



The Basics of New York State Civil Service Law 101

2021 CSEA VIRTUAL DELEGATE MEETING

September 29, 2021

9:00 am

Presented by:

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Deputy Director for Contract Administration / Research



Workshop Agenda

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

Civil Service History

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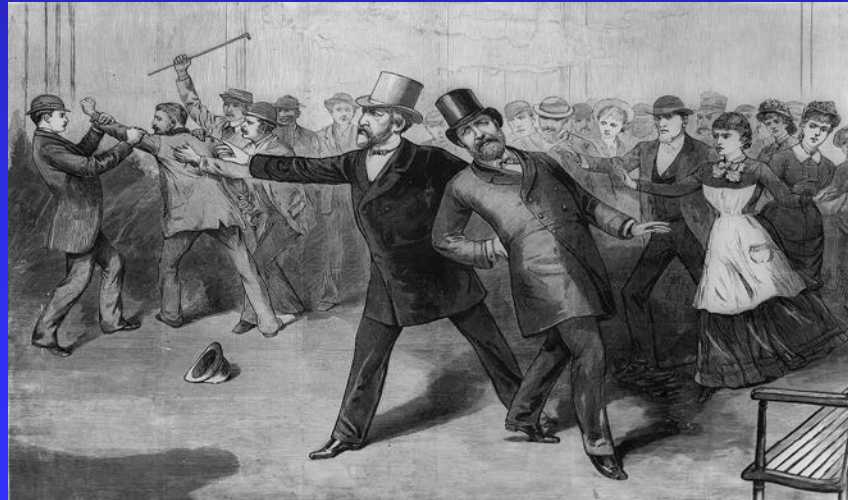
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Civil Service History

• 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

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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

Article V Section 6 New York State Constitution

“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

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Administration (Art 15)

State Level

Commission (3 Person)

Local/Municipal Level

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

Jurisdictional Classification

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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**
- **O**ther positions where the filling by comp exam is deemed impracticable.
- **Title & Number must appear in appendix.**
- **V**acancies 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

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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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