



LOWER HUDSON EDUCATION COALITION

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MEMO IN OPPOSITION

S.5205 Gounardes/A.7624 Abbate

An act to amend the civil service law, in relation to hearing procedures for certain public employees

The Lower Hudson Education Coalition (LHEC) opposes the aforementioned legislation, which provides for procedures to be followed in appointing a hearing officer for removal and disciplinary actions against certain public employees. This legislation, if enacted would significantly change the current due process protections for school employees, which would severely limit the local control of the school districts.

Under current law, school districts have the critical ability to discipline or terminate an employee for poor performance or improper behavior, while providing substantial due process protections for employees. The proposed legislation would remove local control and would insert a “mutually” selected hearing officer who would be provided with decision making authority.

This proposed process of selecting a mutually agreed hearing officer will undoubtedly lead to increased legal fees and other costs to be borne by the school districts, which are already operating at their financial limits due to the property tax cap. Further, this proposal will likely lead to significant delays in the removal or the appropriate discipline of employees.

Additionally, this legislation provides the hearing officer with the ability to recommend an alternative penalty, even if the employee is found guilty of misconduct and the district wants to terminate the employee.

We are also concerned that the suspension pay language provided within this legislation is broader than what currently exists in 3020-a, which would provide for suspension with pay, as this would continue even if the charges are based on misconduct constituting physical or sexual abuse of a student.

Therefore, the LHEC strongly opposes the aforementioned legislation.