The Basics of New York State Civil Service Law 101

2021 CSEA VIRTUAL DELEGATE MEETING

September 29, 2021
9:00 am

Presented by:
Don Kelly
Deputy Director for Contract Administration / Research
Workshop Agenda

- History
- Governance
- Civil Service Administration
- Jurisdictional Classification
- Appointment Types
- Examination Process
Civil Service History
Civil Service History

• July 2, 1881
  – James A. Garfield (20th U.S. President) assassinated.
    – Charles Guiteau shot President Garfield 7/02/1881
    – Baltimore and Potomac Railroad Depot
    – Garfield Died September 19, 1881
Civil Service History

• Sept 16, 1883 U.S. Pendleton Act became Law.

• Civil Service Legislation introduced in NY State
  
  *Re: Appointments & Termination Rules*
  
  – Introduced by Assemblyman Theodore Roosevelt
  – Signed by Governor Grover Cleveland in 1883
Civil Service History
(Continued)

• **1894** NYS Constitutional Convention
  • Article V Section 6  (Merit and Fitness)

• **1909** NYS Civil Service Law adopted
  • Derived from NYS General Laws Chapter 370 Laws of 1899

• Civil Service Law = “Book of Compromises”

• **October 24, 1910** CSEA created
Governance
Governance

- U.S. Constitution
- Federal Labor Laws (FLSA)
- NYS Constitution
- NYS Laws (E.G.: Civil Service Law, Etc.)
- Civil Service Rules & Regulations
- Collective Bargaining Agreements
- Employer work rules & policies
“Appointments in all civil divisions of the State shall be made according to merit and fitness to be ascertained as far as practicable by examination which as far as practicable shall be competitive.”
Civil Service Rules

- Proposal to add or amend Rules
- **Posting & other Notification**
- Public Hearing / Comments
- Approval (Local & State)
- Filed with Secretary of State
- **Adopted Rule – Force & Effect of Law!!**
CIVIL SERVICE APPENDICES
Civil Service Administration
Administration (Art 15)

State Level

Commission (3 Person)

Local/Municipal Level

- Commission (3 Person)
- Personnel Officer (1 Person)
- Regional Commission or Personnel Officer

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Jurisdictional Classification
Jurisdictional Classification

- Unclassified Service (Section 35)
- Classified Service (Sections 40 – 45)
  - Competitive
  - Non-Competitive
  - Labor
  - Exempt
Unclassified Service (Sec. 35)

- Elected Officers
- Legislators
- Governor Appointees
- Department Heads
- Instructional Staff
Classified Service
Exempt Class (Sec. 40)

1 Secretary per State Department

Deputies or Principal Executives

Other positions where the filling by comp exam in deemed impracticable.

Title & Number must appear in appendix.

Vacancies reviewed prior to refilling.
Classified Service
Non-Competitive Class (Sec 45)

- Minimum qualifications required
- Non-Competitive exam may be required.
- Positions where exams are impracticable.
- 55a (Local Gov.) & 55b (State) Positions
- Title & number must be in appendix.
Classified Service
Labor Class (Sec. 43)

- Generally Unskilled Labor
- No minimum qualifications
  ✓ (except for physical ability)
- Title and number of positions in appendix.
Classified Service
Competitive Class (Sec. 44)

- Article V Section 6 NYS Constitution

- “Wherever and whenever practicable positions are to be filled by a determination of merit and fitness by competitive examination.”

- Titles are in the competitive class until they are removed by action of the Commission.
Appointment Types
Appointment Types

- Permanent
- Temporary (Sect. 64 & Rules)
  - 0 – 3 Months
  - 3 – 6 Months
  - 6 or more Months
- Seasonal
- Per diem, Hourly or Contractual
- Contingent Permanent
Appointment Types

(Con’t)

- Provisional Appointments (Sect. 65)
  - Competitive Class Only
  - No Certified eligible list available
  - Exam ordered within 1 month of appointment
  - Appointment terminates within 2 months of certification of eligible list

- Upon Reclassification of Position
New York State
Executive Branch
Employees Only

New York State Civil Service Department

- New York State Employees Career Mobility Office
  - Telephone:
    - (518) 485-6199 OR 1-800-553-1322

E-mail:
- cmo@cs.ny.gov
Civil Service Examinations
Recruitment (Sec. 50) By Competitive Examination

- NYS Division of Testing Services
  - Determines need for an examination
  - Prepares general announcements
  - Sets min qualifications for exams
  - Sets dates, times and exam sites
  - Creates exam questions
  - Sets exam eligibility rules
Exam Component Parts

- **Announcements:**
  - Posted
  - Newspapers
  - Internet

- **Admittance Card**

- **Examination itself**

- **Appeals**
Exam Parts (con’t)

- Types of Examinations:
  - Written
    - Multiple Guess
    - Composition
    - Mathematical
  - Oral
  - Performance (Physical)
  - Training & Experience Review
Examination Parts (con’t)

- Eligible List
- Canvass/Interview
- Appointment
  - Offer
  - Acceptance
- Probation Term
- Permanent Appointment
Examination Disqualification
(Section 50.4)

- Lacking Minimum Qualifications
- Disability
- Convicted or Pled Guilty to a Crime
- Previous Dismissal (incompetency or misconduct)
- Practiced Deception
- Residency (Sect. 23.4-a)
Examinations

- Fees and fee waivers (negotiable)
- Alternate test dates
  - Religious Observance
  - Previously planned personal/family event
  - Death in Family
Open Competitive Exams (Sec. 51)

- Agency request
- Civil Service determination required
- Centralized vs. Decentralized Exams
- Open to all qualified candidates
- Residency requirements (& waivers)
- Continuous recruitment (Sec. 57)
Promotion Examinations

( Sec. 52 )

- Used for filling second level positions
- Preferred method of filling positions
- Open to current employees only:
  - Preferred List Eligibles
  - 55a & 55b employees
  - Non-competitive Class employees (sometimes)
  - Labor Class employees (sometimes)
  - Vietnam Era Veterans (52.13b)
Unlawful Acts
Re: Competitive Exams

- Misdemeanor:
  - Impersonation
  - Buying or selling exam Questions or Ans.
  - Discussing exam questions
Non-Competitive Examinations
( Sec. 52.7 )

- Less than 3 applicants
- Less than 3 eligibles for examination

1. - Appointing officer nominates an individual who, upon passing an exam for the position, shall be promoted.

2. - No exam required if candidate has previously passed a similar exam.
Special Exceptions

- 55a & 55b employees
- Preferred list eligibles
- Transferees
- Reassignments
- Reinstatements
- Part Time Comp Class Positions
Examination Appeals

- Candidates must be advised of their review rights.
- **Pre-rating Review (request on exam day)**
  - Exams where ques did not receive prior approval.
  - Review the exam questions & answer key
  - Candidates may bring in books & other material
Examination Appeals Continued

- **Computational Review** (upon receipt of score)
  - To detect scoring errors

- **Post-rating Review**
  - Other than multiple choice exams
Understanding New York State Civil Service Law

End of PART I

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