**§ 3304. Transfer of officers and employees; civil service.** 1. (a) On the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, officers and employees employed in the department shall become officers and employees of the corporation with equivalent offices, positions and employment therewith and shall be deemed public officers or public employees for all purposes.

(b) In accordance with the provisions of section seventy of the civil service law, for a period not to extend beyond six months from the effective date of the transfer of the facilities and operations of the Westchester County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, any other officer or employee of the county may, at the request of the corporation and with the consent of the county executive and the officer or employee, be transferred to the corporation and shall be eligible for such transfer and appointment, without further examination, to applicable offices, positions and employment under the corporation.

(c) Any person who, at the time he or she becomes an officer or employee of the Westchester County Medical Center pursuant to paragraph (a) or (b) of this subdivision, has a temporary or provisional appointment shall be transferred subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement.

(d) There shall be no layoffs of any officers or employees of the Westchester County Medical Center which are a direct consequence of the enactment of this title. There shall be a presumption that any layoffs occurring more than twenty-four months after the effective transfer date described in this subdivision shall be deemed not to be such a direct consequence.

(e) Nothing contained in this section shall be construed to prevent the elimination of any service at any time as a result of the elimination of state or federal assistance, the elimination of available revenue reimbursement, loss of certification or licensure, or loss of financial viability.

2. The corporation shall recognize the existing certified or recognized employee organizations for those persons who become employees of the Westchester County Medical Center pursuant to paragraph (a) or (b) of subdivision one of this section as the exclusive collective bargaining representatives for such employees, who shall comprise correspondingly new collective bargaining units. The corporation shall be bound by all existing collective bargaining agreements with such employee organizations; all existing terms and conditions of employment shall remain in effect until altered by the terms of a successor contract; successor employees to the positions held by such employees shall, consistent with the provisions of article fourteen of the civil service law, be included in the same unit as their predecessors. Employees serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect:

(a) the rights of employees pursuant to a collective bargaining agreement;

(b) the representational relationships among employee organizations or the bargaining relationships between the county, state and an employee organization; or

(c) existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential. Nothing herein shall preclude the merger of negotiating units of employees with the consent of the recognized or certified representatives of such units.

3. The salary or compensation of any such officer or employee, after such transfer, shall be paid by the corporation. The corporation shall, upon transfer, acknowledge and give credit for all leave balances held by such officers and employees on the date of transfer.

4. The corporation shall be subject to the civil service law. For the purposes of such law, the following titles (consisting of no more than a total of forty-five positions in such titles), including the proposed comparable corporate titles where applicable, shall, upon the effective transfer date described in subdivision one of this section, be in the exempt class, unless pursuant to the provisions of the civil service

law, a lesser or greater number of titles or positions is properly classified in the exempt class: Commissioner of Hospitals (President and Chief Executive Officer), First Deputy Commissioner of Hospitals (Executive Vice President), Director of Hospital Administration (Senior Vice President, Hospital Administration), Medical Director of Hospital (Senior Vice President, Medical Director), Associate Director of Hospital Nursing Services and Education (Vice President, Hospital Nursing Services and Education), Director of the Ruth Taylor Institute (Vice President, Ruth Taylor Institute), Associate Director Hospital, Planning & Development (Vice President, Planning and Development), Director of Professional Services - WCMC (Director of Professional Services), Director of Support Service - WCMC (Director of Support Services), Associate Director of Hospital Administration (Vice President, Hospital Administration), Medical Records Director - Hospital (Director of Health Information Management), Personnel Director - Medical Center, Assistant Personnel Director - Hospital, Director of Program Development I (Labor Relations), Health Care Administrator (Material Management), Program Administrator (Material Management), Health Care Administrator (Patient Care Services Program Administrator (Patient Care Services)), Health Care Administrator (Regulatory Affairs-WCMC) Program Administrator (Regulatory Affairs), Health Care Administrator (Operating Room) (Program Administrator (Operating Room)), Health Care Administrator (EMS) (Program Administrator (EMS)), Health Care Administrator (Heart Center) Program Administrator (Heart Center)), Program Administrator (Executive Services WCMC) Program Administrator (Executive Services)), Director of Communications & Development WCMC, Director of Marketing & Development, Director of Program Development II (Community Relations), Assistant to Commissioner of Hospitals (Assistant to President/CEO), Secretary to Commissioner of Hospitals (Secretary to President/CEO), Director of Hospital Fiscal and Business Services (Senior Vice President, Finance), Director of Nursing - PTI, Associate Director for Hospital Operations, Director of Information Systems (Director of Information Systems), Director of Patient Care Services, Director of Pharmacy Services, Director, Office of Hospital Financial Analysis, Director, Office of Hospital Reimbursement, Manager of Patient Accounts, Associate Director, Fiscal Services (Vice President, Finance).