

8111

2015-2016 Regular Sessions

I N A S S E M B L Y

June 9, 2015

Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to establishing a  
customized employment demonstration program for persons with disabili-  
ties; and providing for the repeal of such provisions upon expiration  
thereof

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

1 Section 1. Section 55-b of the civil service law is amended by adding  
2 a new subdivision 3 to read as follows:

3 3. (A) NOTWITHSTANDING ANY PROVISION OF SUBDIVISIONS ONE AND TWO OF  
4 THIS SECTION, THE COMMISSION SHALL ESTABLISH A CUSTOMIZED EMPLOYMENT  
5 DEMONSTRATION PROGRAM, OF NOT MORE THAN FIFTEEN POSITIONS, THAT SUBDI-  
6 VIDES TRADITIONAL POSITIONS OF EMPLOYMENT INTO TWO OR MORE SUB-POSITIONS  
7 FOR THE PURPOSE OF EMPLOYING PERSONS WITH DEVELOPMENTAL DISABILITIES.  
8 SUCH PERSONS APPOINTED TO FILL SUB-POSITIONS SHALL BE LIMITED TO THOSE  
9 INDIVIDUALS, WHO BECAUSE OF PHYSICAL AND/OR MENTAL DISABILITY, ARE  
10 UNABLE TO PERFORM ALL THE DUTIES OF THE POSITION, BUT ARE ABLE TO  
11 PERFORM A PORTION OF SUCH DUTIES, AND WHO WOULD OTHERWISE NOT QUALIFY,  
12 BECAUSE OF THE SEVERITY OF THEIR DISABILITY, FOR A POSITION DESIGNATED  
13 PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

14 (B) SUCH PERSONS, AS DETERMINED BY THE PRESIDENT, SHALL BE APPOINTED  
15 AS TEMPORARY EMPLOYEES TO FILL SUB-POSITIONS. SUB-POSITIONS SHALL BE  
16 CUSTOMIZED TO THE STRENGTHS AND INTERESTS OF THE JOB CANDIDATE AND THE  
17 IDENTIFIED NEEDS OF THE EMPLOYER, WHICH MAY INCLUDE THE PROCESS OF TASK  
18 REASSIGNMENT, JOB CARVING AND JOB SHARING. NO PERSON HOLDING A POSITION  
19 PURSUANT TO THIS CHAPTER SHALL BE TERMINATED FOR THE PURPOSES OF ESTAB-  
20 LISHING OR FILLING A SUB-POSITION ESTABLISHED PURSUANT TO THIS SUBDIVI-  
21 SION. SUB-POSITIONS MAY BE EITHER PART-TIME OR FULL-TIME EMPLOYMENT.  
22 COMPENSATION FOR THE SUB-POSITIONS SHALL BE SET AT THE MINIMUM WAGE, AS  
23 ESTABLISHED PURSUANT TO SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW.

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

LBD10482-02-5

1 SUCH COMPENSATION SHALL NOT INCLUDE HEALTH BENEFITS, PENSION BENEFITS OR  
2 ANY OTHER ADDITIONAL BENEFITS. ALL SUCH SUB-POSITIONS SHALL BE CLASSI-  
3 FIED IN THE NON-COMPETITIVE CLASS.

4 (C) THE PROGRAM ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL  
5 COMMENCE ON JULY FIRST, TWO THOUSAND SIXTEEN. THE PRESIDENT SHALL, IN  
6 CONSULTATION WITH THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES AND THE  
7 COMMISSIONER OF MENTAL HEALTH, EXAMINE AND EVALUATE THE IMPLEMENTATION  
8 AND EFFECTS OF THIS SECTION, AND SHALL ISSUE TO THE LEGISLATURE, AN  
9 INTERIM REPORT, ON OR BEFORE JULY FIRST, TWO THOUSAND SEVENTEEN, AND A  
10 FINAL REPORT, ON OR BEFORE JULY FIRST, TWO THOUSAND EIGHTEEN, OF ITS  
11 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS, INCLUDING WHETHER THE  
12 PROVISIONS OF THIS SUBDIVISION SHOULD BE CONTINUED ON A PERMANENT BASIS  
13 AND, IF SO, RECOMMENDATIONS FOR THE IMPLEMENTATION OF A PERMANENT  
14 CUSTOMIZED EMPLOYMENT PROGRAM.

15 S 2. This act shall take effect immediately and shall expire and be  
16 deemed repealed January 1, 2019.