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

5805--A

2015-2016 Regular Sessions

I N S E N A T E

June 3, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

(B) SUCH PERSONS, AS DETERMINED BY THE PRESIDENT, SHALL BE APPOINTED AS TEMPORARY EMPLOYEES TO FILL SUB-POSITIONS. SUB-POSITIONS SHALL BE CUSTOMIZED TO THE STRENGTHS AND INTERESTS OF THE JOB CANDIDATE AND THE IDENTIFIED NEEDS OF THE EMPLOYER, WHICH MAY INCLUDE THE PROCESS OF TASK REASSIGNMENT, JOB CARVING AND JOB SHARING. NO PERSON HOLDING A POSITION PURSUANT TO THIS CHAPTER SHALL BE TERMINATED FOR THE PURPOSES OF ESTAB-

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

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LISHING OR FILLING A SUB-POSITION ESTABLISHED PURSUANT TO THIS SUBDIVISION. SUB-POSITIONS MAY BE EITHER PART-TIME OR FULL-TIME EMPLOYMENT. COMPENSATION FOR THE SUB-POSITIONS SHALL BE SET AT THE MINIMUM WAGE, AS ESTABLISHED PURSUANT TO SECTION SIX HUNDRED FIFTY-TWO OF THE LABOR LAW. SUCH COMPENSATION SHALL NOT INCLUDE HEALTH BENEFITS, PENSION BENEFITS OR ANY OTHER ADDITIONAL BENEFITS. ALL SUCH SUB-POSITIONS SHALL BE CLASSIFIED IN THE NON-COMPETITIVE CLASS.

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

S 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2020.