

3340

2013-2014 Regular Sessions

I N   S E N A T E

February 1, 2013

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Introduced by Sens. HASSELL-THOMPSON, MONTGOMERY, PERKINS -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to appointments from  
eligible lists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 23 of the civil service law, as  
2     amended by chapter 403 of the laws of 2011, is amended to read as  
3     follows:  
4     4. Use of state and county eligible lists by municipal commissions. A  
5     municipal commission, in the absence of an eligible list of its own, may  
6     request the state civil service department, county civil service commis-  
7     sion or county personnel officer to furnish it with the names of persons  
8     on an appropriate eligible list established by the department, commis-  
9     sion or personnel officer, which, if so requested by the municipal  
10    commission, shall be limited to residents of the city, or town or civil  
11    division in which appointments are to be made, or to residents of the  
12    county or judicial district in which such city, town or civil division  
13    is located, or to any reasonable combination of political subdivisions  
14    both in and outside of New York state contiguous to the city or civil  
15    division in which appointment is to be made or contiguous to the poli-  
16    tical subdivision in which such city or civil division is located,  
17    except for the position of director of facilities I, II, & III of a  
18    school district located within the state which shall use the list devel-  
19    oped pursuant to subdivision five of section seventeen of this chapter.  
20    PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL PREVENT A MUNICI-  
21    PAL COMMISSION FROM USING ALTERNATE LISTS, INCLUDING BUT NOT LIMITED TO  
22    THE COUNTY LIST, FOR THE FILLING OF VACANCIES BY BOTH RESIDENT AND NON-  
23    RESIDENT MINORITY GROUP MEMBERS, AS DEFINED BY SECTION THREE HUNDRED TEN  
24    OF THE EXECUTIVE LAW, AND WOMEN IN ORDER TO ACHIEVE DIVERSITY IN THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 WORKFORCE. Such municipal commission may certify such names for appoint-  
2 ment to a position under its jurisdiction in the same manner as certif-  
3 ications are made from the eligible lists of such commission. If the  
4 state civil service department, county civil service commission or coun-  
5 ty personnel officer, upon the request of such commission, has certified  
6 an appropriate eligible list to fill a particular position, such list  
7 shall continue to be used until superseded by an eligible list estab-  
8 lished by such municipal commission for such position, or until such  
9 list expires or is exhausted or is otherwise terminated.

10 S 2. Subdivisions 1 and 2 of section 56 of the civil service law, as  
11 amended by chapter 411 of the laws of 1993, are amended to read as  
12 follows:

13 1. The duration of an eligible list shall be fixed at not less than  
14 one nor more than four years; provided that, except for lists promulgat-  
15 ed for police officer positions in jurisdictions other than the city of  
16 New York, in the event that a restriction against the filling of vacan-  
17 cies exists in any jurisdiction, the state civil service department or  
18 municipal commission having jurisdiction shall, in the discretion of the  
19 department or commission, extend the duration of any eligible list for a  
20 period equal to the length of such restriction against the filling of  
21 vacancies. Restriction against the filling of vacancies shall mean any  
22 policy, whether by executive order or otherwise, which, because of a  
23 financial emergency, prevents or limits the filling of vacancies in a  
24 title for which a list has been promulgated. PROVIDED, HOWEVER, THAT  
25 NOTHING CONTAINED HEREIN SHALL PREVENT A MUNICIPAL COMMISSION FROM USING  
26 ALTERNATE LISTS, INCLUDING BUT NOT LIMITED TO THE COUNTY LIST, FOR THE  
27 FILLING OF VACANCIES BY BOTH RESIDENT AND NON-RESIDENT MINORITY GROUP  
28 MEMBERS, AS DEFINED BY SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW,  
29 AND WOMEN IN ORDER TO ACHIEVE DIVERSITY IN THE WORKFORCE. An eligible  
30 list that has been in existence for one year or more shall terminate  
31 upon the establishment of an appropriate new list, unless otherwise  
32 prescribed by the state civil service department or municipal commission  
33 having jurisdiction.

34 2. Notwithstanding subdivision one of this section, the duration of  
35 eligible lists established on or before December thirty-first, nineteen  
36 hundred ninety-six, shall be fixed at not less than one nor more than  
37 four years; provided that, except for lists promulgated for police offi-  
38 cer positions in jurisdictions other than the city of New York, in the  
39 event that a restriction against the filling of vacancies exists in any  
40 jurisdiction, the state civil service department or municipal commission  
41 having jurisdiction shall, in the discretion of the department or  
42 commission, extend the duration of any such eligible list for a period  
43 equal to the length of such restriction against the filling of vacan-  
44 cies. Restriction against the filling of vacancies shall mean any poli-  
45 cy, whether by executive order or otherwise, which prevents or limits  
46 the filling of vacancies in a title for which such a list has been  
47 promulgated. PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL  
48 PREVENT A MUNICIPAL COMMISSION FROM USING ALTERNATE LISTS, INCLUDING BUT  
49 NOT LIMITED TO THE COUNTY LIST, FOR THE FILLING OF VACANCIES BY BOTH  
50 RESIDENT AND NON-RESIDENT MINORITY GROUP MEMBERS, AS DEFINED BY SECTION  
51 THREE HUNDRED TEN OF THE EXECUTIVE LAW, AND WOMEN IN ORDER TO ACHIEVE  
52 DIVERSITY IN THE WORKFORCE. An eligible list that has been in existence  
53 for one year or more shall terminate upon the establishment of an appro-  
54 priate new list, unless otherwise prescribed by the state civil service  
55 department or municipal commission having jurisdiction.

56 S 3. This act shall take effect immediately.