

**WESTCHESTER COUNTY DEPARTMENT OF HUMAN RESOURCES**

**POLICE OFFICER APPOINTMENTS**



## Procedures of the Department of Human Resources

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### Police Officer Appointments

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#### HOW TO USE THIS MANUAL

This procedural manual has several sections useful to appointing authorities under the civil service jurisdiction of the Westchester County Commissioner of Human Resources in making eligible list appointments of Police Officers and understanding the appointment process. You may wish to read it through in its entirety, or if you are already familiar with Civil Service and its policies, procedures and terminology, you may choose to skip directly to the section on what you are trying to accomplish. For instance, [Section 4, Actions](#), contains step-by-step procedures for making competitive appointments of Police Officers. If you need clarification on what some of the terminology in the procedure means, you could go to [Section 5, Definitions](#), and so on. There are sections listing the laws and rules under which these procedures function, the scope of the manual, its purpose and contents, who is responsible for maintaining and carrying out the procedures, associated forms, other documents, and records retention standards. The Westchester County Department of Human Resources will endeavour to keep this manual up-to-date as laws, rules and procedures evolve. **Please note that, for Police Officer positions in the County Department of Public Safety, this procedure should be followed in conjunction with the vacancy release/pre-clearance process. More information on this process may be obtained from the Roster Unit of the Department of Human Resources.**

If you have any questions or comments about this manual please email them to [exam@westchestergov.com](mailto:exam@westchestergov.com).

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#### 1. AUTHORIZING AUTHORITY FOR THIS MANUAL

- **Policymaker authorized to implement this procedure:**  
Westchester County Commissioner of Human Resources
- **Relevant constitutional and statutory authority for this manual –**  
Various laws and rules authorize the requirements addressed in this manual. The following list contains many relevant, but not all, laws and rules that encompass the areas of civil service administration contained in this manual.

[New York State Constitution:](#)

Article V, Section 6, Civil service appointments and promotions; veterans' credits.

[New York State Civil Service Law:](#)

Article 2, Civil Service Administration  
Article 3, Jurisdictional Classification  
Article 4, Recruitment of Personnel  
Article 5, Abolition of Positions  
Article 6, Special Rights for Veterans and Exempt Volunteer Firemen  
Article 7, Enforcement; Prohibitions; Penalties

[New York State Unconsolidated Laws](#)

Westchester County Police Act

- **Relevant Rules regarding this manual**  
[Westchester County Civil Service Rules:](#)

Rule 3, Classified Service  
Rule 4, Residence Requirements for Examinations  
Rule 5, Announcements of Examinations  
Rule 6, Applications  
Rule 7, Examinations  
Rule 8, Eligible Lists  
Rule 9, Certification  
Rule 10, Promotions  
Rule 12, Provisional Appointments  
Rule 14, Temporary Appointments  
Rule 19, Preferred List  
Rule 21, Reports of Appointing Officers  
Rule 27, Layoff or Displacement  
Rule 28, Investigations  
Rule 29, Contingent Permanent Appointments

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#### 2. PURPOSE

This procedural manual is designed to assist Police Officer appointing authorities under the civil service jurisdiction of the Westchester County Commissioner of Human Resources in following the steps required to fill police officer vacancies in accordance with applicable laws, rules and policies. In order to keep things more simple, the manual is organized into various sections and may be read in its entirety; or individual sections may be read as needed, as a reference, by skipping to what is most relevant.

#### 3. SCOPE

This manual covers the procedures involved when a Police Officer appointing authority requests an appropriate eligible list from the Human Resources Department - through the canvass process, background investigation, interview process, physical fitness testing, conditional offers of appointment and medical testing. It ends with the process involved in appointing a Police Officer from an eligible list, sending an appointment letter to the appointee, and notifying others on the list of their non-selection.

#### 4. ACTIONS

The following section describes, in detail, the actions of staff involved in the process, listing the items needed to complete the procedure. Activities are described in order of performance and in sufficient detail to ensure the intent of the procedure can be achieved.

The steps below describe the actions to be performed and also provides important information related to that action.

**Step 1.** If you (an appointing authority for police officers in one of the municipalities under the civil service jurisdiction of the Westchester County Commissioner of Human Resources including the county Department of Public Safety) have one or more vacancies or anticipated vacancies in the title of Police Officer or Police Officer (Spanish Speaking) or Police Officer – Public Safety Services or Police Officer (Spanish Speaking) – Public Safety Services , send us (the Department of Human Resources) a [Certification Request Form](#) either through email to [exam@westchestergov.com](mailto:exam@westchestergov.com) or fax it to us at (914) 995-2009.

#### **Important Information:**

- **Complete as much of the certification request form as possible.**
- **It is important to indicate in question 11 the name of any particular person you may be interested in appointing.**
- **If we have any questions about the Certification Request Form we will call or email you.**

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- **When filling out the Certification Request form please annualize the salary you give.**

**Step 2.** We will confirm if you will be making permanent, contingent permanent or temporary appointments or a combination of these from the eligible list.

**Important Information:**

- **You will need to receive separate Certifications for making permanent, contingent permanent and temporary appointments.**
- **A copy of the [Contingent Permanent Rule](#) must be included in every canvass letter for contingent permanent appointment.**

**Step 3.** We will prepare and email you one or more Nominating Certifications (more than one if you will be making more than one type of appointment) along with Excel spreadsheet(s) with candidates' names and addresses in order for you to prepare a mail-merge of canvass letters and response letters. The email cover sheet contains instructions which should be followed as well.

**Important Information:**

- **The Nominating Certification is valid for sixty days. You may request an extension for this certification.**
- **The certification contains various statements, notations and/or instructions which should be carefully read and adhered to by the appointing authority.**
- **If you anticipate trouble meeting this deadline, please contact our office and we will try to assist you.**

**Step 4.** You may now begin canvassing the eligibles on each certification using the spreadsheet to create a mail-merge canvass to the [Canvas Letter -Reply Template](#) . Departments wishing to may now send their agency application and "background package" to all canvassed eligibles. Some departments choose to send these materials only to those eligibles who indicate they are willing to accept appointment.

**Important Information:**

- **Please note that the canvass letters and response forms that you send to candidates must use the precise wording of the template. You may insert language specific to the position in your jurisdiction in the space provided, but you must not change any other language.**
- **Mail canvass/reply letters to candidates giving them a minimum of 10 business days to reply.**

**Step 5.** When canvass responses are returned to you, indicating which candidates decline appointment and which would accept appointment, conduct

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interviews of eligibles who indicate they would accept appointment and continue background investigations.

**Important Information:**

- **Although it is good HR practice to conduct interviews, you have the option of deciding exactly who to interview or whether to conduct an interview at all. If a candidate you would like to appoint is immediately reachable you may make the appointment without conducting any interviews as long as the candidate successfully completes all other steps, such as the physical fitness test and the medical examination.**
- **It is prohibited by civil service law for an employer to conduct interviews in a manner that would tend to discourage some candidates from accepting appointment and encourage others to accept appointment. Interviews should be conducted fairly and equitably giving all candidates a consistent, accurate picture of the duties and responsibilities of the position and asking consistent job-related questions.**

**Step 6.** Based on decisions you make in the interviews and in reviewing background materials, fax or email us the names of those candidates that you are interested in continuing the selection process, who will be participating in physical fitness testing.

**Important Information:**

- **Provide us the names, addresses, dates of birth and telephone numbers of those candidates you have selected to participate in the test.**

**Step 7.** We will conduct Physical Fitness tests in accordance with MPTC Standards for the candidates you request.

**Important Information:**

- **We will offer you at least two dates when physical fitness tests will be conducted.**
- **Police Agencies must notify their candidates when and where to report to the physical fitness testing facility. Candidates must bring with them signed and notarized [Accident Waiver Forms](#) and [Physician Certification Forms](#).**

**Step 8.** When the results are available we will email or call you with the candidate physical fitness results.

**Important Information:**

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- **There are no provisions for retesting unsuccessful candidates.**

**Step 9.** You may now complete background investigations and put together candidate documentation to be sent to our office. Documentation requirements are in the right hand column.

**Important Information:**

- **Candidate documentation includes:**
- **Copy of Birth Certificate**
- **Citizenship or naturalization certificate**
- **High School Diploma**
- **Driver License**
- **Copy of Social Security Card**
- **Proof of residency at time of examination - and at time of appointment.**
- **Letter from Officer who conducts background investigation certifying appropriate residence and background.**

**Step 10.** Conduct your final interviews and nominate only one candidate for each vacant position by making a conditional offer of employment, in writing, contingent on the successful completion of the Medical Examination and approval from the Westchester County Department of Human Resources.

**Important Information:**

- **Nominations must be from among those candidates who have submitted background paperwork and passed the physical fitness test and are reachable for appointment.**

**Step 11.** You now will send candidate(s) to their Medical Examination with a civil service approved physician.

**Step 12.** The physician examines the candidate and completes the [Medical Record Form](#)

**Important Information:**

- **Physician will send results of Medical Exam to police appointing authority.**

**Step 13.** You must now appoint each candidate who successfully participates in the medical examination. Return the completed and signed Nominating Certification along with originals of all candidate documentation and copies of canvass documentation. Candidate documentation is listed in column two of action 9 above. Canvass documentation is listed in the column to the right. When you have decided which candidate(s) you would like to appoint, indicate this on the certification. Return the completed and signed certification to us



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along with all backup documentation. The backup documentation must be sorted in the order that candidates appear on the certification. The documentation you must include is listed in the column to the right.

**Important Information:**

- **Required canvass documentation includes:**
- **Copy of one sample canvass letter.**
- **Copies of the actual canvass letter sent to each eligible who failed to respond.**
- **Copy of envelopes returned by the post office as undeliverable.**
- **Documentation of late responses if you intend to skip the candidate on this certification. Valid documentation may include postmarked envelope or fax machine dated late response.**
- **Copies of all canvass responses.**
- **Copies of all written declinations after affirmative response.**
- **If an appointment is of a candidate using veterans credits, form [VC5](#) or [VC5a](#), as applicable completed by the candidate.**
- **Copies of Letters of Non-selection**
- **Copy of letters to any uncooperative candidate and letters to the Commissioner of Human Resources requesting that we exclude candidate names from the hiring process.**
- **All documentation must be sorted by candidate in the order that candidates appear on the nominating certification.**

**Step 14.** When we receive the certification materials from you we will audit them for compliance with all Civil Service and County requirements.

**Important Information:**

- **During this audit process we will be making sure that only reachable eligibles will be appointed and all canvass responses are appropriate. The appointment date must be during the period that the Certification is valid and the hiring salary must be within the range specified on the Certification. If we have any questions or need clarification we will contact you.**

**Step 15.** Once the audit is satisfactorily completed we will send you a Hiring Certification from which you must make appointments. The Hiring Certification is valid for 30 days.

**Important Information:**

- **Once an eligible list has expired, it cannot be resurrected or extended. Hiring certifications cannot be issued and appointments cannot be made from an expired list**

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- **Indicate appointments on the Hiring Certifications, the salary, hiring date and please make sure the appointing authority or designee signs the certification.**

**Step 16.** Return the completed Hiring Certification to us along with a completed LJ-1 or PTF form

**Important Information:**

- **We will record the appointment and forward appointment forms to be entered into official record system.**

**Step 17.** Other requirements, such as those of the Roster Unit of the Department of Human Resources may also need to be completed. If you have any questions on these requirements please contact your Roster Clerk in our office.

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**5. DEFINITIONS**

*Key terms and acronyms used in the procedure, and their definitions. In addition, other Civil Service terms that may be used in discussing this procedure, and their definitions.*

**APPOINTING AUTHORITY** - An officer, commission or body that has the power to select applicants for employment.

**CERTIFICATION, CERTIFICATION OF ELIGIBLES or CERT** - The names of people certified by the Human Resources Department as eligible for appointment to a specific position; a Certification is normally valid for 60 days, although preferred list Certifications are for 30 days. Certifications of Eligibles differ from Eligible Lists. While an eligible list records the names of all candidates who qualify for appointment to a title, a certification of eligibles includes the names of people interested or eligible for appointment to specific positions in the title.

**CLASS OR CLASS OF POSITIONS** - One or more positions sufficiently similar in respect to duties and responsibilities that the same title may be used to designate each position. These are allocated to the same salary or grade, have the same required qualifications and the same examination used to select eligible employees.

**CLASSIFIED SERVICE** - All offices and positions in the civil service, exclusive of the military service, not included in the unclassified service; divided into four jurisdictional classes; competitive, non-competitive, labor and exempt.

**CLEAR A LIST** (Also called “exhaust a list”) - Eligible Lists are considered “cleared” or “exhausted” when there are so few names that the appointing authority does not legally have to appoint a candidate from it. For preferred lists this is when there are no eligibles on the list willing to accept appointment to a position. For promotion and open competitive lists this is when there are fewer than three eligibles willing to accept appointment to a position. (See “Rule of One” and “Rule of Three”).

**COLLATERAL LINE** - Titles which are not in a direct line to a promotion title but which are sufficiently comparable in duties and salary grades that incumbents may be allowed to compete in the promotion examination.

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**COMPETITIVE CLASS** - The jurisdictional class comprised of positions for which it is practical to determine the merit and fitness of applicants by participating in examinations that rank them competitively against each other. All jobs in the classified service are competitive unless designated or approved otherwise by the State Civil Service Commission (see Jurisdictional Classification).

**CONTINGENT PERMANENT APPOINTMENT** - An appointment or promotion to a position left temporarily vacant by the leave of absence of the permanent incumbent of the position; these appointees have the same rights as permanent appointees except that a contingent permanent employee may be displaced by the return of the incumbent on leave of absence.

**CONTINUOUS RECRUITMENT** - A type of examination for which applicants are accepted continuously. The test itself is administered periodically; successful candidates are added to the list for a specified period of time in rank order without regard to the date of the addition of their names to the eligible list.

**DECENTRALIZED EXAMINATION** - A competitive examination for which all or part of the development, administration and scoring has been decentralized to the municipal civil service agency that will make use of the resulting eligible list.

**DEPARTMENTAL PROMOTION EXAMINATION** - A promotion examination open only to employees of the department in which the positions to be filled exist.

**DEPUTY** - Officer authorized by law to act generally for and in place of his/her principal.

**DIRECT LINE OF PROMOTION** - Positions are normally considered to be in direct line of promotion if they are in competitive class titles, in a career series, in a lower salary grade and the title has the same generic root: such as Clerk, Senior Clerk, Principal Clerk and Head Clerk.

**ELIGIBLE** – Used as a noun, an “eligible” is a person whose name appears on an eligible list, who may or may not be reachable for appointment from the list.

**ELIGIBLE LIST** - A list from which candidates for a competitive class title, who have passed a civil service examination, are ranked in order of their respective final examination ratings.

**EXAMINATION** - A formal selection process which includes minimum qualifications, assessment measures, employment interviews and probationary

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periods; used to evaluate the qualifications and suitability of candidates for public employment. An examination for a competitive class position ranks candidates against one another. An examination for a non-competitive class position is based on the assessment of a candidate's education and experience as compared to the established minimum qualifications.

**EXAMINATION ANNOUNCEMENT** - A document issued to inform potential applicants of an upcoming examination; the announcement contains but is not limited to the following information: the number and title of the examination, the date of the examination, filing information (including the last date applications will be accepted), minimum qualifications, type and scope of test(s), salary or salary grade, and a duties description; it may also contain vacancy information.

**HIRING CERTIFICATION** - A certification of the an eligible list used for hiring police officers, corrections officers, fire fighters and probations officer trainees issued after the return of a nominating certification and the successful completion of additional requirements such as medical examinations, psychological testing and substance abuse testing.

**INCUMBENT** - permanent employee currently serving in or on leave from a position; a permanent employee on leave from a position is said to "encumber" a position.

**INTER-DEPARTMENTAL PROMOTION** - A promotion from a position in one department under one appointing authority to a position in another department under another appointing authority.

**JURISDICTIONAL CLASSIFICATION** - Designation by the Commissioner of Human Resources of positions in the classified service in either the non-competitive, labor or exempt class; positions not so designated by the Commissioner are in the competitive class. Positions in the exempt, non-competitive or labor classes must be specifically named in the civil service rules. Such designations are subject to the approval of the New York State Civil Service Commission.

**LABOR CLASS** - The jurisdictional class comprised of unskilled or manual labor positions for which there are generally no minimum qualifications established; applicants may be required to demonstrate their ability to do the job, or to qualify in such tests of their fitness for employment as may be determined practicable.

**MERIT AND FITNESS** - This is a well known phrase which refers to the requirement in the New York State Constitution that appointment and promotion shall be made according to "merit and fitness" to be ascertained, as

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far as practicable, by competitive examination; Civil Service is, hence, called a "merit system."

**MINIMUM QUALIFICATIONS** - Education and/or experience requirements denoting the minimum standards that all candidates are required to possess for examination or appointment.

**Municipal Police Training Council (MPTC)** - Part of the New York State Division of Criminal Justice Services.

**NOMINATING CERTIFICATION** - A certification of an eligible list issued for nominating Police Officer, Fire fighter, Correction Officer and Probation Officer Trainee candidates for appointment. This certification can not be used to make an appointment. It is used for canvasses, background checks and interviews and making conditional offers of employment dependent on successful completion of additional requirements such as medical examinations, psychological testing and substance abuse testing.

**NON-COMPETITIVE CLASS (NC)** - One of the four jurisdictional classes of the classified service. The Commissioner of Human Resources may designate a position non-competitive (with the approval of the State Civil Service Commission) upon determining that a competitive examination is impracticable for filling the job. However, non-competitive class positions must be filled through examination or by appointment of candidates who meet the established minimum qualifications for the position. Such an examination may be similar to a competitive examination except that successful candidates are not ranked by score. Positions designated 55-a are deemed to be in the non-competitive class.

**NON-COMPETITIVE PROMOTION (NCP)** - An examination administered when the number of employees qualified for and interested in promotion does not exceed the number of vacancies by more than two; the employee(s) may be nominated by the appointing authority, and, if successful on an appropriate examination, receive permanent appointment.

**OPEN-COMPETITIVE EXAMINATION** - An examination open to all individuals who possess the announced minimum qualifications.

**OUT-OF-TITLE WORK** - Duties performed by an incumbent of a position which are not appropriate to the class to which the position has been assigned.

**PERMANENT APPOINTMENT** - An appointment made to a position in accordance with applicable laws, rules and regulations; a permanent appointment may provide rights and privileges, such as due process prior to

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dismissal; eligibility for promotion examinations, transfers, and future reinstatement and certain protections in the event of abolition of positions.

**PERMANENT SERVICE** - Generally, the date of the incumbent's original appointment on a permanent basis in the classified service; used for purposes of computing retention rights in the event of layoff. (For disabled veterans the date is 60 months earlier than the actual date; for non-disabled veterans the date is 30 months earlier than the actual date.)

**POLICE OFFICER** - The term "police officer" means a member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state. See Civil Service Law Section 58.3

**POSITION** - An assigned group of duties and responsibilities which can be performed by one person; commonly known as a "job," a position may be occupied or vacant; see civil service rules for definition.

**PREFERRED LIST** - An eligible list established as a result of a reduction in force, or where otherwise provided by law, which consists of the names of displaced employees ranked by seniority; a preferred list must be used before any other means of filling a position (except certain special military lists); the top acceptor on a preferred list must be appointed or the position left vacant ("Rule of One"). See Sections 80 and 81 of the Civil Service Law and the civil service rules for procedures and legal prescriptions.

**PROBATIONARY TERM** - The period of time, commencing upon a permanent appointment, during which an employee's performance on the job is assessed; the final step in the selection process.

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**PROMOTION** - Generally, in the competitive class, an appointment from a promotion eligible list to a higher level position; in the non-competitive class, the appointment of an employee to a higher grade position without competitive examination.

**PROMOTION EXAMINATION** - An examination for a higher level position open only to permanent employees who have permanent status in titles, and for periods of time, specified in the minimum qualifications.

**PROVISIONAL APPOINTMENT** - A non-permanent appointment to a competitive class position which may be made when there is no appropriate or mandatory eligible list. See Section 65 of the Civil Service Law and refer to the civil service rules for limitations on provisional appointments.

**"RULE OF ONE"** - The statutory provision that appointments must be made from a preferred list certification in strict seniority order. See Section 81 of the Civil Service Law.

**"RULE OF THREE"** - The statutory provision that appointments must be made from among the three highest eligibles on an open-competitive or promotion eligible list that are willing to accept the position. (See Section 61 of the Civil Service Law)

**UNCLASSIFIED SERVICE** - All offices and positions in the civil service of the State and its civil divisions which are not in the classified service; unclassified service positions include, for example, all elective offices, officers and employees of the State/municipal Legislature, members of the teaching and supervisory staff of a school district and certain positions in the State University of New York.

#### 6. RESPONSIBILITIES

- Responsibility for this procedure is shared by the County Human Resources Department and by county departmental appointing authorities, or designated staff, and other municipalities under the civil service jurisdiction of the County Commissioner of Human Resources, who are involved in the human resources functions and in the Police Officer appointment process.
- The Director of Recruitment and Selection in the County Human Resources Department has responsibility for the maintenance of this procedure. He/she supervises work related to the determination of whether a position must be filled through competitive appointment, whether candidates qualify for appointment and, for competitive positions, the coordination and administration of all written, performance and medical testing, the



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establishment of eligible lists and the determination of the appropriate lists to be certified to fill vacancies, the certification of eligibles, the review and approval of all certifications, canvass and appointment materials and all related record keeping. Finally, the Director of Recruitment and Selection must ensure that all appointments are made only after all documentation has been received, audited and approved, in accordance with all applicable civil service and other laws, rules and policies including the application fee and other candidate fees, and successful fingerprinting and background checks.

- The department of Public Safety in the county government has responsibility for securing timely approvals to fill vacancies, as required by procedures established in the County Executive and Budget Offices, and to follow all policies and procedures of the Department of Human Resources related to requests for filling positions.
- Specific responsibilities are included in Section 4.

#### **7. ASSOCIATED DOCUMENTS**

*Related procedures, forms, references or other documents which provide relevant information in relation to the procedure. Hyperlink these as they are available electronically*

- Vacancy Release (VR) Process
- Eligible Lists
- Nominating Certifications of Eligibles
- Hiring Certifications of Eligibles
- Offer of Employment Letters
- Non-selection letters
- Conditional Offers of Employment Letters
- Fingerprinting background check
- Certification Request Form
- Request for Certification Form
- Canvass Letter-Reply Letter
- Preferred Canvass Letter-Reply Letter
- VC-1 Form (Veterans Credit Withdrawal Form)
- VC-5 Form (Veterans Credit Use Form)
- Civil Service Contingent Permanent Rule
- General Correspondence

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#### 8. RECORD KEEPING/RETENTION

*This section lists the title and minimum retention period for official records related to this procedure.*

Title	Minimum Retention Period
Identification card issued county employee	<b>6 months after becoming invalid</b>
Personnel Transaction Form (PTF)	<b>10 years</b>
Official copy of job announcement and position duties statement:	<b>Permanent</b>
Personnel requisition made to civil service or personnel office, requesting that vacancy be filled:	<b>1 year after obsolete</b>
Civil service eligible list records Official eligible list and certification of eligible list:	<b>20 years after expiration of eligible list</b>
Certification of eligible list sent to appointing authority:	<b>6 years after expiration of eligible list</b>
Request for certification of eligible list:	<b>1 year after expiration of eligible list, but not less than 3 years</b>
Individual's request for reinstatement to eligible list and reply:	<b>1 year after expiration of eligible list, but not less than 3 years</b>
Eligible list canvass records, including but not limited to pre-canvass questionnaire and letter of canvass and reply:	<b>6 months after expiration of eligible list, but not less than 3 years</b>
Veteran credit records:	<b>50 years</b>
Qualifying medical, physical fitness or agility examination report:	<b>1 year after separation from service, or 10 years after date person not hired took examination</b>
Oath of office or record of official signature of public employee Official copy:	<b>Permanent</b>