

CITY OF NEW YORK DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

Notice of Adoption of Rule Permitting Late Application Filing by Provisional Appointees for Open Competitive Examinations

Notice is hereby given that pursuant to the authority vested in the Commissioner of Citywide Administrative Services by sections 1043, 811 and 814 of the New York City Charter, and sections 15, 20 and 50 of the New York Civil Service Law, the Department of Citywide Administrative Services ("DCAS") is adopting a rule permitting provisional appointees to file late applications for open competitive examinations when they have been absent from work for at least half of the application period. A notice of proposed rulemaking was published in the City Record on December 6, 2023. A virtual public hearing was held on January 5, 2024.

Statement of Basis and Purpose of Rule

Pursuant to Section 15(4) of the New York Civil Service Law and Section 811 of the New York City Charter, the commissioner of Citywide Administrative Services has all the powers of a municipal civil service commission set forth in the New York Civil Service Law. Section 50(1) of the Civil Service Law provides that the merit and fitness of applicants for positions which are classified in the competitive class shall be ascertained by such examinations as may be prescribed by the municipal civil service commission. Section 65 authorizes a municipal civil service commission to fill vacancies in the competitive class with provisional appointees provided that there are no civil service lists available to fill vacancies on a permanent basis.

Section 65(3) provides that provisional appointees should be terminated not later than two months after the establishment of an eligible list for the title.

The Department of Citywide Administrative Services has promulgated General Examination Regulations, codified at section 11-01 of Title 55 of the Rules of the City of New York ("R.C.N.Y."), for the administration of examinations for applicants for positions classified in the competitive class. Section 11-01 sets forth the procedure for late applications for promotional examinations.

This rule amends subdivision (b) of section 11-01 to permit provisional appointees to submit late applications for open competitive examinations. Many of the individuals who hold provisional appointments perform essential public services but must be terminated when an eligible list based on an open competitive examination is established. DCAS has made considerable efforts to reduce the number of provisional appointees by developing and administering competitive examinations to make appointments from eligible lists. Amending the rule to permit provisional appointees who have missed the application period for valid reasons to submit late applications for open competitive examinations advances the continued quality and effectiveness of governmental operations by allowing experienced employees to seek permanent status.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (b) of section 11-01 of Title 55 of the Rules of the City of New York is amended to read as follows:

(b) Applications.

(1) Completed application forms and required fee must be submitted in a manner specified by the Notice of Examination for the specific position for which the applicant is applying. Applications must be received by the last date for receipt of applications specified in the Notice of Examinations.

(2) Except on legal holidays and unless otherwise stated in the Notice of Examination, the Application Centers of the Department of Citywide Administrative Services, located at 2 Lafayette Street, 17th Floor, New York, NY 10007 and at 210 Joralemon Street, 4th Floor, Brooklyn, NY 11210, are open from Monday to Saturday, from 9 a.m. to 5 p.m. Application forms can be obtained without charge at the Application Centers during the application period specified in the Notice of Examination. Application materials are also available at the website of the Department of Citywide Administrative Services at www.nyc.gov/dcas.

(3) A late application in a promotion examination will be accepted if submitted by the employing agency personnel office as early as practicable prior to the day of the first test thereof if such late application includes a signed statement from his or her personnel officer that he or she was absent from employment because of vacation, sick leave, military duty, or other reason acceptable to the Department of Citywide Administrative Services, for a period of not less than one-half of the application period.

(4) A late application in an open competitive examination will be accepted from a provisional appointee to the title for which the examination is administered if submitted by the employing agency personnel office as early as practicable prior to the day of the first test thereof if such late application includes a signed statement from his or her personnel officer that he or she was absent from employment because of vacation, sick leave, military duty, or other reason acceptable to the Department of Citywide Administrative Services, for a period of not less than one-half of the application period.

(5) The Department of Citywide Administrative Services assumes no responsibility for applications where:

- (i) errors or mistakes are made therein by the applicant;
- (ii) they are filed by mail;
- (iii) they are not filed with the Department of Citywide Administrative Services or other agency designated by the Commissioner of Citywide Administrative Services to accept applications; or
- (iv) they are not received on a timely basis.