

# Career Mobility Office Merit System Information Packet

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### What is the Merit System?

The Merit System is part of New York State Civil Service Law, designed as a method of recruiting, appointing and promoting staff by allowing them to compete for positions based on merit and fitness -- wherever possible through a competitive examination process.

In 1883, New York State was the first state in the nation to implement such a system, which has proven to be a foundation of modern government, and for well over a century, merit and fitness has been the yardstick by which career State employees are hired and promoted. Through this system, public employees are chosen on the basis of their competence. The high standards envisioned by the system's founders are a reality today and hold bright promise for the future.

Governor Theodore Roosevelt, who later became President, was a firm proponent and moving force in the establishment of the merit system and it was during the tenure of Governor Al Smith that the Department of Civil Service was established to handle the functions of finding, developing and retaining the people best qualified to do the work of New York State's government.

In addition to providing the State with a trained, capable and motivated workforce, Civil Service plays a key role in assisting the Governor and the Legislature in developing human resource policies. In addition, the Department partners with the Governor's Office of Employee Relations in strategically planning for the workforce of tomorrow.

### **Examinations**

There are four types of examinations that the Department of Civil Service offers:

- Open-competitive
- Promotion
- Transition
- Continuous Recruitment

*Open-competitive examinations* are open to anyone who possesses the minimum qualifications as listed on the examination announcement. Although generally thought of as examinations that are "open to the public", State employees are also eligible to take them if they meet the minimum qualifications.

*Promotion examinations* are open to permanently appointed State employees. There are two types of promotion exams, interdepartmental and departmental. Interdepartmental examinations are open to permanent qualified employees across agencies. Departmental promotion examinations are open to permanent State employees of a specific agency.

*Transition examinations* are open to permanently appointed State employees. They are used to allow State employees to "transition" from one career to another.

*Continuous Recruitment examinations* may be either open-competitive or promotional. They are used when there is a constant need to fill positions.

### Eligible Lists

After an examination has been held, candidates who have passed are placed on an eligible list.

Candidates are placed on the eligible list in descending score order.

Candidates are selected off of the eligible list using the rule of three.

The rule of three means that agencies count down the first three **people** on the list. These three people plus anyone else at the third **person's** score are the eligibles they can consider.

For example: Here is an eligible list:

	Score	
Mary	100	#1
Bill	95	#2
Steve	95	#2
Mike	95	#2
Sue	90	#5
Alice	90	#5

Count down the first three people on the list. This brings you to Steve. Mary, Bill and Steve are eligible to be considered plus anyone else at Steve's score, which in this case includes Mike. Therefore the candidate pool is Mary, Bill, Steve, and Mike.

### Probation

When appointed off of an eligible list into a permanent position, employees will serve a probationary period. In general, the length of the probation period is six to 12 months.

### Leaves of Absence

If you are currently a permanent employee and have been appointed from an eligible list, you may be entitled to a leave of absence from your current position.

There are two types of leaves of absence available to permanent employees: mandatory and discretionary.

Mandatory leaves of absence are those required by Civil Service Law or policy. Mandatory leaves are granted to employees who are:

- promoted or transferred to a position in which they must serve a probationary period
- appointed to a temporary, provisional, or contingent permanent basis to another position within their agency
- absent for reasons specified in the Military Law
- unable to perform the duties of their position due to disability

Discretionary leaves may be granted by an agency for up to two years and are at the "discretion" of the agency. Discretionary leaves may be requested for educational leave or to accept a provisional or temporary appointment in another agency.

When or if you return from a mandatory or discretionary leave, your rights are to the title you held in your agency and county of employment. There is no obligation on the part of the agency to give you your old job back.

### **Transfers**

A transfer is the movement of a permanent competitive class employee from a position in one title to a position in a different title or from a position in one agency to a position in another agency. Both positions must be within the competitive class. Transfers occur with the consent of the employee after nomination by the appointing agency and the approval of the Department of Civil Service. Approval by the agency from which the employee is transferring is not required in order for the transfer to occur.

To be able to transfer, employees must generally have had at least one year of permanent service in their current title or at their current salary grade. The transfer can be to the same or any lower salary grade, but cannot be to a title more than two salary grades (or one M grade) *higher* than their current title. Employees who are currently serving probation are eligible to transfer. Transfers may not be approved if mandatory reemployment lists exist for the title to which transfer is sought.

The Civil Service Law (CSL) defines three different kinds of transfers:

**CSL Section 70.1** allows transfer without further examination from one title to another when a sufficient degree of similarity exists between the minimum qualifications, tests and/or duties of the specific titles involved. The appropriateness of transfer is decided on a title-by-title basis at the request of personnel offices of state agencies. This section of the law also allows employees to transfer to another agency in the same title.

**CSL Section 70.4** allows transfer to a title which is not similar, but where the employee meets the qualifications for the title. Usually the employee must pass an examination open to the public for the title before transfer can be approved.

**CSL Section 52.6** allows transfer between administrative titles at the same or similar salary grade. Administrative titles are those involving law, personnel, budgeting, methods and procedures, management, records analysis, or administrative research.

### VOCABULARY WORDS AND TERMS

### **CLASSIFIED SERVICE**

Positions in the civil service that are not in the unclassified service; the classified service is divided into four jurisdictional classes: competitive, non-competitive, exempt, and labor.

### **COMPETITIVE CLASS**

The jurisdictional class composed of positions for which it is practicable to determine the merit and fitness of applicants by competitive examination. Positions are in the competitive class unless the Civil Service Commission specifically places them in a different jurisdictional class (see Section 44 of the Civil Service Law).

### CONTINGENT PERMANENT APPOINTMENT

A permanent appointment or promotion to a position left temporarily vacant by the leave of absence of the permanent incumbent of the position; such appointees have the same rights as permanent appointees; a contingent permanent employee may be displaced by the return of the permanent incumbent. (The term contingent permanent is not used in the Civil Service Law or Rules; rather, rule 4.11 refers to "permanent appointments to encumbered positions.")

### **ENCUMBENT**

Permanent employee who has rights to the position ("hold") but is actually working in another position.

### EXEMPT

The jurisdictional class of positions deemed impracticable to fill by tests of any kind. No minimum training and experience requirements are established for exempt positions. There is only a small percentage of jobs in the exempt jurisdictional class and employees in these positions have no civil service rights.

### **INCUMBENT**

Permanent employee currently serving in a position. A permanent employee on leave from a position is said to encumber a position.

### LABOR CLASS

The jurisdictional classification designated for positions for which competitive tests are impracticable because of the unskilled nature of the duties. Minimum qualifications for labor class positions are generally not established. However, applicants for positions in this class may be required to demonstrate their ability to do the job.

### NON-COMPETITIVE CLASS (NC)

The jurisdictional classification designating positions not in the exempt or labor classes and for which it is found by the Civil Service Commission to be not practicable to ascertain the merit and fitness of applicants by competitive examination. For a position in the non-competitive class, an agency may appoint a person who meets the minimum qualifications of training and experience.

### **PROVISIONAL APPOINTMENT**

A non-permanent appointment to a competitive class position which may be made when there is no appropriate or viable eligible list.

### UNCLASSIFIED SERVICE

Positions specified in Section 35 of the Civil Service Law that are outside the jurisdiction of the Civil Service Department. Examples are: elected officers, appointees of the Governor or Legislature, including heads of departments and legislative employees, and employees in professional positions in certain colleges and all those persons whose principal functions are teaching or supervision of teaching in a public school, academy or college, or in the State University.

# ELIGIBLE LIST CANVASS LETTER (DCS-S-60 10/07)

Return To:				an offer of employment. Do not leave your present job.	
			We have been informed Civil Service that your eligible list for the posi Please complete and ret	name appears on an	
Attn:	Date Mailed:				
Telephone:					
To:			return it after the date	dered for any future on in this agency. <b>If you</b> <b>e above</b> , your name will his position; however you future positions at this	
Т	TTLE OF POSITION		g SALARY npetitive list	Geographic LOCATION	
		Salary GF Promotion	RADE 1 & Transition list		
ADDITIONAL INFOR	MATION (for agency use only): SH	IFT:			

TYPE OF APPOINTMENTTYPE OF EMPLOYMENT				
PERMANENT / CONTINGENT PERMANENT	<b>FULL TIME (85-100%):</b> %			
TEMPORARY     LESS THAN FULL TIME%				
CHECK THE BOX WHICH MOST ACCURATELY APPLIES AND PROVIDE THE ADDITIONAL REQUIRED INFORMATION. SEE REVERSE FOR EFFECT OF ACCEPTANCE OR DECLINATION.				
YES, I am interested in this position. I can repor	t to work by: (date)	Personnel Office/Civil Service use only		
NO, I am not interested in <b>any appointment fro</b> list.	<b>m this list</b> ; please inactivate my name on this	RI		
NO, I am temporarily unavailable for any appointment from this list until (date):       TI         (date):      ; please inactivate my name until then.				
NO, I am not interested in an <b>appointment in this agency at this location for this title</b> ; please DP inactivate my name for <b>this title</b> in this agency at this location.				
NO, I am not interested in an <b>appointment at this location for this title</b> ; please inactivate my LU name for <b>this title</b> in any agency at this location.				
NO, I am not interested in a <b>temporary</b> appointment <b>from this list</b> ; please inactivate my name DU for any temporary appointments.				
NO, I am not interested in a <b>less than full time</b> appointment <b>from this list</b> ; please inactivate PU my name for all positions with less than full time employment.				
NO, I am not interested in an appointment from this list to a position with this shift; please       DS         inactivate my name for any positions filled from this list with this shift.       DS				
Please do not consider me <b>for this position</b> and consideration.	IC			

YOUR SIGNATURE	DATE	PHONE NUMBERS:
		work: ( ) home: ( ) e-mail:

### AVAILABILITY FOR EMPLOYMENT CANVASS LETTER -GENERAL INFORMATION AND INSTRUCTIONS

### THE CANVASS, INTERVIEW AND APPOINTMENT PROCESS

This canvass letter is not an offer of employment. We wish to know whether you are interested in this position and are available for appointment. Returning this letter and indicating your willingness to accept appointment under the conditions listed on the front will not necessarily result in appointment or even in your receiving an interview. However, failure to return this letter will indicate that you do not wish to be considered for any future vacancies at this location in this agency. If you are a person with a disability and need a reasonable accommodation in order to participate in the interview process, please call the telephone number on the front of this inquiry. Although we may not communicate with you again concerning this position, we assure you that your interest and availability will be given every possible consideration.

The State Civil Service Law requires that appointment to a position in the competitive class shall be made by the selection of a person on the appropriate eligible list whose final rating is equal to or higher than the rating of the third highest ranking eligible on the list who is willing to accept appointment. It does not require that we conduct an interview prior to appointment. However, if you are among those persons interviewed for appointment and another person is appointed, we will notify you in writing of your not having been selected. If you claimed veterans credits and received additional points you should be prepared to provide documentation of your veterans status if you are invited to an interview.

You may be required to pass a medical examination conducted at our expense; you may be required to pay laboratory fees. If fingerprinting is required, you may be required to pay a fee.

Prior to appointment, you will be required to provide proof of the required qualifying education, current license and/or certification; qualifying work experience may also be verified. Failure to provide the necessary documentation can result in inactivation from the eligible list.

You must be legally eligible to work in the United States at the time of appointment and throughout your employment with New York State. If appointed, you must produce documents that establish your identity and eligibility to work in the United States, as required by the federal Immigration Reform and Control Act of 1986, and the Immigration and Nationality Act.

### SALARY

The starting salary for this position includes any differential that may apply; for example, geographic location or working hours of employment. Eligibles who are entitled to a higher salary due to previous State service should discuss this at their interview. Salary increases for many employees are negotiated by management and employee organizations, specified in contract agreements, and are subject to approval by the legislature.

### EFFECT OF ACCEPTANCE OR DECLINATION

- If the type of appointment is TEMPORARY, your response will not affect your future eligibility for permanent/contingent permanent appointment from this list.
- If the type of appointment is PERMANENT/ CONTINGENT PERMANENT, your response will affect your future eligibility for both temporary and permanent/contingent permanent appointment **from this list**.
- If the type of employment is LESS THAN FULL TIME, your response will not affect your future eligibility for full time appointment from this list.
- If the type of employment is FULL TIME, your response will affect your future eligibility for both full time and less than full time appointment from this list.
- If this is a SHIFT position, your response will affect your future eligibility for appointment to a position with that shift from this list.

# TO REPORT A NAME AND/OR ADDRESS CHANGE, TO REACTIVATE YOUR NAME ON THIS LIST FOR ANY LOCATION/AGENCY/TYPE OF POSITION, OR TO BE CONSIDERED FOR ADDITIONAL LOCATIONS, WRITE TO:

#### STAFFING SUPPORT UNIT NYS DEPARTMENT OF CIVIL SERVICE ALFRED E SMITH STATE OFFICE BUILDING ALBANY, NY 12239

PLEASE PROVIDE THE ELIGIBLE LIST NUMBER AND TITLE AND THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER IN YOUR REQUEST.

It is the policy of the New York State Department of Civil Service to provide for and promote equal opportunity in employment, compensation and other terms and conditions of employment without discrimination on the basis of age, race, creed, color, national origin, gender, sexual orientation, disability, marital status, genetic predisposition or carrier status

### PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

The information you provide on this application is being requested in accordance with section 61 of the Civil Service Law for the principal purpose of determining your availability for employment. The information will be used in accordance with section 96(1) of the Personal Privacy Protection Law, particularly subdivisions (b), (e) and (f). Failure to provide the information requested may prevent your being considered for employment opportunities. This information will be maintained by the Director, Division of Staffing Services, Department of Civil Service, Albany, NY 12239. For information concerning the Personal Privacy Protection Law, call (518) 457-9375.

# **Information For Employees Seeking Transfer**

The Civil Service Law and Rules provide the conditions under which permanent employees in the competitive class may transfer to a different title, agency or geographic location. Employees must take the initiative by contacting agencies directly or by looking for vacancies.

State agencies have broad discretion in choosing to fill a particular job by transfer. To convince agencies to consider them, employees should provide a current resume describing their work experience, educational background and the specific transfer to be used.

### What Are Transfers?

A transfer is the movement of a permanent competitive class employee from a position in one title to a position in a different title, or from a position in one agency to a position in another agency. Both positions must be within the competitive class. Transfers occur with the consent of the employee after nomination by the appointing agency and the approval of the Department of Civil Service. Approval by the agency from which the employee is transferring is not required in order for the transfer to occur.

### What Are The Requirements For Transfer?

Generally employees must have had at least one year of permanent service in their current title or at their current salary grade, and the transfer can be to the same or any lower salary grade, but cannot be to a title more than two salary grades (or one M grade) higher than their current title. Employees who are currently serving probation are eligible to transfer. Transfers may not be approved if mandatory reemployment lists exist for the title to which transfer is sought.

### The Civil Service Law defines three different kinds of transfers:

- Section 70.1 allows transfer without further examination from one title to another when a sufficient degree of
  similarity exists between the minimum qualifications, tests and/or duties of the specific titles involved. The
  appropriateness of transfer is decided on a title-by-title basis at the request of personnel offices of state
  agencies. This section of the law also allows employees to transfer to another agency in the same title.
- Section 70.4 allows transfer to a title which is not similar, but where the employee meets the qualifications for the title. Usually the employee must pass an examination open to the public for the title before transfer can be approved.
- Section 52.6 allows transfer between administrative titles at the same or similar salary grade. Administrative titles are those involving law, personnel, budgeting, methods and procedures, management, records analysis or administrative research.

### What Are The Effects Of Transfer On Employee Status?

 Probation and Leave Of Absence - Employees who transfer are usually required to serve a probationary period in the new title. For titles at or below Grade 13, the probationary term is 8 to 26 weeks. For titles at or above Grade 14, the probationary term is 12 to 52 weeks. At the discretion of the new agency, the probationary period may be waived at the time of the transfer. However, employees who transfer to a title which requires a traineeship, must serve the probationary period designated for that traineeship. Employees who transfer and are serving a probationary period must be granted a leave of absence from their former title for the length of their probationary period.

- Standing On Existing Eligible Lists Employees who transfer and who are on leave from their former title remain eligible for appointment from promotion eligible lists in their former agency until completion of probation. Once the leave expires their names are removed. Standing on general portions of interdepartmental promotion lists or on open-competitive lists is not affected by transfer. Employees who have completed their probation and have served at least 26 weeks in their new agency may request that their names be added to their new agency's departmental portion of an interdepartmental eligible list.
- Retirement Benefits Status in the Retirement System is not affected by transfer.
- Seniority A transfer will not affect an employee's seniority date for credit in future promotion examinations or for layoff purposes. However, an employee's layoff rights will be affected after transfer because probationers must be laid off before permanent employees in the same title who are not on probation. For more information about layoffs, refer to the booklet "Information for State Employees Affected By Layoff" available in agency personnel offices.
- Salary Determining an employee's salary is a complex matter, which is handled by the Office of the State Comptroller through your agency personnel or finance office. Salary determination is further complicated by the different pay scales for the various negotiating units.
- Leave Credits Upon transfer from one agency to another, personal, sick and vacation leave credits are transferred and employees are entitled to cash payment for unused compensatory time (up to 30 days). However, employees transferring between units or institutions of the same department, (for example within the Office of Mental Health), cannot receive cash payments. Such credits are transferred to the new unit or institution along with personal, sick and vacation leave.

### For More Information:

For specific information on your benefits, contact the offices below:			
EMPLOYEE HEALTH INSURANCE	LEAVE ACCRUALS	RETIREMENT	SALARY
(518) 457-5754 - Civil Service	(518) 457-2295 - Civil Service	(518) 474-7736 - Employee Retirement System	Contact your Personnel Office

For information concerning a specific transfer, contact the Career Mobility Office at 1-800-553-1322 or email: <u>cs.sm.careermobility@cs.ny.gov</u>

The NYS Department of Civil Service has several Outreach & Information Centers locations which you may visit or

## **Information for Persons Seeking Reinstatement**

### Who Can Be Reinstated?

Generally, as a former permanent competitive employee of New York State, you may be permanently reinstated to any competitive class position you once held on a permanent basis, or to any position for which you were eligible for transfer, provided the reinstatement meets the basic criteria below:

- 1. If you left state service **less than one year ago**, the reinstatement request from a State agency will usually be approved by the Department of Civil Service provided:
  - the reinstatement will benefit the agency
  - your prior service did not end with a disciplinary action
  - there is no reemployment list for the position
- 2. If you left state service **more than one year ago**, the reinstatement must also be approved by the Civil Service Commission.

### How Do I Go About Being Reinstated?

The reinstatement rule does not guarantee placement; it only provides eligibility. This means that if an agency wants to hire you, you are eligible to be hired without taking another examination and without having your name on an eligible list. You will be required to serve a probationary period.

### It is your job to get State agencies interested in hiring you.

To assist you in your search, the Department of Civil Service offers you the following information and/or services as applicable:

- A determination as to your eligibility for reinstatement based on a review of your history
- A list of titles to which you are eligible to be reinstated, including titles to which you could have transferred
- A review of current eligible lists on which your name appears
- A copy of your employment history with New York State
- A list of pertinent agency websites including <u>http://www.statejobsny.com</u> <sup>II</sup>, which lists current NYS job openings
- Exam announcements for titles for which you may qualify

**NOTE:** If you left state service while on probation after being appointed from an open competitive eligible list and the list still exists, you should write to the Department of Civil Service, Employment Records Section, and ask to be restored to the list. Include your Social Security number and the name and number (if you know it) of the list. Your request will be reviewed by the Employment Records Section.

### If I Am Reinstated, What Will My Salary Be?

Your salary upon reinstatement to your former title will not be less than it was when you resigned. If you are reinstated to a lower title, your salary will be reconstructed. Salaries are determined by the State Comptroller's Office in conjunction with the hiring agency.

### What About Other Rights and Benefits?

### SENIORITY

If you are reinstated after a break in service of:

- less than a year, your seniority date will be the original seniority date you had before you resigned.
- more than one year but less than three years, your seniority date will be recalculated and your previous service will be fully credited.
- more than three years, your previous service may be partially credited. The previous service credited will be reduced by the amount of time spent out of service, which is beyond three years. (Example: 7 years of previous State service; 4 years 6 months out of service; 5 years 6 months credited upon recalculation of seniority date.)

### RETIREMENT

- If you have at least 5 years of service credit and keep your contributions on deposit when you leave public employment, you are automatically vested. If you then return to public employment prior to retiring, your membership status remains the same.
- If you have less than 10 years of service credit when you leave public employment, voluntarily terminate your membership by withdrawing your contributions, and then rejoin the same retirement system within 5 years of your last date of public service, you are reassigned to the same tier status from which you withdrew.
- If you are not vested (at least 5 years of service credit) when you leave public employment but keep your contributions on deposit, you have up to 7 years to return to public employment to retain your membership.
   After 7 years, your membership is automatically terminated and your contributions are returned to you.

### LEAVE CREDITS

If you are reinstated after a break in service of less than one year, or if you are reinstated by the Civil Service Commission after a break of more than one year, your state service will be considered to be unbroken, and you will continue to earn leave credits at your previous rate. Sick leave credits, vacation credits for which you did not receive a lump sum payment, personal leave credits, and unexpired holiday leave credits are restored. Your vacation anniversary date will be adjusted if the break in service exceeds six months.

### **For More Information:**

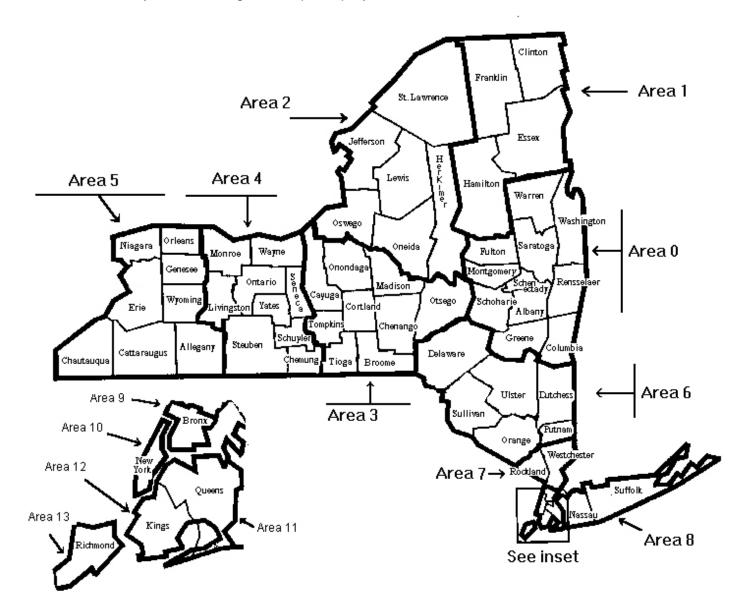
For specific information on your benefits, contact the offices below:			
EMPLOYEE HEALTH INSURANCE	LEAVE ACCRUALS	RETIREMENT	
(518) 457-5754	(518) 457-2295	(518) 474-7736	

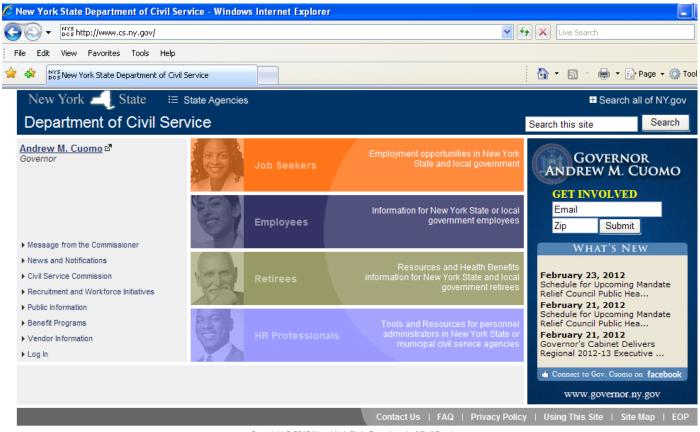
The NYS Department of Civil Service has several <u>Outreach & Information Centers</u> locations which you may visit or call.

# **REQUEST FOR ELIGIBLE LIST STATUS CHANGE**

Name of	Social		
Eligible:	Security		
	Number:		
Present Address: (Apartment Number or P.O. Box,			
Number & Street, City, State, Zip Code)			
PERSONAL PRIVACY PROTECTION LAW NOTI			
The information that you are providing on this application is being requested for			
effectuate changes concerning your eligible list status. This information will be Privacy Protection Law, particularly subdivisions (b), (e) and (f). Failure to privacy for the privacy protection for the privacy protection of the protection of the priv	used in accordance with Section 96 (1) of the Personal		
comply with your request. The information will be maintained by the Director Service, Albany, NY 12239. For further information, relating only to the Personal	, Staffing Services Division, NYS Department Of Civil		
Please note the following:			
Address change – Previous address			
Name change – Previous name			
Place my name in the active file for the following area(s	) (0-13):		
0 1 2 3 4 5 6 7 8	9 10 11 12 13 All		
(See back for complete listing of ge	ographic areas)		
<ul> <li>Permanent Only</li> <li>Full Time only</li> <li>Permanent and Temporary</li> <li>Part Time</li> </ul>			
For all examinations			
For the following examination(s):			
Examination # Title	Rank Rating		
	into		
Please INACTIVATE my name on the following (or all) lists:			
Examination # Title	Rank Rating		
REMARKS:			
Signature	Date		

The map below divides New York State into 13 geographic areas. By indicating your choices on the reverse side of this form, we will be able to refer your name for consideration only in the area or areas in which you are willing to accept employment.





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Select Language







