



Legislation Text

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Int. No. 418-A

By Council Members Addabbo, Jr., Clarke, Comrie, Gennaro, Jennings, Katz, Monserrate, Nelson, Perkins, Sanders, Seabrook, Lopez, Jackson, Gonzalez and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to create and submit a written report regarding eligible lists.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Article five, section six of the New York state constitution mandates that appointments and promotions in the civil service be made according to merit and fitness to be ascertained as far as practicable, by examination, which, as far as practicable, shall be competitive. In the city of New York, the department of citywide administrative services is responsible for administering such examinations and creating eligible lists, pursuant to article four of the New York state civil service law, which consist of candidates who passed a civil service examination. In addition, after the administration of a promotional examination, the department of citywide administrative services establishes lists known as promotion lists, which are agency-specific and a type of eligible list. Eligible lists are available to each city agency with open positions in corresponding titles and are usually active for four years, pursuant to section fifty-six of the civil service law.

Appointments or promotions from an eligible list to a position in the competitive class are made by the selection of one of the three persons certified as standing highest on such list, a procedure commonly known as the one-in-three rule, which is carried out pursuant to subdivision one of section sixty-one of the civil service law. When an eligible list contains fewer than three names, a provisional appointment in the competitive class may be made by an agency, pending the establishment of a new eligible list.

The Council finds that a number of candidates for employment by the city who are on an eligible list are considered and not selected by agencies. After a candidate is considered but not selected three times by an agency, that candidate is not certified to that agency again, although such candidate retains the right to request of that agency that his or her name be certified to that agency again. Furthermore, the Council finds that some agencies hire provisional employees who have never taken or passed a civil service examination.

§ 2. Chapter 2 of Title 12 of the administrative code of the city of New York is amended by adding new section 12-206 to read as follows:

§ 12-206. Eligible List Reporting. a. Definitions. For the purposes of this section only:

1. "Eligible list" shall mean any list established by the department of citywide administrative services after the administration of either an open-competitive or a promotional examination containing the names of persons eligible to be considered for appointment or promotion by an appointing authority in the city of New York pursuant to article four of the New York state civil service law.

2. "Promotion list" shall mean the agency-specific list established by the department of citywide administrative services after the administration of a promotional examination containing the names of persons eligible to be considered for promotion by an appointing authority in the city of New York pursuant to article four of the New York state civil service law.

b. The commissioner of the department of citywide administrative services shall submit a report on an annual basis beginning in two thousand five to the mayor, comptroller, public advocate and speaker of the council of the city of New York, by the first day of June, for the previous calendar year, regarding eligible lists.

Such report shall include, but not be limited to, the following:

1. each eligible list established during the reporting year by the department of citywide administrative services;
2. the dates such eligible lists were established;
3. the number of persons appointed or promoted from each eligible list and the agencies to which

such appointments or promotions were made;

4. the number of persons appointed or promoted on a provisional basis during the reporting year and the agencies to which such appointments or promotions were made;
5. the number of persons who, during the reporting year, were considered and not selected three times from promotion lists;
6. the number of persons removed from eligible lists and the number of persons removed from promotion lists and the reason reported to the department of citywide administrative services by the agency for such removal; and
7. the number of persons restored to eligible lists and the number of persons restored to promotion lists after having been removed.

§ 3. This local law shall take effect immediately upon its enactment into law.

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