



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a proposal to amend 22 NYCRR § 25.18 to ensure consistency with the Civil Service Law relating to continuing eligible lists, and to make minor corrections to 22 NYCRR § 24.6

Date: December 26, 2024

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The Administrative Board of the Courts is seeking public comment on a proposal to amend 22 NYCRR §25.18 to ensure consistency with the Civil Service Law relating to continuing eligible lists, and to make minor amendments to 22 NYCRR § 24.6.

1. Continuing eligible lists

Prior to May 3, 2023, Civil Service Law § 57 provided that “the civil service department or a municipal commission may establish a continuing eligible list for any class of positions for which it finds inadequate numbers of well qualified persons available for recruitment,” and the Rules of the Chief Judge (22 NYCRR § 25.18(g)) contained similar language applicable to the court system.

As part of the 2023-24 State Budget, however, Civil Service Law § 57 was amended to read as follows:

“The civil service department or a municipal commission may establish a continuing eligible list for any class of positions for which it finds ~~inadequate numbers of well qualified persons available for recruitment~~ such lists appropriate. The civil service department may only establish continuing eligible lists for any class of positions filled through open competitive examination.”

Judiciary Law § 211(1)(d) provides that the court system’s personnel practices “shall be consistent with” the Civil Service Law, and the Administrative Board therefore is recommending that the 22 NYCRR § 25.18 be amended to adopt language similar to the revised language in Civil Service Law § 57. The proposed amendment is attached as Exhibit 1.

This amendment will allow UCS to maintain continuing eligible lists and offer continuous recruitment exams as needed, without requiring a demonstration that “inadequate numbers of well qualified persons” are available. This will allow the court system to proactively

recruit and provide continuous access to examinations as deemed necessary. In addition, consistent with the recent change to Civil Service Law § 57, the proposed amendment to 22 NYCRR § 25.18 limits the use of continuing eligible lists to classes of positions filled through open competitive examinations.

2. Amendment of 22 NYCRR § 24.6

In addition to the above amendment, the Administrative Board is also proposing to amend 22 NYCRR §§ 24.6(g) & 24.6(n) to make minor corrections.. Those proposed amendments are also set forth in Exhibit 1.



Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than February 14, 2025.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT 1

Proposed Amendments

Section 25.18 of the Rules of the Chief Judge (22 NYCRR § 25.18) is amended to read as follows (deletions in ~~strikethrough~~, and additions underscored):

Section 25.18. Establishment of a continuing eligible list

The Chief Administrator of the Courts may establish a continuing eligible list for any class of positions for which ~~inadequate numbers of qualified persons are found available for recruitment or appointment~~ such lists are found to be appropriate. The Chief Administrator may only establish continuing eligible lists for any class of positions filled through open competitive examination. Names of eligibles shall be inserted in such list from time to time as applicants are tested and found qualified in examinations held at such intervals as may be prescribed by the Chief Administrator. Such successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The name of any candidate who passes any such examination and who is otherwise qualified shall be placed on the continuing eligible list in the rank corresponding to his or her final rating on such examination. The period of eligibility of successful candidates for certification and appointment from such continuing eligible list, as a result of any such examination, shall be fixed by the Chief Administrator but, except as a list may reach an announced terminal date, such period shall not be less than one year; nor shall such period of eligibility exceed four years, except as provided in section 25.17 of this Part. Subject to such conditions and limitations as the Chief Administrator may prescribe, a candidate may take more than one such examination; provided, however, that no such candidate shall be certified simultaneously with more than one rank on the continuing eligible list. With respect to any candidate who applies for and is granted additional credit in any such examination as a disabled or nondisabled veteran, and for the limited purpose of granting such additional credit, the eligible list shall be deemed to be established on the date on which his or her name is added thereto.

Section 24.6 of the Rules of the Chief Judge (22 NYCRR § 24.6) is amended to read as follows (deletions in ~~strikethrough~~, and additions underscored):

Section 24.6. Other Leaves With Pay

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(g) Four days' leave per annum without charge to an employee's leave credits may be allowed to attend conferences of recognized professional organizations.

Such conferences must be directly related to the employee's profession ~~of~~ or professional duties. This leave is subject to the prior approval of the administrative authority and to the staffing needs of the court or agency.

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(n) The Chief Administrator of the Courts or ~~his or his~~ their designee may grant leaves with pay for reasons not itemized in this Part.