STATE OF NEW YORK

5847

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the civil service law, in relation to including persons holding positions by appointment or employment in the organized militia of the state as public employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 7 of section 201 of the civil service law, as amended by chapter 817 of the laws of 1977, is amended to read as follows:

(a) The term "public employee" means any person holding a position by appointment or employment in the service of a public employer, except that such term shall not include for the purposes of any provision of this article other than sections two hundred ten and two hundred eleven of this article, judges and justices of the unified court system, [~~persons holding positions by appointment or employment in the organized militia of the state~~] and persons who may reasonably be designated from time to time as managerial or confidential upon application of the public employer to the appropriate board in accordance with procedures established pursuant to section two hundred five or two hundred twelve of this article, which procedures shall provide that any such designations made during a period of unchallenged representation pursuant to subdivision two of section two hundred eight of this chapter shall only become effective upon the termination of such period of unchallenged representation. Employees may be designated as managerial only if they are persons (i) who formulate policy or (ii) who may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective negotiations or to have a major role in the administration of agreements or in personnel administration provided that such role is not of a routine or clerical nature and requires the exercise of independent judgment. Employees may be

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

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designated as confidential only if they are persons who assist and act in a confidential capacity to managerial employees described in [~~clause~~] **subparagraph** (ii) **of this paragraph**.

§ 2. This act shall take effect immediately.