

7944

I N S E N A T E

May 27, 2016

Introduced by Sen. GOLDEN -- 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 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:

1 Section 1. Statement of legislative findings and intent. The legisla-
2 ture hereby finds that the city of New York and other employers for
3 which the New York city department of citywide administrative services
4 ("DCAS") manages civil service appointments ("the DCAS employers") have
5 made substantial progress in reducing the number of provisional appoint-
6 ments since the inception of the planning process created by chapter 5
7 of the laws of 2008. The legislature additionally finds that the consti-
8 tutional mandate of making appointments and promotions "according to
9 merit and fitness to be ascertained, as far as practicable, by examina-
10 tion which, as far as practicable, shall be competitive," would be
11 furthered by maintaining, for an additional defined period, the orderly
12 planning and implementation process, including review by the state civil
13 service commission, originally established by that chapter and later
14 extended by chapter 284 of the laws of 2014.

15 However, the difficulties created by the large number of affected
16 titles and employees, and the potential operational and budgetary dislo-
17 cation, as well as potential difficulties in labor relations, that would
18 be caused by rapid turnover in the many remaining titles, require that
19 the constitutional mandate be furthered by unique means, limited to the
20 situation presented, that go beyond the simple extension or minor
21 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.

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1 employees have crucial experience in implementing and directing key
2 initiatives that benefit the public. Therefore, in addition to the
3 substantial regimen of competitive testing that was contained in previ-
4 ous plans as well as proposed reclassification of titles where appropri-
5 ate, DCAS is authorized to administer an examination to provisional
6 employees with specified qualifications and experience. This examina-
7 tion, in the context of the present plan, will facilitate lawful
8 appointment of these employees to permanent competitive class positions,
9 and thereby accelerate the transition of the DCAS employers to a system
10 that does not require substantial use of provisional appointments.

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

13 (C-2) QUALIFIED INCUMBENT EXAMINATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 40510 ACCOUNTANT
32 40731 ACTUARIAL SPECIALIST
33 10004 ADMINISTRATIVE ARCHITECT
34 10053 ADMINISTRATIVE CITY PLANNER
35 82991 ADMINISTRATIVE CONSTRUCTION PROJECT MANAGER
36 83006 ADMINISTRATIVE HOUSING DEVELOPMENT SPECIALIST
37 10073 ADMINISTRATIVE INSPECTOR (BUILDINGS)
38 10248 ADMINISTRATIVE JOB OPPORTUNITY SPECIALIST (NON-MANAGERIAL)
39 10034 ADMINISTRATIVE LANDMARKS PRESERVATIONIST
40 10023 ADMINISTRATIVE LANDSCAPE ARCHITECT
41 83008 ADMINISTRATIVE PROJECT MANAGER
42 10064 ADMINISTRATIVE TESTS AND MEASUREMENT SPECIALIST
43 31315 AIR POLLUTION INSPECTOR
44 40410 APPRAISER (REAL ESTATE)
45 91352 AREA SUPERVISOR (HIGHWAY MAINTENANCE)
46 31312 ASBESTOS HAZARD INVESTIGATOR
47 40201 ASSISTANT CITY ASSESSOR
48 22305 ASSISTANT HIGHWAY TRANSPORTATION SPECIALIST
49 21310 ASSISTANT LANDSCAPE ARCHITECT
50 22405 ASSISTANT PLAN EXAMINER (BUILDINGS)
51 92122 ASSISTANT PRINTING PRESS OPERATOR
52 22092 ASSISTANT URBAN DESIGNER
53 31316 ASSOCIATE AIR POLLUTION INSPECTOR
54 55038 ASSOCIATE HUMAN RIGHTS SPECIALIST
55 33996 ASSOCIATE INSPECTOR (CONSUMER AFFAIRS)
56 20272 ASSOCIATE OPERATIONS COMMUNICATIONS SPECIALIST

1 41122 ASSOCIATE PARKING CONTROL SPECIALIST
2 60217 ASSOCIATE PUBLIC RECORDS OFFICER
3 91755 ASSOCIATE RAILROAD SIGNAL SPECIALIST
4 91756 ASSOCIATE RAILROAD SIGNAL SPECIALIST (OPERATIONS)
5 13120 ASSOCIATE TRANSIT MANAGEMENT ANALYST
6 13134 ASSOCIATE TRANSIT MANAGEMENT ANALYST (OPERATIONS)
7 22124 ASSOCIATE URBAN DESIGNER
8 21562 BIO MEDICAL EQUIPMENT TECHNICIAN
9 92105 BOOKBINDER
10 91516 CAPTAIN (SLUDGE BOAT)
11 13644 CERTIFIED IT ADMINISTRATOR (DATABASE)
12 13643 CERTIFIED IT DEVELOPER (APPLICATIONS)
13 91523 CHIEF MARINE ENGINEER (DIESEL)
14 54910 COMMISSARY MANAGER
15 92110 COMPOSITOR (JOB)
16 13621 COMPUTER ASSOCIATE (OPERATIONS)
17 13611 COMPUTER ASSOCIATE (TECHNICAL SUPPORT)
18 10074 COMPUTER OPERATIONS MANAGER
19 13651 COMPUTER PROGRAMMER ANALYST
20 13622 COMPUTER SPECIALIST (OPERATIONS)
21 10050 COMPUTER SYSTEMS MANAGER
22 51611 CONSULTANT (EARLY CHILDHOOD EDUCATION)
23 51613 CONSULTANT (PUBLIC HEALTH SOCIAL WORK)
24 40563 CONTRACT REVIEWER (OFFICE OF LABOR SERVICES)
25 51214 COUNSELOR (ADDICTION TREATMENT)
26 60666 DIRECTOR (TELEVISION)
27 51380 ENVIRONMENTAL HEALTH TECHNICIAN
28 90313 FILM MANAGER
29 91533 FIRST ASSISTANT MARINE ENGINEER (DIESEL)
30 51225 FITNESS INSTRUCTOR
31 92705 FURNITURE MAINTAINER
32 91215 GEOLOGIST
33 92406 HIGHWAY REPAIRER
34 92320 HORSESHOER
35 22506 HOUSING DEVELOPMENT SPECIALIST TRAINEE
36 31305 INDUSTRIAL HYGIENIST
37 91001 INSTRUMENTATION SPECIALIST
38 31013 INTERPRETER (SPANISH)
39 31017 INTERPRETER, CHINESE (CANTONESE, MANDARIN, TAIWANESE-FACILITA-
40 TOR)
41 21315 LANDSCAPE ARCHITECT
42 91546 MARINE OILER
43 50811 MEDICAL RECORD LIBRARIAN
44 50415 NUTRITION CONSULTANT
45 50410 NUTRITIONIST
46 20271 OPERATIONS COMMUNICATIONS SPECIALIST
47 41120 PARKING CONTROL SPECIALIST
48 52700 PHYSICIAN'S ASSISTANT
49 22015 PHYSICIST
50 90202 POLICE ATTENDANT
51 50416 PRINCIPAL NUTRITION CONSULTANT
52 30820 PRINCIPAL TITLE EXAMINER
53 51454 PROGRAM OFFICER (DEPARTMENT FOR THE AGING)
54 60216 PUBLIC RECORDS OFFICER
55 60414 PUPPETEER
56 90411 RADIO AND TELEVISION OPERATOR

1	80112	REAL PROPERTY MANAGER
2	60430	RECREATION DIRECTOR
3	60440	RECREATION SUPERVISOR
4	90573	REPAIR CREW CHIEF (HDA)
5	31310	SAFETY SPECIALIST
6	90737	SCHOOL EQUIPMENT MAINTAINER
7	21516	SCIENTIST (RADIATION CONTROL)
8	21537	SCIENTIST (WATER ECOLOGY) TRAINEE
9	20126	SENIOR ESTIMATOR (ELECTRICAL)
10	20127	SENIOR ESTIMATOR (GENERAL CONSTRUCTION)
11	20128	SENIOR ESTIMATOR (MECHANICAL)
12	60331	SENIOR INSTITUTIONAL TRADES INSTRUCTOR (TAILORING)
13	55015	SENIOR INTERGROUP RELATIONS OFFICER
14	90836	SENIOR OFFICE APPLIANCE MAINTAINER
15	90635	SENIOR PHOTOGRAPHER
16	30810	SENIOR TITLE EXAMINER
17	33761	SERVICE INSPECTOR (BOARD OF EDUCATION)
18	51001	SPECIAL CONSULTANT (MENTAL HEALTH STANDARDS AND SERVICES)
19	91926	STEAM FITTER'S HELPER
20	10217	STENOGRAPHIC SPECIALIST
21	80880	SUPERINTENDENT OF LAUNDRIES
22	31840	SUPERVISING BLASTING INSPECTOR
23	32455	SUPERVISING DEMOLITION INSPECTOR
24	80760	SUPERVISING HOUSEKEEPER
25	51241	SUPERVISING THERAPIST
26	91310	SUPERVISOR
27	90535	SUPERVISOR (EXTERMINATORS)
28	34205	SUPERVISOR OF ELECTRICAL INSTALLATIONS AND MAINTENANCE
29	34221	SUPERVISOR OF MECHANICAL INSTALLATIONS AND MAINTENANCE
30	91279	SUPERVISOR OF MOTOR TRANSPORT
31	11704	SUPERVISOR OF OFFICE MACHINE OPERATIONS
32	90436	SUPERVISOR OF RADIO AND TELEVISION OPERATORS
33	90760	SUPERVISOR OF RADIO REPAIR OPERATIONS
34	91971	SUPERVISOR STEAM FITTER
35	21006	TAX MAP CARTOGRAPHER
36	92590	TELEPHONE SERVICE TECHNICIAN
37	12704	TESTS AND MEASUREMENT SPECIALIST
38	30805	TITLE EXAMINER
39	60865	TRANSIT CUSTOMER SERVICE SPECIALIST
40	20821	TRANSIT RAILCAR TECHNOLOGY SPECIALIST
41	92248	URBAN ARCHEOLOGIST
42	51310	X-RAY TECHNICIAN
43	81010	WATCHPERSON
44	10001	ADMINISTRATIVE ACCOUNTANT
45	82985	ADMINISTRATIVE ACTUARY
46	10005	ADMINISTRATIVE ASSESSOR
47	10054	ADMINISTRATIVE BLASTING INSPECTOR
48	10007	ADMINISTRATIVE BOROUGH SUPERINTENDENT
49	10009	ADMINISTRATIVE BUSINESS PROMOTION COORDINATOR
50	10044	ADMINISTRATIVE CLAIM EXAMINER
51	10095	ADMINISTRATIVE CONTRACT SPECIALIST
52	82988	ADMINISTRATIVE DEPUTY REGISTER
53	10055	ADMINISTRATIVE DIRECTOR OF LABORATORY (WATER QUALITY)
54	83007	ADMINISTRATIVE DIRECTOR OF MARINE MAINTENANCE
55	10016	ADMINISTRATIVE DIRECTOR OF RESIDENTIAL CHILD CARE
56	10056	ADMINISTRATIVE DIRECTOR OF SOCIAL SERVICES

1	10031	ADMINISTRATIVE	EDUCATION ANALYST
2	10062	ADMINISTRATIVE	EDUCATION OFFICER
3	10024	ADMINISTRATIVE	FIRE PROTECTION INSPECTOR
4	10003	ADMINISTRATIVE	GRAPHIC ARTIST
5	10071	ADMINISTRATIVE	HORTICULTURIST
6	10018	ADMINISTRATIVE	HOUSING MANAGER
7	10019	ADMINISTRATIVE	HOUSING SUPERINTENDENT
8	10078	ADMINISTRATIVE	INSPECTOR (HOUSING)
9	82994	ADMINISTRATIVE	LABOR RELATIONS ANALYST
10	10010	ADMINISTRATIVE	MANAGEMENT AUDITOR
11	10096	ADMINISTRATIVE	PRINTING SERVICES MANAGER
12	10084	ADMINISTRATIVE	PROGRAM OFFICER (DEPT. FOR THE AGING)
13	82980	ADMINISTRATIVE	PSYCHOLOGIST
14	10032	ADMINISTRATIVE	PUBLIC HEALTH NURSE
15	82989	ADMINISTRATIVE	PUBLIC HEALTH SANITARIAN
16	10033	ADMINISTRATIVE	PUBLIC INFORMATION SPECIALIST
17	10041	ADMINISTRATIVE	PUBLIC RECORDS OFFICER
18	10080	ADMINISTRATIVE	QUALITY ASSURANCE SPECIALIST
19	10047	ADMINISTRATIVE	REAL PROPERTY MANAGER
20	82986	ADMINISTRATIVE	RETIREMENT BENEFITS SPECIALIST
21	10036	ADMINISTRATIVE	REVENUE MANAGER (TA)
22	35505	ADMINISTRATIVE	SAFETY OFFICER (TA)
23	82982	ADMINISTRATIVE	SANITATION ENFORCEMENT AGENT
24	10065	ADMINISTRATIVE	SCHOOL FOOD SERVICE MANAGER
25	10037	ADMINISTRATIVE	SPACE ANALYST
26	10038	ADMINISTRATIVE	STOREKEEPER
27	82998	ADMINISTRATIVE	SUPERINTENDENT OF BRIDGE OPERATIONS
28	10039	ADMINISTRATIVE	SUPERINTENDENT OF HIGHWAY OPERATIONS
29	10035	ADMINISTRATIVE	SUPERVISOR OF BUILDING MAINTENANCE
30	10049	ADMINISTRATIVE	TAX AUDITOR
31	10079	ADMINISTRATIVE	TAXI AND LIMOUSINE INSPECTOR
32	10061	ADMINISTRATIVE	TRANSPORTATION COORDINATOR
33	91697	AREA MANAGER OF	SCHOOL MAINTENANCE
34	13117	ASSISTANT TRANSIT	MANAGEMENT ANALYST
35	13130	ASSISTANT TRANSIT	MANAGEMENT ANALYST (OPERATIONS)
36	12634	ASSOCIATE	EDUCATION OFFICER
37	13369	ASSOCIATE	LABOR RELATIONS ANALYST
38	91349	BRIDGE AND TUNNEL	SUPERVISOR
39	60580	CHIEF OF HOUSING	COMMUNITY ACTIVITIES
40	10089	DIRECTOR OF	TECHNICAL SERVICES (AIR POLLUTION CONTROL)
41	12750	EDUCATION ANALYST	TRAINEE
42	10235	EXECUTIVE	SECRETARY (TBTA)
43	13353	HEARING EXAMINER	(HOUSING AUTHORITY)
44	40236	INSURANCE ADVISOR	(HEALTH)
45	13368	LABOR RELATIONS	ANALYST
46	82987	MANAGER OF	RADIO REPAIR OPERATIONS
47	40425	PRINCIPAL APPRAISER	(REAL ESTATE)
48	13121	PRINCIPAL TRANSIT	MANAGEMENT ANALYST
49	13133	PRINCIPAL TRANSIT	MANAGEMENT ANALYST (OPERATIONS)
50	20140	QUALITY CONTROL	SPECIALIST
51	20141	SENIOR QUALITY	CONTROL SPECIALIST
52	91270	SUPERINTENDENT	(TRANSIT AUTHORITY OPERATIONS)
53	10081	SUPERINTENDENT	OF WATER AND SEWER SYSTEMS
54	10076	SUPERVISOR OF	ELEVATOR MAINTENANCE (HOUSING AUTHORITY)
55	35503	SYSTEM SAFETY	SPECIALIST (TRANSIT AUTHORITY)
56	35500	SYSTEM SAFETY	SPECIALIST TRAINEE (TRANSIT AUTHORITY)

1 82984 TELECOMMUNICATIONS MANAGER

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

6 S 3. Any agreement or extension thereof entered into pursuant to para-
7 graph (g) of subdivision 5 of section 65 of the civil service law, as
8 added by section two of this act AND SUBSEQUENTLY AMENDED IN 2014 AND
9 2016, may include protections for provisional employees who were
10 covered, prior to the effective date of this act, by agreements similar
11 to those authorized by such paragraph. Any agreement or extension there-
12 of entered into pursuant to such paragraph may include, but shall not be
13 limited to, the appropriate arbitration, adjudication or other disposi-
14 tion of disciplinary or other matters concerning provisional employees
15 that were pending on the effective date of this act.

16 S 5. This act shall take effect immediately, and shall expire December
17 31, [2016] 2018 when upon such date the provisions of this act shall be
18 deemed repealed.

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

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

25 S 7. If any section, subdivision, paragraph, clause, sentence, phrase
26 or other portion of this act is, for any reason, declared unconstitu-
27 tional or invalid, in whole or in part, by any court of competent juris-
28 diction, such portion shall be deemed severable, and such unconstitu-
29 tionality or invalidity shall not affect the validity of the remaining
30 portions of this act, which remaining portions shall continue in full
31 force and effect.

32 S 8. This act shall take effect immediately; provided that the amend-
33 ments to subdivision 5 of section 65 of the civil service law made by
34 sections two and three of this act shall not affect the repeal of such
35 subdivision and shall be deemed repealed therewith; and provided further
36 that the amendments to section 3 of chapter 5 of the laws of 2008 made
37 by section four of this act shall not affect the repeal of such section
38 and shall be deemed repealed therewith; and provided further that eligi-
39 ble lists and appointments resulting from the qualified incumbent exam-
40 inations administered pursuant to paragraph (c-2) of subdivision 5 of
41 section 65 of the civil service law, as added by section two of this
42 act, shall not be affected by the expiration of this act.