

1 chief of the department.

2 THE COURT: When did that change?
3 When was that enacted into the law?

4 MR. TOOMEY: The one in three rule
5 still exists.

6 THE COURT: If he comes out seventh
7 or eighth, because he's provisional, he could
8 jump ahead.

9 MR. TOOMEY: He would be the only one
10 taking the test. It would be a promotional
11 test.

12 THE COURT: I thought you have to
13 have more than one for a promotional test.

14 MR. TOOMEY: He would be the only
15 individual taking the test.

16 THE COURT: How do you pick one of
17 three then?

18 MR. TOOMEY: In the case of a
19 provisional test with a provisional
20 appointment, you take the candidate, if he
21 passes the test he gets a permanent
22 appointment.

23 So, in addition to that, your Honor,
24 I just want to comment very briefly on the
25 two hearings before the duty judge. We were