§ 7.19 Personnel of the office.

(a) The commissioner or his or her designee may, within the amounts appropriated therefor, appoint and remove in accordance with law and applicable rules of the state civil service commission, such officers and employees of the office of mental health as are necessary for efficient administration and shall administer the office's personnel system in accordance with such law and rules. In exercising the appointing authority, the commissioner shall take all reasonable and necessary steps, consistent with article twenty-three-A of the correction law, to ensure that any such person so appointed has not previously engaged in any act in violation of any law which could compromise the health and safety of patients.

(b) The director of a hospital or institute in the office shall have professional qualifications and experience to be prescribed by the commissioner.

(c) Notwithstanding the provisions of any other law, the positions of psychiatrist III and deputy director in any office facility, in Matteawan state hospital, or in Dannemora state hospital may be filled by promotion open to employees of all such facilities who possess the minimum qualifications for the respective positions. Promotion lists which are established for those positions shall be general eligible promotion lists from which names are certified in the order of final earned ratings and from which certification shall not be subdivided by the facility or department in which such persons are employed. Nothing in this subdivision shall prevent the use of open competitive examinations.

(d) The commissioner shall establish regulations governing the personnel administration of the department and its facilities.

(e) The use of volunteers at facilities in the office of mental health shall be encouraged. The commissioner may establish regulations governing such volunteer services.

(f) Where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law so provides, the commissioner is authorized to implement the provisions of such agreement relating to discipline consistent with the terms thereof.