

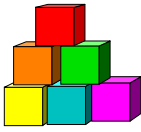
# Waivers & Exemptions

## **Chapter Topics**

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## A Waiver or an Exemption?

Pursuant to Executive Order 1, issued in 1995, and as subsequently reinforced by Budget Bulletins B-1148, B-1158, B-1163 and most recently, B-1165, New York State imposed a freeze on the filling of positions in the classified service. Exceptions to this “hiring freeze” are granted on a case by case basis through the use of the DOB waiver or exemption transaction in NYSTEP.

Division examiners are required to review and analyze agency requests for hiring freeze waivers and exemptions within the guidelines identified by applicable Technical Memoranda and Budget Bulletins such as those noted above. Agencies are encouraged to discuss their need for hiring freeze actions with DOB staff before actually submitting the NYSTEP transaction necessary to effectuate a hiring freeze waiver or exemption.

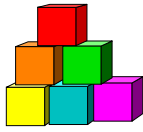
### **WAIVERS**

Hiring freeze **waivers** can be granted by the Division of Budget, based upon a request from a State agency with adequate justification, for a maximum of 120 days. Due to the geographic and demographic factors that can influence the labor force, DOB established criteria for granting of two types of waivers: R – Restricted or U – Unrestricted. Granting of an “**R**” waiver will allow the position to be filled only by current state employees or from a variety of State reemployment/placement rosters. Approval of a “**U**” waiver will allow the position to be filled from any source; whether the individual is currently part of the State service or not. The granting of U waivers usually occurs when the title series is very specialized (e.g., pediatric psychiatrist) or where the private sector demand is so great that the pool of applicants for a State position is significantly and drastically reduced (e.g., specialty nurses.)

### **EXEMPTIONS**

Hiring freeze exemptions differ from waivers in two very important ways: First, an exemption has no time limit. Once placed on a position, there is no expiration date for a hiring freeze exemption. The position can be vacated and refilled without interruption until such time as the “freeze” is manually removed by a separate NYSTEP transaction. Second, exemptions do not distinguish between hires from within the existing State workforce or other State employment roster, and from outside of State service. The granting of an exemption allows the position to be filled from any source, at any time as long as the exemption remains in effect.

Exemptions also differ from waivers in that they may be applied across an entire program, fund source or pool id, as well as across a title, or even to an entire State agency and all of the positions in that agency. The approval of a hiring freeze exemption usually requires greater justification with very specific information regarding turnover in the position or title, along with documentation on why hiring outside of State service, on a continuing basis, may be necessary.



## Initiating the Hiring Freeze Waiver

Hiring freeze waivers can be initiated by DOB staff as well as by agency personnel. To initiate a hiring freeze waiver:



### Access the Page

1. Click **Title and Position Management, DOB Exemptions and Waivers, Use, DOB Waivers.**

*The DOB Waivers Search Dialog box displays.*


2. Click **Add a New Transaction** hyperlink.

*The DOB Waivers page displays.*

DOB Waivers | [DOB Comments](#)



## Work with the Page

1. In the **Agency** field, enter the agency code.
2. In the **Effective Date** field, the field will display the current date. If you want to make the waiver effective on a different date, enter that value in MM/DD/YYYY format.
3. In the **Begin Line** field, type in the item number of that position, or click  to display the line items available for that agency code. If you wish to process a hiring freeze waiver for several positions with sequential, inclusive item numbers, in the **End Line** field, enter the item number of the last position in the sequence. Alternatively, you may want to process a hiring freeze waiver for all of the positions in an agency with a common title code, rather than for a range of item numbers. In that case, in the **Title** field enter the appropriate code. You may also enter a waiver by position **Duration**, (i.e. seasonal) by entering the appropriate code or choosing it from the lookup box. Waivers can also be created by title and duration by entering both a title code and duration code.



**NOTE:** The use of a waiver, with its time limit of 120 days, is not generally recommended for an entire agency. If an entire agency is recommended


for removal from the hiring freeze, a hiring freeze exemption is the recommended approach since there is no time limit on exemptions.

4. If the waiver is for a new position, or for a range of new positions, make sure that the effective date of the hiring freeze waiver occurs on or after the effective date for establishing the position(s). The effective date of an individual position can be checked by accessing **Position Summary** information (see *Menu Option- Inquire to Obtain Position Summary Information and Effective Dates* (for directions on how the effective date for a hiring freeze waiver or exemption should be determined), later in this chapter.
5. After you have identified the positions for which the hiring freeze will be waived enter either an item number, a range of item numbers, or a title code.



**NOTE:** If the waiver was a single item, the information in the Funding box will populate, showing the funding information currently in the NYSTEP system. In some cases, because of unresolved data communication issues between the State's payroll application, PayServ and the personnel application, NYSTEP, this funding information may appear to be incorrect. In those cases, please check with your agency counterpart to make certain that the funding update to PayServ has occurred. The Waiver Status will also be populated, indicating if there is currently a waiver on the position, and if so, what type.

6. If the waiver affects a range of items, title code or duration type, no position, funding, waiver status, etc., information will display because that information may not be the same for all of the positions affected by the proposed action.
7. Use the cursor to select the radio button type of waiver to be processed. Refer to the most recent Budget Bulletin for the current definition of Restricted and Unrestricted and the effect of Remove Waiver (B-1163).
8. In the **End Date** field, NYSTEP will display the day which occurs 120 days after the effective date of the waiver. If you want to make the waiver effective for less than 120 days enter the desired end date in MM/DD/YYYY format. Waivers cannot be in effect for more than 120 days.
9. Click the **DOB Comments** tab. Enter a brief (both agency and DOB comments are limited to 500 characters) justification for the waiver in the Agency/Requestor Comments field. If you attempt to submit the waiver without entering some text in the Comment field, NYSTEP will not allow you to send the transaction to the Division of the Budget. Comments is a required field on this page. Remember, other agency staff, Civil Service and other DOB personnel will be able to view agency comments in the same way that you can see the Division comments. Please be as accurate and concise as possible.

10. Click the **DOB Waivers** tab. If you are certain that the waiver is accurate, and are recommending it move forward for approval, press the **Submit** button.
11. If you are only entering data for later submission, or are uncertain as to its accuracy, press the  icon to save the transaction for later routing to DOB. Note the Tracking number of the action.

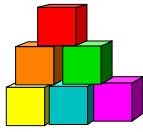
If you have already routed the transaction but it has not been finally acted upon, and now discover an error, you can still access the waiver through Update/Display in the same way as all other TPM transactions. Once you open the waiver, you may edit the data fields or the comments.

If the agency is the requestor and the transaction has an error, and the Submit button has not been pressed, or if due to other agency internal considerations, the agency does not wish to submit the action to DOB, they may use the internal **DENY** button visible only to authorized agency NYSTEP users. This button effectively deletes the request before it ever gets to DOB. Comments that the agency entered prior to pressing **DENY** will not be visible to Division staff, although DOB examiners can access the transaction through Update/Display and view the Request page.

Until one of the action buttons are pressed (Submit/Deny), you will see the page status as **Agency Initiated**; once you press the **Submit** button, transaction status will change to **Agency Requested**. NYSTEP processes hiring freeze waivers differently, depending upon whether they affect a single item or multiple items. For example, if the hiring freeze is being waived for a single position, that action will update the NYSTEP database instantaneously, once **Approved** is pressed by the Division of the Budget.

If, however, the waiver affects multiple positions - a range of items, or a title code - and the waiver is approved by the Division of the Budget, the NYSTEP database will be updated through an overnight batch transaction. After the nightly batch process, if all items were accepted for update, the transaction status will read Batch Approved. (Information on whether all of the items in the range or title code were successfully updated in the NYSTEP database is available from the Exemption/Waiver Batch Log Report available in Reports.)





## Initiating the Hiring Freeze Exemption

Processing hiring freeze exemptions in NYSTEP is very similar to processing for hiring freeze waivers. The major difference between the two transactions is the length of time they are in effect. While waivers can be in force for no more than 120 days, and carry a code of R or U which governs the way the position may be filled by the agency, exemptions are in effect indefinitely, until DOB acts to re-freeze an item, agency or group of items. To initiate a hiring freeze exemption:



### Access the Page

1. Click **Title and Position Management, DOB Exemptions and Waivers, Use, DOB Exemptions.**

*The DOB Exemptions Search Dialog page displays.*

2. Click the **Add a New Transaction** hyperlink.

*The DOB Exemptions page displays.*

Home > NY Title and Position Mgmt > DOB Exemptions and Waivers > Use > DOB Exemptions

## DOB Exemptions

### Find an Existing Transaction

Tracking Number:

Agency:

Line Item Number:

Ending Line Number:

Title Code:

Effective Date:

Status Date:

Request Status:

[Basic Search](#)

[Add a New Transaction](#)



## Work with the Page

1. In the **Agency field** enter the appropriate agency code.
2. In the **Effective Date** field, enter the effective date you choose for the exemption. Note that there is no End Date field since exemptions are not time limited actions.
3. In the **Begin Line** field, enter the beginning line number.
4. If you wish to process a hiring freeze exemption for several positions with sequential, inclusive item numbers, in the **End Line** field, enter the item number of the last position in the sequence. Alternatively, you may want to process a hiring freeze exemption for all of the positions in an agency with a common title, rather than for a range of item numbers. In that case, in the **Title** field and enter the appropriate code.

Exemptions may also be requested for all positions having common funding characteristics (agency/fund/account/program). To use this feature, click in the appropriate data entry field on the page and enter the correct code(s). Notice that the exemption can be placed for one of the data entry fields (such as an entire program) or for various combinations of the funding information (such as all positions charged to account/subfund 012 within Fund 339). Exemptions

can also be processed for a specific position pool (formerly called headers) within an agency by entering the appropriate code in the Pool ID field.

It should be noted that if you choose to request an exemption by pool id, fund or program, etc., if the item is later moved to another fund, program, etc., the exemption will not follow the item. NYSTEP will apply the same hiring freeze attribute to that item as applies to other items in the fund to which it is being moved. Accordingly, if you wish to have that item remain exempted from the freeze, you will need to request a separate, single item exemption for it in its new fund, program, etc.

5. Once you have identified which positions are to be exempted from the hiring freeze using ONE of the methods described above, select the **Place Exemption** radio button. Please note that you can also use this page to specify positions previously exempted from the hiring freeze which should be placed back under the freeze, by selecting the **Remove Exemption** radio button.
6. Click the **DOB Comments** tab and enter a brief summary of/justification for the transaction in the Agency comment field. Remember, you must enter a comment limited to 500 characters and everyone with access to the page can read your comment.
7. Click the **DOB Exemptions** tab. If you are certain that the information in the page is accurate click the **Submit** button to send the transaction to DOB.

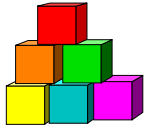
As is true for hiring freeze waivers, the Inquire feature (accessed by Selecting **Inquire** and **Position Summary** under the **DOB Exemptions and Waivers** Menu option) should be used to check the hiring freeze status of a single item before an exemption is approved for that item. For exemptions affecting more than one item, use the Waiver/Exemption Batch Report in the Report Menu to determine if a waiver or exemption was previously approved for any item in the group. The Waiver/Exemption Batch Log Report can be used to check on whether a submitted transaction was accepted during batch processing.



**NOTE:** You may also access **Position Summary** by clicking on the hyperlink on the bottom of the page.

Please note that NYSTEP recognizes that, in the case of an exempted title or program, etc., if a new position is created at a later date but lies within the exemption criteria (i.e. fund, title, etc.), that new position will be automatically exempted from the hiring freeze. This means that agency staff will no longer be required to submit new exemption requests each time a new position is added to a group of positions which is already exempted from the hiring freeze. NYSTEP will recognize the similarity of the position's attributes and apply the exemption.

Remember: exemptions and waivers can be withdrawn until the Submit action occurs. Once submitted to NYSTEP by the Division of Budget, by pressing approve or deny, it cannot be sent back for further work.



## Future Dating of Waivers/Exemptions

If a position already exists on the NYSTEP database you can future date the related hiring freeze waiver/exemption transaction. Using the example discussed above, suppose you created the position with an effective date of the 1st of the month. Any day after that transaction was accepted by NYSTEP - say on the 4th of the month - the waiver could be approved with an effective date of the 15th of the month. That action allows the agency to fill the position on the 15th. Future dating should, however, only be used when you are certain that no other attribute of the position (for example, the title) will be modified in the interim between its creation and the date the waiver becomes effective. Otherwise, when NYSTEP attempts to activate the waiver on its effective date it will not be able to find the position on the database. In no event will NYSTEP allow a future effective of greater than 90 days from the current date. This is necessary to avoid conflicts in other NYSTEP TPM and Personnel transactions.

### Error Messages

As in all NYSTEP pages, system generated prompts exist to inform users of problems with the processing of transactions. For instance, if you are initiating the waiver/exemption and type in a nonexistent line number, an error message will appear as a prompt box. However, for hiring freeze waivers and exemptions, there is also a status bar visible on the page which indicates whether the transaction has been accepted for updating NYSTEP after approval by the Division of the Budget instantaneously for single item transactions, and after the Batch overnight process has run for transactions affecting a group of items (a title code, a range of item numbers, etc.). Should a transaction show **TPM Corrections** as the status, the page will always show that message even when the transaction is fixed at Civil Service. If the page shows a TPM Corrections status, please check **Position Summary** prior to calling your DOB Examiner. If the action does not show correctly on **Position Summary**, please contact your DOB Examiner.

If a page shows Error and it was a single item, no update occurred to that position in NYSTEP. Similarly, if the transaction involved more than one item or a title code and ran in batch, when the status reads Error none of those positions were updated by the action on in NYSTEP and the transaction is null.

When the action is still in the agency the page status will always read **Agency Initiated**. Once the page is Submitted by the agency to DOB the page status will change to **Agency Requested**. The status will remain as Agency Requested until one of the following occurs:

If the transaction affects a single item:

- If the NYSTEP database accepts the transaction because there is no problem, Approved will appear.
- If there is a later effective date on some other TPM transaction, TPM Corrections will appear. Should this be the message, contact your DOB Examiner.

Transactions affecting more than one item require overnight, Batch processing:

- After such transactions are submitted to NYSTEP the word Batch will appear in the lower right hand corner of the page until overnight processing occurs. Once Batch has run:
- If all items in the group are accepted for update, Batch Approved will appear.
- If an item or several items in the group are unacceptable for update due to conflicts with other TPM transactions, or duplicate effective date problems, the message will read TPM Corrections and the NYSTEP Report function should be accessed to run an Exemption/Waiver Batch Log which will identify the specific problem(s) encountered.



**NOTE:** Whichever entity created the problematic hiring freeze waiver transaction is responsible for fixing the problem. If the requestor was the agency, then corrective steps, including notification/contact with the TPM Corrections Unit, should be undertaken by the agency, with notification to the Division as necessary. Similarly, if the transaction was initiated by DOB staff, problem resolution and remediation will be undertaken by the Division with notification to the agency as necessary.



## Menu Option – Inquire to Obtain Position Summary Information

The Inquire Menu Option, for hiring freeze waivers and exemptions, allows you to access **Position Summary** information and thereby avoid submitting duplicate or otherwise problematic transactions. This feature, however, can only be used to obtain information on one item at a time.

To access Position Summary information:



### Access the Page

1. Click **Title & Position Management, DOB Exemptions and Waivers, Inquire, Position Summary**.  
*The Position Summary Search Dialog page displays.*
2. In the **Agency** field, enter the Agency Code.
3. In either **Position Number** or **Line Item Number** field, enter either value.
4. Click **Search**.  
*A page will appear which provides detailed information on all of the transactions (such as reclassifications, previously approved waivers/exemptions) which have occurred against the position and actually updated the NYSTEP database.*

It is important to view this page each time a hiring freeze waiver or exemption is under consideration to confirm that no other TPM transaction has changed position attributes, such as the line number or the position's title. If, for example, the position has been reclassified to a different title through approval of a separate TPM transaction, the waiver/exemption action will not be able to find the old information on the NYSTEP database, and the waiver/exemption action will not be accepted by NYSTEP. Similarly, this feature is useful for checking the date a new position was created so that the effective date of the hiring freeze waiver/exemption for that position can be properly entered.

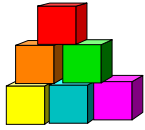


**NOTE:** You may also access **Position Summary** by clicking on the hyperlink at the bottom of the Waiver/Exemption transaction page.

## Effective Dates

Regardless of whether a hiring freeze waiver or exemption is initiated in NYSTEP by agency staff or DOB, a basic NYSTEP rule applies to these as well as all other TPM transactions. In order to avoid continuing confusion regarding effective dates of waivers and exemptions, please remember:

It is always the preferred approach to complete the position action in NYSTEP -- such as a new position approval or reclassification action -- before approving a waiver or exemption action. While NYSTEP allows duplicate effective dates of some Title and Position Management (TPM) actions in conjunction with waiver/exemption actions, the chance that a transaction will error and not update NYSTEP still exists. If, upon checking **Position Summary**, the TPM action has already completed and the same effective date is desired for the waiver/exemption, and you are certain that no other transactions are pending on the position(s), you may use the same effective date. If you later find that the action status is other than Approved, another transaction was likely pending and had a later effective date than the waiver. If you still need that effective date, call your DOB examiner to discuss the issue. However, if you want to almost completely avoid the possibility of these errors, use an effective date on the waiver later than the effective date used to create or change the position.



## Checking the Status of Hiring Freeze Waiver and Exemption Transactions

Hiring freeze waivers and exemptions, unlike other TPM transactions, are not tied to NYSTEP's Workload Tracking function. Accordingly, information about the existence or current status of waivers and exemptions is not available through Workload Tracking reports. Rather, staff should access Reports to check on waiver/exemption status using the Waiver End Date, Exemption Effective Date, or Waiver/Exemption Batch Log reports.

### Tracking numbers for hiring freeze exemptions and waivers

The request number, which is unique for each transaction, has been modified to mirror the tracking number assigned to other TPM transactions by adding a FY- prefix, followed by a five-digit control number. On April 1, 2003 the prefix assigned to all new TPM transactions, including hiring freeze waivers, will change to 0304-. The five digit identification code for waivers begins with 10001" through 49999"; the five digit identification code for exemptions begins with 50000" through 99999". For example, a waiver tracking number could be 0304-13333; while an exemption job number could be 0304-53333.

### Waiver Codes

Various NYSTEP reporting features use standardized coding to distinguish between the different types of hiring freeze waivers. An **R** still means a position has a Restricted waiver; a **U** still means a position has an Unrestricted waiver. Two new codes have been added:

An **N** (for No waiver) means either the position has never had a waiver or the position had a waiver at one time, but the waiver either expired or was manually removed.

A **G** (for Generated Waiver) indicates that a position had a waiver and that, after the position was filled, it was vacated through separation from State service, because of failed probationary period before the waiver expired. In that special circumstance, the original waiver was removed upon initial employment appointment and a new, system generated waiver is applied with a new effective date the date the employee left State service with a new, full 120-day timeframe. A generated waiver may be removed or replaced by a **U** or an **R** waiver at any time. A **G** waiver will revert to **N** for no waiver upon expiration of the new 120-day period.



In separation or termination circumstances other than failure of probationary term, the waiver is replaced with its original code and original expiration date, if that date has not already passed. In the event that the waiver would have already expired by the separation date, an N for no waiver will appear on **Position Summary** and a new waiver request will be necessary.

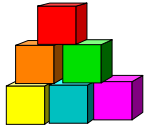
Whenever a waiver of any type expires, position availability, position summary and the waiver page will show N for no waiver. Additionally, if you are removing a waiver, you will note that the **End Date** field grays out, since there is no end date on a waiver removal. Waivers that have expired will not appear on the **Waiver End Date Report**.

It should also be noted that if a waiver is requested by title code and a particular item in that title code is reclassified to another title, the waiver status associated with the new title code will be applied to the item and the waiver may no longer be in force. In order to fill the reclassified item your agency would be required to request a new hiring freeze waiver.

### **DOB Comments Tab**

The waiver/exemption pages require an entry by both agency and Division of Budget staff in their respective fields before the transaction can be submitted to DOB to NYSTEP:

In this example the agency has already provided its justification for the hiring freeze waiver in the top section of the DOB Comment tab. DOB staff may view, but not edit, the agency section of the comment tab at any time. Similarly, the required DOB Comment section provides up to 500 characters of text, and is also viewable but not editable by agency staff.



## DOB Edit Checks

In order to eliminate duplicate exemption and waiver requests, a NYSTEP feature exists to prohibit the creation of duplicate DOB Freeze Waiver or Exemption requests. This edit check will cause an error message to be displayed to the user instructing them there is a duplicate request pending and that the pending request must be completed before a new request may be initiated.

This error message will only appear if all of the required data fields are exactly the same on both transactions (i.e. Agency Code, Position Number, Line Item #, Title and/or funding information). The edit check does not look for a match on the type of waiver or on the effective date, and will return the error message as long as the other criteria – the Agency Code, Position Number, Line Item #, Title and/or funding information – match exactly.

Assuming that the key fields match, the error message will be generated for any transaction status other than “denied”, “approved” or “TPM Corrections” including: Agency Initiated, Agency Requested, Examiner Initiated, Examiner Requested, Traffic Cop Initiated, Traffic Cop Requested, Chief Initiated, Chief Requested, and DOB Withdrawn.

For example:

There is a pending waiver request with the following criteria:

Tracking # - 0304-44444

Effective Date – 9/01/03

End Date – 12/31/03

**Agency – 01234**

**Line # - 00456**

Waiver Code – Restricted

Request Status – Agency Requested

The user then attempts to create a new request with the following criteria:

Tracking # - NEW

Effective Date – 11/15/2003

End Date – 02/15/2004

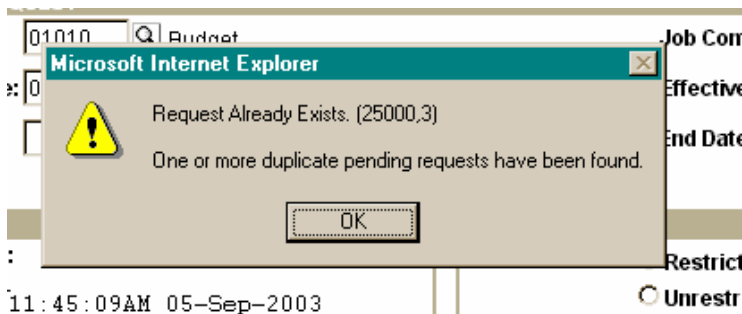
**Agency – 01234**

**Line # - 00456**

Waiver Code – Unrestricted

Request Status – ERROR

In the above example two of the required fields match -Agency and Line # - so the request is not allowed. The error message will appear as shown below:



**NOTE:** NYSTEP will not allow you to save, and the Pending request must be finalized before a new request is submitted.

To continue, you must click **Use**, a message will appear indicating you have unsaved data. Click **Cancel**; you may now:

- a) Create a new transaction for a different item/title, etc. or
- b) Access the pending transaction through Update/Display and finish working it or
- c) Alert your agency/DOB counterparts to complete work on the transaction.

To access a list of pending transactions:

Go to **TPM Tracking** and enter the desired criteria.

## Glossary - Request Status

The definitions below refer to the “Request Status” field:

Agency Denied	Transaction “killed” internally by agency.
Agency Initiated	Transaction created by agency, NOT at DOB yet.
Agency Requested	Transaction sent to DOB and waiting for DOB action.
Approved	Single item transaction that successfully updated NYSTEP.
Batch Approved	Overnight transaction affecting multiple items that successfully updated NYSTEP.
Batch	Overnight transaction affecting multiple items that has not yet updated NYSTEP.
Chief Initiated	Transaction created by DOB User with Chief security that has not yet been routed or acted upon.
Chief Requested	Transaction created by DOB User with Chief security that has been routed.
Denied	Transaction that has been disapproved by DOB.
DOB Withdraw	Transaction returned to the agency worklist by DOB without final action.
Error*	Transaction that cannot be completed due to invalid position/agency code information.
Examiner Initiated	Transaction created by DOB User with Examiner security that has not yet been routed or acted upon.
Examiner Requested	Transaction created by DOB User with Examiner security that has been routed.
TPM Corrections*	Transaction did not successfully update NYSTEP and requires manual correction by Civil Service.
Traffic Cop Initiated	Transaction created by DOB User with Traffic Cop security that has not yet been routed or acted upon.
Traffic Cop Requested	Transaction created by DOB User with Traffic Cop security that has been routed.

\*NOTE: The Request Status of “Error” and “TPM Corrections” shown on the waiver or exemption transaction page will not change even if the problem is eventually corrected by Civil Service. If the status is “TPM Corrections”, once Civil Service has made the necessary corrections the status should change to Approved or Batch Approved. The Request Status for an entire transaction will be “Error” or “TPM Corrections” if only one of a multi-position, batch transaction fails to update the NYSTEP database. However, all of the other positions affected by the transaction -those for which there was no problem - **will be updated**. To determine which position(s) were not updated (those for which there was some type of error or which require a TPM correction) run a **Waiver/Exemption Batch Log Report** using NYSTEP’s on-line report function.