

PERSONNEL SERVICES BULLETINS (PSBs)

100-14

Subject: Promotion by Non-Competitive Examination

Source: NY Civil Service Law § 62(7); Personnel Rules and Regulations of the City of New York, Rule 5.3.7

Date: March 1, 2019

I. Background

The Personnel Rules and Regulations of the City of New York (“Rules”) allow an agency to nominate an employee for promotion whenever there are no more than three persons eligible for examination for promotion to a vacant competitive class position or when no more than three persons file applications for examination for promotion to such position. Such nominee, upon passing an examination appropriate to the duties and responsibilities of the position, may be promoted.

II. Criteria

At the request of the employing agency and with the approval of the Commissioner of DCAS, DCAS will allow agencies to nominate an employee for promotion by a non-competitive examination pursuant to Rule 5.3.7, provided that the following conditions are met:

- A. There are no more than three employees eligible for promotion to the requested title or who have filed applications for examination for promotion to the title;
- B. The employee has been permanently appointed to a competitive class title that is eligible for promotion to the requested title and has successfully completed the probationary period for the permanent title;
- C. No preferred list or promotion list exists for the title to which the employee seeks promotion; and
- D. The employee agrees to the promotion

III. Procedure

A. Promotion by Non-Competitive Examination

1. To promote an employee under Rule 5.3.7, the agency must identify a vacancy or position held by a provisional appointee in a promotional title with no more than three employees eligible for promotion or who have submitted applications for a promotional examination to such title. An agency that has two or more vacancies and two or three eligible employees may nominate one employee for each open vacancy. Before nominating an eligible employee for promotion, the agency must conduct a job-related interview to determine that the eligible candidate is able to perform the duties and

responsibilities of the promotional title, unless the employee has already qualified in an examination appropriate to the duties and responsibilities of the position.

2. Upon identifying an eligible employee to promote, the agency must submit a request for a Rule 5.3.7 non-competitive promotion exam to the DCAS Civil Service Transactions Unit (CST) through the DP-72 module in NYCAPS. Upon DCAS approval, the agency must payroll the employee as a permanent using Reason Code M82 (Rule 5.3.7). A processing fee will be deducted from the employee's paycheck, in accordance with the processing fee schedule. Non-NYCAPS agencies must submit a postal money order with the request. A processing fee will not be assessed if the request is not approved.

B. Probationary Period

When an employee is promoted by a non-competitive examination in accordance with Rule 5.3.7, the employee is subject to a probationary period, unless waived as provided below:

1. Duration of probationary period: The probationary period shall be for one year, unless otherwise provided in the class specifications for the title.
2. Probation Credit for provisional service: Pursuant to Rule 5.2.2, a permanent employee who has served in the promotional title on a provisional or temporary basis for a continuous period equal to or greater than the probationary period for that title immediately prior to the permanent promotion to such title shall not be required to serve a probationary period.
3. Waiver of probationary period: The provisions of Rule 5.2.4 (regarding waiver upon promotion) shall be applicable to those employees who are promoted pursuant to Rule 5.3.7. The probationary period may be waived at the request of the agency and with the approval of the DCAS Deputy Commissioner for Human Capital. If DCAS approves the waiver, the agency must notify the employee in writing.

C. Rights to Return to Former Position

Pursuant to Rule 5.2.3, upon promotion, the position formerly held by the person promoted shall be held open for the promotee, and shall not be filled, except on a temporary basis, pending completion of the probationary term.

Lisette Camilo
Commissioner

Inquiries: Civil Service Transactions (212) 386-0560
Bureau of Examinations (212) 386-0341