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*Understanding
New York State
Civil Service Law
NYS Executive Branch Employees*

2021 CSEA VIRTUAL DELEGATE MEETING

**September 28, 2021
1:15 pm**

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



Possible Side Effects!!!!

- Dizziness, Drowsiness,
- Difficulty concentrating
- Confusion
- Temporary feeling of confidence & euphoria
- Depression & feeling of helplessness (reality)
- Low risk of sexual side effects
- Feeling of EMPOWERMENT !!!

Workshop Agenda

- **Governance**
- **Civil Service Administration**
- **Jurisdictional Classification**
- **Appointment types**
- **Examination Process**
- **Eligible Lists – Rule of Three???**

Governance

What Laws/Rules Cover Civil Service?

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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 (State Civil Service Commission)**
- Filed with NYS Secretary of State
- **Adopted Rule – Force & Effect of Law!!**

***YOU HAVE A LEGAL RIGHT
TO OBTAIN
A COPY OF YOUR
CIVIL SERVICE RULES!!!***

**State Employees only: Google: NYCRR
(New York State Codes Rules and Regulations)**

Then: *Title 4 Department of Civil Service*

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Civil Service Administration(s)

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Administration (Art 15)

State Level

Civil Service Commission (3 Persons)

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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 (State & Municipal)
- Chief Elected Officer Appointees
- Department Heads
- Instructional Staff (Teaching Assistants)

Classified Service

Exempt Class (Sec. 40 CSL)

- **Deputies or Principal Executives**
- Where the filling of vacancies by competitive exam is deemed impracticable.
- **Titles must appear in appendix.**
- Vacancies reviewed prior to refilling.

Classified Service

Non-Competitive Class (Sec 45 CSL)

- Minimum qualifications required
- Non-Competitive exam may be required.
- Positions where exams are impracticable.
- **55b** (State Executive) (Max 1,200 positions)
- **55c** (State Executive) (Max 500 positions)
- Titles must be in appendix (**except for (55 series)**).

Classified Service Labor Class (Sec. 43 CSL)

- ❑ Generally Unskilled Labor
- ❑ No minimum qualifications
 - ✓ (except for physical ability)
- ❑ Could Require Drivers license
- ❑ Titles must appear in the appendix to Rules

Classified Service

Competitive Class (Sec. 44 CSL)

- 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.

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**

Appointment Types

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Appointment Types

- Permanent
- Contingent Permanent

NON-PERMANENT

- ◆ **Temporary (Sect. 64 CSL & Rules)**
 - ✓ **0 – 3 months (regardless of list)**
 - ✓ **3 – 6 mos (anyone from the eligible list)**
 - ✓ **6 < mos (one of top 3 from eligible list)**
- ◆ **Seasonal**
- ◆ **Per diem, Hourly or Contractual**

Appointment Types

Non-Permanent (Con't)

- ◆ Provisional (Sect. 65 CSL)
 - ✓ Competitive Class Only
 - ✓ No Certified eligible list available
 - ✓ **Exam ordered within 1 mo of appt.**
 - ✓ Appointment terminates within 2 months of certification of eligible list
- ◆ **Upon Reclassification of Position**

EXAMINATION PROCESS

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Recruitment (Sec. 50 CSL) 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**

Examinations

- Fees and fee waivers (negotiable)
- Alternate test dates
- Religious Observance
 - ✓ Previously planned personal/family event
 - ✓ Death in Family
- **Alternate dates are typically the next week.**

Open Competitive Exam (Sec. 51 CSL)

- Agency requests exam
- **Civil Service determination required**
- **Open to all qualified candidates**
- **Continuous recruitment (Sec. 57 CSL)**

Continuous Recruitment Exams

- **Continuous Recruitment (Sec. 57 CSL)**
 - ◆ **Written Exams**
 - ◆ **Training And Experience (T&E)**
 - ◆ **Resume**
 - ◆ **Certifications/Licenses**
 - ◆ **Eligibility: Min of 1 Yr. to a Max of 4 Yrs.**
 - ◆ **Duration set by Civil Service Administration**

Promotion Examinations (Sec. 52 CSL)

- Used for filling second level positions
- **Preferred method of filling positions**
- Open to current employees only, including:
 - ✓ Preferred List Eligibles
 - ✓ Employees in 55b and 55c positions
 - ✓ Non-competitive Class employees (sometimes)
 - ✓ Labor Class employees (sometimes)
 - ✓ Vietnam Era Veterans (52.13b CSL)

ELIGIBLE LISTS

Rule of Three???

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Who Chooses the eligible titles to compete in Promotion Exams??

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Eligible list Certification (Sect. 60 CSL)

■ Promotion:

✓ Current employees only

◆ In direct line of promo or collateral lines

✓ By Department First

✓ Then by All Agencies/Deartments

Eligible List Certification

(cont.)

- Rule of Three
- **Band (Zone) Scoring**
 - ◆ First used in mid 1980's
 - ◆ CSEA Lawsuit 1986
 - ◆ (McGowan vs. Burstein)
 - ◆ Court of Appeals Decision June 2, 1988

Old Eligible List Order

- 100
- 99
- 98
- 97.5
- 97
- 96
- 95.5



Band (Zone) Scoring

■	>= 96 - 100	Band # 1
■	91 - 95	Band # 2
■	86 - 90	Band # 3
■	81 - 85	Band # 4
■	76 - 80	Band # 5
■	71 - 75	Band # 6
■	70	Band # 7

Traditional Vs. Band Scoring Method

Traditional – rarely used

- 100 - 2 candidates
- 97 - 5 candidates

- 96 - 25 candidates
- 95 - 30 candidates
- 93 - 103 candidates
- 91 - 20 candidates
- 90 - 235 candidates
- 88 - 164 candidates

Current Method

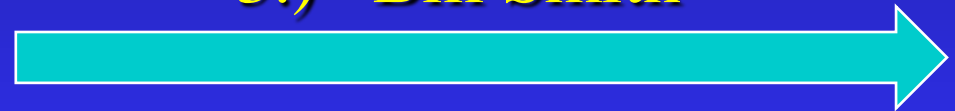
- Band # 1
- 96-100 - 32 Candidates

- Band # 2
- 91-95 - 153 Candidates

- Band # 3
- 86-90 - 399 Candidates

Rule of Three

- Band 1 (Exam Score 96 – 100)
 - 1.) Joseph Collins
 - 2.) Mary Jones
 - 3.) JoAnn Lavin
 - 3.) Bill Smith



- Band 2 (Exam Score 91 – 95)
 - Scott Bard
 - Jerome Peters
 - Margaret Wong

Rule of Three

- Band 1 (Exam Score 96 – 100)
 - 1.) Joseph Collins
 - 2.) Mary Jones

- Band 2 (Exam Score 91 – 95)
 - 3.) Scott Bard
 - 3.) Jerome Peters
 - 3.) Margaret Wong




Rule of Three

- Band 1 (Exam Score 96 – 100) 1.) Joseph Collins
- Band 2 (Exam Score 91 – 95) 2.) Scott Bard
- Band 3 (Exam Score 86 – 90) 3.) Beth Lewis
3.) Jennifer Vallee



Rule of Three

- Band 1 (Exam Score 96 – 100) 1 Candidate
 - Band 2 (Exam Score 91 – 95) 2 Candidates
 - Band 3 (Exam Score 86 – 90) 50 Candidates
- 

Rule of Three

- Band 1 (Exam Score 96 – 100) 1 Candidate
- Band 2 (Exam Score 91 – 95) 1 Candidate
- Band 3 (Exam Score 86 – 90) 50 Candidate



Eligible List Duration

(Sect. 56 CSL)

- No less than 1 year nor more than 4 years
- Less than 1 year:
 - ✓ **When list drops below 3 willing acceptors**
- After 1 year:
 - ✓ When list drops below 3 willing acceptors
- Special Eligible Lists:
 - ✓ **Reversed Disqualification**

Eligible List Certification (*Extra Credit*)

- Veterans (Sect. 85 CSL):
 - ✓ Promotional -
 - ◆ **Disabled** - **5** extra points
 - ◆ **Non-Disabled** - **2.5** extra points
 - ✓ Open Competitive –
 - ◆ **Disabled** - **10** extra points
 - ◆ **Non-Disabled** - **5** extra points
- **Can use only once!!!!**

Probation Terms

- N.Y. State employees Rule 4.5:
 - ◆ Original Appointments 26 – 52 weeks
 - ◆ Promotion
 - ◆ Gr 13 and below: 8 -26 weeks
 - ◆ Gr 14 and above: 26 -52 weeks

THANK YOU !!!



- Listen closely
- Make sure you have all of the information
- Know about options (yours and theirs)
- Keep an eye on the Civil Service Administration
- Ask questions
- Question Authority
- Look out for each other
- **NEVER QUIT!!!!**

