

State of New York Unified Court System  
and  
Association of Surrogates and Supreme Court Reporters Within the City of New York

***Pilot Voluntary Reassignment Procedure***

---

The New York State Unified Court System (“Court System”) and the Association of Surrogates and Supreme Court Reporters within the City of New York (“Association”), establish the pilot voluntary reassignment procedure, as set forth herein, pursuant to Section 9.14, *Request for Reassignment or Transfer*, of the 2021-2026 Collective Bargaining Agreement (“Agreement”).

1. Definitions

- a. **Eligibility.** A permanent employee holding a “Senior Court Reporter” position within the City of New York who has successfully completed probation [whether based on previous reassignment, promotion, or discipline] and at the time of reassignment has at least of one year of permanent service as a Senior Court Reporter within the City of New York is eligible for a reassignment within the City of New York, provided he/she:
- i. is not currently the subject of disciplinary charges or incapacity procedures;
  - ii. has not had a counseling memorandum placed in his/her personnel file or been the subject of disciplinary action in the 18 months before the effective date of the reassignment;
  - iii. has not received an overall performance evaluation rating of “less than meets job requirements” in the 15 months before the effective date of the reassignment;
  - iv. is not substantially in arrears of his/her production deadlines (as determined by the eligible employee’s current supervisor).

Note: probationary employees may still apply in accordance with these procedures but to be eligible to reassign they must have successfully completed their probation by the effective date of the reassignment.

- b. **Administrative Authority:** each of the Supreme Courts (Civil or Criminal Terms) located within the City of New York shall be treated as one entity, except for courts/work locations that comprise a single entity for court reporter hiring, pooling, and deployment.
- c. **Reassignment:** the movement, without further examination, of a permanent employee from his or her present permanent title/position, and location, to the same title and grade under the jurisdiction of a different administrative authority (*e.g.*, a Senior Court Reporter from New York Supreme Court Civil to New York Supreme Court Criminal, or in another borough).

Note: “change-in-assignment” is the in-title movement of an employee from one work location or to another work location/assignment under the jurisdiction of a single administrative authority (as defined above). *The provisions herein do not apply to a “change in assignment.”* Such requests should be addressed directly to the Principal Court Reporter and its approval is subject to the operational needs of the respective courts.

- d. **Voluntary Reassignment:** voluntary request made by an eligible employee pursuant to the procedures herein.
- e. **Seniority:** for purposes of this voluntary reassignment procedure, shall mean to the length of permanent service within the City of New York in the title of “Senior Court Reporter.” Seniority Lists will be maintained by local management and updated periodically as may be necessary/practicable.
- f. **Vacant Position:** a position that the court, in its sole discretion, has determined to fill on a permanent basis. Temporary or emergency assignments for one year or less are not subject to the terms herein.

Note: positions which must be filled due to existing obligation under law, including but not limited to, recalls from layoffs, and reinstatements after separation of service, are not subject to these provisions.

## 2. Filing Requests for Reassignment

- a. **Time for Filing:** reassignment lists will be established for every administrative authority on a calendar year basis in seniority order (as defined above), with submissions accepted during the preceding month of November [from November 1<sup>st</sup> through the close of business on November 30<sup>th</sup>].
- b. **Filing Process:** requests shall be made by email to the designated Office of Court Administration-Human Resources (“OCA-HR”) email address <reassignments@nycourts.gov>.
- c. **Number of Active Requests:** an eligible employee may file no more than three (3) requests for a voluntary reassignment during the annual submission period.
- d. **Promulgation of Lists:** the reassignment lists will be disseminated to all Supreme Courts within the City of New York during the month of December and such lists will be effective on January 1<sup>st</sup>.
- e. **Decision to Fill/Selection Process:** the administrative authority or his/her designee has the sole discretion to fill a vacant position in the first instance. Thereupon, employees on the respective reassignment list must be offered the position in order of Seniority before canvassing any civil service lists or accepting other requests for transfers and/or reassignments from locations outside New York City.

## 3. Declination of a Reassignment Offer

If an employee is offered a position pursuant to this procedure and does not accept the offer, the employee will be removed from the voluntary reassignment list for that administrative authority for the remainder of that year.

## 4. Scheduling

This procedure shall have no impact on assignments, which remain within the sole discretion of management pursuant to Article 5, *Management’s Rights*, of the Agreement. The selection of lines, courtroom assignments, annual leave, or any other benefits enjoyed by Senior Court Reporters is determined by Seniority.

Provided however, newly-reassigned Senior Court Reporters shall, for purposes of “selecting a line,” be placed at the bottom of the Seniority List for a period of twelve months from the date they reassign. At the conclusion of such twelve-month period, the Senior Court Reporter’s placement on the Seniority List will be adjusted based on their total time in the Senior Court Reporter title within the City of New York, including any prior service in the Senior Court Reporter title within the City of New York, if applicable.

5. Review of the Pilot Program and Application of the Grievance Procedures

- a. The Labor/Management Committee established under 9.14 of the Agreement will review and make recommendations to improve or modify this program, but no such review shall occur before February 2024, and continuation and/or modification of the program shall be subject to mutual consent of the parties.
- b. Except for procedural violations, any disagreement arising out of the application of the provisions of the procedures herein are not subject to the grievance process but may be discussed/addressed in the context of a Labor-Management committee meeting.