

Bumping Rights

The term “bumping” as applies to NYSCOPBA members arises in two different contexts, the Civil Service Law and the collective bargaining agreement. Bumping under the Civil Service Law has an entirely different meaning than bumping under the contract.

Under the Civil Service Law (Section 80), where layoffs occur within in a particular title, the least senior employees within the layoff unit are laid off first. This is referred to as horizontal displacement. In addition, where positions for which there is a direct line of promotion (such as from correction officer to correction sergeant) are eliminated, affected employees may displace (“bump”) employees in the next lower title. For example, if sergeant positions within DOCCS were eliminated, affected sergeants could bump back to the position of correction officer.

Article 24.4 of the contract provides: “An employee shall not have the right to bump for any reason.” This reference to bumping is unrelated to layoffs. It simply means, as it has been interpreted in arbitration cases, that a senior member cannot bid for a permanent job that is filled by a less senior member or otherwise bump that member out of the job. Article 24.4 does not restrict a member’s right to “bump” or to horizontally displace under the Civil Service Law in a layoff situation.