§ 3629. Transfer of officers and employees; recognition and continuation of existing bargaining agents and units; layoffs; services. 1. On the effective date of the transfer of the facilities and operations of the Erie County Medical Center healthcare network pursuant to an agreement between the county and the corporation, as authorized in this title, officers and employees employed in the network 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.

2. The employees of the corporation shall, for all purposes of article fourteen of the civil service law, be deemed to be employees of the county of Erie and shall be employed within the current county of Erie bargaining unit designation. The county office of labor relations shall, for all purposes of article fourteen of the civil service law, act as agent for the corporation and shall, with respect to the corporation, have all the powers and duties provided under article twenty-four of the executive law. Those persons who become employees of the corporation pursuant to subdivision one of this section or who enter into the service of the corporation following the effective date of the transfer shall retain their current bargaining unit designations. The corporation and the county shall recognize the existing certified or recognized employee organizations for county employees as the exclusive collective bargaining representatives for such employees.

Titles within collective bargaining units in existence prior to the transfer of operations to the corporation shall remain in those units and shall not be altered by the public employment relations board without the consent of the corporation, the county, and the recognized or certified representatives of the negotiating units involved. New titles created after the date of the transfer of operations to the corporation shall be placed in the appropriate unit of county employees consistent with the provisions of article fourteen of the civil service law.

3. The corporation shall be bound by all collective bargaining agreements between the county of Erie and such collective bargaining

representatives in effect as of the date of transfer of operations to the corporation and any successor agreements between such parties.

4. The corporation shall be subject to the civil service law. For the purposes of such law, the following titles, including the proposed comparable corporate titles where applicable, shall, upon the effective date of the transfer described in subdivision one of this section, continue to be classified or designated exempt or managerial/confidential unless, pursuant to the provisions of the civil service law, a lesser or greater number of titles or positions is properly classified or designated exempt or managerial/confidential: Assistant Director Labs, Assistant Director MMS, Assistant Director Neuropathology, Assistant Director Nursing Medicine, Assistant Director Nursing Med. Surgery, Assistant Director Nursing Services, Assistant Director Sp. Cl. Services, Assistant Hospital Administrator, Associate Administrator HLT, Associate Director Medicine, Associate Director of Finance, Associate Director of Pathology, Associate Director Output Services, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Orthopedic Surgery, Clinical Director, Coordinator Int. Services, Director Burn Treatment, Director Corporate Compliance, Director Nursing Services, Director of Information Services, Director of Labs, Director of Mental Health Special Services, Director of Nursing Services, Director Pharmacy, Director Social Work Services, Director Surgical Services, Nurses Facilities Administrator, Secretary Board of Managers, and Secretary to Chief Executive Officer. Employees in existing or new titles that are properly classified or designated as exempt or managerial/confidential shall be considered employees of the corporation.

5. Nothing contained in this title shall be construed to affect:

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

(b) the bargaining relationship between the executive branch of the county of Erie and an employee organization; or

(c) existing law with respect to an application to the public employment relations board seeking the designation of persons as managerial or confidential.

6. There shall be no layoffs of any officers or employees of the Erie County Medical Center 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 this subdivision shall be deemed not to be such a direct consequence.

7. 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.