NEW YORK STATE DEPARTMENT OF CIVIL SERVICE THE STATE CAMPUS ALBANY 1, NEW YORK

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With this issue of replacement pages for your copy of the New York State Classification and Compensation Plan, we are establishing a new printing schedule. Henceforth, replacement pages for the introductory material and for the alphabetical listing will be issued bi-monthly; all others will be issued semi-annually. Also, commencing with this issue, we are gradually adding to the alphabetical listing of titles, a digit indicating the Recruitment Section in the Examinations Division to which the title has been assigned for examining purposes. This digit appears to the right of the salary grade. When this project is finally completed, the absence of such a number will indicate that the title is in the non-competitive or labor class, and vacancies are not filled by examination. The several Sections are as follows:

Recruitment Section	Section Head	Telephone Number
Number 1	Cecil R. Broyler	GL7-5494
Number 2	Bartholomew L. Carbone	GL7-5473
Number 3	David Zaron	GL7-2292
Number 4	Theodore Becker	G L7- 5526

Transmitted herewith are replacement pages containing all changes which occurred in the alphabetical listing between November 30, 1962 and December 31, 1962. Current changes to each page have been indicated by a dash (-) opposite the salary grade of the class involved; no indications are made where deletions occurred. The pages changed are as follows:

Page No.	Page No.
44	80
57	93
61	109
67	114
69	116
70	123
73	126

Also included are the first 20 pages of the alphabetical listing containing the aforementioned Recruitment Section Number.

TABLE OF CONTENTS

			Pa	ge
Introduc Civil Se	etion ervice La	aw, Article 8	. 1	3
		Powers and Duties of the Director of		
Section	119.	Classification and Compensation Appeals		•
Section	120.	Application and Appeals to Director of		
Section	120-2.	Appeals to Classification and Compensation		
Section	121.	General Provisions relating to Classifi- cation and Allocation	. 1	5
		Title B		
Section Section	131. 132.	Annual Increments	. 2	2
		and from tuberculosis service	. 2	8
Chapter	323	of the Classification and Compensation Appeals Board to the State Civil Service	2	·1.
		Commitssion	• 3	ıа
Salary S Trainee	Schedule Titles a	and Salaries	• 3	14 14a

INTRODUCTION

CLASSIFICATION AND COMPENSATION IN NEW YORK STATE

No employer can get along without a classification and pay plan no matter how simple it may be or by what name he calls it. For the efficient management of his business, he must know the different kinds of work needed for its conduct. From that basis, he must determine the number of employees needed for each type of work and the knowledges and skills required of each for proper functioning. He must also know the current market value of every class of work in his organ-The larger the business the more important it beization. comes to have reliable criteria for determining these essential facts. New York State government is big business and its business is more varied by far than that of any one private employer within the state. No single employer is engaged in running a large insurance business, a vast engineering and construction program, in operating hospitals, schools, and a university, in forest management and conservation, and many other enterprises of similar size and importance.

New York State, as a single employer, does all of this and much more. If a sound job classification and compensation plan is so necessary to good management in private industry (and its vital role has been amply demonstrated during the last two decades), how much more vital it is to the efficient running of state government in New York must be readily apparent. Any successful program of personnel management requires that it be firmly founded upon the principle of equal pay for equal work. The New York State Legislature, in establishing the state's job classification and compensation plan, specifically made this principle the policy of the state. Notable historical developments in the administration of the classification and compensation program, and some of the things which every employee and appointing officer should know about how it operates, are told in this report.

Development of the Classification and Compensation Program in New York

In New York State, as far back as 1930, a position classification study was made by a legislative committee which employed the consulting firm of Griffenhagen Associates to do the technical survey work. The plan for reorganizing a cumbersome and chaotic jumble of thousands of jobs into an orderly arrangement resulted. Standard job titles were established. A stenographer was called a stenographer, instead of by half a dozen other names; a chemist was called a chemist, and so on. Various grades of responsibility in a particular field of work were defined and clear lines of

promotion emerged. A Stenographer could become a Senior Stenographer and then a Principal Stenographer. A further improvement was the breaking up of broad categories according to the specialized type of work done. An engineer was a civil engineer, a mechanical engineer or and electrical engineer, depending on what kind of engineering work was required.

This is obviously an over-simplification. It was not that easy. A careful study of each position was made so that each could be assigned to its proper class or type. It took a long time to relabel each position. In fact, this is a task that can never be entirely finished. A job can grow or shrink, or even disappear. New kinds of jobs crop up that were never thought of a few years ago. changes follow the growth of government itself; government must be responsible to the needs of the people, and these needs shift and change with the times. A few years ago, there was no State Rent Commission, nor any evident need There was no State University, no State Lottery It is not hard to remember when there was no Commission. unemployment insurance. All such changes, whether they involve creating new jobs, changing existing ones, or dropping old ones, require classification and salary study.

Though standard job titles were established in the early thirties, adoption of a classification and salary plan was still a long way off. In 1937, the Feld-Hamilton Law created a five-man Temporary Salary Standardization Board to bring order into the tangled pay situation then existing. This was followed a year later by the Feld-Ostertag Act, creating a Classification Division headed by a three-member Classification Board in the Department of Civil Service. At that time, the task of classifying all positions in the state civil service, according to scientific standards, began to go forward in earnest. In 1945, a Salary Standardization Division was added to the Department of Civil Service and a permanent five-member Salary Standardization Board, created to head it, replaced the temporary board.

The two boards and their staffs of technicians worked steadily but separately toward their common aim, equal pay for equal work, until 1949. By that time, it had become clear to the Governor, Legislators and to operating and service agencies and as well to the employees of the state that this work could be carried on more efficiently and effectively under a single administrative officer. The 1949 Legislature made this change by abolishing the two Boards on July 1, 1949, and establishing, under a Director, the Classification and Compensation Division in the Department of Civil Service.

The New York State Salary Plan

The 1937 Feld-Hamilton Law gave New York State its first formal pay plan. It provided various schedules of salary

grades according to broad occupational categories. It provided for the appointment, by the Governor, of a Temporary Salary Standardization Board and vested the Board with authority to allocate the various classes to appropriate salary grades within the established schedules. Time and experience demonstrated certain structural weaknesses in this first plan with the result that in 1947, the Legislature replaced it with an entirely new schedule of salary grades. Under the 1947 statute, the Salary Standardization Board did not have administrative freedom and authority to allocate classes to grades in the new schedule. There was a special statute which provided for their automatic conversion from the old to the new plan.

By 1953, because of numerous inequities involving pay relationships among a large number of classes and because of structural deficiencies in the 1947 schedule, it became apparent that a complete and forthright overhaul of the State's entire compensation plan had to be made. The general salary increases which were granted between 1943 and 1953 (there were 5 of these) were based upon percentage formulae, no two of which were alike. They had the cumulative effect of seriously distorting the internal relationship of rates and they brought about an unreasonable compression with too little difference between the lowest and the highest rates, provided by the plan. Rates were awkward and not rounded to full dollars; there was no system in the differences between successive minimums or maximums or in the width of ranges. Each raise had meant higher pay for positions already relatively over-paid and an insufficient amount of pay increase for those which were relatively under-paid. In numerous instances, the salaries of supervisors were unreasonably close to the salaries of those whom they supervised.

That there were widespread salary inequities and that the salary plan was generally inadequate was evident in the program of the Classification and Compensation Division where from 65 to 70% of staff time had to be devoted to hearing and determining requests from appointing officers and employees for pay and title changes. In June 1953, the Governor directed the Civil Service Department to make a comprehensive study of the salary structure and pay inequities existing among State positions. He appointed a seven-member Advisory Committee to assist the Department.

An important result of this study was the adoption in 1954 of a new 38 grade salary plan to replace the former 55 grade one. It was scientifically constructed to provide for rounded rates and 5% difference between maximums of successive grades. This established an easy method for adjustment without upsetting internal relationships since each 5% revision in the schedule could be accomplished merely by renumbering existing grades and adding a new grade at the top or bottom of the schedule, depending on

whether the revision was a decrease or an increase.* It followed a systematic plan for decreasing the width of salary ranges from minimum to maximum and for increasing increments with each higher grade. It provided an entirely new feature in an additional increment beyond the normal maximum of each grade for each employee who rendered continuous and satisfactory service for five years after having attained his normal maximum.

The enabling legislation, Chapter 307 of the Laws of 1954, provided that the conversion to this new salary schedule would be accomplished through the individual allocation by the Director of Classification and Compensation, with the approval of the Director of the Budget, of each title in the State classification plan. Two important factors were considered in this process -- (1) comparison with salaries outside the State service and (2) consistent and equitable relationships within the State's compensation plan. The latter is necessarily more important and where such relationships would be in conflict with outside rates, the outside rates must be disregarded in the interests of adhering to the principle of equal pay for equal work. Particularly is this true in the upper portion of the schedule where outside salaries are often substantially above those in comparable State jobs. But, it is important also to emphasize that pay rates in private industry do not present an orderly picture. They often vary substantially, have no counterparts for many types of State positions, and are meaningful and useful only as important clues to rather than conclusive measures of what the State should pay.

The method followed in 1956 by the Governor and the Legislature to provide an overall pay increase was the establishment of a new salary schedule which had rates which in each instance were \$300 higher than corresponding rates in the former schedule.

In 1957 the salary schedule was again revised by the Legislature with the approval of the Governor by a method which restored, to a great extent, the symmetry established in 1954. Each salary grade in the schedule was increased by a varying amount, ranging from \$100 at the minimum of the lowest range to \$1500 at the maximum of the highest range. Considering the 1956 and 1957 increases together, the result was an approximate 12% increase for each grade.

No general increase was provided in 1958. However, as a result of a study of salaries paid elsewhere for professional,

^{*}Because the 1956 general pay adjustment provided a flat \$300 increase rather than a percentage increase, upon all State positions, and because the Legislature revised the dollar amounts of the 38 salary grades to accomplish this pay increase, the schedule was no longer capable of the simple adjustment which could have been made by the renumbering of grades unless, of course, the distortions produced by the 1956 increase are to be preserved.

technical, scientific, and certain institutional positions presenting special recruitment and retention difficulties, the Director of Classification and Compensation, with the approval of the Director of the Budget, reallocated 194 titles containing approximately 34,000 positions, to higher

salary grades.

The 1959 Legislature provided, by appropriation and a revision of the salary schedule, a general increase in pay for all positions. The effect of this adjustment was an increase of at least \$200.00 or, in cases where the grade increment was more than \$200.00, the increase was in the amount of the increment. In addition, by administrative action taken by the Director of Classification and Compensation with the approval of the Director of the Budget, 63 titles representing approximately 2400 positions were reallocated to higher salary grades, following a special study influenced by extraordinary recruitment and retention difficulties.

A general salary increase was not provided for the fiscal year 1960. However, employees' take-home pay was increased by a statute which provided, for a one-year period, that the State would pay the first five percentage points of each employee's retirement contribution. In 1961, this benefit was extended for an additional year.

During the past several years, it had become apparent that the State was experiencing difficulty in the recruitment and retention of competent personnel in classes allocated to grades in the middle and upper sectors of the pay scale. Special emphasis was given to this problem in our annual salary study made in the fall of 1960. In addition, the Governor employed a private consulting firm to conduct a study to determine the relationship of State pay rates and those of private industry. The findings of these studies, which were in very close agreement, revealed that for classes in the lower grades State salaries were in fairly good adjustment with those paid by private industry, but that considerable adjustment of rates for middle and upper level classes was needed in order to materially improve the State's competitive position with private industry. Legislation to this effect was enacted and approved by the Governor, effective May 1, 1961. Under this legislation, salaries were increased by percentage amounts ranging from 5% at Grade 1 to 17% at Grade 37. In addition, a second longevity increment was provided, payable after 10 years of continuous and satisfactory service at the normal grade maximum.

Contents

In this book are gathered together all the sections of the law which pertain to classification and pay matters, the salary schedule as it existed on May 1, 1961 and a listing of titles and basic salary grades.

Because of the continuing changes in jobs and salaries, new titles will be created, some now in use will become obsolete, and salary grade changes will be made. Personnel officers of all state departments and agencies, members of

the staff of the Civil Service Department, the Division of the Budget, and others who are concerned with title and pay matters are informed at the beginning of each month of all changes made during the preceding month, and are provided with replacement sheets to be inserted in their books, reflecting these changes. In this way their copies are kept up to date.

Some idea of how this Division administers the classification and salary program of the state, and the steps which may be taken by employees or appointing officers to request title or salary change are explained further along.

Classifying New Positions

When a new position is sought by an agency or department, a description of the job must be sent to the Classification and Compensation Division. This is so whether the position is to be permanent, temporary, or seasonal, and even though the appointing officer may wish to have it placed in the non-competitive, exempt, or labor class by the Civil Service Commission. The Commission requires that the position be classified before it will determine the manner in which appointment to it shall be made.

The description of a new job is filed with the Director of Classification and Compensation on Form CC-1. Additional copies may be kept for its own records by the department requesting the job. If a new title is asked, information about the minimum qualifications which should be required of candidates for the proposed position and the reasons for requesting the new title at the salary suggested should be given. The Director of Classification and Compensation classifies the requested new position under an existing title, if such reasonably describes the work. Otherwise, a new title must be created and allocated to an appropriate salary grade. The Director of the Budget must approve this action with particular reference to the salary grade recommended and the need of the job by the department before it is officially established and can be filled.

For a specific group of titles a simplified system has been developed which differs from that described. In such cases the appointing officer, by means of Form CC-lA, certifies that the duties to be performed by the new position are in accordance with those described on the standard specification for the title which he is requesting be approved. Classification by this Division then follows without the submission of a description of the position.

Applications for Changes in Title or Salary

A request for change in title or salary, or both, may be made by an individual employee, by groups of employees, or by an appointing officer at any time. Form CC-2 is used for this purpose. The reasons for requesting the change must be given and substantiated. While requests originating with an employee or a group of employees may be filed directly with the Classification and Compensation Division, it is preferable that they be filed through regular departmental channels, as indicated on page 4 of the form, so that the appointing officer will have knowledge of and an opportunity to comment on the application.

It is sometimes not clearly understood that the subject of study is the job itself, and not the employee or his qualifications or performance. The fact that a nuclear physicist was assigned to work expected of a laboratory technician would not be a good reason for reclassifying the job. The only basis for its reclassification would be a change in the required duties and responsibilities of the job. All positions bearing the same title, of course, carry the same salary grade. The obvious reason for changing the salary for a class of positions is that the existing grade is inappropriate for the kind of work and responsibilities involved and that it differs from the compensation fixed for comparable kinds of work. The personal qualifications, degree of efficiency or length of service of an employee have nothing to do with the classification or compensation of his job.

Requests for salary or title changes are analyzed by the Division's technical staff who submit their findings and recommendations to the Director of Classification and Compensation. In most cases, a technician will visit the employee in his work setting to find out by first-hand discussion and observation exactly what he does. Decisions on all requests for changes in title or salary or both are made by the Director of Classification and Compensation and those changing the titles or pay become final with the approval of the Director of the Budget.

In the years prior to 1954, well over half of the staff time of the Division was spent in studying, hearing and determining individual pay and title questions. The pay and title determinations made in connection with the conversion project under Chapter 307 of the Laws of 1954 have changed this. Employees and appointing officers took full advantage of the ample provision made for requesting hearings and review by the Director of Classification and Compensation and by the Classification and Compensation Appeals Present allocations and classifications are therefore presumed to accurately reflect duties, responsibilities and relationships among classes in the State classification plan and should be presented for review only if there has been significant change in work, working conditions, organizational position, qualification requirements or other important employment factor. The staff time released has been devoted to refining and improving the plan, and in keeping pace with inevitable change in it through a program of general classification studies, and to developing standards by which operating departments can assist in the administration of the classification and pay plan.

General Classification Studies

Experience has shown that in order to maintain a classification plan upon a reasonably sound basis, each position should ideally be studied at least once every five years to ascertain whether its duties and responsibilities have undergone material change. While certain changes are called to the attention of the Classification and Compensation Division in the form of reclassification applications, others are not. Consequently, the need for a program of general restudy of positions in all departments and agencies scheduled on a five year cycle is apparent.

It was possible during the several years immediately before 1954 to engage in these general studies but because of the time required for the consideration of individual applications, the extent of this work was limited. Since that time a larger part of the Division's program has been devoted to such work both in the conduct of such studies by Division personnel and in the review of such studies as are made by the personnel offices of those operating departments which are staffed and qualified to perform this work.

For the purpose of obtaining basic data concerning the work and responsibilities of positions which are the subject of such a study, Form CC-3 is used. This form is essentially different from the CC-2 which is used as described heretofore in connection with applications to reclassify positions or to change the salary grades of classes. Form CC-3 is not supplied to departmental personnel offices generally. It is reserved for the special use described.

Hearings

The Director of Classification and Compensation may schedule a hearing in connection with any matter before him for determination. Generally such hearings are related to applications for title or salary change. Almost always they are allowed when requested by applicants. Frequently, they are arranged by the Director on his own initiative. are informal and more in the nature of "orderly conferences" than judicial proceedings. Consequently, they provide the parties in interest with a good opportunity for free expression and discussion. As a result of these hearings it is possible to learn many things of value concerning the issues to be determined and to gain a better understanding of employer-employee thinking which so often is not readily expressed in a written application. Not only do the hearings provide the Director of Classification and Compensation with useful and important information concerning the matter's before him for decision, but as well they serve as an excellent medium for giving employees and appointing officers a better understanding of how decisions in such matters are reached and of the considerations and factors for which regard must be had. Because of the informal nature of the hearings, employees generally have realized that they need not be represented by counsel and that they themselves are the ones best able to describe their work and its responsibilities, and to tell why they think a title or salary change should be made.

Appeals

When a change in title or salary has been denied by the Director of Classification and Compensation or his determination is otherwise unsatisfactory to the employee or department head who made the request, it may be reviewed, upon application, by the Civil Service Commission. Appeals to the Commission must be made within 60 days after receipt of notice of denial by the Director of Classification and Compensation. Correspondence on appeals should be directed to the Civil Service Commission, Department of Civil Service, State Campus, Albany 1, New York.

In cases where job duties have changed, or new information not previously made known to the Director of Classification and Compensation is included in the appeal, the request for review of the original decision should be addressed to the Director of Classification and Compensation.

Effect of Changes in Title or Salary on Employee

Appointment to a reclassified position is made from an appropriate eligible list if such a list exists. If there is none, an examination, usually promotional, is held to fill the job. The person originally in the job may compete, if he is eligible, together with all other eligibles. The appointment is made by the department head from among those on the eligible list in accordance with the Civil Service Law and Rules. Should the employee who made the original request not be appointed to the reclassified job, he will be placed in the vacancy left by the employee who is appointed.

In certain instances, the Civil Service Commission may determine that persons serving permanently in jobs for which new titles or salary grades are established may be given the new title without any requirement for further qualification. This has been done in cases where no change in the essential character of the position has occurred and the employee had already qualified in an appropriate examination.

When a job is reclassified downward, the Civil Service Law provides that the salary of the person holding the job shall not be reduced as long as he continues to occupy that position.

Contacts with Classification and Compensation Division

The Division may be contacted by correspondence, telephone or personal visit at its offices at the State Campus in Albany. Its technical staff is available at all times in Albany and during its frequent visits to other locations for the informal discussion of any matter relating to the classification and compensation of positions in the State civil service.

CIVIL SERVICE LAW

ARTICLE VIII

Classification and Compensation of State Employees

- Title A. Classification and allocation of positions (88 115-122).
 - B. Salary grades; determination of salaries (\$\$ 130-135).

TITLE A

Classification and Allocation of Positions

- Section 115. Policy of State.
 - 116. Classification defined.
 - 117. Classification and compensation division.
 - 118. Powers and duties of the director of classification and compensation.
 - 119. Classification and compensation appeals board continued.
 - 120. Applications and appeals.
 - 121. General provisions relating to classification and allocation.
 - 122. Eligibility of incumbents of positions not heretofore classified.
 - 123. Prohibition against transfer of employees to competitive class.

8 115. Policy of state. In order to attract unusual merit and ability to the service of the state of New York, to stimulate higher efficiency among the personnel, to provide skilled leadership in administrative departments, to reward merit and to insure to the people and the taxpayers of the state of New York the highest return inservices for the necessary costs of government, it is hereby declared to be the policy of the state to provide equal pay for equal work, and regular increases in pay in proper proportion to increase of ability, increase of output and increase of quality of work demonstrated in service.

- \$ 116. Classification defined. The terms "classification", "reclassification", "classify", and "reclassify" where used in this article refer to position classification as defined in section two of this chapter, unless otherwise expressly stated or unless the context requires a different meaning.
- \$ 117. Classification and compensation division. There shall be a classification and compensation division in the department of civil service. The head of such division shall be a director who shall be in the competitive class of the classified civil service. The director and employees of such division shall be appointed by the president of the civil service commission.
- \$ 118. Powers and duties of the director of classification and compensation. 1. General powers and duties. (a) The director of the classification and compensation division shall be charged generally with the duty and shall have the power
- (1) to classify and reclassify all positions in the classified civil service of the state;
- (2) to allocate and reallocate to an appropriate salary grade specified in section one hundred thirty of this article all positions in the competitive and non-competitive classes of the classified civil service of the state, except temporary, part-time or seasonal positions, and positions the salaries of which are otherwise specifically set forth in a statute.
- (b) The director in his discretion may allocate and reallocate to an appropriate salary grade specified in section one hundred thirty of this article, seasonal positions and positions in the labor class.
- (c) The principle of fair and equal pay for similar work shall be followed in the classification and reclassification and the allocation and reallocation of positions pursuant to this article and all positions having the same title shall be allocated to the same salary grade.
- 2. Specific powers and duties. In addition to those elsewhere prescribed, the director shall have the following powers and duties:
- (a) To ascertain and record the duties and responsibilities of all positions in the classified civil service of the state, establish adequate specifications showing the qualifications for and the nature and extent and scope of the duties and responsibilities of such positions, and assign uniform titles to positions that are so substantially similar in the essential character and scope of their duties and responsibilities and in the qualification requirements thereof that the same descriptive title may be used to designate them; that the same qualifications for appointment

thereto may be reasonably required; that the same tests of fitness may be established, and that the same rate of com-

pensation may be reasonably applied.

- (b) To investigate all matters affecting the classification and compensation of positions, to hear and determine all complaints and grievances with respect to the classification and compensation of positions, and from time to time review the duties, responsibilities, qualification requirements and compensation of positions and to make such revisions in the classification or compensation of positions as changes in the state service may require.
- 3. Departmental cooperation. The director, and the classification and compensation appeals board may request from any state department or agency such assistance as either may require, and each such department or agency shall make available, upon such request, any of its personnel and facilities.
- § 119. Classification and compensation appeals board continued. 1. Organization. There is hereby continued in the department of civil service the classification and compensation appeals board which shall consist of five members to be appointed by the governor, to serve at his pleasure, one of whom shall be a representative of the state civil service department whose salary shall be paid from the appropriations of such department, one of whom shall be a representative of the director of the budget whose salary shall be paid from the appropriations of the division of the budget and two of whom shall be employees of the state in the competitive or non-competitive class of the classified civil service whose salaries shall be paid from the appropriations of the state departments or other agencies by which they are employed. Vacancies in the membership of the board occurring from any cause shall be filled in the same manner as the original appointment. The board shall select one of its members as chairman and may, within the amounts appropriated therefor, appoint such officers and employees as may be required and prescribe their powers and duties. In the event one member of the board is not a state employee, the president of the state civil service commission may fix his compensation within the amount appropriated for the board.
- 2. Powers and duties. The classification and compensation appeals board shall make determinations of all appeals filed with such board. The board shall examine and review any such appeals and may make such changes in classification or allocation as may be just and equitable.
- § 120. Applications and appeals. 1. Applications to director. Any employee occupying a position, the title or salary grade of which is subject to the jurisdiction of the director of the classification and compensation division,

and any appointing officer, with respect to any such position or positions in his department or agency, may apply to the director, on a form prescribed and furnished by him, for a review and change of the classification or allocation of such positions. Such employee or appointing officer or their representatives shall be afforded a reasonable opportunity to present facts in support of or in relation to such application at a time and in such manner as may be specified by the director. The director shall examine and review any such application and may make such changes in classification or allocation as may be just and equitable. The director shall have the power to designate an officer or employee of the division to conduct a hearing with relation to any application for such reclassification or reallocation and to report to the director thereon.

- 2. Appeals to the board. Any employee or appointing officer aggrieved by a determination of the director, may appeal from such determination to the classification and compensation appeals board. Such appeal must be made within sixty days after receipt of written notice of such determination. Such employee or appointing officer or their representatives shall be afforded an opportunity to present facts and arguments in support of or in relation to such appeal at a time and place and in such manner as may be prescribed by the board. Determinations of the board shall be transmitted to the director of the budget, the director of the classification and compensation division and the employees and department heads affected thereby.
- 8 121. General provisions relating to classification and allocation. 1. Effective date of classification and allocation. Any classification or reclassification of a position and any allocation or reallocation of a position to a salary grade made by the director of the classification and compensation division or the classification and compensation appeals board pursuant to the provisions of this article shall become effective on the first day of the fiscal year following approval by the director of the budget and the appropriation of funds therefor, except that the director of the budget may, in his discretion, authorize an effective date prior to the first day of the ensuing fiscal year.
- 2. Salary rights and limitations. (a) Notwithstanding the provisions of paragraph (b) of this subdivision, the annual salary of any position, compensable on an annual basis, which is classified or reclassified, or which is allocated or reallocated to a salary grade pursuant to the provisions of this article shall not be reduced for the then permanent incumbent by reason of any provisions of this article so long as such position is held by then permanent incumbent.

(b) When a position is allocated pursuant to the provisions of this chapter to a salary grade in section one

hundred thirty of this chapter, the incumbent thereof, whether employed on a permanent or temporary basis, shall be paid the minimum salary of the salary grade to which such position is allocated, plus the number of increments which corresponds with the number of his years of service in such position; provided, however, that such incumbent shall not receive an annual salary in excess of the maximum salary of the grade to which his position is allocated or the amount to which he may be entitled pursuant to subdivision three of section one hundred thirty of this article, as the case may be.

- (c) No employee whose salary would be increased by such classification, reclassification, allocation or reallocation shall have any claim against the state for the difference, if any, between his former salary and that which he should receive as a result of such classification, reclassification, allocation or reallocation for the period prior to the date such change in title or salary grade becomes effective.
- 3. Status of employees. No employee whose position is reclassified shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of this chapter.
- 4. Limitations of use of preferred list. A preferred list established pursuant to section eighty-one of this chapter shall have no priority with reference to a new position created by the reclassification of an existing position pursuant to this article whenever the use of a preferred list for filling such new position would result in the suspension of an employee pursuant to the provisions of section eighty of this chapter.
- \$ 122. Eligibility of incumbents of positions not heretofore classified. A position to which the provisions of this article are hereafter extended shall be classified under an appropriate title. For the purpose of continuing the essential activities of the state without interruption, and notwithstanding any inconsistent provisions of this chapter, the president of the state civil service commission is empowered, without requiring an examination, to approve the continued employment of the permanent incumbent of such position under its classified title upon the certification of the director of the classification and compensation division that such incumbent has been satisfactorily performing the duties of such position for a period of at least one year immediately prior to such extension. After such classification becomes effective, such incumbent shall be entitled to the same salary, status, rights, privileges and benefits as if he had been originally appointed under this chapter to the position designated by the classified title. No such incumbent, by reason of any change in title, shall be deprived of any rights he might previously have acquired under this chapter for appointment, transfer, reinstatement or promotion.

§ 123. Prohibition against transfer of employees to competitive class. Nothing in title A of this article shall be construed to effect a transfer to the competitive class of the civil service of any employee not heretofore included in such service.

TITLE B

Salary Grades; Determination of Salaries

- Section 130. Salary grades; minimum and maximum salaries.
 - 131. Annual increment; determination of salaries.
 - 132. Reallocations; adjustment of salaries.
 - 133. Special provisions applicable to assignments, reassignments or promtions to and from the tuberculosis service.
 - 134. Work week of state officers and employees for basic annual salaries; overtime compensation.
 - 135. Extra salary or compensation prohibited.

\$ 130. Salary grades; minimum and maximum salaries. Salary grades for positions in the competitive, non-competitive and labor classes of the classified service of the state of New York shall be as follows:

Sal-	Minimum	Maximum	Annual		F	ates of	Compensa	ation		
ary	Annual	Annual	Incre-	First	Second	Third	Fourth	Fifth	Sixth	
Grade	Salary	Salary	ment	Year	Year	Year	Year	Year	Year	
1	\$2,980	\$3,725	\$149	\$2,980	\$3,129	\$3,278	\$3,427	\$3,576	\$3,725	
2	3,100	3,875	155	3,100	3,255	3,410	3,565	3,720	3,875	
3	3,260	4,070	162	3,260	3,422	3,584	3,746	3,908	4,070	
4	3,420	4,265	169	3,420	3,589	3,758	3,927	4,096	4,265	
5	3,580	4,465	177	3,580	3,757	3,934	4,111	4,288	4,465	
6	3,780	4,705	18 5	3,780	3,965	4,150	4,335	4,520	4,705	
7	3,990	4,955	193	3,990	4,183	4,376	4,569	4,762	4,955	
8	4,220	5,225	201	4,220	4,421	4,622	4,823	5,024	5,225	
9	4,460	5,510	210	4,460	4,670	4,880	5,090	5,300	5,510	
10	4,720	5,815	219	4,720	4,939	5,158	5,377	5,596	5,815	
11	5,000	6,140	228	5,000	5,228	5,456	5,684	5,912	6,140	
12	5,280	6,470	238	5,280	5,518	5,756	5,994	6,232	6,470	
13	5,590	6,830	248	5,590	5,838	6,086	6,334	6,582	6,830	
14	5,910	7,205	259	5,910	6,169	6,428	6,687	6,946	7,205	
15	6,240	7,590	270	6,240	6,510	6,780	7,050	7,320	7,5 9 0	

16 17 18 19 20	6,590 6,960 7,350 7,740 8,130	8,000 8,435 8,895 9,355 9,815	282 295 309 323 337	6,590 6,960 7,350 7,740 8,130	6,872 7,255 7,659 8,063 8,467	8,386	7,436 7,845 8,277 8,709 9,141	7,718 8,140 8,586 9,032 9,478	8,000 8,435 8,\$95 9,355 9,815
21 22 23 24 25	8,560 9,010 9,480 9,980 10,520	10,315 10,840 11,385 11,960 12,575	351 366 381 396 411	9,010 9,480 9,980	8,911 9,376 9,861 10,376 10,931	10,242	9,613 10,108 10,623 11,168 11,753	9,964 10,474 11,004 11,564 12,164	11,385 11,960
26 27 28 29 30	11,080 11,680 12,300 12,950 13,630	13,210 13,890 14,590 15,320 16,080	426 442 458 474 490	11,680 12,300 12,950	11,506 12,122 12,758 13,424 14,120	12,564 13,216 13,898	12,358 13,006 13,674 14,372 15,100	12,784 13,448 14,132 14,846 15,590	13,890 14,590 15,320
31 32 33 34 35	14,360 15,130 15,950 16,810 17,680	16,890 17,740 18,640 19,580 20,530	506 522 538 554 570	15,130 15,950 16,810	14,866 15,652 16,488 17,364 18,250	16,174 17,026 17,918	15,878 16,696 17,564 18,472 19,390	16,384 17,218 18,102 19,026 19,960	17,740 18,640 19,580
36 37 38	18,570 19,550 18,820+	21,500 22,560	586 602		19,156 20,152		20,328 21,356	20,914 21,958	

- 2. Limitations on allocation of positions. All positions allocated pursuant to title A of article eight of this chapter shall be allocated to an appropriate salary grade as prescribed in subdivision one of this section, provided, however:
- (a) Positions which were allocated on January first, nineteen hundred forty-seven, to occupational service six, seven, eight-a, ten-b, ten-c, ten-e and eleven of section forty of the civil service law as in force and effect on such date shall not be reallocated to a salary grade lower than grade nine.
- (b) All positions in a promotional series shall be allocated to salary grades which shall properly reflect the varying degrees of responsibilities, training and duties required to be performed.
- (c) No positions shall be allocated to salary grades one and two except (1) positions in the labor class, or (2) positions which were allocated to salary grade one on September thirtieth, nineteen hundred fifty-four, or (3) positions of a similar nature thereafter classified pursuant to the provisions of this article. The provisions of this subdividion shall not be construed to prohibit the allocation of such positions to higher salary grades.

Additional increment. Notwithstanding any inconsistent provision of this chapter, when an employee holding a position allocated to a salary grade prescribed in subdivision one of this section has reached, by or after April first. nineteen hundred forty-nine, a salary equal to or in excess of the maximum salary of the grade of his position and thereafter has rendered continuous service in such position, or in a position in the same salary grade, he shall be entitled, on the first day of the fiscal year following completion of five years of such service, to an additional increment of the grade to which his position is allocated, and following completion of ten years of such service, to a second additional increment of such grade. The salary of such employee shall not be increased, pursuant to the provisions of this subdivision, to an amount in excess of the maximum salary of the grade of his position plus one additional increment of such grade or, upon qualifying for such second additional increment, to an amount in excess of the maximum salary of the grade of his position plus two additional increments of such grade.

For the purposes of this subdivision: (a) an employee who has reached a salary equal to or in excess of the maximum salary of the grade of his position and whose position, on or after April first, nineteen hundred forty-nine, is reallocated to a higher salary grade shall be deemed to have had continuous service at the maximum salary of the grade of his position, notwithstanding the fact that, as a result of such reallocation, he is not receiving the maximum salary of the higher salary grade to which his position is reallocated;

- (b) an employee who has not reached the maximum salary of the grade of his position and whose position, on or after April first, nineteen hundred forty-nine, is reallocated to a higher salary grade shall be deemed to have reached the maximum salary of the grade of his position on the date on which he would otherwise have reached the maximum salary of the grade from which his position was reallocated;
- (c) when a position, on or after April first, nineteen hundred forty-nine, is reclassified to a title allocated to a higher salary grade, and the incumbent thereof is declared eligible by the state civil service commission or the president thereof for appointment to such position without examination, his eligibility for additional increments authorized by this subdivision shall be determined as though his position had been reallocated to such higher salary grade;
- (d) when an employee is appointed or promoted to a position in a higher salary grade or when a position is reclassified to a title allocated to a higher salary grade and the incumbent thereof is appointed or promoted to such reclassified title and required to qualify for such appointment or promotion by examination, his eligibility for additional increments authorized by this subdivision shall be determined on the basis of his service after the date of such appointment or promotion;
- (e) an employee who has been on a preferred list pursuant to section eighty-one of this chapter, or section two hundred forty-three of the military law, or who has been on

leave of absence, or who has resigned, and who has been reinstated to his position or a similar position with the approval of the state civil service department, shall be deemed to have continuous service; provided, however, that such employee shall be credited with service in his position only in a fiscal year for which he would otherwise be entitled to receive an increment in such position if he were not receiving a salary equal to or in excess of the maximum salary of the grade of his position;

(f) an employee shall not be credited with service in his position in any fiscal year where such service was unsatisfactory under the provisions of section one hundred forty of this chapter or insufficient under the provisions of subdivision six of section one hundred thirty-one of this chapter to render him eligible for an annual increment if he were not receiving a salary equal to or in excess of the maximum salary of the grade of his position, but the failure to receive credit for such year shall not constitute an interruption of his continuous service;

(g) when an employee is appointed, demoted or reinstated from a higher grade position to a lower grade position, he shall receive credit toward eligibility for additional increments in the lower grade position for his years of service in the higher grade position as though such service had been

rendered in the lower grade position;

(h) when an employee is assigned or reassigned pursuant to section one hundred thirty-three of this chapter from a non-T.B. position to the same titled T.B. position or from a T.B. position to the same titled non-T.B. position, he shall be eligible for the additional increments on the dates on which he otherwise would have become eligible for such additional increments if such assignment or reassignment had not occurred.

Increased minimum salaries. Whenever the director shall determine that it is impracticable to recruit for a position at its then minimum salary in one or more or all areas or locations, he, subject to the approval of the director of the budget, may increase the minimum salary of the salary grade of such position with respect to which such determination shall have been made, by one or two increment steps, or may increase the minimum salary of the salary grade by one, two, three, or four increment steps for positions in or closely related to the unskilled, semiskilled and skilled trades, or for positions where the number of incumbents in the title does not exceed twenty, or for positions for which community wage practices in private or public employment within the state have commonly established a narrower spread between the hiring rate and the maximum rate than the spread between the minimum and maximum rates of compensation prescribed in subdivision one of this sec-Such new minimum shall remain in effect until he shall prescribe a different minimum salary pursuant to this subdivision or restore the minimum salary to the minimum

salary set forth in this section. When any such increase is made with respect to one or more or all areas or locations, all incumbents of such positions who are employed in any state department, state institution or other state agency, in the particular area or areas or location or locations affected, who are receiving less than such new minimum salary shall have their salaries brought up to such minimum. For the purpose of computing future increments such incumbents and new employees in such positions shall be credited with the number of years of service in such positions which corresponds with such rate of compensation. The salary or compensation of any officer or employee appointed, promoted, demoted, transferred or reinstated to or from a position for which an increased minimum salary has been prescribed under the provisions of this subdivision, shall be determined as follows:

(a) The incumbent of any such position, for which an increased minimum salary is prescribed under the provisions of this subdivision, who is appointed, transferred or reinstated to the same titled position in an area or location to which the same increased minimum salary does not apply shall receive, upon such appointment transfer or reinstatement, the salary he would have received had he been originally employed in such area or location to which he is appointed, transferred or reinstated.

(b) The incumbent of any such position for which an increased minimum salary is prescribed under the provisions of this subdivision, who is appointed, transferred, reinstated or demoted to another position in the same or a lower salary grade, for which an increased minimum salary is not prescribed, shall receive, upon such appointment, transfer, reinstatement or demotion, the rate of compensation which he would be entitled to receive had his service for the period of time during which he held the position from which he is appointed, transferred, reinstated or demoted, been rendered in the position to which he is appointed, transferred, reinstated or demoted, reinstated or demoted.

- (c) The incumbent of any such position for which an increased minimum salary is prescribed under the provisions of this subdivision, who is appointed, transferred, reinstated or demoted to another position in the same or a lower salary grade for which an increased minimum salary is also prescribed under the provisions of this subdivision, shall receive, upon such appointment, transfer, reinstatement or demotion, the rate of compensation which he would be entitled to receive had his service for the period of time during which he held the position from which he is appointed, transferred, reinstated or demoted, been rendered in the position to which he is appointed, transferred, reinstated or demoted, reinstated or demoted.
- (d) The incumbent of any such position for which an increased minimum salary is prescribed under the provisions of this subdivision, who is appointed or promoted to another position in a higher salary grade, shall receive, upon such

appointment or promotion, a salary as determined pursuant to the provisions of subdivision two of section one hundred thirty-one of this chapter.

- (e) The incumbent of a position for which an increased minimum salary is not prescribed under the provisions of this subdivision, who is appointed, transferred, demoted or reinstated to a position in the same or a lower salary grade for which an increased minimum salary is prescribed, or to the same titled position in an area or location for which an increased minimum salary is prescribed for such position, shall receive, upon such appointment, transfer, demotion or reinstatement, the minimum salary of the grade of such new position as prescribed in subdivision one of this section plus the number of annual increments which corresponds with the number of years actually served in the positions from which and to which he is appointed, transferred, demoted or reinstated; provided, however, that he shall receive at least the increased minimum salary of such new position as prescribed under the provisions of this subdivision.
- (f) Where an increased minimum salary prescribed under the provisions of this subdivision for any position is reduced or discontinued, the salary of a then incumbent of such position shall not be reduced.
- Annual increments; determination of salaries. 1. Rates of compensation. An employee holding a position allocated to one of the salary grades included in section one hundred thirty of this chapter shall receive the minimum salary of the salary grade to which his position is allocated, plus the number of increments which corresponds with the number of his years of service in such position, unless his services during the year immediately preceding shall have been found to be inefficient and unsatisfactory under the rules established by the commission, which rules shall be posted or published and shall, so far as practicable, be uniform throughout the service. No employee shall receive an increment which would result in his receiving an annual salary in excess of the maximum of the salary grade to which his position is allocated or of the amount to which he may be entitled pursuant to subdivision two of section one hundred thirty of this article.
- 2. Appointments and promotions to higher grade positions. If such employee is appointed or promoted to a position in a higher grade, he shall receive an increase in salary, upon such appointment or promotion, which is equivalent to the full increment payable in the position to which he is appointed or promoted, or he shall be paid the minimum salary of the grade of the position to which he is appointed or promoted, whichever results in a higher annual salary. For the purpose of computing future increments such employee shall be credited with the number of years of service in such position which corresponds with his

resulting rate of compensation.

- Appointments, transfers, reinstatements and demotions to lower grade positions. If such employee is demoted to a position in a lower grade, pursuant to section eighty of this chapter, or is appointed, transferred or reinstated to a position in a lower grade, he shall, upon such demotion, appointment, transfer, or reinstatement, receive the rate of compensation which corresponds with the total number of his years of service in the positions from which and to which he is demoted, appointed, transferred or reinstated, as the case may be, and, for the purpose of computing future increments, he shall be credited with the number of years of service in such position which corresponds with such rate of compensation. If an employee is demoted to a position in a lower grade pursuant to section seventy-five of this chapter, he shall, upon such demotion, be paid the salary in such lower grade which corresponds with the number of his years of service in the grade from which he was demoted, or, in the discretion of the appointing officer, he may be paid a higher rate of compensation, not exceeding the maximum of the grade to which such position is allocated, and not exceeding the rate of compensation received prior to such demotion, and for the purpose of computing future increments. he shall be credited with the number of years of service in such position which corresponds with such rate of compensation.
- 4. Appointment, transfers and reinstatements to similar grade positions. If such employee is transferred to a similar position, or is appointed or reinstated to a position in the same salary grade, he shall be paid the same salary in such new position as he received in his former position, except that, in the case of a transfer, if such salary does not correspond with the schedule established for the new position, he shall be paid the rate of compensation for the new position which most nearly corresponds with the salary he is then receiving. An employee so appointed, transferred or reinstated shall be eligible to receive the increments in the schedule established for the new position based upon the number of his years of service in the new position and in his former position.
- 5. Appointments, promotions, reinstatements, and transfer of employees occupying non-allocated positions. An employee in the service of the state or of a public authority under the civil service jurisdiction of the state department of civil service who has been continuously occupying a position which is not allocated to one of the salary grades described in section one hundred thirty of this chapter and who is appointed, promoted, reinstated, or transferred to a position allocated to one of the salary grades in such section the minimum salary of which is equal to or lower than the annual rate of compensation then

received by such employee, shall, upon such appointment, promotion, reinstatement or transfer, be paid the minimum salary of the grade of such allocated position plus the number of increments which corresponds to the number of years of his service in his former unallocated position or positions during which he received a salary equal to or in excess of the minimum salary of the position to which he is appointed, promoted, reinstated or transferred, not to exceed the salary that he was receiving in his former position immediately prior to the date of such appointment, promotion, reinstatement or transfer, and not to exceed the maximum salary of his new position or the amount to which he may be entitled pursuant to subdivision two of section one hundred thirty of this article, as the case For the purpose of computing future increments, he shall be credited with the number of years of service in such new position which corresponds with such rate of compensation. For the purposes of this subdivision, the annual rate of compensation of the incumbent of an unallocated position compensable on an hourly or per diem basis or on any basis other than at an annual salary rate, shall be deemed to be the compensation which would have been payable if the services were required on a full time annual basis for the number of hours per day and days per week established by law or administrative rule or order.

Accrual of increments. Annual increments shall take effect on the first day of each fiscal year, subject, however, to the provisions of section forty-four of the state finance law. An employee who has at least twelve complete payroll periods of actual service during the fiscal year in his position shall be eligible to receive an increment in such position on the first day of the next succeeding fiscal year; provided, however, that an employee appointed or promoted pursuant to the provisions of subdivision two of this section at any time during the fiscal year, who received an increase in salary upon such appointment or promotion which was less than two full increments of the grade of the position to which he was appointed or promoted shall be eligible to receive in such position on the first day of the next succeeding fiscal year the difference between two full increments of the grade of such position and the increase in salary which he received upon such appointment or promotion, notwithstanding the fact that he has less than twelve complete payroll periods of actual service in such position during the fiscal year. Notwithstanding the provisions of this section, where an employee receiving the maximum salary of the grade of his position is appointed or promoted to a position in the next higher salary grade, his salary on the first day of the fiscal year on which he would otherwise be entitled to the additional increment of the grade of his former position shall not be less than the salary to which he would be entitled if such appointment or promotion occurred on such first day of the fiscal year.

- 7. Service credit for temporary and provisional employment. Except as otherwise expressly provided herein, temporary or provisional service shall be treated in the same manner as permanent service for the purposes of this section.
- § 132. Reallocations; adjustment of salaries. 1. When any position allocated to a salary grade in section one hundred thirty of this chapter is reallocated to a higher salary grade effective as of April first in any fiscal year:
- (a) A then incumbent whose annual salary immediately preceding the effective date of such reallocation is less than the minimum annual salary of the new grade shall receive on such effective date the annual increment of such new grade provided he is entitled thereto pursuant to other provisions of this chapter, or the minimum annual salary of such new grade, whichever results in a higher annual salary.
- (b) A then incumbent whose annual salary immediately preceding the effective date of such reallocation is equal to or in excess of the minimum annual salary of the new salary grade, shall, provided he is entitled thereto pursuant to other provisions of this chapter, receive on such date the annual increment of the new salary grade.
- 2. When any position allocated to a salary grade in section one hundred thirty of this chapter is reallocated to a higher salary grade, effective as of a date other than April first in any fiscal year:
- (a) A then incumbent who, on April first preceding the effective date of such reallocation, received no annual increment because his annual salary was equal to or in excess of the maximum annual salary of the grade to which his position was then allocated, or was equal to or in excess of such maximum annual salary plus the additional increment, shall have his salary increased, on the effective date of such reallocation, by the annual increment or additional increment of the new salary grade, provided he is entitled thereto pursuant to other provisions of this chapter.
- (b) A then incumbent who, on April first preceding the effective date of such reallocation, received only that part of an annual increment which increased his annual salary to the maximum annual salary of the grade to which his position was then allocated, or to the additional increment above such maximum annual salary, shall have his salary increased, on the effective date of such reallocation, by the difference between such partial increment and the annual increment or additional increment of the new salary grade.
- (c) A then incumbent who, on April first preceding the effective date of such reallocation, received an annual increment, and whose position is reallocated to a salary grade having a greater annual increment than the increment so received, shall have his annual salary immediately preceding such reallocation increased on the effective date

of such reallocation by the difference between such annual increment so received and the annual increment of the salary grade to which his position is reallocated.

- (d) A then incumbent whose annual salary is less than the minimum annual salary of the new salary grade on the effective date of such reallocation shall in no event receive less than such minimum annual salary on such date.
- 3. In order to adjust salaries to correspond with the salaries specified in sections one hundred thirty and one hundred thirty-one of this chapter, and notwithstanding the provisions of such sections, the annual salary of any employee which is less than the specified rate of compensation for his period of service in such position, shall be increased annually, on April first, by the annual increment of the grade to which his position is allocated, until his annual salary corresponds with the rate of compensation to which he would otherwise be entitled. The annual salary of any employee which on the first day of any fiscal year is less than the minimum salary of the grade to which his position is allocated, as specified in section one hundred thirty of this chapter, shall be increased on such date to the minimum salary of such grade.
- 4. The provisions of this section shall apply to temporary and provisional employees, as well as permanent employees.
- \$ 133. Special provisions applicable to assignments, reassignments or promotions to and from the tuberculosis service. l. Definitions. (a) The term "T.B. position" means a position in a state department or institution which has been or may be classified by the director of the classification and compensation division as being in the tuberculosis service.
- (b) The term "non-T.B. position" means a position which has not been classified by the director of the classification and compensation division as being in the tuberculosis service.
- 2. Assignments and reassignments. An appointing officer may, in his discretion, assign or reassign an employee occupying a non-T.B. position to the same titled T.B. position and assign or reassign an employee occupying a T.B. position to the same titled non-T.B. position. Notwithstanding the provisions of any law to the contrary, such assignment or reassignment shall not be deemed to be a promotion, a demotion or a transfer.
- 3. Salary adjustments and increment credit upon assignment or reassignment.
- (a) Notwithstanding the provisions of any law to the contrary, the annual salary of any employee upon assignment or reassignment from a non-T.B. position to the same titled

T.B. position shall be determined as follows:

(1) an employee whose salary in his non-T.B. position is identical with the first, second, third, fourth, fifth or sixth year rate of compensation of the salary grade of such position shall receive the rate of compensation of the salary grade of the T.B. position which corresponds to the rate of compensation received by such employee in his non-T.B. position;

- (2) an employee whose salary in his non-T.B. position is less than the maximum salary of the grade of such position and is not identical with the first, second, third, fourth or fifth year rate of compensation of the salary grade of such position shall receive a salary increase equal to the difference between the rate of compensation of the salary grade of his non-T.B. position next higher than the salary of such employee in such position and the rate of compensation of the salary grade of the T.B. position which corresponds to such next higher rate of compensation of his non-T.B. position;
- (3) an employee whose salary in his non-T.B. position exceeds the maximum salary of the grade of such position shall receive a salary increase equal to the difference between the maximum salary of the grade of his non-T.B. position plus one additional increment of such grade and the maximum salary of the grade of the T.B. position plus one additional increment of such grade; provided, however, that the salary of an employee shall not be increased pursuant to this subparagraph to an amount in excess of the maximum salary of the grade of his T.B. position plus one additional increment of such grade.

(b) Notwithstanding the provisions of any law to the contrary, the annual salary of an employee upon assignment or reassignment from a T.B. position to the same titled non-T.B. position shall be determined as follows:

- (1) an employee whose salary in his T.B. position is identical with the first, second, third, fourth, fifth or sixth year rate of compensation of the salary grade of such position shall receive the rate of compensation of the salary grade of the non-T.B. position which corresponds to the rate of compensation received by such employee in his T.B. position;
- (2) the salary of an employee whose salary in his T.B. position is less than the maximum salary of the grade of such position and is not identical with the first, second, third, fourth or fifth year rate of compensation of the salary grade of such position, shall be reduced by an amount equal to the difference between the rate of compensation of the salary grade of his T.B. position next higher than the salary of such employee in such position and the rate of compensation of the salary grade of the non-T.B. position which corresponds to such next higher rate of compensation of his T.B. position;
- (3) the salary of an employee whose salary in his T.B. position exceeds the maximum salary of the grade of such

position shall be reduced by an amount equal to the difference between the maximum salary of the grade of his T.B. position plus one additional increment of such grade and the maximum salary of the grade of the non-T.B. position plus one additional increment of such grade; provided, however, that the salary of such an employee shall not be less than the rate of compensation previously received by him in such non-T.B. position prior to his assignment or reassignment to his T.B. position.

(c) For the purpose of computing future increments, an employee assigned or reassigned from a non-T.B. position to a T.B. position, or vice versa, pursuant to the provisions of this subdivision, shall be credited with the number of years of service in his new position which corresponds with his rate of compensation in such new position as determined pursuant to the provisions of subparagraphs one

or two, as the case may be, of this paragraph.

(d) Notwithstanding the repeal of paragraph c of subdivision five of section forty of the civil service law by chapter three hundred ninety-eight of the laws of nineteen hundred fifty-six, the salary of an employee who is hereafter assigned or reassinged from a T.B. position to a non-T.B. position pursuant to section one hundred thirtythree of this chapter shall not be less than he would otherwise be entitled to receive pursuant to such paragraph c if such paragraph had not been repealed.

- 4. Salaries upon promotion. (a) Notwithstanding the provisions of any law to the contrary, an employee who is promoted from a T.B. position to a higher titled non-T.B. position shall receive upon such promotion the annual salary to which he would be entitled had his position immediately prior to such promotion been in the non-T.B. service.
- (b) Notwithstanding the provisions of any law to the contrary, an employee who is promoted from a non-T.B. position to a higher titled T.B. position shall receive upon such promotion the annual salary to which he would be entitled had his position immediately prior to such promotion been in the T.B. service.
- \$ 134. Work week of state officers and employees for basic annual salaries; overtime compensation. 1. For all state officers and employees, other than officers and employees of the legislature and the judiciary and other than those who shall be excluded pursuant to the rules and regulations hereafter mentioned, the work week for basic annual salary shall not be more than forty hours; and, notwithstanding any inconsistent provisions of law, and subject to the rules and regulations promulgated by the director of the budget, any such state officer and employee who is authorized or required to work more than forty hours in any week in his regular position or title or in a position the title of which is allocated to the same salary grade as his regular position, shall receive overtime compensation for the

hours worked in excess of forty in each week at the hourly rate of pay received by such employee in his regular position, or shall be allowed an equivalent amount of time off in lieu of such overtime compensation. When an employee shall work overtime in a position which has a title which is allocated to a lower salary grade than the salary grade to which the title of his regular position is allocated, the hourly rate for such overtime shall be the hourly rate of pay of the maximum salary of the grade of the position in which he shall work overtime, or such maximum salary plus the additional increment, if he would be entitled to such additional increment were he then appointed to such position; provided, however, that when such hourly rate exceeds the hourly rate of pay received by him in his regular position, he shall receive the hourly rate of his regular position, or he shall be allowed an equivalent amount of time off in lieu of such overtime compensation. When an employee works overtime in a position allocated to a salary grade higher than the salary grade to which his regular position is allocated, he shall receive overtime compensation at the hourly rate of pay of the rate of compensation to which he would be entitled if he were permanently promoted to the position in which such overtime work is performed, or he shall be allowed an equivalent amount of time off in lieu of such overtime compensation.

- Any person employed by the state in any institution under the jurisdiction of the department of mental hygiene, the department of correction, the department of health or the department of social welfare, or in the state barge canal system, or in the New York state school for the blind, Batavia, or in the New York state veterans' rest camp, Mt. McGregor, whose hours of labor are limited to forty hours per week, or six days per week, by law or administrative regulation, who is not allowed time off by the appointing officer, during any fiscal year commencing on or after April first, nineteen hundred forty-six, for any holiday, pass day or vacation period which he was eligible to receive by law or by administrative regulation, shall, upon the approval of the superintendent or other head of such institution or department and the director of the budget, be entitled to compensation therefor at the hourly rate of pay received by such employee, or shall be allowed an equivalent amount of time off in lieu of such compensation.
- 3. The amount received as overtime compensation under this section shall be regarded as salary or compensation for any of the purposes of any pension or retirement system in which the employee receiving the same is a member. Overtime compensation shall not be regarded as salary or compensation for the purpose of determining the right to any increase of salary or any salary increment on account of length of service or otherwise. No such overtime compensation shall be construed to constitute a promotion or to increase any compensation which a public employee may receive

pursuant to section six of chapter six hundred eight of the laws of nineteen hundred fifty-two.

- The director of the budget shall promulgate, and may from time to time amend or rescind, rules and regulations for carrying into effect the provisions of this Such rules and regulations, among other things, section. may classify and define positions and employments for the purposes of this section, and otherwise provide appropriate formulas for determining overtime compensation as herein Such rules and regulations may exclude any title or individual position or positions, when the nature of the duties performed or the difficulty of maintaining adequate time controls makes it impracticable to apply to such title or individual position or positions the provisions of this section which prescribe a work week for basic salary and provide for overtime compensation or compensating time off in lieu thereof.
- 5. To the extent that appropriations heretofore or hereafter made for personal service in any state department, division, institution or other state agency are sufficient for the purpose, they shall be available for the payment of overtime compensation provided under this section, after audit by and upon the warrant of the state comptroller and the certification prescribed by law for the payment of the regular compensation of such employees.
- S 135. Extra salary or compensation prohibited. 1. No person holding a position or employment in any department, bureau, commission or office to which this article applies and for which a definite salary or compensation has been appropriated or designated, shall receive any extra salary or compensation in addition to that so fixed except overtime compensation as provided in section one hundred thirty-four of this chapter.
- Any contribution by the state of food, lodging or maintenance, or any commutation in lieu of maintenance, except traveling expenses and field allowances, shall be considered as part of the salary established by section one hundred thirty of this chapter. The fair value of such food, lodging, maintenance or commutation shall be determined by the director of the budget and may in his discretion be deducted from the salary established by said section. No employee shall board or lodge away from any institution or hospital which regularly furnishes food, lodging or maintenance, without the permission of the head of the institution or department by which he is employed. The director of the budget may deduct from the salary of any employee who fails to obtain such permission, the fair value of food, lodging or maintenance which such institution or hospital has offered to furnish to such employee. Whenever a chaplain employed in any state institution is not furnished

a residence by the state, twenty per cent of his annual salary shall be deemed to constitute the amount to be paid to him in lieu of such residence.

CHAPTER 323

AN ACT TO TRANSFER THE FUNCTIONS, POWERS AND DUTIES OF THE CLASSIFICATION AND COMPENSATION APPEALS BOARD TO THE STATE CIVIL SERVICE COMMISSION.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- Section 1. Transfer of functions. All functions, and powers possessed by and all obligations and duties of the classification and compensation appeals board in the department of civil service, created by chapter three hundred fifty-five of the laws of nineteen hundred forty-nine and last continued by chapter seven hundred ninety of the laws of nineteen hundred fifty-eight, are hereby transferred and assigned to, assumed by and devolved upon the state civil service commission.
- 2. Transfer of records. The chairman of the classification and compensation appeals board shall deliver to the president of the state civil service commission all books, papers, records and property of the classification and compensation appeals board.
- 3. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the state civil service commission shall be deemed and held to constitute the continuation of the classification and compensation appeals board, and not a different agency or authority.
- 4. Continuance of orders, rules and regulations. All orders, rules, regulations, acts, determinations and decisions of the classification and compensation appeals board in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as orders, rules, regulations, acts, determinations and decisions of the state civil service commission until duly modified or abrogated by the state civil service commission.
- 5. Completion of unfinished business. Any proceeding or other business or matter undertaken or commenced by or before the classification and compensation appeals board, and pending on the effective date of this act, may be conducted and completed by the state civil service commission in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the classification and compensation appeals board.
- 6. Classification and compensation appeals board abelished. The classification and compensation appeals

board in the department of civil service, created by chapter three hundred fifty-five of the laws of nineteen hundred forty-nine and last continued by chapter seven hundred ninety of the laws of nineteen hundred fifty-eight, is hereby abolished.

- 7. Terms occuring in laws, contracts and other documents. Whenever the classification and compensation appeals board is referred to or designated in any law, contract or other document, such reference or designation shall be deemed to refer to and include the state civil service commission.
- 8. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost or impaired or affected by reason of this act.
- 9. This act shall take effect April first, nineteen hundred sixty.

CHAPTER 325

AN ACT to amend the state finance law, in relation to the payment of increases in the salaries of state officers and employees resulting from reclassifications and real-locations on the first day of a bi-weekly payroll period

Became a law March 24, 1958, with the approval of the Governor. Passed by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision eight of section forty-four of the state finance law, as added by chapter one hundred ninety-one of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

Notwithstanding any other provisions of this chapter or of any other law, when any officer or employee of the state whose compensation is payable in accordance with section six of this chapter is granted an increment or increase in salary or compensation pursuant to statute or pursuant to budgetary appropriation or as a result of reclassification or reallocation, which increment or increase is otherwise effective on the first day of a fiscal year, such increment or increase shall be added to the salary or compensation of such officer or employee at the beginning of that payroll period the first day of which is nearest to the first day of the fiscal year; provided, however, that for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement or other change of status, such increment or increase shall be deemed to be effective on the first day of the fiscal year, and the payment thereof, pursuant to this subdivision, on a date prior to the first day of any fiscal year, instead of on the first day of such fiscal year, shall not operate to confer any additional salary or increment rights or benefits upon any officer or employee.

TITLE CODE BOOK

CODE TO ABBREVIATIONS

STANDARD ABBR	EVIATION	<u>s</u>	·	ì
Administratio	nADMN	DivisionDIV	President	PRES
Administrativ	eADMV	EducationEDU	C Principal	PRIN
Administrator	ADMR	EngineerENG	R Recruit (See Be	low)REC
Assistant	Asst	ExecutiveEXE	C Representative.	REP
Associate	ASSOC	ExaminerEXA	MR Research	RSCH
Attorney	ATTY	GeneralGEN	Senior	SR
Building	BLDG	HeadHD	Superintendent.	SUPT
Bureau	BUR	HospitalHOS	P Supervising	SUPVG
Commission	COMM	JuniorJR	Supervisor	SUPR
Commissioner	COMMR	MachineMAC	H Tabulating	TAB
Department	DEPT	MaintenanceMAI	NT Training	TRNG
Deputy	DEP	ManagerMGR	T B Service	TBS
Director	DIR	New YorkNY	Tuberculosis	TB
District	DIST	OperatorOPE	Unemployment In	surance.UI
			Welfare	WELF
Titles in part personnel is a follows:	icular aguthorized	gencies or areas, d above the minim	where the recruit um salary, are sho	tment of Dwn as
•	Examples		Reads	
	Nurse 3rd yr ra	ate Sing Sing	Head Nurse Recruit at the 3rd of Grade 11 at Sir Prison	l y ear rate ng Sing
83-412 Rehal	oilitatic 3rd yr ra	ite Statewide	Rehabilitation Cou Recruit at the 3rd of Grade 16 Statew	vear rate

SALARY GRADES SCHEDULE NEW YORK STATE CLASSIFIED SERVICE

(Covering competitive, non-competitive, and labor class positions in the classified civil service)

EFFECTIVE AUGUST 1, 1962

Salary	Minimum	Maximum	Annual	RATES OF COMPENSATION							25 .
Grade	Annual Salary	Annual Salary	Incre- ment	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year	¹ Longev- ity Step	² Extra Longevit Step
1	\$2,980	\$3,725	\$149	\$2,980	\$3,129	\$3,278	\$3,427	\$3,576	\$3,725	\$2.074	£4.000
2	3,100	3,875	155	3,100	3,255	3,410	3,565	3,720	3,875	\$3,874	\$4,023
3	3,260	4,070	162	3,260	3,422	3,584	3,746	3,908	4,070	4,030	4,185
4	3,420	4,265	169	3,420	3,589	3,758	3,927	4,096		4,232	4,394
5	3,580	4,465	177	3,580	3,757	3,934	4,111	4,288	4,265 4,465	4,434 4,642	4,603 4,819
6	3,780	4,705	185	3,780	3,965	4,150	4,335	4,520	4,705	4 000	
7	3,990	4,955	193	3,990	4,183	4,376	4,569	4,762	4,955	4,890	5,075
8	4,220	5,225	201	4,220	4,421	4,622	4,823	5,024		5,148	5,341
9	4,460	5,510	210	4,460	4,670	4,880	5,090	5,300	5,225	5,426	5,627
10	4,720	5,815	219	4,720	4,939	5,158	5,377	5,596	5,510 5,815	5,720 6,034	5,930 6,253
11	5,000	6,140	228	5,000	5,228	5,456	5 404	5.010			
12	5,280	6,470	238	5,280	5,518	5,756	5,684	5,912	6,140	6,368	6,596
13	5,590	6,830	248	5,590	5,838	6,086	5,994	6,232	6,470	6,708	6,946
14	5,910	7,205	259	5,910	6,169	6,428	6,334	6,582	6,830	7,078	7,326
15	6,240	7,590	270	6,240	6,510	6,780	6,687 7,050	6,946 7,320	7,205 7,590	7,464 7,860	7,723 8,130
16	6,590	8,000	282	6,590	6,872	7.154	7 40 4				
17	6,960	8,435	295	6,960	7,255	7,154	7,436	7,718	8,000	8,282	8,564
18	7,350	8,895	309	7,350	7,255 7,659	7,550	7,845	8,140	8,435	8,730	9,025
19	7,740	9,355	323	7,740	8,063	7,968	8,277	8,586	8,895	9,204	9,513
20	8,130	9,815	337	8,130	8,467	8,386 8,804	8,709 9,141	9,032 9,478	9,355 9,815	9,678	10,001
21	8,560	10,315	351	0.540					7,013	10,152	10,489
22	9,010	10,840		8,560	8,911	9,262	9,613	9,964	10,315	10,666	11,017
23	9,480	11,385	366	9,010	9,376	9,742	10,108	10,474	10,840	11,206	11,572
24	9,980	11,960	381	9,480	9,861	10,242	10,623	11,004	11,385	11,766	12,147
25	10,520	12,575	396	9,980	10,376	10,772	11,168	11,564	11,960	12,356	12,752
		12,373	411	10,520	10,931	11,342	11,753	12,164	12,575	12,986	13,397
26 27	11,080	13,210	426	11,080	11,506	11,932	12,358	12,784	13,210	13,636	14,062
28	11,680	13,890	442	11,680	12,122	12,564	13,006	13,448	13,890	14,332	14,774
29	12,300	14,590	458	12,300	12,758	13,216	13,674	14,132	14,590	15,048	15,506
30	12,950	15,320	474	12,950	13,424	13,898	14,372	14,846	15,320	15,794	16,268
	13,630	16,080	490	13,630	14,120	14,610	15,100	15,590	16,080	16,570	17,060
31	14,360	16,890	506	14,360	14,866	15,372	15,878	16,384	16,890	17,396	17 000
32	15,130	17,740	522	15,130	15,652	16,174	16,696	17,218	17,740		17,902
33	15,950	18,640	538	15,950	16,488	17,026	17,564	18,102	18,640	18,262	18,784
34	16,810	19,580	554	16,810	17,364	17,918	18,472	19,026	19,580	19,178	19,716
35	17,680	20,530	570	17,680	18,250	18,820	19,390	19,960	20,530	20,134 21,100	20,688 21,670
36	18,570	21,500	586	18,570	19,156	19,742	20,328	20,914	21.500		
37	19,550	22,560	602	19,550	20,152	20,754	21,356	21,958	21,500	22,086	22,672
38	18,820 +					-0,. 34	21,330	41,738	22,560	23,162	23,764

¹Additional annual increment provided to employees who have rendered continuous and satisfactory service for <u>five years after</u> having attained the <u>maximum salary</u> of their grade.

²Second additional annual increment provided to employees who have rendered continuous and satisfactory service for ten years after having attained the maximum salary of their grade.

Trainee and Intern Salaries

Certain classes in State service are filled by the appointment of Trainees or Interns who, after a stipulated period of satisfactory service, are advanced to the class level for which they have been training. During their training period such employees are compensated at a flat annual rate. Listed below are the rates which will be effective upon the installation of the new salary schedule on August 1, 1962, for the Trainee titles indicated.

Trainee Title	Flat Annual Salary
Accounting Trainee Actuary Trainee Administrative Trainee	\$5500 5500 \$500 6500
Bacteriologist Trainee Bank Examiner Aide Bank Examiner Trainee Biophysicist Trainee	5500 5700 5500 5500
Chemist Trainee Civil Defense Representative Trainee Conservation Biologist Trainee	5500 5500 5500
Economist Trainee Education Trainee Electronic Computer Operator Trainee Electronic Computer Programmer Trainee Employment Security Claims Trainee Employment Security Placement Trainee Engineering Geology Trainee	5500 5500 4220 5500 5158 5158 5500
Fingerprint Clerk Trainee Forester Trainee	3260 5500
Home Economist Trainee	5500
Junior Insurance Examiner Trainee	5500
Key Punch Operator Trainee	3260
Legal Aide	5500
Milk Accounts Examiner Trainee	4720
Offset Printing Machine Operator Trainee	3260

Trainee Title	Flat Annual Salary
Parole Officer Trainee	\$5500
Planning Trainee	5500
Printing Machine Operator Trainee	3260
Public Administration Intern (Bachelor's Degree)	5500
Public Administration Intern (Master's Degree)	5910
Public Information Trainee	5500
Rehabilitation Counselor Trainee	5910
Sanitarian Trainee	5 500
Scientific Data Programmer Trainee	5500
Scientific Trainee	5500
Statistician Trainee	5500
Student Librarian	5500
Student Librarian A	4500
Tabulating Machine Operator Trainee	3260
Tax Examiner Trainee	~
Telephone Operator Trainee	5500 3260
Telephone Operator Typist Trainee	- -
	3260 5500
Test Development Trainee	5 500
Welfare Accounts Aide	5910
Welfare Accounts Trainee	5500

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	Man.	Sex.	Grade	K. A.	A STATE OF THE STA	Property of the second of the	R. C. S.
P)	\$4940 \$140 \$350 \$570 \$570 \$620 \$620 \$740 \$790 \$790 \$790 \$350 \$790 \$350 \$750 \$640 \$750 \$640 \$750 \$10,500 \$10,500 \$12,500 \$12,500 \$12,500 \$12,500 \$12,500 \$12,500	\$6020 6490 6440 6990 7230 7720 7720 7720 7720 8070 8350 8640 9230 9540 9860 10,180 10,500 11,170 11,510 11,510 11,510 11,510 11,510 11,500 12,220 12,950 13,700 14,080 14,470 14,870	UR. UP. UP. UP. UP. UP. UP. UP. UP. UP. UP	\$5310 5550 5750 5750 5990 6220 6470 6760 7750 7790 8060 8370 8680 980 980 9600 9920 10,600 10,940 11,290 11,290 12,750 12,750 13,140 13,520 13,520	\$4,70 6720 6980 7250 7510 7790 6080 8370 8680 9880 9920 10,600 10,940 11,290 11,640 12,370 12,370 12,750 13,140 13,520 13,920 14,730 15,140 15,140 15,990	\$370 370 420 430 450 450 450 560 650 660 670 760 860 860 920 970	\$4.00 470 450 520 540 560 650 650 650 670 670 760 760 790 810 830 840 920 940 940 1030 1050 1050
		For Renai		rades From C sed 78%	ld Schedule		
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SALARY GRADES SCHEDULE NEW YORK STATE CLASSIFIED SERVICE

(Covering competitive, non-competitive, and labor class positions in the classified civil service)

Effective April 1, 1959

	Miniaus	Maximum	Annual	Rates of Compensation						
Salary Grade	Annual Salary	Annual Salary	Incre- ment	First Year	Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year	Step Rate
1	\$2,700	\$3,244	\$136	\$2,700	\$2,836	\$2,972	\$3,108	\$3,244		\$3,380
2	2,800	3,500	140	2,800	2,940	3,080	3,220	3,360	\$3,500	3,640
3	2,920	3,650	146	2,920	3,066	3,212	3,358	3,504	3,650	3,798
4	3,050	3,810	152	3,050	3,202	3,354	3,506	3,658	3,810	3,962
5	3,190	3,980	158	3,190	3,348	3,506	3,664	3,822	3,980	4,138
6	3,340	4,160	164	3,340	3,504	3,668	3,832	3,996	4,160	4,324
7	3,500	4,350	170	3,500	3,670	3,840	4,,010	4,180	4,350	4,520
8	3,680	4,560	176	3,680	3,856	4,032	4,208	4,384	4,560	4,736
9	3,870	4,780	182	3,870	4,052	4,234	4,416	4,598	4,780	4,962
10	4,070	5,010	188	4,070	4,258	4,446	4,634	4,822	5,010	5,198
11	4,280	5,250	194	4,280	4,474	4,668	4,862	5,056	5,250	5,444
12	4,502	5,512	202	4,502	4,704	4,906	5,108	5,310	5,512	5,714
13	4,740	5,790	210	4,740	4,950	5.160	5,370	5,580	5,790	6,000
14	4,988	6,078	218	4,988	5,206	5,424	5,642	5,860	6,078	6,296
15	5,246	6,376	226	5,246	5,472	5,698	5,924	6,150	6,376	6,602
16	5,516	6,696	236	5,516	5,752	5,988	6,224	6,460	6,696	6,932
17	5,796	7,026	246	5,796	6,042	6,288	6,534	6,780	7,026	7,272
18	6,098	7,388	258	6,098	6,356	8,614	6,872	7,130	7,388	7,646
19	6,410	7,760	270	6,410	6,680	6,950	7,220	7,490	7,760	8,030
20	6,732	8,142	282	6,732	7,014	7,296	7,578	7,860	8,142	8,424
21	7,074	8,544	294	7,074	7,368	7,662	7,956	8,250	8,544	8,838
22	7,436	8,966	306	7,436	7,742	8,048	8,354	8,660	8,966	9,272
23	7,818	9,408	318	7,818	8,136	8,454	8,772	9,090	9,408	10,200
24	8,220	9,870	330	8,220	8,550	8,880	9,210	9,540	9,870	
25	8,652	10,362	342	8,652	8,994	9,336	9,678	10,020	10,362	10,704
26	9,104	10,874	354	9,104	9,458	9,812	10,166	10,520	10,874	11,782
27	9,586	11,416	366	9,586	9,952	10,318	10,684	11,050	11,416	
28	10,078	11,968	378	10,078	10,456	10,834	11,212	11,590	11,968 12,550	12,346
29	10,600	12,550	390	10,600	10,990	11,380	11,770	12,160	13,162	13,564
30	11,152	13,162	402	11,152	11,554	11,956	12,358	12,760	13,102	
31	11,734	13,804	414	11,734	12,148	12,562	12,976	13,390	13,804 14,476	14,218
32	12,346	14,476	426	12,346	12,772	13,198	13,624	14,050	15,188	15,626
33	12,998	15,188	438	12,998	13,436	13,874	14,312	14,750		
34	13,680	15,930	450	13,680	14,130	14,580	15,030	15,480 16,210	15,930 16,672	16,380
35	14,362	16,672	462	14,362	14,824	15,286	15,748	16,210	17,454	17,926
36	15,084	17,454	474	15,084	15,558	16;032	16,506			
37	15,856	18,286	486	15,856	16,342	16,828	17,314	17,800	18,286	18,772
38	15,286/	•								

Additional annual increment provided to employees who have rendered continuous and satisfactory service for five years after having attained the normal maximum pay of their salary grade.