STATE OF NEW YORK

1797

2021-2022 Regular Sessions

IN SENATE

January 15, 2021

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

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 and a new subdivision 4-c is added to read as follows:

4. Use of state and county eligible lists**, as the source of new hires,** 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~~] **title**. Such municipal commission may certify such names for appointment 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 partic-

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

LBD00052-01-1

ular position, such list shall continue to be used until superseded by an eligible list established by such municipal commission for such position, or until such list expires or is exhausted or is otherwise terminated.

4-c. Alternate lists for police departments. Police departments where a list pursuant to subdivision four of this section does not adequately represent minority populations and the existing police department's ethnic, racial or women composition deviates from the community upon which they serve by twenty-five percent or more, a municipal commission may use 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. Alternate lists created by police departments in surrounding municipalities shall be provided and police departments shall hire from such alternate lists until such police department's ethnic, racial or women composition no longer deviates from the community upon which they serve by twenty-five percent or more, upon which time the municipal commission shall be required to use its own eligible list. Police departments shall hire candidates from alternate lists based on merit and fitness, further the rule of three shall apply.

§ 2. This act shall take effect immediately.