



MONROE COUNTY SCHOOL BOARDS ASSOCIATION

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The Monroe County School Boards Association (MCSBA) stands in opposition to the proposed act to amend the Civil Service Law in Relation to Hearing Procedures for Certain Public Employees. Reference NYS Senate bill S.1039a and NYS Assembly bill A.3748a.

Under current law, civil service employees, including those employed by school districts and BOCES outside the City of New York, are entitled to statutory due process protections before any disciplinary action can be taken against them. These protections include but are not limited to written notice of the charges, the right to be represented by their employee organization during questioning, a hearing on the charges, and the right to collectively bargain additional disciplinary procedures. In the event that the charges an employee faces are related to misconduct or incompetence, school districts and BOCES are permitted to suspend the employee without pay for up to thirty days.

If enacted, this legislation would dramatically increase the requirements placed on employers in the disciplinary process. Hearings would now be required to be conducted by an independent hearing officer, mutually selected by the employer and employee. Employers, including school districts and BOCES would then be limited to implementing the penalty selected by the hearing officer. In addition, employers would only have the option to place employees on paid suspension pending the hearing regardless of the reason. If a discipline process has been established as part of a collective bargaining agreement, enactment of this proposal would not supersede that agreement.

The bill establishes a disciplinary process for a permanent civil service employees that is similar to that which school districts and BOCES are required to engage in when dealing with tenured instructional staff governed under section 3020-a of the Education Law. These “3020-a” hearings are both administratively and financially burdensome and frequently do not result in the desired result.

School district and BOCES employees have very generous protections and rights under Section 75 of the Civil Service Law and are further able to negotiate other conditions through their collective bargaining agreements. School boards and superintendents are required to follow the

graduated, multi-step discipline process to the letter. Enactment of this proposal further weakens the already limited managerial discretion.

For these reasons, MCSBA opposes the above referenced legislation and urge your negative vote.