



**New York State Correctional Officers
& Police Benevolent Association, Inc.**

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To: NYS COPBA Executive Board

From: Mike Marro, Staffing / Grievance

Handwritten initials "MM" in a cursive script, enclosed in a hand-drawn oval.

Re: DNRL and ARTL Process for COs and Sgts at RIF Affected Facilities
Summary

Date: June 22, 2009

Please find attached a summary for the Discretionary Negotiated Reassignment List and the Agency Reduction Transfer List Process for Correction Officers and Sergeants at Reduction In Force affected facilities.

This should shed some light on the pecking order for Departmental and Civil Service governed transfers.

Cc: David Viddivo, Sgts. Liaison



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ARTL Process for COs and Sgts. at RIF Affected Facilities

It must first be noted that DOCS is experiencing a Reduction in Force (RIF). Those NYSCOPBA members who are assigned to locations affected by the RIF are, by Civil Service Rules and Regulations, currently available to voluntarily participate in two options to effectively transfer their items before their locations close:

1. The Discretionary Negotiated Reassignment List (DNRL The normal transfer list process that we all know and love)
2. The Civil Service Preferred Placement through the Agency Reduction Transfer List (ARTL)

Those NYSCOPBA members not at affected locations may only continue to voluntarily participate in the DNRL as outlined in item #1.

The DNRL, is governed by our CBA and is negotiated between NYSCOPBA and DOCS. This system is based on Seniority as defined in Article 24 of the contract. However, DOCS unilaterally determines how many "fill-able vacancies" each facility has and how many Officers or Sergeants should be transferred to each facility.

Under the DNRL, once DOCS decides to transfer Officers or Sergeants to a facility, they must do so according to Seniority as defined in Article 24. Just because a facility shows 15 vacancies for Officers, doesn't mean that DOCS is mandated to fill all 15 vacancies. They have the right to fill all vacancies or none. The Taylor Law provides that the Employer has the legal right to unilaterally determine staffing levels and distribution, and that staffing levels and distribution are non-mandatory subjects of negotiation – meaning they do not have to negotiate with NYSCOPBA regarding staffing issues, including layoffs or the filling of vacancies.

The ARTL list is governed by Civil Service Rules and Regulations and uses Adjusted State Classified Seniority for only affected NYSCOPBA members, and not "Seniority" as defined in Article 24 – keep in mind that our contract is with the State /DOCS and not Civil Service. Employees transferred via the ARTL list must be given 21 days notice of the transfer.

DOCS Personnel made it very clear during the facility visits that the DNRL would be in effect until sometime in late May 2009. DOCS made some discretionary moves off of the DNRL and those who chose to participate in the Reassignment list were transferred, if reached on the Seniority listings. Once NYSCOPBA members were transferred to a non affected facility, they were no longer in "harms" way, at an affected facility, and therefore did not satisfy the requirements of remaining on the ARTL list, and they were removed from the ARTL listing.

In order to invoke the ARTL listing and provide NYSCOPBA members the 21 day reassignment notice as required under Civil Service Law, DOCS suspended the DNRL on May 31, 2009. Then NYSCOPBA members were transferred off the ARTL list into vacancies or temporary items effective July 1, 2009, according to their State Adjusted Classified Seniority.

SENIORITY - for purposes of layoff, seniority is defined as the date of original permanent appointment in t he classified service and continuous service since that date, modified for veterans/blind preference, if any. Seniority dates may be reconstructed for breaks in service for individuals reinstated after October 1985 pursuant to §80.3 and §80-a.3.