

2037--D

2015-2016 Regular Sessions

I N   S E N A T E

January 21, 2015

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 403 of the laws of 2011, is amended and a new subdi-  
3     vision 4-c is added to read as follows:  
4     4. Use of state and county eligible lists, AS THE SOURCE OF NEW HIRES,  
5     by municipal commissions. A municipal commission, in the absence of an  
6     eligible list of its own, may request the state civil service depart-  
7     ment, county civil service commission or county personnel officer to  
8     furnish it with the names of persons on an appropriate eligible list  
9     established by the department, commission or personnel officer, which,  
10    if so requested by the municipal commission, shall be limited to resi-  
11    dents of the city, or town or civil division in which appointments are  
12    to be made, or to residents of the county or judicial district in which  
13    such city, town or civil division is located, or to any reasonable  
14    combination of political subdivisions both in and outside of New York  
15    state contiguous to the city or civil division in which appointment is  
16    to be made or contiguous to the political subdivision in which such city  
17    or civil division is located, except for the position of director of  
18    facilities I, II, & III of a school district located within the state

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

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1 which shall use the list developed pursuant to subdivision five of  
2 section seventeen of this [chapter] TITLE. Such municipal commission may  
3 certify such names for appointment to a position under its jurisdiction  
4 in the same manner as certifications are made from the eligible lists of  
5 such commission. If the state civil service department, county civil  
6 service commission or county personnel officer, upon the request of such  
7 commission, has certified an appropriate eligible list to fill a partic-  
8 ular position, such list shall continue to be used until superseded by  
9 an eligible list established by such municipal commission for such posi-  
10 tion, or until such list expires or is exhausted or is otherwise termi-  
11 nated.

12 4-C. ALTERNATE LISTS FOR POLICE DEPARTMENTS. POLICE DEPARTMENTS WHERE  
13 A LIST PURSUANT TO SUBDIVISION FOUR OF THIS SECTION DOES NOT ADEQUATELY  
14 REPRESENT MINORITY POPULATIONS AND THE EXISTING POLICE DEPARTMENT'S  
15 ETHNIC, RACIAL OR WOMEN COMPOSITION DEVIATES FROM THE COMMUNITY UPON  
16 WHICH THEY SERVE BY TWENTY-FIVE PERCENT OR MORE, A MUNICIPAL COMMISSION  
17 MAY USE ALTERNATE LISTS, INCLUDING BUT NOT LIMITED TO THE COUNTY LIST,  
18 FOR THE FILLING OF VACANCIES BY BOTH RESIDENT AND NON-RESIDENT MINORITY  
19 GROUP MEMBERS, AS DEFINED BY SECTION THREE HUNDRED TEN OF THE EXECUTIVE  
20 LAW, AND WOMEN IN ORDER TO ACHIEVE DIVERSITY IN THE WORKFORCE. ALTERNATE  
21 LISTS CREATED BY POLICE DEPARTMENTS IN SURROUNDING MUNICIPALITIES SHALL  
22 BE PROVIDED AND POLICE DEPARTMENTS SHALL HIRE FROM SUCH ALTERNATE LISTS  
23 UNTIL SUCH POLICE DEPARTMENT'S ETHNIC, RACIAL OR WOMEN COMPOSITION NO  
24 LONGER DEVIATES FROM THE COMMUNITY UPON WHICH THEY SERVE BY TWENTY-FIVE  
25 PERCENT OR MORE, UPON WHICH TIME THE MUNICIPAL COMMISSION SHALL BE  
26 REQUIRED TO USE ITS OWN ELIGIBLE LIST. POLICE DEPARTMENTS SHALL HIRE  
27 CANDIDATES FROM ALTERNATE LISTS BASED ON MERIT AND FITNESS, FURTHER THE  
28 RULE OF THREE SHALL APPLY.

29 S 2. This act shall take effect immediately.