



The
Civil Service
Rules
For
City of Kingston

Rules for the Classified Service

Of

The City of Kingston Civil Service Commission

Purpose and Effect

It is hereby declared to be the purpose of these rules to provide an orderly and uniform system for the administration of civil service in The City of Kingston on a basis of merit and fitness as provided in the Civil Service Law of the State of New York. These rules have the force and effect of law, and apply to all positions in the classified service of The City of Kingston as well as the towns, villages, school districts and special districts therein. These rules may be amended by the Commission after a public hearing, subject to the approval of the State Civil Service Commission.

APPENDIX A

EXEMPT POSITIONS

ASSISTANT CORPORATION COUNSEL - est. csc 04/20/1976

BUDGET OFFICER - est. csc 06/09/1980

CONFIDENTIAL SECRETARY TO CORPORATION COUNSEL -est. csc 06/09/1980

EXECUTIVE DIRECTOR, ECONOMIC DEVELOPMENT - est. csc 08/25/1999

EXECUTIVE SECRETARY (Civil Service Commission) - est. csc 04/26/1978

EXECUTIVE SECRETARY (to the Housing Authority) - est. csc 07/01/1981

LEGAL COUNSEL (Water Board) P/T, est. csc 03/20/2000

SECRETARY TO THE BOARD OF EDUCATION - est. csc 03/20/2000

SECRETARY TO MAYOR

SECRETARY TO SUPERINTENDENT OF SCHOOLS - est. csc 09/19/1979

SCHOOL ATTORNEY

SCHOOL DISTRICT TREASURER - est. csc 01/27/1976

APPENDIX B

NON-COMPETITIVE POSITIONS

BINGO INSPECTOR (P/T)
CARPENTERS - est. csc 04/26/1978
CITY ASSESSOR
CLERKS (P/T) - est. csc 04/26/1978
CLERKS (SEASONAL) - est. csc 09/21/1978
COOKS - est. csc 7/70
COOK/MANAGERS - est. csc 7/70
COUNCIL PAGE - est. csc 08/23/1999
DOG CONTROL OFFICER - est. csc 04/21/1981
ENGINEERING AIDE (SEASONAL)
EXTRA HEAVY MOTOR EQUIPMENT OPERATOR - est. csc 08/23/1999
FOOD SERVICE DRIVERS - est. csc 7/70
HEAVY MOTOR EQUIPMENT OPERATORS - est. csc 04/26/1978
HUMAN RELATIONS DIRECTOR
LABORATORY AIDE COORDINATOR - est. csc 04/26/1978
LIFEGUARD (SEASONAL) - est. csc 09/21/1978
LIBRARY CLERKS (P/T) - est. csc 09/21/1978
MAINTENANCE ASSISTANTS - est. csc 04/26/1978
MAINTENANCE HELPERS - est. csc 7/70
MAINTENANCE MECHANICS - est. csc 04/26/1978
MECHANICS HELPERS - est. csc 7/70
MAINTENANCE MECHANIC/WELDER - est. csc 01/27/1976
MOTOR EQUIPMENT MECHANICS TRAINEE - est. csc 7/70
MOTOR EQUIPMENT MECHANICS - est. csc 09/21/1978
MOTOR EQUIPMENT SERVICE ATTENDANTS - est. csc 09/21/1978
MOTOR EQUIPMENT OPERATORS - est. csc 04/26/1978
PAINTERS - est. csc 04/26/1978
PARK COUNSELOR (SEASONAL) - est. csc 03/20/2000
PASSENGER BUS OPERATORS - est. csc 09/21/1978
POLICE MATRONS - est. csc 09/21/1978
RECREATION ASSISTANT - est. csc 04/26/1978
RECREATION SUPERVISORS (SEASONAL) - est. csc 09/21/1978
REGISTERED PROFESSIONAL NURSES (SCHOOL) - est. csc 09/21/1978
REGISTERED PROFESSIONAL NURSES (SCHOOL) - est. csc 09/21/1978
RESERVOIR OPERATORS - est. csc 04/26/1978
SAFETY OFFICER (P/T) - est. csc 03/20/2000
SCHOOL CROSSING GUARDS - est. csc 04/26/1978
SENIOR FOOD SERVICE HELPERS - est. csc 7/70
SEWAGE TREATMENT PLANT MECHANICS - est. csc 04/26/1978
SEWAGE MAINTENANCE ASSISTANTS - est. csc 04/26/1978
SIGNE LANGUAGE INTERPRETERS - est. csc 08/23/1999
SIGN PAINTERS - est. csc 04/26/1978
SKILLED MECHANICS - est. csc 7/70
STUDENT HELPER - est. csc 08/23/1999
SUPERINTENDANT PUBLIC WORKS - est. csc 09/18/2000
TEACHERS AIDES - est. csc 7/70
TENNIS DIRECTOR (SEASONAL) - est. csc 03/20/2000
WATER MAINTENANCE ASSISTANTS - est. csc 04/26/1978
WATER SERVICE ASSISTANTS - est. csc 04/26/1978
WORKING SUPERVISOR - est. csc 04/26/1978

APPENDIX C

LABOR CLASS POSITIONS

AUTOPSY ASSISTANT - est. csc 01/27/1976

CLEANERS - ltr. 7/70

FOOD SERVICE HELPERS - est. csc 7/70

LABORERS - est. csc 7/70

MAINTENACE LABORERS - est. csc 7/70

PARKING LOT ATTENDANTS - est. csc 09/21/1978

SCHOOL MONITORS - est. csc 7/70

ZOO CARETAKER

LIBRARY PAGE - 07/22/2002

APPENDIX D

UNCLASSIFIED SERVICE

1. THE UNCLASSIFIED SERVICE SHALL INCLUDE:

- All Elective Officers;
- All Members, Officers and Employees of the Board of Elections;
- All persons employed in or who seek to enter the public service as superintendent, principals or teachers in the Department of Education;
- All legislative officers and legislative employees

2. THE FOLLOWING POSITIONS SHALL BE IN THE UNCLASSIFIED SERVICE:

- City Clerk
- City Treasurer
- Corporation Counsel
- Special City Judge
- School Medical Supervisor
- Fire Commissioners (3)
- Police Commissioners (4)
- Water Commissioners (5)
- Commissioners of Public Works (4)
- Members of Examining Board of Plumbers (3)
- Members of Recreation Commission (7)
- Members of Civil Service Commission (3)
- Members of Zoning Board of Appeals (7)
- Members of Planning Board (5)
- Members of the Board of Managers, City Laboratory (5)
- Members of Housing Code Commission (5)
- Members of Housing Authority (5)
- Board of Electrical Examiners (4)

RULE I

DEFINITIONS

Unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the several terms hereinafter mentioned, whenever used in these rules, shall be construed as follows:

1. **COMMISSION** means the Civil Service Commission of the City of Kingston, NY.
2. **EMPLOYEE** means the incumbent of a position holding the position in accordance with the Rules and the Civil Service Law.
3. **POSITION** means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.
4. **COMPENSATION** means the remuneration of a position and shall include food, lodging, maintenance and commutation when the same is furnished.
5. **ELIGIBLE LIST** means an official record kept in the Commission's office as a public record which contains the names of those persons who have successfully completed examinations, listed and ranked in order of their final ratings, the highest to the lowest rank.
6. **PART-TIME EMPLOYMENT** means any employment or combination of one or more employment's in a civil division in which an individual works fifty percent or less of the time prescribed as the standard work week by the governing body of other appropriate authority of the civil division or where the employee earns not more than one half (1/2) of the rate assigned to the position if the position has been allocated to a graded salary schedule.
7. **TRANSFER** means the change, without further examination, of a permanent employee from a position under the jurisdiction of one appointing authority to a similar position under the jurisdiction of the same appointing authority.
8. **RE-ASSIGNMENT** means the change, without further examination, of a permanent employee from one position to another similar position under the jurisdiction of the same appointing authority.
9. **MUNICIPALITY** means county, town, city, village or special district.

RULE II

ORGANIZATION OF THE COMMISSION

The Commission shall designate one of its members as Chairman. Two Commissioners shall constitute a quorum for the transaction of business. The Commission may appoint an Executive Secretary who shall not be a Commissioner, and such other subordinates and employees, within available appropriations as it may deem necessary or proper to carry out the purpose of these Rules and the Law. It shall fix the duties of these employees. The Commission shall keep true and accurate minutes of all its meetings and the proceedings which shall be open to public inspection.

RULE III

EXEMPT CLASS

1. Positions in the Exempt Class are those for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41).
2. Positions in the Exempt Class shall be listed in Appendix A of these Rules and made a part hereof.

RULE IV

NON-COMPETITIVE CLASS

1. A position in the non-competitive class may be filled by the appointment of a person who meets the minimum qualifications established for such position by the Commission. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the appointing authority with the Commission. Such appointment shall become effective only after the approval of the Commission.
2. Positions in the non-competitive class shall be listed in Appendix B of these Rules and made a part hereof.

RULE V

LABOR CLASS

1. The labor class shall include unskilled laborers.
2. A position in the labor class may be filled by the appointment of any person selected by the appointing officer of the agency where a vacancy exists, and the Commission may require applicants for employment in the labor class to qualify in such tests of their fitness for employment as may be deemed practicable.
3. Position in the labor class shall be listed in Appendix C of these Rules and made a part hereof.

RULE VI

UNCLASSIFIED SERVICE

Positions in the unclassified service shall be listed in Appendix D of these Rules and made a part hereof as though set forth in full herein.

RULE VII

RECRUITMENT OF PERSONNEL

By resolution of June 4, 1997

Residence requirements for the Municipal positions

1. An applicant must be at the time of examination and for at least thirty (30) days prior thereto a resident of the municipality in which appointment is to be made or any reasonable combination of municipalities both in and outside of New York State contiguous to the municipality in which appointment is to be made or contiguous to the municipality in which such municipality is located as determined by the Commission. Residence requirements may be suspended or reduced by the Commission in cases where recruitment difficulty makes such requirements disadvantageous to the public interest. When preference in certification is given to residents of a municipality pursuant to subdivision 4-a of Section 23 of New York State Civil Service Law, an eligible must have been, at the time of certification and for at least thirty (30) days, prior thereto; a resident of such municipality in order to be included in a certification as a resident of such municipality.
2. The public announcement of an examination shall specify the application fee, if any, the title, the duties and responsibilities of the position, the minimum qualifications required, the final date for filing applications, the subjects or scope of the examination and the relative weights thereof, and the date and place of the examination. Public notice of open-competitive examinations shall be made at least twenty-five (25) days before the date of the examination and must be conspicuously posted in a public place for fifteen (15) days. The last filing day for filing applications shall be at least ten (10) days before the date of the examination.

RULE VIII
APPLICATIONS

1. RECEIPT AND DISPOSITION OF APPLICATIONS

- a. Applications of candidate for positions in the classified service must be addressed to the Commission at the office of the Commission and be made on the form prescribed by the Commission.
- b. The Commission shall notify applicants for all competitive examinations and specific positions to be filled in other classifications.

2. RELEASE OF APPLICATION INFORMATION

A candidates application for appointment or examination may be exhibited, upon request, to the appointing officer to whom his/her name is certified, or to the appointing officer's representative; provided however, that information therein relating to the candidate's national origin or indicating whether his/her citizenship is by birth or naturalization shall not be divulged. A candidates' medical history, medical condition, criminal convictions or any reference to age shall not be divulged to a prospective appointing officer or authorized representative. An appointing authority or authorized representative may request from a candidate an updated application indicating recent educational/work experience.

RULE IX

DISQUALIFICATION

NOTIFICATION OF DISQUALIFICATION

1. An applicant who is disqualified for an examination or appointment shall be notified of the reasons for such disqualification and afforded an opportunity to submit facts in opposition to such disqualification.

VERIFICATION OF QUALIFICATIONS

2. The burden of establishing qualifications to the satisfaction of the Commission shall be upon the applicant. Any applicant who refuses to permit the Commission to investigate matters necessary for the verification of his/her qualifications or who otherwise hampers, impedes or fails to cooperate with the Commission in such investigation shall be disqualified for examination, or, after examination, for certification and appointment.

DISRESPECT FOR PROCESSES OF LAW

3. A record of disrespect for the requirement and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses, may be grounds for disqualification for examination or, after examination, for certification and appointment (Civil Service Law, Section 50.4).

RULE X

EXAMINATIONS

1. The marking of each competitor's examination shall be made on the scale of 100, which maximum shall represent the best performance possible, expected or attained, and 70 shall represent a performance meeting the minimum needs of the position to be filled. The Commission may, after the announcement of an examination is made, sub-divide the written examination in parts in order that candidates are considered further for eligibility. Notice of such arrangement shall be given in the instructions on the written examination. Where the written test is prepared and rated by the New York State Civil Service Commission Law, the provisions of the Rules and Regulations of the New York State Civil Service Commission and Department dealing with the rating of examinations shall apply.
2. The Commission shall adopt a system to conceal the identity of the candidate's papers in a written examination until such written examination has been rated.
3. For examinations prepared and rated by the Commission, application and examination records and papers of candidates shall be reserved until at least six (6) months after the expiration of the eligible list resulting from such examination, but in no event may records be destroyed except in accordance with the policies of the State Commissioner of Education and the New York State Civil Service Commission. Whenever an oral test shall be prescribed as part of an examination, a stenographic or recording device or record of all the part questions and answers shall be made part of the examination records.
4. Every candidate in an examination shall be notified of his/her final rating and, if successful, of his/her relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, his/her duly authorized representative, may inspect his/her examination papers in the office of the Commission, provided he/she makes request for such inspection in writing within the period of ten (10) days after the date of the postmark of such notice. The application and examination papers of a candidate's shall be exhibited only to the candidate or his/her duly authorized representative designated as such in writing. The application of an eligible who is being considered for appointment may be shown to the appointing officer.
5.
 - (a) A candidate who wishes to appeal to the Commission from his/her rating in one or more of the subjects of an examination must submit such appeal in writing within twenty (20) days after the earliest date on which his/her examination papers were made available for his/her inspection. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidates' papers for review, whether resulting in a higher or lower average standing. No change in rating shall be made as a result of an appeal unless it shall affect the candidate's relative position on the eligible list.
 - (b) For examinations prepared and rated under Section 23-2 of the New York State Civil Service Law, the New York State Civil Service Commission shall have sole and exclusive authority to correct any errors in rating upon appeal or otherwise. The review of papers by candidates and the filing of appeals in such examinations shall be governed by the rules and regulations of the New York State Department of Civil Service and Commission.
 - (c) The Commission may, at any time during the life of an eligible list resulting from an examination prepared and rated by the Commission, correct any clerical or computational errors in the ratings or candidates who competed in the examination.

RULE X cont'd.

(d) Any change in an eligible list pursuant to the Rule shall be made without prejudice to the status of any person previously appointed as a result of such examination.

6. Rating keys shall be prepared for such examination held. Such keys shall be a permanent part of the record of each examination.

RULE XI

ELIGIBLE LISTS

1. Every candidate who attains a passing grade in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects prescribed, if any, for separate be eligible for appointment to the position for which he/she was examined and his/her name shall be entered on the eligible list in the order of his/her final rating, but if two (2) or more eligible's receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed therefore by the Commission.
2. The date of the establishment of a list shall be the date fixed therefore by the Commission resolution, and shall be entered on the Commission resolution prior to the establishment of such list but shall not be less than one (1) year nor more than four (4) years. The date of establishment of a list and its duration shall be given to all successful candidates at the time when notice of standing on the eligible list is given to such candidates. Where the duration of an eligible list is fixed at less than four (4) years the Commission may, by resolution, prior to the expiration date of such list, extend the duration of the list up to the maximum limitation of four (4) years, provided that eligible's on such list are notified in writing of the extension of the eligible list.
3. Eligible lists shall be open to the public inspection at the office of the Commission. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.
4. The Commission shall have power in its discretion to correct any error and amend any eligible list where it appears that an error has been made. The Commission shall have power to revoke any eligible list where the provisions of these rules were not proper or sufficiently carried out; provided, however, that an eligible list shall not be revoked except after notice and an opportunity to be heard has been given to all persons whose names appear thereon. The reasons for such action shall be recorded in the minutes of the Commission and reported to the New York State Civil Service Commission.

RULE XII

CERTIFICATION

1. The Commission shall determine the eligible list most nearly appropriate for the position to be filled, and shall certify to the appointing authority a sufficient number of those eligible from which selection for appointment may be made. When the name of any eligible is included in a certification for appointment, the names of all other eligible candidates on the list having the same final rating as such eligible shall likewise be included in such certification.
2. A Certification issued by the Commission to any appointing officer shall be valid for a period of thirty days from the date of its issuance. After the expiration of such thirty day period, no appointment shall be made except from a new certification. The Commission, for good cause shown, may extend a certification up to a maximum of sixty days upon request of an appointing authority.
3. When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his/her willingness to accept such appointment within four (4) business days after the mailing of such canvass or offer, or before the end of the next succeeding business day if such canvass or offer is sent by telegram, he/she may be considered ineligible for purposes of making selection for such particular appointment.
4. The name of the person declining appointment shall be eliminated from further certification from the eligible list unless declination is for one or more of the following reasons:
 - a. Insufficiency of compensation offered when below minimum grade of the positions for which the examination was held;
 - b. Location of employment;
 - c. Temporary inability, physical or otherwise, which must be a satisfactory explanation by the eligible in writing. The Commission shall enter upon the eligible list the reasons for its action in such cases.
5. Except as otherwise provided herein, appointment or promotion to a position in the competitive class shall be made by the selection of a person on the most nearly appropriate eligible list who is willing to accept such appointment and whose final rating in the examination is equal to or higher than the rating of the third highest ranking eligible on the list indicating willingness to accept such appointment. The term "ranking" as used herein refers to the order in which the names of eligible appear on the eligible list as provided in Rule Eleven (XI).
6. Whenever a vacancy exists in a position in the competitive class and an open-competitive examination is duly advertised results in three (3) or fewer approved applicants for examination, the appointing officer may nominate to the Commission one (1) of the applicants who may be certified for appointment, provided that he has already qualified in an examination of equivalent character within the last four (4) years from the date of nomination.

Rule XII Cont'd

7. Wherever one (1) or more eligible shall have declined any appointment offered and an eligible whose relative standing is lower and who was reachable on the certification only because of the aforesaid declination shall have been appointed to the position, the salary or compensation of such appointee shall not be increased, except by a service of class wide increase, within the period of six (6) months after his/her appointment beyond that offered to the persons so declining.
8. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, at the next lower level position, is nominated for non-competitive promotion examination in accordance with Section 52 of Civil Service Law, the Municipal Commission, with the approval of the State Department of Civil Service, and determine that the examination that shall be appropriate for such non-competitive promotion may consist of a review of the candidate's training and experience at the time of nomination.

If the Commission determines the candidate's training and experience meets or exceeds the open-competitive qualifications for the position, the candidate shall be certified as eligible for appointment to the promotional position; such appointment shall require successful completion of a probationary term as prescribed in these Rules (Adopted April 2, 1981 and approved by State Commission on April 21, 1981).

9. RESTRICTION ON CERTIFICATION FOR RECLASSIFIED POSITION

An open-competitive, promotion or preferred eligible list shall not be certified for filling a permanent competitive class vacancy created by reclassification of a permanently encumbered position if the appointment or promotion from such list would require the layoff of a permanent employee; but this provision shall not apply to the incumbent whose position was reclassified has, following such reclassification, either refused to take and examination for such reclassified position or failed to qualify for appointment, examination or promotion to such position.

RULE XIII

PROMOTIONS

ELIGIBILITY FOR PROMOTION

1. In order to be eligible to participate in a promotion examination or to be promoted, a candidate must have been employed in a competitive class position on a permanent basis in a lower grade, either in direct line of promotion or in a related or collateral line of promotion as determined by the Commission. The Commission shall determine the minimum period of such service and other qualifications for eligibility to enter a promotion examination.

RULE XIV

PROBATIONARY TERM

1. Probationary term

A. Except as herein otherwise provided, every permanent appointment from an open-competitive list and every original appointment to a position in the non-competitive, exempt, labor class shall be for a probationary term of not less than eight (8) nor more than twenty-six (26) weeks.

Every appointment from a promotion eligible list and every appointment of an employee to a higher grade position in the non-competitive or exempt class shall be for a probationary term of not less than eight (8) nor more than twelve (12) weeks.

B. The probationary term for training positions, in which an appointee is required to serve a specified training term, shall not be less than twelve (12) nor more than fifty-two (52) weeks.

C. An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Commission.

If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner as prescribed in these rules.

D. The probationary term for the positions of Police Officer and Firefighter shall not be less than twelve (12) weeks nor more than fifty-two (52) weeks (amended 3/21/85 at Commissioner Meeting).

2. Interdepartmental promotion and transfer

An interdepartmental promotion or transfer means a promotion or transfer from a position in one department to a position in another department. Every interdepartmental promotion and transfer shall be for a probationary term of twelve (12) weeks. If the conduct or performance of the probationer is not satisfactory, his/her employment in such position shall be discontinued at the end of such term. For the purpose of this subdivision, the term "promotion" shall include the appointment of an employee to a higher grade position in the non-competitive or exempt class.

Rule XIV Cont'd

3. Restoration to permanent position

When a permanent employee is promoted or transferred to a position in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at this/her own election. If the conduct or performance of the probationer is not satisfactory, he/she shall be restored to his/her former permanent position at the end of his/her probationary term.

4. Absence during probationary term

Any periods of authorized or unauthorized absence aggregating up to ten (10) work days during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term. Any such periods of absence in excess of an aggregate of ten (10) work days shall not be counted as time served in the probation term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his/her absence which, pursuant to this section, are not considered as time served in the probationary term. Nothing in this section shall be construed to except a probationer from the application of Section four (4) of Rule twenty (20) of these Rules.

5. Report of probationer's service

The probationer's supervisor shall carefully observe his/her conduct and performance and, at least two (2) weeks prior to the end of the probationary term shall report hereon in writing to the proper appointing authority. The supervisor shall also, from time to time during the probationary term, advise the probationer of his/her status and progress. A probationer whose services are to be terminated for unsatisfactory service shall receive written notice at least one (1) week prior to such termination and, upon request, shall be granted an interview with the appointing authority or his/her representative.

6. Restoration to eligible list

A probationer whose employment is terminated or who resigns before the end of his/her probationary term may request that his/her name be restored to the eligible list from which he/she was appointed, provided such list is still in existence. His/her name may be restored to such list if the Commission in its discretion determines that the probationer should be given a second opportunity for appointment.

TEMPORARY, PROVISIONAL OR CONTINGENT PERMANENT SERVICE IN HIGHER LEVEL POSITION

7. When an employee who has not completed his/her probationary term is appointed on a temporary, provisional, or contingent permanent basis to a higher legal position, the period of service rendered by such employee in the higher level position may be considered as satisfactory probationary service in his/her lower position and may be counted as such by the appointing authority in determining the satisfactory completion of the probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one of fixed duration, the appointing authority shall, on request of such probationer, furnish his/her decision in writing as to whether or not service in such higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the appointing authority such probationer at his/her request shall be returned to his/her lower position for sufficient time to permit him/her to complete his/her probationary term. The employment of such a probationer in his/her position shall not be terminated at the end of his/her probationary term on account of unsatisfactory service unless he/she shall have actually served in such position, in the aggregate, at least the minimum period specified for such probationary term or the entire probationary term if it be one of fixed duration.
8. **REMOVAL DURING PROBATIONARY TERM**
Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 of Civil Service Law, at any time during the probationary term, to remove the probationer for incompetence or misconduct.
9. Notwithstanding any other provisions of these rules, the appointment or promotion of a police officer shall not become permanent unless and until he/she has satisfied such requirements as may be applied to him/her under Section 209-G of the General Municipal Law. If a police officer is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section 209-G of the General Municipal Law, he/she shall be deemed to be on a leave of absence for the lower rank position from which he/she was promoted pending completion of such training. During such period such lower rank position may not be filled except on a temporary basis. In the event of his/her failure to complete such training successfully within the time allowed therefore, he/she shall be restored to such lower rank position.
10. An employee who is reinstated to a position after a separation of more than one (1) year, either in his/her former jurisdiction or another jurisdiction shall service a new probationary period in the same manner and subject to the same requirements as apply upon the original appointment to such position.

RULE XV

SEASONAL AND EMERGENCY DEFENSE AND TRAINEE APPOINTMENTS

1. Appointment to seasonal positions in the competitive class.
 - A. Positions in the competitive class where the nature of the service is such that it is not continuous throughout the year, but recurs in each successive year, except as herein otherwise provided, shall be designated as seasonal positions and shall be subject to the provisions of these rules applicable generally to positions in such class.
 - B. Upon the expiration of the employment season, the names of all persons employed in such seasonal positions shall be entered upon a seasonal re-employment list in the order of their first appointment to the title vacated by them at the expiration of such employment season. Such seasonal re-employment shall be during the next employment season, and the persons whose names appear thereof as still qualified shall be entitled to re-employment in such positions in the order in which their names appear on such list. Any such person may be re-examined by the Commission with the respect to his/her physical fitness for the performance of the duties of the position, and may be qualified for re-employment in the same manner, and for any of the reasons applicable to the disqualification of an eligible on an eligible list resulting from open-competitive examination.
 - C. The name of any person on such list who is not reached for re-employment shall remain on such list and shall be certified in the order of the date of his/her first appointment to such position during subsequent employment seasons; provided, however, that the eligibility for re-employment of any such person shall not continue for a period longer than three (3) years from the date of his/her separation from such seasonal employment. A seasonal re-employment list shall not be deemed to be a preferred list as provided in Section 81 of the Civil Service Law.
2. Emergency defense appointments
 - A. Any positions in a civil defense agency or any position created in a governmental agency to perform civil defense or other national emergency activities and which is unique and peculiar to civil defense or national emergency activities and which is not comparable to any regular, standard position in the classified civil service may be designated, with the consent of the Commission and upon the approval of the State Civil Service Commission, as an emergency defense position/ No position involving conventional and stable duties of the nature of those performed in the regular and normal function of Civil Government or having as a counterpart a position in any regular, established department or agency of civil government shall be designated as an emergency defense position. An emergency defense position may be filled on a temporary basis for a period not to extend beyond the duration of the New York State Emergency Defense Act. Appointments to such positions shall be designated as emergency defense appointments. All positions designated as

Rule XV Cont'd

Emergency defense positions shall be listed in Appendix E of these Rules and made a part hereof as though set forth in full herein.

- B. Any permanent employee who, with the consent of his/her appointing authority, accepts an emergency defense appointment under this subdivision shall be granted a leave of absence from his/her permanent position until the termination of such appointment.
3. The Civil Service Commission may require that permanent appointments or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a trainee in such a position or in an appropriate, lower training title or the completion of specified training or academic courses if required; an appointee shall be entitled to full permanent status in the position for which appointment was made. Any appointment hereunder shall be subject to such probationary period as is prescribed in these Rules. Also, the employment of such person may be discontinued if his/her conduct, capacity or fitness is not satisfactory, or at any time if he/she fails to pursue or continue satisfactory such training or academic courses as may be required.

RULE XVI

EFFECT OF NON-PERMANENT SERVICE ON STATUS OF EMPLOYEES

1. Effect of temporary appointment of eligible of a temporary appointment shall not affect his/her standing on the eligible list for a permanent appointment, nor shall the period of temporary service be counted as party of the probationary service in the event of subsequent permanent appointment.

2. NON-PERMANENT APPOINTMENT OF PERMANENT EMPLOYEE

- a. When a permanent employee is given a provisional, temporary or contingent permanent appointment to a competitive class position in the same department or agency, the position thus vacated by him/her shall only be filled on a temporary or contingent permanent basis until the position is vacated by the permanent incumbent.
- b. A provisional, temporary or contingent permanent appointee may return to his/her permanent position at any time by providing written notice to the appointing authority requesting to be returned to such permanent position. The appointing authority shall return such appointee to his/her permanent position within fifteen days of receipt of such written notice.

3. SUCCESSIVE PROVISIONAL APPOINTMENT

- a. No provisional employee who has refused to take an examination held for a permanent appointment shall be given another provisional appointment in the same position.
- b. No provisional employee who has twice failed an examination for permanent appointment shall be given another provisional appointment in the same position, provided, however, that where an examination fails to produce any qualified eligible immediately following its establishment such employee at the discretion of the appointing authority may be given a third provisional appointment in the same position.

4. CONTINGENT PERMANENT APPOINTMENTS

- a. A competitive position left temporarily vacant by the leave of absence of the permanent incumbent may be filled, at the discretion of the appointing authority, by a contingent permanent appointment through the use of an open-competitive, (or) promotion eligible or preferred list. Any person appointed on a contingent permanent basis shall have all the rights and benefits of a permanent competitive class employee subject to the following limitations.

PROBATION PERIOD: All appointments under this Rule shall be required to complete the probationary period for original appointment or promotion as prescribed in this Rule.

RETURN OF INCUMBENTS: In the event of a layoff or if the permanent incumbent returns from leave of absence, persons holding positions on a contingent permanent basis shall be displaced before any persons holding permanent status in the same title regardless of total seniority. In the event more than one position in the same title is held by persons having contingent

Rule XVI Cont'd

permanent appointments, displacement among those persons shall be based on the inverse order of their contingent permanent appointments.

PREFERRED LIST: Upon displacement, if the contingent permanent appointee was appointed from a promotion eligible list, he/she shall be restored to his/her permanent position and have his/her name placed on a preferred eligible list for certification as a mandatory list for that municipality. If the contingent permanent appointee was appointed from an open-competitive eligible list and does not have a permanent position to return to, he/she shall have his/her name placed on a preferred eligible list for certification as a mandatory list in the municipality in which the contingent permanent appointment was made.

SENIORITY: When a contingent permanent appointment matures into a permanent appointment, the date of permanent service shall be the date of the original contingent permanent appointment.

- a. All prospective appointees under this rule shall receive a copy of this rule and be canvassed as "permanent-contingent permanent".
- b. Contingent permanent appointments from eligible lists shall be made by selection of one of the top three candidates on an appropriate eligible list willing to accept a contingent permanent appointment; there will be no re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the person's name for the eligible list for any future contingent permanent or permanent vacancies within the municipality in which the contingent permanent appointment was made.
- c. If a permanent vacancy becomes available in the same title in the department or agency in which a contingent permanent appointment has been made, contingent permanent appointees must be offered reassignment, prior to canvassing for a permanent appointment from an appropriate eligible list or prior to appointing a temporary position or provisional to the positions.
- d. When a position filled by a contingent permanent appointee becomes unencumbered, the contingent permanent appointee in that position shall immediately gain permanent competitive class status in the class if the required probationary period as prescribed in this rule has been satisfactorily completed.
- e. When a permanent competitive class employee accepts a contingent permanent appointment in the same municipality, the position created by such employee shall not be filled except on a temporary or contingent permanent basis until the contingent permanent appointment matures into a permanent appointment.

RULE XVII

TRANSFER OF ELIGIBILITY FOR PERMANENT APPOINTMENT

Upon the written request of an individual and prospective appointing authority, and subject to the approval of the Commission, any individual serving in a competitive class position as a permanent position subject to these Rules without further competitive examination, provided:

- (a) There is no preferred list appropriate for filling the position to which appointment is sought containing the name of an eligible willing to accept appointment; and
- (b) There is no departmental promotion list for the position to which appointment is sought containing the names of three (3) or more eligible's willing to accept appointment; and
- (c)
 - 1. The Commission determines that the examinations scopes and qualifications for the position held and to which appointment is sought are identical; or
 - 2. When the examinations scopes and qualification are not identical, the New York State Department of Civil Service has determined that the examination for the position held involved or would involve essential tests and qualifications the same as or greater than those of the position to which appointment is sought; and
- (d) The Commission has determined that such appointment is for the good of the service.

RULE XVIII

REINSTATEMENT

1. A permanent competitive class employee who has resigned may be reinstated without further examination to the position from which he/she resigned, if then vacant, or in any vacant position to which the employee was eligible for transfer or reassignment. An employee who is laid off shall be eligible for reinstatement in the same manner as an employee who had resigned.

ALL REINSTATEMENTS ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- The prospective appointing authority must request approval from the Commission to reinstate an individual.
- A reinstatement may not be approved to a position for which a preferred list exists containing the name of an eligible willing to accept appointment.
- With the exception of an employee who is being reinstated to his/her former position within one year from resignation, a reinstatement may not be approved to a position for which a promotion eligible list exists containing the name of three or more eligible willing to accept appointment.
- The Commission shall determine if the reinstatement is for the good of the service.

REINSTATEMENT FOLLOWING A BREAK IN SERVICE OF MORE THAN ONE YEAR MUST ALSO SATISFY THE FOLLOWING ADDITIONAL CONDITIONS:

- The appointing authority must provide documentation or explanation that demonstrates to the satisfaction of the Commission that the individual requested to be reinstated possesses current knowledge and skill in the occupational field to which reinstatement is sought.
- If the position to which reinstatement is sought requires successful completion of medical and/or physical agility tests for original appointment, the individual being reinstated must satisfy these criteria immediately prior to reinstatement.

REFUSAL OR FAILURE TO ACCEPT REINSTATEMENT FOR PREFERRED LIST:

- Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice to accept reinstatement there from to his/her former position, or a similar position in the same salary grade for which such list is certified, shall be deemed to be a relinquishment of his/her eligibility for reinstatement, and his/her name shall be stricken from such preferred list. The name of such person may be restored to such preferred list and certified to fill such appropriate vacancy as may thereafter occur only upon the request of such person and his/her submission of reasons satisfactory to the Commission for his/her previous failure or refusal to accept reinstatement.
- Effect or refusal to accept reinstatement to lower grade position. A person on a preferred list shall not be deemed to relinquish his/her eligibility for reinstatement there from by reason of his/her failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which

Rule XVIII Cont'd

he/she was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in the same or a lower salary grade than the position to which he/she failed or refused to accept reinstatement.

- Restoration to eligibility for reinstatement not to affect previous appointments. The restoration of the name of a person to a preferred list, or his/her restoration to eligibility for certification therefrom to positions in a lower salary grade than his/her former position, shall not invalidate or in any manner adversely affect any appointment, promotion, reinstatement or demotion previously made to any position to which such person would otherwise have been eligible for reinstatement from such preferred list.

RULE XIX

LEAVE OF ABSENCE

LEAVE OF ABSENCE WITHOUT PAY

1. A leave of absence without pay may be granted by the appointing authority in conformance with the regulations or policies established by the appropriate legislative body or appointing authority, provided however, that a permanent competitive class employee may not encumber a permanent position by a leave without pay while holding a permanent appointment to another position in the civil service of the same municipality.

LEAVE FOR SUPERVISORY POLICE PERSONNEL

2. Notwithstanding any other provisions of these rules, the promotion of a Police Officer to a higher rank for which that Officer has met all the requirements of eligibility for permanent promotion, except the training required under Section 209-g of the General Municipal Law, the Officer shall be deemed to be on a leave of absence from the lower rank position from which the Officer was promoted pending the completion of such training. During such period the lower rank position may not be filled except on a temporary basis. In the event the Officer fails to successfully complete the required training within the time allowed therefore, the Officer shall be restored to such lower rank position.
3. A leave of absence without pay, not exceed four (4) years, shall be granted by an appointing officer to an employee who is a Veteran of the Armed Forces of the United States, providing such a leave of absence is for the purpose of taking courses under the Educational Benefits provided for in Title 38, United States code or under a New York State Board of Regents War Service Scholarship Education Law, Section 614. An employee taking such a leave shall be reinstated to his/her position, provided he/she makes application for such reinstatement within sixty (60) days after the termination of his/her courses of study.

RULE XX

RESIGNATION

1. Resignation in writing

Except as otherwise provided herein, every resignation shall be in writing.

2. Effective date

If no effective date is specified in a resignation, it shall take effect upon the delivery to or filing in the office of the appointing authority. If an effective date is specified in a resignation, it shall take effect on such specified date. However, if a resignation is submitted while the employee is on leave of absence without pay, such resignation shall be deemed to be effective as of the date of the commencement of such absence. Notwithstanding the provisions of this section, when charges of incompetency or misconduct have been or are to be filed against an employee, the appointing authority may elect to disregard a resignation filed by such employee and to prosecute such charges and, in the event that such employee is found guilty of such charges and is dismissed from the service, his/her termination shall be recorded as a dismissal rather than as a resignation.

3. Withdrawal or amendment

A resignation may not be withdrawn, cancelled or amended after it is delivered to the appointing authority, without the consent of the appointing authority.

4. Unauthorized absence; when deemed a resignation

This section has been deleted as of April 25, 1979 as per a court case of Percy Johnson v Director, Downstate Medical Center (41 ? 2d 84, May 3, 1977), is inconsistent with the provisions FO Section 75 of the Civil Service Law.

5. Voluntary Demotion of Permanent Competitive Employee

An employee who voluntarily elects to relinquish his/her permanent competitive class status to a position and accept a demotion must deliver a statement of relinquishment to the appointing authority. Upon receipt of the statement of relinquishment by the appointing authority, the employee may be reinstated to any vacant lower same position for which he/she is eligible for such reinstatement as provided in these rules. Such statement of relinquishment shall not take effect until the employee is reinstated to the lower level position.

RULE XXI

REPORTS OF APPOINTING OFFICERS

For the purpose of certification of payrolls and to enable the Commission to keep an official roster of the classified service as required by law, each appointing officer, from time to time, and upon the date of the official action in each case shall report to the Commission as follows:

- A. Every appointment or employment whether probationary, temporary or otherwise, in the classified service, with the date of commencement of service and the title and compensation of the position.
- B. Every failure to accept an appointment under him/her by a person eligible therefore, with copies of the offer or notice of appointment and the reply thereto, if any.
- C. Every discharge during or at the end of probationary term with the date thereof.
- D. Every vacancy in a position, for whatever reason with the date thereof.
- E. Every position abolished, with the date of such abolition.
- F. Every change of compensation in a position, with the date thereof.
- G. Every promotion, giving positions from which and to which made, with the date and salaries thereof.
- H. Every transfer, giving the positions from which and to which made, with the date and salaries thereof.
- I. Every reinstatement in a position, with the date and salary thereof.
- J. Every leave of absence, with the date and duration thereof.
- K. Every new position, giving a complete description of the duties thereof.

RULE XXII

CERTIFICATION OF PAYROLLS

1. Extended Certification

The Commission may certify the employment of a person for a limited or extended period. No further certification shall be necessary for the payment of salary or compensation to such person so long as his/her title and salary grade remain unchanged and during such stated period, except as to the first payment for services in each fiscal year and, if required by the Commission, the first payment for services in the second half of each fiscal year. Nothing herein shall be construed to prevent or preclude the Commission from terminating or rescinding a certification at any time by giving notice thereof to the appropriate fiscal or disbursing officer.

2. Temporary certifications

When the name of any person is first submitted for certification following his/her appointment, reinstatement, promotion, transfer or other changes in status, and the Commission requires further information or time to enable it to make a final determination thereon, the Commission may certify such person temporarily pending such final determination. In such event the Commission shall immediately request the necessary additional information from the appointing authority, who shall furnish forthwith. If such information is not furnished promptly, or if the commission finds following receipt of such information, that the employment of such person is not in accordance with the Laws and Rules, the Commission shall immediately terminate such certification by notice to the appropriate fiscal or disbursing officer.

3. Refusal or termination of certification

Upon satisfactory evidence of intention to evade the provisions of the Law and of these Rules in assigning any employee to perform duties other than those for which he/she was examined and certified or under any title not appropriate to the duties to be performed, the Commission shall refuse certification or terminate a certification previously made and then in force.

RULE XXIII

CLASSIFICATION PLAN

1. Definitions: For the purpose of this rule the following definitions shall apply.

CLASS means one or more positions sufficiently similar with respect to the duties and responsibilities to be designated by a single descriptive title and treated as a unit for the purpose of recruiting, establishing salary ranges, and administering other personnel functions.

CLASS TITLE means the designation given under these rules to a class and to each position allocated to such class.

CLASS SPECIFICATION means a formal written statement of the class which defines the general character and scope of the duties and responsibilities of positions in the class, lists typical or illustrative examples of work of positions in the class, enumerates the knowledge's, skills, and abilities required minimum experience and training for positions in the class.

ALLOCATION means the assignment of a position to an appropriate class as determined by the duties, responsibilities and minimum qualifications required of the position.

RE-CLASSIFICATION means the re-allocation of a position from one class to another because of a permanent and material change of the duties of that position.

2. The Commission shall prepare and maintain a list of class titles and class specifications for all positions in the classified service of the Civil Division and shall allocate all such positions to an appropriate class.

3. **CLASSIFICATION OF VACANT POSITIONS**

The appointing officer shall file a prescribed form with the Commission when a classified position which has or is about to become vacant is to be filled. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum qualifications (entrance) for the position. After an analysis of the position description, the Commission shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position.

4. **CLASSIFICATION OF NEW POSITIONS**

The appointing officer shall file a prescribed form with the Commission when a new position is to be created. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Commission shall allocate the position to the appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position.

Rule XXIII Cont'd

5. RE-CLASSIFICATION

The appointing officer shall file a prescribed form with the Commission whenever a permanent and material change is made in the duties and responsibilities of any position. Such form shall clearly describe in detail the changes which have been made in the duties and responsibilities of the position, the Commission shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position.

6. NOTICE AND APPEALS

Any appointing officer may make application for the classification or re-classification of any position in his/her department, or employee in the classified service may apply for a re-classification of his/her position. Such application must set forth reasons in support of the requested re-classification, and must show changes in the duties and responsibilities of the position since the last determination with respect to its classification. The Commission shall give reasonable notice of any proposal or application for change in classification to the appointing officer and to the employee or employees affected thereby. Any person desiring to submit facts orally or in writing in connection with the re-classification of any position shall be afforded reasonable opportunity to do so. The Commission shall then determine the proper allocation of the position. No employee, either by classification or re-classification, change of title or otherwise, shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of the Civil Service Law and these Rules.

RULE XXIV

**PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION CONCERNING
POLITICAL AFFILIATION**

No question in any examination or application or other proceeding by the Commission or their examiners shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Commission and its examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his/her political opinions or affiliation.

RULE XXV

LAYOFF OF COMPETITIVE CLASS EMPLOYEES

1. For the purpose of this Rule the following terms shall mean:

- A. Direct Line of Promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root.
- B. Next Lower Occupied Title shall mean the title in direct line of promotion immediately below the title from which the incumbent is suspended or demoted, unless no one is serving in that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.
- C. Layoff Unit shall mean each department of a County, City, Town, Village, each School District and each special district. Authorities and community colleges shall be deemed to be separate civil division.
- D. Satisfactory Service shall mean service by an employee during which he did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or incompetency pursuant to Section 75 of the Civil Service Law which resulted in the imposition of any of the following penalties upon such employee:

- 1. Dismissal from the service, or
- 2. Suspension without pay for a period exceeding one month,
- 3. demotion in grade and title

E. Permanent service

1. Original Appointment

Permanent service shall start on that date of the incumbent's original appointment on a permanent basis in the classified service; however, in the case of disabled veterans, the date of original permanent appointment is considered to be 60 months earlier than the actual date; while non-disabled veterans are considered to have been appointed 30 months earlier than their actual date of appointment. For the purpose of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.

2. Resignation Followed by a Reinstatement or Reappointment

A resignation followed by a reinstatement or re-appointment more than one year subsequent to the resignation constitutes a break in service. The original appointment date is to be determined from the date of re-employment; the prior service would not count.

Rule XXV Cont'd

3. Temporary or Provisional Service

Temporary or provisional service preceding the original permanent appointment does not count. However, temporary or provisional employment immediately preceded and followed by permanent classified service employment does not interrupt continuous service.

4. Seniority of Transferred Employees

The permanent service of any employee who was transferred from another civil division shall start on the date of his/her original permanent appointment in the classified service in the other civil division.

5. Seniority Date When Covered-In

If an employee was covered-in to a classified position upon acquisition by a civil division of an agency in which he/she was employed, his/her seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.

2. Suspension

- A. When an occupied position in the competitive class is abolished, suspension is to be made from among those employees holding the same title in the same layoff unit as the abolished position.
- B. Among permanent employees, the order of suspension is the inverse of the order of their original permanent appointments in the classified service. See above definition of permanent service for veterans and disabled veterans. An exception to this rule is that the blind have absolute retention rights but only in their job status.
- C. A blind person may not back-date his/her permanent service if he/she also happens to be either a veteran or disabled veteran.
- D. A person is considered blind if he/she is so certified by the Commission for the Visually Handicapped of the New York State Social Services Department.
- E. When two or more permanent incumbents of positions in a specific title are suspended, demoted or displaced at the same time, the order in which they shall be entitled to displace shall be determined by their respective retention standing, with those having the greater retention standing entitled to displace first.
- F. When several employees were originally appointed on a permanent basis on the same day, their retention rights shall be determined by their rank on the eligible list from which they were appointed; that person having the highest rank having greater retention rights over those having lower ranks.
- G. All temporary, provisional and contingent permanent employees occupying these positions must be let go before any permanent employee is suspended from such positions.

Rule XXV Cont'd

- H. Probationary employees occupying such positions in the same title must also be suspended before any permanent employee in the layoff unit in that tile who has completed his/her probationary period. Probationary employees do, however, have superior retention rights to those of contingent permanent, temporary and provisional employees.
- I. The order of suspension among probationary employees shall follow the same principles as that among permanent employees.

3. Vertical Bumping

- A. Vertical bumping occurs when an employee in a specific title to which there is a direct line of promotion, who is him/herself suspended or displaced, displaces an employee in the next lower occupied title indirect line of promotion in the same layoff unit having the least seniority if the employee who seeks to displace has great retention standing.
- B. Where the layoff involves more than one position in a title, the order of displacement will be the inverse of the order of suspension. That is, the most senior of the suspended employees will be the first to displace. This shall apply to both vertical bumping and retreat.
- C. If an employee refuses to displace a junior incumbent he/she must be laid off. This, however, does not protect the junior incumbent from being compared in retention standing with other incumbents if other positions at the higher lever are being abolished.

4. Retreat

- A. Retreat occurs when and only when there is no lower occupied position in direct line of promotion at any level.
- B. An employee may retreat by displacing the incumbent with the least retention rights who is serving in a position in the title in which the displacing incumbent last served on a permanent basis prior to service in the title from which he/she is currently suspended or displaced. Retreat may occur only where the position in the title formerly held by the displacing incumbent is occupied in the competitive class, in the same layoff unit, and at a lower salary grade; the service of the displacing incumbent while in the former title must have been satisfactory, and the junior incumbent must have less retention standing than the displacing incumbent.
- C. The service of the displacing incumbent in the title to which he/she is retreating need not have been in the same layoff unit as the one from which he/she is displaced.
- D. An employee may also displace by retreat to a position in a title he/she last served on a permanent basis although he/she had intervening service in other titles as long as his/her service in each of the intervening titles was on other than a permanent basis. He/she may also displace by retreat to a position which does not count in the computation of his/her continuous service.

Rule XXV Cont'd

- E. Where a title change has been effected to better describe the duties of a position but the duties have not substantially changed since the suspended employee last served in that title, the new title will for retreat purposes be deemed to be the former title.
5. An employee who refuses to accept an appointment afforded by displacement for whatever reason waives all rights regarding the displacement; however, this employee's name will be entered on an appropriate preferred list.
6. Preferred list standing for competitive class employees on and after October 1, 1972 shall be as follows:
 - A. On and after October 1, 1972, those employees whose positions were abolished prior to that date and who therefore had their standing on the preferred list determined by the date of their original appointment on a permanent basis in the competitive class shall retain among themselves such preferred list standing including the preferences to which they were entitled as blind, disabled veterans, and non-disabled veterans.
 - B. Blind employees whose positions are abolished on or after October 1, 1972, shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service, whether or not they are also disabled veterans or non-disabled veterans; provided, however, that the blind shall be granted absolute preference on the preferred list over all other employees except those disabled veterans and blind employees whose positions were abolished prior to October 1, 1972, with whose names theirs shall be interfiled.
 - C. Disabled veterans whose positions are abolished on or after October 1, 1972, shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service; provided, however that the date of such original appointment shall be deemed to be 60 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law.
 - D. Non-disabled veterans whose positions are abolished on or after October 1, 1972, shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service; provided, however, that the date of such original appointment shall be deemed to be 30 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law.
 - E. Non-veterans whose positions are abolished on or after October 1, 1972, shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service.
 - F. The names of all persons encompassed by paragraphs ©, (d), and (e) above whose positions are abolished on or after October 1, 1972, shall be interfiled on the preferred list with the names of all on-veterans whose positions were abolished prior to October 1, 1972.
 - G. An appointing authority may take such steps as it may deem necessary in order to secure binding written commitments in advance of suspension, demotion or displacement from employees potentially affected by such suspension, demotion or displacement as to their willingness to accept reassignment or displacement.

SUGGESTED ROSTER RECORD CODES

JURISDICTIONAL CLASS

C	Competitive	EX	Exempt
NC	Non-Competitive	L	Labor
UNC	Unclassified		

AUTHORIZATION FOR PERSONNEL ACTION

CSC	Civil Service Commission
PO	Personnel Officer
EL	Eligible List
CR	Continuous Recruitment Eligible List
MIN	Minutes
Ltr	Letter
RPC	Report of Personnel Change
426A	Report of Personnel Change
CoC	Common Council
CoL	County Legislature
Reso	Resolution
Reso A	Status Resolution
Reso B	Status Resolution
Reso C	Status Resolution
Reso D	Status Resolution
BOE	Board of Education

PERSONNEL ACTION

A	Appointed to a position permanently or for the term of office
AT	Appointed temporarily to a position in the classified service
AP	Appointed provisionally to a position in the competitive class
PROB	Appointed pending successful completion of probationary period
PM	Promotion
P-PM	Provisional Promotion
NCP	Non-Competitive Promotion
CIC	Change in Classification
SAL	Change in Salary
MA	Military Leave
LOA	Leave of Absence for any other reason
LO	Layoff due to abolition of position
BM	Bump to lower level occupied position
RES	Resigned
RET	Retired
REI	Reinstated
DIS	Dismissed
DM	Demoted
TR	Transferred
Term	Terminated
DEC	Deceased

**ENTRIES RECOMMENDED FOR THE "AUTHORIZATION FOR PERSONNEL ACTION"
COLUMN**

<u>JURIS. CLASS</u>	<u>PERS. ACTION</u>	<u>AUTHOR. FOR PERS. ACTION</u>
C	A	EL 62-478, or EL 9-27-93
C	PM	EL 72-478, or EL 9-27-93
C	A	Reso. A 8-12-85
C	A	Reso. B 8-12-85
C	AP	CSC 9-27-93
C	P-PM	CSC 9-27-93
C	AP	Reso. C 9-27-93
C	P-PM	Reso. C 9-27-93
C	AT	EL 72-478, or EL 9-27-93
C	AT	CSC 9-27-93
C	A-T 64(3)	RPC* 8-13-93

For temporary appointments in the competitive class, we recommend an additional entry similar to the following examples:

1. Temp. during maternity leave of J. Smith
2. Filling encumbered item of R. Johns who received P-PM
3. Temp. during probationary period of C. White
4. Temp. pending receipt of application
5. Temp. pending receipt of nw position duties statement
6. Temp. under Section 64.3 for special project not exceeding 18 months
7. Temp. during military leave of C. Brown

For all temporary appointments, the entry should show the duration of the appointment (1 month, 3 months, 6 months, or "to 9-1-93").

<u>JURIS. CLASS</u>	<u>PERS. ACTION</u>	<u>AUTHOR. FOR PERS. ACTION</u>
NC	A	CSC 9-27-93
NC	AT	CSC 9-27-93
NC	AT	Reso. C 9-27-93
EX	A or AT	RPC 8-13-93
L	A	RPC 8-13-93
L	AT	RPC 8-13-93
UNC	A	RPC 8-13-93
PJC	AT	CSC 9-27-93
All	CIC	CSC 9-25-93
All	IA	RPC 8-13-93
All	Rei	CSC 9-27-93
All	Trans	CSC 9-27-93
All	Sal	CSC 2-9-93 or Bds Reso. #4 or RPC, or Contract, or Salary Plan

For changes in classification, an additional entry should be made to show status in new title.

*RPC (Report of Personnel Change) can also be shown by "426" or "Ltr" or "Memo" or other source document except payroll.

TEMPORARY APPOINTMENTS

Temporary appointments may be made to competitive class positions under the following conditions:

1. On an emergency basis for up to three months;
2. To replace someone on a leave of absence for the duration of the leave;
3. When a position is expected to exist for less than six months.

The duration and the reason for temporary appointments must be specified on the MSD 426A (RPC) or other required form.

When an appropriate eligible list exists for a title, the following criteria must be followed:

Duration of Temporary Appointment

Use of Eligible List

Less than three (3) months

Not required

Three (3) to six (6) months

From among all eligibles on list

More than six (6) months

From among top three scoring eligibles willing to accept temporary appointment

POLICY ON ALTERNATE TEST DATES

Candidates may be re-scheduled for an alternate test date when they are unable to take a scheduled examination for one of the following reasons:

1. A death in the immediate family or household within the week preceding the examination. For the purpose of this section, immediate family would include spouse, mother, father, grandparent, brother, sister, daughter and son as well as other relatives currently living with the family.
2. Military commitment.
3. Being a member of a wedding party or a member of the immediate family or household of the bride or groom.
4. Having a conflicting Federal or Educational examination. Educational examinations would include SAT, College Boards, Graduate Records and school examinations if conflicts could not be resolved.
5. Vacations for which non-refundable down payments have been made before the examination announcement has been issued.
6. Required court appearance.
7. Medical emergencies, scheduled surgery or accidents involving members of the immediate family or household. For the purpose of this section, accident would include traffic accident.
8. Emergency weather conditions that lead to the closing of specific roads, highways or independent transportation services which prevents a candidate from reaching the test center.

The Civil Service Office must be notified "by the close of the next business day following the exam" of any occurrences as described in number 1, 6, 7, or 8.

Amended: MCSC Meeting 03/01/1995