

CITY OF NEW YORK DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

Notice of Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Citywide Administrative Services (“DCAS”) is proposing to modify its rule to permit provisional appointees to submit late applications for open competitive examinations when the provisional appointees have been absent from work for at least one-half of the application period because of military duty, sickness, vacation or other reason acceptable to DCAS.

When and where is the Hearing? A public hearing on the proposed rule will be held remotely using Microsoft Teams **at 10:00 AM on January 5, 2024**. Persons who wish to attend the hearing can do so by following these instructions:

Meeting link: [Microsoft Teams](#)

Meeting ID: 247 537 466 880

Passcode: rLCsst

Phone Number: [1 646-893-7101](tel:16468937101)

Phone Conference ID: 717 004 817#

Attendees can request an opportunity to make an oral statement by using the “chat” or raise your hand” functions. DCAS will retain control of the microphone in order to ensure fair access to all who wish to participate.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCAS through the NYC rules Web site at [NYC Rules \(cityofnewyork.us\)](http://nycrules.cityofnewyork.us).
- **Email.** You can email comments to rulecomments@dcas.nyc.gov.
- **Mail.** You can mail comments to The Department of Citywide Administrative Services, Office of General Counsel, 1 Centre Street – 19th Floor, New York, New York 10007.
- **Fax.** You can fax comments to The Department of Citywide Administrative Services at (646) 500-7348.

Is there a deadline to submit comments? Yes, you must submit written comments no later than **Thursday, January 4, 2024**.

What if need assistance to participate in the hearing? Persons with vision impairments can participate by using the Microsoft Teams dial-in number above. American Sign Language interpretation of the video conference can be requested by sending an email to this address: accessibility@dcas.nyc.gov or by calling this phone number: (212) 386-0256. Requests of American Sign Language interpretation must be received by DCAS not later than **December 29, 2023**.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at [NYC Rules \(cityofnewyork.us\)](http://nycrules.cityofnewyork.us).

What authorizes DCAS to make this rule? Sections 1043, 811 and 814 of the New York City Charter and Section 15, 20 and 50 of the New York Civil Service Law authorize DCAS to make this proposed rule. This proposed rule was not included in DCAS' regulatory agenda for this Fiscal Year because it was not contemplated when DCAS published the agenda.

Where can I find the DCAS rules? The DCAS rules are in title 55 of the Rules of the City of New York.

What laws govern the rulemaking process? DCAS must meet the requirements of Section 20 of the Civil Service Law and Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 20 of the Civil Service Law and Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed 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 proposed 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 shall 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 shall 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.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Civil Service Examinations

REFERENCE NUMBER: 2023 RG 052

RULEMAKING AGENCY: Department of Citywide Administrative Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: July 24, 2023

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Relating to Civil Service Examinations

REFERENCE NUMBER: DCAS-10

RULEMAKING AGENCY: Department of Citywide Administrative Services

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

July 24, 2023
Date