



Albany County Department of Civil Service Newsletter Issue #07 June 2010

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Out-of-Title Work

Often times, the Personnel Technicians find that employees note experience on their exam applications that does not fall under the scope of the established job duties for their approved Civil Service title. Section 61.2 of the Civil Service Law specifically prohibits out-of-title work. Since out-of-title work is a violation of law, such experience **cannot** be credited towards meeting open-competitive minimum qualifications.



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UPDATED APPENDICES

We recently made changes to the Albany County Civil Service Rules Appendices. The New York State Civil Service Commission approved eleven titles to a class other than competitive. The updated appendices can be found on our website, www.albanycounty.com/civilservice, under the link for "Civil Service Rules." We suggest that all employees responsible for Civil Service matters have a printed copy of the latest Albany County Civil Service Rules and Appendices. We will keep you apprised of updates.



Preferred Lists

Laid off and displaced competitive class employees are certified to fill positions from a preferred list. Preferred lists are **MANDATORY** in the civil division where the layoff occurred and **must be certified** before any promotional or open-competitive lists. Employees are ranked according to their retention date. Inclusion on the preferred list certification depends on several criteria:

- ▶ whether the title to be filled is the same title, a direct line title or a comparable title;
- ▶ whether the position to be filled is in the employee's former layoff unit or another layoff unit;
- ▶ whether the employee was a probationer or had completed probation at the time of layoff;
- ▶ the previous declinations and reinstatements of each employee.

Given these criteria, it is apparent that an individual's rank may vary widely on different certifications.

Preferred List Reinstatements

Appointing officers must reinstate the number one eligible willing to accept appointment. There is **no probationary period** upon reinstatement from a preferred list, unless the laid off employee was on probation at the time of layoff. Such employees must complete their probationary periods when reinstated. For information regarding refusal or failure to accept reinstatement from a preferred list, see **Albany County Civil Service Rule XVIII (2)**.

Term of Eligibility

An individual's name may remain on a preferred list for a title for up to **four years**. Preferred list eligibles are considered permanent employees for purposes of qualifying for promotion examinations. In addition, time spent on a preferred list does not interrupt continuous service for seniority if an eligible is reinstated from the list.

SENIORITY

The Albany County Department of Civil Service has been receiving numerous inquiries regarding seniority dates. **Seniority**, for civil service purposes, is the date of the employee's first permanent appointment in the classified service followed by continuous service as defined in Section 80 of Civil Service Law. Seniority is determined by Civil Service for those employees **currently serving in competitive class titles only**.

Employees in the **Unclassified Service** and those in positions in the **Exempt, Non-Competitive and Labor Class** have **no retention standing under Civil Service Law**, nor do they have rights to have their names placed on a preferred list. In the event of a layoff for positions in a class other than Competitive, please follow the guidelines outlined in the appropriate **bargaining agreement**.

If your department or agency is faced with a **layoff** situation, it is imperative that you contact Civil Service immediately so as to ensure that all Civil Service Laws and Rules are followed.



Layoff Information Sessions

In light of the current economic times, the Albany County Department of Civil Service is providing layoff information sessions if requested by the appointing authority. We are willing to come to you. Please contact your assigned Personnel Technician if you would like to schedule an information session.



Internal Job Postings

It has come to our attention that some jurisdictions are internally posting Civil Service positions or canvassing lists using erroneous information. We strongly encourage you to use the official job specification. It is **not to be altered** for use in internal job postings.

The next Civil Service 101 Training will be held Thursday, July 15th at 10:00am in Room 660 at 112 State Street in Albany, NY. Please contact your Personnel Technician if you are interested in attending.



A Message from Our Director:

During our Revolutionary War, Thomas Paine wrote that, "In times of trouble, the summer soldier and the sunshine patriot would shrink from the service of his country." Where am I going with this? Governments are navigating in perilous waters with cutbacks looming everywhere. This is especially true of Civil Service. The public is best served, however, when we do our job and do it right no matter how difficult it becomes. While our budget has been cut, I appreciate yours may be as well. Your problems, however, are most often mixed with payroll, benefit and employment issues of which we must be cognizant.

In this issue, we have attempted to give timely advice on problems you are addressing now or may be in the future. For our part, this is a singular challenge because the cutbacks and layoffs have not been experienced for some time. We have spelled out basic procedures that should be followed to fulfill certain civil service requirements. If these do not seem to fit your particular situation, please contact us.

It has come to our attention that some jurisdictions, most notably schools and libraries, frequently convert our job announcements and specifications to a custom format of their own. Although it seems an unnecessary duplication, it is not a problem except when the minimum qualifications or scope of the job duties are expanded. Such changes are wrong and could be the source of legal action should someone be misled about a job's requirements.

I hope those of you who can spare the time will take advantage of our refresher or newcomer Civil Service training. On-site training will be provided to those who cannot attend.

It is times like this where all the hard work you have done to update the public roster (MERIT) and to secure payroll certifications really pays off. Whatever difficult budget choices must be made will be less so if these certifications are up-to-date and an employee's status is definitive according to law. I hope your summer is as refreshing as a cold Guinness at Bethany Beach in late August, where I hope to be.

All the best,
Michael J Cummings