MADISON COUNTY CIVIL SERVICE RULES

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RULES FOR THE CLASSIFIED CIVIL SERVICE OF MADISON COUNTY

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RULES FOR THE CLASSIFIED CIVIL SERVICE

OF MADISON COUNTY

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 Madison County 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 Madison County as well as the towns, villages, school districts, and special districts therein. These rules may be amended by the Personnel Officer after public hearing and subject to the approval of the State Civil Service Commission.

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. "Compensation" means the remuneration of a position and shall include food, lodging, maintenance and commutation when the same is furnished.

2. "Eligible List" means an official record established and maintained by the Personnel Officer's office as a public record which contains the names of those persons who have successfully completed examination, listed and ranked in order of their final ratings from the highest to the lowest rank.

3. "Employee" means the incumbent of a position appointed to the position in accordance with these rules and the Civil Service Law.

4. "Civil Division" means county, town, village, school district or special district.

5. "Part-time employment" means any employment or a combination of one or more employments 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 or other appropriate authority of the civil division.

6. "Personnel Officer" means the county personnel officer of Madison County.

7. "Position" means an aggregation of duties to be performed and responsibilities to be exercised by one person in a civil division.

8. "Reassignment" 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. "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 another appointing authority.

NOTE: The masculine gender shall include the feminine and the feminine gender shall include the masculine. Wherever the word "He" appears, read "He" or "She".

RULE II

POWER AND DUTIES OF PERSONNEL OFFICER

1. The Personnel Officer shall have all the powers and duties of a county civil service commission.

2. The Personnel Officer may appoint subordinates and employees, within available appropriations as he deems necessary or proper to carry out the purposes of these rules and the law, and shall fix the duties of these subordinates and employees.

3. The Personnel Officer shall keep true and accurate records of his actions 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 Personnel Officer. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the appointing authority with the Personnel Officer. Such appointment shall become effective only after approval by the Personnel Officer.

2. Positions approved by the State Civil Service Commission pursuant to Section 42 of the Civil Service Law for placement in the non-competitive class shall be listed in Appendix B of these rules. The Personnel Officer shall designate titles in Appendix B that involve confidentiality or require the performance of functions influencing policy for the purposes of excluding such positions from the statutory provisions on removal and disciplinary proceedings.

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 Personnel Officer 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. Positions 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 through set forth in full herein.

RULE VII

RECRUITMENT OF PERSONNEL

1. Residence requirements for municipal positions.

   An applicant must be at the time of examination and for at least one month 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 Personnel Officer. Residence requirements may be suspended by the Personnel Officer in cases where it is advantageous to the public interest. When preference in certification is given to residents of a municipality pursuant to Subdivision 4-a of Section 23 of the Civil Service Law, an eligible must have been, at the time of certification and for at least one month prior thereto, a resident of such municipality in order to be included in a certification as a resident of such municipality.

2. Announcements of examinations.

   The public announcement of an examination shall specify the application fee, if any, the title, salary or salary range, the duties of the position, the minimum qualification 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 days before the date of the examination and must be conspicuously posted in a public place for fifteen days. The last day for filing applications shall be at least ten days before the date of the examination.

RULE VIII

APPLICATIONS

1. a. Applications of candidates for positions in the classified service must be addressed to the Personnel Officer at the office of the Personnel Officer.

   b. The burden of establishing qualifications to the satisfaction of the Personnel Officer shall be upon the applicant.

   c. The Personnel Officer shall notify applicants of the disposition of their applications. Applicants for competitive examination shall be given notice of their approval or disapproval at least seven days before the examination.

2. The Personnel Officer shall notify each applicant for competitive examination of the disposition of his application after the last date of filing. Approved applicants for competitive examination shall be given notice of their approval at least four days before the examination, by mail to the address stated in the application.

RULE IX

DISQUALIFICATION

1. Any applicant may be disqualified for examination, or after examination, for certification and appointment, who is not in compliance with the standards and requirements set forth in Section 50 (4) of the Civil Service Law.

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

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 Personnel Officer may, after the announcement of an examination is made, subdivide the written examination into parts and require a passing mark of 70 in each of the parts in order that candidates be 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 State Civil Service Commission in accordance with Section 23, subdivision 2 of the Civil Service Law, the provisions of the rules and regulations of the State Civil Service Commission and Department dealing with the rating of examinations shall apply.

2. The Personnel Officer shall adopt a system to conceal the identity of the candidates' papers in a written examination until such written examination has been rated.

3. For examinations prepared and rated by the Personnel Officer, applications and examination records and papers of candidates shall be preserved until at least six 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 State Civil Service Commission. Whenever an oral test shall be prescribed as part of an examination, a stenographic or recording device record of all the questions and answers shall be made a part of the examination records.

4. Every candidate in an examination shall be notified of his final rating and, if successful, of his relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or his duly authorized representative, may inspect his examination papers in the office of the Personnel Officer and in the presence of a designated representative of the Personnel Officer, provided he makes request for such inspection in writing within the period of ten days after the date of the postmark of such notice. The application and examination papers of a candidate shall be exhibited only to the candidate or his 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 Personnel Officer from his rating in one, or more, or all of the subjects of an examination must submit such appeal in writing within twenty days after the earliest date on which his examination papers were made available for his 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 candidate's 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 Civil Service Law, the 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 State Civil Service Commission and Department.

c. The Personnel Officer may, at any time during the life of an eligible list resulting from an examination prepared and rated by the Personnel Officer, correct any clerical or computational errors in the ratings of candidates who competed in the examination.

d. Any change in an eligible list pursuant to this 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 each examination held. Such keys shall be a permanent part of the record of each examination.

7. Examination material security. In order to prevent the unauthorized publication and dissemination of examination material, the following acts are prohibited except as authorized by the Commission.

a. No person shall copy, record, or transcribe any examination question or answer; or remove from the examination room or possess outside the examination room, any question sheet, answer sheet or booklet, scrap papers, notes or any other papers or materials relating to such examination.

b. A candidate in an examination shall not at any time communicate with an examiner concerning the conduct or content of such examination; and shall not directly or indirectly communicate to any other person information concerning the content of such examination until completion of the testing of all candidates.

No examiner, proctor or other person charged with the supervision of a candidate or group of candidates during an examination shall have authority to waive the provisions of this subdivision. A person who is found by the Personnel Officer to have violated the provisions of this subdivision or any similar provision of the rules of any other civil service jurisdiction within the State of New York shall be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

RULE XI
ELIGIBLE LISTS

1. Every candidate who attains a passing mark in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination shall be eligible for appointment to the position for which he was examined and his name shall be entered on the eligible list in the order of his final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed therefor by the Personnel Officer.

2. The date of the establishment of a list shall be the date fixed therefor by the Personnel Officer, and shall be entered on such list. The duration of all eligible lists shall be fixed by the Personnel Officer prior to the establishment of such lists, but shall not be less than one nor more than four 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 years, the Personnel Officer may, prior to the expiration date of such list, extend the duration of the list up to the maximum limitation of four years, provided that eligibles on such list are notified in writing of the extension of the eligible list.

3. Eligible lists shall be open to public inspection at the office of the Personnel Officer. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.

4. The Personnel Officer shall have power in his discretion to correct any error and amend any eligible list where it appears that an error has been made. The Personnel Officer shall have power to revoke any eligible list where the provisions of these rules were not properly 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 and reported to the State Civil Service Commission.

RULE XII

CERTIFICATION

1. The Personnel Officer 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 eligibles 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 eligibles on the list having the same final rating as such eligible shall likewise be included in such certification.

2. A certification by the Personnel Officer to an appointing authority shall be valid for a period of 60 days from the date of its issuance.

3. When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his willingness to accept such appointment within seven calendar days after the mailing of such canvass or offer, he may be considered ineligible for purposes of making selection for such particular appointment and all future appointments from that list. Thereafter, the eligible may request that his/her name be restored to active status on such list, provided the list is still in existence. The eligible's name may be restored to active status on such list for future certifications if the Personnel Officer in his discretion determines that the reasons for the previous non-response are satisfactory.

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; (b) Location of employment; (c) Temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing. (d) Other reasons deemed acceptable by the Personnel Officer. The Personnel Officer shall enter upon the eligible list the reasons for his 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 eligibles appear on the eligible lists as provided in rule eleven.

6. Whenever a vacancy exists in a position in the competitive class and an open competitive examination duly advertised results in three or fewer approved applicants for the examination, the appointing officer may nominate to the Personnel Officer one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that he has already qualified in an examination of equivalent character within the last four years from the date of nomination.

7. Wherever one or more eligibles 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 or a class-wide increase, within a period of six months after his appointment beyond that offered to the persons so declining.

8. 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 competitive class position if appointment or promotion from such list would require the layoff of a permanent competitive class employee; but this provision shall not apply if the incumbent whose position was reclassified following such reclassification, has either refused to take an examination for such reclassified position or twice failed to qualify for appointment, examination or promotion to the reclassified position.

9. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, as defined in these Rules, is nominated for non-competitive promotion examination in accordance with Section 52(7) of the Civil Service Law, the Personnel Officer may determine that the appropriate examination for such non-competitive promotion shall consist of a review of the candidate's training and experience at the time of nomination.

   If the Personnel Officer 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 permanent promotion appointment to the position subject to probationary period.

10. Whenever a vacancy exists in a position in the competitive class and an open-competitive examination duly advertised results in three or fewer approved applicants, and the announced minimum qualifications for the position included a requirement of possession of a license or certificate in a profession issued by the State of New York, the Personnel Officer may waive the examination and certify for appointment to the appointing authority the names of such qualified applicants, provided, however, that such applicants have been licensed or certified in the profession by the State of New York.

RULE XIII

PROMOTIONS

1. Eligibility for Promotion

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 or non-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 Personnel Officer. The Personnel Officer shall determine the minimum period of such service for eligibility to enter a promotion examination, and may also prescribe a minimum period of such service as a qualification for promotion from the resulting eligible list.

2. Promotion from the Non-Competitive Class

Promotion examinations for non-competitive class employees shall, in addition to the requirements of Civil Service Law, Section 52 (12), require that applicants shall have been employed in a full-time position.

3. Successive Nominations for Non-Competitive Promotion

Any candidate who is nominated for non-competitive examination for promotion to a position and who fails to appear for such examination or who fails to pass two successive examinations for such promotion shall not thereafter be eligible for employment in such position, except by appointment or promotion from an eligible list following competitive 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 or labor class shall be for a probationary term of not less than eight nor more than fifty-two weeks.

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

   c. Every original appointment to the position of Director of Real Property Tax Services II shall be for a probationary term of not less than twenty-six nor more than fifty-two weeks.

   d. Every original appointment to a position of Assessor shall be for a probationary term of not less than twenty-six nor more than fifty-two weeks.

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

      If the conduct or performance of a probationer is not satisfactory, his employment may be terminated at anytime 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.

2. Promotions and transfers.

   a. 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 or transfer shall be for a probationary term of not less than four nor more than twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, his employment in such position shall be discontinued at the end of such term. For the purposes 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.

b. An intradepartmental promotion or transfer means a promotion or transfer from a position within a department to another position within the same department. Every intradepartmental promotion or transfer shall be for a probationary term of not less than four nor more than twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, his employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation. 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.

c. Every transfer from a position in one civil division to a position in another civil division shall require a probationary term of not less than a minimum of four weeks up to a maximum of twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before, completion of the maximum period of probation. The appointing authority shall advise the prospective transferee in writing prior to approval of the transfer by the Personnel Officer that a four to twenty-six week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised it is his/her responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed.

3. Restoration to permanent position.

When a permanent employee is promoted or transferred to a position in the same civil division which he is required to serve a probationary term, the position thus vacated by him shall not be filled, except on a temporary or contingent permanent basis, during such probationary term. When a permanent employee is appointed from an open competitive eligible list to a position in the same department or agency and they are required to serve a probationary term, the position thus vacated by them shall not be filled except on a temporary or contingent permanent basis. At any time during such probationary term the employee shall have the right to return to his previous position at his own election. If the conduct or performance of the probationer is not satisfactory, he shall be restored to his former permanent position as provided in these rules, prior to the completion of the maximum probationary term.

4. Absence during probationary term.

Any periods of authorized or unauthorized absence aggregating up to ten 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 work days shall not be counted as time served in the probationary term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his absence which, pursuant to this section, are not considered as time served in the probationary term.

5. Report on probationer's service.

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

6. Restoration to eligible list

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

7. Temporary or provisional service in higher level position.

When an employee who has not completed his probationary term is appointed on a temporary, contingent permanent, or provisional basis to a higher level position, the period of temporary, contingent permanent or provisional service rendered by such employee in such higher level position may, in the discretion of the appointing authority, be considered as satisfactory probationary service in his lower position and may be counted as such in determining the satisfactory completion of such 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 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 request, shall be returned to his lower position for sufficient time to permit him to complete his probationary term. The employment of such a probationer in his lower position shall not be terminated at the end of his probationary term on account of unsatisfactory service unless he 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 seventy-five of the Civil Service Law, at any time during the probationary term, to remove a probationer for incompetency or misconduct.

9. Police Officer and Deputy Sheriff appointments.

   a. Every permanent appointment to a position of Police Officer and Deputy Sheriff shall be for a probationary term of not less than eight nor more than seventy-eight weeks.

   b. Notwithstanding any other provisions of these rules, the appointment or promotion of a police officer shall not become permanent unless and until he has satisfied such requirements as may be applicable to him under section two hundred nine-q of the general municipal law. If a police officer is promoted to a higher rank for which he has met all requirements of eligibility for permanent promotion except training requirements applicable under section two hundred nine-q of the general municipal law, he shall be deemed to be on leave of absence from the lower rank position from which he was promoted pending completion of such training. During such period such lower rank position may not be filled except on a temporary or contingent permanent basis. In the event of his failure to complete such training successfully within the time allowed therefor, he shall be restored to such lower rank position.

10. a. An employee who is reinstated to a position after a separation of more than one year, either in his former jurisdiction or in another jurisdiction shall serve a new probationary period in the same manner and subject to the same requirements as apply upon the original appointment to such position.

    b. An employee who is reinstated to a position after a separation of less than one year in an agency other than the one in which he/she formerly served, shall serve a new probationary term in the same manner and subject to the same requirements as applied upon an original appointment to such position.

RULE XV

SEASONAL AND TRAINEE APPOINTMENTS

1. Appointment to seasonal positions in competitive class.

   a. Positions in the competitive class where the nature of 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 reemployment list in the order of their first appointment to the title vacated by them at the expiration of such employment season. Such seasonal reemployment list shall be certified to the appointing authority at the commencement of or during the next employment season, and the persons whose names appear thereon as still qualified shall be entitled to reemployment in such positions in the order in which their names appear on such list. Any such person may be reexamined by the Personnel Officer with respect to his physical fitness for the performance of the duties of the position, and may be disqualified for reemployment 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 reemployment shall remain on such list and shall be certified in the order of the date of his first appointment to such position during subsequent employment seasons; provided, however, that the eligibility for reemployment of any such person shall not continue for a period longer than three years from the date of his separation from such seasonal employment. A seasonal reemployment list shall not be deemed a preferred list as provided for in section eighty-one of the civil service law.

2. Trainee appointments.

   The Personnel Officer may require that permanent appointment 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, or both. The period of such term of training service shall be prescribed by the Personnel Officer. Upon the satisfactory completion of such training term, and of specified 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 conduct, capacity or fitness is not satisfactory, or at anytime if he fails to pursue or continue satisfactorily such training or academic courses as may be required.

RULE XVI

EFFECT OF TEMPORARY, PROVISIONAL, OR CONTINGENT PERMANENT APPOINTMENT ON STATUS OF APPOINTEE

1. Effect of temporary appointment on eligibility for permanent appointment.

   The acceptance by an eligible of a temporary appointment shall not affect his standing on the eligible list for a permanent appointment, nor shall the period of temporary service be counted as part 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 unencumbered 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. A provisional employee who has refused to take an examination for permanent appointment shall not be given another provisional appointment in the same title.

   b. A provisional employee who has twice failed an examination for permanent appointment shall not be given another provisional appointment in the same title under the same appointing authority, provided, however, that where an examination fails to produce any qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the appointing authority, may be given a third and final provisional appointment in the same title.

4. Contingent permanent appointments.

   a. A 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, promotional eligible or preferred list. Any person appointed on a contingent permanent basis shall have all the rights of a permanent competitive class employee subject to the following limitations:

i. Probationary Period: All appointments under this Rule shall be required to complete the probationary period for original appointment or promotion as prescribed in these Rules.

ii. Preferred List: In the event the permanent incumbent returns from leave of absence, the contingent permanent appointee shall have his/her name placed on a preferred list for the title.

iii. Layoff: In the event of a layoff, contingent permanent appointees shall be treated in the manner prescribed in these Rules. Provided, however, that when a contingent permanent appointment matures into a permanent appointment the date of permanent service shall begin on the date of the original contingent permanent appointment.

iv. Promotion: When a permanent competitive class employee accepts a contingent permanent appointment, the position vacated by that employee shall be filled only on a temporary or contingent permanent basis until such time as the contingent permanent appointment matures into a permanent appointment.

b. All appointments under this Rule shall be canvassed as "permanent contingent permanent". A copy of this Rule must be included with the canvass letter.

c. Appointments to contingent permanent positions 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 recanvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the eligible's name from the eligible list for any future contingent permanent or permanent vacancies.

d. 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 may be offered reassignment, prior to canvassing for a permanent appointment from an appropriate eligible list or prior to appointing a temporary or provisional to the positions.

e. 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 they have completed the required probationary period as prescribed in this Rule.

RULE XVII

TRANSFERS

1. Transfer of Eligibility for Permanent Appointment.

Upon the written request of an individual and the prospective appointing authority, and subject to the approval of the Personnel Officer any individual serving in a competitive class position as a permanent appointee may be permanently appointed to another competitive class 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 or more eligibles willing to accept appointment; and

c. The Personnel Officer determines that the examinations' scopes and qualifications for the positions held and to which appointment is sought are identical; or

d. 1. When the examinations' scopes 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 the same as or greater than those of the position to which appointment is sought; and

2. The Personnel Officer determines that the qualifications for the position held are the same as or greater than those to which appointment is sought; and

3. The Personnel Officer has determined that such appointment is for the good of the service.

RULE XVIII

REINSTATEMENT

1. Reinstatements

a. 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:

i. The prospective appointing authority must request approval from the Personnel Officer to reinstate an individual.

ii. 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.

iii. 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 names of three or more eligibles willing to accept appointment.

iv. The Personnel Officer 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:

i. The appointing authority must provide documentation or explanation that demonstrates to the satisfaction of the Personnel Officer that the individual requested to be reinstated possesses current knowledge and skill in the occupational field to which reinstatement is sought.

ii. 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.

b. An employee that is laid off from the civil service of a municipality shall be eligible for reinstatement in the same manner as an employee who had resigned.

2. Refusal or failure to accept reinstatement from Preferred list

a. Preferred list eligibility shall continue for four years.

b. Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept reinstatement therefrom to his former position, or any similar position in the same salary grade for which such list is certified, shall be deemed to be relinquishment of his eligibility for reinstatement, and his name shall thereupon be stricken from such preferred list. The name of such person may be restored to such preferred list and certified to fill such appropriate vacancies as may thereafter occur only upon the request of such person and his submission of reasons satisfactory to the Personnel Officer for his previous failure or refusal to accept reinstatement.

c. Effect of refusal to accept reinstatement to lower grade positions. A person on a preferred list shall not be deemed to relinquish his eligibility for reinstatement therefrom by reason of his failure or refusal to accept reinstatement to a position in a lower grade than the position from which he was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in a lower salary grade than the position to which he failed or refused to accept reinstatement.

d. Restoration to eligibility for reinstatement not to affect previous appointments. The restoration of the name of a person to a preferred list, of his restoration to eligibility for certification therefrom to positions in a lower salary grade than his 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

1. A leave of absence without pay, not to exceed one year, may be granted to an employee by an appointing officer. Notice of such leave of absence shall be given to the Personnel Officer. Where a leave of absence without pay has been granted for a period which aggregates one year, a further leave of absence without pay shall not be granted unless the employee returns to his position and serves continuously therein for three months immediately preceding the subsequent leave of absence. Notice of such subsequent leave of absence shall also be given to the Personnel Officer.

2. In an exceptional case, the Personnel Officer may for good cause shown waive the provisions of this rule to permit an extension of the leave of absence for an additional one year period. In no case may such leave of absence exceed in aggregate two years from the date of commencement of such leave.

3. A leave of absence without pay, not to exceed four 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 position, provided he makes application for such reinstatement within sixty days after the termination of his 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 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, for the purpose of determining eligibility for reinstatement, 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 about 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 dismissed from the service, his termination shall be recorded as a dismissal rather than as a resignation.

3. Withdrawal or amendment.

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

4. Voluntary demotion of permanent competitive employee.

   An employee who voluntarily elects to relinquish his 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 salary level position for which he 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 Personnel Officer 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 Personnel Officer 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 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 salaries and date thereof.

h. Every transfer, giving the positions from which and to which made, with the date and salary thereof.

i. Every reinstatement in a position, with the date and duration 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.

   a. The Personnel Officer 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 as long as his or her status, title, and salary grade remain unchanged during the period of the certification granted.

   b. The Personnel Officer shall require certification of the first full payroll of the fiscal year for every civil division under its jurisdiction except school districts. The Personnel Officer shall certify the first full payroll of every school district under its jurisdiction in October every calendar year.

   c. The Personnel Officer may, at any time, require any civil division under its jurisdiction to submit payrolls or accounts for certification in accordance with §100(1) of the Civil Service Law.

   d. Annual certifications provided by the Personnel Officer shall be valid for a period of no more than 12 months following the scheduled date of certification established in these Rules. Certifications provided at any other time during the year shall be valid for a period not to exceed the next scheduled certification established in these Rules.

2. Temporary certifications.

   When the name of any person is first submitted for certification following his appointment, reinstatement, promotion, transfer, or other change in status, and the Personnel Officer requires further information or time to enable him to make a final determination thereon, the Personnel Officer may certify such person temporarily pending such final determination. In such event the Personnel Officer 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 Personnel Officer finds, following receipt of such information, that the employment of such person is not in accordance with the law and rules, the Personnel Officer shall immediately terminate such certification by notice to the appropriate fiscal or disbursing officer.

3. Refusal or termination of certification.

   a. The Personnel Officer shall investigate any discrepancies between the payroll and the official roster and any other instances where the Personnel Officer finds the employment of a person may be in violation of the law or these Rules.

   b. In any case where the Personnel Officer finds satisfactory evidence that the employment of a person is in violation of law or these Rules, or the Personnel Officer finds satisfactory evidence of intent to evade the provisions of law or these Rules in regard to the employment of any person, the Personnel Officer shall refuse certification or terminate a certification previously made and then in force.

   c. Any refusal, termination or revocation of a certification of any person shall be communicated in writing to the appropriate fiscal or disbursing officer.

RULE XXIII

CLASSIFICATION PLAN

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

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

   b. "Class Title" means the designation given under these rules to a class and to each position allocated to such class.

   c. "Job Classification 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 work activities, enumerates knowledges, skills, abilities and personal characteristics required for successful full performance of the work, states required minimum qualifications and indicates any special requirements of the class.

   d. "Allocation" means the assignment of a position to an appropriate class as determined by the duties, responsibilities and minimum qualification requirements of the position.

   e. "Reclassification" 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. Powers and Duties:

   The Personnel Officer shall have power and duty to:

   a. Classify and reclassify all positions in the civil service of all civil divisions under his jurisdiction.

   b. Prepare and maintain job classification specifications for each class of positions in the competitive, non-competitive and labor jurisdictional classes and establish appropriate minimum qualifications for each class.

   c. Prepare and maintain a classification plan, including a list of class titles and job classification specifications for each class in the competitive, non-competitive and labor jurisdictional classes of the civil divisions under its jurisdiction.

   d. Investigate all matters affecting the classification and reclassification of all positions and from time to time review the duties, responsibilities and qualification requirements of all positions under his jurisdiction and to make revisions in the classification of positions.

3. Classification of Vacant Positions:
When a position has become or is about to become vacant, the appointing officer, when requested by the Personnel Officer, shall file a detailed description of the duties and responsibilities of the position and a statement of suggested minimum entrance qualifications for the position with the Personnel Officer. After an analysis of the detailed description of duties and responsibilities, the Personnel Officer 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 including a statement of appropriate minimum qualifications. The Personnel Officer may, with certain position vacancies it deems appropriate, accept written verification from the appointing authority that the duties and responsibilities of certain positions have remained unchanged from the last review by the Personnel Officer.

4. Classification of New Positions:
When a new position is to be created, the appointing officer shall file a detailed description of the duties and responsibilities of the position with the Personnel Officer, prior to creating the position. After an analysis of the detailed description of duties and responsibilities, the Personnel Officer 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 new class including a statement of appropriate minimum qualifications.

5. Reclassification of Positions: Either:

a. The Personnel Officer may, upon his own initiative review the duties and responsibilities and qualification requirements of any position under his jurisdiction. Appointing authorities and employees in positions under review shall be required to complete a detailed description of the duties and responsibilities of the positions and provide such other information as determined necessary by the Personnel Officer. After an analysis of the detailed description of the duties and responsibilities, the Personnel Officer shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class specification for such position, including a statement of appropriate minimum qualifications.

b. Whenever a permanent and material change is made in the duties and responsibilities of any position, the appointing authority shall file a detailed description of the duties and responsibilities of the position with the Personnel Officer.

After analysis of the duties and responsibilities of the position, the Personnel Officer 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 including a statement of appropriate minimum qualifications.

c. Any appointing authority or any employee in the classified service may apply to the Personnel Officer for a position reclassification. Such application shall include a detailed description of the duties and responsibilities of the position since the last determination with respect to its classification. After an analysis of the duties and responsibilities of the position, the Personnel Officer 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 including a statement of appropriate minimum qualifications.

6. Notice and Appeals:

The Personnel Officer shall give reasonable notice of any proposal or application for a change in classification to the appointing authority and to the employee or employees affected thereby. Any person desiring to submit facts orally or in writing in connection with the reclassification of any position shall be afforded reasonable opportunity to do so. The Personnel Officer shall then determine the proper allocation of the position. No employee, either by classification or reclassification, 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

GRADING OF POSITIONS

1. Unless the legislative body of the municipality shall have adopted a compensation plan, then for the purposes of promotion, demotion, transfer and reinstatement, all positions in the competitive class shall be graded as follows:

   Grade 1. All positions, the compensation of which is at the rate of not more than $6000. per annum.

   Grade 2. All positions, the compensation of which is at the rate of more than $6000., but not more than $7500., per annum.

   Grade 3. All positions, the compensation of which is at the rate of more than $7500., but not more than $9000. per annum.

   Grade 4. All positions, the compensation of which is at the rate of more than $9000., but not more than $10,500. per annum.

   Grade 5. All positions, the compensation of which is at the rate of more than $10,500., but not more than $12,000. per annum.

   Grade 6. All positions, the compensation of which is at the rate of more than $12,000. per annum.

2. Submission of compensation plans.

   When the legislative body of a municipality adopts a compensation plan or approves a union contract whose provisions include a compensation plan, or amends such plan, a certified copy containing the salary or wage ranges, classification allocated to each grade range and effective date of the plan shall be submitted to the Personnel Officer.

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 the 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 divisions.

   d. Satisfactory service shall mean service in the last fiscal year 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 or negotiated disciplinary procedure which resulted in the imposition of any of the following penalties upon such employee:

      (i) Dismissal from the service; or

      (ii) Suspension without pay for a period exceeding one month; or

      (iii) Demotion in grade or title.

   e. (i) Permanent Service shall start on the 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 nondisabled veterans are considered to have been appointed 30 months earlier than their actual date of appointment. For the purposes of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.

      (ii) A resignation followed by a reinstatement or reappointment 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.

      (iii) 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.

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

(v) If an employee was covered-in to a classified position upon acquisition by a civil division of an agency in which he was employed, his 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 permanent service if he also happens to be either a veteran or disabled veteran.

d. A person is considered blind if he 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.

h. Probationary employees occupying such positions in the same title, must also be suspended before any permanent employee in the layoff unit in that title who has completed his 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 himself suspended or displaced, displaces an employee in the next lower occupied title in direct line of promotion in the same layoff unit having the least seniority if the employee who seeks to displace has greater 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 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 level are being abolished.

d. When a next lower title has been occupied by means of displacement regardless of when the displacement into the title has occurred, it is considered to be occupied for further displacement purposes; however a next lower title which has all of its positions abolished at the same time as positions are abolished at the higher level cannot be considered as occupied. A title which is occupied by an incumbent, temporary, provisional, contingent permanent, probationary or permanent is considered occupied for the purposes of this section.

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 right 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 is currently suspended or displaced. Retreat may only occur 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 is retreating need not have been in the same layoff unit as the one from which he is displaced.

d. An employee may also displace by retreat to a position in a title he last served on a permanent basis although he had intervening service in other titles as long as his service in each of the intervening titles was on other than a permanent basis. He may also displace by retreat to a position which does not count in the computation of his continuous service.

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 shall be as follows:

a. Blind employees whose positions are abolished 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.

b. Disabled veterans whose positions are abolished 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.

c. Non-disabled veterans whose positions are abolished 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.

d. Non-veterans whose positions are abolished shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service.

7. 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.

RULE XXVI

PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION CONCERNING POLITICAL AFFILIATION

No question in any examination or application or other proceeding by the Personnel Officer or his 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 Personnel Officer and his examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his political opinions or affiliations.

APPENDIX A

EXEMPT CLASS

APPENDIX B

NON-COMPETITIVE CLASS

APPENDIX C

LABOR CLASS

APPENDIX D

UNCLASSIFIED SERVICE

APPENDIX A

EXEMPT CLASS

County Service

Administrative Assistant to the Chairman of the Board of Supervisors
Administrative Assistant to the District Attorney
Assistant District Attorney - DWI Program
Assistant District Attorney – Fraud Prevention
Budget Officer
Confidential Secretary to Commissioner of Social Services
Confidential Secretary to County Attorney
Confidential Secretary to District Attorney
Confidential Secretary to Sheriff
County Administrator
County Attorney
Criminal Investigator
Deputy County Clerk (2)
Deputy County Treasurer (2)
Director, Emergency Preparedness
Fifth Assistant District Attorney
First Assistant County Attorney
First Assistant District Attorney
Fourth Assistant District Attorney
Second Assistant County Attorney
Second Assistant District Attorney
Undersheriff

TOWN SERVICE - Exempt

In All Towns

Budget Officer
Clerk to the Justice (one for each Justice)
Constables (PT)
Deputy Town Clerk
*Deputy Town Highway Superintendent (PT)
Dog Control Officer
Secretary to Supervisor
Town Attorney

Town of DeRuyter

Deputy Tax Collector
Deputy Town Supervisor (PT)

Town of Lenox

Deputy Town Clerk

Town of Sullivan

Comptroller
Deputy Town Clerk

* Only where the Town Highway Superintendent is elected.

Exempt Class

In All Villages

Associate Village Justice
Clerk to the Justice (one for each Justice)
Deputy Village Clerk
Deputy Village Clerk Treasurer
Dog Control Officer
Police Justice
Village Attorney
Village Treasurer

Village of Canastota

Village Administrator

Canastota Housing Authority

Executive Secretary

Village of Chittenango

Village Administrator

Village of Hamilton

Commissioner of Water, Lights and Sewers (5) PT
Village Administrator

In All School Districts

Census Takers
School Attorney
School District Clerk
School District Treasurer
School Tax Collector
Secretary to Superintendent of Schools
Student Helpers

Chittenango Central School

Claims Auditor

Stockbridge Valley Central School

Claims Auditor

Madison County Soil and Water Conservation District

Secretary/Treasurer

APPENDIX B
NON-COMPETITIVE CLASS

In All Civil Divisions

Account Clerks (PT)
Account Clerk Typists (PT)
Automotive Mechanic Helpers
Automotive Mechanics
Building Maintenance Mechanics
Building Maintenance Workers
Clerks (PT)
Cooks
Custodians (PT)
Groundskeepers
Head Cleaners
Heavy Equipment Operators
Janitors (PT)
Motor Equipment Operators
Recreation Specialists (PT)
School Crossing Guards
Senior Clerks (PT)
Stenographers (PT)
Typists (PT)
Working Crew Chief

Section 55-a –Designated positions in titles where the incumbent is certified either by the Commission for the Blind and Visually Handicapped in the New York State Department of Social Services as being physically disabled by blindness or by the New York State Office of Vocational and Educational Services for individuals with disabilities.

COUNTY SERVICE – Non Competitive

Administrator - Assigned Counsel to Indigent Defendants (PT)
Assistant Director of Veterans Service Agency
Assistant Sign Fabricators
Automotive Mechanic/Painters
Automotive Mechanic/Welder
Commissioner of Social Services
Conservation District Technicians (PT)
County Historian
County Purchasing Agent (PT)
County Youth Bureau Director
Court Attendants (PT)
Deputy Commissioner of Social Services
Deputy Coroners (PT)
Deputy Director, Emergency Preparedness
Deputy Fire Coordinators (PT)
Director of Community Mental Health Services
Director of Emergency Management Services
Director of Finance

Positions which are confidential or require the performance of functions influencing policy.

Appendix B - Non-Competitive Class – County Service **(Continued)**

Director of Labor Relations
Director of Real Property Tax Services
Director of Veterans Service Agency
Dog Control Officer
Emergency Services Instructors (PT)
Emergency Services Instructor Assistants (PT)
Employment and Training Director II
Executive Assistant to the County Administrator
Graduate Interns
Head Cook
Home Health Aides
Information Technology Director
Law Interns
Licensed Practical Nurses
Matrons
Medical Consultants (PT)
Motor Vehicle Operators
Painters
Parent Aides (PT)
Personnel Officer
Physical Therapists (PT)
Physical Therapy Aides
Psychiatric Social Worker Trainee (PT)
Psychology Interns
Public Health Director
Public Health Nurses (PT)
Public Relations Officer
Public Relations Officer (PT)
Public Safety Communicators (PT)
Registered Professional Nurses
Sign Fabricators
Social Services Attorney (PT)
Solid Waste Aides
Solid Waste Aide/Groundskeepers (PT)
Solid Waste and Recycling Coordinator (PT)
Solid Waste Attendants
Stop DWI Coordinator
Student Interns
Summer Training Coordinators (Seasonal)
Summer Youth Counselors (Seasonal)
Supervising Clinical Psychologist (PT)
Transportation Aides
Tree Trimmers
Welders

Positions which are confidential or require the performance of functions influencing policy.

TOWN SERVICE – Non-Competitive

All Towns

Assessors
* Bookkeeper (PT)
Building Inspector (PT)
Code Enforcement Officer (PT)
Enforcement Officer (PT)
Health Officer
Historian (PT)
Lifeguards (Seasonal)
Motor Vehicle Operators
Municipal Bingo Inspector
Recreation Assistants (Seasonal)
Recreation Director (PT)
Recreation Leaders (Seasonal)
Recreation Specialist (Seasonal)
Recreation Supervisors (Seasonal)
Registrar of Vital Statistics
Water Treatment Plant Operator, Type B (PT)
Zoning Officer

Town of Cazenovia

Deputy Zoning Officer (PT)
Water Collector (PT)
Water Maintenance Worker (PT)

Town of DeRuyter

Deputy Registrar of Vital Statistics (PT)
Town Hall Custodian

Town of Georgetown

Water Collector (PT)
Water Superintendent (PT)

Town of Lenox

Assistant Code Enforcement Officer (PT)
Deputy Zoning and Sanitary Inspector (PT)
Zoning Officer and Sanitary Inspector (PT)

Town of Smithfield

Auditor (PT) *($1,000 annual salary limit)*

Town of Stockbridge

Water Maintenance Worker (PT)
Water Service Worker (PT)
Water Superintendent (PT)

Town of Sullivan

Assistant Comptroller
Sewer/Heavy Equipment Operator

Positions which are confidential or require the performance of functions influencing policy.
* In all Towns with a population of less than 5000.

VILLAGE SERVICE – Non-Competitive

In All Villages

* Building and Zoning Inspector (PT)
  Code Enforcement Officer (PT)
Health Officer (PT)
  Historian (PT)
  Lifeguards (Seasonal)
* Meter Readers (PT)
  Parking Enforcement Officers (PT)
  Police Officers (PT)
  Recreation Assistants (Seasonal)
  Recreation Director (Seasonal)
  Recreation Leaders (Seasonal)
  Recreation Specialist (Seasonal)
  Recreation Supervisors (Seasonal)
* Registrar(s) of Vital Statistics (PT)
  Village Constables (PT)
  Zoning Officer (PT)

Village of Canastota

  Building Inspector (PT)
Superintendent of Public Works and Streets
Village Assessor (PT)
  Wastewater Treatment Plant Operators

Village of Cazenovia

  Building and Zoning Inspector (PT)
  Cemetery Maintenance Worker
  Crossing and Traffic Officer (PT)
  Meter Reader (PT)
  Park Guards (PT)
  Street Crew Chief
Superintendent of Cemetery
Superintendent of Public Works
Water Superintendent

Village of Chittenango

* Building Inspector III (PT)
* Community Services Officers (PT)
* Chaplain (PT)
* Crew Chief
*#Superintendent of Public Works
* Wastewater Treatment Plant Operators
* Water and Sewer Superintendent

Village of DeRuyter

  Bus Driver (PT)
Street Superintendent and Water Superintendent
Water Superintendent (PT)

Positions which are confidential or require the performance of functions influencing policy.
* Basis of approval for this title was "population under 5,000".

Appendix B - Non-Competitive Class (Continued)

Village of Earlville

Superintendent of Public Works
Superintendent of Public Works and Streets
Superintendent of Streets

Village of Hamilton

Assistant Utility Workers
Bus Attendants
Bus Drivers
Crew Chief
Ground Worker
Janitor/Parking Enforcement Officer
Junior Line Worker
Librarians (PT)
Library Aides (PT)
Library Clerk (PT)
Library Pages
Library Technicians (PT)
Line Worker
Line Crew Chief
Line Mechanic - Meter Technicians
Meter Readers
Meter Reader (PT)
Meter Reader - Technician
Meter Reader - Utility Worker
Natural Gas Mechanic – Meter Technician
Natural Gas Mechanic – Meter Technician Trainee
Natural Gas Utility Working Supervisor
Parking Enforcement Officer (PT)
Superintendent of Utilities and Public Works
Utility Workers
Village Assessor (2) (PT)
Village Engineer
Wastewater Treatment Plant Operators
Water Treatment Plant Operators, Type B Plant

Village of Madison

Assistant Water Superintendent (PT)
Water Superintendent (PT)

Village of Morrisville

Fire Department Administrator (PT)
Library Aides (PT)
Library Manager
Library Technicians (PT)
Superintendent of Public Works

Positions which are confidential or require the performance of functions influencing policy.

In All School Districts

Attendance Aides
Automotive Mechanic - Bus Driver
Bus Driver - Automotive Mechanic Helper(s)
Bus Driver - Cleaners
Bus Driver – Food Service Helpers
Bus Driver – School Monitors
Bus Driver – Teacher Aides
Cook - Managers
Head Bus Driver
Head Cleaner-Building Maintenance Worker
Head Cooks
Head Groundskeeper
Head Groundskeeper-Building Maintenance Worker
Library Aides
Library Pages
Licensed Practical Nurse
Lifeguards (Seasonal)
Registered Professional Nurses (School)
School Bus Drivers
School Lunch Cashier (PT)
School Physicians (PT)
Supervisors of Attendance (PT)
Teacher Aide – Food Service Helpers
Teacher Aide – School Bus Attendants
Teachers Aides
Transportation Coordinator (PT)

Canastota Central School District

Career Center Aide

SPECIAL DISTRICT SERVICE

Morrisville Library

Library Aides (PT)
Library Pages (PT)
Library Technicians (PT)

Positions which are confidential or require the performance of functions influencing policy.

APPENDIX C

LABOR CLASS

In All Civil Divisions

Assistant Dog Warden
Building Maintenance Helpers
Cleaners
Food Service Helpers
Laborers

COUNTY SERVICE

Orderlies

TOWN SERVICE

In All Towns

Recreation Attendants (Seasonal)

VILLAGE SERVICE

In All Villages

Recreation Attendants

SCHOOL SERVICE

In All School Districts

Bus Attendant – School Monitors
School Bus Attendants
School Monitors

APPENDIX D

UNCLASSIFIED SERVICE

County Service

All Officers and Employees of the Board of Elections
Board Chairperson, Madison County Sewer District
Clerk to Board of Supervisors
Confidential Secretary to Clerk to the Board
Confidential Secretary to Board of Supervisors
Coroner
County Clerk
County Treasurer
District Attorney
E911 Director
Madison County Sewer District Members (7)
Sheriff

TOWN SERVICE

In All Towns

Assessors
Councilman
Highway Superintendent
Justices
Members of Board of Appeals
Members of Planning Commission
Supervisor
Tax Collector
Town Clerk
Town Clerk and Registrar of Vital Statistics
Town Clerk and Tax Collector

Town of Cazenovia

(7) Cazenovia Environmental Advisory Commission
(7) Planning Board
(5) Zoning Board of Appeals

Town of Georgetown

(3) Board of Assessment Review
(3) Board of Review

Town of Sullivan

(6) Members of Park Board
(5) Members of Planning Commission
(5) Members of Zoning Board of Appeals

VILLAGE SERVICE

In All Villages

Mayor
Trustees
Village Clerk
Village Clerk and Tax Collector
Village Clerk and Treasurer
Village Justice

In All School Districts

All persons employed by any title whatsoever as members of the teaching and supervisory staff of a school district as certified by the Commission of Education.

All persons whose principal functions are teaching or the supervision of teaching in a public school.

Revised: July 1, 2020