

# 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 Assem-  
bly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 65 of the civil service law, as  
2 added by chapter 790 of the laws of 1958, is amended to read as follows:  
3 1. Provisional appointments authorized. (a) Whenever there is no  
4 appropriate eligible list available for filling a vacancy in the compet-  
5 itive class, the appointing officer may nominate a person to the state  
6 civil service department or municipal commission for non-competitive  
7 examination, and if such nominee shall be certified by such department  
8 or municipal commission as qualified after such non-competitive examina-  
9 tion, he may be appointed provisionally to fill such vacancy until a  
10 selection and appointment can be made after competitive examination.  
11 Such non-competitive examination may consist of a review and evaluation  
12 of the training, experience and other qualifications of the nominee,  
13 without written, oral or other performance tests.  
14 (b) In the event a provisional employee at a school district or board  
15 of cooperative educational services has exhausted the nine month provi-  
16 sional appointment limitation and no appropriate eligible list has been  
17 established:  
18 (i) such employee shall be granted permanent status if such employee  
19 has exceeded the probationary term; or  
20 (ii) if such employee has not exceeded the probationary term, such  
21 provisional service shall count as service towards the probationary  
22 term.  
23 § 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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