

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
0200 Roles and Responsibilities for Personnel Management
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.1 BACKGROUND

.110 Introduction

.111 New York State Government is facing increasing demands to improve the delivery of government services. Economic, social, political and technological changes generate continual pressure for the development of new programs and more effective and responsive restructuring of existing programs and organizations. The capacity of New York State government to respond to these pressures for change depends on the competence of its work force; more specifically, on the personnel management system in place to attract and facilitate the full development and utilization of that work force. The purpose of this chapter is to describe the framework and foundation of the personnel management system of New York State and the roles and responsibilities of the several State departments and agencies within that system.

.120 Importance of Personnel Management

.121 The effectiveness of any organization in general, and New York State Departments and Agencies, in particular, is a direct function of the quality of the individuals who make up that organization. The knowledges, skills, abilities, and commitment of the members of the organization together constitute the most critical factor in the development and implementation of work plans and the delivery of products and services. Without the full commitment of its employees, an organization cannot accomplish its objectives. Consequently, the attraction, organization, development and motivation of employees -- the personnel function of management -- is a central responsibility of all levels of management, from the chief executive to the first line supervisor.

The presence of employees when and where needed, in the numbers and the type needed, who are willing to commit their energy to the goals of the organization cannot be left to chance.

In order for management to properly and fully discharge their personnel management responsibilities in the context of the complex environment within which government operates, there must be a well-developed structure and system of program, policy and procedure as well as roles and responsibilities to guide day-to-day behavior and decision making with respect to individual employees and the workforce. Further, this structure and system must be responsive to new directions, changing priorities, values and conditions. Therein lies the constant challenge to the personnel management system for this State.

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.130 Defining Personnel Management

- .131 There are many definitions of personnel management, but all basically say that it is: attracting and developing competent employees and creating the organizational conditions which result in their full utilization and encourages them to put forth their best efforts.

Two major points about personnel management are implied in this definition. First, effective personnel management must be future oriented. Support for organizational objectives now and for the foreseeable future must be provided through a steady supply of competent and capable employees. Second, effective personnel management is action oriented. The emphasis must be placed on solution of employment issues and problems to support organizational objectives and facilitate employee development and satisfaction.

.140 Personnel Management and Merit and Fitness

- .141 For New York State, like most public jurisdictions, the basis for the personnel management system and much of its operation is defined by Constitution and statute. The authority for the personnel management system for the State is contained in Article 5 of Section 6 of the New York State Constitution which requires that:

"Appointments and promotions in the Civil Service of the State and all Civil Divisions thereof...shall be made according to merit and fitness, to be ascertained as far as practicable, by examination, which, as far as practicable, shall be competitive."

Section 5 of the Civil Service Law provides for the Civil Service Commission and the Civil Service Department to implement Section 6 of the Constitution. The Civil Service Law, and interpretive rules and regulations, developed over the years by the Legislature and Civil Service Commission, spell out how many of the personnel activities that have come to make up the State's personnel management system are to be carried out. Areas covered include the jurisdictional classification of positions, the recruitment, appointment, promotion, transfer, removal and other actions affecting State employees.

In this State, therefore, the keystone to personnel management is the principle of merit and fitness as demonstrated by competitive examination, and the personnel management system, as defined by law, rule and regulation, is designed to realize that principle in its day-to-day operation.

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.151 The personnel system for New York State is a function of interrelationships between four sectors of the government. These sectors are the Legislature, the governor, certain central staff agencies and the line or operating agencies.

.152 The Legislature

The Legislature, through the enactment of laws, establishes the legal structure within which the State personnel system operates. These laws may permit, prohibit or require certain activities or impose restraints in the conduct or operation of the State personnel system. In addition, through its power of appropriation, the Legislature can directly influence the scope and quality of personnel management programs.

.153 The Governor

The Governor plays a leading role in the personnel management of the State. He recommends to the Legislature specific legislation dealing with the personnel management of the State work force and can approve or veto legislation establishing personnel management program or policy. The Governor may also formulate and promulgate personnel program and policy through executive order. Through the appointment and recommendation of key administrative personnel for positions in the Executive Branch, the Governor influences the personnel management of the State departments and agencies.

.154 The Central Staff Agencies

The operation of the State's personnel management system is shared between several central staff agencies consistent with mandated responsibilities for merit and fitness, fiscal control, expenditure control, labor management relations, equal employment opportunity and affirmative action and related areas. The agencies involved in the personnel management system are the Department of Civil Service, the Division of the Budget, the Governor's Office of Employee Relations, the Public Employment Relations Board, the Department of Audit and Control, the State Division of Human Rights, the Division of Criminal Justice Services, the Department of State and the Department of Law.

A brief description of each agency follows:

A. Department of Civil Service

The Department of Civil Service is the central personnel agency for all departments and agencies of New York State government.

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The Department provides a wide range of activities in support of line agency management including recruitment, testing, certification of eligible for all competitive class positions, job classification, salary determination, training and employee benefits. In view of its central role in the personnel management system, a detailed description of the organization of the Department is contained in Section __.

B. The Governor's Office of Employee Relations

The Governor's Office of Employee Relations negotiates collective bargaining agreements with certified representatives of 178,000 State Executive Branch employees, provides assistance to State agencies in their interpretation and administration of negotiated agreements and represents the State as an employer in matters before the Public Employment Relations Board and through the ongoing grievance and arbitration processes. A Division of Management/Confidential Affairs was created within the Office of Employee Relations to address the special needs of the approximately 11,000 Management and Confidential employees specifically excluded from representation by the Taylor law. The agency and four employee unions have formed Joint Labor-Management Committees to address a wide range of work place issues from on-site day care services to employee assistance programs to job referral services for employees displaced or laid off because of program changes or budget constraints.

C. The Division of The Budget

The Division of the Budget has responsibility for coordinating the development and execution of State programs and budgets, including approval of agency organization and staffing patterns. budget Division staff meet with agency and Civil Service Department representatives on a regular basis to discuss and negotiate organizational and staffing changes required to implement new or changing programs or activities; review requests for new positions and reclassifications of existing positions and make determinations based on approved organizational structures, staffing patterns, and availability of funds; and conduct studies of the organization, policies and operating systems and procedures of State agencies and programs to help agencies more effectively utilize available resources, particularly human resources, to accomplish their mission.

D. The Department of Law

As head of the Department of Law, the Attorney General is responsible for the legal affairs of the departments and

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agencies of State government. The Department prosecutes and defends all actions and proceedings for and against the State including those concerning the State's personnel system. It also represents the people of the State directly in safeguarding their rights as consumers and investors, in protecting against environmental hazards, in prosecuting certain illegal business practices, and in many other areas.

E. The Public Employment Relations Board

The Board, an independent agency of government, seeks settlement of disputes arising out of contract negotiations, and administers arbitration services including one designed for police and firefighter bargaining units that go to impasse with their employers. The Board also handles an array of responsibilities similar to the National Labor Relations Board. They include remedying improper practices, handling union representation issues, and designating management/confidential positions. Finally, the Board serves as a clearinghouse for information on public sector wages, benefits and employment practices.

F. The Division of Criminal Justice Services

The State Division of Criminal Justice Services is responsible for performing fingerprint and name searches for individuals prior to their hiring by State agencies to identify those individuals with a prior criminal history.

G. The Department of State

The Department of State has among its responsibilities the filing of all State records and reports. Included is the filing of all resolutions signed by the Governor which relate to the jurisdictional classification of positions in the State service. Such determinations are not effective until filed with the Secretary of State.

H. The Department of Audit and Control

The Department of Audit and Control is responsible for the timely payment of all State employees, including elected and appointed officials. To carry out this payroll process for over 190,000 individuals, Audit and Control designed an automated system intended to insure compliance with existing laws, rules, regulations and union contracts.

They also direct the accounting and control of all employee payroll deductions and prepare distributions to appropriate

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organizations of funds deducted from salary checks; provide cost estimates and statistical data concerned with projected payments and receipts in Social Security rates; coordinate implementation of new deductions; assist the Department of Civil Service and Budget by determining salaries relating to pay increases and major reallocations and reclassifications; direct the overall implementation of all salary legislation and negotiated settlements; coordinate salary and deduction changes with the various negotiating units and unions to assure that changes are workable; keep abreast of various payroll bills in the Legislature; direct the publication of payroll bulletins to all serviced agencies, issuing specific instructions for agency compliance with such changes; and resolve any payroll problems which may arise.

I. Division of Human Rights

The State Division of Human Rights protects the rights of individuals against unlawful discriminatory practices in a number of areas including employment. Any New York State employee with a discrimination complaint may process it through any of the Division's thirteen Regional Offices. In addition, Executive Order 40.1 has given the Division of Human Rights responsibility for advising and cooperating with the Department of Civil Service in the development of guidelines for the broadening of affirmative action plans with respect to Vietnam Era veterans and disabled persons and in the review of amendments proposed to be made to previously approved affirmative action plans.

.155 The Operating or Line Agencies

This is where personnel management is practiced. The success of personnel management as a management tool for the achievement of agency goals and objectives and for the fulfillment of employee goals is determined by the relevancy and responsiveness of the personnel programs, policies and procedures available and the management philosophy with which they are used. Further, the success of the personnel management system within the principle of merit and fitness has its ultimate test in the day-to-day management of the workforce at the agency level, since agency management make most of the final decisions on hiring, promotion, separations, transfers, and other day-to-day personnel decisions.

Effective personnel management within the context of merit and fitness, therefore, depends first and foremost on the chief executive of each agency. The agency head establishes the tone for the agency personnel management program and furnishes the leadership for the program and for practices that meet the letter

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of merit and fitness. The agency head delegates authority to carry on the personnel management program of the agency to the personnel office and to lower level management and first line supervisors.

.156 Line Managers and Supervisors

The line managers and supervisors are the critical links in the State's personnel management system since it is their responsibility to apply State and agency personnel policies and procedures.

The personnel management job of the line manager and supervisor has become increasingly more difficult. Of particular note is the complex interrelationships between each major variables as the Civil Service Law, state and federal laws governing human rights and equal employment opportunity and collective bargaining agreements governing the terms and conditions of employment of state employees. Line managers supervisors must increasingly rely on the personnel office for advice, counsel and guidance in the discharge of their day-to-day personnel responsibilities in this complex environment.

.157. Personnel Office

The agency personnel office staff is responsible, on behalf of the chief executive of the agency, for assisting line managers and supervisors in the development and operation of a viable and innovative program that will result in the continued presence of a competent and capable workforce. Of particular importance is the personnel officer's responsibility for advising and assisting management and supervisors in the attainment of organization goals within the context of Civil Service requirements for merit and fitness, state and federal laws regarding human rights and equal employment opportunity and collective bargaining agreements.

While the many responsibilities of the agency personnel office staff are described in official classification standards, a few of the more critical responsibilities are outlined here:

- A. continuous collaboration with line managers in the development of program initiatives and directions so that the business of the agency is well understood by personnel office staff, and the early participation of Department of Civil Service staff in the process so that the personnel system can play an effective and responsive role in support of the agency.
- B. insuring that the flexibility as well as the limits of merit and fitness requirements as expressed in Civil Service Law, rule, and regulation are understood, communicated to managers and supervisors, and realized in the discharge of their personnel management responsibilities.

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- C. facilitating the participation of line managers and employees including, where appropriate, employee organizations, in the development and implementation of personnel management goals, objectives, policies and procedures.
- D. proposing appropriate changes in Civil Service Law, rule, regulation, policy and procedure to enable the statewide personnel management system to be more responsive and supportive of agency needs within the context of the principle of merit and fitness.

.158 **The Role and Organization of the Department of Civil Service**

(To be issued.)