§ 79. Establishment of redeployment lists in the state service; general provisions. 1. Primarily redeployment. a. Where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides, upon notification to the department that an employee in the state service is to be suspended or demoted in accordance with the provisions of section eighty or eighty-a of this article by reason of the state's exercise of its right to contract out for goods and services, and receipt of the information required pursuant to section eighty-one-a of this article for purposes of establishing reemployment rosters, at least ninety days prior to the suspension or demotion of an affected employee, the department shall place the name of the employee upon a redeployment list. Such redeployment list shall be certified for filling positions in the same title or in any comparable title, as determined by the department, before certification is made from any other eligible list, placement roster, reemployment roster or preferred list. The director of state operations is authorized to redeploy such employees to positions in appointing authorities of the executive branch. The department may extend the right to be placed on a redeployment list, in accordance with the provisions of this section, to employees not subject to the provisions of such agreement.

b. Orders of certification of names from a redeployment list. The names of persons on a redeployment list shall be certified therefrom for appointment in the order of their original appointments, in accordance with the provisions of subdivision three of section eighty and subdivision three of section eighty-a of this article.

c. Salary upon redeployment. A person appointed from a redeployment list shall receive at least the same salary such person was receiving in the position from which he or she is to be or has been suspended or demoted.

d. Probationary term. Probationers who are appointed from a redeployment list to a position in the same title will be required to complete their probationary term. Employees who are appointed from a redeployment list to a position in a comparable title shall be required

to complete a probationary term in accordance with the rules promulgated by the commission pursuant to subdivision two of section sixty-three of this chapter.

e. Termination of eligibility for appointment. Eligibility for appointment of an employee whose name appears on a redeployment list shall terminate at such time as the employee is redeployed pursuant to the provisions of this section to a position in the same salary grade as the position from which he or she has been suspended or demoted, or has exercised his or her reemployment rights pursuant to the provisions of section eighty-one or eighty-one-a of this article, provided, however, that eligibility for appointment shall terminate no later than six months following the suspension or demotion of such employee in accordance with the provisions of section eighty or eighty-a of this article. Upon such employee's suspension or demotion, the department shall place the name of such employee upon a preferred list, and a reemployment roster, as appropriate, in accordance with the provisions of sections eighty-one and eight-one-a of this article.

f. Notwithstanding any other provision of this chapter, any employee may voluntarily remove his or her name from a redeployment list by application to the department.

2. Secondary redeployment. a. In the event the department determines, in accordance with the provisions of subdivision one of this section, that there are no positions in the same title or any comparable title to which an employee to be suspended or demoted by reason of the state's exercise of its right to contract out for goods and services can be redeployed, the department may place the name of such employee on a special reemployment roster, for filling positions in titles for which the employee meets the essential tests and qualifications. Such special reemployment roster may be certified immediately upon the employee's placement on the roster for filling a position before certification is made from any other eligible list, including a promotion eligible list, but not prior to a redeployment list or preferred list.

b. Termination of eligibility. Eligibility for appointment of an

employee whose name appears on a special reemployment roster shall not continue for a period longer than four years from the date of suspension or demotion, provided, however, that eligibility for appointment of an employee whose name appears on any such special reemployment roster shall terminate at such time as the employee is redeployed pursuant to the provisions of this section and, in no event, shall eligibility for appointment from a special reemployment roster continue once the employee is no longer eligible for reinstatement from a preferred list.

c. Employees placed on a special reemployment roster in accordance with the provisions of this section, shall have all the rights and privileges provided employees placed on reemployment rosters in accordance with section eighty-one-a of this article.

3. Rulemaking authority. The commission shall adopt rules for carrying into effect the provisions of this section, including rules providing for the relinquishment of eligibility for appointment upon appointment or upon failure or refusal to accept appointment from a redeployment list. Additionally, notwithstanding any inconsistent provision of law, rule, or regulation, an agreement between the state and an employee organization recognized or certified pursuant to article fourteen of this chapter can provide employment security rights and benefits where the state has exercised its right to contract out for goods and services. The commission upon receipt of a written request of the director of employee relations, is authorized to implement provisions of such agreement consistent with the terms thereof and, to the extent necessary, may adopt rules and regulations providing for the benefits to be thereunder provided. The commission, with the approval of the director of the budget, may extend such benefits in whole or in part, to state employees excluded from collective negotiating units.