**MEMORANDUM**

**TO:** Directors, Human Resources Management/Personnel

**FROM:** Director, Division of Classification and Compensation

**SUBJECT:** State Fiscal Year 2016-17 Memorandum **(Effective April 2016)** of Revised Salaries for Professional, Scientific, and Technical (PS&T) and Management/Confidential (M/C) Legal Traineeships

**DATE:** April 2016

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This Memorandum supersedes all previous Professional, Scientific, and Technical (PS&T) and Management/Confidential (M/C) Legal Traineeship (“Legal Specialties” or “Legal Careers”) Advisory Memoranda, and the spreadsheet supersedes all previous spreadsheets.

The Legal Traineeships covered in this memorandum and the accompanying spreadsheet lead to the Target Titles of Senior Attorney, Senior Insurance Policy Examiner, Hearing Officer, Unemployment Insurance Referee, and Motor Vehicle Referee. Another Legal Traineeship, associated with the Trial Examiner title series, is specific to one agency and is not covered by any current C&C publication.

These revised salary rates are effective April 2016 and apply to all parenthetics. The default Negotiating Unit (05) designation for the legal titles dealt with in these documents is Professional, Scientific, and Technical Services (PS&T), and the overwhelming bulk of positions are located there, but some positions are designated Management/Confidential (M/C). This memorandum and the spreadsheet seek to cover both units. If for some reason a given Legal Traineeship is in a unit other than M/C or PS&T, contact the Classification and Pay Analyst assigned to your agency.

As in previous years, traineeship information is being provided in Excel spreadsheets. The spreadsheets can be found on the Department of Civil Service’s Web Site at [http://www.cs.ny.gov/businesssuite/Appointments/traineeships/](http://www.cs.ny.gov/businesssuite/Appointments/Traineeships/). The spreadsheet only will be updated when a traineeship is added, deleted, or amended, and/or upon the propagation of a new salary schedule, and/or at the start of a new Fiscal Year.

Note that there are differences between how the Legal Traineeships work and how other traineeships work. For more information, please consult Division of Staffing Services General Information Bulletin #01-01. Though that document only references the traineeships leading to the Target Titles of Senior Attorney and Hearing Officer, most of it has been applied to the other Legal Traineeships as well.

Generally speaking, the appointment level to the Legal Traineeships is determined by the qualifications of the hiree, specifically referring to a combination of law school graduation, admission to the New York State Bar, legal experience post-graduation, and legal experience post-admission to the Bar. Appointment can be made to any level of the traineeship, and/or to the Target Title (also known as the “Journey Level”) as determined by the noted qualifications.

All service during traineeships is in probationary status and performance must be evaluated every six months against established standards.

The basic progression is as follows:

* Attorney Trainee 1. At this level the Trainee is expected only to be a law school graduate or otherwise eligible to take the bar exam. After 26 weeks and successful performance (as defined), the Trainee progresses to:
* Attorney Trainee 2. At this level the Trainee is expected to be a law school graduate or otherwise eligible to take the bar exam, and to have 26 weeks of experience. After 26 weeks and successful performance (as defined), the Trainee progresses to:
* Assistant Attorney 1. At this level, the Trainee is expected to have been admitted to the New York State bar. After 26 weeks and successful performance (as defined), the Trainee progresses to:
* Assistant Attorney 2. At this level, the Trainee is expected to have been admitted to the New York State bar and have 26 weeks of experience subsequent to admission.

After 26 weeks and successful performance (as defined), the next Trainee Title is advanced to. After Assistant Attorney 2, the Trainee Titles split off, depending upon the Target Title being sought.

* The Trainee Titles of Attorney 1 and Attorney 2 lead to the Target Title of Senior Attorney.
* The Trainee Titles of Assistant Hearing Officer 1 and Assistant Hearing Officer 2 lead to the Target Title of Hearing Officer.
* The Trainee Titles of Motor Vehicle Referee Trainee 1 and Motor Vehicle Referee Trainee 2 lead to the Target Title of Motor Vehicle Referee.
* The Trainee Titles of Insurance Policy Examiner 1 and Insurance Policy Examiner 2 lead to the Target Title of Senior Insurance Policy Examiner.
* The Trainee Titles of Assistance Unemployment Insurance Referee 1 and Assistant Unemployment Insurance Referee 2 lead to the Target Title of Unemployment Insurance Referee.

In all cases, at the final two levels of the Legal Careers Traineeships, the Trainee is expected at the first of the two final levels to have been admitted to the New York State bar and have 52 weeks of experience subsequent to admission (or 26 weeks as an Assistant Attorney 1); and at the second of the two final levels to have been admitted to the bar and have 78 weeks of experience subsequent to admission (or 26 weeks at the first of the two final levels).

For the most part, amounts payable in Legal Traineeships are not equated to Grade, and are increased annually along with any general salary increase applicable to the specific Negotiation Unit at issue. In many cases the actual amounts payable at Trainee Levels beyond the first level will depend upon the performance review at prior levels.

The following attachment seeks to explain the Excel spreadsheet format.

This information is for general information purposes only and should not be used to make an official offer or commitment to any employee. Questions regarding titles and general salary rates may be directed to the Classification and Pay Analyst currently assigned to your agency. Questions regarding payroll preparation and salary rate calculation should be directed to the Office of the State Comptroller and/or the Office of the State Comptroller’s Salary Manual.

Please distribute copies of this memorandum to your appropriate personnel and payroll staff.

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Abner JeanPierre

Attachments

**ATTACHMENT – TRAINEESHIP EXCEL SPREADSHEET LEGEND**

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| --- | --- |
| **Header** | **Description** |
| **Trainee Title** | This column displays the Traineeship Title(s). Note that distinct Trainee Titles within the Legal Traineeship begins at the third level. At the first two levels the Trainee Titles are the same across the various Legal Traineeships. |
| **Qualifications** | These are the specific minimum qualifications associated with appointment to each traineeship Title. Appointments can be made to any trainee level depending on the specific qualifications of the hiree.  Sometimes an appointment can be made to the Target Title, depending upon the degree, and type, of qualifying experience, relative to the Target Title being sought. |
| **Salary** | This number is the starting salary of a Traineeship Title. Please note that Legal Traineeship salaries are not equated to a Grade. Two distinct columns, one for PS&T traineeships and one for M/C traineeships, are presented. The amounts payable are increased with the general salary increase for the negotiation unit, where applicable. As of the time of writing, a new salary schedule has been propagated for the M/C unit, and these amounts have been increased accordingly. As of the time of writing, no new salary schedule has been propagated for the PS&T unit. Accordingly, these amounts have remained the same.  There will be cases, based on prior graded State service, where State employees appointed to a traineeship will be compensated at a higher rate than the rates indicated on the spreadsheet. Additionally, salaries may vary depending on whether an incumbent qualifies for an Honors Premium (a bonus, not covered n any C&C publication, that is keyed to the Trainee’s law school performance).  In many cases the actual amounts payable at Trainee Levels beyond the first level will depend upon the performance review at prior levels.  As with all traineeships, ultimately the actual salary for these employees will be calculated by the Office of the State Comptroller. |
| **Advancement** | This information details how incumbents progress through a traineeship. Conditions often are specified herein wherein a Trainee should be terminated, due to failure to progress. Note that in all cases the Salary at the next level should include a Performance Advancement keyed to performance review. |
| **Performance Advancement Upon Completion of a Level (Effective Performance)** | This number represents the advancement increment value an incumbent receives when transitioning between traineeship Titles if that incumbent is rated “Effective.” |
| **Performance Advancement upon Completion of a Level (Outstanding or Substantially Exceeds Performance)** | This number represents the advancement increment value an incumbent receives when transitioning between Traineeship Titles, if that incumbent is rated the highest rating for that traineeship. In most Legal Traineeships, the appropriate moniker is “Outstanding,” which is the equivalent of the “Substantially Exceeds Expectations” rating found in many other traineeship. (For these purposes, “Outstanding,” and “Substantially Exceeds,” or “Substantially Exceeds Expectations,” should be considered synonymous.) |
| **Not to Exceed Amount** | As is the case with most traineeships, this number represents the Job Rate of the salary grade of the Target Title – a PS&T Grade 25 or M/C M-1. Due to prior graded State service, certain State employees can enter a traineeship above this rate and/or have their salary progress beyond this rate. |