

STATE OF NEW YORK

S. 1648

A. 1432

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 15, 2019

IN SENATE -- Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. PRETLOW, WALKER, PICHARDO, STECK, CRESPO, ARROYO, COOK, PEOPLES-STOKES, WRIGHT -- Multi-Sponsored by -- M. of A. BLAKE, SIMON -- read once and referred to the Committee on Governmental Employees

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 subdivision 4-c is added to read as follows:

3
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 department,
7 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 residents
11 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
19 which shall use the list developed pursuant to subdivision five of

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

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7 ular position, such list shall continue to be used until superseded by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

11 4-c. Alternate lists for police departments. Police departments where
12 a list pursuant to subdivision four of this section does not adequately
13 represent minority populations and the existing police department's
14 ethnic, racial or women composition deviates from the community upon
15 which they serve by twenty-five percent or more, a municipal commission
16 may use alternate lists, including but not limited to the county list,
17 for the filling of vacancies by both resident and non-resident minority
18 group members, as defined by section three hundred ten of the executive
19 law, and women in order to achieve diversity in the workforce. Alternate
20 lists created by police departments in surrounding municipalities shall
21 be provided and police departments shall hire from such alternate lists
22 until such police department's ethnic, racial or women composition no
23 longer deviates from the community upon which they serve by twenty-five
24 percent or more, upon which time the municipal commission shall be
25 required to use its own eligible list. Police departments shall hire
26 candidates from alternate lists based on merit and fitness, further the
27 rule of three shall apply.

28 § 2. This act shall take effect immediately.