



# OPPOSE

## MEMORANDUM IN

# OPPOSITION

TO

### **Part T of S.4005 / A.3005**

### *Circumventing Civil Service Merit and Fitness Requirements*

The CSEA strongly opposes sections 2 and 3 of Part T of the *Public Protection and General Government* Article VII legislation. This proposal would allow participants of the 55-B and 55-C programs to transfer into the competitive class of the Civil Service system without taking an examination. This legislation is a violation of the State Constitution and would negatively impact other employees.

CSEA has a long history of supporting efforts to recruit veterans and those with a disability into the public sector workforce. Specifically, we fully support the Governor's proposal in section 1 of this part to increase the number of positions under 55-B from 1,200 to 1,700. However, allowing 55-b and 55-c employees to simply move into a competitive class position is a violation of Article V, §6 of the State Constitution which requires competitive class employees to be hired based on merit and fitness.

Existing law already allows employees hired under section 55-B and 55-C to take promotional examinations to enter the competitive class. However, this legislation eliminates the testing requirement and allows them to be moved unilaterally into the competitive class by the Department of Civil Service, potentially bypassing other eligible employees who took and passed an examination.

On behalf of 300,000 active and retired, public and private employees across New York State, CSEA urges the legislature to reject this proposal.

Respectfully submitted,  
Fran Turner  
Director