

**Buffalo & Erie County Public Library**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

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**SUBJECT: Disciplinary Action Under Section 75**

**CHAPTER: II**

**SECTION: 4**

**EFFECTIVE DATE: 1/81**

**REVISION DATE: 11/89, 5/06, Modified for the B&ECPL effective 1/1/15**

**I. STATEMENT OF POLICY**

Section 75 of New York State Civil Service Law specifies that an employee covered under its provisions "-----shall not be removed or subjected to any disciplinary penalty provided in this section except for incompetency or misconduct shown after stated charges pursuant to this section."

**II. GUIDELINES**

Court decisions have stated that an employee covered by Section 75 and who is subject to a disciplinary proceeding may waive his/her right to a Section 75 hearing and elect to have action taken under the provisions of a collective bargaining agreement governing disciplinary actions and grievances. All B&ECPL unions have specific discipline and discharge provisions which substitute for Section 75 coverage. Employees should refer to their respective collective bargaining agreement or contact their union representative should any questions arise regarding disciplinary action which they have been subject to.