

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

77-CV-1881(JS)

-against-

NASSAU COUNTY, et al.

Defendants.

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SEYBERT, District Judge:

Under the terms of the 1982 Consent Decree, entered into in the above referenced case, a written examination may be used to establish an eligible list of candidates for promotion to the rank of sergeant in the Nassau County Police Department so long as the test is shown to have no adverse impact and can be shown to be job-related. The current list was generated on August 17, 2000, with the results fo the last examination, given January 31, 1999. Under New York law, a municipal hiring authority may use a competitive civil service examination for no more than four years. As such, the current list is set to expire on August 17, 2004.

The County has represented that a new list will not be available before the current list expires and that public safety may be adversely impacted if the list is allowed to expire.

Accordingly, it is hereby ORDERED:

That Nassau County, the Nassau County Civil Service

Commission, the Nassau County Commissioner of Police, and the Nassau County Police Department may continue to use the Current List in accord with the provisions of the Consent Decree until the earlier of (1) August 17, 2005, or (2) the establishment of a new eligible list of candidates for promotion to the rank of sergeant.

It is further ORDERED that the County shall ensure that a new examination is prepared in accordance with the Consent Decree on or before December 15, 2004. The County shall report to the Court in writing on or before December 20, 2004.

It is further ORDERED that the County shall ensure that a new examination is administered on or before April 1, 2005. The examination shall not, however, be administered without allowing applicants a minimum of 90 days to prepare for the examination. The County shall report to the Court in writing on or before April 8, 2005.

No further extensions of the current list will be granted and strict compliance with the schedule set forth herein will be enforced.

SO ORDERED

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Joanna Seybert, U.S.D.J.

Dated: August 13, 2004  
Central Islip, New York