

# STATE OF NEW YORK

5494

2023-2024 Regular Sessions

## IN SENATE

March 6, 2023

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

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

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 chapter 175 of the laws of 1989, is amended to read as  
3 follows:

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

14 When probationary service is required upon promotion, the position  
15 formerly held by the person promoted shall be held open [~~for him~~] and  
16 shall not be filled, except on a temporary basis, pending completion of  
17 his probationary term.

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

24 Notwithstanding the foregoing or any law or rule to the contrary, any  
25 person appointed provisionally in accordance with section sixty-five of

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

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1 this title who receives a permanent appointment to the same title shall  
2 have all time spent as a provisional appointment credited to any proba-  
3 tionary term that is required upon permanent appointment to a position.  
4 § 2. This act shall take effect immediately.