PERSONNEL SERVICES BULLETINS (PSBs)

200-7

Subject: Notice to Candidates of Non-Selection and Ineligibility

Supersedes: PSB 200-7 Notice to Candidates of Non-Selection issued June 30, 1997

Source: Civil Service Law Section 61.3

Date: March 3, 2016

Policy

I. Background and Policy

Civil Service Law § 61.3 requires an appointing authority to notify candidates certified for appointment or promotion from civil service eligible lists in writing when they are considered and not selected (passed over). The appointing authority must also notify the eligible when non selection makes him or her ineligible for further certification.

II. Required Notices

A. Notice of Non-Selection and Ineligibility

1. The appointing agency must provide written notice to each eligible who is certified from an eligible list and who has not been selected for appointment or promotion when another candidate is appointed or promoted under Personnel Rules and Regulation (PRR) Rule 4.7.1(c) (1 in 3).

2. The notice must also inform the candidate that he or she is ineligible for further certification under PRR Rule 4.7.4 if the candidate was considered and not selected for three vacancies.

B. Notice of Ineligibility for other Reasons

The appointing agency must provide written notice to each eligible who is certified from an eligible list and is made ineligible for further certification for one of the following reasons:

1. Failed to reply or to report to an interview (PRR Rule 4.8.2); or

2. Failed to report for duty (PRR Rule 4.8.2); or

3. Declined appointment or promotion (PRR Rule 4.8.2) except when

a. Declination is due to temporary inability to accept the position (PRR Rule 4.8.3(a)(1);

b. In the case of **promotion**:

i. Declination is based on location of the vacancy on the basis of borough (PRR Rule 4.8.3(a)(4);

ii. The certification is from a citywide promotion list and the position is not in the employee's agency (PRR Rule 4.8.3(a)(3); or

c. Declination is of appointment to a position other than that for which the list was expressly established (PRR Rule 4.8.3(b).

III. Procedure

A. Each appointing agency is required to notify eligibles of the above actions in writing prior to submitting the disposition of certification to DCAS.

B. In cases of non-selection of an eligible, only those eligibles who were actually entitled to consideration for selection shall be given the required written notification.

C. Please use the attached form letter on your agency's letterhead to provide the written notice.

D. Note that no reason need be given for non-selection and there is no opportunity for administrative appeal from non-selection.

E. The written notice can be sent by USPS mail or email to the address listed on the certification of eligible list. Alternatively, such written notification can be personally given to the eligible.

IV. Disclaimer

This PSB merely summarizes and conveys information to management concerning this statutory procedure. It does not alter employee rights or create new ones. Therefore, an agency may, with sound reasons therefor and upon approval of the Deputy Commissioner for Citywide Human Capital, modify certain procedures contained herein, provided that all statutory requirements are satisfied.

Attachment: HC-0002 Notice of Non-Selection

Lisette Camilo
Commissioner