

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
1200 Examinations**

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1200 Examinations/2300 Reductions in Force
2800 Automated Position-Personnel System

February 2021

**THIS ADVISORY MEMORANDUM (21-01) REPLACES THE FOLLOWING
ADVISORY MEMORANDA:**

- **#04-03 (ISSUED IN JUNE 2004)**
- **#04-04 (ISSUED IN DECEMBER 2004)**
- **#06-03 (ISSUED IN SEPTEMBER 2006)**

**PLEASE REMOVE ADVISORY MEMORANDA 04-03, 04-04 AND 06-03
FROM YOUR SPMM AND DESTROY.**

**MILITARY SERVICE BENEFITS AND
VETERANS' STATUS AND DEFINITIONS**

New York State provides a variety of merit system rights and other benefits for people who are performing or have performed military service in the armed forces or reserve forces of the United States. The military benefits outlined below do not apply to military duty in the service of New York State or *any temporary or intermittent gratuitous service* in any federal reserve or auxiliary force (Military Law, §243.1(b)).

Eligibility for benefits as a veteran or disabled veteran under the Civil Service Law should not be used in determining eligibility as a veteran or disabled veteran under other New York State or federal statutes or programs. Similarly, entitlement to benefits as a veteran or disabled veteran under other state or federal statutes or programs is not controlling for determining entitlement to benefits under the Civil Service Law.

MILITARY BENEFITS

Age Deductions for Positions Specifying a Maximum Age

Applicants may deduct the time spent in federal military service from their ages when applying for positions which specify maximum age limitations at the time of examination or appointment. The allowable age deduction varies depending upon the nature and extent of qualifying military service:

- **Four Years:** Any person who performed active duty in the armed forces of the United States, whether involuntary or voluntary, is entitled to an age deduction of up to four years, depending upon the actual duration of duty. The computation includes time traveling to and from such duty and any period[s] of terminal leave.
- **Five Years:** Individuals who voluntarily entered the armed forces of the United States after July 1, 1970, but did not serve in time of war may deduct up to five

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years, if the fifth year was at the request of and for the convenience of the federal government (see pp. 5 and 6 for definition of “time of war”).

- **Six Years:** Individuals may deduct up to six years of time served during a time of war or national emergency declared by the President.

Make-up Examinations

Any member of the armed forces who has met the announced minimum qualifications **and** who properly filed an application for a competitive examination within the announced filing period but was unable to participate in the examination due to active military duty is entitled to a special military make-up examination. *The eligible list resulting from the original examination must still be in existence at the time the request for the make-up examination is made.* This benefit is available to any examination candidate and is not limited to State employees (Military Law, §243-b). Requests for make-up examinations must be made in writing to the Staffing Services Division at the NYS Department of Civil Service.

If a **promotion** examination is held while a public employee who would be entitled to participate in the examination is on military duty, the employee is entitled to a comparable examination, *provided that the employee makes such request within 60 days after being restored to his/her position* (Military Law, §243.5). Requests for comparable examinations pursuant to §243.5 must be made in writing to the Staffing Support Unit, NYS Department of Civil Service.

Any person who has passed one or more parts of an examination but has been prevented from completing the remaining parts of the examination because of military duty is entitled to complete the examination, *provided that such request is made within 90 days from the termination of military duty* (Military Law §243.7-b). This benefit is available to any examination candidate and is not limited to State employees. Requests to complete an examination pursuant to §243.7-b must be made in writing to the Staffing Services Division at the NYS Department of Civil Service.

List Eligibility

While on military duty, **any** person whose name is on an eligible list shall retain all associated rights and status on that list.

A person may be appointed from an eligible list while on military duty (Military Law §243.6). If a candidate is canvassed while on military duty and fails to respond timely, the person should be recorded as temporarily unavailable (code “TI”) for purposes of that canvass. A person on military duty should not be recorded on a Report of Canvass as declining a position (code “DP”) absent that eligible’s actual declination. (Refer to SPMM Policy Bulletins ## 00-01, 97-05, and 97-04 for list canvassing policies and procedures.)

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Special Military Lists

If a person's score becomes reachable for certification from an eligible list during military duty, that eligible's name will be placed on a special military list upon request following separation from military duty, *provided the original eligible list is still in existence* (Military Law §243.7). A person who has competed in a comparable examination (Military Law §243.5) or has completed all parts of a prior examination following military duty (Military Law §243.7-b) is entitled to special military list status if his or her score was reached for appointment between the date of entrance into military duty and the date he or she is notified of passing the examination.

Eligibility on any special military list is for a maximum period of two years. While an eligible retains special military list status, his or her name also remains active on the regular eligible list so long as that list is in existence. If an eligible is appointed from a special military list, his or her name may also be removed from the regular list for other positions filled from that list at that salary grade (or lower). A person appointed from a regular eligible list will have his or her name removed from the corresponding special military list.

Eligibility for Retroactive Seniority from Appointments from Special Military Lists

An employee performing military duty who is appointed from an open-competitive, transition, or promotion special military eligible list may be entitled to retroactive seniority from the date on which *any* eligible was appointed with a lower score from the regular eligible list. This retroactive seniority can be used for computing seniority credit in promotion examinations, computing training and experience credit for promotion, and determining eligibility for admission to promotion examinations.

Certification of Special Military Lists

Special military lists established pursuant to Military Law §§243.5 and 243.7-b generally enjoy priority in certification over any other lists, including the original eligible list, any subsequent eligible list for that title, or any subsequent reemployment lists.

Special military lists established pursuant to Military Law §243.7 have certification priority over the original eligible list and any subsequently created eligible list.

Special military lists never have priority over a previously established (already existing) mandatory reemployment list.

There can be no more than one special military list for each regular eligible list. No matter what the source of special military list status (e.g., from status on an existing eligible list, or following administration of a make-up or comparable examination), the names of all

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eligibles should be interfiled on a single special military list, in rank order, recording eligibility dates and the statutory basis for special list status. A special military list is **not** a mandatory list, unless it includes three or more names of individuals willing to accept appointment to a given position.

VETERANS' AND DISABLED VETERANS' BENEFITS

In addition to the benefits described above, qualified veterans and disabled veterans receive merit system benefits under the State Constitution and Civil Service Law.

Additional Credit in Examinations

Eligible war-time veterans are entitled to receive an additional five points on open competitive examinations and two and one-half points on promotion examinations. Eligible war-time disabled veterans are entitled to receive an additional ten points on open competitive examinations and five points on promotion examinations. These credits are added to the final earned rating for passing candidates and may be used only **once**, for appointment to a State or municipal civil service job (New York Constitution, Article V, §6; §85 Civil Service Law).

Additional Service Credit for Retention

Non-disabled war-time veterans serving in positions subject to Civil Service Law §§80 or 80-a, or labor class employees granted equivalent rights pursuant to collective bargaining agreements, are deemed to have received an original classified service appointment date 30 months prior to their actual date of permanent appointment. War-time disabled veterans serving in such positions are deemed to have received an original classified service appointment date 60 months prior to their actual date of permanent appointment (Civil Service Law §85).

A spouse of a veteran with a 100 percent service-connected disability and who is also a head of household and is domiciled with the veteran-spouse has a seniority date deemed to be 60 months earlier than the date of original permanent appointment to the classified service. The veteran with the 100 percent service-connected disability need not be a current or former New York State employee (Civil Service Law §85).

Tenure Protection

Veterans, disabled or non-disabled, who are not subject to contract disciplinary procedures, obtain the due process protections against discipline or removal pursuant to Civil Service Law §75. Veterans may obtain §75 rights even if they serve in a position in the exempt class or in the non-competitive class which has been designated confidential or policy influencing, provided they do not hold a position of private secretary, cashier, or deputy of any official or department (Civil Service Law §75-b).

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Transfer Upon Abolition of Positions

Veterans, disabled or non-disabled, serving in positions in the labor class or the non-competitive class which are not subject to the provisions of Civil Service Law §80-a, who are **not** private secretaries, cashiers or deputies, and whose positions have been abolished, may request a transfer to another similar vacant position at the same salary grade. This benefit is available for one year from the date of layoff (Civil Service Law §86).

Specific questions about the military service and veterans' benefits noted should be referred to your Staffing Services Representative.

ELIGIBILITY FOR VETERANS' AND DISABLED VETERANS' BENEFITS

Veterans

To be considered a veteran for all purposes under the Civil Service Law, an individual **MUST**:

- be a United States citizen or alien lawfully admitted for permanent residence and a resident of the State of New York at the time of application for appointment or promotion or retention;
- have been honorably discharged or released under honorable circumstances from the armed forces of the United States or is in possession of a letter from the New York State Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act. The armed forces of the United States includes the army, navy, marine corps, air force, coast guard, including all components thereof; and the national guard when in the service of the United States pursuant to call as provided by law, on a full-time duty basis, other than active duty for training purposes; **and**
- have served anywhere in the US armed forces during a designated "time of war". "Time of war" includes the following wars and hostilities:

Persian Gulf Conflict	August 2, 1990 – the date upon which such hostilities end (includes the Global War on Terrorism)
*Hostilities in Panama	December 20, 1989 – January 31, 1990
*Hostilities in Lebanon	June 1, 1983 – December 1, 1987
*Hostilities in Grenada	October 23, 1983 – November 21, 1983

[* Service during these periods is qualifying only if the veteran received the armed forces, Navy, or Marine Corps expeditionary medal.]

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Viet Nam Conflict February 28, 1961 – May 7, 1975

Korean Conflict June 27, 1950 – January 31, 1955

Service in the commissioned corps of the US Public Health Service:

July 29, 1945 – September 2, 1945 **or**

June 26, 1950 – July 3, 1952

World War II December 7, 1941 – December 31, 1946

World War I April 6, 1917 – November 11, 1918

(Civil Service Law §85, General Construction Law, Section 13-a.)

Notes:

- An otherwise eligible individual may apply for extra credits in an examination as a war-time veteran or disabled veteran if he or she **expects to receive** an honorable discharge or release under honorable conditions or is in possession of a letter from the New York State Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act.
- Dates of service and award of campaign medals are typically detailed on a veteran's federal Form DD-214, "Certification of Release or Discharge from Active Duty."

Disabled Veterans

In order to qualify for status as a disabled veteran, an individual, **in addition to meeting all of the criteria for veterans' status, must:**

- be certified by the United States Department of Veterans Affairs (DVA; formerly the Veterans Administration) as entitled to disability payments for a disability incurred while serving in the United States armed forces during a designated time of war as defined above;

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- have his or her disability rated by the DVA at 10 percent or more;
- have the qualifying disability at the time of application for appointment or promotion or retention; and
- be receiving payment from the DVA for such disability at the time of application for appointment or promotion, or for retention.

(NYS Constitution, Article V., Civil Service Law §6; §85.1(b))

VERIFYING CLAIMS OF VETERANS' AND DISABLED VETERANS' STATUS

As the appointing authority, you are responsible for verifying claims of a veteran's or a disabled veteran's eligibility for additional service credit in the event of a reduction in force. Because gathering appropriate documentation may take some time, we recommend that you verify a veteran's or a disabled veteran's qualifying status as soon as possible—upon appointment, upon notification by the employee, or upon a change in an employee's status (following a period of military duty, for example). You should retain copies of the veteran's or disabled veteran's documentary evidence in the employee's personal history folder.

To document a claim of veterans' status, you should inspect the employee's federal Form DD 214 (NAVPERS-553 / NAVMC-78 PD / WDAGO-53, 55 / WDAGO-53, 98) to verify the dates of qualifying service (and for service in Lebanon, Grenada, or Panama, the award of an appropriate expeditionary medal) and that separation from the service occurred under honorable circumstances. If applicable, review the employee's letter from the Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act. If the employee is still a member of the armed forces of the United States (the National Guard or Reserves) and cannot provide a DD-214, you should examine the employee's military orders to evaluate whether a specific period of service was qualifying.

To assist in verifying an employee's claim for status as a disabled veteran pursuant to Civil Service Law §85, the Department of Civil Service provides form S-7 [see last page of this Advisory Memorandum]. After completing the top of the form with the employee's name and your office's return address, please ask the employee to complete Section 1.

Employees should also complete and sign federal form VA 10-5345, "Request for and Authorization to Release Medical Records or Health Information," and attach it to Form S-7. When completing form VA 10-5345, we suggest that the employee indicate that the information requested on the accompanying form S-7 concerns the employee's service-connected disability (check "other" in the "Information Requested" section of form VA 10-5345 and describe the information sought), and explain that the information is needed to establish or verify the employee's status as a disabled war-time veteran for purposes of

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New York State Civil Service Law benefits (and so indicate in the “Purposes(s) or Need for which the Information is to be Used by Individual to Whom Information is to be Released” section of VA 10-5345). Form VA 10-5345 can be obtained and printed from the DVA web site at <http://www.va.gov/vaforms>. Simply type “10-5345” in the search window. Please note that the DVA may revise or replace forms without notice; it is likely that current forms will remain available at the DVA website.

The employee should attach the completed Form S-7 to the VA 10-5345 and forward both forms to the appropriate DVA office.

The DVA will complete the S-7 and return it to your office. At that time, please review the responses to ensure that the veteran’s claim is supported. Questions 1, 2, and 3 must be answered YES. If question 4 is answered NO, then question 5 must be answered YES. This completed form should be retained as a permanent part of the employee’s personal history file.

Reviewing Veterans’ and Disabled Veterans’ Status in NYSTEP

Agencies may verify/maintain documentation in veterans in NYSTEP at **NYSTEP Reports > Agency Management Reports > Employee Listing**. On the Employee Listing panel, you may customize a report for veterans’ information using the new checkboxes. The NYSTEP record reflects information on an employee submitted by your agency or by an earlier appointing authority.

Please update an employee’s NYSTEP records once a claim of veterans’ or disabled veterans’ status has been established or the employee’s recorded status has changed.

QUESTIONS AND ANSWERS RE: ELIGIBILITY FOR VETERANS' STATUS

The following questions and answers are provided as background information only. For answers to detailed inquiries regarding specific employees or applicants, please consult with your Staffing Services Representative.

Q1: A candidate or employee claims veterans’ status based upon designation as a veteran or disabled veteran for other State or federal programs or benefits. Is this sufficient to establish an entitlement under the State Constitution and Civil Service Law?

A: No. The Civil Service Law definitions of veteran and disabled veteran are specific to such law. Proof of veterans’ or disabled veterans’ status for purposes of other programs or benefits will not necessarily establish eligibility for merit system benefits under the NYS Constitution and Civil Service Law.

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Q2: Is the United States now in a designated time of war?

A: Pursuant to Civil Service Law §85.8, the United States has been in a designated time of war for hostilities participated in by the military forces of the United States in the Persian Gulf from August 2, 1990 until the end of such hostilities. Service during this designated time of war is not limited to the Persian Gulf theater of operations and does not require an employee or examination applicant to possess a specific expeditionary medal or campaign ribbon. For the purposes of the veterans' and disabled veterans' benefits described in this memorandum, the current time of war period will continue until it is formally ended by action of the State Legislature with approval of the Governor.

Q3: Is an employee on military leave, regardless of pay status, a veteran under the Civil Service Law?

A: Not necessarily. Pursuant to Military Law §242 and §243 and provisions of federal law, public employees have a right to military leave while performing ordered military duty. However, an employee's absence on military leave does not automatically establish veterans' status since certain types or periods of ordered military duty for which military leave is granted do not qualify toward attainment of veterans' status. Each period of ordered military duty must be evaluated independently against the standards for qualifying service. (Note that many of the merit system rights and benefits described in this memorandum **do not** require veterans' status.)

Q4: What is the difference between military service in the armed forces of the United States and in the organized militia of New York State? Is all military service creditable toward obtaining veterans' status under the Civil Service Law?

A: Only active military service in the armed forces of the **United States** during a time of war, other than active duty for training, is creditable towards attaining veterans' status under the Civil Service Law. References to federal active duty service (other than for training) on a United States Department of Defense Form DD-214 may reference "Executive Orders (of the President of the United States)," "Orders of the Secretary of Defense," or provisions of Title 10 of the United States Code. These descriptions address military duty in the armed forces of the United States, and potentially may be used in establishing a claim for veterans' status. Federal military orders which include the code "IADT" may indicate federal initial activation for training purposes. Federal active duty for training or less-than-full-time duty in the armed forces of the United States is not qualifying for veterans' or disabled veterans' purposes.

Since September 11, 2001, certain individuals and units of the National Guard have been ordered to active duty by the Governor for disaster relief and homeland security operations. Military orders referencing "Orders of the Governor" or provisions of Title 32 of the United States Code or Military Law §6 describe military duty in the service of New York

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State, which **cannot** be used to support an application for veterans' status. A federal Form DD-214 is not issued for State military service.

An employee's or applicant's military unit or the New York State Division of Military and Naval Affairs may be able to assist you with questions regarding the specific military orders recorded on a person's Form DD-214 or other military documentation.

Q5: An employee's or applicant's orders show that he or she has been released from active duty, but his or her service obligation has not yet terminated. Is he or she already a veteran?

A: Perhaps. An individual may attain veterans' status if he or she is released under honorable circumstances from qualifying military duty (or expects such release, if applying for additional examination credits only). A release can occur when a specific set of military orders for active duty ends, but **before** an individual's reserve obligation terminates. Periods of military service and the termination of the reserve obligation date (if applicable) will be recorded on an individual's Form DD-214. To be creditable towards attainment of veterans' status, each release following a period of federal active duty (other than for training) must be under honorable conditions.

Orders for active military duty in the armed forces of the United States (other than active duty for training) may vary in duration from periods of less than a day, to continuous absences of several months, or more. Original military orders may also be modified and extended. In the case Matter of the City of New York, et al., v. City Civil Service Commission (60 NY2d 436), the New York State Court of Appeals determined that veterans' status under the Civil Service Law should be granted only to those individuals whose service "was on a full-time basis evidencing a sacrifice in the form of disruption of civilian life and divorce from civilian occupation..." and should be denied if it "did not significantly interfere with the applicant's normal employment and way of life." (See SPMM Advisory Memorandum No. 85-01)

For individuals who claim veteran status based solely upon one or more periods of active duty (other than for training) in a reserve component of the armed forces of the United States, appointing authorities should review each request against the standard for military service described by the Court of Appeals (see above). Any agency policies on the crediting of active duty reserve service towards attainment of veterans' status should be reasonable and applied consistently for all similarly situated employees or examination applicants.

Q6: An employee or applicant bases a request for veterans' status on a period of active duty but cannot produce a Form DD-214 for such service. Should his or her claim be automatically denied?

A: No. Outright rejection of claims for veterans' status should be avoided if an individual describes potentially qualifying service but is awaiting appropriate documentary proof. An

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employee or applicant may not be able to promptly supply documentary proof of active duty for a variety of reasons. A Form DD-214 may not be issued for periods of active duty shorter than 90 days, or military paperwork processing delays may occur. Personnel offices can assist employees or applicants to document periods of service by contacting military officials; usually an employee or applicant's military unit is a good place to start.

When a federal Form DD-214 has not been issued, a commanding officer or other appropriate military official may forward a signed summary of military duty on official letterhead or the employee may furnish copies of his or her actual military orders. However, the individual requesting veterans' status must still establish that his or her release from active duty (other than active duty for training) following a period of claimed service occurred under honorable conditions.

As necessary, preliminary approval can be granted, but final determinations of veterans' or disabled veterans' status should be withheld until appropriate documentation can be obtained.

Additional credits on examinations may be approved in expectation of honorable discharge or release under honorable circumstances from qualifying service or is in possession of a letter from the New York State Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act. However, an individual must have already obtained an appropriate discharge or release following qualifying military service prior to requesting veterans' benefits in retention situations.

Q7: An individual claims status as a disabled veteran but does not appear to meet all of the eligibility requirements. Could this person be a veteran?

A: For purposes of Civil Service Law §85, a disabled veteran must be a veteran who has a qualifying service-related disability incurred during a designated time of war and is currently receiving disability payment from the DVA. Therefore, each element of the veteran and disabled veteran definitions must be reviewed carefully; an individual who cannot qualify as a disabled veteran may nevertheless be eligible for merit system benefits as a veteran.

Q8: Must a veteran (disabled or non-disabled) be a New York State resident to qualify for additional service credits (seniority) for purposes of retention?

A: State residency at the time of layoff is necessary for adjusted seniority, as required by a 1993 amendment to §85(1)(a) of the Civil Service Law. Agencies should review each veteran's recorded place of residence when verifying the information on seniority rosters prepared by the Department of Civil Service. Individuals who are not New York State residents at the time of layoff are not entitled to adjusted seniority as war-time veterans or disabled veterans.

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Q9: Must a veteran (disabled or non-disabled) be a New York State resident at the time of exam application in order to qualify for additional credits on examinations?

A: No. However, an individual must establish his or her entitlement to veterans' credits prior to the creation of the resulting eligible list. In almost all cases, this means that a candidate is a New York State resident at the time he or she applies for an examination. If an otherwise qualified veteran or disabled veteran obtains New York State residency during the period between applying for an examination and issuance of the eligible list, he or she should contact the Staffing Services Division at the Department of Civil Service. Appropriate veterans' credits can then be added to his or her score.

By law, veterans' credits cannot be conferred after establishment of an eligible list.

A veteran must be a New York State resident at the actual time of appointment, as indicated on Form S-203. Thus, an individual who was a New York State resident at the time of application for examination/eligible list establishment, but who is no longer a State resident when an offer of appointment is made, will not be able to use veterans' credits at that time.

Residency requirements for veterans' or disabled veterans' status are independent of other New York State residency requirements for certain State jobs.

Q10: An employee is recorded in NYSTEP as a veteran or disabled veteran, but there is no supporting documentation in his/her personal history folder. Should that employee's veterans' or disabled veterans' status be changed to non-vet (or non-disabled vet, as the case may be)?

A: Not immediately. You should inquire further. First, the employee should be consulted. Members and veterans of the armed forces are advised to retain copies of important military documents, including any Forms DD-214 produced for separate periods of duty. Documentation may also have been retained by one of an employee's previous appointing authorities. The New York State Division of Military and Naval Affairs, the United States Department of Defense, including the various branches of the armed services, and the United States Department of Veterans Affairs may be able to assist the employee or personnel office in obtaining military service records.

Q11: Does Civil Service certification of an employee or applicant as CSL §55-c eligible automatically establish that individual's status as a disabled veteran? (Civil Service Law §55-c is entitled "Employment of veterans with disabilities by the state.")

A: No. The criteria for eligibility under CSL §55-c are different than the criteria to determine disabled veterans' status for the purpose of receiving additional credits on an examination or for receiving additional seniority in event of a reduction in force. A §55-c

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employee may nevertheless be entitled to veterans' or disabled veterans' merit system benefits if he or she otherwise meets the criteria of CSL §85. Questions regarding eligibility for participation in the §55-c program **only** should be directed to the Governor's Program to Hire Disabled Veterans at the Department of Civil Service at (518) 473-8961 or (866) 297-4356.

Attachment (S-7)

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1200 Examinations

June 2008

*This Advisory Memorandum amends State Personnel Management Manual Advisory Memorandum #05-05. Please annotate the section “**Issues and Notes**” (page 2) in Advisory Memorandum #05-05 to reflect the change discussed below.*

No examination fees will be charged candidates for military make-up examinations.
[This confirms the policy set forth in SPMM Section 1240.212.]

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1200 EXAMINATIONS

JUNE 2007

TO: Agency Personnel, Human Resources and Affirmative Action Offices
FROM: Terry Jordan, Director of Staffing Services
SUBJECT: Changes to Keyboard Specialist 1 Examination Program
DATE: June 13, 2007

This memorandum replaces Advisory Memorandum 97-02, "Revised Performance Test Administration Materials for Keyboard Specialist 1" **and** amends Advisory Memorandum 00-03, "Centralized Performance Typing Test for Keyboard Specialist in the Greater Albany Area, Examination Number 20-670" **and** amends General Information Bulletin 05-02, "Keyboard Specialist 1 Managed Placement Program Discontinued," with updated contact information.

This is to advise of the following changes to the Keyboard Specialist 1 examination program.

Effective July 31, 2007, the multiple-choice test for Examination Nos. 20-670 (Greater Albany Area) and 20-661 through 20-669 (Outside the Greater Albany Area), Keyboard Specialist 1 will be offered five times a year, statewide, at State examination centers. The scheduled test dates for 2007-2008 are:

September 8, 2007
November 17, 2007
January 26, 2008
March 29, 2008
May 31, 2008

Future dates for the Keyboard Specialist 1 examination will be listed on the exam announcement when it is reissued annually.

The typing performance test for Examination No. 20-670 will continue to be administered at the Computer-Based Testing and Training (CBTT) facility at the Department of Civil Service, Alfred E. Smith State Office Building in Albany. The typing performance test for Examination Nos. 20-661 through 20-669 will continue to be administered by State agencies and facilities Outside the Greater Albany Area at the time of the first interview.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #07-02**

1200 EXAMINATIONS

JUNE 2007

Greater Albany Area Testing

Between now and July 31, 2007, we will administer the multiple-choice test and typing performance test in the CBTT facility in Albany to accommodate those candidates whose applications are postmarked by June 15, 2007. Candidates whose applications are postmarked after June 15, 2007 will be included in the September 8, 2007 statewide holding of the multiple-choice test.

Candidates who pass the multiple-choice test will have their names placed on the eligible list, but will be restricted from appointment until they pass the typing performance test or submit a suitable waiver. Only enough candidates to fill anticipated vacancies in the Greater Albany Area will be called to take the typing performance test in the CBTT facility. Those candidates will be provided instructions on how to schedule their typing performance test.

Additionally, the typing performance test for transfer nominees and appointees under Section 55-b/55-c will be administered in the CBTT facility. To schedule these, agency and facility personnel may contact the CBTT Unit at (518) 474-0620 or (866) 277-9313.

Outside the Greater Albany Area

Candidates who pass the multiple-choice test will have their names placed on the eligible list and will be restricted from appointment until they pass the typing performance test or submit a suitable waiver.

State agencies and facilities Outside the Greater Albany Area that administer the typing performance test **must** use the *Typetest* - our computerized, fully automated test program. Instructions for administering the *Typetest* are described in the Performance Test Manager User Guide, which is available from our Computerized Testing Unit at (518) 457-5202. Please note that a new typing performance test is developed annually each January and agencies must use the most current version.

When requesting these materials, please allow 10 business days prior to the interview for shipping, installation, and familiarization. Candidates should not be allowed to take the typing performance test more than four times, once for each form of the *Typetest* included in the program.

Questions regarding the Keyboard Specialist 1 examination program should be directed to Staffing Services Section 1 at (518) 473-9722. Questions regarding the certification of eligible lists and submission of typing performance test waivers and reporting results of the *Typetest* should be directed to the Employment Records Section at (518) 457-4295.

The revised examination announcement for Keyboard Specialist 1 will be issued on June 22, 2007 and will be available on our website at www.cs.state.ny.us.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #05-05

1200 Examinations

November 2005

This Advisory Memorandum amends certain information published in State Personnel Management Manual Advisory Memorandum #04-03. Please annotate the section "Make-up Examinations" (page 2) in Advisory Memorandum #04-03 to reflect the changes discussed below.

Chapter 425 of the Laws of 2005 amends §243-b of the Military Law (ML) to greatly expand the availability of special military make-up examinations for candidates who miss application deadlines and/or scheduled examinations due to qualifying military duty. A copy of the statute is included on the last page of this memorandum, with changes in *italics*.

Expansion of Types of Military Service Qualifying for Benefits

New subdivisions (2) and (3) of §243-b now cover individuals **in the reserve armed forces or organized militia** who perform any ordered State (i.e. military duty by order of the Governor) or federal military service, except for a call to active duty solely for training. In practice, that means that virtually all ordered military duty performed by the reserve armed forces or organized militia, other than the "traditional" or "routine" reserve training and drill obligations (e.g. one weekend per month, plus two weeks per year, and/or drill meetings of less than a day), will now entitle an applicant to make-up exam administrations.

Candidates who timely filed for examinations and were denied an opportunity to compete because of short-term training duty should continue to be accommodated through alternate test date procedures.

This statute applies to all candidates for New York State examinations (and exams for NY political subdivisions) whether or not the candidate is currently an employee of the State or one of its political subdivisions.

Elimination of the Pre-Examination Filing Requirement

The requirement that candidates for an open-competitive examination, including current NYS employees, must have filed for the examination at least 10 days before the scheduled exam date (see ML §243-c) has been eliminated for members of the reserve armed forces or organized militia who were unavailable either during the announced filing period or on the original examination date due to qualifying military duty. A make-up examination may be requested even while the candidate remains on military duty for as long as the eligible list from the missed examination remains in existence.

A candidate who requests a military make-up examination within 10 days prior to an announced test date may be admitted to the scheduled test or provided an alternate test date, if required, without completing an application beforehand.

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1200 Examinations

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Issues and Notes

- Members of the regular armed forces (including the regular Army, Air Force, Navy, and Marines) continue to be governed by subdivision (1) of §243-b and ML section 243-c. In order to compete in open competitive examinations, these candidates are still required to file examination applications at least ten business days before the scheduled examination holding or filing deadline, whichever is later.
- A qualified candidate who failed to timely file an application is not guaranteed an opportunity to take an examination on a walk-in basis. Even if the candidate is available on the scheduled test date, he or she may be required to compete according to alternate test date procedures.
- There is no waiver of any required examination fees for a military make-up examination.
- A military make-up examination candidate is not automatically entitled to receive veterans' or disabled veterans' credits. Each applicant should be evaluated according to the appropriate criteria and definitions (see SPMM Advisory Memorandum #04-03).
- Qualified, successful military make-up examination candidates are entitled to have their names entered, in rank order, on the eligible list resulting from the original examination.
- To receive placement of his or her name on an eligible list following a military make-up examination, a candidate must have been qualified to compete as of the date of the original holding of the examination. An examination application should be on file for each make-up exam candidate, even if the application is filed after the administration of the examination.
- Success on a military make-up examination does not guarantee special military list (SML) status. All of the requirements for the appropriate type of SML must also be met (see ML §§243(5) and 243 (7-b)).
- To ensure the greatest period of list eligibility and to meet any applicable SML time requirements (see ML §243(5) and (7-b)), candidates should be encouraged to request a make-up examination within 60 days (for missed promotional examinations) or 90 days (for open competitive examinations **where the candidate timely filed prior to the holding of the original examination**) of termination of qualifying military duty. Candidates may still request make-up examinations after these deadlines, however they will not be eligible for SML status.
- Unless a candidate obtains SML status following a make-up examination, his or her period of eligibility will end with the expiration of the original eligible list.

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- The period of eligibility for candidates on continuous recruitment (CR) eligible lists will commence following the scoring of the make-up CR examination.
- The DCS may decline to administer a special make-up examination if there would be no obvious benefit to the candidate (e.g. the make-up request is received one week before the associated eligible list is due to expire and the candidate could not obtain SML status).
- Although ML §243-b is silent on the matter, military make-up examinations should not be afforded candidates who have received a dishonorable discharge from military service. This is the same standard contained in ML §243-c, and is lower than the standards for military discharge and release found in ML §243 – which provides, among other benefits, the potential entitlement to SML status.

Questions from potential candidates to whom this memo applies should be referred to your Staffing Services Representative.

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§ 243-b. Civil service examinations by military personnel.

1. Notwithstanding any other provision of this chapter or any other law, any member of the armed forces of the United States of America who having duly filed an application to compete in a scheduled competitive examination for civil service employment by the state of New York or any of its subdivisions and who due to active military duty is deprived of the opportunity to compete in such examination shall be provided with an opportunity to compete, under terms and conditions deemed appropriate by the state department of civil service or municipal commission, by way of a special military make-up examination.

2. *Notwithstanding any other provision of this chapter or any other law, any member of the force of the organized militia, as the term is defined in subdivision nine of section one of this chapter or reserve armed forces, as that term is defined in subdivision twenty-nine of section two hundred ninety-two of the executive law who missed the application deadline for a scheduled competitive examination for civil service employment by the state of New York or any of its subdivisions due to military service, as defined in subdivision one of section three hundred one of this chapter or due to a call to active duty other than for training, pursuant to 10 USC 101 (d) (1), and is deprived of the opportunity to compete in such examination due to military service, as defined in subdivision one of section three hundred one of this chapter or due to a call to active duty other than for training, pursuant to 10 USC 101 (d) (1), shall be provided with an opportunity to compete, under terms and conditions deemed appropriate by the state department of civil service or municipal commission, by way of a special military make-up examination.*

3. *Notwithstanding any other provision of this chapter or any other law, any member of the force of the organized militia, as the term is defined in subdivision nine of section one of this chapter or reserve armed forces, as that term is defined in subdivision twenty-nine of section two hundred ninety-two of the executive law who missed the application deadline for a scheduled competitive examination for civil service employment by the state of New York or any of its subdivisions due to military service, as defined in subdivision one of section three hundred one of this chapter or due to a call to active duty other than for training, pursuant to 10 USC 101 (d) (1), and who returns from such duty prior to the administration of such competitive examination shall be granted a waiver of the application requirement and allowed to compete in such upcoming examination.*

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

STATE PERSONNEL MANAGEMENT MANUAL

Advisory Memorandum #02-05

1200 Examinations

October 29, 2002

T0: Department and Agency Personnel, Human Resource and Affirmative Action Offices

FROM: William E. Doyle, Director of Staffing Services

SUBJECT: Clearance Control Numbers for Non-competitive Appointments/Examinations

Although the SPMM requires that there be no reemployment lists for appointments made pursuant to §52.7 , or §70.4, or Rule 4.2(b), (See 1205 B, C, and D respectively) NYSTEP did not require clearance control numbers for the first two types of appointments. Effective October 31, 2002, all NYSTEP transactions for appointments made pursuant to these sections of law and rule will require you to enter a clearance control number.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

DIVISION OF STAFFING SERVICES

Advisory Memorandum #00-03

1200 Examinations

TO: Department and Agency Human Resource, Personnel and Affirmative Action Officers
FROM: Crys Hamelink / William Doyle – Staffing Services Division
SUBJECT: Centralized Performance Typing Test For Keyboard Specialist 1 in the Greater Albany Area. Examination Number 20-670
DATE: August 25, 2000

THIS MEMORANDUM IS BEING SENT ONLY TO PERSONNEL/HUMAN RESOURCES OFFICES

THIS MEMORANDUM DOES NOT REPLACE ADVISORY MEMORANDUM #97-02, "REVISED PERFORMANCE TEST ADMINISTRATION MATERIALS FOR KEYBOARD SPECIALIST 1" ISSUED MAY 21, 1997 IN THIS SECTION BUT AMENDS THE PROCEDURES FOR OFFICES IN ALBANY, SCHENECTADY, AND RENSSELAER COUNTIES. PLEASE MAKE A NOTE ON THAT MEMORANDUM TO SEE THIS ONE.

In response to popular demand, the performance typing test, known as "Typetest" will be administered centrally at Civil Service offices for the greater Albany area, including Albany, Schenectady and Rensselaer counties. Agencies in outlying counties covered by 20-670 and all counties covered by Exam Numbers 20-661 – 20-669 will continue to administer the Typetest at the time of interview.

The reasons for centralizing the Typetest at Civil Service for the Albany area are:

1. Various agencies have repeatedly requested help with Typetest administration. The process of administering the Typetest at the time of interview is time-consuming and difficult due to the high failure rate (approximately 50%.)
2. Although the current policy states that candidates may be tested only four times in a 12 month period, it is difficult to track the number of times the Typetest is administered to any one candidate by different agencies.
3. Little can be done in the current decentralized system to help candidates prepare for the Typetest. Standardized help can be given consistently from trained Civil Service personnel and test monitors.

Centralized typing performance testing was begun at Civil Service this July. Agencies should see an increasing percentage of candidates on certified lists for positions in the capital region that do not need performance testing. We are currently administering the Typetest to all candidates in the greater Albany area who passed the June 3 KBS 1 written test.

Beginning September 1st, **only** candidates that have passed the typing test will appear on certifications for offices in Albany, Schenectady and Rensselaer counties. In addition, instead of allowing candidates to take the typing test four times in a 12 month period, we will allow them to take the typing test four times each time they take and pass the written test, which currently is given three times a year.

Those agencies still working from older certifications, and agencies filling vacancies in outlying areas may continue to test as needed.

NOTE: ALL ACTIVE CANDIDATES IN THE AREA COVERED BY 20-670 HAVE BEEN OFFERED THE OPPORTUNITY TO COME TO CIVIL SERVICE OFFICES TO TAKE THE TYPETEST OR TO PROVIDE US WITH A TYPING TEST WAIVER. HOWEVER, WE HAVE NOT INSISTED THAT CANDIDATES FROM OUTSIDE THE CAPITAL REGION TRAVEL TO ALBANY. THE GUIDELINE IS THAT IF THE CANDIDATE IS WILLING TO WORK IN ALBANY, SCHENECTADY OR RENSSELAER COUNTIES THEY MUST COME HERE TO TAKE THE TEST. CANDIDATES WILLING TO WORK ONLY IN OTHER COUNTIES HAVE BEEN ENCOURAGED TO COME TAKE THE TEST, BUT HAVE NOT BEEN REQUIRED TO DO SO.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

DIVISION OF STAFFING SERVICES

Advisory Memorandum #00-03

1200 Examinations

Agency offices in counties covered by List 20-670, (Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington) should send ALL TYPING TEST RESULTS (passed and failed) to the Managed Placement Office, Room 327, NYS Dept. of Civil Service, State Office Building Campus, Albany, NY 12239. All other counties should continue to send all results to Jay Holcomb, Testing Division at Civil Service.

Questions: call Pat Baugh at 485-0355, or e-mail us at Keyboard@cs.state.ny.us

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #98-02**

1200 Examinations

TO: Department and Agency Personnel Officers and Affirmative Action Officers
FROM: James W. Sever, Director of Staffing Services
SUBJECT: Constitutional Change Affecting Veterans Credits Claims
DATE: January 20, 1998

On November 4, 1997, the voters approved a referendum which amended Article V, Section 6 of the State Constitution. As a result, beginning January 1, 1998, active duty members of the Armed Forces, serving in time of war (it now being a statutory time of war) may request that extra credits be added to their passing examination scores and to use those credits for appointment from the eligible list once discharged honorably or under honorable circumstances. Until now, the examination applicant must have been discharged prior to making the request for extra credits.

The amendment is prospective, not retroactive, and eligible lists established prior to January 1, 1998, are not affected.

Other requirements and provisions regarding the granting and use of war-time veterans credits were not affected. These ongoing requirements include: service in a time of war, State residence, US citizenship, active duty service for other than training purposes, the number of credits to be awarded, and requesting credits on the examination application.

The amendment does not affect the way State agencies, or this Department, processes war-time veterans credit claims: the claim is made on the examination application and subsequently verified by the agency's appointing officer at the time of job interview/offer by using Form S-203. This form requires no changes.

All open competitive and promotion examination application forms have been revised to reflect the change; current forms will continue to be valid until their stock is depleted. In addition, this Department has published a posting notice (provided with a recent set of examination announcements), has published a special statement on all examination announcements for examinations held during the testing year ending June, 1998, and has begun printing a special notice on all written test admission notices which instructs any candidate who meets the criteria to call (518) 485-1846 to have the credits added.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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Advisory Memorandum #93-07**

1200 Examinations/2300 Reductions in Force
2800 Automated Position-Personnel System

August 18, 1993

REVISED - VETERAN'S STATUS AND DEFINITIONS - REVISED

This Advisory Memorandum revises the information on this topic, and replaces Advisory Memorandum #91-02 issued July 29, 1991. Place this memorandum in each section listed above, and remove each copy of Advisory Memorandum 91-02, as it is now obsolete. Provide a copy of this memorandum to your Agency Payroll Office.

Effective July 21, 1993, Section 85 of the Civil Service Law is amended to provide for a revised beginning dates for the Viet Nam Conflict. (see underlined change below)

This change does not affect the status of any individuals on eligible lists established prior to July 21, 1993. Nor does it retroactively affect the retention rights of any employees laid off prior to that date.

Under New York State Law, only certain war time veterans are entitled to extra credits added to their exam scores or additional seniority in the event of reductions in force. For this reason, it is important that only those war time veterans who are entitled to these considerations are listed in our records. Only those veterans meeting the criteria below are to be identified on the PR-75 form as VETERANS (Qualified disabled wartime veterans are coded 1 on the APPS display; qualified non-disabled wartime veterans are coded 2.) Non-veterans and former members of the armed forces who do not meet the criteria are to be identified as NON-VETERANS(coded 3). If you identify an employee whose veteran status is incorrect please **DO NOT** submit a PR-75 to correct the record; contact the Employment Records Section at (518) 457-3780 for direction.

DEFINITIONS/CRITERIA

VETERAN —To be eligible for identification as a veteran under the Civil Service Law, both for purposes of additional examination credits and for additional seniority, an individual **MUST**:

- be a U.S. citizen or an alien lawfully admitted for permanent residence (at the time of application for credits or retention)
- have served anywhere in the US *armed forces* (see definition below) during the following dates:

World War I	April 6, 1917 - November 11, 1918
World War II	December 7, 1941 - December 31, 1946
Korean Conflict	June 27, 1950 - January 31, 1955
Viet Nam Conflict	<u>December 22, 1961</u> - May 7, 1975
Persian Gulf Conflict	August 2, 1990 - the date upon which such hostilities end
- or, have served in the commissioned corps of the US public health services during: July 29, 1945 - September 2, 1945, or June 26, 1950 - July 3, 1952

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August 18, 1993

- or, have received the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal for the:
 - Hostilities in Lebanon June 1, 1983 - December 1, 1987
 - Hostilities in Grenada October 23, 1983 - November 21, 1983
 - Hostilities in Panama December 20, 1989 - January 31, 1990
- have been honorably discharged or released under honorable circumstances from the armed forces of the United States. **Armed forces** are defined as the army, navy, marine corps, air force, coast guard, and all components thereof and the National Guard when in the service for the United States pursuant to call as provided by Law on a full-time duty basis other than active duty for training purposes.

DISABLED VETERAN — In order to qualify for disabled war time veterans' status an eligible veteran **MUST**, in addition to meeting the above criteria:

- be certified by the US Veterans' Administration as entitled to disability payments for a disability incurred while serving in the US armed forces (see definition above) during the periods specified above; and,
- have his or her disability rated by the US Veterans' Administration at 10% or more; and,
- have the disability at the time of application for appointment or when considered for retention or displacement due to reductions in force.

NOTES

- The classified service date shown on APPS files does not include extra seniority afforded spouses of disabled veterans (60 months), or qualified war time veterans (30 months; disabled war time veterans receive 60 months extra seniority.) This extra service credit will be added to classified service dates to produce the "Class. Senior. Date" which appears on seniority rosters prepared in anticipation of reductions in force.
- There is no residency requirement for additional seniority credits for retention. However, individuals applying for war time veterans' credits on eligible lists must be New York State residents at the time of application. (see form S-203)

REFERENCES

- | | |
|--|---|
| • Article V, Section 6, New York State Constitution | • Section 85, New York State Civil Service Law |
| • General Construction Law § 13-a | • Rules 5.5 and 5.6 — 4 NYCRR |
| • Department of Civil Service, <i>Guidelines for the Administration of Reductions in Force</i> | • New York State Office of the State Comptroller — Payroll Manual |
| • State Personnel Management Manual,
– Policy Bulletin #85-01, (1200 and 2300)
– Advisory Memorandum #86-03, (1200 and 2300) | |

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #92-01**

1200 Examinations/2300 Reductions in Force
2800 Automated Position-Personnel System

January 6, 1992

UPDATE ON VETERANS

This memorandum is intended to provide agencies with information on legislation, State policy and procedures for certain newly defined categories of individuals who have been recently accorded veterans status under Section 85 of the Civil Service Law. It summarizes and repeats some of the information previously published in General Information Bulletin #91-04, and Advisory Memorandum #91-02.

For each of the new categories below, in addition to any specific requirements for eligibility, these individuals must also meet all the other criteria in Advisory Memorandum #91-02. (See 1200, or 2300 or 2800 of your State Personnel Management Manual).

NEW CATEGORIES AND ENTITLEMENTS

Alternate Test Dates For State Examinations

Section 243-b of the Military Law was enacted as of July 19, 1991, providing for a make up administration of the test(s) for candidates who had filed for an examination, but were unable to take the test on the scheduled date due to active military service. To obtain an alternate test date, veterans must write to the Department of Civil Service, Examinations Processing Section within 60 days of their return from active duty.

Disabled World War II Merchant Mariners

Effective August 2, 1991, Section 85 (b)(2) has been amended to define an additional group of disabled individuals as disabled veterans. However, please note that the legislation stipulates that such individuals are entitled to this status **ONLY IF THEY HAVE TAKEN AN EXAMINATION ON OR AFTER AUGUST 2, 1991**. Therefore, their seniority dates may not be adjusted if they have not taken an examination on or since that date.

Persian Gulf Conflict Veterans

Effective August 1, 1991, Section 85 has been amended to include individuals who served anywhere on active duty in the armed forces from August 2, 1990 to the date upon which such hostilities (the Persian Gulf Crisis) end. In particular this includes members of the reserves who were called to active duty in connection with the Persian Gulf conflict's operations Desert Shield and Desert Storm.

Veterans of Lebanon, Grenada and Panama

Effective August 1, 1991, Section 85 has been amended to include individuals who served in Lebanon, Grenada, and Panama in the armed forces during the dates of those hostilities (See Advisory Memorandum #91-02, page 2). Note that to be eligible, in addition to the usual criteria, these individuals **must have actually served in those locations**, evidenced by having been awarded the armed forces expeditionary medal, the navy expeditionary medal or the marine corps expeditionary medal.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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Advisory Memorandum #92-01**

1200 Examinations/2300 Reductions in Force
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January 6, 1992

GENERAL PROCEDURES

To help inform state employees and the public of these changes, the Department of Civil Service has sent information to several Merchant Marine and other veterans organizations, has provided information to the Personnel Council through the office of the Executive Assistant, and has also prepared various press releases and posting notices. In addition:

Additional Credits on Examinations

- For pending eligible lists (by law candidates must apply for additional veterans credits before the eligible list is established):
 - a. For candidates who are state employees, agencies were sent a package containing notices to be delivered to their employees, and a flyer to be duplicated and posted.
 - b. For candidates who are not state employees, the Department of Civil Service mailed notices about the opportunity to apply for credits.
- The form S-203, Disposition of Veterans Credits was revised and reprinted. Agencies were sent a small supply of the revised form with instructions to destroy any current stock.
- Notices for posting have been provided with the collated sets of examination announcements.
- Special notices are being sent to all applicants for examinations which have not yet been held, either directly or with their written test admission notices.
- Forms XD-5 and XD-10 applications are being revised.

Seniority - The Department of Civil Service has provided information to the Department of Labor and the Employment Services Offices. We will not be individually notifying individuals on preferred lists. Agencies may be asked to include a notice on their canvass letters. Agencies must notify their own employees. It is especially important that any employees who may be potentially affected by layoffs be immediately informed and their seniority changed as necessary.

VERIFICATION

For additional examination credit (form S-203), or for additional service credits for seniority, agencies must verify eligibility for veterans status through the standard documents:

- Form DD 2168 or a letter of certification from a VA service officer for designation as a disabled veteran.
- Form DD 214 (NAVPERS-553 / NAVMC-78 PD / WDAGO-53, 55 / WDAGO-53, 98) to indicate the dates of service required to qualify, and for service in Lebanon, Grenada or Panama, the award of the expeditionary medal. For service in the Merchant Marine, the form must indicate active ocean going service from December 7, 1941 to August 15, 1945.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #92-01**

**1200 Examinations/2300 Reductions in Force
2800 Automated Position-Personnel System**

January 6, 1992

To change a current employee's veterans status, agencies must send a letter to the Employment Records Section of the Department of Civil Service containing a statement that they have reviewed and have on file the appropriate documentation. The letter must also contain the employee's name, social security number and line number.

RETENTION RIGHTS OF PERSIAN GULF VETERANS

Subsequent to the issuance of General Information Bulletin #91-04 which discussed the extensive reinstatement and retention rights provided under Federal law to those who serve in active military duty during the Persian Gulf crisis, including protection from discharge without cause for one year upon return, we have received clarification from the U. S. Department of Labor that reductions in force are considered just cause. Accordingly, because Federal law does not preclude returning veterans from being affected by required reductions in force, they have the same rights as any other employee under the Civil Service Law. The returning veteran must, of course, be provided his/her proper seniority rights in conducting any such reduction in force, including the additional thirty months credit to which non-disabled veterans are entitled pursuant to Civil Service Law §85.7 and the additional sixty months credit to which disabled veterans are entitled.

Notwithstanding this clarification of Federal law, the State of New York remains committed to ensuring that, to the extent possible, diligent efforts be made to re-employ and retain employees upon their return from ordered military duty in connection with the Persian Gulf crisis.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
DIVISION OF EXAMINATIONS AND STAFFING SERVICES

ADVISORY MEMO NO. 86-03

1200--Examinations

2300--Reductions in Force

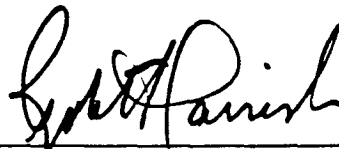
September 11, 1986

TO: Department and Agency Personnel Offices
FROM: Robert Parrish
SUBJECT: Veterans' Credits

On June 17, 1986 the U.S. Supreme Court upheld the Federal Appeals Court determination in Attorney General of New York v. Soto-Lopez, et. al. which had struck down the requirement in our State Constitution that the additional points credited to veterans in competitive examinations be limited to those who were residents of the State at the time of their induction into the Armed Forces. We had implemented the Court of Appeals decision in February of 1985 (see Policy Bulletin No. 85-01, Veterans Credits).

To summarize the effects of this decision:

1. For additional credits on examinations, veterans must be residents of the State only at the time of application for credits.
2. For retention rights (i.e., adjusted seniority) at time of layoff and for rank on a preferred list, there are no longer any residency requirements (current residency requirements were removed from Section 85 in 1982).



Deputy Director for the Bureau
of Staffing Services

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

STATE PERSONNEL MANAGEMENT MANUAL

ADVISORY MEMORANDUM NO. 85-01

1200 Examinations -- 2300 Reductions in Force

May 17, 1985

File this material in the section of the manual referenced above.

TO: Department and Agency Personnel Officers

FROM: Robert Parrish

SUBJECT: Veterans' Credits

A recent Policy Bulletin (85-01) clarified the eligibility rules for veterans' credits in light of the Soto-Lopez decision. You should also be aware that the current eligibility requirements, as listed in the attachment to the Commissioner's memorandum, reflect another change which resulted from a separate court decision.

As a result of the Court of Appeals decision in Matter of the City of New York, et al v. City Civil Service Commission, National Guard members activated during the US Postal Strike during the period 3/23/70 to 3/30/70 are no longer eligible for veterans' status based solely on such service. The Court held that veterans' status under Section 85 of the Civil Service Law should be granted only to those whose service "was on a full-time basis evidencing a sacrifice in the form of disruption of civilian life and divorce from civilian occupation..." and should be denied if it "did not significantly interfere with the applicant's normal employment and way of life." The Court rejected a lower court holding in an earlier case which granted veterans' credits based on four days of duty during the postal strike.

As the Section 85 definition addressed in this case applies to both examination credits and preference in retention, neither should be granted to veterans basing their claim solely on service during the 1970 postal strike.

Because of the relatively small number of people affected by this change, we are not asking agencies to undertake a general canvass of their employees. However, agencies involved in a reduction in force must review the records of employees currently having veterans' status to determine if such status needs to be rescinded based on the court decision described above.



Deputy Director for the Bureau
of Staffing Services

cc: Agency Affirmative
Action Officers

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

STATE PERSONNEL MANAGEMENT MANUAL

ADVISORY MEMORANDUM NO. 83-01

August 22, 1983

1200 EXAMINATIONS

Page 1 of 1

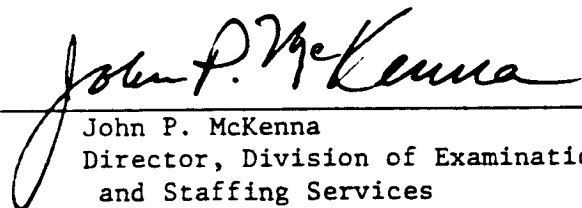
Section 85 of the New York State Civil Service Law has been amended to change the definition of "time of war" relative to the cessation of the Vietnam hostilities. Effective September 1, 1983, the previous Vietnam hostilities ending date of March 29, 1973 has been extended to May 7, 1975.

It is important to note the effect of this legislative change in regard to eligible lists, reductions in force, and preferred lists. Otherwise eligible veterans who served during the period between March 29, 1973 and May 7, 1975 will be entitled to veteran's credits on eligible lists established on or after September 1, 1983. In addition, as of September 1, 1983, employees who served during this period should have their classified service dates adjusted to reflect their veteran's status for considerations involved with future reductions in force and placement on preferred lists.

The statute requires that veterans establish their claim for veteran's status prior to the establishment of the eligible list. Therefore, veterans whose service commenced subsequent to March 29, 1973 are not entitled to veteran's credits on eligible lists previously established nor are they entitled to veteran's status considerations on previously established preferred lists.

In order to provide veterans who are affected by this change and who have filed for or taken examinations for which the eligible lists have not yet been established with the opportunity to claim veteran's credits, the Department of Civil Service is mailing the attached notice to all candidates. Eligible veterans should complete and return the form found on the reverse of the notice as soon as possible, as veteran's credits claims must be received prior to the establishment of the eligible lists. In addition, copies of the notice will be sent to approved examination candidates until such time as updated examination applications and disposition of veteran's credits forms can be distributed.

Subsequent to September 1, 1983 it will be necessary to update the Department of Civil Service's personnel records by changing the veteran's status of employees affected by this change. We ask that agency and facility personnel officers compile a listing of such employees containing the employees' names, social security numbers, and item numbers. After verifying the employees' claim for veteran's status, personnel officers should forward the listing to the Department of Civil Service to the attention of Robert Delaney by September 30, 1983.


John P. McKenna
Director, Division of Examinations
and Staffing Services

CLAIM FOR VETERAN'S CREDITS

(print legibly in ink or typewrite)

NAME: _____
Last
First
M.I.

ADDRESS: _____
Number and Street

City or Post Office
State
Zip Code

SOCIAL SECURITY NUMBER: _____ - _____ - _____

EXAMINATIONS FOR WHICH YOU WISH TO CLAIM CREDITS	EXAM NOS.:	TITLES:	SCHEDULED HOLDING DATES:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

VETERAN'S CREDITS CLAIMED: DISABLED VETERAN NON-DISABLED VETERAN

To determine if you may be eligible for additional credits as a disabled or non-disabled veteran for the examination indicated on this application, answer all questions A-D below:

- A. Did you serve in the Armed Forces of the United States during any of the following periods? (The "Armed Forces of the United States" means the Army, Navy, Marine Corps, Air Force and Coast Guard, including all components thereof and the National Guard when in the service of the United States pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes.)
- Dec. 7, 1941 to Sep. 2, 1945; June 26, 1950 to Jan. 31, 1955; Jan. 1, 1945 to MAY 7, 1975.
 - U.S. Public Health Service: July 29, 1945 to Sep. 2, 1945 or, June 26, 1950 to July 3, 1951; or,
 - A member of the National Guard activated during the U.S. Postal strike Mar. 23, 1970 to Mar. 30, 1970.
- B. If "YES" did you receive a discharge which was honorable or were you released under honorable circumstances?
- C. Were you a resident of New York State on the date of your INITIAL entry into the Armed Forces of the United States and are you currently a resident of New York State?
- D. Since January 1, 1951, have you used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

For eligibility for veteran's credits, the answers to questions A, B, and C must be YES and the answer to question D must be NO.

I affirm that all statements made on this application are true under the penalties of perjury.

 Signature of Applicant

 Date

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

STATE PERSONNEL MANAGEMENT MANUAL

POLICY BULLETIN NO. 85-01

1200 Examinations -- 2300 Reductions In Force

April 26, 1985

Page 1

File this material in the section of the manual referenced above.

TO: Department and Agency Personnel Officers

SUBJECT: Veterans' Credits

The Federal Second Circuit Court of Appeals recently struck down (in Soto-Lopez, et al v New York City Civil Service Commission, et al) the requirement of residency in New York State at the time of induction into military service as a condition of eligibility for veterans' credits. Although the Attorney General is appealing the decision, this Department must implement it in order to minimize potential liability.

The Soto-Lopez decision directly affects two important areas: the addition of veterans' credits to examination scores and the adjustment of seniority dates for layoff and reemployment purposes. Consequently, the Department will proceed as follows:

Veterans' Examination Credits

1. We will notify persons whose names appear on eligible lists that were established between February 15 and April 11, 1985 of the change in the residency criterion and provide them with a form to use to apply for veterans' credits.
2. As of April 11, 1985, all Notices of Examination Results sent to candidates include a notice of the change in the residency criterion. Persons who wish to apply for veterans' credits under the new criterion are advised to write or call the Veterans Claims Processing Unit. The Unit's telephone number is (518) 453-6744.
3. We will notify agencies of eligible list changes resulting from the establishment of veterans' credits based on the new criterion. Appointments made in the interim will not be revoked.
4. We will be revising form S-203, Disposition of Veterans' Credits, to reflect this change. Supplies of this revised form will be distributed in the near future. Meanwhile, departments and agencies should continue to use the current form, taking into consideration that New York State residence at time of entry into the Armed Forces is no longer a requirement for veterans' credits.

Layoff and Reemployment

1. Seniority dates of employees affected by the revised criterion must be adjusted for the purpose of establishing retention standing in cases of layoffs that occur on or after February 15, 1985. In order to make the required adjustments, agencies must canvass their employees to identify

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POLICY BULLETIN NO. 85-01

1200 Examinations -- 2300 Reductions in Force April 26, 1985 Page 2

File this material in the section of the manual referenced above.

those who are eligible for additional seniority credit (5 years for disabled veterans, 2 1/2 years for non-disabled veterans). Agencies must verify claims for veterans' status under the new criterion and report the results of this canvass and verification to this Department so that personnel records maintained in the Automated Position/Personnel System can be appropriately revised. This Department will substantiate claims for disabled veterans' status.

In order to assist in this effort, we will provide each agency with a listing of employees currently identified in the Automated Position/Personnel System as Non-Veterans (veterans' status code 3). Agencies may effect necessary adjustments to the Automated Position/Personnel System records by entering a revised veterans' status code (1 - disabled; 2 - non-disabled) directly on the listing.

If, as a result of your canvass, employees request veterans' status under the former criterion, their status may also be revised by entering the status code on the listing. Please identify whether the former or revised criterion is the basis for the request.

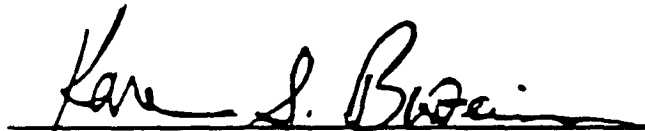
All listings must be returned to the Department of Civil Service, Employment Records Section, Room 204, by June 1, 1985. Individual PR-75's will not be required.

2. We will canvass preferred list eligibles laid off on or after February 15, 1985 and will adjust seniority dates as necessary.

Should the United States Supreme Court overrule the Second Circuit Court of Appeals' decision, appointments or layoffs resulting from the granting of veterans' status to non-resident inductees will not be revoked unless the Court specifically directs such action. Such veterans will, however, lose their future eligibility for examination credits and preference in retention.

To avoid any possible confusion, we have attached a description of the revised eligibility requirements for veterans' status.

We will keep you informed of the progress of the Attorney General's appeal.



Karen S. Burstein
President, Civil Service Commission

Attachment

cc: Agency Affirmative Action Officers

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Policy Bulletin #21-01**

1200 Examinations /2300 Reductions in Force

January 2021

TO: Department and Agency Directors of Human Resources, Personnel and Affirmative Action Officers, Equal Opportunity Specialists, Diversity and Inclusion Specialists

FROM: Jessica Rowe, Director, Division of Staffing Services

SUBJECT: Veterans Credits (Attachment to Policy Bulletin 85-01)

**THIS POLICY BULLETIN REPLACES THE ATTACHMENT TO POLICY BULLETIN
85-01 ISSUED ON April 26, 1985.
REMOVE ONLY THE ATTACHMENT TO POLICY BULLETIN 85-01 FROM YOUR
SPMM AND DESTROY.**

**ELIGIBILITY FOR VETERANS' STATUS
(Updated January 2021)**

GENERAL ELIGIBILITY REQUIREMENTS	ACCEPTABLE DOCUMENTARY PROOF
1. Honorable Discharge or Release under honorable circumstances from the Armed Forces of the United States or possession of a letter from the Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act. (The "Armed Forces of the United States" means the Army, Navy, Marine Corps, Air Force and Coast Guard, including all components thereof and the National Guard when in the service of the United States pursuant to call as provided by Law on a full-time duty basis other than active duty for training purposes.)	1. Report of Separation and Honorable Discharge and/or Certificate of Service or letter from the Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act. Acceptable military forms: NAVPERS-553; NAVMC-78; WDAGO-53, 55; WDAGO-53,98; DD-214. If eligible name is different from that shown of Report of Separation and

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<p>2. Dates of active service during any of the following periods:</p> <ul style="list-style-type: none"> a. December 7, 1941 to September 2, 1945 b. June 26, 1950 to January 31, 1955 c. January 1, 1963 to May 7, 1975 d. U.S. Public Health Services: <p>July 29, 1945 to September 2, 1945 -OR- June 26, 1950 to July 3, 1952</p> <p>In the Armed Forces:</p> <ul style="list-style-type: none"> •Aug. 2, 1990 until the Persian Gulf hostilities end •Feb. 28, 1961 to May 7, 1975 •June 27, 1950 to Jan. 31, 1955 •Dec. 7, 1941 to Dec. 31, 1946 <p>or earned the Armed Forces, Navy, or Marine Corps expeditionary medal for service in:</p> <ul style="list-style-type: none"> •(Panama) Dec. 20, 1989 to Jan. 31, 1990 •(Lebanon) June 1, 1983 to Dec. 1, 1987 •(Grenada) Oct. 23, 1983 to Nov. 21, 1983 <p>or in the U.S. Public Health Service:</p> <ul style="list-style-type: none"> •June 26, 1950 to July 3, 1952 •July 29, 1945 to Sept. 2, 1945 	<p>2. Honorable Discharge, or a letter from the Division of Veterans' Services that restores access to state benefits pursuant to the Restoration of Honor Act, a marriage certificate or other legal document to verify the change must be included.</p>
<p>3. Resident of New York State at the time of application for veterans' credits or at the time of retention.</p>	<p>3. Statement of Applicant</p>
<p>ADDITIONAL REQUIREMENTS FOR DISABLED VETERANS</p>	
<p>Employee must be receiving payments from the Veterans' Administration for a service-connected disability rated at ten (10) percent or more incurred during the periods listed in #2 above.</p>	<p>Verification process conducted by the Department of Civil Service.</p>
<p>NOTE: Section 85.7(5) of the Civil Service Law provides special retention status to the spouses of certain disabled veterans. That part provides that the date of original appointment of "... the spouse of a veterans with one hundred percent service connected disability shall be deemed to be sixty months earlier than the actual date, determined in accordance with section thirty of the general construction law, provided, the spouse is domiciled with the veteran-spouse and is the head of the household."</p>	

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
Advisory Memorandum #99-02**

1205 (A) Promotion

April 15, 1999

TO: AGENCY HUMAN RESOURCE MANAGEMENT AND PERSONNEL DIRECTORS
FROM: JAMES W. SEVER AND JAMES BENINATI
SUBJECT: PROMOTION TEST BATTERY

This memo is to announce a change in our approach to combining promotion test battery scores with other tests in selection plans for agencies' titles.

We are better able to consider the overall effects of battery test scores in the selection process now that we have had several holding of the batteries and numerous examinations which use battery results.

One of our considerations has been that when a battery score of 70 or higher was required we have had to significantly lower the pass point for the second test in order to have sufficient names. This diminished the overall quality of the technical part of the list which was not our intention, nor was it the desired outcome for agencies.

While the use of the compensatory model for multiple part examinations using the battery has always been optional, now this will be the standard method.

Beginning with examinations announced for September 1999, we will normally make use of promotion test battery results in selection plans as follows:

Battery only		<ul style="list-style-type: none">• score of 70 or higher
Battery and...	technical written	<ul style="list-style-type: none">• any battery score• score of 70 or higher on technical written
Battery and...	evaluation of education & experience	<ul style="list-style-type: none">• any battery score• all candidates receive at least a 70 on the E&E for meeting minimum qualifications
Battery and...	performance assessment	<ul style="list-style-type: none">• any battery score• score of 70 or higher on performance assessment
Battery and...	oral test	<ul style="list-style-type: none">• score of 70 or higher on the oral test• when oral is <u>qualifying</u>, 70 or higher on battery• when oral is <u>weighted</u>, any battery score

Examinations which have special weighting for individual tests (e.g., "Battery only" and "Battery and... technical written") or which have several tests in addition to the battery test should also follow the above guidelines.

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Advisory Memorandum #99-02

1205 (A) Promotion

April 15, 1999

NOTE: For selection plans using the battery only, candidates must have a score of 70 or higher in order for their names to appear on an eligible list; for selection plans that combine the battery test with another test(s), candidates must have an overall combined score of 70 or higher to appear on the eligible list.

This change will ensure adequate numbers of names on the eligible lists while preserving the quality of the examination process.

You should discuss these options with your Staffing Services Representative when developing your selection plans.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

STATE PERSONNEL MANAGEMENT MANUAL

POLICY BULLETIN NO. 82-02

November 15, 1982

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1205A (Promotion)

File this material in the section of the manual referenced above.

TO: All Personnel Officers

SUBJECT: Admission of Individuals Appointed to 55.b Positions to Promotion Examinations and the Necessary Changes in Department Policy

Section 52 of the Civil Service Law has recently been amended by adding a new subdivision 14 to read as follows:

14. Notwithstanding any other provision of Law, the State Civil Service Commission may, for titles designated by it, extend to employees in the state service who are holding or who have held a position in the non-competitive class of such service pursuant to the provisions of section fifty-five-b of this chapter the same opportunities to take promotion examinations as provided to employees in the competitive class.

In implementing this new law, the Civil Service Department has adopted the following policies:

1. Individuals who have been permanently appointed to non-competitive class positions, pursuant to the provisions of Civil Service Law 55.b and who are otherwise qualified, shall be eligible to compete in promotion examinations in the same manner as individuals permanently appointed to the corresponding competitive class positions.
2. Individuals who meet the service requirements for promotion to positions in the competitive class through their 55.b service may, in the absence of a viable eligible list, be promoted on a provisional basis to those positions.
3. Individuals who have permanent status in a 55.b title may compete in a promotion examination for the corresponding competitive class title if they possess the amount of permanent service required for admission to the examination and are otherwise qualified.
4. Please note that Section 52.14, and these policies regarding it, do not change the Department's current 55.b policy that allows 55.b positions to be established only for those titles that are normally filled from open-competitive eligible lists or for those positions for which a promotion and open-competitive examination are simultaneously held.

Please direct any questions you may have to your Staffing Services Representatives.


Ralph J. Vecchio
Executive Deputy Commissioner

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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1205 (A) Promotion

Page 1

.1 BACKGROUND

.110 Legal Basis

.111 Section 52.1 of the Civil Service Law clearly indicates New York State's commitment to a Career Civil Service. This Section establishes that the normal way of filling a competitive class position above the entrance level is by promotion from among individuals holding lower level competitive direct line positions in the Department in which the vacancy exists. However, if the Civil Service Department determines that it is impractical or against the public interest to limit eligibility for promotion to the direct line candidates, it may extend examination eligibility to individuals serving in collateral or related positions. In addition, the Civil Service Department may, under the authority of 52.1, open competition for a promotion examination to qualified individuals in other Departments.

* .112 Section 52.11 of the Civil Service Law provides the authority to allow qualified noncompetitive class *and labor class* employees to compete in competitive promotion examinations in those instances where the promotion examination is being held in conjunction with an open competitive examination.

.2 POLICY

.210 Considerations

.211 In recommending whether or not eligibility for promotion examination should be extended to individuals other than those in the direct line, consideration should be given to the number of vacancies or anticipated vacancies expected. If there is an adequate number of direct line candidates to fill all of the expected vacancies, there may be no need to extend eligibility to those in collateral or related titles.

.212 If there are inadequate numbers of qualified direct line candidates or there are other compelling reasons for opening competition, eligibility for promotion can be extended to those in the collateral or related titles.

.213 In certain instances, consideration should be given to opening competition to individuals in other Departments in the lower level direct line title, especially if successful performance at the lower level is critical for success at the higher level.

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- * .214 If an open competitive examination is being held in conjunction with the promotion exam, and there are individuals serving in non-competitive class or *labor class positions* who as a class would qualify for the open competitive examination or who it has been determined posses other qualifications that should qualify them for admission to the examination, it may be in the State's best interest to admit such employees into the promotion examination. Successful individuals are placed on the promotion list in rank order. Since the promotion list must be used first this enables non-competitive or *labor class employees* to be considered for appointment before the open-competitive candidate.
- .220 Limitations/Exceptions
- .221 Normally positions in the competitive class above the entrance level are filled by promotion from persons holding lower grade direct line competitive class positions in the Department in which the vacancy exists except:
- A. upon the written request of the appointing officer stating the reasons, or by its own initiative, the Civil Service Department may determine that it is in the State's best interest to hold only an open competitive examination for filling vacancies instead of a promotion examination (51.1 CSL)
- B. when it is determined it is impractical or against the public interest to limit eligibility for promotion to lower grade direct line candidates (52.1 CSL)
- * C. when an open competitive examination is being held in conjunction with the promotion examination, qualified, non-competitive class or *labor class employees* may be allowed to compete in the promotion examination (52.11 CSL)
- .222 In those instances where eligibility for a promotion examination is being extended to employees of other agencies, preference on the list certification will normally be given to the employees of the department in which the vacancy exists.

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1200 EXAMINATIONS**

1205 (B) Non-Competitive Promotion

JUNE 2013

.1 BACKGROUND

Page 1

.110 Legal Background

- .111** Section 52 (7) provides that when there are no more than three qualified candidates in a promotion field, the appointing authority may nominate one of the candidates for a non-competitive promotion examination; there is no requirement to hold a competitive examination. In determining that there are no more than three qualified candidates in the field for promotion, agencies should first discuss any potential promotion by non-competitive examination with your Staffing Services Representative. The text of section 52 (7), in pertinent part, provides:

Whenever there are no more than three persons eligible for examination for promotion to a vacant competitive class position, or whenever no more than three persons file application for examination for promotion to such position, the appointing officer may nominate one of such persons and such nominee, upon passing an examination appropriate to the duties and responsibilities of the position may be promoted

.2 POLICY

.210 Requirements

- + .211** Promotion by non-competitive examination is in order when the following conditions are met:

- There is no reemployment list for the position to be filled;
- There is no viable department promotion eligible list; and
- There are no more than three qualified candidates in the departmental promotion field interested in competing in an examination for the position to be filled.

If more than one position is to be filled, a non-competitive promotion is still in order if the number of interested candidates in the promotion field does not exceed the number of vacancies to be filled by more than two.

- *.212** In order to determine the composition of the promotion field, agencies must post their intention to pursue a non-competitive examination. The posting must state the agency's intent to pursue a non-competitive promotion should three or fewer qualified candidates in the departmental promotion field indicate interest in the position.

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1205 (B) Non-Competitive Promotion

JUNE 2013

Page 2

+ .213 When identifying employees in the promotion field, agencies must consider:

- The current permanent and contingent permanent incumbents of the titles that comprise the promotion field; **and**
- The former permanent and contingent permanent incumbents of the titles that comprise the promotion field who are still employed at or on leave from the agency. Former permanent and contingent permanent incumbents who are on leave from the agency must be contacted directly regarding the vacancy.

NOTE: For purposes of non-competitive examination, the nominating agency need only consider the next lower level, direct line titles as qualifying titles.

.220 Examinations

+ .221 An examination for non-competitive promotion shall consist of a qualifying review of the nominee's qualifications against the minimum qualifications for the position to be filled; assembled tests are not required.

+ .230 Limitations

.231 Nominations for promotion by non-competitive examination will not be approved if the nominee failed to pass the most recent competitive promotion examination for such position, or failed to participate in the most recent competitive promotion examination for such position, of which the nominee was eligible, if such examination was held within the last four years.

.3 INTERPRETATIONS

.310 Limitations

.311 Generally, nominations for promotion by non-competitive examination will not be approved for clerical titles, paraprofessional titles, or titles for which a competitive promotion examination is scheduled within 90 days.

.320 Programmatic Needs

.321 Before requesting promotion by non-competitive examination for titles that have extensive interdepartmental promotion fields and/or interdepartmental promotion eligible lists, agencies are encouraged to consider whether programmatic needs can be satisfied through appointment of an interdepartmental candidate.

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1200 EXAMINATIONS**

1205 (B) Non-Competitive Promotion

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.4 PROCEDURES

.410 Nominations

- + .411** Nominations for promotion by non-competitive examination must be submitted in writing to the Staffing Services Representative for your agency and must include:
1. name of the nominee
 2. item number and title of the position to which promotion is sought
 3. names of all known employees in the promotion field
 4. description of the steps taken by the agency to determine that a non-competitive examination is in order, including a copy of the vacancy posting
 5. completed NYS-APP Examination Application for the nominee
 6. clearance code to ensure no reemployment lists exist

If the promotion field is comprised of more than three candidates, the agency must note for each known candidate whether he/she was interested, not interested, or did not respond.

.420 Department of Civil Service Review

- .421** The Staffing Services Section that has staffing responsibility for the nominating agency has responsibility for reviewing and processing the nomination for non-competitive promotion.

.430 Notice of Results

- .431** The nominating agency will be sent the results on Form S-121, Action on Nomination for Permanent Appointment. It is the responsibility of the nominating agency to advise the nominee of the determination and submit a NYSTEP transaction to effect the appointment. The effective date of the appointment may be no earlier than that indicated on the S-121.

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STATE PERSONNEL MANAGEMENT MANUAL

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1205(C) Non-Competitive ~~Open-Competitive~~

Page 1

File this material in the section of the manual referenced above.

.1 BACKGROUND

.110 Legal Background

.111 Section 70.4 of the Civil Service Law provides for noncompetitive testing of permanent competitive class employees who meet all of the requirements for admission to the competitive examination for a position. To be eligible to be given the noncompetitive examination the employee must be holding a position in a similar grade and be fully qualified for appointment to the position. Appointments made as a result of this noncompetitive testing are made as transfers.

.2 POLICY

.210 Considerations

.211 Section 70.4 was designed to provide state employees an advantage over nonstate employees in the filling of open competitive positions, (normally entry level positions). The law would allow the appointment of a permanent state employee who passed on the examination for a position even though there may be a number of scoring individuals on the appropriate eligible list. In considering using this section of the CLS, Agency staff should compare the employee's work record and performance to the general qualifications of the individuals at the top of the open competitive eligible list.

.220 Civil Service Requirements

.221 A noncompetitive examination pursuant to Section 70.4 CSL is only appropriate if the following conditions are met:

- A. the nominee has permanent status in the competitive class or is on a preferred list due to the abolition of a competitive class position.
- B. the position to which appointment/transfer is sought is not more than two S-grades or one M-grade above the employee's permanent position. There is no restriction on how many grades downward an individual may transfer. Employees serving in NS positions will be considered for the purpose of this section to be serving at a grade level equivalent to the budgeted salary for the NS position.

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- C. the nominee has served permanently in the current grade for at least one year, or the nominee's score is reachable on the existing appropriate eligible list for the title and location to which transfer is sought. The one year minimum service requirement may be waived if the Director of Examinations and Staffing Services determines that the nominee would not be gaining an unfair advantage over persons on the appropriate eligible list.
- D. there is no preferred list in existence for the position to be filled or the position vacated is at the same or a higher grade than the target position and is immediately filled by the preferred list eligible who would have been in line to fill the target position.
- E. there is no placement roster for the position to be tested for or the position vacated is at the same or higher grade than the target position and is immediately filled from the same placement roster.
- F. the vacancy can be filled by appointment from an open competitive list.
- G. the employee meets the qualifications for either the last open competitive examination or an anticipated future examination.
- H. the employee did not fail the last examination for the position.

.222 For those noncompetitive examinations that will result in transfer between agencies both appointing authorities must agree to the transfer before the noncompetitive test will be given.

.4 PROCEDURES

.410 Nomination

.411 When these conditions are met, the appointing authority should send a nominating letter to the appropriate Staffing Services Representative enclosing a completed open competitive application (XD-10) from the nominee. The nomination should include the individual's name, item number, social security number and qualifying title as well as the title and item number of the position to which transfer is sought. If the individual has taken and passed an examination for the position, the score and rank should be included in the letter. If the individual has not taken a test for the position, any information regarding the nominee's examination history which might be used as the basis for rescoring a prior examination should also be submitted. When Civil Service

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approves the request, they will schedule the appropriate exam if necessary.

.420 Notice of Results

.421 When testing has been completed, the Agency Personnel Office will be notified of the results by receipt of form S-121, Action on Nomination for Permanent Appointment. It is then the Agency's responsibility to advise the nominee of the disposition, and to submit a PR-75 to effect the appointment.

A. The effective date of the appointment may be no earlier than that indicated on the S-121.

STATE PERSONNEL MANAGEMENT MANUAL

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1205(D) Non-Competitive Open Competitive (4.2b)

Page 1

File this material in the section of the manual referenced above.

.1 BACKGROUND

.110 Legal Background

.111 Rule 4.2(b) of the Rules for the Classified Service provides that when an open competitive examination does not result in an eligible list containing the names of at least three persons willing to accept appointment in a given location, the Civil Service Department may:

A. permit the appointing authority to nominate a person for a non-competitive examination for the position or

B. designate the eligible list as a continuing eligible list and reopen testing on a Continuous Recruitment basis.

.2 POLICY

.210 Considerations

.211 This type of examination should be used when the open competitive eligible list is quickly exhausted for some locations but not others. In selecting the approach to use, consideration should be given to the number of qualified individuals who may be residing at the location for which the list is exhausted. If there appear to be only a few qualified individuals the best approach would be for the agency to recruit an individual and nominate him/her for the noncompetitive examination. If however, it is determined that there are numerous qualified individuals in the area for which the list is exhausted, it may be desirable to reopen testing on a continuous basis and conduct a recruitment effort to bring the examination to their attention.

.220 Civil Service Requirements

.221 4.2(b) testing would be appropriate if the following conditions exist:

A. the position to be tested for has been filled through an open competitive examination

B. the eligible list resulting from the open competitive examination was established within the last 12 months and there are less than three acceptors at the location where the vacancies exist

C. the candidates or the nominee meets the qualifications for the last open competitive examination

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File this material in the section of the manual referenced above.

- D. the candidates or nominee did not fail the last open competitive examination
- E. there is no promotion list, preferred list or placement roster for the vacancy that is being filled.

.4 PROCEDURES

.410 Nominations

.411 In those instances where an agency is nominating an individual for a noncompetitive 4.2(b) examination, the nomination must be submitted in writing to the appropriate Staffing Services Representative and include the title and item number of the position to be filled and a completed open competitive application from the individual. When Civil Service approves the request, they will schedule the appropriate examination.

- A. In those instances where testing is to be reopened on a continuous basis normal Civil Service Procedures will be used.

.420 Notice of Results

.421 In those instances where an agency nominee has been tested, the agency personnel office will be notified of the results via form S-121, Action on Nomination for Permanent Employment. It is then the agency's responsibility to inform the nominee of the results of the examination and submit a PR-75 affecting the appointment of the successful nominee. The effective date of the appointment may be no earlier than indicated on the S-121.

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1205(H) Open End Examinations

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File this material in the section of the manual reference above.

.1 BACKGROUND

.110 Legal Basis

.111 Section 57 of the Civil Service Law permits the establishment of a continuing eligible list for any class of positions for which it finds inadequate numbers of well-qualified persons.

.120 Considerations

- .121 An open ended examination should be considered when it is not clear that the resulting eligible list will be adequate to fill all the existing vacancies and it is desirable to reserve the option of administering subsequent test holdings. In a sense, it represents an insurance policy designed to save time and effort. It differs from a continuous recruitment situation where chronic shortages are anticipated, where it is **not** expected that the initial test holding will fill all vacancies, and several test holdings will be administered.
- .122 Open ended examinations are typically used for high level, low volume titles. That is, for titles having specialized qualifications, for positions in scattered or remote locations, or for titles in which it is critical that the individuals to be appointed have exceptional skills and abilities.
- .123 The open ended examination is designed to fill existing vacancies and then be terminated. It is not appropriate for classes with frequently recurring vacancies for which continuous recruitment testing would be more appropriate.

.2 POLICY

.210 Requirements

.211 Requirements for holding an open end examination, aside from the above general considerations, are the same as those for all open competitive examinations.

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.220 Announcements

.221 The open end examination announcement has a life of one year from the date of issue, and a statement regarding this will appear in the announcement. If the need exists after one year, a new announcement with a new number must be issued, and a new eligible list established. In situations such as this, placing the examination on "continuous recruitment" may be appropriate and should be considered as an alternative.

.222 The announcement should also indicate that as the need arises, additional qualified candidates may be tested. If successful, their names will be added to the eligible list on the basis of test score.

.230 Applications

.231 Applications can be accepted and the examination administered during the one-year life of the announcement or until the examination has produced sufficient eligibles to fill the vacancies, whichever comes first. The announcement will include a statement to this effect. Applications received after the announced filing date may or may not be considered depending on the need. Therefore, there may be only one holding or several holdings of the examination.

.240 Veterans' credits

.241 Veterans' credits are applied in the same manner as in all open competitive examinations.

.250 Eligible Lists

.251 The minimum life of an open end eligible list is one year from the date the last name is added to the list.

.252 The maximum life of an eligible list is four years from the date of establishment, unless extended pursuant to Section 56 of the Civil Service Law.

.253 If there is more than one holding of the examination, names of successful candidates are interfiled in score order on the eligible list.

.254 Eligibles on open end lists are not removed from the list after one year's eligibility, but remain eligible throughout the time the list is in existence, which may be up to a maximum of four years from the initial date of establishment of the list.

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.255 If a new open end examination is needed after the expiration of the one-year filing period, a new announcement must be issued, and a separate eligible list reflecting the reannounced examinations will be established.

.256 When more than one open end eligible list exists at the same time for the same title, the first list is certified for one year from the date the last name is added. This list is then superseded by the second list. The second list may be certified before the year is up when there are less than three names remaining on the first list, as provided in Section 60.1 of Civil Service Law.

.260 Retests

.261 A candidate tested in one holding of an open end examination may not compete in subsequent holdings of the same open end examination. This fact should be included in the announcement. However, if the examination is reannounced the candidate may apply for and compete in the new examination.

.270 Review and Appeal

.271 After the initial holding of an open end examination, which is subject to the normal review and appeal process, no further review of the written test is allowed, with the exception of computational review of a written test paper. Candidates are allowed review and appeal of oral tests and evaluations of education and experience. After oral tests, candidates, upon request, may be furnished with numerical and narrative summaries of their performance and may review tapes of their oral test. For evaluations of education and experience, candidates may be provided with the approved rating scale and an explanation of its application.

.4 PROCEDURES

.410 Approval

.411 Staffing Services Section shall obtain the approval of the Deputy Director of Staffing Services prior to announcing open end examinations.

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1205() Comparable Promotion Examinations

Page 1

File this material in the section of the manual referenced above.

.1 BACKGROUND

.110 Purpose

.111 Section 243.5 of the Military Law provides that if a promotion examination is held while a public employee otherwise entitled to participate is on military duty, the employee shall be eligible for a comparable examination provided that the employee requests it within sixty days after reentering public service. If the employee passes the comparable examination, and the agency has not reached that score, the employee's name is placed on the regular eligible list, provided it is still in existence. When the final rating is such that the employee would already have been reached for appointment, the employee's name is placed both on a special eligible list and the regular eligible list. The individual's eligibility lasts for two years from the placement of his/her name on the special eligible list. The special eligible list is certified before any subsequent list, including a preferred list. An employee promoted from a special eligible list shall be entitled to retroactive seniority to the date upon which any eligible was appointed with the same or lower score from the regular promotion eligible list. This retroactive seniority shall apply in the following cases: 1) computing seniority credit, 2) computing training and experience credit for promotion, and 3) determining eligibility for admission to promotion examinations.

.2 POLICY/PROCEDURE

.210 Request for Comparable Examinations

.211 The returning veteran has the responsibility for finding out what promotion examinations were held during his/her military service. Agency personnel officers should advise returning veterans of their rights under this section of the Law and to contact the State Civil Service Department. The Department of Civil Service will provide information on all promotion examinations missed while a veteran was on military duty upon the request of such veteran within sixty days of that individual's restoration to his or her position. It is not necessary that the veteran file examination application(s) within the sixty-day period. The filing of the request satisfies the statute. The request for a comparable promotion examination cannot be made until the applicant has been restored to State service and must be made in writing and signed by the applicant.

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.220 Scheduling of Examinations

.221 The Department of Civil Service will hold the examination(s) for which the veteran is eligible within six months of the date requested. The examination(s) will be scheduled to give the veteran as much time to prepare as was given the candidates in the original examination.

.222 Returning veterans who have missed more than one promotion examination for the same title are given a single examination, which will be considered as comparable for each of the examinations missed. In determining whether a veteran successful in such single comparable examination would have been reached for appointment, it is necessary to determine to which rank he/she would have been entitled on each of the examinations which were missed.

.223 A candidate who fails to appear for a comparable promotion examination shall be disqualified. A request for postponement of a comparable examination received prior to the date of examination will be considered on its merit.

.230 Veteran's Credits

.231 Claimants for additional credits in a comparable examination must show that they were entitled to such credits at the time of establishment of the original list--not at the time of establishment of the special eligible list.

.240 Holding Vacancies for Comparable Candidates

.241 Appointing officers will be notified of comparable examinations being given to their employees so they will be able to hold vacancies for them, if it is appropriate to do so.

.250 Eligible List Status of Successful Candidates

.251 A successful candidate, whose name would have been reached for a permanent or contingent permanent appointment, is placed on a special eligible list for two years and on the original eligible list if it is still in existence.

.252 In determining whether a successful candidate would have been reached for appointment, the candidate's score is based on his/her rating plus additional credits, if any.

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- .253 If the original eligible list is still in existence and the successful candidate would not have been reached for appointment, the candidate's name is entered on the original list in score order. In such case, the candidate's eligibility will expire with the list.
- .254 No eligible list status is granted to a successful candidate if the original list has expired and the candidate would not have been reached for appointment on the original list. (See Eligible List Section _____).

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ADVISORY MEMORANDUM NO. 88-01

1205 (J) Accelerated Examinations Program

February 26, 1988

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TO: Agency Heads, Agency Personnel and Affirmative Action Officers
FROM: Commissioner Walter D. Broadnax
SUBJECT: Accelerated Examinations Program
DATE: February 26, 1988

As part of our continuing efforts to improve services to agencies, I am pleased to announce an Accelerated Examinations Program (AEP). This program is intended to provide a mechanism which will enable agencies to make permanent appointments to newly classified titles. It will also expedite the filling of vacancies in existing titles where timeliness is critical. This program compliments our current examinations program and should go a long way in reducing the need for non-permanent appointments in these situations.

An agency may submit a request to its Staffing Services Representative for an "Accelerated Examination" for any title meeting the program's guidelines. In order to facilitate the examination process, AEP's will make use of off-line processing of the examination request, and announcement preparation, printing and distribution as well as for examination development and test scoring.

The AEP is intended for use when:

- . There is a need to quickly fill a vacancy(ies) on a permanent basis.
- . There are a small number of positions to be filled, as well as a small anticipated field of competition (usually less than 10).
- . The requesting agency is willing and able to provide necessary information and assistance, and
- . For newly classified titles, Division of Classification and Compensation approval has been obtained. It is not necessary to have obtained Division of the Budget approval to fill the position prior to requesting an accelerated examination. However, such approval will be required prior to holding the examination. No application processing fees will be required for accelerated exams.

An accelerated examination represents both a shared commitment by and a shared responsibility of the Department of Civil Service and the Agency. To be successful, an agency may have to commit staff and resources to portions of the examination process where previously they may only have had limited responsibility. Areas of shifted or shared responsibility could include the writing, printing and distributing of examination announcements, recruitment,

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application review, test development and test administration. The party responsible for each AEP activity will be identified as part of the initial planning phase and these agreements should be seen as a "contract" between the Civil Service Department and the Agency.

Requests for an accelerated examination should include:

- . an explanation why accelerated testing is appropriate
- . a description of the duties and required knowledge, skills and abilities
- . proposed minimum qualifications
- . proposed test type
- . a recruitment plan for open-competitive examinations or a description of the promotion field for promotion examinations.

The Staffing Services Representative will review the request with the agency and the Division of Affirmative Careers. If a decision to proceed with an accelerated examination is reached, Staffing Services, the agency and the Division of Affirmative Careers will meet to develop the selection plan, identify the party(ies) involved in each step in the accelerated examinations process, and establish a timetable for announcing and administering the examination.

This effort is only one of a series of steps that are being taken to improve our delivery of examination services. The Accelerated Examinations Program is being instituted on a trial basis and will be evaluated after the first year.

If you have vacancies to fill in a title which you feel may meet the criteria for an accelerated examination, please consider making use of this new program. All inquiries regarding the Accelerated Examination Program should be directed to your agency's Staffing Services Representative.

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NYS Department of Civil Service
ACCELERATED EXAMINATIONS PROGRAM
-Overview-

<u>Activity</u>	<u>Possible Responsible Party (ies)</u>
<ul style="list-style-type: none">Agency contacts its Staffing Services Representative requesting an Accelerated Examination (AE); initial contact may be by telephone for an informal determination but formal processing will not begin until a written request is received	Agency Staffing Svcs
<ul style="list-style-type: none">The written request should include:<ul style="list-style-type: none">- a description of how the selection situation meets the AE criteria- a description of the duties and knowledge, skills and/or abilities required for the position- proposed minimum qualifications- proposed test type (T&E, oral, written, combination)- proposed recruitment plan (identification of anticipated field of competition and how they will be made aware of the examination) <p>A copy of this request should be forwarded to the Department's Division of Affirmative Careers (DAC)</p>	Agency
<ul style="list-style-type: none">Upon determination that the AE criteria are met, the Staffing Services representative notifies the agency and DAC and schedules a meeting to develop the overall examination plan	Staffing Svcs
<ul style="list-style-type: none">At the AE meeting, the details of the selection plan are finalized and a timetable for related activities established; in addition, the responsible party(ies) for each activity is agreed upon	Staffing Svcs Agency DAC

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- . Subsequent to the AE meeting, a number of activities take place (some concurrently) including gathering of additional information (as necessary), development of the selection device, recruitment, and the development, printing and distribution of the examination announcement (minimum 2 week filing period)

Staffing Svcs
Agency
DAC
- . Examination applications are accepted and reviewed; disqualification notices sent out

Staffing Svcs
Agency
- . Test(s) are administered to approved applicants

Staffing Svcs
Agency
- . Passed candidates' claims for Veteran's credits are established/verified; Derogatory items indicated on exam application are forwarded to the Investigations Section (Eligibility Restriction Notices produced as appropriate)

Staffing Svcs
- . Candidate eligible list information is produced and eligible list is forwarded for establishment

Staffing Svcs
- . Eligible list is signed and scores notices sent out

Staffing Svcs

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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Advisory Memorandum 97-04
1205 (K) Professional Entry Program**

TO: Department and Agency Human Resource and Personnel and Affirmative Action Officers
FROM: James W. Sever, Director of Staffing Services
SUBJECT: NYS Professional Entry Program: Recruitment and Examination Initiative
DATE: May 27, 1997

THIS IS A NEW SUBJECT CATEGORY UNDER 1200 EXAMINATIONS. PLEASE UPDATE YOUR TABLE OF CONTENTS FOR THIS SECTION.

What Is It?

The Professional Entry Program (PEP) Initiative is designed to improve recruitment and selection for entry level professionals in a wide variety of occupations, on a continuous recruitment basis. In the first stage, we are focusing on three occupational clusters:

- Information Systems
- Health and Rehabilitation
- Accounting, Auditing and Finance

Civil Service will work closely with agencies to develop coordinated and flexible approaches to recruitment, examination and certification.

Why?

Agencies have asked for improvements in these areas, including options for improved recruitment efforts, better tests, walk-in testing, enhancing the decentralized testing program, and faster score reporting. Mechanisms for accepting applications and testing for entry level professional positions can be inefficient and untimely--contributing to outdated eligible lists and large backlogs of titles needing tests.

The work force is aging, and within a few years we expect current employees to be retiring in ever increasing numbers. The need for an effective recruitment and selection program for skilled professionals is imminent.

The present State entry level professional exams programs are often unresponsive to the needs of college graduates--who must wait for years for specific exams to be scheduled, must catch the announcement in the right month, and often lose interest.

What Will We Do?

Civil Service has organized four work groups that include the expertise of four Divisions: Staffing, Testing, Classification and Compensation, and Information Resource Management. These work groups have identified the title clusters where we will target our efforts and will review our current practices. They also will be working with agencies to gain more information about agency programs and recruitment/selection needs.

These work groups are responsible for three occupational clusters where we will pilot the PEP initiative and a "Best Practices" group which is reviewing current practices in

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technology, selection and marketing. The following is a brief outline of the initial plans for each occupational cluster:

Information Systems - Increasing automation and reliance on computer systems (both desktop and mainframe) cross virtually all agency and program lines. The State faces problems in recruiting and retaining competent staff in this field, and Personnel and IRM managers have asked to work with us to improve the recruitment and tests for this area. Although titles in this occupational area are currently on continuous recruitment, we are reaching the bottom of the list from the two most recent test holdings. We envision a continuous recruitment program that targets minimum qualifications and selection criteria at the various areas of specialization in these titles.

Health and Rehabilitation - We are reviewing the numerous separate examinations in this area to coordinate recruitment and testing and we also want to provide more efficient test and list establishment processes and services to the agencies. Many of the most populous titles in this cluster are already held on a continuous recruitment basis as T&Es. We hope to provide easier, faster access to the common candidate pool for all agencies with these titles. We also are considering announcing a number of related titles as a single package. Some agencies have recently asked us to reevaluate, with them, the best approaches to centralize/decentralize the selection and certification processes for many titles in this cluster, so the timing is right.

Accounting, Auditing and Finance - Many of the titles in this cluster have a constant need for new employees. Special recruitment efforts are required to attract entry level employees with current technical skills. Several State agencies have extensive experience in targeted recruitment in these titles, and we hope to develop a comprehensive recruitment and selection program based on this expertise which will benefit all agencies with these titles.

The **Technology, Selection and Marketing Best Practices** work group will recommend ways that new and alternative approaches to systems can help recruit and select the best work force possible. We are currently surveying public and private sector practices in these areas.

What's Next?

Civil Service is inviting agencies to participate in the recruitment and selection planning for these three pilot occupational clusters. Agencies are also welcome to comment on and/or to assist in developing the best practices to consider for selection / technology / marketing approaches.

Over the next few months, Civil Service may request job information from agencies on various titles within the three pilot occupational clusters.

During 1998, Civil Service plans to announce the improved entry level selection programs for the three pilots. Other occupational clusters will be brought into the process after the pilots are implemented.

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Who Can You Call?

If your agency would like to designate someone to work with Civil Service on a cluster area, or if you have questions, please call:

Health and Rehabilitation Cluster	Linda Pollman	457-5064
Information Systems Cluster	Bob Gardner	457-2444
Accounting, Auditing and Finance Cluster	Bill Gleason	457-5211
Best Practices in Selection, Technology and Marketing	Dot Sager, or Julie Dominian	457-7008, 457-5209
The Overall Initiative	Crys Hamelink	457-5445

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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Policy Bulletin #14-01**

1210 Type of Tests

July 9, 2014

Language Proficiency Testing

**THIS SUPERCEDES ADVISORY MEMORANDUM # 97-05, AND PROVIDES INFORMATION
FOR AGENCIES ON TESTING CANDIDATES FOR LANGUAGE PROFICIENCY.**

OVERVIEW

Effective July 9, 2014, the Department of Civil Service (DCS) will be utilizing Language Line Services, Inc. to provide additional resources and support for language proficiency test administration. For the over 200 classified titles that require language proficiency, Language Line Services will ensure the availability of test examiners in such languages as Spanish, Haitian Creole, Korean, Polish, Russian, and Chinese (Mandarin and Cantonese). If there are additional languages for which you require testing, please contact LanguageProficiency@cs.ny.gov.

Testing should be conducted on an as-needed basis and should be limited to reachable candidates. Language Line Services will schedule and administer language proficiency tests remotely or locally, by phone or in person, within three weeks of receiving a request. Candidates' performance will be scored using the established New York State Proficiency Levels within five business days after test administration. Language Line Services will report test results to the requesting agency and to the DCS. The fee to use Language Line Services will be paid by the DCS. Language Line Services staff have been trained to administer the tests consistent with administration by State agencies.

USING LANGUAGE LINE SERVICES

Agencies who wish to use Language Line Services must designate a staff member from their Human Resource/Personnel Office to serve as the administrator for language proficiency testing. Administrators may access the Language Line Online Registration System User Guide for NYS at <http://www.cs.ny.gov/ssd/Manuals/SPMM/1200Examinations/NYS%20Online%20Registration%20System%20User%20Guide%20with%20NYS%20OPT.pdf>. It is recommended that administrators print this guide for convenient referral. After reviewing the Guide, the Language Line Registration System may be accessed at: <https://my.languageline.com/llu/go/login/>.

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USING IN HOUSE EXAMINERS

Agencies who have a ready pool of in house examiners may continue to use them. The honorarium for an in house examiner must be paid by the hiring agency. The DCS will not be certifying or training new in house examiners as the expectation is, over time, that agencies will transition to Language Line Services.

Agencies using in house examiners must contact LanguageProficiency@cs.ny.gov to obtain revised Monitor Instructions, Candidate's Booklet, Examiner's Booklet, and Sample Letters/Forms. Please destroy existing language proficiency examination materials in a manner consistent with your agency's elimination of secure and confidential material.

Agencies must designate a staff member from their Human Resource/Personnel Office to serve as the administrator for language proficiency testing. As necessary, the administrator may designate other monitors to conduct language proficiency testing. Test results should be reported to LanguageProficiency@cs.ny.gov. The test materials are designed to be reused and are considered confidential and secure and must be maintained in a confidential and secure manner in the agency Human Resource/Personnel Office.

PRIOR TESTING OF CANDIDATES

Whether you are using Language Line Services or in house examiners, before scheduling a test, the administrator should contact LanguageProficiency@cs.ny.gov to determine if the candidate has already passed the proficiency test at the established proficiency level, or higher. Please provide the candidate's name and last four digits of the Social Security number. If the candidate has already passed the language test at the established proficiency level, or higher, the test will be waived and the candidate may be considered for appointment. The DCS will continue to maintain a database of candidates who have been tested and the level of proficiency achieved so that repeated testing is not required.

DETERMINING LEVELS OF PROFICIENCY

The process for determining levels of proficiency remains unchanged. Agencies are responsible for providing the information necessary to determine the level of language proficiency that will ensure a candidate's ability to properly perform the duties of the

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position at the examination planning scope conference. The level of proficiency must be the same for all positions within a title.

LEVELS OF PROFICIENCY

The levels of proficiency remain unchanged:

Level 1: This skill level requires relatively limited proficiency to conduct simple routine social conversations in an understandable manner making introductions, providing basic information about the surroundings, handling routine calls, or assisting others in filling out routine English language forms. Entry-level clerical titles with language parenthetics are designated as Level 1.

Level 2: This skill level requires proficiency in conducting smooth understandable conversation, reading correspondence, official documents, and forms to obtain accurate information, composing relatively simple and brief letters and memos for a variety of purposes, to explain rules or regulations, or to discuss a problem. Some higher level clerical, paraprofessional, and safety and security titles with language parenthetics are designated as Level 2.

Level 3: This skill level requires advanced proficiency evidenced by good control of grammar, a relatively large and diverse vocabulary, accurate communication in a variety of professional and social contexts, leading group activities, conducting meetings or training classes; administering tests, inventories or questionnaires including evaluating responses, preparing reports explaining relatively complex rules, regulations and procedures, conduct interviews, evaluate resources, or decide on a course of action. Some journey level personnel titles, social work, and psychologist titles with language parenthetics are designated as Level 3.

The names of candidates who fail to demonstrate the level of proficiency determined for the title will remain restricted on the language parenthetic eligible list. A retest may be granted six months after the candidate was last tested. Agencies may conduct a retest if and when they are actively canvassing the eligible list. Candidates who do not achieve the proficiency level required for the title may, upon request, receive a copy of the examiners rating of their performance. Appeal of ratings is not allowed as the opportunity for retest exists.

Questions regarding the information contained in this advisory may be directed to LanguageProficiency@cs.ny.gov.

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Advisory Memorandum No. 97-05**

1210 Types of Tests (Oral Proficiency Test: Spanish) September 5, 1997

**DECENTRALIZATION OF THE
ORAL PROFICIENCY TEST: SPANISH**

This Advisory Memorandum describes uniform policies and procedures for agencies and Civil Service staff to use in testing candidates for Spanish language proficiency. In most cases, the information does not change what is currently being done to provide these tests. Specifically, the Department of Civil Service retains responsibility for the certification of examiners and the format of the oral test. These responsibilities will be administered by the Policy and Program Analysis Section of the Staffing Services Division. All questions concerning this test should be directed to the Policy Section at (518) 457-5206. Agencies have responsibility for providing the information necessary to determine the level of language proficiency required, arranging for the test through an in-house certified examiner or through a certified examiner-consultant, and maintaining the necessary test materials and records. Testing can be conducted for an entire eligible list, or on an as-needed basis. The honorarium for an outside examiner-consultant must be paid by the hiring agency.

In addition, this memorandum establishes a requirement that Civil Service be informed of the results of all Spanish proficiency tests which are conducted. This requirement ensures the quality of testing, and permits the maintenance of a database of tested candidates and their level of achieved Spanish language proficiency so that repeated testing of the same candidate is not required. The database, which is maintained by the Policy Section, will include the results of tests held by all state agencies and local governments.

The Test:

Most agencies having titles requiring Spanish language proficiency tests are already familiar with the test and process. Typically, candidates are tested via telephone or face-to-face in the hiring agency's offices with personnel staff serving as administrators/monitors. The test is designed for determining candidates' proficiency at three different levels, as explained below. An oral test packet, consisting of instructions for conducting the Spanish language oral test as well as the test materials needed by the administrator/monitor, examiner, and candidate is available from the Policy Section.

All examiners must be certified by Civil Service. The certification process consists of demonstrating advanced proficiency in the Spanish language as well as training in how to conduct the oral test. Agencies choosing to designate an in-house examiner must check with the Policy Section to determine if the individual is already certified or to request that Civil Service make arrangements for certification. If you choose to hire an outside examiner on an as-needed basis you should call the Policy Section for the name of a certified examiner.

At the examination scope conference, the level of language proficiency required for the title is identified and established and will remain the same for all positions within the title. The level of proficiency depends on the Spanish language functions typically performed on

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the job. The three levels of language proficiency and corresponding examples of Spanish language functions that describe each level are:

Level 1: This lowest level of skill tested is for titles requiring a relatively limited proficiency to conduct simple routine social conversations in an understandable manner: making introductions, providing basic information about the surroundings, handling routine phone calls, or assisting others in filling out routine English language forms. The title Clerk 1 (Spanish Language) has been designated as Level 1.

Level 2: This skill level requires proficiency in conducting smooth understandable conversation, or reading correspondence, official documents, and forms to obtain accurate information. Incumbents might be required to compose relatively simple and brief letters and memos for a variety of purposes, to explain rules or regulations, or to discuss a problem. Some clerical, paraprofessional, and safety and security titles have been designated as Level 2.

Level 3: This skill level requires advanced proficiency as indicated by a good control of grammar, a relatively large and diverse vocabulary, and accurate communication in a variety of professional and social contexts. The title might require such activities as: leading group activities, conducting meetings or training classes; or administering formal tests, inventories or questionnaires including evaluating and rating the responses. Incumbents might be required to prepare reports explaining relatively complex rules, regulations and procedures or to conduct interviews to clarify values, evaluate resources, or decide on a course of action. Titles with Spanish language parenthetics such as Personnel Administrator, Correction Counselor, Social Worker and Psychiatrist have been designated as Level 3.

The oral proficiency test is a single test with successful candidates receiving a rating placing them at one of the above three oral proficiency levels, as demonstrated during the test. It is possible for a candidate to fail the proficiency test entirely (not demonstrating minimum ability at Level I), as well as not demonstrating a level of proficiency sufficient to qualify for a particular title. The examiner uses a standardized rating sheet to score each candidate; along with the taped record, this is used for review of a test when necessary.

Candidates who fail to demonstrate the level of proficiency determined for the title will remain restricted on the language parenthetic eligible list. Retests may be granted six months after the last testing. Retesting of a candidate is not automatic; it must come at the request of the candidate and agencies are only obligated to conduct a retest if and when they are actively canvassing the eligible list.

Candidates who do not achieve the proficiency level required for the title may receive a copy of the examiner's rating sheet. Appeal of ratings will not be allowed as the opportunity for retest exists.

Procedures:

Agencies should designate an individual from the Personnel Office staff to be the administrator in charge of the entire Spanish Language Oral Test program for the agency. As necessary, the administrator may designate "monitors" to conduct the oral test in various locations throughout the state.

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Advisory Memorandum No. 97-05**

1210 Types of Tests (Oral Proficiency Test: Spanish) September 5, 1997

The administrator should call the Policy Section at (518) 457-5206 for the oral test packet, which is designed to be reused; test materials are photocopied on an as needed basis. The test packet is considered security material and must be stored in a secure manner.

Before scheduling the test, call the Policy Section in Civil Service to determine if the candidate has already passed the test at the established proficiency level. If the candidate has passed at the appropriate level, or a higher level, the oral test should be waived and the individual may be appointed.

All test materials will be maintained in the Personnel Office by the designated agency administrator.

To designate an in-house examiner, call the Policy Section to ensure that the examiner has been certified by Civil Service or to make arrangements for certifying and training the agency designee. To hire an outside examiner-consultant on an as needed basis, call the Policy section for the name of a certified examiner.

The monitor is responsible for greeting the candidate, verifying the identity of the candidate using photo ID, completing the pre-examination administration materials, observing the candidate during the administration of the test, and making a tape recording of the test.

The Personnel Office notifies the candidate and Civil Service in writing of the test results. The oral test packet contains various sample letters and a Civil Service form for use in accomplishing this. It is the agency's responsibility to send copies of the Examiner's Rating Sheet to candidates who did not qualify if they make such a request. Qualifying candidates do not have the right to review their rating sheet. A candidate's rating sheet and tape must be maintained in the Personnel Office for two years after the test is held.

The Department of Civil Service will accept a PR-75 submitted with an attestation that the individual has been successful at the appropriate level of the oral test.

At present, the honorarium for outside examiner-consultants working on an as-needed basis is set at \$35 per candidate tested.

If you have any questions about the conduct of the test or test materials, please call the Policy Section at the Department of Civil Service at (518) 457-5206.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

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Advisory Memorandum #01-03

1225 Examination Announcements & 2200 Separations and Leaves

T0: Department and Agency Personnel, Human Resource and Affirmative Action Offices

FROM: William E. Doyle, Director of Staffing Services

SUBJECT: Promotion opportunities for employees on leave.

DATE: June 8, 2001

As you know, permanent competitive class employees (and permanent employees in the non-competitive and labor classes) who are on leave of absence, or who have been laid off and have had their names placed on reemployment lists, who are otherwise qualified, are eligible to apply for and compete in promotion examinations.

While it may be impractical for an agency to notify their employees who are on leave that promotion examinations have been scheduled, agencies should make reasonable efforts to apprise these employees of their right to compete in promotion exams. These efforts might include a statement to this effect provided to the employee which is included in the letter they are given upon granting leave of absence, or upon layoff.

This statement should include instructions for staying abreast of current examination announcements through the usual agency channels, or through the Department of Civil Service; our website can be found at: "<http://www.cs.state.ny.us>", and a reminder that it is the employee's responsibility to find out and apply for both open competitive and promotion examinations in which they may be interested. When indicated on the announcement employees may apply for promotion examinations over the telephone.

.1 BACKGROUND

.110 Legal Basis

§70.4 of the President's Regulations (Chapter V, Title 4 NYCRR)
Examination security and test scheduling reads:

To facilitate the security of examination materials, a test shall be administered only on the announced date (if any), with due provision being made for religious observance; provided, however, the State Department of Civil Service may provide for rescheduling the administration of a test to a candidate under such circumstances of personal hardship and under such conditions as may be defined by that department.

.2 POLICY

It is the policy of the Department of Civil Service to provide alternate test dates to those candidates who are unable to appear on the announced scheduled dates for written tests because of religious beliefs, emergencies, or scheduling conflicts beyond their control. However, with respect to each written test administration, this policy will be weighed against the overriding need of the Department to maintain the security and integrity of the written test. Because written tests require considerable planning, preparation, and expense, candidates are expected to make every effort to take tests on the scheduled dates. When an alternate test date is requested, appropriate documentation acceptable to the Department of Civil Service must be submitted to verify the need for the alternate test date.

.210 GENERAL

An alternate written test date will be provided for a candidate who can establish one of the following:

- A death in the immediate family or death of a member of the household in which the candidate resides within the week immediately preceding the announced written test date.
- Religious beliefs which preclude a candidate from taking an examination on the announced date.
- Military duty.
- A conflict with a previously scheduled commitment to participate as a member of a ceremonial party, such as a wedding, baptism, bar or bat mitzvah, or graduation, or as a member of the family or household of the individual for whom the ceremony is being held.

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1230 SCHEDULING AND ARRANGEMENTS**

1230(A) Alternate Date For Written Test

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- A conflict with a professional or educational examination. Examples of professional examinations include the Certified Public Accountant or Professional Engineer examinations. Examples of educational examinations include the Scholastic Aptitude Test and Graduate Record Examination.
 - A conflict with a previously scheduled vacation, professional conference, or retreat for which a deposit of at least \$100 (one hundred dollars) was made prior to the date the examination announcement was issued.
 - A conflict with a court-ordered appearance.
 - Hospital confinement or medical emergency or health problem of the candidate or member of the immediate family or household in which the candidate resides, if documented by an attending physician.
 - Emergency weather conditions, verified by the local public safety agency, that result in the closing of specified roads, highways, or independent transportation services which prevent a candidate from reaching the test center.
- + Note: In the event that a test is rescheduled by the Department of Civil Service due to weather or other conditions, these same alternate test date criteria will be used to evaluate requests for an alternate to the rescheduled date. Exceptions may be made where the candidate's plans for a vacation, professional conference, retreat, or event, which otherwise meet the criteria, were made after the announcement issue date but before the candidate was notified of the rescheduled test date.

.4 PROCEDURES

.410 Notification of Need for Alternate Test Date

- + .411 As soon as a candidate is aware of a conflict prior to the scheduled test date, the candidate should notify the Test Administration Unit in writing or by phone call. The address is: **Test Administration Unit, NYS Department of Civil Service, Alfred E. Smith State Office Building, Albany NY 12239. The telephone number is (518) 474-6470.** The request should contain a complete explanation of the reason the candidate cannot take the test on the scheduled date and include appropriate supporting documentation. It is essential that the Test Administration Unit receives these requests **before** the date of the written test. Requests received on the date of the written test or thereafter will not be considered, unless they involve unforeseen emergencies. Medical emergencies or illness occurring on the date of the examination must be documented by a medical professional seen on the date of the examination.

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- + .412 For emergency situations which occur on the scheduled written test date, the candidate must notify the Test Administration Unit ((518) 474-6470 in the Albany area or toll free at 1-877-697-5627 [press 2, then press 1] no later than close of business the Monday following the Saturday on which the written test was held. If the candidate is unable to call because of serious illness, or because of a death in the candidate's family or household, a family or household member, or, if the candidate is a state employee, a representative from the candidate's personnel office may, on the candidate's behalf, notify the Test Administration Unit of the need for an alternate test date.
- + .413 If a serious illness or injury renders a candidate physically unable to take a test for a lengthy period of time, that candidate may still request an alternate test date provided a candidate for a promotion examination is tested prior to returning to the workplace.
- .414 Notification of Need for Alternate Test Dates for Candidates on Military Duty
 - A candidate scheduled for short term military duty (which typically requires a weekend or two-week training commitment) must request an alternate test date prior to the scheduled test date.
 - Any qualified person on military duty may request an alternate test within 60 days of return from active duty, provided the candidate filed an application for the examination during the appropriate filing period (Article 11, §243-b, NYS Military Law).
 - A public employee in New York State (including state and municipal employees, employees of public authorities, public benefit corporations, commissions, or boards, or of any other political or civil division in the state) on military duty who is eligible for a promotion examination may request a comparable examination. The employee must make such request within 60 days after restoration to his or her public position (Article 11, §243.5, NYS Military Law). An employee requesting an alternate written test date under this provision need not have filed an examination application prior to restoration to his/her position.

.420 LIMITATIONS

- + .421 A candidate who is granted an alternate date has a responsibility to avoid exposure to the test content and to take the test as soon as practicable following the announced test date. The pre-rating review and regularly scheduled alternate test date are a Saturday following the announced test date, generally the next Saturday. The risk of exposure to test content is increased after the pre-rating review, and processing is significantly

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slowed by candidates who are tested on an alternate test date. Thus, an alternate test date will generally not be granted later than the date of the pre-rating review/alternate test date.

If because of extraordinary circumstances a candidate is granted an alternate test for a date occurring after the regularly scheduled pre-rating review/alternate test date, arrangements will be made to test a candidate for an open competitive examination on the first available, regularly occurring test date as is practicable and a candidate for a promotion examination prior to the candidate's return to work. Under no circumstances, however, can a promotion candidate be tested after they have returned to work following the pre-rating review or regularly scheduled alternate date.

- .422 A candidate approved to take the test on the alternate date will be required to sign an affirmation that the candidate has not discussed the test content with any individual. If the affirmation is found to be false, the candidate will be disqualified.
- .423 When a candidate requests an alternate test date because of an emergency, the candidate will be required to provide documentation proving the emergency nature of the event which prevented him or her from taking the written test on the scheduled date.
- .424 If two or more members of the same household are candidates for the same examination, and one member is granted an alternate test date, all members of the household participating in the examination will be required to take the written test on the alternate date. If any member of the household has taken the test on the scheduled date, no other member of the household will be permitted to take the test on an alternate date.
- .425 If an alternate test date request can only be accommodated by administering a test on an individualized basis, the candidate may be assessed the cost of the monitoring services. The candidate will be advised of the approximate cost when such arrangements are made.

+ Questions from candidates regarding alternate test date policy should be referred to the Department of Civil Service Test Administration Unit at (518) 474-6470.

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ADVISORY MEMORANDUM NO. 84-01

1240 Application Review

November 1, 1984

Page 1 of 1

File this material in the section of the manual referenced above.

TO: Department and Agency Personnel Officers

SUBJECT: Granting Seniority Credits to Non-competitive Class Employees Allowed to Compete in State Promotion Examinations

Examination seniority credits are based on the length of continuous permanent classified service, regardless of jurisdictional class.

Effective immediately, non-competitive jurisdictional class employees allowed to compete in promotion examinations pursuant to Civil Service Law Sections 52.11 and 52.14 are eligible to receive seniority credits.

Examination seniority credits will be granted non-competitive class employees subject to the same policies and limitations that govern competitive class employees.

These seniority credits will not be applied to eligible lists established before November 1, 1984.


President, Civil Service Commission

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1200 EXAMINATIONS

1240 APPLICATION RECEIPT

PAGE 1

.1 BACKGROUND

.110 Purpose

.111 The purpose of application review is to identify a field of qualified candidates. Each applicant is responsible for supplying complete, relevant and accurate information. The Department of Civil Service is responsible for assuring that the minimum qualifications are clearly defined and articulated; providing sufficient opportunity for applicants to present their qualifications for review; and rendering fair, well-founded decisions as to whether or not the applicant meets the minimum qualification requirements. In addition, the Department of Civil Service has delegated to line agencies authority for reviewing applications for provisional and non-competitive appointments as well as for certain decentralized examinations..

.120 Legal Basis

- .121 §50.2 of the Civil Service Law requires in part that the Civil Service Department shall issue announcements for each competitive examination setting forth the minimum qualifications required.
- .122 §50.3 of the Civil Service Law states that the Civil Service Department will require prospective applicants to file formal applications during a prescribed time period in which they must demonstrate their qualifications for the position sought.
- .123 §50.4 of the Civil Service Law permits the Department of Civil Service to disqualify applicants from competing when they are found to lack any of the minimum requirements and for a number of other reasons such as intentionally making a false statement on the application.
- .124 §50.5 of the Civil Service Law permits the Department of Civil Service to collect fees from applicants.

.2 POLICY

.210 Application Fees

.211 Application fees are generally required for

- A. Each separately numbered open-competitive examination; or

.211 (Continued)

- B. Each centrally administered open-competitive, continuous recruitment examination.

.212 Application fees are NOT required for:

- A. Promotion examinations
- B. Military comparable examinations
- C. Transition examinations
- D. Decentralized open-competitive examinations
- E. State examinations held pursuant to CSR 4.2b (NCOC)
- F. State examinations held pursuant to CSL §70.4 (NCQ)

.213 Applicants need not submit fees if

- A. They can demonstrate that they are currently receiving supplemental social security payments or certain forms of public assistance as stated under "Applicant Fee" on the examination announcement; or
- B. They are members of CSEA in the Administrative, Institutional or Operational Services units.

.214 Fee Exceptions - Under certain circumstances an exception to the fee policy may be made and only one fee required from each applicant regardless of the number of examinations in the same series the applicant wishes to take.

Example:

Supply Clerk I - separate examination numbers for each geographic location

Social Worker I and Social Worker I (Spanish Speaking) - separate examination number given to the Spanish Speaking parenthetic

In such cases the exception must be stated on the examination announcement.

.215 Fee Refunds - Ordinarily, refunds are granted only in the case where an examination is cancelled.

.220 Application Deadlines

.221 The Department of Civil Service reserves the right to reject for lateness or to accept applications filed after the advertised filing period.

.222 Applications rejected due to lateness are forwarded to the Civil Service Department's Arrangements Section for record keeping purposes. Any fees submitted are returned to the applicant with a notice that the application was not accepted.

.223 Late applications received from provisional employees appointed prior to the last date for filing will be accepted and processed provided examination arrangements can still be made. Such employees are considered to have become applicants as of the date of original provisional appointment.

.224 Under certain circumstances the last date for filing applications may be extended with the approval of the Staffing Services Program Manager and the Director, Division of Testing Services. Notice of such an extension must be sent to:

- Examination Information Desk
- Division of Affirmative Careers
- Regional Offices - New York City and Buffalo
- Supervisor of Examinations Processing

.230 Timeliness of Application Review

.231 Generally, applications are reviewed for minimum qualifications prior to the examination date. This pre-review minimizes public relations problems, enhances examination security and facilitates timely establishment of eligible lists.

.232 Review of applications for minimum qualifications after test administration may be authorized by the Staffing Services Program Manager when one or more of the following circumstances exist

- A. An extremely large number of applications makes pre-review impracticable or impossible; or**

.232 (Continued)

- B. Minimum qualifications are such that virtually all applicants are expected to meet the eligibility requirements.

.240 Consistency of Application Review

.241 Standards for review of applications against the announced minimum qualifications must be uniformly applied for all applicants. The minimum qualifications should be structured to leave little room for subjective or conflicting interpretations.

.242 Determinations made to clarify the minimum qualifications must be consistently applied to all applicants.

.250 Eligibility Limitations

.251 Promotion applications from individuals permanently employed in the title for which the promotion examination is being held will not be approved except that applications from such employees who have not yet completed the required probationary period will be conditionally approved.

.252 Applicants who meet both promotion and open-competitive qualifications for the same title may file for both. If successful, such candidates will only be certified for appointment from the promotion eligible list.

.253 Applicants who meet the anticipated eligibility requirements for taking the test but not the requirements for appointment, may apply for both the promotion and open-competitive examinations. If successful, they will no longer be eligible for appointment from the open-competitive list once they meet the time-in-title requirements for appointment from the promotion list.

.254 Applicants who qualify for both a transition examination and an open-competitive examination for the same title may apply for both and, if successful, be certified for appointment from both lists.

.255 Promotion applications will be accepted from employees who are currently on a preferred list or who are on a leave of absence provided they had sufficient permanent service in a qualifying title before being placed on the preferred list or on leave of absence.

.260 Part-time and/or Volunteer Experience

.261 Appropriate and verifiable volunteer experience will be accepted.

.262 Appropriate part-time experience will be accepted for an open-competitive examination on a pro-rated basis.

.263 Part-time experience in a qualifying title will be equated to full-time for purposes of meeting the time-in-title requirements for promotion examinations.

.270 Acceptable Degrees

.271 College degrees and credit for college courses received from a regionally accredited college or university or from one recognized by the New York State Education Department will be credited in meeting the announced education qualifications.

.272 Foreign degrees are credited toward meeting education qualifications if granted by schools listed as members of the Association of Commonwealth Universities or the International Association of Universities. Also acceptable, are degrees granted by non-member schools listed in the handbooks of these associations, who are recognized by the association's governmental authority as entitled to issue degrees in higher education.

.273 A foreign degree found acceptable for admittance to an advanced educational program by an accredited school in this country or by an "approved" foreign school as described above, will also be credited toward meeting education qualifications.