

MEMORANDUM

TO: Directors Human Resources

FROM: Director of Classification and Compensation

SUBJECT: State Fiscal Year 2019-20 Salaries for Professional, Scientific, and Technical (05) and Managerial/Confidential (06) Negotiating Unit Legal Traineeships

DATE: April 2019

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This Memorandum supersedes all previous Professional, Scientific, and Technical (PS&T) (05) and Managerial/Confidential (M/C) (06) Legal Traineeship Advisory Memoranda. Effective January 17, 2019, all Legal Traineeships are equated to Salary Grades as delineated at the link below:

<http://www.cs.ny.gov/businesssuite/Appointments/traineeships/>

There is no new salary schedule for employees in the Professional, Scientific, and Technical (PS&T) (05) bargaining unit as of April 2019. Accordingly, those trainee salary rates remain unchanged. These revised salary rates are effective for titles whose default negotiating Unit is M/C (06). If a Legal Traineeship is in a negotiating unit other than M/C or PS&T, contact your Classification and Compensation representative.

The following attachment provides guidance on interpreting the information in the Excel document, which covers salary rates, and traineeship structure and progression.

Trainee rates are for general information purposes only and should not be used to make an official offer or commitment to any employee. Questions regarding titles and salary rates should be directed to your Classification and Compensation representative. Questions regarding payroll preparation and salary calculation should be directed to the Office of the State Comptroller.

/s/
Abner JeanPierre

Attachments

ATTACHMENT – TRAINEESHIP EXCEL SPREADSHEET LEGEND

Header	Description
Trainee Title	This column displays the Traineeship Title(s). Note that traineeships begin upon eligibility to take the NYS Bar exam. If not admitted to the NYS Bar within two years of appointment, Traineeship must be terminated.
Equated Salary Grade	Although traineeship titles are non-statutory (NS), they are equated to a Salary Grade. Accordingly, Hiring Rates, Performance Advancement amounts, and the like, are tied to the equated Grade.
Qualifications	These are the minimum qualifications associated with appointment to each Traineeship Title. Appointments can be made to any trainee level depending on the qualifications of the hiree.
Equated Salary Grade Hiring Rate	<p>The salary associated with the equated Salary Grade (per the PS&T or M/C pay scale effective April 2018). Two distinct columns, one for PS&T traineeships and one for M/C traineeships, are presented.</p> <p>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 is the typical for a given traineeship. The actual salary for these employees will be determined by the Office of the State Comptroller, pursuant to standardized payroll practices.</p>
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 – 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.
Performance Advancement	<p>State employees who successfully have reached the mid-point of a Trainee Level and/or completed a Traineeship Level (these numbers are calculated in weeks and depend on the length of a traineeship), and/or have completed the traineeship, and receive the highest rating for that traineeship, may be eligible for a Performance Advancement (certain exceptions may apply).</p> <p>The highest rating for most traineeships typically is referred to as “Substantially Exceeds Expectations.” Sometimes the shorter form “Substantially Exceeds” is used, sometimes “Outstanding,” and sometimes a moniker that is particular to a given traineeship. All these terms should be considered synonymous, with one another and with the highest rating in a given traineeship, unless the context suggests otherwise.</p> <p>The Performance Advancement is the value of the Performance Advancement of the PS&T/ or M/C Grade to which the traineeship Level is equated. (For example, the Performance Advancement of a Trainee 1 title which is equated to Grade 20 would be the standard, statutory PS&T Grade 20 Performance Advancement amount.)</p>
Increase upon Completion	As is the case with most traineeships, this number represents the Performance Advancement of the Target Title. This type of compensation only is available to State employees who successfully have completed a traineeship who also entered the traineeship with prior graded State service and have advanced to a higher graded position by way of the traineeship. This amount is added on top of a Trainee’s attained salary upon successful completion of a traineeship.

ATTACHMENT B – ADVANCED PLACEMENT

Sometimes, Trainees may be appointed beyond the initial level of a traineeship. This mechanism is known as “Advanced Placement.”

One example would be if a person enters the traineeship with admission to the NYS Bar and one year of experience. In that case, the person would be appointed to Assistant Attorney 3, NS=22.

When Advanced Placement occurs, the Trainee in most cases should be paid the amount associated with the equated Grade to which the traineeship Level he or she is appointed. In the example above, the person advanced placed to the title of Assistant Attorney 3 should be paid at the Grade 22 level, because the traineeship is equated to Grade 22. Employees transferring into a traineeship from elsewhere in State service may be paid a different amount, pursuant to normal payroll rules.

Advanced Placement typically is at the employer’s discretion. Advanced Placement and Early Advancement (see Attachment C) cannot be combined and should not be confused.

ATTACHMENT C – EARLY ADVANCEMENT

Three-year traineeships in the PS&T and M/C units that lead to a legal specialty Target Title allocated at Grade 25 and are in the Competitive Class may be subject to “Early Advancement,” also known as “Fast-Tracking.” Under Early Advancement, Trainees may be advanced to the Target Title at the Mid-Traineeship Level of the final trainee level (Grade 22), and/or at any time between then and the end of the traineeship, if they have received the highest Performance Rating for that traineeship at that point and at the prior rating point. Early Advancement is at employer discretion.

As noted elsewhere in this memorandum, a Trainee being Early Advanced may benefit from a Performance Advancement at the time of his or her being advanced, depending upon performance review, current salary, and/or the particulars of that individual’s status or situation.

Advanced Placement and Early Advancement cannot be combined and should not be confused.

ATTACHMENT D – SALARY RATE PROGRESSION SCENARIOS

The following progressions are for general scenarios; the Office of the State Comptroller should be contacted with questions regarding specific employees. Barring exceptions, traineeship salaries are calculated consistently with the effective salary schedules.

First, some commonly used traineeship terms will be defined so that the scenarios presented will be more understandable. Then, the most-common scenarios will be presented.

A. Traineeship Terms and Definitions

Three Year traineeships

Term	Definition
Mid-traineeship Level	26-Week Interval, 78-Week Interval, and 130-Week Interval. At this point the Trainee typically continues or is terminated.
End of the Traineeship Level (i.e., transition between Trainee titles)	52-Week Interval and 104-Week Interval. At this point the Trainee typically advances to the next Traineeship Level or is terminated.
Completion of the traineeship	156-Week Interval. At this point the Trainee typically advances to the Target Title or is terminated.

B. Scenarios: Traineeships Longer Than One (1) Year

Scenario	Description
No Prior Graded State Service	<p><u>Starting Compensation</u> – The Hiring Rate of a traineeship.</p> <p><u>Compensation Progression</u> – If rated “Substantially Exceeds Expectations” at the Mid-Traineeship Level Interval, add the applicable Performance Advancement on top of the current traineeship salary (the addition of the “Performance Advancement” cannot exceed the Not to Exceed Amount). If not rated “Substantially Exceeds Expectations” at the Mid-Traineeship Level Interval, continue traineeship at current salary. At the end of the Traineeship Level, pay the higher of the current traineeship salary or the Hiring Rate of the Trainee Title in conjunction with the movement between Trainee levels. Additionally, if rated “Substantially Exceeds Expectations” at the end of a Traineeship Level interval, add the applicable Performance Advancement on top of the new Trainee level salary (the addition of the Performance Advancement cannot exceed the Not to Exceed Amount). If not rated “Substantially Exceeds,” continue traineeship at the new Trainee Level salary.</p> <p><u>Ending Compensation</u> – The higher of the current traineeship salary or the Hiring Rate of the Target Title. If rated “Substantially Exceeds Expectations” when advanced to the Target Title and also rated “Substantially Exceeds Expectations” at the completion of the prior rating period, add the applicable Performance Advancement on top of the higher of the current traineeship salary or the Hiring Rate of the full performance level title (the addition of the Performance Advancement cannot make the salary exceed the “Not to Exceed Amount”). If not rated “Substantially Exceeds Expectations” when advanced to the Target Title and at the prior rating interval, do not add the “Performance Advancement” to this salary.</p>

Scenario	Description
<p>Prior Graded State Service</p>	<p><u>Starting Compensation</u> – The higher of the Hiring Rate of a traineeship or current Graded salary. However, if an employee’s current graded position is higher than that which will be achieved at the end of a traineeship, the employee’s salary may be reconstructed based upon the grade level of the Target Title.</p> <p><u>Compensation Progression</u> – If rated “Substantially Exceeds Expectations” at the Mid-Traineeship Level Interval, add the applicable Performance Advancement on top of the current traineeship salary (the addition of the Performance Advancement cannot cause the salary to exceed the Not to Exceed Amount). If not rated “Substantially Exceeds Expectations” at the Mid-Traineeship Level Interval, continue traineeship at current salary. At the end of the Traineeship Level, pay the higher of the current traineeship salary or the Hiring Rate of the Trainee title in conjunction with the movement between Trainee levels. Additionally, if rated “Substantially Exceeds Expectations” at the end of a traineeship Level interval, add the applicable Performance Advancement on top of the new Trainee level salary (the addition of the Performance Advancement cannot exceed the Not to Exceed Amount). If not rated “Substantially Exceeds,” continue traineeship at the new Trainee level salary.</p> <p><u>Ending Compensation</u> – The higher of the current salary plus the Increase upon Completion or the Hiring Rate of the Target Title. If rated “Substantially Exceeds Expectations” when advanced to the Target Title and also rated “Substantially Exceeds Expectations” at the completion of the prior rating period, then pay the higher of the current salary plus the Performance Advancement plus the Increase upon Completion of the Trainee title or the Hiring Rate of the Target Title plus the Performance Advancement (the addition of the Performance Advancement cannot exceed the Not to Exceed Amount). If not rated “Substantially Exceeds Expectations” when advanced to the Target Title and at the prior rating interval, do not add the Performance Advancement to this salary.</p>