§ 81-a. Reemployment rosters in the state service; certification and reinstatement therefrom. 1. Establishment of reemployment rosters in the state service; general provisions. The head of any department, office or institution from which an employee in the state service is to be suspended or demoted in accordance with the provisions of section eighty of this article, shall, at least twenty days prior to such suspension or demotion, furnish the state civil service department with a statement showing such employee's name, title or position, date of appointment, and the date of and reason for suspension or demotion. Upon such employee's suspension or demotion, it shall be the duty of the department to place the name of such employee upon a reemployment roster for filling vacancies in any comparable position as determined by the department, except that employees suspended or demoted from positions in the non-competitive and labor classes may not be certified to fill vacancies in the competitive class. Such reemployment roster shall be certified for filling a vacancy in any such position before certification is made from any other list, including a promotion eligible list, but not prior to a preferred list. Eligibility for reinstatement of a person whose name appears on any such reemployment roster shall not continue for a period longer than four years from the date of suspension or demotion provided, however, in no event shall eligibility for reinstatement from a reemployment roster continue once the person is no longer eligible for reinstatement from a preferred list.

2. Order of certification of names from a reemployment roster. The names of persons on a reemployment roster shall be certified therefrom with equal ranking for reinstatement.

3. Probationary term. All reinstatements from a reemployment roster shall require completion of a probationary term in accordance with rules promulgated by the commission pursuant to subdivision two of section sixty-three of this chapter.

4. Effect of reinstatement or failure or refusal to accept reinstatement. The commission shall adopt rules providing for the relinquishment of eligibility for reinstatement upon reinstatement or

upon failure or refusal to accept reinstatement from a preferred list or a reemployment roster.

5. Notwithstanding any other provision of this chapter, the department may disqualify for reinstatement and remove from a reemployment roster the name of any otherwise eligible person who, by reason of physical or mental incapacity, is found to be unable to satisfactorily perform the duties of the position for which such roster has been established, or who has engaged in such misconduct as would warrant their dismissal from public employment, except that a person who is not completely physically incapacitated and who is suspended or demoted pursuant to section eighty of this article because their position has been abolished or reduced, but who is certified for reinstatement to any position having the same physical requirements as the position from which such person was suspended or demoted, shall not be disqualified because of their incapacity, unless upon medical examination their incapacity has worsened to a degree that they would not be able to satisfactorily perform in such position. No person shall be disqualified pursuant to this subdivision unless they are first given a written statement of the reasons therefor and an opportunity to be heard at a hearing at which satisfactory proof of such reasons must be established by appropriate evidence, and at which such person may present independent evidence and be entitled to representation by counsel. The department shall designate a person to hold such hearing and report thereon.

6. Notwithstanding any other provision of this chapter, any person may voluntarily remove his or her name from a reemployment roster by application to the department.