

ONTARIO COUNTY CIVIL SERVICE RULES



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PREFACE TO THE TEXT OF THE
ONTARIO COUNTY CIVIL SERVICE RULES

ONTARIO COUNTY LOCAL LAW NO. 8 OF 1977

DEPARTMENT OF PERSONNEL

Local Law No. 8 of the year 1977, as adopted by the Ontario County Board of Supervisors on December 8, 1977, provides as follows:

Section 1. The Board of Supervisors of the County of Ontario, by Resolution No. 921 adopted December 30, 1976, thereby elected that the provisions of the Civil Service Law be administered in the County of Ontario under and by a Director of Human Resources as provided in paragraph (b) of subdivision one of section fifteen of the Civil Service Law.

Section 2. Effective January first, nineteen hundred seventy eight, the office of Director of Human Resources in and for the County of Ontario is hereby created and established. The term of office of the Director of Human Resources shall be six (6) years unless otherwise required by law.

Section 3. Department of Personnel. There shall be a Department of Personnel under the direction of a Director of Human Resources, who shall be appointed by the Board of Supervisors. The Director of Human Resources shall be appointed on the basis of administrative experience and other qualifications for the responsibilities of this office and shall be directly responsible to such Board.

Section 4. Powers and duties of Director of Human Resources. Except as may otherwise be provided in this local law the Director of Human Resources shall:

- (a) Have all the powers and perform all the duties of a municipal Civil Service Commission as provided by the Civil Service Law;
- (b) Maintain and administer a salary plan for County employees and periodically resurvey prevailing salaries and recommend amendments to the Board of Supervisors to eliminate inequities, recruiting difficulties and employee turnover problems;
- (c) Establish, in cooperation with the other heads of units of County Government, a program of employee recruitment designed to acquaint interested persons with the opportunities for employment in County Government; and, to provide County Government with a steady influx of qualified employees' to fill vacancies in established positions;
- (d) Maintain, in cooperation with the other heads of units of County Government, a central file of job opportunities in County Government, and make provisions for the dissemination of such information to the public;
- (e) Establish and maintain a roster of all County Officers and employees. Such roster shall show for each County Officer and employee the date of appointment or election, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separation from County employment and any other information the Director of Human Resources considers necessary for a proper personnel record;
- (f) Institute programs to insure that each incoming County employee is properly advised of the characteristics and practices of County employment and receives necessary orientation and pre-work-assignment training;

- (g) Determine those aspects of employment, working conditions, benefit programs and employee activities which would be conducive to improving employee morale and performance as a basis for recommending action to the Board of Supervisors;
- (h) Administer on behalf of the County, agreements with recognized employee representatives concerning conditions of employment, wages, employee sick leave, vacation, health insurance, retirement plans and such other matters as may be referred to the Department of Personnel, and recommend necessary action to the Board of Supervisors;
- (i) Assists in a staff capacity the special negotiating committee of County Government;
- (j) Perform such other and related duties as may be required by the Board of Supervisors.

Section 5. Certification of payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved for payment unless it bears the certificate of the Director of Human Resources that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant thereto.

Section 6. Cooperation with administrative unit heads. It shall be the duty of the head of each unit to furnish the Director of Human Resources with such information and aid as may be necessary for the performance of his duties.

RULES FOR THE CLASSIFIED CIVIL SERVICE

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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 Ontario 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 Ontario County as well as the City of Canandaigua, the City of Geneva, the Towns, Villages, School Districts, and Special Districts therein. These rules may be amended by the Director of Human Resources after a public hearing and subject to the approval of the State Civil Service Commission.

RULE I DEFINITIONS

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

1. "Director of Human Resources" means the Director of Human Resources of the County of Ontario.
2. "Appointing Authority" or "Appointing Officer" means the officer, commission, or body having the power of appointment to subordinate positions.
3. "Employee" means the incumbent of a position holding the position in accordance with these rules and the Civil Service Law.
4. "Position" means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.
5. "Compensation" means the remuneration of a position and shall include food, lodging, maintenance and commutation when the same is furnished.
6. "Jurisdictional Classification" means the assignment of positions in the classified service to the competitive, non-competitive, exempt, or labor classes.
7. "Eligible List" means an official record kept in the Director of Human Resources' 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.
8. "Part-time employment" means any employment or a combination of one or more employments in a civil division in which an individual works fifty percent or less of the time prescribed as the standard work week by the governing body or other appropriate authority of the civil division or wherein the employee earns not more than one half (1/2) of the rate assigned to the position if the position has been allocated to a graded salary schedule.
9. "Veteran"--"Non-Disabled Veteran"--"Disabled Veteran"; are defined in Section 85 of the Civil Service Law and due to the complexity and length of such definitions they are not set forth herein. Reference to these definitions should be directly to Section 85 of the Civil Service Law.
10. "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.
11. "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.
12. "Municipality" means County, Town, City, Village, Board of Cooperative Educational Services, School or special district.

REVISED 2/25/99

**RULE II
ORGANIZATION OF THE DEPARTMENT OF PERSONNEL**

The Ontario County Department of Human Resources shall be under the supervision of a Director of Human Resources. Such Director of Human Resources shall be appointed by the County Board of Supervisors. The Director of Human Resources shall act as Personnel Officer and have all the power and duties of a Municipal Civil Service Commission as provided in Civil Service Law.

**RULE III
CLASSIFIED SERVICE: CLASSES OF POSITIONS**

The classified service shall comprise all offices and positions not included in the unclassified service. The offices and positions in the classified service shall be divided into four classes, to be designated as the exempt class, the non-competitive class, the labor class, and the competitive class.

**RULE IV
EXEMPT CLASS**

The exempt class shall include positions in the classified service which are specifically included in the exempt class in Section 41 of the Civil Service Law, and all other positions for which competitive or non-competitive examinations are not practicable.

The positions in the exempt class are those listed in Appendix A which is hereby made a part of this rule.

**RULE V
NON-COMPETITIVE CLASS**

A position in the non-competitive class may be filled by the appointment of a person who meets the minimum qualifications established for such position by the Director of Human Resources. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the Appointing Authority with the Director of Human Resources. Such appointment shall become effective only after approval by the Director of Human Resources.

The positions in the non-competitive class are those listed in Appendix B which is hereby made part of this rule.

**RULE VI
LABOR CLASS**

1. The labor class shall include unskilled laborers.
2. A position in the labor class may be filled by the appointment of any person selected by the Appointing Officer of the agency where a vacancy exists.
3. Positions in the labor class shall be listed in Appendix C of these rules and made a part thereof.

**RULE VII
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 VIII
RECRUITMENT IN PERSONNEL

1. Residence requirements for municipal positions - An applicant must be, at the time of examination and for at least one month prior thereto, a resident of the municipality in which appointment is to be made or any reasonable combination of municipalities both in and outside of New York State contiguous to the municipality in which appointment is to be made or contiguous to the municipality in which such municipality is located as determined by the Director of Human Resources. Residence requirements may be suspended or reduced by the Director of Human Resources in cases where recruitment difficulty makes such requirements disadvantageous to the public interest. When preference in certification is given to residents of a municipality pursuant to Subdivision 4-a of Section 23 of the Civil Service Law, an eligible must have been a resident of such municipality for at least one month prior to the date of certification in order to be included in a certification as a resident of such municipality and must be a resident of such municipality at the time of certification and appointment.

2. Announcements of examinations - The public announcement of an examination shall specify the application fee, if any, the title, the duties of the position, the minimum qualifications required, the final date for filing applications, the subjects or scope of the examination and the relative weights thereof, and the date and place of the examination.

Public notice of open-competitive examinations shall be made at least twenty-five days before the date of the examination and must be conspicuously posted in a public place for fifteen days. The last day for filing applications shall be at least ten days before the date of the examination.

**RULE IX
APPLICATIONS**

1. Applications of candidates for positions in the competitive class and for positions in the non-competitive class must be addressed to the Director of Human Resources at the office of the Director of Human Resources.
2. The Director of Human Resources shall notify each applicant of the disposition of his/her application. Applicants for competitive examination shall be given notice of their approval or disapproval at least four days before the examination.
3. Appointing Officer may see application; restrictions. A candidate's application for examination may be exhibited, upon request, to the Appointing Officer to whom his name is certified, or to his representative; provided, however, that information therein relating to the candidate's national origin or indicating whether his citizenship is by birth or naturalization shall not be divulged. Before a candidate's application for examination is exhibited to the Appointing Officer or his representative, all reference therein to the candidate's national origin or to the basis of his citizenship shall be concealed.

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**RULE X
DISQUALIFICATION**

1. Good moral character and habits and 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.
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 qualifications to the satisfaction of the Director of Human Resources shall be upon the applicant. Any applicant who refuses to permit the Director of Human Resources to investigate matters necessary for the verification of his qualifications or who otherwise hampers, impedes or fails to cooperate with the Director of Human Resources in such investigation shall be disqualified for examination or, after examination, for certification and appointment.

**RULE XI
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 Director of Human Resources 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, sub-division 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 Director of Human Resources 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 Director of Human Resources, applications and examination records and papers of candidates shall be preserved until at least six months after the expiration of the eligible list resulting from such examination, but in no event may records be destroyed except in accordance with the policies of the State Commissioner of Education and the State Civil Service Commission. Whenever an oral test shall be prescribed as part of an examination, a stenographic or recording device record of all the questions and answers shall be made a part of the examination records.
4. Every candidate in an examination shall be notified of his final rating and, if successful, of his relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or his duly authorized representative, may inspect his examination papers in the office of the Director of Human Resources and in the presence of a designated representative of the Director of Human Resources, provided he makes request for such inspection, in writing, within the period of ten days after the date of the post-mark of such notice. The application and examination papers of a candidate shall be exhibited only to the candidate or his duly authorized representative, designated as such in writing. The application of an eligible who is being considered for appointment may be shown to the Appointing Officer.
5.
 - a) A candidate who wishes to appeal to the Director of Human Resources from his rating in one, or more, or all of the subjects of an examination must submit such appeal in writing within twenty days after the earliest date on which his examination papers were made available for his inspection. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidate's papers for review, whether resulting in a higher or lower average standing. No change in rating shall be made as a result of an appeal unless it shall affect the candidate's relative position on the eligible list.
 - (b) For examinations prepared and rated under Section 23 (2) of the Civil Service Law, the State Civil Service Commission shall have sole and exclusive authority to correct any errors in rating upon appeal or otherwise. The review of papers by candidates and the filing of appeals in such examinations shall be governed by the rules and regulations of the State Civil Service Commission and Department.
 - (c) The Director of Human Resources may at any time during the life of an eligible list, resulting from an examination prepared and rated by the Director of Human Resources, correct any clerical or computational errors in the ratings of candidates who competed in the examination.

Rule XI, Examination, (Continued)

- (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 Director of Human Resources.
 - (a) No person shall copy, record, or transcribe any examination question or answer; or remove from the examination room or possess outside the examination room, any question sheet, answer sheet or booklet, scrap papers, notes or any other papers or materials relating to such examination.
 - (b) A candidate in an examination shall not at any time communicate with an examiner concerning the conduct or content of such examination; and shall not directly or indirectly communicate to any other person information concerning the content of such examination until completion of the testing of all candidates.

No examiner, proctor or other person charged with the supervision of a candidate or group of candidates during an examination shall have authority to waive the provision of this subdivision. A person who is found by the Director of Human Resources 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 XII
ELIGIBLE LISTS

1. Every candidate who attains a passing mark in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination shall be eligible for appointment to the position for which he was examined and his name shall be entered on the eligible list in the order of his final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed therefor by the Director of Human Resources.
2. The date of the establishment of a list shall be the date fixed therefor by the Director of Human Resources' certification, and shall be entered on such list. The duration of all eligible lists shall be fixed by the Director of Human Resources' certification prior to the establishment of such lists but shall not be less than one nor more than four years. The date of establishment of a list and its duration shall be given to all successful candidates at the time when notice of standing on the eligible list is given to such candidates. Where the duration of an eligible list is fixed at less than four years, the Director of Human Resources 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 Director of Human Resources. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.
4. The Director of Human Resources shall have power in her discretion to correct any error and amend any eligible list where it appears that an error has been made. The Director of Human Resources 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 records of the Director of Human Resources and reported to the State Civil Service Commission.

**RULE XIII
CERTIFICATION**

1. The Director of Human Resources 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 Director of Human Resources to an Appointing Officer shall be valid for a period of sixty (60) days from the date of its issuance. After the expiration of such sixty-day period, no appointment shall be made except from a new certification.
3. When an eligible is canvassed for appointment or is offered appointment in writing, and fails to state his willingness to accept such appointment within five business days after the mailing of such canvass or offer, he may be considered ineligible for purposes of making selection for such particular appointment.
4. The name of the person declining appointment shall be eliminated from further certification from the eligible list unless declination is for one or more of the following reasons:
 - (a) Insufficiency of compensation offered when below minimum 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 Director of Human Resources shall enter upon the eligible list the reasons for her action in such cases.
5. Except as otherwise provided herein, appointment or promotion to a position in the competitive class shall be made by the selection of a person on the most nearly appropriate eligible list who is willing to accept such appointment and whose final rating in the examination is equal to or higher than the rating of the third highest ranking eligible on the list indicating willingness to accept such appointment. The term "ranking" as used herein refers to the order in which the names of eligibles appear on the eligible list as provided in Rule Thirteen.
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 Director of Human Resources one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that he has already qualified in an examination of equivalent character within the last four years from the date of nomination.
7. Wherever one or more eligibles shall have declined any appointment offered and an eligible, whose relative standing is lower and who was reachable on the certification only because of the aforesaid declination, shall have been appointed to the position, the salary or compensation of such appointee shall not be increased, except by a service or a class wide increase, within a period of six months after his appointment beyond that offered to the persons so declining.

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**RULE XIV
PROMOTIONS**

1. In no case shall any person be eligible to participate in a promotion examination until he 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 examination 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. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, as defined in these Rules, is nominated for non-competitive promotion examination in accordance with Section 52 (7) of Civil Service Law, the Director of Human Resources may determine that the appropriate examination for such non-competitive promotion shall consist of a review of the candidate's training and experience at the time of nomination. If the Director of Human Resources determines the candidate's training and experience meets or exceeds the open-competitive qualifications for the position, the candidate shall be certified as eligible for permanent promotion appointment to the position subject to probationary period.

**RULE XV
PROBATIONARY TERM**

1. Probationary Term

- (a) Except as otherwise provided in these rules, every permanent appointment from an Open-Competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than fifty-two weeks.
- (b) The probationary term for a Trainee position (when appointed from either an Open-Competitive or Promotion eligible list) in which an appointee is required to serve a specified training term, shall be not less than twelve nor more than fifty-two weeks.
- (c) The probationary term for the position of Police Officer and County Police Officer shall be not be less than twenty-six weeks nor more than seventy-eight weeks.
- (d) Every permanent appointment from a Promotion eligible list shall be for a probationary term of not less than eight nor more than twenty-six weeks. Upon written notice of the Appointing Authority, the probationary period upon promotion may be waived and the appointee given a permanent appointment.
- (e) An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of probation or upon earlier written notice following completion of the minimum period of probation that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Director of Human Resources.
- (f) 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 probation, and on or before completion of the maximum period of probation in the manner as prescribed in these rules.

2. Transfers:

- (a) Transfers to Positions in the Same Civil Division. Every transfer from a position to another position in the same civil division shall require a probationary term of not less than a minimum of eight weeks nor more than twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation.
- (b) 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 weeks up to a maximum of twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before, completion of the maximum period of probation. The Director of Human Resources shall advise the prospective transferee in writing prior to approval of the transfer that an eight to twenty-six week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised that 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.

Rule XV, Probationary Term, (Continued)

(c) Waiver. The Appointing Authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term in (2a) or (2b) by written notification to the transferee and the Director of Human Resources.

3. Restoration to Permanent Position - When a permanent employee is promoted or transferred to a position within 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. 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.
4. Absence During Probationary Term - Any periods of authorized or unauthorized absence aggregating up to 10 work days during the probationary term, may, in the discretion of the Appointing Authority, be considered as time served in the probationary term. Any such periods of absence not so considered by the Appointing Authority as time served in the probationary term, and any period of absence in excess of periods considered by the Appointing Authority as time served in the probationary term pursuant to this subdivision 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 subdivision, are not counted as time served in the probationary term.
5. Report on Probationer's Service - The Appointing Authority and supervisor of a probationer will carefully evaluate the probationer's work performance of the duties and responsibilities of the position. A probationer whose services are to be terminated for unsatisfactory service shall be given 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.
6. Restoration to Eligible List - A probationer whose employment is terminated or who resigns before the end of his/her probationary term may request that his/her name be restored to the eligible list from which he/she was appointed, provided such list is still in existence. His/her name may be restored to such list if the Director of Human Resources in his/her discretion determines that the probationer should be given another opportunity for appointment.
7. 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 permanent basis to a higher level position, the period of temporary or provisional service rendered by such employee in the 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 the probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one of fixed duration, the Appointing Authority shall, on request of such probationer, furnish his/her decision in writing as to whether or not service in such higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the Appointing Authority, such probationer at his/her request shall be returned to his/her lower position for sufficient time to permit him/her to complete his/her probationary term. The employment of such a probationer in his/her 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.

Rule XV, Probationary Term, (Continued)

8. Removal During Probationary Term - Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an Appointing Authority pursuant to Section 75 of the Civil Service Law, or applicable negotiated disciplinary procedures, at any time during the probationary term, to remove a probationer for incompetency or misconduct.
9. Probationary Term Upon Reinstatement
 - (a) 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.
 - (b) An employee who is reinstated to a position after a separation of less than one year in an agency other than the one in which he/she formerly served, shall serve a new probationary term in the same manner and subject to the same requirements as applied upon an original appointment to such position.
10. Leave of Absence for Police Supervisors - Notwithstanding any other provision of these rules, 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 Two Hundred Nine-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 or contingent permanent basis. In the event of his/her failure to successfully complete such training within the time allowed therefore, he/she shall be restored to such lower rank position.

Revised 5/15/18

RULE XVI
PROVISIONAL AND TRAINEE APPOINTMENTS

1. Successive provisional appointment.
 - (a) No provisional employee who has refused to take an examination held for permanent appointment shall be given another provisional appointment in the same position.
 - (b) No provisional employee who has twice failed an examination for permanent appointment shall be given another provisional appointment in the same position, provided, however, where an examination fails to produce any qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the Appointing Authority, may be given another provisional appointment in the same position.
2. The Director of Human Resources may require that permanent appointment or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a Trainee in such a position or in an appropriate, lower training title or the completion of a specified training or academic courses, or both. The period of such term of training service shall be prescribed by the Director of Human Resources. Upon the satisfactory completion of such training term and of specified courses if required, an appointee shall be entitled to full permanent status in the position for which appointment was made. Any appointment hereunder shall be subject to such probationary period as is prescribed in these rules. Also, the employment of such person may be discontinued if his conduct, capacity or fitness is not satisfactory, or at any time if he fails to pursue or continue satisfactorily such training or academic courses as may be required.

RULE XVII
EFFECT OF TEMPORARY OR PROVISIONAL APPOINTMENT ON STATUS OF APPOINTEE

1. Effect of temporary appointment on eligibility for permanent appointment -The acceptance by an eligible of a temporary appointment shall not affect his standing on the eligible list for a permanent appointment, nor shall the period of temporary service be counted as part of the probationary service in the event of subsequent permanent appointment.
2. Provisional appointment of permanent employee - When a permanent competitive class employee is given a provisional appointment to another competitive class position in the service, the position thus vacated by him shall not be filled on other than a temporary basis pending his reinstatement thereto upon failure of his provisional appointment to mature into permanent appointment. No employee holding a competitive position on a permanent basis shall be approved by the Director of Human Resources as a provisional appointee to another competitive position in the service, unless a written agreement is made by the head of the department in which said permanent position is located, that such position will not be filled permanently pending reinstatement as so stated previously.
 - (a) Contingent Permanent Appointments - A position left temporarily vacant by the leave of absence of the permanent incumbent may be filled, at the discretion of the Appointing Authority, by a contingent permanent appointment through the use of an open-competitive or promotion eligible 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 these rules.
 2. Return of Incumbents: In the event of layoff or 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 made from a promotion eligible list, he/she shall be restored to his/her permanent position and have their 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 does not have a permanent position to return to, he/she shall have their 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.
 5. Promotion: When a permanent competitive class employee accepts a contingent permanent appointment, the position vacated by such employee shall not be filled except on a temporary or contingent permanent basis until the contingent permanent appointment matures into a permanent appointment.
 - (b) All appointments under this rule shall be canvassed as "Permanent-contingent permanent." A copy of this rule must be included with the canvass letter.

Rule XVII, Effect of Temporary or Provisional Appointment on Status of Appointee, (Continued)

- (c) Appointments to contingent permanent positions shall be made by selection of one of the top three candidates on an appropriate eligible list willing to accept a contingent permanent appointment; there will be no re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the person's name from the eligible list for any future contingent permanent or permanent vacancies within the department or agency in which the contingent permanent appointment was made.
 - (d) If a permanent vacancy becomes available in the same title in the department or agency in which a contingent permanent appointment has been made, contingent permanent appointees may be offered reassignment, prior to canvassing for a permanent appointment from an appropriate eligible list or prior to appointing a temporary or provisional to the positions.
 - (e) When a position filled by a contingent permanent appointee becomes unencumbered, the contingent permanent appointee in that position shall immediately gain permanent competitive class status in the class if the required probationary period as prescribed in this rule has been satisfactorily completed.
4. 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 lay off 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 failed to qualify for appointment, examination or promotion to the reclassified position.

**RULE XVIII
TRANSFERS**

TRANSFER OF ELIGIBILITY FOR PERMANENT APPOINTMENT - Upon the written request of an individual and the prospective Appointing Authority, and subject to the approval of the Director of Human Resources, 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 Director of Human Resources determines that the examinations' scopes and qualifications for the positions 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 Director of Human Resources has determined that such appointment is for the good of the service.

**RULE XIX
REINSTATEMENT**

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

All reinstatements are subject to the following terms and conditions:

The prospective Appointing Authority must request approval from the Director of Human Resources 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 Director of Human Resources shall determine if the reinstatement is for the good of the service.

Reinstatement following a break in service of more than one year must also satisfy the following additional conditions:

The Appointing Authority must provide documentation or explanation that demonstrates to the satisfaction of the Director of Human Resources 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.

2. Refusal or failure to accept reinstatement from preferred list.
 - (a) Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept reinstatement therefrom to his former position, or any similar position in the same salary grade for which such list is certified, shall be deemed to be a relinquishment of his eligibility for reinstatement, and his name shall thereupon be stricken from such preferred list. The name of such person may be restored to such preferred list, and certified to fill such appropriate vacancies as may thereafter occur, only upon the request of such person and his submission of reasons satisfactory to the Director of Human Resources for his previous failure or refusal to accept reinstatement.
 - (b) Effect or refusal to accept reinstatement to lower grade position. A person on a preferred list shall not be deemed to relinquish his eligibility for reinstatement therefrom by reason of his failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which he was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in the same or a lower salary grade than the position to which he failed or refused to accept reinstatement.

Rule XIX, Reinstatement (Continued)

- (c) Restoration to eligibility for reinstatement not to affect previous appointments. The restoration of the name of a person to a preferred list, or his restoration to eligibility for certification therefrom to positions in a lower salary grade than his former position, shall not invalidate or in any manner adversely affect any appointment, promotion, reinstatement or demotion previously made to any position to which such person would otherwise have been eligible for reinstatement from such preferred list.
3. Voluntary demotion of permanent competitive employee. An employee, who voluntarily elects to relinquish his permanent competitive class status to a position and accept a demotion, must deliver a statement of relinquishment to the Appointing Authority. Upon receipt of the statement of relinquishment by the Appointing Authority, the employee may be reinstated to any vacant lower salary level position for which he is eligible for such reinstatement as provided in these rules. Such statement of relinquishment shall not take effect until the employee is reinstated to the lower level position.

**RULE XX
LEAVE OF ABSENCE**

1. A leave of absence without pay, not to exceed one year, may be granted to an employee by an Appointing Officer. Notice of such leave of absence shall be given to the Director of Human Resources. Where a leave of absence without pay has been granted for a period which aggregates one year, a further leave of absence without pay shall not be granted unless the employee returns to his position and serves continuously therein for three months immediately preceding the subsequent leave of absence. Notice of such subsequent leave of absence shall also be given to the Director of Human Resources.
2. In an exceptional case, the Director of Human Resources may for good cause shown waive the provisions of this rule to permit an extension of the leave of absence for an additional one year period. In no case may such leave of absence exceed in aggregate two years from the date of commencement of the leave.
3. A leave of absence without pay, not to exceed four years, shall be granted by an Appointing Officer to an employee who is a veteran of the Armed Forces of the United States, providing such a leave of absence is for the purpose of taking courses under the educational benefits provided for in Title 38, United States Code or under a New York State Board of Regents War Service Scholarship, Education Law, Section 614. An employee taking such a leave shall be reinstated to his position, provided he makes application for such reinstatement within sixty days after the termination of his courses of study.

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**RULE XXI
RESIGNATION**

1. Resignation in writing - Except as otherwise provided herein, every resignation shall be in writing.
2. Effective date - If no effective date is specified in a resignation, it shall take effect upon delivery to or filing in the office of the Appointing Authority. If an effective date is specified in a resignation, it shall take effect on such specified date. However, if a resignation is submitted while the employee is on leave of absence without pay, such resignation, for the purpose of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such absence. Notwithstanding the provisions of this section, when charges of incompetency or misconduct have been or are about to be filed against an employee, the Appointing Authority may elect to disregard a resignation filed by such employee and to prosecute such charges; and, in the event that such employee is found guilty of such charges and dismissed from the service, his termination shall be recorded as a dismissal rather than as a resignation
3. Withdrawal or amendment - A resignation may not be withdrawn, cancelled or amended after it is delivered to the Appointing Authority, without the consent of the Appointing Authority.

RULE XXII REPORTS OF APPOINTING OFFICERS

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

- (a) Every appointment or employment whether probationary, temporary, or otherwise, in the classified service, with the date of commencement of service and the title and compensation of the position.
- (b) Every failure to accept an appointment under him by a person eligible therefore, with copies of the offer or notice of appointment and the reply thereto, if any.
- (c) Every discharge during or at the end of 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 such abolition.
- (f) Every change of compensation in a position, with the date thereof.
- (g) Every promotion giving positions from which and to which made, with the salaries and date thereof.
- (h) Every transfer, giving the positions from which and to which made, with the date and salaries thereof.
- (i) Every reinstatement in a position, with the date and salary thereof.
- (j) Every leave of absence, with the date and duration thereof.
- (k) Every new position, giving a complete description of the duties thereof.

RULE XXIII
CERTIFICATION OF PAYROLLS

1. Extended certifications - The Director of Human Resources 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 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 Director of Human Resources, the first payment for services in the second half of each fiscal year. Nothing herein shall be construed to prevent or preclude the Director of Human Resources from terminating or rescinding a certificate 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 appointment, reinstatement, promotion, transfer, or other change in status, and the Director of Human Resources requires further information or time to enable her to make a final determination thereon, the Director of Human Resources may certify such person temporarily pending such final determination. In such event the Director of Human Resources 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 Director of Human Resources finds, following receipt of such information, that the employment of such person is not in accordance with the law and rules, the Director of Human Resources shall immediately terminate such certification by notice to the appropriate fiscal or disbursing officer.

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

**RULE XXIV
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 singly descriptive title and treated as a unit for the purpose of recruiting, establishing salary ranges, and administering other personnel functions.

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

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

"ALLOCATION" means the assignment of a position to an appropriate class as determined by the duties, responsibilities, and minimum 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. POWERS AND DUTIES. The Director of Human Resources shall have power and duty to:

(a) Classify and reclassify all positions in the civil service of all civil divisions under the Director of Human Resources' jurisdiction.

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

(c) Prepare and maintain a classification plan including a list of class titles and job classification specifications for each class in the competitive, non-competitive and labor jurisdictional classes of the civil divisions under the Director of Human Resources' 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 the Director of Human Resources' jurisdiction and to make revisions in the classification of positions.

3. CLASSIFICATION OF VACANT POSITIONS. The Appointing Officer shall file a prescribed form with the Director of Human Resources when a classified position which has or is about to become vacant is to be filled. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Director of Human Resources 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.

Rule XXIV, Classification Plan (Continued)

4. CLASSIFICATION OF NEW POSITIONS. The Appointing Officer shall file a prescribed form with the Director of Human Resources 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 Director of Human Resources 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 OF POSITIONS. Either:
 - (a) The Director of Human Resources may, upon the Director of Human Resources' own initiative, review the duties and responsibilities and qualification requirements of any position under the Director of Human Resources' 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 Director of Human Resources. After an analysis of the detailed description of the duties and responsibilities, the Director of Human Resources 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.
 - (b) Whenever a permanent and material change is made in the duties and responsibilities of any position, the Appointing Authority shall file a detailed description of the duties and responsibilities of the position with the Director of Human Resources. After an analysis of the duties and responsibilities of the position, the Director of Human Resources 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 Director of Human Resources 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 Director of Human Resources shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position including a statement of appropriate minimum qualifications.
6. NOTICE AND APPEALS. Any Appointing Officer may make application for the classification or reclassification of any position in his department, or any employee in the classified service may apply for a reclassification of his position. Such application must set forth reasons in support of the requested reclassification, and must show changes in the duties and responsibilities of the position since the last determination with respect to its classification. The Director of Human Resources shall give reasonable notice of any proposal or application for a change in classification to the Appointing Officer and to the employee or employees affected thereby. Any person desiring to submit facts orally or in writing in connection with the reclassification of any position shall be afforded reasonable opportunity to do so. The Director of Human Resources shall then determine the proper allocation of the position. No employee, either by classification or reclassification, change of title or otherwise, shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of the Civil Service Law and these rules.

RULE XXV
LAYOFF OF COMPETITIVE CLASS EMPLOYEES

1. For the purpose of this Rule the following terms shall mean:
 - a) Direct line of promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root.
 - b) Next lower occupied title shall mean the title in direct line of promotion immediately below the title from which the incumbent is suspended or demoted, unless no one is serving in that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.
 - c) Layoff unit shall mean each department of a County, City, Town, Village, each School District and each special district. Authorities and community colleges shall be deemed to be separate civil divisions.
 - d) Satisfactory service shall mean service by an employee during which he did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or incompetency pursuant to Section 75 of the Civil Service Law which resulted in the imposition of any of the following penalties upon such employee:
 - (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 that date of the incumbent's original appointment on a permanent basis in the classified service, however, in the case of disabled veterans, the date of original permanent appointment is considered to be 60 months earlier than the actual date; while non-disabled veterans are considered to have been appointed 30 months earlier than their actual date of appointment. For the purposes of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.
 - (ii.) A resignation followed by a reinstatement or reappointment more than one year subsequent to the resignation constitutes a break in service. The original appointment date is to be determined from the date of reemployment; the prior service would not count.
 - (iii.) Temporary or provisional service preceding the original permanent appointment does not count. However, temporary or provisional employment immediately preceded and followed by permanent classified service employment does not interrupt continuous service.
 - (iv.) The permanent service of any employee who was transferred from another civil division shall start on the date of his original permanent appointment in the classified service in the other civil division.
 - (v.) If an employee was covered-in to a classified position upon acquisition by a civil division of an agency in which he was employed, his seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.

Rules XXV, Layoff of Competitive Class Employees (Continued)

2. Suspension:

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

3. Vertical bumping:

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

Rules XXV, Layoff of Competitive Class Employees (Continued)

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

4. Retreat:

- (a) Retreat occurs when and only when there is no lower occupied position in direct line of promotion at any level.
- (b) An employee may retreat by displacing the incumbent with the least retention right who is serving in a position in the title in which the displacing incumbent last served on a permanent basis prior to service in the title from which he is currently suspended or displaced.

Retreat may only occur where the position in the title formerly held by the displacing incumbent is occupied in the competitive class, in the same layoff unit, and at a lower salary grade; the service of the displacing incumbent while in the former title must have been satisfactory, and the junior incumbent must have less retention standing than the displacing incumbent.

- (c) The service of the displacing incumbent in the title to which he is retreating need not have been in the same layoff unit as the one from which he is displaced.
- (d) An employee may also displace by retreat to a position in a title he last served on a permanent basis although he had intervening service in other titles as long as his service in each of the intervening titles was on other than a permanent basis. He may also displace by retreat to a position which does not count in the computation of his continuous service.
- (e) Where a title change has been effected to better describe the duties of a position but the duties have not substantially changed since the suspended employee last served in that title the new title will for retreat purposes be deemed to be the former title.

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

6. Preferred list standing for competitive class employees 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.

Rules XXV, Layoff of Competitive Class Employees (Continued)

- (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 names 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 reassignment or displacement.

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POSITIONS IN EXEMPT CLASSIFICATION

BOARD OF COOPERATIVE EDUCATIONAL SERVICES:

Clerk to the Board of Cooperative Educational Services
School Auditor
Treasurer, Board of Cooperative Educational Services

CITY OF CANANDAIGUA:

Budget Director
City Manager
Clerk/Treasurer
Corporation Counsel
Director of Canandaigua City's Community Development Program
Director of Development and Planning
Dog Enumerator (Part-Time)
Secretary to City Manager

CITY OF GENEVA:

Assistant to the City Manager
Deputy City Clerk
Deputy City Comptroller
Director of Planning and Economic Development
Executive Secretary for Commission on Human Rights
Secretary to City Attorney
Secretary to City Manager

GENEVA HOUSING AUTHORITY:

Counsel to Housing Authority, Part-Time
Executive Director to the Housing Authority

COUNTY SERVICE:

(2) Assistant Conflict Defenders
(9) Assistant County Attorneys
(12) Assistant District Attorneys
(13) Assistant Public Defenders
Confidential Secretary to the Conflict Defender
Confidential Secretary to the County Administrator
Confidential Secretary to County Attorney
Confidential Secretary to the Public Defender
Confidential Secretary to the Sheriff
Conflict Defender
County Administrator
Court Attendants (Part-Time)
County Attorney

APPENDIX A - EXEMPT CLASSIFICATION

COUNTY SERVICE: (continued)

Deputy Commissioner of Public Works
Deputy County Administrator
Deputy County Clerk
Deputy County Treasurer
Director, Emergency Management
(2) Division Managers
(3) Local Conditional Release Commissioners
Investigator (District Attorney)
Matron
Radiologist and Chemical Officer
Secretary to District Attorney
Secretary to President of Community College of the Finger Lakes
Senior Investigator (Public Defender)
Undersheriff

SCHOOL DISTRICT SERVICE:

Census Takers
Confidential Secretary to the Superintendent
School Attorney
School District Clerk
School District Treasurer
School Tax Collector
Secretary to Superintendent of Schools
(Geneva City School District)

SOIL AND WATER CONSERVATION DISTRICT:

Secretary - Treasurer to the Ontario County Soil and Water Conservation District

TOWN SERVICE:

Bookkeeper to Supervisor
(Except Towns of Farmington, Victor and West Bloomfield)
Budget Officer
Clerk to Town Justice - all Towns except Towns of Canandaigua, Farmington, Geneva, Hopewell,
Manchester & Victor
Clerk to Town Justices
(2) Town of Canandaigua
(2) Town of Farmington
(2) Town of Geneva
(2) Town of Hopewell
(2) Town of Manchester
(2) Town of Victor
Confidential Secretary to Supervisor
(Town of Farmington)
(Town of Victor)
(Town of West Bloomfield)

REVISED 11/13/18

APPENDIX A - EXEMPT CLASSIFICATION

TOWN SERVICE: (Continued)

Deputy Town Tax Collector
Deputy Town Clerk
Deputy Town Highway Superintendent
Deputy Town Supervisor
Director of Development
Director of Economic Development (Town of Victor)
Dog Enumerators
Receiver of Taxes and Assessments (Town of Farmington)
Secretary to the Environmental Conservation board
Secretary to Planning Board
(all Towns except Towns of Bristol and Naples)
Secretary to Zoning Board of Appeals
(all Towns except Towns of Bristol and Naples)
Secretary to Planning and Zoning Boards
(Towns of Bristol and Naples)
Town Attorney
Town Manager
(Town of Canandaigua)

VILLAGE SERVICE:

Deputy Village Clerk
Deputy Village Clerk and Treasurer
Village Administrator (Village of Victor)
Village Attorney
Village Treasurer

REVISED 11/13/18

POSITIONS IN THE NON-COMPETITIVE CLASSIFICATION

IN ALL OFFICES, DEPARTMENTS AND CIVIL DIVISIONS 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 physically disabled by blindness or by the New York State Office of Vocational and Educational Services for Individuals with Disabilities, as otherwise physically or mentally disabled."

IN ALL CIVIL DIVISIONS:

- Account Clerk (Part-Time)
- Account Clerk-Typists (Part-Time)
- Assistant Cooks
- Automotive Mechanics
- Building Maintenance Assistants
- Building Maintenance Mechanics
- Bus Drivers
- Clerks (Part-Time)
- Cooks
- Cook-Managers
- Custodians (Part-Time)
- Data Entry Operator (Part-Time)
- Dog Control Officers (Part-Time)
- Groundskeepers
- Landfill Attendants
- Lifeguards (Part-Time)
- Masons
- Messengers
- Motor Equipment Operators
- Motor Equipment Operators (Light)
- Painters
- Park Guards (Part-Time)
- Payroll Clerks (Part-Time)
- Photocopy Machine Operators
- Police Officers (Part-Time and Seasonal)
- Public Works Maintenance Assistants
- Recreation Directors (Part-Time and Seasonal)
- Recreation Leaders (Part-Time and Seasonal)
- Recreation Specialists (Part-Time and Seasonal)
- Registered Professional Nurses
- School Crossing Guards
- Senior Citizens Leader (Part-Time)
- Senior Lifeguard(s)
- Stenographers (Part-Time)
- Typists (Part-Time)
- Water Maintenance Assistants
- Working Supervisors

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

BOARD OF COOPERATIVE EDUCATIONAL SERVICES:

Communications Center Aide
Coordinator of Negotiating Services (Part-Time)
Data Processing Machine Operators (Part-Time)
Job Coaches (Part-Time)
Licensed Practical Nurses
Microfilm Machine Operator (Part-Time)
Public Relations Officer (Part-Time)
Registered Physician's Assistants (Part-Time)
School Chauffeurs
Teacher Aides

CITY OF CANANDAIGUA:

Aquatic Supervisor (Part-Time)
Building Inspector III (Part-Time)
City Health Officer (Part-Time)
Coordinator of Community Services (Part-Time)
Correction Officer (Part-Time)
*Deputy City Clerk/Treasurer
Energy Project Aides (Seasonal)
Equipment Maintenance Mechanics
Fire Alarm Mechanic (Part-Time)
Fire Inspectors (Part-Time)
Fire Training Instructor (Part-Time)
Juvenile Aide Monitor (Part-Time)
Park Equipment Mechanic/Operator
Park Maintenance Assistants
Parking Enforcement Officer (Part-Time)
Police Matron (Part-Time)
Public Health Technician (Part-Time)
Public Utilities Maintenance Assistants
Senior Accountant (Part-Time)
Senior Lifeguards (Part-Time)
Senior Recreation Leader (Part-Time)
Wastewater Plant Attendant
Water Plant Attendant

CITY OF GENEVA:

Animal Control Officer (Part-Time)
Assessor
Building Maintenance Workers
Court Attendants (Part-Time)
Director of Community Development
Drafting Aide (Part-Time)
*Equal Employment Opportunity Officer (Part-Time)
Fire Training Officer (Part-Time)
Heavy Equipment Operators
Home School Advisor

REVISED 11/13/18

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

CITY OF GENEVA: (Continued)

Meter Readers (Part-Time)
Municipal Bingo Inspector (Part-Time)
Parking Enforcement Officers (Part-Time)
Recreation Maintenance Mechanics
Recreation Supervisors (Part-Time or Seasonal)
Senior Citizens Director (Part-Time)
Senior Water Maintenance Workers
Skilled Laborers
Street Maintainers
Student Interns (Maximum 3 year term)
Water Maintenance Workers

GENEVA HOUSING AUTHORITY:

Building Maintenance Helpers
Building Maintenance Workers
Senior Building Maintenance Mechanics

COUNTY SERVICE:

Aging Services Aides
Aquatics Supervisors (Seasonal)(Memorial Day to Labor Day)
Associate Psychologists (Part-Time)
Campus Security Guard (Seasonal)
Carpenter
*Chief Information Officer
Client Transportation Driver
Commissioner of Human Affairs
*Commissioner of Social Services
Correction Officers (Part-Time)
County Historian (Part-Time)
County Police Officers (Part-Time)
Dentist (Part-Time)
(3) *Deputy Commissioner of Social Services
*Deputy Director of Human Resources
Deputy Fire Coordinator (Part-Time)
Director of Community Mental Health Services
*Director of Community Public Health
Director of Employee Relations
Director of Human Resources
Director, Office of the Aging
Director, Ontario County Youth Bureau
*Director of Planning
Director of Real Property Tax Services II
*Director, Solid Waste Management
*Director, Substance Abuse Services
Director, Veterans Service Agency
Dispatcher (Part-Time)
Document Specialists

REVISED 11/13/18

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

COUNTY SERVICE: (Continued)

Dog Handlers (Part-Time)
Economic Developer
Electricians
Emergency Medical Services Coordinator (Part-Time)
Employment and Training Assistants (Part-Time & Seasonal)
Employment and Training Counselors (Seasonal)
*Employment and Training Director
Examination Monitors (Part-Time)
Financial Investigator (Part-Time)
Fire Training Aide (Part-Time)
Food Site Aides (Part-Time)
Gradall Operators
Heavy Equipment Mechanic
Heavy Equipment Mechanic/Fabricator
Homemaker, Home Health Aides
Housekeeper
Human Services Workers (Seasonal)
*Investigators (Public Defender)
Jail Cooks
Landfill Equipment Operators
Legal Aides (Part-Time)
Legislative Intern (Seasonal)
Licensed Practical Nurses
Mechanical Systems Maintenance Supervisor
Medical Director (Part-Time)
Motor Equipment Operators I
Motor Equipment Operators II
Motor Equipment Operators III
Motor Equipment Operators IV
Nursing Home Physician (Part-Time)
Ontario County Jail Cook-Manager
Personal Care Aides
Photographers (Part-Time)
Physical Therapy Aides (Part-Time)
Physician (Part-Time)
Physician Specialist (Part-Time)
Planning Intern (Seasonal)
Plumber
Principal Account Clerk (Part-Time)
*Purchasing Director
Ranger (Part-Time)
Recreation Directors (Part-Time & Seasonal)
Recycling Equipment Operators
Right-of-Way Agent (Part-Time)
Senior Building Maintenance Assistants
Senior Groundskeepers
Senior Public Health Social Worker (Part-Time)

REVISED 10/16/18

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

COUNTY SERVICE: (Continued)

Speech Pathologist (Part-Time)
Staff Psychiatrists (Part-Time)
Staff Social Worker (Part-Time)
Substance Abuse Counselors (Part-Time)
Summer Youth Counselors
Supervising Nurses (Part-Time)
Switchboard Operators (Part-Time)
Typist (Seasonal)
Veterans' Service Officer
Veterans Service Officer (Part-Time)
Veterinarians (Part-Time)
Weatherization Program Aides
Weatherization Working Supervisors
Weed Harvester Operators (Seasonal)

IN ALL SCHOOL DISTRICT SERVICE:

Automotive Mechanic-Bus Drivers
Automotive Mechanic Helper-Bus Drivers
Bakers
Bus Driver-Cleaners
Bus Driver-Laborers
*Director of Human Resources (Schools)
(Canandaigua City School District)
(Victor School District)
*Director of Human Resources (BOCES)
Dispatcher (Schools) (Part-Time)
(Bloomfield Central School District)
Educational Interpreters
Food Service Supervisors
Groundskeeper / Automotive Mechanic (Schools)
Head Bus Driver
Head Bus Driver – Mechanic
Health Aides
Human Services Worker (Spanish Speaking)
(Bloomfield Central School District)
Licensed Practical Nurses
Occupational Therapy Assistant (Part-Time)
Photocopy Machine Operator (Part-Time)
Printing Machine Operator (Part-Time)
Public Relations Officer (Part-Time)
School Chauffeurs
School Physician (Part-Time)
Security Guards
Senior Automotive Mechanic/Groundskeeper
(Honeoye Central School District)
Senior Building Maintenance Assistants
Senior Groundskeepers
Senior School Lifeguard(s)
Senior Recreation Attendants (Part-Time)
Teacher Aides
Traffic Guards (Part-Time) (Canandaigua City School District)

REVISED 7/26/18

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

GENEVA CITY SCHOOL DISTRICT:

Building Maintenance Workers
Cleaners
Family Aides (Head Start)
Food Service Helpers II
Library Aides
Registered Professional Nurses (School)
School Bus Drivers
School Bus Driver Trainees
Student Supervisors

SPECIAL DISTRICTS:

Fire Station Maintenance Worker/Drivers

IN ALL TOWNS AND VILLAGES:

Building Inspectors (Part-Time)
Code Enforcement Officer (Part-Time)
Custodian (Part-Time)
Deputy Registrar of Vital Statistics (Part-Time)
Registrar of Vital Statistics (Part-Time)
Wastewater Maintenance Assistants
Water Meter Reader (Part-Time)
Water Rent Collector (Part-Time)
Zoning Inspectors (Part-Time)

TOWN SERVICE:

Account Clerks (Part-Time)
Assessor (Where Appointed)
Building and Zoning Inspectors (Part-Time)
Building and Zoning Inspector
(Town of Gorham's population under 5000)
Chief Water Treatment Plant Operator
(Town of Gorham's population under 5000)
Clerk (Part-Time) (Board of Appeals)
Clerk (Part-Time) (Planning Board)
Code Enforcement Officer:
(Town of East Bloomfield's population under 5000)
(Town of Hopewell's population under 5000)
Constables (Part-Time)
Construction and Demolition Site Operator (Part-Time)
Deputy Building Inspectors (Part-Time)
Deputy Building and Zoning Inspector (Part-Time)
Deputy Code Enforcement Officer (Part-Time)
(Town of Bristol's population under 5000)
(Town of Canadice's population under 5000)
(Town of Naples' population under 5000)
Deputy Zoning Inspectors (Part-Time)

REVISED 7/26/18

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

TOWN SERVICE: (Continued)

Fire Marshall (Part-Time)
Library Clerks (Part-Time)
Library Technician:
 (Town of East Bloomfield's population under 5000)
 (Town of Naples' population under 5000)
Motor Equipment Operators IV
Ordinance Inspector (Part-Time)
Park Maintenance Assistants
Planning Aide (Part-Time)
Recreation Specialist
 (Town of Richmond's population under 5000)
Recreation Specialists (Water Safety Instructor-Seasonal)
 (Town of Canandaigua, 5/1 – 9/3)
Safety Officer (Part-Time)
 (Town of Manchester)
Senior Citizen Leader (Part-Time)
Senior Library Clerk, Part-time
 (Town of East Bloomfield's population under 5000)
Sewer Rent Collector (Part-Time)
Town Health Officer (Part-Time)
Town Historian (Part-Time)
Water Meter Reader (Part-Time)
Water Meter Reader
 (Town of Richmond's population under 5000)
Water and Sewer Rent Collector (Part-Time)
 (Town of Gorham's population under 5000)
Water and Wastewater Treatment Plant Operator
 (Town of Gorham's population under 5000)
Water and Wastewater Treatment Plant Operator Trainees
 (Town of Gorham's population under 5000)
Water and Wastewater Maintenance Assistants
Water Superintendent (Part-Time)
Water Superintendent:
 (Town of Geneva's population under 5000)
 (Town of Hopewell's population under 5000)
 (Town of Richmond's population under 5000)
 (Town of Seneca's population under 5000)

REVISED 02/10/15

APPENDIX B - NON-COMPETITIVE CLASSIFICATION

VILLAGE SERVICE:

Code Enforcement Officer (Part-Time)
Director of Public Works
(Village of Victor's population under 5000)
Fire Chief (Part-Time) (Village of Rushville only)
Fire Inspector (Part-Time)
Parking Enforcement Officer (Part-Time)
Police Matron (Part-Time)
Public Works Maintenance Supervisor:
(Except Village of Victor)
Traffic Guard (Part-Time)
Transfer Station Supervisor
(Village of Naples' population under 5000)
Village Health Officer (Part-Time)
Village Historian (Part-Time)
Wastewater Treatment Plant Operators, Type B
(Village of Bloomfield's population under 5000)
Wastewater Treatment Plant Operator Trainees
Wastewater Treatment Plant Operators
(Village of Clifton Springs' population under 5000)
Wastewater Treatment Plant Operators, Type A, (Part-Time)
(Village of Rushville's population under 5000)
Water Maintenance Technician
(Village of Clifton Springs' population under 5000)
Water and Sewer Rent Collector (Part-Time)
Watershed Inspector:
(Village of Bloomfield's population under 5000)
Water Treatment Plant Operator
(Village of Bloomfield's population under 5000)
Water Treatment Plant Operator
(Village of Rushville's population under 5000)
Water Treatment Plant Operator Trainee
(Village of Rushville's population under 5000)

* Confidential and Policy Influencing

REVISED 07/22/02

POSITIONS IN LABOR CLASSIFICATION

IN ALL CIVIL DIVISIONS:

Automotive Mechanic Helpers
Cleaners
Food Service Helpers
Laborers
Library Pages
Recreation Assistants
Recreation Attendants
Student Aides

BOARD OF COOPERATIVE EDUCATIONAL SERVICES:

Child Care Aides

CITY OF CANANDAIGUA:

Transfer Station Operator (Part-Time)

CITY OF GENEVA:

Transfer Station Operators (Part-Time)

COUNTY SERVICE:

Activity Aides
Health Facility Workers
Housekeeping Aides
Laundry Workers
Nursing Assistants
Weatherization Program Aides
Weatherization Program Aides (Seasonal)

SCHOOL DISTRICT SERVICE:

Custodial Workers
School Bus Monitors
School Monitors
Student Helpers

GENEVA CITY SCHOOL DISTRICT:

Food Service Helpers I
School Bus Monitors

TOWN SERVICE:

Custodial Worker
(Town of Bristol)
Transfer Station Operators

VILLAGE SERVICE:

Transfer Station Operators

POSITIONS IN UNCLASSIFIED SERVICE

CITY OF CANANDAIGUA:

Mayor

CITY OF GENEVA:

All Elected Officials
All Members of Boards and Commissions Authorized by law
City Attorney
City Clerk
City Comptroller
City Manager
Director of Public Works

GENEVA HOUSING AUTHORITY:

Members of Housing Authority (5)

COUNTY SERVICE:

Clerk to the Board of Supervisors
Community College of the Finger Lakes - All positions in the Community College as certified by the Board of Trustees in accordance with provisions of Section 35 (i) of the Civil Service Law.
Commissioner of Public Works
Coroners
County Clerk
County Treasurer
Deputy Clerks to the Board of Supervisors
Director of Finance
District Attorney
Health Facility Administrator
Officers and Employees to Boards of Elections
Public Defender
Sheriff

FIRE DISTRICTS:

Fire Commissioners
Treasurers

SCHOOL DISTRICT SERVICE:

All persons employed by any title whatsoever as members of the teaching and supervisory staff as certified by the Commissioner of Education according to Section 35 (g) of the Civil Service Law.

All persons employed by any title whatsoever as members of the teaching and supervisory staff as certified by the Chancellor of the State University in accordance with Section 35 (i) of the Civil Service Law.

POSITIONS IN UNCLASSIFIED SERVICE

GENEVA CITY SCHOOL DISTRICT:

All persons whose principal functions are teaching or the supervision of teaching as described in Section 35(g) and (i) of the Civil Service Law.

TOWN SERVICE:

Assessors (3) (Where elected)
Justices of the Peace
Members of the Board of Appeals
Members of the Environmental Conservation Board (Town of Canandaigua)
Members of Parks & Recreation Commission
Members of the Planning Board
Members of the Zoning Board
Superintendent of Highways
Supervisor
Town Clerk
Town Councilmen
Town Tax Collector

VILLAGE SERVICE:

Board of Trustees
Mayor
Police Justices
Village Clerk
Village Clerk and Treasurer
Water Commissioners

REVISED 9/28/18