

5805--A

2015-2016 Regular Sessions

I N   S E N A T E

June 3, 2015

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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:

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-

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

LBD10482-03-6

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

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

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20 deemed repealed January 1, 2020.