



**Department of  
Civil Service**

Information for  
State Employees Affected by Layoffs

#### LEGAL DISCLAIMER

This guide is intended to be used as a practical and informative resource only and is not to be used as legal authority for any purpose. Specific legal authority comes exclusively from statute, rule and case law. We reserve the right to revise, modify or alter the contents of this guide at any time.

# Information for State Employees Affected by Layoff

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# Information for State Employees Affected by Layoff

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## INTRODUCTION

Being laid off is an understandably traumatic experience. Employees react with disbelief, fear, anger, uncertainty, and depression. The experience can seem even worse if employees do not understand the layoff process or believe that they have no control over what is happening to them.

The information in this booklet will help you understand what has happened and what you can do to exercise your reemployment rights. The booklet also provides sources of detailed information on other topics related to your employment with New York State, such as retirement and health insurance.

**You should read this book completely as soon as you receive it.** It is important that you understand the information concerning canvasses, interviews, job offers, appointments, and declinations.

Questions on the details of your specific layoff situation should be discussed with your agency personnel office first. Questions about your reemployment right and opportunities can best be answered by the appropriate units in the Department of Civil Service (see page 22 for telephone numbers).

You should keep this book where you can **refer** to it easily.

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## WHO HAS RIGHTS IN LAYOFF SITUATIONS

This book was written primarily for employees affected by a reduction in force who have retention and reemployment list rights under Sections 80, 80-a, 81, 81-a, and 81-b of the Civil Service Law. Employees who have these rights include:

- permanent competitive class employees, including probationers and contingent permanent employees.
- permanent non-competitive class employees with five years\* of unbroken service in the non-competitive class who are not serving in positions designated as confidential or policy-influencing.
- permanent labor class employees with five years\* of unbroken service in the labor class.

Other employees are also affected by layoffs. While they may have no retention or preferred list rights, they should read the sections in this booklet beginning on page 20 concerning leave accruals, etc. Employees who do not have retention or preferred list rights include:

- provisional and temporary employees having no permanent hold items.
- employees in exempt and unclassified service positions.
- non-competitive class employees in positions which are designated as confidential or policy-influencing.
- non-competitive and labor class employees with less than five years\* of unbroken service in that jurisdictional class.

\* Note: For some employees the five year requirement of Section 75(1)(c) has been reduced to one year of unbroken service by negotiated agreement with certain employee organizations.

## CONCEPTS YOU NEED TO KNOW

**Layoff Units** - Layoffs take place within layoff units and only the positions within these units are affected. A layoff unit can be an entire agency, facility or institution, or a division or geographic region. Each agency submits its formal definitions of layoff units to the Department of Civil Service for approval. These definitions may be affected by agreements **made through collective bargaining**. **It is within the defined layoff unit that employees** are suspended or demoted, exercise their rights to be retained, and within which they "bump" or retreat.

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**Seniority** – For purposes of layoff, seniority is defined as the date of original permanent appointment in the classified service and continuous service since that date. However, wartime veterans get two and one-half years of additional seniority and wartime **disabled** veterans get five years of additional seniority. Employees who qualify as head-of-household and whose spouse is a disabled veteran with a 100% service-connected disability may be eligible for five years of additional seniority. Legally-blind employees must be considered more senior than any other employee in their same title who has the same retention status (e.g. probationer, non-probationer).

Employees who resigned and were reinstated or reappointed to the competitive, non-competitive or labor class on or after October 17, 1985, should have had their seniority dates recalculated pursuant to NYS Civil Service Law §80.3 or §80-a.3. Under these Sections, employees permanently reinstated or reappointed retain full seniority credit for the period of service prior to resignation if they return within three years of resignation. If they returned after three years, their seniority dates are recalculated at the time of reappointment by a pro-rata reduction of seniority credit for any time out of service exceeding three years. **Example:** 7 years' previous service, 4 ½ years' absence minus 3 years = 1 ½ years (time exceeding maximum time away); 7 years' minus 1 ½ years = 5 ½ years' seniority credit upon return. If you think you might be eligible for an earlier seniority date, contact your Personnel Office *[updated 4/16/2009]*.

**Continuous Service** – For purposes of determining seniority dates for competitive class employees (or for eligible non-competitive and labor class employees), employment with New York State must be continuous. Service is considered continuous unless it is interrupted by a period of one year or more when the employee is out of State service. Employees who are on leave and on preferred lists are considered to be in service.

**Retention Rights** – The legal right of an employee to retain a position when compared with other employees in the same title in the same layoff unit. Retention rights are determined first by appointment status, with permanent employees having greater rights than provisional and temporary employees. Secondly, permanent employees who are probationers have less retention rights than employees who have completed their probation. Finally, within any group of permanent employees who are otherwise the same in terms of the above, their right to retain a position is determined by seniority.

**Horizontal Reassignment** – Although agencies may reassign employees at any time, during a reduction in force, more senior employees may be offered positions in other locations within the same layoff unit in their same title. Permanent employees, who refuse this type of reassignment and are consequently separated from service, are not considered to be “laid-off” under the law and, therefore, cannot “bump” or retreat to lower-level positions.

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However, if the reassignment would have required accepting a position in another county, the Department of Civil Service will place the names of such employees on agency reduction transfer lists prior to the date of layoff and on preferred lists and reemployment rosters after the date of layoff (but not for the county to which the employee refused reassignment).

**“Bumping”** – This term is used by many employees any time one person takes a job being held by another. In actuality, this can happen in **three** ways: through

**Horizontal Reassignment** (see above); or

**Vertical Displacement** – An employee with greater retention status may take the position of the least senior employee at the next lower-level title in direct line within the same layoff unit; or

**Retreat** – When there is no vertical displacement opportunity, the affected employee may take the position of the least senior employee in the same layoff unit in the lower-level title the affected employee last held on a permanent (or contingent permanent) basis.

The rules for vertical displacement and retreat are complex. You should discuss your opportunities for “bumping” and reassignment with your agency personnel office.

### THE LAYOFF PROCESS

Decisions about which positions to abolish (in which specific titles and how many positions in a specific title) are made by agency management in consultation with the Division of the Budget. Once these decisions are made, Civil Service Law and Rules provide an orderly method for determining who will be affected. In a sense, at this point, each employee’s own State employment history (seniority dates, current permanent title, etc.) becomes the controlling factor.

For example, provisional and temporary employees must be separated before any permanent employees who are serving in that title in the layoff unit. Provisional and temporary employees have no rights to agency reduction transfer list, preferred list, or reemployment roster status. Permanent employees, on the other hand, may have rights to be reassigned to other jobs, to “bump” other employees, and to have their names placed on an agency reduction transfer list, preferred list, or reemployment roster. Permanent employees who are on probation must be laid off before permanent employees in the same title who have completed their probationary periods. Employees who are laid off may have rights to maintain certain benefits, such as retirement, health and dental insurance, and sick leave credits, as explained later in this booklet. Your agency Health Benefits Administrator will provide you specific information about maintaining health insurance benefits following layoff.

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The following steps outline the usual layoff process:

1. Your agency will notify you that you may, or will, be affected by layoff and will provide you with a preferred list card (S295.5 – see page 8) to complete. The preferred list card (also called a “Green Card” because of its color) gathers information used to create a mandatory rehire list for agencies. Please review the card carefully.
2. You will be asked by your agency to verify important personnel information, such as your title, seniority date, probationary status, veteran’s status, address, and telephone number. If you believe that your seniority date or veteran’s status is incorrect, you should immediately notify your agency personnel office. Be sure that the home address and phone number that you provide to your personnel office are correct. If this information is incorrect, State agencies will not be able to contact you about jobs.

If your address and/or phone number changes after you provide this information to your personnel office, you should contact the Career Mobility Office at the Department of Civil Service at 1-800-553-1322.

3. You will also be asked about counties where you would accept reassignment and/or employment opportunities from preferred lists or reemployment rosters. You may also be asked if you will accept a lower-level position at your current location or another.

**You should choose only those counties where you are willing to accept reemployment.** If you choose “statewide” or counties to which you cannot relocate and you then decline a job offer, your name will be removed for that county and salary grade. Unlike eligible lists, declining job offers from these lists affects your rights for future opportunities and **your name generally cannot be reactivated for job titles and locations** you have declined. You can always add additional counties by contacting the Career Mobility Office at 1-800-553-1322.

4. You should return the completed card to your agency in accordance with your agency’s instructions. Those locations to which you would accept appointment and your verified personnel information is sent by your agency to the Department of Civil Service where your name is placed on preferred lists and reemployment rosters.
5. If it is determined that you have more retention rights than another employee at a different location in your **same** title in your **same** layoff unit, you may have a choice between reassignment and layoff.
6. If you are a permanent competitive class employee and you do not have sufficient retention rights at your current salary grade level, you may have the opportunity to “bump” the least senior employee in the next lower-level occupied title in the direct



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line of promotion in the layoff unit. Your choice, again, is to take the “bump” **OR** take layoff. The same choices exist in a “retreat” situation if you qualify.

7. If you are on probation, you must be laid off before employees in the same title who have completed their probation. If you are on probationary leave from another position, you have a right to return to that position. (If you have return rights to a position from which you are on leave of absence, you do not have rights to “bump” or retreat.) If you are on probation and do not have a hold item, you may “bump” provided you have five years of service and all employees in your title who have completed their probation have been provided with their rights first.

NOTE: Non-competitive and labor class employees cannot “bump”—by definition direct lines of promotion exist only in the competitive class. However, non-competitive and labor class employees may be eligible to retreat.

### RETIREMENT

If you retire before the designated layoff date, you will be considered to have voluntarily left State service and will not have your name placed on a reemployment list.

If you retire on or after the designated layoff date, you will retain reemployment rights. You should, however, consult with the New York State Retirement System regarding the effect of reemployment, if any, on your retirement pension. (See page 22 for the address and phone number of the Employee’s Retirement System).

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## COMPLETING THE S-295 .5 GREEN CARD

This is a copy of the S-295 .5 "Green Card" form. Detailed instructions for completing the form appear on the next 2 pages.

Alpha Title		Title Code		Jur. Code	Soc. Sec. No.		Layoff Date Mo. Day Year				
Name Last		First		M.I.		Vet-Blind Code <input type="checkbox"/> 0 Blind <input type="checkbox"/> 2 Vet <input type="checkbox"/> 1 Dis Vet <input type="checkbox"/> 3 Non-Vet		Blind 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No		SG	NS-SG
Street		City or Post Office		State	ZIP Code		Work Phone AREA CODE ( )		Home Phone AREA CODE ( )		
Senr. Adj. For Vets. Mo. Day Year		Dept./Div.		Code	Layoff Unit		Code	Layoff County		Code	BU
Probation Completed 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No		Class. Service Senr. Date Mo. Day Year		<input type="checkbox"/> Eligible for Part-Time ONLY			Employee Signature and Date				
Acceptable Grade Level:		Mark <input checked="" type="checkbox"/> Counties Acceptable for Employment					Agency Signature and Date				
Acceptable Position Type <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time  <input type="checkbox"/> Shift <input type="checkbox"/> Temp		<b>AREA 0</b> <input type="checkbox"/> 01 Albany <input type="checkbox"/> 11 Columbia <input type="checkbox"/> 18 Fulton <input type="checkbox"/> 20 Green <input type="checkbox"/> 29 Montgomery <input type="checkbox"/> 42 Rensselaer <input type="checkbox"/> 46 Saratoga <input type="checkbox"/> 47 Schenectady <input type="checkbox"/> 48 Schoharie <input type="checkbox"/> 57 Warren <input type="checkbox"/> 58 Washington <b>AREA 1</b> <input type="checkbox"/> 10 Clinton <input type="checkbox"/> 16 Essex <input type="checkbox"/> 17 Franklin <input type="checkbox"/> 21 Hamilton		<b>AREA 2</b> <input type="checkbox"/> 22 Herkimer <input type="checkbox"/> 23 Jefferson <input type="checkbox"/> 25 Lewis <input type="checkbox"/> 33 Oneida <input type="checkbox"/> 38 Oswego <input type="checkbox"/> 45 St. Lawrence <b>AREA 3</b> <input type="checkbox"/> 04 Broome <input type="checkbox"/> 06 Cayuga <input type="checkbox"/> 09 Chenango <input type="checkbox"/> 12 Cortland <input type="checkbox"/> 27 Madison <input type="checkbox"/> 34 Onondaga <input type="checkbox"/> 39 Otsego <input type="checkbox"/> 54 Tioga <input type="checkbox"/> 55 Tompkins		<b>AREA 4</b> <input type="checkbox"/> 08 Chemung <input type="checkbox"/> 26 Livingston <input type="checkbox"/> 28 Monroe <input type="checkbox"/> 35 Ontario <input type="checkbox"/> 49 Schuyler <input type="checkbox"/> 50 Seneca <input type="checkbox"/> 51 Steuben <input type="checkbox"/> 59 Wayne <input type="checkbox"/> 62 Yates		<b>AREA 5</b> <input type="checkbox"/> 02 Allegany <input type="checkbox"/> 05 Cattaraugus <input type="checkbox"/> 07 Chautauqua <input type="checkbox"/> 15 Erie <input type="checkbox"/> 19 Genesee <input type="checkbox"/> 32 Niagara <input type="checkbox"/> 37 Orleans <input type="checkbox"/> 61 Wyoming <b>AREA 6</b> <input type="checkbox"/> 13 Delaware <input type="checkbox"/> 14 Dutchess <input type="checkbox"/> 36 Orange <input type="checkbox"/> 40 Putnam <input type="checkbox"/> 53 Sullivan <input type="checkbox"/> 56 Ulster		<b>AREA 7</b> <input type="checkbox"/> 44 Rockland <input type="checkbox"/> 60 Westchester <b>AREA 8</b> <input type="checkbox"/> 30 Nassau <input type="checkbox"/> 52 Suffolk <b>AREA 9</b> <input type="checkbox"/> 03 Bronx <input type="checkbox"/> 24 Kings (Brooklyn) <input type="checkbox"/> 31 New York (Manhattan) <input type="checkbox"/> 41 Queens <input type="checkbox"/> 43 Richmond <b>AREA 10</b> <input type="checkbox"/> 63 Chicago, IL <b>AREA 11</b> <input type="checkbox"/> 64 Washington, DC	
<b>PL/RR Status due to:</b> P Abol of Pos/Disp (§80 or 80A) 1 <input type="checkbox"/> Ret of Incum (R4.11) (Hold) 2 <input type="checkbox"/> Ret of Incum (R4.11) (No Hold) 3 <input type="checkbox"/> Wkrs Comp Disabl (§71) 4 <input type="checkbox"/> Ordinary Disabl (§73) 5 <input type="checkbox"/> Retire & Soc Sec Law 6 <input type="checkbox"/> Ref. Reassign to _____ Co. 7 <input type="checkbox"/> Trans Func (§70.2) (Comp) 8 <input type="checkbox"/> Reclass (§121.4)											
<b>COMMENTS:</b>											

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### Instructions to Employees for filling out the Green Card (S-295.5): (See copy of actual green card on page 8)

Employees should carefully read and follow the instructions for filling out the green card, so that all information collected is accurate and complete.

1. This is your Civil Service title. Do not use any informal title you may have.
2. This is the numeric code assigned to your title by the Department of Civil Service.  
Leave blank—your personnel office will fill in.
3. Leave blank— your personnel office will fill in.
4. Enter your social security number.
5. Leave blank—your personnel office will fill in. This is the layoff date.
6. Enter your name. Please print neatly.
7. Indicate your veteran's status.
8. Indicate whether you are legally blind or not.
9. Enter your salary grade. If you do not know it, your personnel office will fill in.
10. If you are in an NS position equated to a salary grade, enter the information. If you do not know it, leave blank. Your personnel office will fill in.
11. Enter your **home** address. Use your place of residence mailing address.
12. Enter your **work** telephone number, including area code and extension if applicable.
13. Enter your **home** telephone number.
14. Leave blank—refers to your seniority date. Your personnel office will fill in.
15. Enter the agency/institution you work for. Please include the division or office in which you work. Leave code blank—your personnel office will fill in.
16. Leave blank—your county of employment will be filled in by your personnel office.
17. Leave blank—this is your bargaining unit; your personnel office will fill in.
18. Leave blank—your probationary status will be filled in by your personnel office.
19. Leave blank—your classified seniority date will be filled in by your personnel office.
20. Leave blank—your part-time eligibility will be filled in by your personnel office.
21. Sign and date in the space provided.
22. **Do Not Leave Blank—Selecting the grade level you will accept.** This section asks you to indicate the lowest grade level to which you would consider transfer. While every effort will be made to find you a position at your current grade level, you must also think about the possibility of accepting a lower-grade position. When considering the level acceptable to you, think about:
  - the dollar amount you can accept.
  - the importance of maintaining continuous state service (health insurance benefits, retirement, etc.).
  - what title series you are in and the grade levels within that series.
  - your location in relation to job opportunities.
  - when you accept a salary below your current salary, you still will be eligible for appointments at your current salary.

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23. Check what type of position you would accept. You are automatically going to be considered for permanent positions. If you accept part-time, you will remain in the system for full-time positions. If you accept temporary, you will remain in the system for permanent positions.
24. Check **only** the counties where you actually would be willing to work. When **selecting counties of interest**, there are several things to keep in mind:
- **You must select the county in which you are currently employed, whether or not you live there.**
  - **Selecting a county means you are willing to accept a position anywhere in this county.**
  - **Consider the distance of the commute and the cost.**
  - **Consider what state agencies are in that county. If, for example, there are only correctional facilities, are you willing to work in a correctional facility? Ask the employee contact person for your agency for assistance if needed.**
  - **Do you have transportation to get to a job located in the county you selected?**
  - **If you check a county that is a questionable commute, are you willing to relocate?**

Remember you can always add counties at a later date if you want to expand your options.

25. Leave blank—for agency use.

**Keep a photocopy of the completed green card for your records. Forward the original to your personnel or human resources office.**

To add a county or to change any information you've recorded on the green card, write to:

**NYS Department of Civil Service  
Career Mobility Office  
Albany, NY 12239**

Be sure to include the last four digits of your social security number in your letter. You should provide a copy of your letter to your agency personnel office.

## **THE REEMPLOYMENT PROCESS AND LISTS**

The intent of the reemployment list process is to reemploy you as quickly as possible at your previous salary grade level and employment status. Reemployment, however, may involve a different title, a lower salary grade (though restoration to the permanent salary grade you held at time of layoff is the goal), a different agency and/or a different location.

As soon as the Department of Civil Service receives your name, address and county choices, this information will be entered into a computerized reemployment system. If you are in a title that may be affected by a reduction in force in your agency, but you have not yet been laid off, you will be eligible to have your name placed on an agency reduction transfer list. As of the date of layoff, your name will be removed from the agency reduction transfer list. Upon receipt of the green card your name will be added to the preferred list and reemployment roster. (See the Department of Civil Service booklet, EMPLOYEE GUIDE FOR AGENCY REDUCTION TRANSFER LISTS, available through your agency personnel or human resources office, or from the Department of Civil Service, or find it online at [www.cs.ny.gov](http://www.cs.ny.gov))

When reemployment lists are established, the Department of Civil Service monitors all appointments made in locations where employees affected by layoff indicated they would accept employment. This monitoring ensures that affected employees are given appropriate consideration for reemployment opportunities.

## **TITLE COMPARABILITY**

When a title that is or will be affected by a reduction in force is identified, a review process is undertaken to determine which other titles in the State service are comparable to that title for reemployment purposes. These determinations are based on comparisons of the duties, minimum qualifications, and tests used to select appointees. Reemployment lists may be used to fill positions in those titles determined to be “comparable.” Remember that these determinations are based on comparisons of titles, not on assessments of any individual’s background. Information about these determinations is available from your personnel or human resources office or from the Department of Civil Service.

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## **Reemployment Lists**

Reemployment lists must be used in the following order: redeployment lists, agency reduction transfer lists, preferred lists, reemployment rosters, and then placement rosters.

NOTE: These lists are computer-generated for specific agencies, titles and locations. They contain the names of employees affected by reductions in force at different times and from different agencies. The number of eligibles available for any position in any location will change daily as names are added or removed. Consequently, we cannot provide information on where you "rank" on any reemployment list.

## **Redeployment Lists**

Redeployment lists are a category of mandatory reemployment lists (provided for under Article 22 of the contracts with employee organizations) which provide reemployment opportunities (preference in hiring) for employees who have been affected by the State's contracting out for services previously provided by the State. These lists will be used to fill positions in the affected titles or in other comparable titles (as determined by the Department of Civil Service). Eligibility for redeployment list appointment ends no later than six months following the date of an employee's separation or demotion. Redeployment lists are ranked by seniority as defined in Sections 80 and 80-a of the NYS Civil Service Law, and take precedence over all other types of reemployment lists. In the event that you are affected by "contracting out," you will be provided detailed information prior to layoff.

## **Agency Reduction Transfer Lists**

Agency reduction transfer lists contain the names of employees in titles that may be affected by a reduction in force. These lists will fill positions in the affected title or other titles determined by the Department of Civil Service to be comparable. Individual eligibility will commence the date your name is entered into the system. Eligibility will expire either on the target layoff date as designated by your agency; when your agency advises the Department of Civil Service that they have attained their target numbers; or when you accept an appointment to a title with the same or higher salary grade. For more information on this list see the NYS Department of Civil Service publication, "EMPLOYEE GUIDE FOR AGENCY REDUCTION TRANSFER LIST".

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## Preferred Lists

In addition to positions in the titles of layoff, laid-off employees are eligible for reemployment in lower-level titles in direct promotion lines, and for reemployment to positions in other appropriate titles in the laid-off employees' occupational fields. The determination of which other titles are appropriate for filling from a preferred list is made by the Department of Civil Service based on the degree of similarity of knowledge, skills, and abilities required to perform the duties of the positions. Individual qualifications or employment history cannot be considered in making this determination. Therefore, a preferred list consists of the names of all employees laid off from the same title, from higher-grade titles in the direct promotion line, and from other titles with similar duties.

Rank on a preferred list is determined by seniority and the employee's category (as defined below for the location, agency, and title for which the list is produced). Employees are ranked within the following categories:

1. Title-for-title category – Eligibles laid off from a title are certified first to fill that title.
2. Direct-line category – Eligibles laid off from higher-level titles in a direct promotion line are certified second.
3. Appropriate title category – Eligibles laid off from closely-related titles are certified third.

Within each of these categories, eligibles laid off from the layoff unit where the job is being filled are certified before eligibles laid off from any other layoff units. Eligibles who have completed their probationary periods are certified before those who were on probation when they were laid off, and eligibles who are otherwise the same in terms of these rules are ranked by seniority.

Appointments from a preferred list (also called preferred list *reinstatements*) must be made in strict rank order from among those eligible candidates willing to accept appointment. Normally, no probationary periods are required for preferred list reinstatements. However, if an appointment is made to a traineeship, the appointee must serve a probationary term while the traineeship is completed. Also, appointees who were serving probation when they were laid off must complete the balance of their probationary terms upon reinstatement from preferred lists.

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## **Reemployment Rosters**

A reemployment roster consists of the names of laid-off employees who are determined by the Department of Civil Service to be able to perform the duties of jobs (other than those for which they are eligible from the preferred list) based on their layoff title. Employees are expected to be able to perform these duties after a standard period of training/probation.

Names on reemployment rosters are not ranked and agencies may appoint anyone who is on the roster.

Appointments from a reemployment roster require a probationary period.

**Your Preferred List and Reemployment Roster eligibility is limited to the four years following your date of layoff.**

## **Placement Rosters**

A placement roster is a mandatory list established prior to the date of layoff containing the names of employees identified for actual layoff who will have preferred and reemployment roster list rights as of the date of layoff if not reemployed from the placement roster at their same status and salary grade level. Placement roster eligibles will be certified for filling vacancies in the same title or any comparable titles. These eligibles are certified in random order without regard to seniority, probationary status or layoff unit.

## **JOB OPPORTUNITIES**

When an agency or department wishes to fill a vacant position, the agency's personnel or human resources office contacts (or "canvasses") eligible candidates to determine if any are interested in the available position. When contacting candidates who are eligible for reinstatement from a reemployment list, the agency may canvass by letter or telephone.

### **If you are canvassed by Letter**

The canvass letter will specify the title of position to be filled, the salary grade, location, and other relevant information. General information and instructions for responding to the canvass will be printed on the back of the form. If you do not respond to the canvass letter within the period stated on the back of the form, you will be considered to have declined the opportunity. (See Declinations and Acceptances for more information.)

### **If you are canvassed by Telephone**

An agency may call you to determine your interest in a position. The agency representative making the call will provide you information about the title, salary grade, location, and status of the position. You must be allowed two business days to respond to the canvass. If you respond immediately, however, you will have waived the two-day period and you will not have the opportunity to change your response. If you decline a



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position offered during a telephone canvass you will be sent a letter confirming your declination.

An employer may leave a message for you at your home or with your supervisor. The message may give job information and will ask you to return the call with a response to the canvass.

If the agency cannot contact you in person, the agency must send you a written canvass.

It is in your best interest to respond to a canvass as soon as possible. If the canvass is from a reemployment roster (on which the names are not ranked by seniority) the agency may begin interviewing the first eligibles who have responded and you might miss an opportunity for appointment.

### DECLINATIONS AND ACCEPTANCES

Retaining or forfeiting your rights in the Preferred List/ Reemployment Roster system results from your accepting or declining a job opportunity. Before you decide to accept or decline a job offer, you should be sure you understand the effect this has on your preferred list/reemployment roster rights.

#### **Any one of the following is considered to be a declination:**

- failing to return a canvass letter within ten business days
- failing to reply to a telephone canvass within two business days
- returning a canvass letter indicating you are not interested for any reason
- declining over the telephone or during the interview
- failing to report to an interview or to report to work.

#### **Additionally:**

Agency reduction transfer list declinations do **NOT** affect preferred list or reemployment roster status.

Placement roster declinations do **NOT** affect preferred list or reemployment roster status.

Declinations of temporary appointments do **NOT** affect your active status for permanent appointments.

If you decline a permanent contingent or permanent appointment to a **same-grade level** position in the **same county** in which you were laid off, your name will be **inactivated** for all titles and counties.

If you decline a permanent contingent or permanent appointment to a **same-grade level** position in a **different county** from which you were laid off, your name will be **inactivated** for all titles in that county.

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If you **decline** a permanent contingent or permanent appointment to a **lower-grade** position in the **same county** in which you were laid off, your name will be **inactivated** for all titles at that level and below for all counties.

If you decline a permanent or contingent permanent appointment to a **lower-grade position** in a **different county** from that which you were laid off, your name will be **inactivated** for all titles at that grade level and below in all counties within that area, **except** for your lay off county (your preferred list card will list area designations).

Reemployment roster declinations do **NOT** affect preferred list status.

**Preferred list declinations DO affect reemployment roster status and such declinations may remove your name altogether from the reemployment lists.**

You may decline a temporary position that is less than three months and remain active for other temporary positions.

You may also decline a temporary position and remain active for permanent positions.

If you decline a temporary part-time or full-time position, this action will remove you for all temporary positions.

You may decline a job which requires working a shift other than a normal day shift and remain active for the day shift.

Declining an appointment to a traineeship has the same effect as any other declination and is based on the journey-level salary grade of the traineeship: i.e. if your layoff salary grade is a Grade 18 and you decline a traineeship that leads to a Grade 18 or higher title, your declination has the same effect as declining a Grade 18 job offer.

### **Examples of How Accepting or Declining Job Offers Affects Reemployment List Eligibility:**

Assume you were laid off from a Principal Clerk, SG-14 position in Albany County and have said you would accept positions no lower than SG-9. You have also said you would be willing to accept part-time, temporary and shift positions in Saratoga and Schenectady counties.

#### **Job Offer #1 – Preferred List Canvass**

You are offered a permanent, full-time, non-shift, Principal Clerk, SG14 in *Albany* County.

Should you decide to **decline** this offer, your name is removed from **both the Preferred List and Reemployment Roster** for all permanent, temporary, full-time, part-time, and shift positions at SG-14 and below in your county of layoff and additional counties selected (i.e. Albany, Saratoga, Schenectady).

## Information for State Employees Affected by Layoff

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In other words, you will receive no other opportunity for reemployment through the Reemployment System.

If you accept this offer, your name will be removed from the Preferred List and Reemployment Rosters because you have been restored to your permanent salary and status.

### **Job Offer #2 – Preferred List Canvass**

You are offered a permanent, full-time, non-shift Principal Clerk, SG-14 in *Saratoga County*.

Should you **decline** this offer, your name will be removed for all permanent, temporary, full-time, part-time, and shift qualifying positions grade 14 and below for *Saratoga County*. Your name remains active for Albany and Schenectady counties.

If you **accept** this offer, your name will be removed because you have been restored to your permanent salary and status.

### **Job Offer #3 – Preferred List Canvass**

You are offered a permanent, full-time, non-shift, Clerk II, **SG-9** in *Albany County*.

If you **decline** this offer your name will be removed for all permanent, temporary, full-time, part-time, and shift qualifying positions grade 9 and below on both the preferred list and the reemployment roster for your county of layoff and additional counties selected (i.e. Albany, Saratoga, Schenectady).

If you **accept** this offer, (permanent, full-time SG-9 in your county of layoff) you will remain on the preferred list and reemployment roster for all qualifying grade 10 through grade 14 positions in all selected counties (i.e. Albany, Saratoga, Schenectady).

### **Job Offer #4 – Preferred List Canvass**

You are offered a permanent, full-time, non-shift Clerk II, **SG-9** in *Saratoga County*.

If you **decline** this offer, your name will be removed for all permanent, temporary, full-time, part-time, and shift qualifying positions grade 9 and below on both the preferred list and the reemployment roster for all selected counties in your area (i.e. Saratoga, Schenectady) **except** your county of layoff (i.e. Albany).

If you **accept** this job, your name will remain active on the preferred list and reemployment roster for all qualifying grade 10 through grade 14 positions in all selected counties (i.e. Albany, Saratoga, Schenectady).

# Information for State Employees Affected by Layoff

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## **SPECIAL DECLINATIONS AND EXCEPTIONS**

1. Laid-off, part-time employees with previous permanent, full-time service in their layoff title or those with at least one year of permanent part-time service prior to layoff will be certified for full-time as well as part-time jobs. Normally, if you decline a full-time job, you are removed for part-time jobs as well. Former part-time employees who are interested ONLY in part-time jobs should contact the Career Mobility Office (1-800-553-1322) and request to be active for part-time jobs only.
2. If you have declined a job offer and your name has been removed from a reemployment list and you believe that there were special circumstances for your declination, you may request restoration by contacting the Career Mobility Office (1-800-553-1322) with the details of your situation. You will be notified if your request is approved or denied.
3. The Department of Civil Service will consider, on case-by-case basis, requests from reemployment list eligibles to change their designated county of layoff to their county of residence for reasons of hardship. You should contact the Career Mobility Office at 1-800-553-1322.

If you have further questions about this process, please contact the Career Mobility Office at 1-800-553-1322.

## **MORE ABOUT JOB OFFERS**

If the appointment requires a probationary period and you resign or are terminated during probation, you should write to the Department of Civil Service and request reactivation. Requests are evaluated on an individual basis. If reactivated, you may be restricted from an agency, title or a location depending on the reasons for your resignation or termination. Employees who resign or who are terminated after being reinstated without probation, or resign or are terminated after completing probation, will not be reactivated.

Occasionally, former permanent competitive class employees are appointed to higher-level positions on a provisional basis, or to non-competitive or exempt class positions. Such appointments will not affect their status on reemployment lists. Eligibles who have received such appointments and prefer to be inactive must request inactive status (see Temporarily Inactive Status on page 19).

If you accept a temporary appointment and subsequently decline a permanent job offer, your name will be removed from the preferred list and reemployment roster accordingly. We cannot reactivate your name if you resign from your temporary position.

# Information for State Employees Affected by Layoff

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## **SALARY**

Determining a reemployed employee's salary is a complex matter which is handled by the Office of the State Comptroller through an employee's personnel or payroll office. Salary determination is further complicated by the different pay scales for the various negotiating units.

In general, however, you will receive credit for your previous service within the salary range provided for each salary grade. For example, if you were laid off from a permanent Clerk 2 position at Grade 9 and are appointed as a Clerk 1, Grade 6, your salary will be at the Grade 6 level adjusted for your years of service.

If you are appointed to a traineeship, you will receive the same salary as when you were laid off (adjusted for any changes in bargaining unit) if your layoff title was at or below the salary grade to which the traineeship leads. You should contact your agency personnel office for salary information.

## **TEMPORARILY INACTIVE STATUS**

If you are temporarily unable to work, you should request "temporarily inactive" status by contacting the Career Mobility Office (1-800-553-1322) with your reasons for your inability to work. Each case is reviewed to determine if this status will be granted. Common reasons for requesting temporarily inactive status are hospitalization, significant medical or physical disabilities of a temporary nature, serious family situations, and education or training programs. If you have been reemployed outside of State government or by New York State at a higher level or reemployed in a non-competitive or exempt class job at a higher level, you may request temporarily inactive status.

If temporarily inactive status is granted, your name will remain inactive on any and all reemployment lists until you notify us, in writing, that you are able to return to work. You may not be temporarily inactive on one type of list, but active on another.

Any period of temporarily inactive status does not extend your preferred list/reemployment roster eligibility. You will be reactivated as of the date of the approval of your request for reactivation and your name will appear on future certifications. Your name will not be certified against positions legally filled on a non-permanent basis during the period of inactivation (Civil Service Classified Service Rule 5.7[e]). Nor will we add your name to lists that have already been sent to agencies.

# Information for State Employees Affected by Layoff

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## PROMOTION RIGHTS

As long as your name is active on a preferred list, you are eligible to have your name remain on any promotion lists you were on prior to layoff. You are also eligible to compete in promotion examinations if you had sufficient service in a qualifying title prior to layoff. Time on the preferred list does not count as service in a qualifying title. Declinations of job offers from the preferred list may affect these rights.

If you are permanently appointed in another State agency and you are on interdepartmental promotion lists, your name can be placed on your new agency's departmental portion of the list in score order. You must request this change by writing to the Department of Civil Service, Staffing Support Unit, Albany, NY 12239.

## LEAVE ACCRUALS

If you are subject to the Attendance Rules for Employees in New York State Departments and Institutions, upon layoff, you are entitled to cash payment for:

- 1) unused vacation credits up to 30 days
- 2) unused overtime credits up to 30 days
- 3) any accrued and unused VR credits
- 4) the 5-day salary deferral.

Payments for such credits are generally made as soon as possible after separation. You may request these payments to be delayed by contacting your personnel office. However, delayed payment is at the discretion of each agency. Cash payments are never made for personal leave, holiday leave or sick leave unused upon separation. Ask your agency for an official copy of your final leave balances if one is not provided to you.

If you are eligible to have your name placed on a preferred list and are reemployed in State service within your period of eligibility, your sick leave, holiday leave, personal leave and any uncompensated vacation credits that did not lapse will be restored. In addition, you will earn and accumulate vacation at the same rate as you did prior to your layoff.

If you are not eligible to have your name placed on a preferred list, you must be reemployed in State service within **one year** of your date of separation to have unused sick leave, holiday leave, personal leave and any uncompensated vacation credits that did not lapse restored.

## **HEALTH INSURANCE AND RELATED BENEFITS**

If you are laid off and covered under preferred list provisions, you may be eligible to continue your health insurance and other benefits, such as dental insurance. For information about these benefits and a complete list of helpful phone numbers, please ask your agency Health Benefits Administrator for the most recent [Health Insurance Coverage and Related Benefits Information](#) for Employees of New York State Agencies Who Are Affected by Layoff flyer.

# Information for State Employees Affected by Layoff

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## FOR FURTHER INFORMATION

If you have questions on the details of your layoff, the first place to contact is your agency personnel office.

For questions on your preferred list or reemployment roster status, you can call the Career Mobility Office at 1-800-553-1322 (or 518-485-6199 from the Capital District).

For assistance with examination issues, you may contact one of the following offices:

NYS Department of Civil Service  
Examination Information Desk  
Albany, NY 12239  
(518) 457-6216  
email: [cs.sm.examinfo@cs.ny.gov](mailto:cs.sm.examinfo@cs.ny.gov)

Community Outreach Office  
NYS Department of Civil Service  
Adam Clayton Powell, Jr.  
State Office Building  
163 West 125<sup>th</sup> Street  
New York, NY 10027  
(212) 961-4326

Examination announcements for State jobs are also available on our web site ([www.cs.ny.gov](http://www.cs.ny.gov)).

### For information on other topics:

#### Leave Accruals:

NYS Department of Civil Service  
Attendance and Leave Unit  
Albany, NY 12239  
(518) 457-2295

#### Retirement:

NYS Employees Retirement System  
Information Services  
110 State Street  
(518) 474-7736

For salary information, contact your State agency personnel office. For questions on unemployment insurance, you should contact your nearest Department of Labor Community Service Center or local office. See the State government listings in your local telephone book or visit [www.labor.ny.gov](http://www.labor.ny.gov) "Directories" to obtain this information.

### Address Change

An employee on a preferred list should advise the Department of Civil Service of any change of address by contacting the Career Mobility Office (1-800-553-1322). Similarly, an employee who maintains membership in the Retirement System after being laid off should notify the NYS Employees' Retirement System in writing of any change of address (see address above).



It is the policy of the New York State Department of Civil Service to provide reasonable accommodation to ensure effective communication of information to individuals with disabilities. If you need an auxiliary aid or service to make this information available to you, please contact the New York State Department of Civil Service Public Information Office at (518) 457-9375.

**Visit the New York State  
Department of Civil Service website  
[www.cs.ny.gov](http://www.cs.ny.gov)**

**New York State  
Department of Civil Service  
Albany, NY 12239**

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