



**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 §§ 25.15 & 25.25 to credit permanent employees with time spent as a provisional employee towards qualifications to take a promotional exam  
Date: November 4, 2024

=====

The Administrative Board of the Courts is seeking public comment on a proposal to amend 22 NYCRR §§ 25.15 & 25.25 to credit permanent employees with time spent as a provisional employee towards qualifications to take a promotional exam.

Civil Service Law § 52(10)(a) provides that, in determining whether an employee is eligible to take a promotional examination, an employee is not granted credit for time spent as a provisional employee in the position to which the promotion is sought. However, in determining whether such employee is eligible to receive a promotion, the employee is credited with any time served as a provisional employee in the position from which the promotion is sought.

Chapter 307 of the Laws of 2024 amended Civil Service Law § 52(10) to provide that any person appointed provisionally under the Civil Service Law, who thereafter receives a permanent appointment to the same title immediately following the provisional appointment, shall have all time spent as a provisional appointee in such title credited towards the qualifications required to take a promotional examination, as well as eligibility for appointment from the resulting eligible list.

This proposal would amend 22 NYCRR § 25.15(g) and add a new subdivision (f) to 22 NYCRR § 25.25, in order to ensure that the personnel practices of the Unified Court System remain consistent with the Civil Service Law,

The proposed amendments are attached as Exhibit A.

=====

Persons wishing to comment on the proposal should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10<sup>th</sup> Fl., New York, New York, 10004. Comments must be

received no later than Friday, December 13, 2024.

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 A**

**Proposed Amendments**

**Subdivision (g) of Section 25.15 of the Rules of the Chief Judge is amended to read as follows (deletions in ~~strikethrough~~, and additions underscored):**

Section 25.15. Filling vacancies by promotional examination

\* \* \* \* \*

(g) Credit for provisional service.

(1) Except as provided in paragraph (2) of this subdivision, no ~~no~~ credit in a promotion examination shall be granted to any person for any time served as a provisional appointee in the position to which promotion is sought or in any similar position; provided, however, such provisional appointee by reason of such provisional appointment shall receive credit in ~~his or her~~ such person's permanent position from which promotion is sought for such time served in such provisional appointment.

(2) A provisional appointee, appointed in accordance with section 25.25 of this part, who receives a permanent appointment to the same title immediately following the provisional appointment shall have all time spent as a provisional appointee in such title credited towards the qualifications required to take a promotional examination as well as eligibility for appointment from the resulting eligible list. Such time credited pursuant to this subparagraph shall be used only for the purposes of any term that is required for a promotional examination and eligibility for appointment from the resulting eligible list and shall not be used for any other purpose.

**Section 25.25 of the Rules of the Chief Judge is amended by adding a new subdivision (f) to read as follows (deletions in ~~strikethrough~~, and additions underscored):**

Section 25.25. Provisional Appointments.

\* \* \* \* \*

(f) Provisional service credit towards promotion examinations and appointments. A provisional appointee who receives a permanent appointment to the same title immediately following the provisional appointment shall have all time spent as a provisional appointee in such title credited towards to qualifications required to take a promotional examination as well as eligibility for appointment from the resulting eligible list, in accordance with section 25.15(g)(2) of this Part.