

(b) *Appointments at the entrance level.*—Those applicants for appointment to the Department at the entrance level who possess the minimum qualifications, and meet the other eligibility criteria established by the Commissioner, as determined by the tests and procedures administered pursuant to subsection (a) hereof, shall be included on an eligible list prepared by the Examining Authority or the Department, as the case may be, listing on the basis of relative merit the order of successful applicants, graded from highest to lowest in qualifying score. When making appointments to the Department the Commissioner shall be required to select one available individual from those who place within the top or highest five positions on the eligible list. When an applicant is so appointed, the Commissioner shall be required to fill the next vacancy in the Department, if any, from a group composed of the remaining and available four highest candidates on such list, plus the next or sixth highest scoring available applicant appearing on the eligible list. The procedure herein established for appointments to the Department shall be known and designated as the "Rule of Five," and all subsequent appointments shall be made only in accordance with this procedure until the eligible list is exhausted by such appointment. No such list, or where the list consists of a combination of more than one eligible list, no part of such list, shall continue in force for longer than one year, dating from the time an applicant's name first appeared on such eligible list. The Commissioner shall not be empowered to remove the name of an eligible and available candidate from the list for any reason, except willful misrepresentation of a material fact made in any application for examination to establish the eligible list, or for conviction of any crime subsequent to eligibility having been established. The markings and examination papers of each applicant shall be open to his inspection.

(c) *Promotional appointments.*—Those applicants for promotional appointment within the Department who possess the minimum qualifications and meet the other eligibility criteria established by the Commissioner, as determined by the tests and procedures administered pursuant to subsection (a) hereof, shall be included on an eligible list prepared by the Examining Authority or the Department, as the case may be, listing on the basis of relative merit the order of successful applicants, graded from highest to lowest in qualifying score. When making promotional appointments within the Department the Commissioner shall be required to select one available individual from those who place within the top or highest five positions on the eligible list. When a candidate for promotion is so appointed, the Commissioner shall be required to fill the next vacancy, if any, from a group composed of the remaining and available four highest candidates on such list, plus the next or sixth highest scoring available candidate who appears on the eligible list. All subsequent promotional appointments shall be made only in accordance with the procedure as herein established and denoted as the "Rule of Five" until the eligible list is exhausted by promotional appointments. No such list, or where the list consists of a combination of more than one eligible list, no part of such list, shall continue in force for longer than one year, dating from the time the candidate's name first appeared on such eligible list. The Commissioner shall not be empowered to remove the name of an eligible and available candidate from the list for any reason, and the markings