

FOR MORE THAN TWO YEARS, DATING FROM THE TIME THAT SUCH LIST WAS FIRST ESTABLISHED. THE COMMISSIONER SHALL NOT BE EMPOWERED TO REMOVE THE NAME OF AN APPLICANT FROM THE LIST FOR ANY REASON, EXCEPT IF THE APPLICANT IS NO LONGER AVAILABLE, OR FOR WILFUL 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 ELIGIBILITY LISTS SHALL AT ALL TIMES BE OPEN TO THE INSPECTION OF THE PUBLIC, AND THE EXAMINATION PAPERS AND OTHER MATERIAL USED IN DETERMINING AN APPLICANT'S ELIGIBILITY SHALL BE OPEN TO INSPECTION OF THE COMMISSIONER (OR HIS DESIGNATED REPRESENTATIVE) OR THE APPLICANT.

(C) PROMOTIONAL APPOINTMENTS. THOSE APPLICANTS FOR PROMOTIONAL APPOINTMENTS WITHIN THE DEPARTMENT WHO POSSESS THE MINIMUM QUALIFICATIONS AND MEET THE OTHER ELIGIBILITY CRITERIA ESTABLISHED BY THE COMMISSIONER AFTER CONSULTATION WITH THE EXAMINING AUTHORITY, AS DETERMINED BY THE TESTS AND PROCEDURES ADMINISTERED PURSUANT TO SUBSECTION (A) SHALL BE INCLUDED ON AN ELIGIBLE LIST PREPARED BY THE EXAMINING AUTHORITY SETTING FORTH THE NAMES OF THE SUCCESSFUL APPLICANTS LISTED IN ORDER FROM THE HIGHEST TO LOWEST QUALIFYING SCORE. WHEN MAKING A PROMOTIONAL APPOINTMENT WITHIN THE DEPARTMENT, THE COMMISSIONER SHALL BE REQUIRED TO MAKE SUCH APPOINTMENT FROM THOSE APPLICANTS 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 LIST OF APPLICANTS 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 PROMOTIONAL APPOINTMENT WITHIN THE DEPARTMENT SHALL BE KNOWN AND DESIGNATED AS THE "RULE OF FIVE" AND ALL SUBSEQUENT PROMOTIONAL APPOINTMENTS SHALL BE MADE ONLY IN ACCORDANCE WITH THIS PROCEDURE UNTIL THE ELIGIBLE LIST IS EXHAUSTED BY SUCH 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, UNLESS EXTENDED UPON REQUEST OF THE COMMISSIONER BY THE EXAMINING AUTHORITY, BUT IN NO EVENT FOR MORE THAN TWO YEARS, DATING FROM THE TIME THAT SUCH LIST WAS FIRST ESTABLISHED. THE COMMISSIONER SHALL NOT BE EMPOWERED TO REMOVE THE NAME OF AN APPLICANT FROM THE LIST FOR ANY REASON, EXCEPT IF THE APPLICANT IS NO LONGER AVAILABLE. THE ELIGIBILITY LISTS SHALL AT