

# Buffalo & Erie County Public Library

## PERSONNEL POLICIES AND PROCEDURES MANUAL

---

**SUBJECT: Seniority**

**CHAPTER: III**

**SECTION: 4**

**EFFECTIVE DATE: 1/81**

**REVISION DATE: 6/06, Modified for the B&ECPL effective 1/1/15**

### I. STATEMENT OF POLICY

The word "seniority" appears frequently in both Civil Service Law and collective bargaining agreements. It is also commonly used when discussing employment history. "Seniority" may mean different things depending on the context and the employee. The term is frequently confused or misused. This policy has been prepared to help clarify the use of the term "seniority" for Civil Service, union-related, and Buffalo & Erie County Public Library employment purposes.

The classified service includes the exempt, competitive, non-competitive, and labor jurisdictional classes. The Civil Service Law provides for seniority for retrenchment purposes for those in the competitive class only. All other classes should refer to their respective collective bargaining agreement (where applicable) for provisions related to seniority.

## II. COMPETITIVE CLASS SENIORITY

### A. Types of Seniority

1. For competitive class employees in service of the B&ECPL the word "seniority" has two (2) separate meanings and different applications depending upon the specific context in which it is used:
  - a. Seniority for retention purposes: the service that is used in determining which employees will be retained under their titles in case of retrenchment (elimination of positions) and which employees whose positions are affected have/ do not have "bumping" or displacement rights to other positions or titles.
  - b. Seniority for other than retention purposes: the service used in determining preference for applications such as shift requests, vacation requests, and requests for transfer or reassignment, etc.
2. For some competitive class employees the two (2) seniority dates are the same, but for other competitive class employees they may be different. It is therefore important to clearly differentiate between the two.

### B. Competitive Class Seniority for Retention Purposes

1. Section 80 Civil Service Law provides that seniority for retention purposes for competitive class employees will be the date of first permanent appointment in the classified service. Section 80 states:  
"Original appointment of an incumbent shall mean the date of his first appointment on a permanent basis in the classified service followed by continuous service in the classified service on a

permanent basis up to the time of the abolition or reduction of the competitive class positions.”

2. The guidelines for determining continuous service are as follows:
  - a. Resignation, retirement, or discharge will constitute a break in continuous service unless the employee returns to service within one (1) year. Only employees with permanent competitive class status have seniority under Section 80. Temporary and provisional competitive class employees without permanent status under any title do not have seniority under Section 80.
  - b. Separation from service due to layoff, which is not followed by recall or rehire into service within the length of the preferred list, will also constitute a break in continuous service.
  - c. If a permanent competitive class employee resigns then is subsequently rehired within one (1) year on a temporary or continuous basis which matures into a permanent appointment without a break in service, that employee's service is continuous.
  - d. A permanent competitive class employee who left public service in another jurisdiction and is reinstated into service in the same title with the B&ECPL shall maintain their date of first permanent appointment in the classified service from the other jurisdiction, providing that the break in service prior to reinstatement was less than one (1) year.
  
3. An employee who has previously served under a regular part-time title but who is now serving under permanent full-time competitive class status shall have his/her seniority for retention purposes

computed from the date of first permanent appointment in the classified service.

4. Competitive class employees who have transferred to B&ECPL service from other jurisdictions will maintain their date from the first permanent appointment in the classified service with the previous jurisdiction.
5. Veterans are eligible for additional credits as follows:
  - a. Section 85, Civil Service Law, provides:
    - i. A competitive class non-disabled military veteran shall have thirty (30) months added to his/her seniority date in determining retention rights during retrenchment.
    - ii. A disabled military veteran shall have sixty (60) months added to his/her actual seniority date in determining retention rights during retrenchment.
  - b. Veteran's Credits for retention purposes are established by the Erie County Personnel Department. It is the responsibility of the employee or potential employee to identify him/herself as a veteran and contact Human Resources to obtain paperwork to receive credit.
  - c. The date which includes the veteran's credits is referred to as the employee's Adjusted Seniority Date (for retention purposes).
6. A spouse of a 100% disabled veteran is also eligible for additional credits as follows:
  - a. The spouse of a veteran with one hundred percent (100%) service-connected disability shall have sixty (60) months added

to his/her seniority date in determining retention rights during retrenchment, provided the spouse is permanently domiciled with the veteran-spouse and is the head of the household.

- b. It is the responsibility of the employee or potential employee to contact Human Resources to obtain paperwork in order to receive credit.
- c. The date which includes the veteran's credits is referred to as the employee's Adjusted Seniority Date (for retention purposes).

7. Blind employees shall be granted absolute preference in retention.

#### C. Seniority Dates for Other Than Retention Purposes for Competitive Class

- 1. A competitive class employee who is a member of a union will look to his/her respective collective bargaining agreement for determining seniority date for purposes other than retention under the Civil Service Law. Such purposes may include, but are not limited to, transfer or reassignment requests, vacation scheduling, and granting shift preference.
- 2. The terms "seniority" and/or "continuous service" appear frequently and are often used interchangeably when discussing seniority for other than retention purposes. Although similar terms are used, it is important to recognize the difference between seniority and continuous service under the Civil Service Law as discussed in the previous section.

3. Generally speaking, for other than retention purposes, a competitive class employee's seniority or continuous service date begins on the original date of hire. Exceptions may apply depending on the type of position and/or the respective union to which a position is assigned. This policy only provides general guidance. Employees should refer to their collective bargaining agreement, where applicable.
4. An employee's continuous service is interrupted by voluntary resignation, discharge, retirement, assuming a non-permanent position (less than twenty [20] hours a week), or lay-off.
5. If an employee is rehired within one (1) year, is rehired during his/her period of eligibility on a preferred list pursuant to Civil Service Law or a recall list, or reassumes a permanent position after holding a non-permanent position without a break in actual service, the interruption in continuous service shall be removed. Any such period of interruption shall not be included in computing the total period of continuous service.
6. Any interruption in service other than those listed in herein shall result in permanent loss of all continuous service credit.

## II. UNCLASSIFIED SERVICE, NON-COMPETITIVE, AND LABOR CLASS SENIORITY

### A. Computing Seniority

1. Seniority is computed differently for unclassified service, the non-

competitive class, and the labor class than it is for the competitive class.

- a. Whereas seniority for retention purposes for the competitive class is governed by Section 80 of Civil Service Law, seniority for retention for other employees is governed by collective bargaining agreements.
- b. Whereas there is a distinction between seniority dates for both retention purposes and for other than retention purposes for competitive class employees, such distinction does not exist for these classes.

2. Generally speaking, seniority or continuous service date for unclassified service, non-competitive class, and labor class employees is the first date of hire to a full time position with B&ECPL.
  - a. Exceptions may apply depending on the type of position and/or the respective union to which a position is assigned.
  - b. This policy only provides general guidance. Employees should refer to their collective bargaining agreement, where applicable.
3. If an employee resigns, retires, terminates, or is laid off and returns to B&ECPL service within one (1) year (or two [2] years in case of a layoff), he/she will not lose seniority credit for service rendered prior to this break in service. However, the period between the date of resignation, retirement, termination, or lay-off and the date of re-hire or re-entry into B&ECPL service will not count in computing seniority/continuous service.
4. Authorized leaves of absence will not affect the seniority/continuous service date.

5. Any periods of unauthorized absence will be deducted from the employee's seniority/continuous service date to establish a new seniority date.

B. Part-time and Regular Part-time (RPT) Employees

1. Part-time employment will not be counted toward seniority for the labor or non-competitive classes, except for AFSCME Local 1095 positions which credits seniority at 50% for all part-time service.
2. Seniority credit for regular part-time employment may vary based on bargaining unit. RPT employees should refer to their collective bargaining agreement for further guidance.

C. Seasonal Employees

Seniority for those with temporary service served prior to becoming permanent will be computed from original full time hire date as a temporary employee, providing there was no break in continuous service between original hire date and the date the employee later gained permanency.