

# STATE OF NEW YORK

8079

## IN SENATE

January 5, 2024

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil service law, in relation to crediting of probationary service upon permanent appointment

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

1 Section 1. Subdivision 1 of section 63 of the civil service law, as  
2 amended by a chapter of the laws of 2023 amending the civil service law  
3 relating to crediting of probationary service, as proposed in legisla-  
4 tive bills numbers S. 5494 and A. 7155, is amended to read as follows:

5 1. Every original appointment to a position in the competitive class  
6 and every interdepartmental promotion from a position in one department  
7 or agency to a position in another department or agency shall be for a  
8 probationary term; provided, however, that upon interdepartmental  
9 promotion the appointing officer may waive the requirement of satisfac-  
10 tory completion of the probationary term. The state civil service  
11 commission and municipal civil service commissions may provide, by rule,  
12 for probationary service upon intradepartmental promotion to positions  
13 in the competitive class and upon appointment to positions in the  
14 exempt, non-competitive or labor classes.

15 When probationary service is required upon promotion, the position  
16 formerly held by the person promoted shall be held open and shall not be  
17 filled, except on a temporary basis, pending completion of his proba-  
18 tionary term.

19 Notwithstanding the foregoing or any other law or rule to the contra-  
20 ry, when a permanent appointment or promotion to a position in the  
21 competitive class is conditioned upon the completion of a term of train-  
22 ing service or of a period of service in a designated trainee title,  
23 such service and the probationary term for such competitive position  
24 shall run concurrently.

25 Notwithstanding the foregoing or any law or rule to the contrary, any  
26 person appointed provisionally in accordance with section sixty-five of  
27 this title who receives a permanent appointment to the same title imme-  
28 diately following the provisional appointment shall have all time spent

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

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1 as a provisional appointment credited to any probationary term that is  
2 required upon permanent appointment to a position.

3 § 2. This act shall take effect on the same date and in the same  
4 manner as a chapter of the laws of 2023 amending the civil service law  
5 relating to crediting of probationary service, as proposed in legisla-  
6 tive bills numbers S. 5494 and A. 7155, takes effect.