§ 3403. Transfer of officers and employees; civil service. 1. (a) On the effective date of the transfer of the facilities and operations of the county to the corporation pursuant to an agreement between the county and the corporation as authorized in this title, officers and employees employed in a department or agency of the county 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 any facilities and operations of the county 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 Nassau Health Care Corporation 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 Nassau Health Care Corporation 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 subdivision one of this section 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 Nassau Health Care Corporation pursuant to paragraph (a) or (b) of subdivision one of this section as the exclusive collective bargaining representatives for such employees, who shall remain in the existing bargaining unit. 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.