



# S U P P O R T

## MEMORANDUM IN

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OF

## **S.5494 – Jackson / A.7155 – Pheffer Amato**

The CSEA strongly supports the passage of this legislation.

This bill amends section 63 of the civil service law to require that any time spent as a provisional employee be counted towards an employees' probationary term upon receiving a permanent appointment in the same title.

Public employers are often required to hire employees provisionally due to a lack of available civil service examinations for the respective job title or position. Until tests become available, these employees remain on provisional status, sometimes for considerable lengths of time. During this period, these employees are not entitled to any disciplinary rights and are subject to at-will termination. Upon successfully taking a civil service exam and obtaining a permanent position, these employees are then subjected to a probationary time-period, which traditionally lasts one year. Unfortunately, during this probationary period, they are once again considered at-will employees without rights to a disciplinary procedure.

The existing system places a significant burden on employees who have already spent significant time as provisional employees. They are forced to endure two separate probationary periods, during which they can be terminated at-will. This redundancy in the probationary process can create undue stress and uncertainty for these individuals, who have already demonstrated their capability to perform the job duties during their provisional tenure.

The proposed legislation would effectively streamline this process by acknowledging and recognizing the time spent by employees in provisional titles towards their required probationary period upon obtaining permanent employment. This adjustment would ensure a fair and consistent application of probationary periods, preventing employees from enduring redundant periods of uncertainty.

On behalf of more than 300,000 active and retired, public and private employees across New York State, CSEA strongly urges the passage of this legislation.

Respectfully submitted,

Fran Turner  
Director