STATE OF NEW YORK

9253

IN ASSEMBLY

February 22, 2024

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to provisional appointments

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

Section 1. Subdivision 1 of section 65 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

1. Provisional appointments authorized. **(a)** Whenever there is no appropriate eligible list available for filling a vacancy in the competitive class, the appointing officer may nominate a person to the state civil service department or municipal commission for non-competitive examination, and if such nominee shall be certified by such department or municipal commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination. Such non-competitive examination may consist of a review and evaluation of the training, experience and other qualifications of the nominee, without written, oral or other performance tests.

(b) In the event a provisional employee at a school district or board of cooperative educational services has exhausted the nine month provisional appointment limitation and no appropriate eligible list has been established:

(i) such employee shall be granted permanent status if such employee has exceeded the probationary term; or

(ii) if such employee has not exceeded the probationary term, such provisional service shall count as service towards the probationary term.

§ 2. This act shall take effect immediately.

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

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