# STATE OF NEW YORK

3769--A

Cal. No. 98

2023-2024 Regular Sessions

# IN ASSEMBLY

February 7, 2023

Introduced by M. of A. PHEFFER AMATO, COLTON -- read once and referred to the Committee on Governmental Employees -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the civil service law, in relation to the appointment and promotion of supervisors of the fire alarm dispatcher service

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The civil service law is amended by adding a new section 59-e to read as follows:

**§ 59-e. Promotions of supervisory personnel of the fire alarm dispatcher service. 1. The legislature hereby finds and declares that the continued, uninterrupted, adequate and efficient operation of fire and emergency medical services is necessary for the general welfare of the people and that such adequate operation involves and requires personnel with highly specialized ability, skill, training and knowledge, which necessitates that vacancies in the fire alarm dispatcher service in the position of supervising fire alarm dispatcher level II shall be filled as far as practicable by promotion from among persons currently holding provisional appointments to the supervising fire alarm dispatcher level II position, as well as persons holding competitive class positions in a lower grade in the department in which the vacancy exists, provided that such lower grade positions are in direct line of promotion, as determined by the department or municipal commission. The legislature further finds and declares that when neither an eligible list nor a competitive examination for a title exists, allowing city of New York employers and the representatives of their employees to, through the collective bargaining process, agree to an alternative examination method to measure the merit and fitness of employees currently holding provisional appointments to such title, such agreement advances the goal of reducing the number of employees holding a provisional**

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

LBD01828-03-4

appointment with city of New York employers while recognizing that, consistent with the constitution, the hiring process for the supervising fire alarm dispatcher level II position in the absence of an eligible list for such title has been and is competitive and measures the merit and fitness of the candidates for such position.

2. Promotion shall be based on merit and fitness as determined by competitive examination, due weight being given to seniority. The previous training and experience of the candidates, and performance ratings where available, may be considered and given due weight as factors in determining the relative merit and fitness of candidates for promotion provided, however, that for any permanent competitive employee who, at the time that the chapter enacting this section shall become law, holds a provisional appointment as a supervising fire alarm dispatcher level II, the process by which such employee applied for and was evaluated for such position shall be deemed to constitute a competitive examination of such employee's merit and fitness for such position.

3. Notwithstanding any provision of law to the contrary, any permanent competitive employee who, at the time that the chapter enacting this section shall become law, holds a provisional appointment as a supervising fire alarm dispatcher level II, shall be permanently appointed to the title supervising fire alarm dispatcher level II, and shall have all time spent as a provisional appointment as a supervising fire alarm dispatcher level II credited to any probationary term that is required upon permanent appointment to such position.

4. Any permanent competitive employee holding a provisional or discretionary appointment in the direct line of the affected supervisory title of the fire alarm dispatcher service described in subdivision one of this section shall be given the opportunity to participate in a competitive promotional examination for the next higher level title.

5. Except as provided above, the provisions of this chapter shall apply to employees covered by this section.

§ 2. This act shall take effect immediately.