN'S ASSISTANT
22015 PHYSICIST
90202 POLICE ATTENDANT
50416 PRINCIPAL NUTRITION CONSULTANT
30820 PRINCIPAL TITLE EXAMINER
51454 PROGRAM OFFICER (DEPARTMENT FOR THE AGING)
60216 PUBLIC RECORDS OFFICER
60414 PUPPETEER
90411 RADIO AND TELEVISION OPERATOR

80112 REAL PROPERTY MANAGER
60430 RECREATION DIRECTOR
60440 RECREATION SUPERVISOR
90573 REPAIR CREW CHIEF (HDA)
31310 SAFETY SPECIALIST
90737 SCHOOL EQUIPMENT MAINTAINER
21516 SCIENTIST (RADIATION CONTROL)
21537 SCIENTIST (WATER ECOLOGY) TRAINEE
20126 SENIOR ESTIMATOR (ELECTRICAL)
20127 SENIOR ESTIMATOR (GENERAL CONSTRUCTION)
20128 SENIOR ESTIMATOR (MECHANICAL)
60331 SENIOR INSTITUTIONAL TRADES INSTRUCTOR (TAILORING)
55015 SENIOR INTERGROUP RELATIONS OFFICER
90836 SENIOR OFFICE APPLIANCE MAINTAINER
90635 SENIOR PHOTOGRAPHER
30810 SENIOR TITLE EXAMINER
33761 SERVICE INSPECTOR (BOARD OF EDUCATION)
51001 SPECIAL CONSULTANT (MENTAL HEALTH STANDARDS AND SERVICES)
91926 STEAM FITTER'S HELPER
10217 STENOGRAPHIC SPECIALIST
80880 SUPERINTENDENT OF LAUNDRIES
31840 SUPERVISING BLASTING INSPECTOR
32455 SUPERVISING DEMOLITION INSPECTOR
80760 SUPERVISING HOUSEKEEPER
51241 SUPERVISING THERAPIST
91310 SUPERVISOR
90535 SUPERVISOR (EXTERMINATORS)
34205 SUPERVISOR OF ELECTRICAL INSTALLATIONS AND MAINTENANCE
34221 SUPERVISOR OF MECHANICAL INSTALLATIONS AND MAINTENANCE
91279 SUPERVISOR OF MOTOR TRANSPORT
11704 SUPERVISOR OF OFFICE MACHINE OPERATIONS
90436 SUPERVISOR OF RADIO AND TELEVISION OPERATORS
90760 SUPERVISOR OF RADIO REPAIR OPERATIONS
91971 SUPERVISOR STEAM FITTER
21006 TAX MAP CARTOGRAPHER
92590 TELEPHONE SERVICE TECHNICIAN
12704 TESTS AND MEASUREMENT SPECIALIST
30805 TITLE EXAMINER
60865 TRANSIT CUSTOMER SERVICE SPECIALIST
20821 TRANSIT RAILCAR TECHNOLOGY SPECIALIST
92248 URBAN ARCHEOLOGIST
51310 X-RAY TECHNICIAN
81010 WATCHPERSON
10001 ADMINISTRATIVE ACCOUNTANT
82985 ADMINISTRATIVE ACTUARY
10005 ADMINISTRATIVE ASSESSOR
10054 ADMINISTRATIVE BLASTING INSPECTOR
10007 ADMINISTRATIVE BOROUGH SUPERINTENDENT
10009 ADMINISTRATIVE BUSINESS PROMOTION COORDINATOR
10044 ADMINISTRATIVE CLAIM EXAMINER
10095 ADMINISTRATIVE CONTRACT SPECIALIST
82988 ADMINISTRATIVE DEPUTY REGISTER
10055 ADMINISTRATIVE DIRECTOR OF LABORATORY (WATER QUALITY)
83007 ADMINISTRATIVE DIRECTOR OF MARINE MAINTENANCE
10016 ADMINISTRATIVE DIRECTOR OF RESIDENTIAL CHILD CARE
10056 ADMINISTRATIVE DIRECTOR OF SOCIAL SERVICES

10031 ADMINISTRATIVE EDUCATION ANALYST
10062 ADMINISTRATIVE EDUCATION OFFICER
10024 ADMINISTRATIVE FIRE PROTECTION INSPECTOR
10003 ADMINISTRATIVE GRAPHIC ARTIST
10071 ADMINISTRATIVE HORTICULTURIST
10018 ADMINISTRATIVE HOUSING MANAGER
10019 ADMINISTRATIVE HOUSING SUPERINTENDENT
10078 ADMINISTRATIVE INSPECTOR (HOUSING)
82994 ADMINISTRATIVE LABOR RELATIONS ANALYST
10010 ADMINISTRATIVE MANAGEMENT AUDITOR
10096 ADMINISTRATIVE PRINTING SERVICES MANAGER
10084 ADMINISTRATIVE PROGRAM OFFICER (DEPT. FOR THE AGING)
82980 ADMINISTRATIVE PSYCHOLOGIST
10032 ADMINISTRATIVE PUBLIC HEALTH NURSE
82989 ADMINISTRATIVE PUBLIC HEALTH SANITARIAN
10033 ADMINISTRATIVE PUBLIC INFORMATION SPECIALIST
10041 ADMINISTRATIVE PUBLIC RECORDS OFFICER
10080 ADMINISTRATIVE QUALITY ASSURANCE SPECIALIST
10047 ADMINISTRATIVE REAL PROPERTY MANAGER
82986 ADMINISTRATIVE RETIREMENT BENEFITS SPECIALIST
10036 ADMINISTRATIVE REVENUE MANAGER (TA)
35505 ADMINISTRATIVE SAFETY OFFICER (TA)
82982 ADMINISTRATIVE SANITATION ENFORCEMENT AGENT
10065 ADMINISTRATIVE SCHOOL FOOD SERVICE MANAGER
10037 ADMINISTRATIVE SPACE ANALYST
10038 ADMINISTRATIVE STOREKEEPER
82998 ADMINISTRATIVE SUPERINTENDENT OF BRIDGE OPERATIONS
10039 ADMINISTRATIVE SUPERINTENDENT OF HIGHWAY OPERATIONS
10035 ADMINISTRATIVE SUPERVISOR OF BUILDING MAINTENANCE
10049 ADMINISTRATIVE TAX AUDITOR
10079 ADMINISTRATIVE TAXI AND LIMOUSINE INSPECTOR
10061 ADMINISTRATIVE TRANSPORTATION COORDINATOR
91697 AREA MANAGER OF SCHOOL MAINTENANCE
13117 ASSISTANT TRANSIT MANAGEMENT ANALYST
13130 ASSISTANT TRANSIT MANAGEMENT ANALYST (OPERATIONS)
12634 ASSOCIATE EDUCATION OFFICER
13369 ASSOCIATE LABOR RELATIONS ANALYST
91349 BRIDGE AND TUNNEL SUPERVISOR
60580 CHIEF OF HOUSING COMMUNITY ACTIVITIES
10089 DIRECTOR OF TECHNICAL SERVICES (AIR POLLUTION CONTROL)
12750 EDUCATION ANALYST TRAINEE
10235 EXECUTIVE SECRETARY (TBTA)
13353 HEARING EXAMINER (HOUSING AUTHORITY)
40236 INSURANCE ADVISOR (HEALTH)
13368 LABOR RELATIONS ANALYST
82987 MANAGER OF RADIO REPAIR OPERATIONS
40425 PRINCIPAL APPRAISER (REAL ESTATE)
13121 PRINCIPAL TRANSIT MANAGEMENT ANALYST
13133 PRINCIPAL TRANSIT MANAGEMENT ANALYST (OPERATIONS)
20140 QUALITY CONTROL SPECIALIST
20141 SENIOR QUALITY CONTROL SPECIALIST
91270 SUPERINTENDENT (TRANSIT AUTHORITY OPERATIONS)
10081 SUPERINTENDENT OF WATER AND SEWER SYSTEMS
10076 SUPERVISOR OF ELEVATOR MAINTENANCE (HOUSING AUTHORITY)
35503 SYSTEM SAFETY SPECIALIST (TRANSIT AUTHORITY)
35500 SYSTEM SAFETY SPECIALIST TRAINEE (TRANSIT AUTHORITY)

82984 TELECOMMUNICATIONS MANAGER

S 5. Sections 3 and 5 of chapter 5 of the laws of 2008, amending the civil service law relating to provisional employees of certain public employers, as amended by chapter 284 of the laws of 2014, are amended to read as follows:

S 3. Any agreement or extension thereof entered into pursuant to paragraph (g) of subdivision 5 of section 65 of the civil service law, as added by section two of this act AND SUBSEQUENTLY AMENDED IN 2014 AND 2016, may include protections for provisional employees who were covered, prior to the effective date of this act, by agreements similar to those authorized by such paragraph. Any agreement or extension thereof entered into pursuant to such paragraph may include, but shall not be limited to, the appropriate arbitration, adjudication or other disposition of disciplinary or other matters concerning provisional employees that were pending on the effective date of this act.

S 5. This act shall take effect immediately, and shall expire December 31, [2016] 2018 when upon such date the provisions of this act shall be deemed repealed.

S 6. Section 2 of part I of chapter 56 of the laws of 2008, amending the civil service law relating to excess provisional employees of a city having a population of one million or more, as amended by chapter 284 of the the laws of 2014, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, [2016] 2018.

S 7. If any section, subdivision, paragraph, clause, sentence, phrase or other portion of this act is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this act, which remaining portions shall continue in full force and effect.

S 8. This act shall take effect immediately; provided that the amendments to subdivision 5 of section 65 of the civil service law made by sections two and three of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and provided further that the amendments to section 3 of chapter 5 of the laws of 2008 made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further that eligible lists and appointments resulting from the qualified incumbent examinations administered pursuant to paragraph (c-2) of subdivision 5 of section 65 of the civil service law, as added by section two of this act, shall not be affected by the expiration of this act.