

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. ESPAILLAT -- 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 suspension or demotion upon the abolition or reduction of positions for labor class titles

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

1 Section 1. Subdivision 6 of section 80 of the civil service law, as
2 added by chapter 283 of the laws of 1972 and renumbered by chapter 360
3 of the laws of 1985, is amended to read as follows:
4 6. Displacement in civil divisions. A permanent incumbent of a posi-
5 tion in a civil division in a specific title to which there is a direct
6 line of promotion, OR WHERE INCUMBENTS IN TITLES IN THE LABOR CLASS WHO
7 HAVE TAKEN THE EXAM AND BEEN PROMOTED TO THE POSITION OF A PERMANENT
8 INCUMBENT PURSUANT TO SECTION FIFTY-TWO OF THIS CHAPTER, who is
9 suspended or displaced pursuant to this section, together with all other
10 such incumbents suspended or displaced at the same time, shall displace,
11 in the inverse order of the order of suspension or demotion prescribed
12 in subdivisions one and two of this section, incumbents serving in posi-
13 tions in the same lay-off unit in the next lower occupied title in
14 direct line of promotion OR IN THE TITLE IN THE LABOR CLASS IN WHICH
15 INCUMBENTS WERE EXTENDED THE OPPORTUNITY TO TAKE THE PROMOTIONAL EXAM-
16 INATION FOR THE POSITION OF THE SUSPENDED OR DISPLACED PERMANENT INCUM-
17 BENT PURSUANT TO SECTION FIFTY-TWO OF THIS CHAPTER, who shall be
18 displaced in the order of suspension or demotion prescribed in subdivi-
19 sions one and two of this section; provided, however, that no incumbent
20 shall displace any other incumbent having greater retention standing. If
21 a permanent incumbent of a position in a civil division is suspended or
22 displaced from a position in a title for which there are no lower level
23 occupied positions in direct line of promotion, he shall displace the

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

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1 incumbent with the least retention right pursuant to subdivisions one
2 and two of this section who is serving in a position in the title in
3 which the displacing incumbent last served [on a permanent basis] prior
4 to service in one or more positions in the title from which he is
5 suspended or displaced, if: (1) the service of the displacing incumbent
6 while in such former title was satisfactory and (2) the position of the
7 junior incumbent is in (a) the competitive OR LABOR class, (b) the
8 layoff unit from which the displacing incumbent was suspended or
9 displaced, and (c) a lower salary grade than the position from which the
10 displacing incumbent is suspended or displaced; provided, however, that
11 no incumbent shall displace any other incumbent having greater retention
12 standing. Refusal of appointment to a position afforded by this subdivi-
13 sion constitutes waiver of rights under this subdivision with respect to
14 the suspension or displacement on account of which the refused appoint-
15 ment is afforded. The municipal civil service commission shall promul-
16 gate rules to implement this subdivision including rules which may
17 provide adjunctive opportunities for displacement either to positions in
18 direct line of promotion or to formerly held positions; provided, howev-
19 er, that no such rule shall permit an incumbent to displace any other
20 incumbent having greater retention standing. For the purpose of acquir-
21 ing preferred list rights, displacement pursuant to this subdivision is
22 the equivalent of suspension or demotion pursuant to subdivision one of
23 this section.

24 S 2. This act shall take effect immediately.