§ 23. Services by state department of civil service; certification of state and municipal eligible lists. 1. Classification services. The state civil service department shall, without charge, upon the request of any municipal commission, render service or technical advice and assistance relative to the position classification and pay equity compensation assessment of offices and employments under the jurisdiction of such municipal commission; provided, however, that where, in the judgment of the president, the services requested would involve considerable expense to the state, the state civil service department may render such services pursuant to an agreement for payment to the state of such compensation for such services as may be agreed upon. All money received for such services shall be paid into the state treasury in the manner provided by law.

2. Examination services. The state civil service department, upon the request of any such municipal commission, shall render service relative to the announcement, review of applications, preparations, construction, and rating of examinations, and establishment and certification of eligible lists for positions in the classified service under the jurisdiction of such municipal commission. The department may charge a reasonable fee as a condition of rendering any such services. Only the state civil service department and commission shall have jurisdiction to correct any errors in rating in any examination prepared and rated by such department pursuant to the provisions of this subdivision.

3. Other services. The state civil service department without charge, upon the request of any municipal commission, shall furnish technical advice and assistance in the preparation and promulgation of rules or modifications thereof and in any other matters affecting the administration of the provisions of this chapter by such municipal commission.

4. Use of state and county eligible lists by municipal commissions. A municipal commission, in the absence of an eligible list of its own, may request the state civil service department, county civil service commission or county personnel officer to furnish it with the names of persons on an appropriate eligible list established by the department,

commission or personnel officer, which, if so requested by the municipal commission, shall be limited to residents of the city, or town or civil division in which appointments are to be made, or to residents of the county or judicial district in which such city, town or civil division is located, or to any reasonable combination of political subdivisions both in and outside of New York state contiguous to the city or civil division in which appointment is to be made or contiguous to the political subdivision in which such city or civil division is located, except for the position of director of facilities I, II, & III of a school district located within the state which shall use the list developed pursuant to subdivision five of section seventeen of this chapter. Such municipal commission may certify such names for appointment to a position under its jurisdiction in the same manner as certifications are made from the eligible lists of such commission. If the state civil service department, county civil service commission or county personnel officer, upon the request of such commission, has certified an appropriate eligible list to fill a particular position, such list shall continue to be used until superseded by an eligible list established by such municipal commission for such position, or until such list expires or is exhausted or is otherwise terminated.

4-a. Residence restrictions for local positions. The state civil service department or municipal commission having jurisdiction over positions in a city or civil division may require that candidates for examination for appointment to any such positions be residents of such city or civil division, or residents of the county or judicial district in which such city or civil division is located, or of any reasonable combination of political subdivisions both in and outside of New York state contiguous to such city or civil division or contiguous to the political subdivision in which such city or civil division is located, except for candidates for the position of director of facilities I, II, & III of a school district located within the state. An appointing authority of a department or agency of a city or civil division may require that eligibles who are residents of such city or civil division shall be certified first for appointment, except for candidates for the position of director of facilities I, II, & III of a school district located within the state, wherein no such residence requirements shall

apply, provided, however, no such preference shall be given on appointments from promotion lists. Upon exhaustion of the list of such resident eligibles, certifications shall be made from the whole eligible list. This subdivision shall not be deemed to supersede any general or special law pertaining to residence qualifications of local officers or employees; provided, however, that any permanent employee who has been suspended or demoted from a position and is on a preferred list for reinstatement, shall not be barred from reinstatement solely on the basis of residency requirements established subsequent to such suspension or demotion, in the event the employee does not meet such residence qualifications but, nonetheless, was originally properly appointed.

4-b. Geographic certification based on need. A municipal commission having jurisdiction over a city or civil division may provide that eligibles, other than those eligibles on police officer and firefighter lists, who are residents of a geographically-defined area which is a portion of such city or civil division shall be certified first for appointment to positions in such area where in order to qualify for federal moneys such certification is required. Upon exhaustion of the list of such resident eligibles, certifications shall be made from the whole eligible list.

5. Construction. The provisions of this section shall not apply to municipal commissions in any city containing more than one county. The services provided for by subdivision two of this section may, in the discretion of the civil service department, be rendered to a municipal commission in a city containing more than one county upon the payment of a reasonable fee to be determined by the department.