

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

77-CV-1881 (JS)

-against-

ORDER

NASSAU COUNTY, et al.

Defendants.

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Under the terms of the 1982 Consent Decree, 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 (1982 Consent Decree ¶ 8(a)).

Pursuant to the Consent Decree, the United States has notified the County that they do not object to the County's use of the 2005 Nassau County Police Sergeant Examination and scoring model. Under N.Y. Civil Service Law § 56 (1), "an eligible list that has been in existence for one year or more shall terminate upon the establishment of an appropriate new list, unless otherwise prescribed by the state civil service department or municipal commission having jurisdiction." The Nassau County Civil Service Commission has established for certification a new list of candidates for promotion to the rank of sergeant generated from the 2005 Examination. Accordingly, the current list shall be deemed expired, effective immediately, on the basis that a new list is available.

ACCORDINGLY, IT IS HEREBY ORDERED:

The Current List for the promotion of the rank of sergeant, generated by the examination given on January 31, 1999, shall be deemed expired, effective immediately, on the basis that the Nassau County Civil Service Commission has established an eligible

list of officers for promotion to the rank of sergeant in the Nassau County Police
Department based on the results of the April 2005 examination.

ENTERED this 25th day of October, 2005 in Central Islip, New York.

/s/ JOANNA SEYBERT

JOANNA SEYBERT, U.S.D.J.

C/ECF

COUNSEL IS DIRECTED TO IMMEDIATELY NOTIFY
ALL PARTIES OF THIS ORDER