# RULES FOR THE CLASSIFIED CIVIL SERVICE

# OF GENESEE 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 Genesee 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 Genesee County as well as the towns, villages, cities and special districts therein. These rules may be amended by the Human Resources Director after public hearing and subject to the approval of the State Civil Service Commission.

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# 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. “Human Resources Director” means the Human Resources Director of the County of Genesee.

2. "Employee" means the incumbent of a position holding the position in accordance with these Rules and the Civil Service Law.

3. "Position" means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.

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

5. "Eligible List" means an official record kept in the Human Resources Director’s office as a public record which contains the names of those persons who have successfully completed examinations, listed and ranked in order of their final ratings from the highest to the lowest rank.

6. "Part-time Employment" means any employment or a combination of one or more employments in a civil division in which an individual works less than twenty hours per week or wherein the employee earns not more than one half (½) of the annual salary assigned to the position.

7. "Transfer" means the change, without further examination, of a permanent employee from a position under the jurisdiction of one appointing authority to a similar position under the jurisdiction of another appointing authority.

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. "Municipality" means County, Town, City, Village, School District or Special District.

## RULE II

## COMPETITIVE CLASS

The Competitive Class shall include all positions in the classified service not specifically listed in these rules as being in the Exempt Class, Labor Class, and Non-Competitive Class.

## 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 a position by the Human Resources Director. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the appointing authority with the Human Resources Director. Such appointment shall become effective only after approval by the Human Resources Director.

2. Positions in the Non-competitive Class shall be listed in Appendix B of these rules and made a part hereof.

## RULE V

## LABOR CLASS

1. 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 Human Resources Director may require applicants for employment in the Labor Class to qualify in such tests of their fitness for employment as may be deemed practicable.

2. 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 though set forth in full herein.

## RULE VII

## RECRUITMENT OF PERSONNEL

1. Residence requirements for municipal positions.

   (a) An applicant must be at the time of examination and for at least two months 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 Human Resources Director. Residence requirements may be suspended or reduced by the Human Resources Director in cases where recruitment difficulty makes such requirements disadvantageous to the public interest.

   (b) 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 least two (2) months prior to the date of the certification, a resident of such municipality in order to be included in a certification as a resident of such municipality. An eligible must also be a resident of such municipality at the time of appointment.

2. Announcements of examinations.

   The public announcement of an examination shall specify the application fee, if any, the titles, 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 (25) days before the date of the examination and must be conspicuously posted in a public place for ten (10) days. The last day for filing application shall be at least ten (10) days prior to the date of the examination.

## RULE VIII

## APPLICATIONS

1. Applications of candidates for positions in the Competitive Class and for positions in the Non-competitive Class must be addressed to the Human Resources Director and be made on the form prescribed by the Human Resources Director.

2. The Human Resources Director shall notify each applicant of the disposition of his/her application. Approved applicants for Competitive examination shall be given notice of their approval at least four (4) days before the examination, by mail to the address stated in the application, or one (1) day's notice by telegram.

3. A candidate's application for examination may be exhibited upon request to the appointing officer to whom his/her name is certified, or to his/her representative.

## RULE IX

## DISQUALIFICATION

1. Good moral character and habits and a satisfactory reputation shall be requirements for appointment to any position subject to these rules. Any applicant who is found to lack such requirements shall be disqualified for examination, or, after examination, for certification and appointment. An applicant whose application is disqualified for an examination or appointment shall be notified of the reasons for such disqualification and afforded an opportunity to submit facts in opposition to such disqualification prior to final disposition of such application.

2. A record of disrespect for the requirements and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses, may be grounds for disqualification for examination, or after examination, for certification and appointment.

3. The burden of establishing his/her qualifications to the satisfaction of the Human Resources Director shall be upon the applicant. Any applicant who refuses to permit the Human Resources Director to investigate matters necessary for the verification of his/her qualifications or who otherwise hampers, impedes or fails to cooperate with the Human Resources Director 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 Human Resources Director may, after the announcement of an examination is made, sub-divide 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 Human Resources Director 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 Human Resources Director, 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 steno-graphic 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/her final rating and, if successful, of his/her relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or his/her duly authorized representative, may inspect his/her examination papers in the office of the Human Resources Director and in the presence of a designated representative of the Human Resources Director, provided he/she 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/her duly authorized representative, designated as such in writing. The application of an eligible who is being considered for appointment may be shown to the appointing officer.

5. (a) A candidate who wishes to appeal to the Human Resources Director from his/her 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/her examination papers were made available for his/her inspection. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidates' papers for review, whether resulting in a higher or lower average standing. No change in rating shall be made as a result of an appeal unless it shall affect the candidate's relative position on the eligible list.

(b) For examinations prepared and rated under Section 23 (2) of the 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 Human Resources Director may, at any time during the life of an eligible list resulting from an examination prepared and rated by the Human Resources Director, 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 Human Resources Director.

(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 material 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.

(c) 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 Human Resources Director 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/she was examined, and his/her name shall be entered on the eligible list in the order of his/her final rating, but if two 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 therefore by the Human Resources Department.

2. The date of the establishment of a list shall be the date fixed therefore by Human Resources Director resolution, and shall be entered on such list. The duration of all eligible lists shall be fixed by Human Resources Director resolution concomitantly with 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 Human Resources Director may, by resolution, 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 Human Resources Director. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.

4. The Human Resources Director shall have power, in his/her discretion, to correct any error, and amend any eligible list, where it appears that an error has been made. Human Resources Director 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 in the Human Resources Department and reported to the State Civil Service Commission.

## RULE XII

## CERTIFICATION

1. The Human Resources Director 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 issued by the Human Resources Department to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance, unless the Human Resources Director, for good cause shown, may extend a certification up to a maximum of sixty days upon request of an appointing authority.

3. When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his/her willingness to accept such appointment within seven (7) calendar days after the mailing of such canvass or offer, he/she may be considered ineligible when making selection for such particular appointment.

4. The name of the person declining appointment shall be eliminated from further certification from the eligible list, unless declination is for one or more of the following reasons:

   (a) Insufficiency of compensation offered when below minimum of grade of the position for which the examination was held;
   (b) Location of employment;
   (c) Temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing. The Human Resources Department shall enter upon the eligible list the reasons for its action in such cases.
   (d) Other reason deemed acceptable by the Human Resources Director.

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 list as provided in Rule XI.

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 Human Resources Director one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that he/she 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/her appointment beyond that offered to the persons so declining.

8. 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 Human Resources Director 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.

9. An open-competitive, promotion or preferred eligible list shall not be certified for filling a permanent, competitive class vacancy created by reclassification of any 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, either refused to take an examination for such reclassified position or twice failed to qualify for appointment, examination or promotion to the reclassified position.

## RULE XIII

## PROMOTIONS - DEMOTIONS

1. In no case shall any person be eligible to participate in a promotion examination until he/she has served at least six months on a permanent basis in a lower grade position.

2. Any person who is nominated for non-competitive examination for promotion to a position, and 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 established following competitive examination.

3. 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 at a salary level less than that assigned the position for which promotion examination is to be held.

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

## RULE 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 (8) nor more than fifty-two (52) 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. The Probationary term for a Wastewater Treatment Plant Operator Trainee evolving into Grade 3 or 3A Operators shall be no greater than 78 weeks.

(c) Every probationary term for every promotion shall be for a probationary period of eight to twenty-six weeks, except as noted in this Rule. The term "promotion" shall include the appointment of an employee to a higher grade position to the Non-Competitive or Exempt class.

(d) Every permanent appointment to a position of Deputy Sheriff, Police Officer or Firefighter shall be for a probationary period of not less than eight (8) nor more than seventy-eight (78) weeks.

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

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

2. Restoration to permanent position:

a. When a permanent employee is promoted or transferred to a position in the same civil division, in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary or contingent permanent basis, during such probationary term.

b. 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.

c. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election. If the conduct or performance of the probationer is not satisfactory, he/she shall be restored to his/her former permanent position at the end of his/her probationary term.

3. 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/her absence which, pursuant to this section, are not considered as time served in the probationary term.

4. Report on probationer's service:

The probationer's supervisor shall carefully observe his/her 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/her 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/her representatives.

5. Restoration to eligible list:

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

6. Temporary, provisional or contingent permanent service in higher level position:

When an employee who has not completed his/her probationary term is appointed on a temporary, provisional or contingent basis to a higher level position, the period of temporary, provisional or contingent permanent 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/her 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/her decision in writing as to whether or not service in such higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the appointing authority, such probationer at his/her request, shall be returned to his/her lower position for sufficient time to permit him/her to complete his/her probationary term. The employment of such a probationer in his/her lower position shall not be terminated at the end of his/her probationary term on account of unsatisfactory service unless he/she shall have actually served in such position, in the aggregate, at least the minimum period specified for such probationary term or the entire probationary term if it be one of fixed duration.

7. Removal during probationary term:

Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 of the Civil Service Law, or applicable negotiated disciplinary procedures, at any time during the probationary term, to remove a probationer for incompetence or misconduct.

8. Notwithstanding any other provisions of these rules, the appointment or promotion of a police officer shall not become permanent unless and until he/she has satisfied such requirements as may be applicable to him/her under Section 209-q of the General Municipal Law. If a police officer is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section 209-q of the General Municipal Law, he/she shall be deemed to be on leave of absence from the lower rank position from which he/she was promoted pending completion of such training. During such period such lower rank position may not be filled except on a temporary basis. In the event of his/her failure to complete such training successfully within the time allowed therefore, he/she shall be restored to such lower rank position.

9. An employee who is reinstated to a position after a separation of more than one year, either in his/her 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.

10a. <u>Transfers to Positions in the Same Civil Division</u>

Every transfer from a position to another in the same civil division shall require a probationary term of not less than a minimum of eight (8) weeks nor more than fifty-two (52). 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 the completion of the maximum period of probation.

10b. Transfers to Positions Under Different Appointing Authorities in Different Civil Divisions

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 eight (8) weeks up to a maximum of fifty-two (52) 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. Prospective transferee shall be advised in writing prior to approval of the transfer that an eight to fifty-two 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.

10c. Waiver

The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term in (10a) or (10b) by written notification to the transferee and the local Civil Service Department.

## 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 re-employment list in the order of their first appointment to the title vacated by them at the expiration of such employment season. Such seasonal re-employment 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 re-employment in such positions in the order in which their names appear on such list. Any such person may be re-examined by the Human Resources Director with respect to his/her physical fitness for the performance of the duties of the position, and may be disqualified for re-

employment in the same manner, and for any of the reasons applicable to the disqualification of an eligible on an eligible list resulting from open competitive examination.

(c) The name of any person on such list who is not reached for re-employment shall remain on such list and shall be certified in the order of the date of his first appointment to such position during subsequent employment seasons; provided, however, that the eligibility for re-employment of any such person shall not continue for a period longer than three years from the date of his separation from such seasonal employment. A seasonal re-employment list shall not be deemed to be a preferred list as provided for in Section eight-one of the civil service law.

2. The Human Resources Director may require that permanent appointments or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a trainee in such a position 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 Human Resources Director. 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/her conduct, capacity or fitness is not satisfactory, or at any time if he/she fails to pursue or continue satisfactorily such training or academic courses as may be required.

## RULE XVI

## EFFECT OF NON-PERMANENT SERVICE ON STATUS OF EMPLOYEES

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

The acceptance by an eligible of a temporary appointment shall not affect his/her standing on the eligible list for a permanent appointment, nor shall the period of temporary service be counted as 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.

No provisional employee who has twice failed the examination for permanent appointment or refused to take such examination shall be given another provisional appointment in the same position except that upon written request from an appointing officer showing evidence of a lack of interested or available candidates, the Human Resources Director may allow a third provisional appointment.

4. Contingent Permanent Appointments

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

1) Probationary Period: All appointments under this rule shall be required to complete the probationary period for original appointment or promotion as prescribed in this rule.

2) Return of Incumbents: In the event of a layoff or if the permanent incumbent returns from leave of absence, persons holding positions on a contingent permanent basis shall be displaced before any persons holding permanent status in the same title regardless of total seniority. In the event more than one position in the same title is held by persons having contingent permanent appointments, displacement among those persons shall be based on the inverse order of their contingent permanent appointments.

3) Preferred List: Upon displacement, if the contingent permanent appointee was appointed from a promotion eligible list, he/she shall be restored to his/her permanent position and, if a probationary period has been completed, have his/her name

placed on a preferred eligible list for certification as a mandatory list only to the department or agency in which the contingent permanent appointment was made. If the contingent permanent appointee was appointed from an open-competitive eligible list, and if a probationary period has been completed, he/she shall have his/her name placed on a preferred eligible list for

certification as a mandatory list in the civil division in which the contingent permanent appointment was made.

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

b. All prospective appointees under this rule shall receive a copy of this rule and be canvassed as "permanent-contingent permanent."

c. Contingent permanent appointments from eligible lists shall be made by selection of one of the top three candidates on an appropriate eligible list willing to accept a contingent permanent appointment; there will be no re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered.

## RULE XVII

## TRANSFERS

1. Upon the written consent of the individual and of the prospective appointing authority and subject to the approval of the Human Resources Director of the jurisdiction to which transfer is sought, 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) 1. The Human Resources Director determines that the examinations' scopes and qualifications for the position held and to which appointment is sought are identical; or

2. When the examinations' scopes and qualifications are not identical, the New York State Department of Civil Service has determined that the examination for the position held involved or would involve essential tests and qualifications the same as or

greater than those of the position to which appointment is sought; and

(d) The Human Resources Director has determined that such appointment is for the good of the service. The individual, however, must serve an eight (8) to fifty-two (52) week probationary period before being given permanent status.

## RULE XVIII

## RE-INSTATEMENT

1.(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:

- The prospective appointing authority must request approval from the Human Resources Director to reinstate an individual.

- A reinstatement may not be approved to a position for which a preferred list exists containing the name of an eligible willing to accept appointment.

- With the exception of an employee who is being reinstated to his/her former position within one year from resignation, a reinstatement may not be approved to a position for which a promotion eligible list exists containing the names of three or more eligibles willing to accept appointment.

- The Human Resources Director 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 condition:

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

- If the position to which reinstatement is sought requires successful completion of medical and/or physical agility tests for original appointment, the individual being reinstated must satisfy these criteria immediately prior to reinstatement.

XVIII-Re-instatement, Cont'd.

2. Refusal or failure to accept re-instatement from preferred list.

(a) Relinquishment of eligibility for re-instatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept re-instatement there from to his/her former position, or any similar position in the same salary grade for which such list is certified, shall be deemed to be a relinquishment of his/her eligibility for re-instatement, and his/her 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/her submission of reasons satisfactory to the Human Resources Director for his/her previous failure or refusal to accept re-instatement.

(b) Effect or refusal to accept re-instatement to lower grade position. A person on a preferred list shall not be deemed to relinquish his/her eligibility for re-instatement there from by reason of his/her failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which he/she was suspended or demoted. The name of such person may be withheld from further certification for re- instatement to a position in the same or a lower salary grade than the position to which he/she failed or refused to accept re-instatement.

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

3. An employee who is re-instated to a position in accordance with paragraph 1 above, either in the same agency or another agency, shall serve a new probationary period in the same manner and under the same condition as would apply to original appointments to such position, as expressed in Rule XIV.

## RULE XIX

## LEAVE OF ABSENCE

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

2. 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 re-instated to his/her position provided he/she makes application for such re-instatement within sixty days after the termination of his/her courses of study.

3. Whenever an employee is to be terminated under Section 73 of the Civil Service Law following leave of absence occasioned by ordinary disability or under Section 71 following exhaustion or termination of Workers' Compensation Leave, he/she must be afforded an opportunity for a hearing to contest the decision before such termination is to take effect.

## 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 re-instatement, 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 in competency 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/her termination shall be recorded as a dismissal rather than 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.

## RULE XXI

## REPORTS OF APPOINTING OFFICERS

For the purpose of certification of payrolls and to enable the Human Resources Director 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 Human Resources Director as follows:

(a) Every appointment or employment whether permanent, probationary, provisional, temporary, or otherwise, in the Classified service, with the date of commencement of service and the title and compensation of the position.
(b) Every failure to accept an appointment under him/her by a person eligible therefore, with copies of the offer or notice of appointment and the reply thereto, if any.
(c) Every discharge during, or at the end of the 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 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 salaries thereof.
(I) Every re-instatement in a position, with the date and salary thereof.
(j) Every leave of absence, with the date and duration thereof.
(k) Every new position, giving a complete description of the duties thereof.

## RULE XXII

## CERTIFICATION OF PAYROLLS

1. Extended certifications.

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

2. Temporary certifications.

When the name of any person is first submitted for certification following his/her appointment, re-instatement, promotion, transfer, or other change in status, and

the Human Resources Director requires further information or time to enable it to make a final determination thereon, the Human Resources Director may certify such person temporarily pending such final determination. In such event the Human Resources Director 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 Human Resources Director finds, following receipt of such information, that the employment of such person is not in accordance with the law and rules, the Human Resources Director shall immediately terminate such certification by notice to the appropriate fiscal or disbursing officer.

3. Refusal or termination of certification.

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

## RULES XXIII

## CLASSIFICATION PLAN

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

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

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

"Job Class Specification" means a formal written statement of the class which defines the general character and scope of the duties and responsibilities of positions of the class, lists typical work activities, enumerates the 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.

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

"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. Power of duties. The Human Resources Director shall have power and duty to:

a. Classify and reclassify all positions in the civil service of all civil divisions under its 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 specification 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 its jurisdiction and to make revisions in the classification of positions.

3. Classification of Vacant Positions. At the request of the Human Resources Director, the appointing officer shall file a prescribed form with the Human Resources Director when a classified position which has been or is about to become vacant is to be filled. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Human Resources Director shall allocate the position to an appropriate class, or, if no appropriate class exists, shall create a new class and prepare a class specification for such position.

4. Classification of New Positions. The appointing officer shall file a prescribed form with the Human Resources Department when a new position is to be created. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Human Resources Director 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.

5. Reclassification.

(a) The appointing officer shall file a prescribed form with the Human Resources Director whenever a permanent and material change is made in the duties and responsibilities of any position. Such form shall clearly describe in detail the changes in the duties and responsibilities of the position. After an analysis of the changes in the duties and responsibilities of the position, the Human Resources Director 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.

(b) The Human Resources Director may, upon its own initiative, review the duties and responsibilities and qualification requirements of any position under its 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 Human Resources Director. After an analysis of the detailed description of the duties and responsibilities, the Human Resources Director 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 employee in the classified service may apply to the Human Resources Director 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 Human Resources Director 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. 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, either refused to take an examination for such reclassified position or twice failed to qualify for appointment, examination or promotion to the reclassified position.

7. Notice of Appeals. The Human Resources Director shall give reasonable notice of any proposal 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 Human Resources Director 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 re-instated except in accordance with the provisions of the Civil Service Law and these rules.

## PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION CONCERNING POLITICAL AFFILIATION

No question in any examination or application or other proceeding by the Human Resources Director or their examiners shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Human Resources Director and its 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 affiliation.

## RULE XXV

## CONTINGENT PERMANENT STATUS

1. A vacant permanent position in any civil division which is encumbered by the leave of absence of the permanent incumbent thereof may be filled on a contingent permanent basis upon the request of the appropriate appointing authority by appointment or promotion from an eligible list certified as appropriate for filling the position, provided that such appointee be among the top three ranking eligibles willing to accept such appointment.

2. An employee holding a position on a contingent permanent basis shall have the rights and be subject to the conditions herein stated:

   (a) Any such employee who upon his/her contingent permanent appointment holds a permanent appointment in another position in the same civil division under the same appointing authority shall be deemed to be on leave of absence from such position while on contingent permanent status in his/her new position. He/she may, at his/her election and after reasonable notice, be restored to his/her permanent position at any time during such leave of absence and shall be restored in such position upon the return from leave of the incumbent to his/her position and shall also be restored to such position in the event of the elimination of the position to which he/she was contingently appointed.

   (b) Contingent permanent status shall not adversely affect or impair such an individual's eligibility for permanent appointment or promotion to such vacancies as may occur for which he/she is otherwise eligible including appointment from the eligible list from which he/she received the contingent permanent appointment during the life of such list.

   (c) He/she shall be deemed to hold his/her position on a permanent basis for the purposes of Section 75 of the Civil Service Law but shall be deemed to hold his/her position only on a temporary basis for the purposes of Section 80 of such law.

Rule XXV-Contingent Permanent Status Cont’d.

(d) For the purposes of any subsequent examination, service in a contingent permanent status shall be counted as permanent service.

(e) An individual who has served at least six (6) consecutive months in contingent permanent status shall, upon termination of such status by the return from leave of the permanent incumbent of the position or by the abolition of the position held, be eligible for permanent re-instatement to such position whether in the same or another civil division under the same conditions as though he/she had held such position on a permanent basis.

(f) An employee in contingent permanent status may transfer to any other similar vacant position which is encumbered by the leave of absence of the permanent incumbent thereof, provided that such transfer is otherwise permissible under these rules.

(g) In the event the permanent incumbent on leave from the position to which a contingent permanent appointment was made ceases to encumber such position, the contingent permanent appointee shall acquire full permanent status in such position as of the date such encumbrance ceases.

3. The probationary term of an employee appointed pursuant to this Rule shall be governed by Rule XIV of these Rules and shall be deemed to have begun as of the date of his/her contingent permanent appointment.

## RULE XXVI

## LAYOFF OF COMPETITIVE CLASS EMPLOYEES

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

(a) Direct line of promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root.

(b) Next lower occupied title shall mean the title in direct line of promotion immediately below the title from which the incumbent is suspended or demoted, unless no one is serving in that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.

(c) Layoff unit shall mean each department of a County, City, Town, Village, each School District and each special district. Authorities and Community Colleges shall be deemed to be separate civil divisions.

(d) Satisfactory service shall mean service by an employee during which he/she did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or in competency pursuant to Section 75

of the Civil Service Law 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 and 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 non-disabled 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 veterans is contained in Section 85 of the Civil Service Law.

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

(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/her 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/she was employed, his/her seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.

2. Suspension

(a) When an occupied position in the Competitive Class is abolished, suspension is to be made from among those employees holding the same title in the same layoff unit as the abolished position.

(b) Among permanent employees, the order of suspension is the inverse of the order of their original permanent appointments in the Classified Service. See above definition to permanent service for veterans and

disabled veterans. An exception to this rule is that the blind have absolute retention rights but only in their job status.

(c) A blind person may not back-date his/her permanent service if he also happens to be either a veteran or disabled veteran.

(d) A person is considered blind if he/she is so certified by the Commission for the Visually Handicapped of the New York State Social Services Department.

(e) When two or more permanent incumbents of positions in a specific title are suspended, demoted or displaced at the same time, the order in which they shall be entitled to displace shall be determined by their respective retention standing, with those having the greater retention standing entitled to displace first.

(f) When several employees were originally appointed on a permanent basis on the same date, 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/herself 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/she must be laid off. This however, does not protect the junior incumbent from being compared in retention standing with other incumbents if other positions at the higher 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/she 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/she is retreating need not have been in the same layoff unit as the one from which he/she is displaced.

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

(e) Where a title change has been effected to better describe the duties of a position but the duties have not substantially changed since the suspended employee last served in that title the new title will for retreat purposes be deemed to be the former title.

5. An employee who refuses to accept an appointment afforded by displacement for whatever reason waives all rights regarding the displacement, however, this employee's name will be entered on an appropriate preferred list.

6. Preferred list standing for Competitive Class employees on and after October 1, 1972 shall be as follows:

   (a) On and after October 1, 1972 those employees whose positions were abolished prior to that date and who therefore had their standing on the preferred list determined by the date of their original appointment on a permanent basis in the Competitive Class shall retain among themselves such preferred list standing including the preferences to which they were entitled as blind, disabled veterans, and non-disabled veterans.

   (b) Blind employees whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the Classified service, whether or not they are also disabled veterans or non-disabled veterans; provided however, that the blind shall be granted absolute preference on the preferred list over all other employees except those disabled veterans and blind employees whose positions were abolished prior to October 1, 1972 with whose names theirs shall be interfiled.

   (c) Disabled veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the Classified service; provided however, that the date of such original appointment shall be deemed to be 60 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law.

   (d) Non-disabled veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the Classified Service; provided however, that the date of such original appointment shall be deemed to be 30 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law..

   (e) Non-veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the Classified Service.

   (f) The names of all persons encompassed by paragraphs (c), (d) and (e) above whose positions are abolished on or after October 1, 1972 shall be interfiled on the preferred list with the name of all non-veterans whose positions were abolished prior to October 1, 1972.

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 re-assignment or displacement.

APPENDIX A

Exempt Position

APPENDIX B

Non-Competitive Positions

APPENDIX C

Labor Positions

APPENDIX D

Unclassified Service

APPENDIX A - EXEMPT CLASS

COUNTY SERVICE

Assistant County Attorneys (4)

Assistant County Attorney 1st

Assistant District Attorneys (5)

Assistant District Attorney 1st

Budget Officer

Confidential Secretary - County Manager

Confidential Secretary - Sheriff

Confidential Secretary to District Attorney

Confidential Secretary to the Public Defender

Coordinator of Emergency Management Services

County Attorney

County Manager

Deputy County Clerks (2)

Deputy County Treasurer

Deputy Highway Superintendent

Human Resources Director

Public Defender

Secretary, Soil & Water Conservation District Directors

Undersheriff

CITY OF BATAVIA

Assistant to City Administrator

Deputy Clerk-Treasurer

Deputy Director of Finance

Director of Community Development

Executive Director - Housing Authority

Police Attorney

Secretary-Housing Authority

Secretary to City Administrator

TOWN SERVICE - In all Towns

Budget Officer

Court Justice Clerk

Deputy Clerk-Treasurer

Deputy Superintendent of Highways

Deputy Supervisor

Deputy Town Clerk

Dog Enumerator

Secretary to Supervisor

Town Attorney

TOWN OF ALEXANDER
Deputy Town Clerks (2)

TOWN OF BATAVIA
Town Manager

TOWN OF BERGEN
Deputy Town Clerks (2)

TOWN OF BYRON
Deputy Town Clerks (3)

APPENDIX A - EXEMPT CLASS, Cont'd:

TOWN OF DARIEN
Deputy Town Clerks (2)

TOWN OF ELBA
Deputy Town Clerks (2)

TOWN OF LEROY
Deputy Town Clerks (2)

TOWN OF PEMBROKE
Deputy Town Clerks (2)

TOWN OF STAFFORD
Deputy Town Clerks (2)

VILLAGE SERVICE - Village of LeRoy, Bergen, Oakfield

Village Administrator

VILLAGE SERVICE - In all Villages

Acting Police Justice

Court Justice Clerk

Deputy Village Clerk

Deputy Village Treasurer

Deputy Village Clerk and Treasurer

Village Attorney

SCHOOL SERVICE - In all School Districts

Census Taker

Claims Auditor

School Attorney

School District Clerk

School District Treasurer

APPENDIX A - EXEMPT CLASS, Cont'd:

SCHOOL SERVICE - In all School Districts, Cont'd.

School Tax Collector

Secretary to Superintendent of Schools

## APPENDIX B

## NON-COMPETITIVE CLASS

IN ALL OFFICES AND DEPARTMENTS WHERE THE FOLLOWING POSITIONS EXIST:

Section 55-a - designated positions in titles where the incumbent is certified either by the Commission for the Blind and Visually Handicapped in the State Department of Social Services as being physically disabled by blindness or by the OVR State Education Department as otherwise physically or mentally disabled.

IN ALL CIVIL DIVISIONS OF LESS THAN 5000 POPULATION

Chief Wastewater Treatment Plant Operators

Chief Water Treatment Plant Operators

Code Enforcement Officer I

Code Enforcement Officer II

Dispatchers

Public Works Supervisors

Wastewater Treatment Plant Operators

Wastewater Treatment Plant Operator Trainees

Water System Operators*

Water Treatment Plant Operators

Water Treatment Plant Operator Trainees

Zoning/Building Compliance Administrator*

**Seasonal *Part-Time

IN ALL CIVIL DIVISIONS AND AGENCIES

Assessment Aides*

Assistant Audio-Visual Equipment Repairmen

Assistant Automotive Mechanics

Assistant Cooks

Assistant Electricians

Assistant Recreation Supervisors**

Audio-Visual Aides*

Audio-Visual Equipment Repairmen

Audio- Visual Technician*

Automotive Mechanics

Bakers

Building Inspectors*

Building Maintenance Workers

Building Maintenance Mechanics

Campus Security Officers*

Chauffeurs

Clerks of the Works*

Clerk-Typists*

Clerks*

Computer Operators*

Cooks

Couriers

Custodians*

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Day Care Workers

Dictating Machine Transcribers*

Dispatchers*

Dog Control Officers

Electricians

Emergency Services Dispatchers*

Engineering Aides*

Equipment Maintenance Mechanics

Financial Clerks*

Financial Clerk-Typists*

Groundskeepers

Heavy Equipment Operators

Janitors*

Keypunch Operators*

Landfill Equipment Coordinators*

Librarians I*

Library Assistants*

Library Clerks*

Licensed Practical Nurses

Lifeguards*

Maintenance Mechanics

Maintenance Workers

Maintenance Workers II

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Meter Readers*

Motor Equipment Operators

Motor Equipment Operator Trainees

Municipal Bingo Inspectors*

Painters

Physicians*

Playground and Swimming Instructors**

Plumbing Inspectors*

Public Works Maintenance Workers

Receptionists*

Recycling Supervisors*

Recreation Assistants**

Recreation Leaders**

Recreation Specialists**

Recreation Supervisors**

Registered Professional Nurses

Reproduction Services Operators

School Crossing Guards*

Senior Account Clerks*

Senior Clerks*

Senior Custodial Workers

Senior Food Service Helpers

Senior Library Clerks*

**Seasonal *Part-time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Senior Recreation Leaders**

Senior Stenographers*

Senior Typists*

Senior Water and Wastewater Maintenance Workers

Skilled Laborers

Stenographers*

Stock Clerks*

Summer Youth Counselors**

Supervising Lifeguards**

Swimming Instructors*

Swimming Program Directors**

Tax Collectors*

Telephone Operators*

Television Equipment Technicians*

Typists*

Wastewater Treatment Plant Operators*

Wastewater Treatment Plant Operator Trainees*

Water and Wastewater Maintenance Supervisors*

Water and Wastewater Maintenance Workers

Water Bill Collectors*

Water Treatment Plant Operators*

Water Treatment Plant Operator Trainees*

Welders

**Seasonal *Part-time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Working Supervisors

Work-Project Managers*

Work-Site Supervisors*

Zoning Enforcement Officers*

COUNTY SERVICE

Activities Director*

Activities Program Director*

Adult Services Aides

Affirmative Action/EEO Officer

Associate Director of Laboratory*

Assistant Director of Veterans Service Agency

Assistant Energy Coordinators*

Assistant Head Nurses

Assistant Public Defenders*

Assistant Public Defender 1st

Assistant Social Workers*

Assistant to the County Manager

Associate Medical Director*

Automotive Parts Workers

Automotive Servicemen

Bacteriologists*

Bridge Maintenance Workers

Certified Nursing Assistants

**Seasonal *Part-time

Child Care Workers

Commissioner of Health*

Commissioner of Social Services

Community Health Nurses*

Community Service/Victim Assistants*

Computer Repair Technician

Cook Manager-Jail

Cook Managers

Coordinators*

County Historian

Crime Prevention Coordinator*

Deputy Coordinator of Emergency Management Services*

Deputy Director Employment & Training II

Deputy Director of Real Property Tax Services I

Deputy Fire Coordinators*

Deputy Sheriffs*

Director of County Laboratory*

Director of Community Mental Health Services

Director of Information Technology

Director of Office for the Aging

Director of Planning

Director of Real Property Tax Services I

Director of Veterans Service Agency

**Seasonal *Part-time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

District Forestry Aides**

Drivers

Emergency Services Dispatchers*

Employment and Training Director II

Employment and Training Counselors (Junior)**

Employment and Training Tutors*

Employment and Training Manager (PIC)

Employment and Training Worksite Trainers*

Head Nurses*

Highway Maintenance Men

Housekeepers

Inventory Clerks*

Jail Physician*

Jail Superintendent

Laboratory Technician*

Legal Clerk-Typists*

Legal Consultant*

Medical Clerks*

Medical Consultants*

Medical Directors*

Medical Records Clerks*

Museum Aides*

Nutrition Project Meal Site Assistants*

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Nutrition Project Meal Site Assistant (Office for the Aging, Tonawanda Indian Reservation)

Occupational Therapists*

Occupational Therapy Assistants*

Park Maintenance Assistant

Human Resources Clerks*

Phototypesetting Machine Operators*

Physical Therapists*

Physical Therapist Assistants*

Physical Therapy Consultants*

Planning Interns*

Program Assistant, Office for the Aging*

Public Health Educators*

Recycling Administrator

Risk Manager

Safety Coordinator*

Senior Building Maintenance Mechanics

Senior Chauffeurs

Senior Laboratory Technicians*

Service Coordinator Aides*

Sign Maintenance Mechanics

Sign Maintenance Workers

Social Welfare Examiners*

Social Work Assistants*

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Social Workers*

Speech Therapy Consultants*

Stock Clerks*

Stop - DWI Coordinator*

Summer Youth Assistants**

Supervising Nurses*

Television Production Technician*

Youth Programmers*

CITY OF BATAVIA

Clerk of the Works*

Code Enforcement Officers*

Deputy Registrar of Vital Statistics*

Parking Enforcement Agents*

Recreation Operation Assistants**

Registrar of Vital Statistics*

TOWN SERVICE - In all Towns

Assessor

Assessor Trainee

Assistant Fire Chiefs*

Code Enforcement Officers*

Constables*

Deputy Town Clerks*

Fire Chiefs*

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

Fire Inspectors

Public Works Coordinators*

Recreation Specialists

Recycling Supervisors*

Registrar of Vital Statistics*

Town Historians*

Water Bill Collectors*

Zoning Ordinance Compliance Officers*

TOWN OF BATAVIA

Court Attendants*

TOWN OF BETHANY

Court Officers*

TOWN OF LEROY

Court Officers*

VILLAGE SERVICE - In all Villages

Assessors*

Communication Supervisors*

Constables*

Recycling Supervisors*

Registrar of Vital Statistics*

Village Historian*

Zoning Ordinance Compliance Officers*

** Seasonal *Part-Time

APPENDIX B - NON-COMPETITIVE CLASS, Cont'd:

VILLAGE OF BERGEN

Public Utility Worker

VILLAGE OF LEROY

Youth Court Coordinator* (Less than 5,000 population)

SCHOOL SERVICE - In all School Districts

Attendance Officers*

Bus Drivers

Bus Driver/Monitors

Cook Managers

Health Office Assistants*

Media Center Aides

Nutrition Project Meal Site Assistants*

Physical Therapists*

Registered Professional Nurses (School)

School Dentists*

School Lunch Managers*

School Physicians*

Teachers Aides

Transportation Supervisors*

Video-Taping Machine Operators

** Seasonal *Part-Time

APPENDIX B-1

NON-COMPETITIVE CLASS
(Positions designated as confidential or policy influencing
pursuant to Section 42.2-a of the Civil Service Law)

IN ALL CIVIL DIVISIONS AND AGENCIES

| | | |
|---|---|---|
| Assessor (Town Service) | | PI |
| Code Enforcement Officer I (Less than 5000 pop) | | PI |
| Code Enforcement Officer II (Less than 5000 pop) | | PI |
| Zoning Enforcement Officers* | | PI |

COUNTY SERVICE

| | | |
|---|---|---|
| Assistant Director of Veteran's Service Agency | | PI |
| Assistant Public Defenders | C | |
| Assistant Public Defender 1st | | C/PI |
| Assistant County Manager | | C/PI |
| Associate Medical Director* | | C/PI |
| Commissioner of Social Services | | PI |
| County Historian | | PI |
| Deputy Coordinator of Emergency Management Services* | | PI |
| Deputy Director Employment & Training II | | PI |
| Deputy Director of Real Property Tax Services I | | PI |
| Deputy Fire Coordinators* | | PI |
| Director of the County Laboratory* | | C/PI |
| Director of Community Mental Health Services | | PI |
| Director of Information Technology | | PI |

*Part-time
C-Confidential
PI-Policy Influencing

APPENDIX B-1 – NON-COMPETITIVE CLASS SECTION 42.2a, Cont'd:

| | |
|---|---|
| Director of Office for the Aging | PI |
| Director of Planning | PI |
| Director of Real Property Tax Services I | PI |
| Director of Veteran's Services Agency | PI |
| Employment & Training Director II | PI |
| Employment & Training Manager (WIB) | PI |
| Jail Superintendent | PI |
| Medical Consultant* | C/PI |
| Medical Director* | C/PI |
| Public Health Director | C/PI |
| Recycling Administer | PI |
| Risk Manager | PI |
| Senior Assistant Public Defender | PI |

TOWN SERVICE - (Town of Bergen)

| | |
|---|---|
| Building Inspector* | PI |
| Clerk-Typist* (acting as Planning Board Secretary) | C |
| Recycling Supervisor* | PI |
| Town Historian* | PI |
| Typist* (acting as Town Supervisor's Secretary) | C |

TOWN SERVICE - (Town of Byron)

| | |
|---|---|
| Town Historian* | PI |
| Water/Wastewater Maintenance Foreman* | PI |

*Part-time
C-Confidential
PI-Policy Influencing

APPENDIX B-1 – NON-COMPETITIVE CLASS SECTION 42.2a, Cont'd:

SCHOOL SERVICE - (Pavilion)

| | |
|---|---|
| Automotive Mechanic | PI |

## APPENDIX C

## LABOR CLASS

IN ALL CIVIL DIVISIONS AND AGENCIES

Airport Fuel Attendants

Audio Visual Attendants

Cleaners

Custodial Workers

Flagperson

Food Service Helpers

Institutional Aides

Laborers

Laborers II

Laundry Workers

Library Pages

Nursing Assistant Trainees

Recreation Aides

Recreation Attendants

Recycling Attendants

School Monitors

APPENDIX C - LABOR CLASS, Cont'd:

COUNTY SERVICE

Activities Aides

Aging Services Aides

Community Service Aides

File Room Attendant

Home Health Aides

Housekeeping Aides

Parent Aides

Park Attendants

Physical Therapy Aides

Resident Assistants

Therapeutic Activities Workers

SCHOOL SERVICE - In all School Districts

Student Aides

## APPENDIX D

## UNCLASSIFIED

COUNTY SERVICE

All positions in the Community College as certified by the Board of Trustees in accordance with the provisions of Section 35 (I) of the Civil Service Law

All members, officers and employees of Boards of Elections

Chair of the Legislature

Clerk to the County Legislature

Coroners

County Clerk

APPENDIX D – UNCLASSIFIED, Cont'd:

COUNTY SERVICE, Cont'd:

County Highway Superintendent

County Treasurer

Deputy Clerk to the County Legislature

District Attorney

Legislators

Nursing Home Administrator

Sheriff

CITY OF BATAVIA

Auditor*

City Administrator

City Attorney

City Clerk-Treasurer

City Councilperson

City Engineer

TOWN SERVICE - In all Towns

Board of Assessors (Elected)

Clerk-Treasurer

Collector of Taxes

Councilperson

Superintendent of Highways

Town Clerk

Town Justices

*Part-time

TOWN SERVICE – In all Towns, Cont'd.

Town Supervisor

Zoning Board of Appeals

VILLAGE SERVICE - In all Villages

Clerk-Treasurer

Mayor

Trustees

Village Assessors (Elected)

Village Clerk

Village Justices

Village Tax Collector

Village Treasurer

Zoning Board of Appeals

VILLAGE SERVICE - Village of Alexander

Assessors (3)

SCHOOL SERVICE - In all School Districts

All positions as certified by the Commissioner of Education of the State of New York in accordance with Section 35 (g) of the Civil Service Law.

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# GENESEE COUNTY

# CIVIL SERVICE

# RULES
# &
# REGULATIONS