

# 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:

1 Section 1. The civil service law is amended by adding a new section  
2 59-e to read as follows:

3 § 59-e. Promotions of supervisory personnel of the fire alarm  
4 dispatcher service. 1. The legislature hereby finds and declares that  
5 the continued, uninterrupted, adequate and efficient operation of fire  
6 and emergency medical services is necessary for the general welfare of  
7 the people and that such adequate operation involves and requires  
8 personnel with highly specialized ability, skill, training and know-  
9 ledge, which necessitates that vacancies in the fire alarm dispatcher  
10 service in the position of supervising fire alarm dispatcher level II  
11 shall be filled as far as practicable by promotion from among persons  
12 currently holding provisional appointments to the supervising fire alarm  
13 dispatcher level II position, as well as persons holding competitive  
14 class positions in a lower grade in the department in which the vacancy  
15 exists, provided that such lower grade positions are in direct line of  
16 promotion, as determined by the department or municipal commission. The  
17 legislature further finds and declares that when neither an eligible  
18 list nor a competitive examination for a title exists, allowing city of  
19 New York employers and the representatives of their employees to,  
20 through the collective bargaining process, agree to an alternative exam-  
21 ination method to measure the merit and fitness of employees currently  
22 holding provisional appointments to such title, such agreement advances  
23 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.

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

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

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

25 4. Any permanent competitive employee holding a provisional or discre-  
26 tionary appointment in the direct line of the affected supervisory title  
27 of the fire alarm dispatcher service described in subdivision one of  
28 this section shall be given the opportunity to participate in a compet-  
29 itive promotional examination for the next higher level title.

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

32 § 2. This act shall take effect immediately.