§ 61. Appointment and promotion. 1. Appointment or promotion from eligible lists. Appointment or promotion from an eligible list to a position in the competitive class shall be made by the selection of one of the three persons certified by the appropriate civil service commission as standing highest on such eligible list who are willing to accept such appointment or promotion; provided, however, that the state or a municipal commission may provide, by rule, that where it is necessary to break ties among eligibles having the same final examination ratings in order to determine their respective standings on the eligible list, appointment or promotion may be made by the selection of any eligible whose final examination rating is equal to or higher than the final examination rating of the third highest standing eligible willing to accept such appointment or promotion. Appointments and promotions shall be made from the eligible list most nearly appropriate for the position to be filled.

2. Prohibition against out-of-title work. No person shall be appointed, promoted or employed under any title not appropriate to the duties to be performed and, except upon assignment by proper authority during the continuance of a temporary emergency situation, no person shall be assigned to perform the duties of any position unless he has been duly appointed, promoted, transferred or reinstated to such position in accordance with the provisions of this chapter and the rules prescribed thereunder. No credit shall be granted in a promotion examination for out-of-title work.

3. Notification to eligible candidates. Persons on an eligible list who are certified pursuant to section sixty of this chapter and are considered and not selected for appointment or promotion pursuant to this section shall, whenever another candidate is appointed or promoted, be given or sent written notice by the appointing authority of such non-selection. In a city containing more than one county, persons on an eligible list who are made ineligible for further certification pursuant to a rule of the appropriate municipal commission shall be given or sent written notice of such ineligibility. Sending written notice by ordinary mail to the last address of record shall be adequate to comply with the requirements of this subdivision.

* 4. Appointment and promotion letter. (a) An appointing authority who extends an offer of appointment or promotion to a position in the classified service to any person shall provide such person with an appointment letter within fourteen days of the effective date of such appointment. Such appointment letter shall include:

(i) the appointment type being offered, whether permanent, provisional, temporary, temporary pending commission approval, or any other appointment type authorized by law, rule, or regulation;

(ii) the position type and, if the position is not a permanent position, the expected duration of the appointment, and, if the position is not a full-time position, the expected percentage of time at work per week;

(iii) the jurisdictional class of the position;

(iv) if a probationary period is required upon appointment, the minimum and maximum duration of such period and information regarding an appointee's tenure rights, if any, upon completion of the probationary period;

(v) the starting salary or wages that the person would earn upon appointment, provided that such salary or wages shall be specific to the individual being offered appointment, and the full salary range of the title;

(vi) if the individual to whom appointment is offered has prior graded service at a higher salary grade than the position to which an offer of appointment has been made, an explanation of how such individual's salary shall be reduced upon appointment, if any;

(vii) the bargaining unit representing the title to which such person is being appointed and, if applicable, the contact information or website of the employee organization that represents the bargaining unit of such position pursuant to article fourteen of this chapter;

(viii) if the offer of appointment is to a trainee title:

(1) the length of the traineeship;

(2) the title and salary grade of the performance level to which such traineeship advances;

(3) all requirements that a trainee must meet to be advanced;

(4) the schedule of performance reviews for such traineeship; and

(5) information regarding performance advances during such traineeship;

(ix) if the person offered appointment would have a hold item on another position from which they were placed on leave at the time of appointment, information regarding the date at which such hold would expire and circumstances under which the appointee would be eligible to return to the hold; and

(x) information regarding employee benefits and links to applicable websites, including, but not limited to:

(1) health insurance, dental and other health related benefits provided by the employer;

(2) retirement system membership and benefits;

(3) the New York state deferred compensation plan; and

(4) any other information required by law, rule, or regulation, and any information that the appointing authority deems reasonable to include.

(b) If an appointee who receives an appointment or promotion letter believes any of the information contained therein to be incorrect, such appointee shall be permitted to notify the appointing authority of such error and, upon notification, the appointing authority shall review the concern to determine if any information contained therein is incorrect. If any information contained therein is deemed by the appointing authority to be incorrect, the appointing authority shall reissue the appointment or promotion letter to the appointee containing any corrections necessary to ensure that all information contained therein is correct within sixty days of notification by the appointee. If the appointing authority finds no errors in the appointment or promotion letter, the appointing authority shall inform the appointee that the information is correct.

* NB Effective December 31, 2027 OR thirty days after the commissioner of civil service certifies that the department's computer system is able to accommodate the amendments to section 61 of the civil service law made by chapter 657 of 2025, whichever occurs earlier