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

9368

I N A S S E M B L Y

April 23, 2014

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to promotions from an eligible list

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

Section 1. Subdivision 1 of section 61 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

1. Appointment or promotion from eligible lists. Appointment or promotion from an eligible list to a position in the competitive class shall be made by the selection of one of the three persons certified by the appropriate civil service commission as standing highest on such eligible list who are willing to accept such appointment or promotion; provided, however, that the state or a municipal commission may provide, by rule, that where it is necessary to break ties among eligibles having the same final examination ratings in order to determine their respective standings on the eligible list, appointment or promotion may be made by the selection of any eligible whose final examination rating is equal to or higher than the final examination rating of the third highest standing eligible willing to accept such appointment or promotion. PROVIDED, FURTHER HOWEVER, THAT THE STATE OR A MUNICIPAL COMMISSION MAY PROVIDE, BY RULE OR LOCAL LAW, THAT PROMOTIONS SHALL BE MADE IN DESCENDING LIST ORDER BEGINNING WITH THE CANDIDATE STANDING HIGHEST ON SUCH ELIGIBLE LIST WHO IS WILLING TO ACCEPT SUCH PROMOTION. Appointments and promotions shall be made from the eligible list most nearly appropriate for the position to be filled.

S 2. This act shall take effect immediately.

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

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