THE CITY UNIVERSITY OF NEW YORK

PERSONNEL POLICY BULLETIN: 1-02  DATE: 1-8-02
REGULATION REFERENCE NO.: 1.2.24
INTERPRETIVE MEMO:
INDEX REFERENCE: Civil Service Entry Date
Classified Service Employees in competitive, non-competitive and labor class positions
Seniority Date for Layoff

Under Civil Service Law, Section 80, employees serving in competitive titles of the classified service who have either completed their probationary service or are currently in probationary status are granted rights should a reduction in force (layoff) or an abolition of positions occur. Employees in a non-competitive or labor class position have layoff rights only if provided in union contracts or negotiated letters of agreement. They are not granted rights under Section 80 of the New York State Civil Service Law. Full-time non-competitive employees in other than confidential or exempt positions have layoff rights through union contract provisions. Employees in the title of City Laborer at the time of reduction in force, however, have no layoff rights in that title although they may have the right to revert to a competitive class position from which they are on leave.

Seniority for layoff
Seniority date = civil service entry date = original appointment date

The original appointment date of an incumbent shall mean the date of first appointment on a permanent basis in the classified service in The City University of New York followed by continuous service in the classified staff on a permanent basis. Although seniority is compared only within each college (layoff unit), it is determined on the basis of total CUNY service. Other than appointments in temporary or provisional status, all appointments in the classified service, which include positions in the competitive class, non-competitive class, labor class and exempt class are given a seniority date (civil service entry date). Furthermore, in compliance with Section 6207 of the New York State Education Law and as codified in CUNY Civil Service Commission Personnel Regulation 1.2.24, the University grants under specific instances certain categories of employees the rights to a civil service entry date.

The date of first appointment on a permanent basis (seniority date = civil service entry date) which may be in any of the four above mentioned classes (competitive, non-competitive, labor or exempt) does not change unless there has been a break in continuous service. Therefore, all time in a non-competitive or labor class title either prior to or subsequent to an earlier appointment to a competitive classified title must be included in determining the employee's seniority date should layoff occur in their permanent classified position. For purposes of layoff, an employee must have had continuous service in any classified service position from the seniority date (civil service entry date) up to the layoff date. Continuous service includes (Section 80, subdivision 2):
(a) Resignation from CUNY service, and reinstatement or reappointment to classified service within one year
(b) Termination because of a disability resulting from an occupational injury or disease as defined in the Worker's Compensation Law, and subsequent reinstatement or reappointment pursuant to Civil Service Law section 71
(c) A period of employment in a temporary, provisional or unclassified position immediately preceded and followed by permanent appointment in the classified service
(d) Duly authorized leaves of absence without pay including leaves of absence to serve in other positions, and
(e) A period of layoff caused by a reduction in force or abolition of positions (time on a preferred list)

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