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

2754--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. PRETLOW, GALEF, LATIMER, CASTRO -- read once and referred to the Committee on Governmental Employees -- 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:

Section 1. Subdivision 4 of section 23 of the civil service law, as amended by chapter 403 of the laws of 2011, is amended to read as follows:

4. Use of state and county eligible lists by municipal commissions. A municipal commission, in the absence of an eligible list of its own, may request the state civil service department, county civil service commission or county personnel officer to furnish it with the names of persons on an appropriate eligible list established by the department, commission or personnel officer, which, if so requested by the municipal commission, shall be limited to residents of the city, or town or civil division in which appointments are to be made, or to residents of the county or judicial district in which such city, town or civil division is located, or to any reasonable combination of political subdivisions both in and outside of New York state contiguous to the city or civil division in which appointment is to be made or contiguous to the political subdivision in which such city or civil division is located, except for the position of director of facilities I, II, & III of a school district located within the state which shall use the list developed pursuant to subdivision five of section seventeen of this chapter. PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL PREVENT A MUNICIPAL COMMISSION FROM USING ALTERNATE LISTS, INCLUDING BUT NOT LIMITED TO THE COUNTY LIST, FOR THE FILLING OF VACANCIES BY BOTH RESIDENT AND NONRESIDENT MINORITY GROUP MEMBERS, AS DEFINED BY SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW, AND WOMEN IN ORDER TO ACHIEVE DIVERSITY IN THE 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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ment to a position under its jurisdiction in the same manner as certifications are made from the eligible lists of such commission. If the state civil service department, county civil service commission or county personnel officer, upon the request of such commission, has certified an appropriate eligible list to fill a particular position, such list shall continue to be used until superseded by an eligible list established by such municipal commission for such position, or until such list expires or is exhausted or is otherwise terminated.

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

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

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

S 3. This act shall take effect immediately.