July 2, 2019

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY  12224

Re: S. 5291, Gounardes / A.7248, Abbate
Relates to suspension or demotion upon the abolition or reduction of positions for labor class and noncompetitive titles.

Dear Governor Cuomo,

The New York State School Boards Association opposes the above referenced legislation and urges your veto.

If enacted, this legislation would extend recall rights to labor class and non-competitive employees in the event of demotion or job loss. As a result, public employers would now be required to hire based solely on seniority or length of service.

School districts are currently bound to these hiring restrictions for competitive-class positions. To appoint or promote an individual to such a position, districts must contact the local civil service agency for a list of eligible persons and must choose a candidate from the list presented based upon their rank. This process greatly restricts school district employment decision making authority.

Hiring based on seniority ties a school district’s hands from finding the best possible employee for the available position. Expanding the recall process to essentially all classified service positions a school must hire, including school monitors, grounds keepers and building maintenance technicians, is not in the best interest of students or the local taxpayers that support the district. Furthermore, school district staffing decisions should not be dictated by law, especially when these protections can be determined during the collective bargaining process.

For these reasons, NYSSBA opposes this legislation and urges your disapproval. If you require any additional information, please do not hesitate to contact me at 518-783-0200.

Sincerely,

Julie M. Marlette
Director of Governmental Relations

Cc:  Senator Andrew Gounardes
     Assemblymember Peter Abbate
     David Alphonso
     Kevin Bishop
     Karen Orcutt