

S T A T E O F N E W Y O R K

4038--B

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. PRETLOW, GALEF, LATIMER, CASTRO -- read once and referred to the Committee on Governmental Operations -- reference changed to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 647 of the laws of 1995, 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 PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL PREVENT A MUNICI-
18 PAL COMMISSION FROM USING ALTERNATE LISTS, INCLUDING BUT NOT LIMITED TO
19 THE COUNTY LIST, FOR THE FILLING OF VACANCIES BY BOTH RESIDENT AND NON-
20 RESIDENT MINORITY GROUP MEMBERS, AS DEFINED BY SECTION THREE HUNDRED TEN
21 OF THE EXECUTIVE LAW, AND WOMEN IN ORDER TO ACHIEVE DIVERSITY IN THE
22 WORKFORCE. Such municipal commission may certify such names for appoint-

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

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6 shall continue to be used until superseded by an eligible list estab-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

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

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

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

55 S 3. This act shall take effect immediately.