

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
1400 ELIGIBLE LISTS**

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NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
 STATE PERSONNEL MANAGEMENT MANUAL
 Advisory Memorandum #18-02

1400 Eligible Lists / 1800 Appointments

May 16, 2018

TO: Department and Agency Directors, Human Resources and Affirmative Action Officers

FROM: Scott DeFruscio, Director of Staffing Services

SUBJECT: Justification Requirements for Selective Certification Examinations

The purpose of this memorandum is to highlight and provide additional information on requirements recently established by the Department of Civil Service (Department) for Selective Certification Examinations. As noted in the updated “New York State Agencies Guide to Using the Selective Certification System” available at <https://www.cs.ny.gov/extdocs/sc/NYS%20Agencies%20Guide%20to%20Using%20the%20Selective%20Certification%20System.pdf>, agencies are required to provide a justification for each educational and experiential qualification (Property) selected within a Selective Certification Profile. A “Property” refers to the selected Category, Group, Item and Level. For some examinations, Sub-items and/or Tasks are also included within a Property.

Selective Certification is offered as an option to agencies when the Department has determined that additional education and experience may be required for specific positions within a job class. Selective Certification components of examinations are designed to provide agencies with list certifications of eligible candidates who have essential knowledge, skills and abilities needed to successfully perform the duties of the position. When completing Selective Certification Profiles, agencies must supply sufficiently detailed information in the justification column so that Department representatives reviewing the Selective Certification requests may determine that the Property selected is required to perform a specific aspect of the duties of the position. Below is an example of a portion of a properly completed Selective Certification Profile.

| CATEGORY | GROUP | ITEM | SUB ITEM | LEVEL | JUSTIFICATION |
|------------------------|------------|---|--------------------|--|---|
| Licensure 1.1.1 | Licensure | 4 - NYS Professional Engineer License with current registration | | Yes - Has the License/Current Registration | PE license required with Current Registration. |
| Experience 2.1.10.1 | Experience | 35 - Design | Type | 2 - Between Grade 23 and Grade 26 | Manage, supervise, train and lead assigned units and staff, such as the highway design, consultant management and survey teams. Prior highway design experience at a supervisory level required |
| Experience 2.1.10.2 | Experience | 36 - Design | Highest Level Time | 3 - 5 years or more | Prior highway design experience at a supervisory level required due to the technical nature of this position. |

The Justification field is required for each Property selected and it is expected that both the Program Official and the Director of Human Resources approving the forms have reviewed and approved each of the justifications provided, prior to signing and submitting the Selective Certification Profile.

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Advisory Memorandum #17-01

1400 Eligible Lists/1600 Interviewing and Hiring

February 15, 2017

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

FROM: Scott DeFrusco, Director of Staffing Services

SUBJECT: Beginning Office Assistant Email Canvasses

The Department of Civil Service is pleased to announce that agencies will now have the option of email canvassing the recently established Beginning Office Assistant, Office Assistant 1- Keyboarding and related language parenthetic eligible lists, as they do with the Professional Career Opportunities (PCO) lists. These lists will be referred to collectively as “the BOA lists” in this memorandum. Many agencies have expressed interest in email canvassing these new lists in an effort to save time and resources.

Email Address Query – Email addresses for the BOA list eligibles may be obtained from the Email Address Query. The email addresses you receive will be the most current email addresses the eligibles have provided. When more than one email address is shown for an eligible, canvasses must be sent to each email address.

To access the query, log into HR Professionals, click on Examinations, then click on Email Addresses for Certs. You will need to select the exam series and enter your Cert number from your Eligible List Management System (ELMS) Cert. You can limit your request to a range of eligibles (for example 1 through 50).

We suggest you select “Get Email List As Excel” to view the Cert eligibles. From the spreadsheet you can copy/paste some or all of the email addresses into the address portion of your email. This will allow you to identify the eligibles without email addresses listed and you may wish to phone canvass or send a paper canvass to these eligibles.

If you cannot access the Excel version, you can use the “Get Email List as Text” option, but the eligibles without an email address will not be identified.

Important: Certification eligibles without email addresses **MUST** be canvassed following the procedures for canvasses by letter and/or phone, if these eligibles must be coded to effect an appointment.

Please be careful when coding your ELMS Cert, especially when using the bulk processing function, to ensure that codes are only entered for list eligibles who have actually been canvassed.

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February 15, 2017

Email Canvassing in General - Agencies may immediately appoint reachable eligibles who respond to an email canvass before the deadline for response.

The email canvass must contain all of the information that would be provided in a canvass letter. For convenience and consistency, the email should provide this link to canvass letter information: <http://www.cs.ny.gov/extdocs/forms/S-60.page2.pdf>. Agencies must provide all information contained in the email canvass to eligibles who contact them with problems opening attachments to the email.

Eligibles may respond to the canvass in a variety of ways (e.g., by letter or fax), even if the agency requests responses only by email. Agencies must consider timely responses, regardless of the method the eligible used to respond.

If an eligible declines by email, the agency must mail a confirming letter to the eligible.

If an email is returned as undeliverable, the agency must canvass the eligible by letter and/or by phone, if the eligible must be coded to effect an appointment.

10-Day Email Canvassing - 10-day email canvass procedures follow the procedures for canvasses by mail. Eligibles must be given at least 10 business days from the date the email is sent to respond to the canvass, consistent with Civil Service Rule 4.1 (b). If the eligible does not respond in that time the eligible may be coded NR (No Response), unless the eligible responds late. Late responders should be coded as LR, unless the candidate declines the position.

2-Day Email Canvassing - Agencies have the option of requiring a minimum two business day deadline for responses to email canvasses, similar to a phone canvass. However, eligibles who do not respond may not be coded as NR.

Updating Email Addresses - Eligibles may update their email address by logging into the Department web site at <https://www.cs.ny.gov/home/myaccount>.

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Advisory Memorandum #16-04

1400 Eligible Lists/1600 Interviewing and Hiring

September 9, 2016

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

FROM: Scott DeFrusco, Director of Staffing Services

SUBJECT: PCO Advanced Placements with Higher-level Degrees

The Department of Civil Service is pleased to announce a further expansion of the preapproved minimum qualifications that can be used for advanced placement of eligibles on the PCO list or PATT list to PCO Generalist Job Titles. These advanced placement appointments may be made at the agency's discretion. Eligibles who have a Juris Doctor, master's or higher-level degree in a field related to the duties of the position may be advanced placed to the Trainee 2 level of two-year traineeships. Eligibles possessing a duties-related Juris Doctor, master's or higher-level degree and one year of experience performing the duties of the journey level title may be advanced placed to the journey level of two-year traineeships. Agencies have discretion in determining whether an eligible's degree is related to the duties of the position, but may contact their Classification and Pay Analyst for assistance in making these determinations.

This revision of the minimum qualifications for advanced placement is effective as of the date of this memorandum and may not be applied to previous PCO or PATT list appointments.

The DCS Business Suite will be updated to show these advanced placement qualifications.

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Advisory Memorandum #16-01

1400 Eligible Lists/1600 Interviewing and Hiring

March 11, 2016

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

FROM: Scott DeFruscio, Director of Staffing Services

SUBJECT: PCO Email Canvasses

The Department of Civil Service (the Department) is pleased to announce new policies for agencies that choose to canvass the Professional Career Opportunities (PCO) eligible lists by email. These policies will improve the timeliness and efficiency when canvassing a PCO eligible list. This Advisory Memorandum updates and replaces the section on Email Canvasses in GIB No. 14-03.

Agencies now have two options when canvassing a PCO list by email. Agencies may choose between:

- a 10-day email-only canvass, which requires no follow up with eligibles who do not respond to the email canvass; **or**
- a 2-day email canvass, which requires follow up with eligibles who do not respond to the email canvass, before considering them as a No Response (NR).

Email Canvassing in General - Agencies may immediately appoint reachable eligibles who respond to an email canvass before the deadline for response.

The email canvass must contain all of the information that would be provided in a canvass letter. For convenience and consistency, the email should provide this link to canvass letter information: <http://www.cs.ny.gov/extdocs/forms/S-60.page2.pdf>. Agencies must provide all information contained in the email canvass to eligibles who contact them with problems opening attachments to the email.

Eligibles may respond to the canvass in a variety of ways (e.g., by letter or fax), even if the agency requests responses only by email. Agencies must consider timely responses, regardless of the method the eligible used to respond.

If an eligible declines by email, the agency must mail a confirming letter to the eligible.

If an email is returned as undeliverable, the agency **must** canvass the eligible by letter and/or by phone, if the eligible must be coded to effect an appointment.

Agencies must check <https://www.cs.ny.gov/businesssuite/Examinations/> and click on Email Opt Outs to see if any eligible has opted out of receiving email canvasses for the title/eligible list. The agency **must** canvass these eligibles following the procedures for canvasses by letter and/or by phone, if the eligibles must be coded to effect an

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March 11, 2016

appointment. If an eligible indicates they do not want to receive canvasses by email, refer them to the PCO Exam Unit at PCO@cs.ny.gov.

10-Day Email-Only Canvassing – 10-day email-only canvass procedures follow the procedures for canvasses by mail. Eligibles must be given at least 10 business days from the date the email is sent to respond to the canvass, consistent with Civil Service Rule 4.1 (b). If the eligible does not respond in that time the eligible may be coded NR (No Response), unless the eligible responds late.

2-Day Email Canvassing – 2-day email canvass procedures follow the procedures for phone canvasses. Eligibles must be given at least two business days from the date the email is sent to respond to the canvass, consistent with Civil Service Rule 4.1 (b). If an eligible does not respond to the email canvass, the agency must still consider the eligible as active and may not inactivate an eligible on a cert based on a failure to respond to a 2-day email canvass. The agency may choose to not consider eligibles who do not respond to the email canvass, but they must be coded as non-selects (NS). The agency must use the procedures for a new 10-day email canvass or for canvasses by letter and/or phone to follow up the 2-day email canvass of any non-responders and then record the results in ELMS, if the eligibles must be coded to effect an appointment.

Email Address Query – The Department has developed a query agencies can use to obtain the email address of PCO list eligibles on a cert. To access the query, log into HR Professionals, click on Examinations, then click on Email Addresses for Certs. After entering the cert number, email addresses will appear for all eligibles on that cert who provided the Department their email addresses. The request can be limited to a range of eligibles (for example 1 through 50). The email address will be the most current email address the eligible has provided the Department. In some cases, more than one email address may be shown for an eligible. If an eligible did not provide an email address, they are included in the Email Opt Outs listing described above.

Updating Email Addresses –Eligibles may update their email address by logging into the Department web site at <https://www.cs.ny.gov/home/myaccount>.

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Advisory Memorandum #05-02

1400 Eligible Lists / 2200 Separations and Leaves
2800 Automated Position/Personnel System

April 28, 2005

This memorandum supercedes and replaces Advisory Memorandum #96-01, "Transaction code for permanent employees who refuse a reassignment" in SPMM section 2800. Please remove that Advisory Memorandum from your manual.

TO: Department and Agency Personnel, Human Resource, and Affirmative Action Offices
FROM: Terry Jordan, Director of Staffing Services
SUBJECT: New NYSTEP Code for Permanent Employees Who Refuse Reassignment (**RFR**)

Permanent or contingent permanent (CP) employees who refuse reassignment to positions in counties other than current work locations are separated from employment. To date, the transactions separating those permanent or CP employees who refuse reassignment have been submitted to NYSTEP as resignations. Effective on May 12, 2005 (beginning of Institutional Payroll 4), these transactions are to be coded:

Action Code: SEP or TER

Transaction Group: OUT

Reason Code: RFR [refuse reassignment]

We shall continue to grant reemployment list rights to employees who refuse reassignment, provided the employees meet §§80/80-a CSL criteria.

You may address questions to Employment Records at (518) 457-3780.

Note: Please add a copy of this Advisory Memorandum to your copy of the *Guidelines for the Administration of Reductions in Force*, or annotate page 33 of your printed *Guidelines* with this new transaction code. Our online versions of the *Guidelines* have been updated. Also, please save a copy of this memo with your NYSTEP/PER User Manual.

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Advisory Memorandum #90-08**

1400 Eligible Lists

May 17, 1990

TO: Department and Agency Personnel and Affirmative Action Offices
FROM: Division of Staffing Services, Policy and Program Analysis
SUBJECT: Duration of Eligible Lists

Section 56 of the Civil Service Law limits the life of an eligible list to between one and four years. Additionally, the statute provides for the expiration of an existing list upon the establishment of a new list. However, the Department of Civil Service is given authority to modify that provision, and has, to enable agencies to honor employment commitments to candidates on a superceded eligible list or to complete canvasses that are in progress.

As a matter of policy and practice, the Department of Civil Service schedules the expiration of an existing eligible list for thirty days after the date of establishment of the new list. For that thirty day period, the new list may not be used where the old list remains viable. In locations where the old list has been exhausted, use of the new list is appropriate.

This scheduled expiration is computed automatically except in those cases where the 30 day period will result in a more than four year life of list (Section 56 provides for extensions of lists beyond four years in certain prescribed instances) or where the new list is established more than 30 days prior to the one year statutory minimum life of a list. In these cases, the expiration date is scheduled to coincide with the statutory limit.

This policy applies to the supercession of promotion lists by promotion lists and open-competitive lists by open-competitive lists: the standard order of certification is not affected by this policy.

The order of certification shall be:

PROMOTION LISTS

1. Old Promotion Unit List
2. New Promotion Unit List
3. Old Departmental List
4. New Departmental List
5. Old General List (IDP)
6. New General List (IDP)

OPEN COMPETITIVE LISTS

7. Old OC List
8. New OC List

References: *Section 56, Section 60.1, and Section 61.1 Civil Service Law, Section 4.1(a) and, Section 4.2(a), Rules for the Classified Service, Section 68.1, President's Regulations*

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Advisory Memorandum #89-02

1400 Eligible Lists

January 27, 1989

Policy Bulletin No. 82-01

Page 1 of 2

~~Policy Bulletin No. 88-02~~ issued on October 15, 1982 announced new policies concerning the interdepartmental promotion list rights of employees who accept permanent transfer, appointment or reinstatement to a different agency.

Part of that policy was to announce the process by which employees could request to have their names changed to the appropriate department list by using form S211.1 (Request to change Individual Status on Interdepartmental Promotion Eligible Lists). This is a reminder to agencies to have copies of this form available, and to inform employees that they can request this change.

On page two of this memo is a table which summarizes the policies which were announced in 1982. The table has been revised to include those cases of employees changing promotion units within an agency, but the policies have not changed. The table is useful as a quick reference, however, when applying these policies, the following points should be kept in mind:

- "After the examination" means after the written test, after the filing period closes for a T&E, or after the first date of oral testing, depending on which is the first part of the examination.
- Upon completion of probation in the new agency, (when the employee has changed appointing authorities) the employee no longer has departmental promotion list rights in the former agency.
- An employee who has resigned from his/her former position in the former agency no longer has departmental promotion rights in the former agency.
- Employees' names continue on the "general portion" of the list regardless of on which departmental list, if any, their names may appear.
- Employees who return to a former agency may request to have their names restored to any lists from which their names had been removed.
- Employees' names may not appear on the departmental lists for more than one agency unless the transfer was involuntary (pursuant to Rule 5.8, or §70.2).

For a supply of the form S211.1, please write to the Mail and Supply Unit, New York State Department of Civil Service, State Office Building Campus, Albany, NY 12239.

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Promotion unit eligible list status for employees who change appointing authorities or promotion units as a result of permanent appointment, transfer or reinstatement.

| IF THE CHANGE OCCURS | AND | THEN | |
|--|---|--|--|
| PRIOR TO THE EXAMINATION | THE CHANGE OCCURS BEFORE FILING | THE EMPLOYEE'S NAME WILL APPEAR ON THE NEW PROMOTION UNIT LIST IN SCORE ORDER | |
| | THE CHANGE OCCURS AFTER FILING | THE EMPLOYEE MAY REQUEST TO HAVE HIS/HER NAME PLACED ON THE NEW PROMOTION UNIT LIST IN SCORE ORDER | |
| AFTER THE EXAMINATION BUT BEFORE THE LIST IS ESTABLISHED | THE EMPLOYEE IS ON PROBATION | THE EMPLOYEE'S NAME REMAINS ON THE LIST FOR THEIR FORMER AGENC. FORMER PROMOTION UNIT | |
| | THE EMPLOYEE HAS COMPLETED PROBATION | THE EMPLOYEE MAY REQUEST TO HAVE HIS/HER NAME PLACED ON THE NEW LIST IN SCORE ORDER | |
| AFTER THE LIST IS ESTABLISHED | THE EMPLOYEE IS ON PROBATION | THE EMPLOYEE'S NAME REMAINS ON THE LIST FOR THE FORMER AGENCY/UNIT | |
| | P R O B A T I O N | C O M P L E T E D | EMPLOYEE HAS NOT SERVED 26 WEEKS |
| | | EMPLOYEE HAS SERVED AT LEAST 26 WEEKS IN NEW AGENCY/UNIT | THE EMPLOYEE'S NAME APPEARS ONLY ON GENERAL PORTION OF AN IDP LIST/ FORMER PROM. UNIT LIST |
| | | THE EMPLOYEE MAY REQUEST TO HAVE HIS/HER NAME PLACED ON THE NEW LIST IN SCORE ORDER | |

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ADVISORY MEMORANDUM NO. 88-03

1400 ELIGIBLE LISTS

JULY 22, 1988

REVISION OF CLASSIFIED SERVICE RULE 4.1

Effective May 11, 1988 Classified Service rule 4.1 was amended to provide candidates **ten** business days to reply to a written canvass or offer of appointment. Formerly, candidates could be considered ineligible after **seven** days.

The rule was further revised to remove the reference to "telegram" and to replace this with "telephone."

Since the purpose of this rule is to ensure that candidates have an adequate opportunity to respond, you should not count Saturdays, Sundays or legal holidays, nor should you count the day upon which you mailed the canvass letter. The postmark date of the returned reply - **not** the date upon which it is received - should be considered the date of reply.

Telephone canvasses must be followed up with a confirming letter.

As before, you must attach a sample copy of the canvass letter, (or copies of confirming letters) to all returned certifications of regular eligible lists. For preferred lists and reemployment rosters you must return the original signed copies of the canvass letters, or copies of confirming letters.

The new time limit applies to certifications issued on or after May 11, 1988.

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ADVISORY MEMORANDUM NO. 83-01

August 22, 1983

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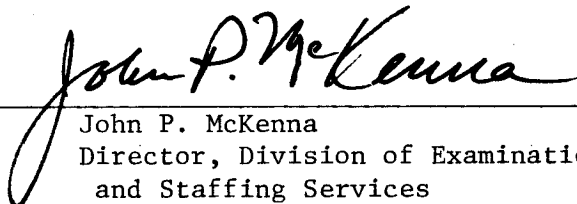
Section 85 of the New York State Civil Service Law has been amended to change the definition of "time of war" relative to the cessation of the Vietnam hostilities. Effective September 1, 1983, the previous Vietnam hostilities ending date of March 29, 1973 has been extended to May 7, 1975.

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, 1953 to MAY 7, 1975.
 - U.S. Public Health Service: July 29, 1945 to Sep. 2, 1945 or, June 26, 1950 to July 3, 1952; 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

YES NO

YES NO

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

IMPORTANT NOTICE

FOR

NEW YORK STATE VIETNAM ERA VETERANS

THE ENDING DATE OF THE VIETNAM CONFLICT HAS BEEN EXTENDED FROM MARCH 29, 1973 TO MAY 7, 1975 BY LEGISLATION WHICH BECOMES EFFECTIVE SEPTEMBER 1, 1983. ACCORDINGLY, ON STATE ELIGIBLE LISTS ESTABLISHED ON OR AFTER SEPTEMBER 1, 1983, VETERANS WHO SERVED DURING THIS PERIOD MAY BE ELIGIBLE FOR ADDITIONAL CREDITS ON EXAMINATION ELIGIBLE LISTS.

VETERANS WHO HAVE FILED FOR OR HAVE TAKEN AN EXAMINATION FOR WHICH THE ELIGIBLE LIST HAS NOT YET BEEN ESTABLISHED AND WHO HAVE NOT PREVIOUSLY CLAIMED THESE ADDITIONAL CREDITS MAY DO SO BY COMPLETING THE REVERSE OF THIS NOTICE AND MAILING IT TO:

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
RATING UNIT (ATTN. ROBERT WAINWRIGHT)
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12239

VETERANS WISHING TO CLAIM THESE ADDITIONAL CREDITS MUST DO SO PRIOR TO THE DATE OF ESTABLISHMENT OF THE ELIGIBLE LIST ON WHICH THEY WISH THESE CREDITS TO BE APPLIED.

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ADVISORY MEMORANDUM NO. 82-02

1400 ELIGIBLE LISTS

OCTOBER 29, 1982

TO: Department and Agency Personnel Officers

SUBJECT: Eligible List Certifications

Periodically problems come up with the use of eligible list certifications. Please be sure that your staff is aware of the following guidelines:

1. An eligible list certification can be used only for the location for which it was drawn. Appointments **cannot** be made for locations other than the location shown on the eligible list certification.
2. When requesting certifications, be sure to request them for the precise location of the position. Do **not** canvass a certification for a position in any location other than the one shown on the certification.

Your cooperation in adhering to the above guidelines will help reduce the number of appointment transactions that must be changed or disapproved.

If you have any questions concerning this procedure, please contact Liliias Bartels of our Employment Records Section. Her telephone number is (518) 457-5404.

John P. McKenna (sn)

John P. McKenna

Director

Division of Examinations
and Staffing Services

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
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Advisory Memorandum #02-02

1430 Regular Promotion Eligible Lists

April 10, 2002

T0: Department and Agency Personnel, Human Resource and Affirmative Action Offices
FROM: William E. Doyle, Director of Staffing Services
SUBJECT: Roswell Park Cancer Institute Employees May Compete in State Promotion Examinations

THIS ADVISORY MEMORANDUM REPLACES ADVISORY MEMORANDUM NO. 00-04 IN THIS SECTION WHICH SHOULD BE REMOVED

SPMM Advisory Memorandum #00-04 outlined the rights of Roswell Park Cancer Institute employees whose names were on State promotion eligible lists at the time Roswell Park Cancer Institute was established as a public benefit corporation. That memo stated that Institute employees receiving promotions from State lists would first (or simultaneously) have to be reinstated to State service and that Institute employees were not eligible to take State promotion examinations.

Governor Pataki recently signed legislation permitting permanent employees of the Roswell Park Cancer Institute to compete in State promotion examinations. The Department of Civil Service can only determine promotion eligibility for Institute employees based on their classified service and employment histories up to the date that Roswell Park Cancer Institute became a public benefit corporation (1/1/99). However, because Roswell Park Cancer Institute personnel records are not part of NYSTEP, we cannot verify applicants' current employment status at the Institute.

Consequently, departments and agencies considering employing Roswell Park Cancer Institute employees from promotion eligible lists should use the same employment verification procedures that would be used in hiring a candidate from an open-competitive list. You may reach Roswell Park Cancer Institute's human resources office at (716) 845-1555.

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Policy Bulletin #05-01

1400 Eligible Lists

July 7, 2005

In many instances, this Department announces promotion examinations with “A qualifications” (usually direct line titles only) and “B qualifications” (collateral-line or related titles, which may include New Format Minimum Qualifications). §52.1 of the Civil Service Law (CSL) authorizes us to extend eligibility to these related titles. The order of certification from resulting eligible lists is “A eligibles” and “All eligibles.” We define All eligibles to include all B candidates interfiled with the remaining A eligibles when fewer than three A eligibles remain on the A certification. In agencies with promotion units, the order of certification is Promotion Unit A, Promotion Unit All and Departmental A, Departmental All.

For certain interdepartmental promotion examinations having direct and collateral-or-related-title qualifications we have for many years permitted agencies to choose orders of certification for IDP A and B lists. For certain examinations we have allowed agencies to choose the certification order, i.e. **either** Departmental A – Departmental All / Interdepartmental A – Interdepartmental All (AB/AB) **or** Departmental A – Interdepartmental A / Departmental All – Interdepartmental All (AA/BB).

§52.4 CSL authorizes us to establish interdepartmental eligible lists—extending promotion eligibility to qualified candidates in agencies other than those in which vacancies exist. The statute specifies that these interdepartmental lists “shall not be certified to a department until after the promotion eligible list for that department has been exhausted.”

We have reconsidered the legality of our practice of allowing agencies to choose between orders of certification. We have determined that the only permissible order of certification pursuant to CSL §52.4 should be:

Promotion Unit A
Promotion Unit All Eligibles

Departmental A
Departmental All Eligibles

Interdepartmental A
Interdepartmental All Eligibles

Effective immediately, announcements for all interdepartmental examinations having A and B qualifications will reflect this order of certification.

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Agency Reduction Transfer Lists

**THIS SUPERCEDES POLICY BULLETIN #04-01
AND PROVIDES CLARIFICATION ON THE
AGENCY REDUCTION TRANSFER PROGRAM**

Section 78 of the Civil Service Law permits the transfer of employees, without examination, from one department or agency to another department or agency of the State where necessitated by reasons of economy, efficiency, consolidation or abolition of functions, curtailment of activities or otherwise. (See copy of section 78 at the end of this policy). The Agency Reduction Transfer Program is a discretionary tool to be used to realign the workforce to meet programmatic and/or fiscal needs. Participation is voluntary on the part of eligible employees.

Who is eligible for the ARTL Program?

- Permanent and contingent permanent competitive class employees and eligible permanent non-competitive class and labor class employees whose positions may be impacted as a result of an action taken by reason of economy, efficiency, consolidation, or abolition of functions, curtailment of activities or otherwise. Agencies may, at their discretion, extend ARTL eligibility to other employees in the titles. Whatever method an agency chooses to determine eligibility must be objective and consistent across titles, and based upon operational needs. This Department may extend eligibility to permanent, non-tenured, non-competitive and labor class employees.
- Permanent and contingent permanent competitive class employees and eligible permanent non-competitive and labor class employees whose positions are relocated to a different county, and decline reassignment.

Who is not eligible for the ARTL Program?

- Exempt class employees
- Non-competitive class employees serving in policy-influencing or confidential positions
- Provisional employees

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- Temporary employees
- Employees who decline reassignment within the same county
- Employees impacted by the return of incumbent in accordance with sections 4.11 and 4.12 of the Classified Service. (4 NYCRR section 4.11 and 4.12)

How is the ARTL Program Initiated?

The ARTL program may be initiated at any time prior to the target date for the intended action. Agencies should contact staff from the Career Mobility Office (CMO) prior to initiating this process and provide the CMO with a list of impacted titles and their locations, and an agency contact for the ARTL process. Staff from the CMO may be reached at:

Phone: (518) 485-6199 or (800) 553-1322

Fax: (518) 457-9430

E-Mail: cs.sm.careermobility@cs.ny.gov

The agency contact for the ARTL process should also serve as the agency's internal contact to answer employee questions about the ARTL program and their status. Staff from the CMO will provide the agency's Staffing Services Representative with this information.

After consulting with the CMO, agencies should notify eligible employees that they may volunteer for participation in the ARTL program. It is recommended that agency human resources representatives arrange with the CMO to meet with the eligible employees, explain the ARTL transfer process, and assist the employees in completing ARTL Form S-295.6 (commonly known as the "Blue Card"). Employees should also be provided with a copy of the Employee Guide for Agency Reduction Transfer List booklet published by the Department of Civil Service. This meeting is separate from and subsequent to the initial employee notification meeting hosted by the agency.

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All information on ARTL Form S-295.6 must be verified by the agency before being submitted electronically to the Department of Civil Service using the Electronic Reemployment Card System (ERCS). Agencies should retain the paper forms for their records and employees should be encouraged to keep a photocopy of their completed forms as well. Please contact the CMO for assistance in using ERCS.

How Does the ARTL Program Work?

Eligible employees will have their names certified on transfer lists to fill vacant positions in their current titles, in lower-level direct-line titles, and to positions in titles declared comparable by this Department. Title comparability determinations are based on similarities in duties, minimum requirements, salary grades, and/or examination plans, and are generally the same as reemployment roster determinations. Existing title determinations may be found in the Title Transfer Reference System (TTRS), which is part of the Department of Civil Service Applications System.

How is the ARTL Certified?

An ARTL is one of a number of mechanisms used to transfer employees and is intended to provide continuity of employment. It is accessed through the Reemployment Lists Program, which is part of the Department of Civil Service Applications System. The order of certification follows:

1. Redeployment List – a list established pursuant to Section 79 of the Civil Service Law for permanent employees who are or will be suspended or demoted due to “contracting out.”
2. Agency Reduction Transfer List (ARTL) – a list established prior to the date of the triggering action containing the names of employees who have been identified by their agency as being impacted by such action. Within an ARTL, the specific order of certification is:
 1. Title-for-title eligibles

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2. Direct-line title eligibles
3. Comparable title eligibles
3. Preferred List – a mandatory list established pursuant to Civil Service Law section 81 as of the date of layoff containing the names of laid off employees ranked by layoff unit and seniority, for reinstatement to their layoff title and direct-line lower-level titles.
4. Reemployment Roster – a mandatory list established pursuant to Civil Service Law section 81-a as of the date of layoff containing the names of laid off employees for appointment to titles other than those for which they are eligible for reinstatement from a preferred list. These generally are titles in their former occupational field as determined to be appropriate by the Department of Civil Service. The names are certified without regard to seniority, probationary status, or layoff unit.
5. Placement Roster – a mandatory list established pursuant to Civil Service Law section 81-b prior to the date of layoff containing the names of employees who have been specifically identified for layoff who will have preferred and reemployment roster list rights as of the date of layoff as long as they are not reemployed from the placement roster at their same status and salary grade level. These eligibles are certified without regard to seniority, probationary status or layoff unit.

Eligible candidates in the title-for-title category and the direct-line category are ranked in seniority order within their respective titles. The eligibles in the comparable title category are not ranked and if there are no acceptors via title-for-title or direct-line, any comparable title eligible can be considered.

ARTL eligibles have preference over preferred list eligibles except in the following situation:

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If there are title-for-title preferred list eligibles, seniority as determined in accordance with Civil Service Law, sections 80.3, 80-a.3 and 85.7, must be compared between the ARTL eligible and the highest ranked preferred list eligible. NOTE: When making this comparison, layoff unit designation and probationary status play no role for the ARTL eligible; seniority is the only relevant factor.

Only a title-for-title preferred list eligible with more seniority may block an ARTL appointment.

Preferred list eligibles who are in direct-line or appropriate-titles will not block an ARTL transfer, even if those preferred list eligibles have greater seniority.

How do ARTLs and Eligible Lists Work?

When filling a vacancy, agencies must use ARTLs before using eligible lists resulting from examinations. The one exception is newly established eligible lists. Upon the establishment of an eligible list resulting from a competitive examination for a title which there are ARTL eligibles, an appointing authority has 90 days from the date the eligible list is established to appoint a non-permanent employee in the title who is reachable for appointment. Thereafter, ARTLs shall take precedence over the eligible list.

How Does Accepting or Declining Job Offers Affect ARTL Eligibility?

Employees' responses to canvasses, interviews, and job offers will affect their continuing eligibility on ARTLs. Timeliness is crucial since one employee's decision may affect the eligibility of others. Replies to a canvass must be made within the same timeframes as replies to canvass from eligible lists. Responses to an invitation for interview and/or to a job offer must be made within a reasonable period of time (usually 48 hours unless there are mitigating circumstances, such as a geographic move). **In situations where an agency is unable to reach an employee using their regular canvass procedures to set up an interview after the employee has indicated an**

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interest, the agency must send the employee a registered letter (return receipt requested) indicating the interview date, time and place.

Any of the following is considered to be a declination of a canvass:

- The employee fails to respond to a canvass letter within the period specified in the canvass letter.
- The employee fails to reply to a telephone canvass within two business days following actual contact. An agency representative must actually speak with the employee in order for the canvass to be valid.
- The employee returns a canvass letter indicating no interest in a position for any reason.
- The employee fails to appear for an interview or report to work.

Other policies applicable to canvass, interview and job offer responses are described below:

1. An employee is contacted regarding a permanent contingent or permanent appointment to a position at the **same** grade level, in the **same** county in which that employee currently works:
 - If the employee declines the canvass/interview/appointment, the employee is no longer eligible for the ARTL program. The employee's name will be removed from the ARTL for all titles and counties.
 - If the employee is appointed to this position, the employee's name will be removed from the ARTL program.
2. An employee is contacted regarding a permanent contingent or permanent appointment to a position at the **same grade level**, in a **different county** from which that employee currently works:

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- If the employee declines the canvass/interview/appointment, the employee is no longer **eligible** for the ARTL program for that county only.
 - If the employee is appointed to this position, the employee's name will be removed from the ARTL program.
3. An employee is contacted regarding a permanent contingent or permanent appointment to a **lower grade** position than which that employee currently works:
- If the employee declines the canvass/interview/appointment, the employee is no longer **eligible** for the ARTL program for **all titles at that salary level and below for all counties**.
 - If the employee is appointed to this lower grade position in the county of the triggering action, the employee's name will remain active on ARTLs for appropriate higher level positions in all counties selected.
4. An employee is contacted regarding a permanent contingent or permanent appointment to a **lower grade** position in a **different county** from which that employee currently works:
- If the employee declines the canvass/interview/appointment, the employee is no longer **eligible** for the ARTL program for all titles at that grade level and below in all counties within that area, **except** for the county in which the individual currently works. (See the "Employee Guide for Agency Reduction Transfer List" for the listing of "areas.")
 - If the employee is appointed to this lower-level position, the employee's name will remain active on ARTLs for appropriate higher level positions for all counties selected.

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5. If an employee accepts or declines a temporary position that is three months or more in duration, the employee will be ineligible for future temporary positions, but **will remain eligible** for permanent positions. If an employee accepts or declines a temporary position that is less than three months duration, the employee will remain eligible for other temporary positions.
6. Employees, who decline jobs which require working a shift other than a normal day shift, **will remain eligible** for day-shift jobs.
7. If an employee declines an appointment to a traineeship position that leads to a journey-level title in the same or higher salary grade as their permanent title, they are considered to have declined a same-grade level position.
8. If an employee accepts or declines a part-time position, they will still be considered for full-time positions.

When do ARTL Appointments have to be made?

Appointment from ARTLs must be made on or before close of business on the date of the triggering action. As of close of business on the date of the triggering action, the names of all remaining ARTL eligibles are removed from the Reemployment List System.

Appointments resulting from managed placement referrals must be called in to the CMO by the appointing agency prior to the submission of the NYSTEP transaction, so that staff of the CMO staff can update the Reemployment System.

Where the Triggering Action will result from a Reduction in Force, the following will apply:

Leaves of Absence

Agencies must grant certain leaves of absence in other than probationary situations in order to protect the ARTL appointees' layoff and reemployment rights. While such

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leaves are considered discretionary, agencies may not rescind the leaves until the employee's name is inactivated from the ARTL. Non-probationary appointees have no right to return.

Generally, the "losing agency" must grant a leave of absence to any employee who accepts an ARTL appointment to any position at a lower salary grade, until inactivated from the ARTL, regardless of the transferring employee's probationary status. Such leave of absence will ensure the employee's layoff and reemployment rights from the previous, higher-level title.

- Employees not currently on probation who transfer via an ARTL to positions in their current titles do not serve probationary periods and are not given leaves of absence from their former positions.
- Those who transfer via ARTL to positions in lower level direct-line titles do not serve probation but must be granted leaves of absence from their former positions until inactivated from the ARTL.
- Current probationers who transfer to positions in their current titles are required to complete the remainder of their probationary periods, and must be given leaves of absence for the duration.
- Employees transferring to "comparable titles" must serve full probationary periods, which may not be waived, and must be granted leaves of absence for the duration of the probationary period.
- Employees who complete probation in their new, **lower-graded** positions prior to the date of the triggering action must be continued on leave of absence until inactivated from the ARTL.

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Ability to Return to a Hold Item

An ARTL transferee on probation, who decides to return to his/her hold item, or fails probation before the date of the triggering action must be allowed to return. If the employee is not the least senior in the original title and agency, the employee's return may impact the retention rights of other employees in the original title and agency. If the employee had the least retention rights in the original title and agency, the employee may be impacted by the triggered action.

An ARTL transferee on probation who decides to return to his/her hold item, or fails probation after the date of the triggering action, was not the least senior employee and would not have been impacted in his/her original appointment, must be allowed to return. Another employee with less retention status might be displaced to accommodate the return. If the probationer were the least senior, however, he/she could only return if a position exists to return to. Otherwise, the employee would be entitled to reemployment rights to the position from which he/she transferred.

This Department will review the circumstances of employees who fail probation or resign before completing probation on a case-by-case basis. These employees could be restricted from a reemployment list certification to certain agencies, titles, or locations, depending on the reasons for resignation or termination.

An ARTL transferee who received an appointment at the same level of his/her original position and is not on probation has no right to return. The original agency may choose to reinstate the employee but that action is entirely discretionary on the part of the agency and is subject to the normal reinstatement criteria.

If an ARTL transferee's hold item is not abolished, he/she has no further reemployment rights.

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Note: If the action is triggered by anything other than a reduction in force, once the target date for the triggering action is reached, only those employees serving probation at that time will have a hold on their former position.

Special Considerations for ARTL Appointments

- Under certain circumstances, individuals on ARTLs may not be fully qualified for appointment to specific titles which require “special qualifications.” These include titles with physical and/or medical standards, required background checks, completion of specified course work, or possession of certifications or licensure in required areas. For such titles, the appointing agency is required to determine that individuals on ARTLs are fully qualified for appointment. Questions concerning specific situations should be addressed to the Career Mobility Office at (518) 485-6199.
- ARTL and reemployment roster appropriate-title determinations involving traineeship titles often specify appointment eligibility at a particular salary grade level. For example, a Senior Personnel Administrator vacancy may be filled at the Trainee 2 level by an ARTL candidate whose eligibility derives from permanent service as a Senior Budgeting Analyst. While the specified fill level for this type of appointment is Trainee 2, an agency has the option to fill at the Senior level if the ARTL eligible meets the normal criteria for transfer (e.g., via §52.6 or §70.1). Please note that such transactions should be submitted as ARTL appointments, NOT as transfers.

How Do ARTL Eligibles Become Inactive?

Agencies may inactivate titles as they meet their reduction goals. When that happens, the agency is required to notify the CMO and its affected employees in writing that the titles have been inactivated and are no longer ARTL eligible.

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The names of ARTL eligibles are continually inactivated by the Department of Civil Service as appointments and declinations occur.

Employees may also inactivate themselves on ARTLs by contacting the CMO.

This Department will automatically inactivate the names of all of an agency's employees on the day of the triggering action, unless the date is extended and the agency requests to leave employees active.

While the ARTL program is voluntary, if a reduction in force occurs, it must be carried out in accordance with Civil Service Laws, Rules and Regulations to determine who will be impacted and who will have mandatory rights following separation. For those employees who have not been appointed from an ARTL and are to be laid off, agencies must submit a Preferred List Form 295.5 (formerly known as a "Green Card") to the CMO at least 20 calendar days in advance of the layoff target date. Laid off employees will be automatically transitioned from the ARTL to the Preferred List/Reemployment Roster system if a Preferred List Form 295.5 has not been received.

What are the NYSTEP Reason Codes for ARTL-Related Activities?

Appointments – the NYSTEP code **TRL** must be used by agencies to report an appointment from an ARTL.

Separations – The NYSTEP reason code **RSN** must be used for those employees who receive an ARTL appointment and do not have to serve a probationary period. **PBL** should be used for probationary employees who receive an ARTL appointment — until such time as the position is abolished or they are displaced from their hold item. At that time, one of the codes described below must be used:

LAF - Separation of the employee from his/her hold item pursuant to Section 80 or Section 80a.

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LAD - Layoff of the employee from his/her hold item due to “bumping” by a higher-level employee in the direct promotion line.

LAR - Layoff of the employee from his/her hold item due to the retreat of a higher-level employee.

RFR – Termination of the employee who refuses reassignment across county lines.

Further questions about the ARTL process may be directed to the CMO at 1-800-553-1322 or (518) 485-6199.

§78. Transfer of personnel upon the abolition of positions in state civil service.

1. Where necessitated by reasons of economy, efficiency, consolidation or abolition of functions, curtailment of activities or otherwise, employees may be transferred, without further examination, from one agency or department of the state, or from the Roswell Park Cancer Institute as defined in subparagraph (i) of paragraph d of section one of chapter forty-one of the laws of nineteen hundred ninety-seven, as amended, to positions in the same title or any comparable title, as determined by the department, in another department or agency of the state. Where more than one employee in the title and location from which transfer is to be made is eligible and willing to accept transfer, the department shall place the names of those employees upon a transfer list, and certify such list for filling vacancies, as hereinafter provided, first, in the same position; second, in any position in a lower grade in line of promotion; and third, in any comparable position. Such transfer list may be certified for filling a vacancy in any such position before certification is made from any other eligible list, placement roster, reemployment or preferred list, except as provided in subdivision four of this section.
2. Order of certification of names from transfer list. a. The names of persons on a transfer list established to fill vacancies in the same position or a position in a

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lower grade in line of promotion shall be certified there from in the order of their original appointments, in accordance with the provisions of subdivision three of section eighty, subdivision three of section eighty-a and subdivision seven of section eighty-five of this chapter. b. The names of persons on a transfer list established to fill vacancies in a comparable position shall be certified there from with equal ranking for appointment.

3. Probation. a. Upon appointment to a position in the same title, a probationer shall be required to complete his or her probationary term. b. Completion of a probationary term, to the extent provided for in the rules promulgated by the commission pursuant to subdivision two of section sixty-three of this chapter, shall be required for all appointments to a position in a comparable title.
4. Relative seniority. Where a preferred list exists containing the names of persons who have been suspended or demoted from a position in the same title to which an appointment is to be made, the relative seniority, determined in accordance with the provisions of subdivision three of section eighty, subdivision three of section eighty-a and subdivision seven of section eighty-five of this chapter, of the person certified first on such preferred list willing to accept appointment and the person certified first on the transfer list willing to accept appointment shall be compared and the person with the greater seniority shall be certified first.
5. Termination of eligibility. Eligibility for appointment from a transfer list shall terminate on the date of the suspension, demotion or relocation. Notwithstanding any other provision of this chapter, any employee may voluntarily remove his or her name from a transfer list by application to the department.
6. Rulemaking authority. The president shall adopt rules for carrying into effect the provisions of this section, including rules for the relinquishment of eligibility.
7. The department shall continue to establish lists under the provisions of this section.

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Agency Reduction Transfer Lists

**THIS SUPERCEDES POLICY BULLETIN #03-02,
AMENDING POLICY STATED ON PAGE 8 OF THAT BULLETIN.**

Section 78 of the New York State Civil Service Law offers state employees who might be affected by abolitions of positions the opportunity to transfer to other agencies prior to layoff. This program is commonly known as the Agency Reduction Transfer List (ARTL) program.

Who is Eligible for the ARTL Program?

- This is a voluntary program open primarily to permanent and contingent permanent competitive class employees serving in titles which may be affected by a reduction in force and who are serving in the location (county) where the reduction in force will occur. The program is intended for those employees who are most likely to be affected, but is open to all eligible employees in the affected titles in those locations.
- Permanent non-competitive and labor class employees serving in titles likely to be affected by a reduction in force may also be eligible for ARTL if these employees have completed at least one year of permanent continuous service.
- Exempt class employees are not eligible, nor are non-competitive class employees who are serving in policy-influencing or confidential positions.
- Provisional and temporary employees are not eligible for this program.
- The ARTL program is also available to employees whose positions are relocated to a different county, but who refuse reassignment. It is **not** available for employees who refuse reassignment within the same county.

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To better assist affected employees who serve in unique titles or who have minimal opportunities to be rehired, we recommend that agencies submit current resumes for these employees to the CMO along with the blue cards. We will use these resumes to identify other reemployment options for these employees.

How Does the ARTL Program Work?

Eligible employees will have their names certified on transfer lists to fill vacant positions in their current titles or in lower-level direct-line titles, and/or to positions in titles declared comparable by the Department of Civil Service. Title comparability decisions are generally based on similarities in duties, minimum requirements, salary grades, and examination plans. Comparable titles for ARTL and Reemployment Roster purposes are generally the same. To view the appropriate titles, check the reemployment determinations in the Title Transfer Reference System (TTRS), which is part of the DCS Applications System.

A second method of transfer is based on an individual's experience and education in relationship to the requirements of the position being filled. While this method is much less frequently used, it can be helpful for employees in unique titles. For consideration, an employee must:

- meet the minimum qualifications for the new position, and
- serve in a position allocated within two salary grade levels (or one M-grade) of the position being filled. (If the position being filled is at a lower grade, the span between grade levels is not restricted.)

Filling Vacancies

An ARTL list is one of a number of Reemployment Lists established to assist employees in maintaining or regaining employment as quickly as possible at their permanent salary grade levels if they are affected by the abolition of positions. These

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lists are obtained through the Reemployment Lists Program found in the DCS Applications System.

Reemployment Lists are certified in the following order:

- **Redeployment List** – a mandatory list established pursuant to Section 79 of the Civil Service Law for permanent employees who will be or are suspended or demoted due to “contracting out.”
- **Agency Reduction Transfer List (ARTL)** – a mandatory list established prior to the date of layoff containing the names of employees in affected titles at affected locations ranked by seniority who are eligible for transfer to positions in other agencies in their current titles, direct-line lower-level titles, and comparable titles.
- **Preferred List** - a mandatory list established as of the date of layoff containing the names of laid off employees ranked by layoff unit and seniority, for reinstatement to their layoff title and direct-line lower-level titles, and/or other appropriate titles.
- **Reemployment Roster** – a mandatory list established as of the date of layoff containing the names of laid off employees for appointment to titles other than those for which they are eligible for reinstatement from a preferred list. These generally are titles in their former occupational field as determined to be appropriate by the Department of Civil Service. The names are certified in random order without regard to seniority, probationary status, or layoff unit.

Within an ARTL, the specific order of certification will be:

1. title-for-title eligibles
2. direct-line title eligibles
3. comparable title eligibles

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How Will Accepting or Declining Job Offers Affect ARTL Eligibility?

Employees' responses to canvasses, interviews, and job offers will affect their continuing eligibility for ARTL transfer. Timeliness, for example, is crucial since the intent of the process is to provide expedient remedy, and what one employee decides may affect the eligibility of others. Replies to canvass must be made within the same timeframes as in the eligible list system. Responses to invitation for interview and/or to a job offer must be made within a reasonable period of time (usually 48 hours unless there are mitigating circumstances, such as a geographic move). **In situations where an agency has difficulty reaching an employee to set up an interview after he/she has indicated an interest, it is appropriate to send the employee a registered letter (return receipt requested) indicating the interview date, time and place.**

Other policies applicable to canvass, interview and job offer responses are described below:

1. An employee is contacted regarding a permanent contingent or permanent **same** grade level position in the **same** county in which that employee currently works.
 - If the canvass/interview/appointment is declined, the employee will be **ineligible** for ARTL transfer in all titles and counties and his/her name will be removed from the ARTL program. (*See note below.)
 - If appointed to this position, the employee's name will be removed from the ARTL program.
2. An employee is contacted regarding a permanent contingent or permanent **same grade level** position in a **different county** from which that employee currently works.
 - If the canvass/interview/appointment is declined, the employee will be **ineligible** for ARTL transfer in that county only. (*See note below.)

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- If appointed to this position, the employee's name will be removed from the ARTL program for all counties, including his/her current one.
3. An employee is contacted regarding a permanent contingent or permanent **lower grade** position in the **same county** in which that employee currently works.
 - If the canvass/interview/appointment is declined, the employee will be **ineligible** for ARTL transfer to **all titles at that salary level and below for all counties**.
 - If this lower-level appointment in the county of layoff is accepted, the employee will remain active on ARTLs for appropriate higher level positions in all counties selected.
 4. An employee is contacted regarding a permanent contingent or permanent **lower grade** position in a **different county** from which that employee currently works.
 - If the canvass/interview/appointment is declined, the employee will be **ineligible** for ARTL transfer for all titles at that grade level and below in all counties within that area, **except** for the county in which the individual currently works. (See the "Employee Guide for Agency Reduction Transfer List" for the listing of "areas.")
 - If this lower-level appointment is accepted, the employee will remain active on ARTLs for appropriate higher level positions for all counties selected.
 5. If an employee accepts or declines a temporary position, that is three months or more in duration, that employee will be ineligible for future temporary positions, but **will remain eligible** for permanent positions. If an employee accepts or declines a temporary position that is less than three months duration, however, that employee will remain eligible for other temporary positions.

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6. Employees who decline jobs which require working a shift other than a normal day shift, **will remain eligible** for day-shift jobs.

*Note: If employees decline ARTL transfer to a traineeship position that leads to a journey-level title with same or higher salary grade as their permanent title, they are considered to have declined a same-grade level position.

ARTL Appointments

The appointment date for ARTL appointments must be on or before the layoff date. As of close of business on the date of layoff, all remaining ARTL eligibles are removed from the ARTL portion of the Reemployment List system.

All appointments resulting from managed placement referrals must be called in to the CMO by the appointing agency prior to the submission of the NYSTEP transaction for the appointment, so the CMO staff can update the Reemployment System.

What about Probation and Leaves of Absence? (revised material in *italics*)

The Department of Civil Service has amended policy regarding leave of absence for transfers via Agency Reduction Transfer Lists. Agencies now must grant certain leaves of absence in other than probationary situations in order to protect the ARTL transferees' layoff and reemployment rights. While such leaves are considered discretionary, agencies may not rescind the leaves until the employees' inactivation from the ARTL. Non-probationary transferees have no rights to return.

Generally, the "losing agency" must grant a leave of absence to any employee who accepts an ARTL transfer to any position at a lower salary grade, until inactivated from the ARTL, regardless of the transferring employee's probationary status. Such leave of absence will ensure the employee's layoff and reemployment rights from the previous higher-level title.

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- *Employees not currently on probation who transfer via ARTL to positions in their current titles do not serve probationary periods and are **not** given leaves of absence from their former positions.*
- *Those who transfer via ARTL to positions in lower level direct-line titles do not serve probation but must be granted leaves of absence from their former positions until inactivated from the ARTL.*
- *Current probationers who transfer to positions in their current titles are required to complete the remainder of their probationary periods, and must be given leaves of absence for the duration.*
- *Employees transferring to “comparable titles” must serve full probationary periods, which may not be waived, and must be granted leaves of absence.*
- *Employees who complete probation in their new, **lower-graded** positions prior to the date of layoff must be continued on leave of absence until inactivated from the ARTL.*

Frequent questions and answers about returning to original positions include the following:

Q. What happens if an ARTL transferee on probation decides to return to her hold item (or fails probation) before the date of layoff?

A. She must be allowed to return. If she is not the least senior in her original title, her return may affect the retention rights of other employees in her original title and agency. If she is the employee with the least retention rights in her original title and agency, she may return and be laid off.

Q. What happens if an ARTL transferee on probation decides to return to her hold item (or fails probation) after the date of layoff in her original agency?

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A. Again, if she was not the least senior employee and would not have been laid off from her original position, she must be allowed to return to her hold item. Another employee with less retention status might be displaced to accommodate the return.

If the probationer were the least senior, she could only return if a position exists to which she could return. Otherwise, the employee would be entitled to Preferred List/Reemployment Roster rights for the position from which she transferred.

The Department of Civil Service will review the situations of employees who fail probation or resign before completing probation on a case-by-case basis. These employees could be restricted from a reemployment list certification to certain agencies, titles, or locations depending on the reasons for resignation or termination.

Q. What if an ARTL transferee not on probation wishes to return to his original position?

A. That employee has no right to return. The original agency may choose to reinstate the employee but that action is entirely discretionary on the part of the agency and is subject to the normal reinstatement criteria.

Special Considerations for ARTL Appointments

- Under certain circumstances, individuals on Agency Reduction Transfer Lists (ARTLs) may not be fully qualified for appointment to specific titles which require "special qualifications." These include titles with physical and/or medical standards, required background checks, completion of specified course work, or possession of certifications or licensure in required areas. For such titles, the appointing agency is required to determine that individuals on ARTLs are fully

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qualified for appointment. Questions concerning specific situations should be addressed to the Career Mobility Office at (518) 485-6199.

- ARTL and Reemployment Roster appropriate-title determinations involving traineeship titles often specify appointment eligibility at a particular salary grade level. For example, a Senior Personnel Administrator vacancy may be filled at the Trainee 2 level by an ARTL candidate whose eligibility derives from permanent service as a Senior Budgeting Analyst and subsequent targeting. While the specified fill level for this type of appointment is Trainee 2, an agency has the option to fill at the Senior level if the ARTL eligible meets the normal criteria for transfer (e.g., via §52.6 or §70.1). Please note that such transactions should be submitted as ARTL appointments, NOT as transfers.

How Do ARTL Eligibles Become Inactive?

Agencies may inactivate titles (and locations) as they meet their reduction goals. When that happens, the agency is required to notify the CMO and its affected employees in writing that the titles have been inactivated and they are no longer ARTL eligible.

The names of ARTL eligibles are continually inactivated by Civil Service because of appointments and declinations.

Employees may also inactivate themselves on ARTLs by contacting the CMO.

The Civil Service Department will automatically inactivate the names of all of an agency's employees on the day of the projected work force reduction, unless the projected date is extended and the agency requests to leave employees active.

Employees whose names are active in the ARTL system are not automatically placed on Preferred Lists as of the date of a reduction in force. While the ARTL program is voluntary, any reduction in force must follow Civil Service laws, rules and regulations to determine who will be impacted and who will have mandatory rights following

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separation. Agencies must submit "green cards" (Form 295.5) to the CMO at least 20 calendar days in advance of the layoff target date when employees who have not been transferred are to be laid off.

What are the NYSTEP Reason Codes For ARTL-Related Activities?

Appointments – the NYSTEP code **TRL** must be used by agencies to report an appointment from an ARTL.

Separations – The NYSTEP reason code **RSN** must be used for those employees who receive an ARTL appointment and do not have to serve a probationary period. **PBL** should be used for probationers until such time as the position is abolished or they are displaced from their hold item. At that time, one of the codes described below must be used:

LAF - Separation of the employee from his/her hold item pursuant to Section 80 or Section 80a.

LAD - Layoff of the employee from his/her hold item due to "bumping" by a higher-level employee in the direct promotion line.

LAR - Layoff of the employee from his/her hold item due to the retreat of a higher-level employee.

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Further questions about the ARTL process may be directed to the CMO at 1-800-553-1322 or (518) 485-6199. Supplies of the "blue card," the ARTL program informational booklet, and the Reemployment System User's Manual are also available from the CMO.

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S 78. Transfer of personnel upon the abolition of positions in state civil service.

1. Where necessitated by reasons of economy, efficiency, consolidation or abolition of functions, curtailment of activities or otherwise, employees may be transferred, without further examination, from one agency or department of the state, or from the Roswell Park Cancer Institute as defined in subparagraph (i) of paragraph d of section one of chapter forty-one of the laws of nineteen hundred ninety-seven, as amended, to positions in the same title or any comparable title, as determined by the department, in another department or agency of the state. Where more than one employee in the title and location from which transfer is to be made is eligible and willing to accept transfer, the department shall place the names of those employees upon a transfer list, and certify such list for filling vacancies, as hereinafter provided, first, in the same position; second, in any position in a lower grade in line of promotion; and third, in any comparable position. Such transfer list may be certified for filling a vacancy in any such position before certification is made from any other eligible list, placement roster, reemployment or preferred list, except as provided in subdivision four of this section.

2. Order of certification of names from transfer list. a. The names of persons on a transfer list established to fill vacancies in the same position or a position in a lower grade in line of promotion shall be certified therefrom in the order of their original appointments, in accordance with the provisions of subdivision three of section eighty, subdivision three of section eighty-a and subdivision seven of section eighty-five of this chapter. b. The names of persons on a transfer list established to fill vacancies in a comparable position shall be certified therefrom with equal ranking for appointment.

3. Probation. a. Upon appointment to a position in the same title, a probationer shall be required to complete his or her probationary term. b. Completion of a probationary term, to the extent provided for in the rules promulgated by the commission pursuant to subdivision two of section sixty-three of this chapter, shall be required for all appointments to a position in a comparable title.

4. Relative seniority. Where a preferred list exists containing the names of persons who have been suspended or demoted from a position in the same title to which an appointment is to be made, the relative seniority, determined in accordance with the provisions of subdivision three of section eighty, subdivision three of section eighty-a and subdivision seven of section eighty-five of this chapter, of the person certified first on such preferred list willing to accept appointment and the person certified first on the transfer list willing to accept appointment shall be compared and the person with the greater seniority shall be certified first.

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5. Termination of eligibility. Eligibility for appointment from a transfer list shall terminate on the date of the suspension, demotion or relocation. Notwithstanding any other provision of this chapter, any employee may voluntarily remove his or her name from a transfer list by application to the department.

6. Rulemaking authority. The president shall adopt rules for carrying into effect the provisions of this section, including rules for the relinquishment of eligibility.

7. The department shall continue to establish lists under the provisions of this section.

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March 21, 2003

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

FROM:  William E. Doyle, Director of Staffing Services

SUBJECT: Agency Reduction Transfer List and Reemployment Roster Appointments
– Special Considerations

This Policy Bulletin identifies two situations that appointing authorities may encounter in administering ARTL and Reemployment Rosters, and provides policy and procedures to use in those situations.

- Under certain circumstances, individuals on Agency Reduction Transfer Lists (ARTLs) or Reemployment Rosters (RRs) may not be fully qualified for appointment to specific titles which require “special qualifications”. These include titles with physical and/or medical standards, required background checks, completion of specified course work, or possession of certifications or licensure in required areas. For such titles, the appointing agency is required to determine that individuals on ARTLs and RRs are fully qualified for appointment. Questions concerning specific situations should be addressed to the Career Mobility Office at (518) 485-6199.
- ARTL and Reemployment Roster appropriate-title determinations involving traineeship titles often specify appointment eligibility at a particular salary grade level. For example, a Senior Personnel Administrator vacancy may be filled at the Trainee 2 level by an ARTL or RR candidate whose eligibility derives from permanent service as a Senior Budgeting Analyst and subsequent layoff (or targeting). While the specified fill level for this type of appointment is Trainee 2, an agency has the option to fill at the Senior level if the ARTL/RR eligible meets the normal criteria for transfer (e.g. via §§52.6 or 70.1). Please note that such transactions should be submitted as ARTL/RR appointments, NOT as transfers.

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Policy Bulletin #91-02**

1400 Eligible Lists

March 12, 1991

PRESIDENT'S REGULATION 68.4 – SUPERSEDED

President's Regulation 68.4 (4 NYCRR) provides that an employee whose performance rating is unsatisfactory "...shall be ineligible for any promotion or certification from a promotion eligible list during the fiscal year following the period for which such unsatisfactory rating was received." However, this regulation has been rendered moot by the collective bargaining agreements negotiated since 1979, and is likewise no longer applied to employees designated management/confidential.

The Department of Civil Service does not record unsatisfactory evaluations for the enforcement of Regulation 68.4 and does not restrict list eligibility of employees receiving unsatisfactory performance ratings.

Agencies maintaining decentralized eligible lists are directed not to restrict eligibility for consideration or appointment from these lists under the provisions of Regulation 68.4.

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POLICY BULLETIN #95-02**

1450 Preferred Lists

TO: Department and Agency Human Resource Managers and Affirmative Action Officers
FROM: Daniel Wall, Counsel & James Sever, Director of Staffing Services
DATE: July 23, 1995

**REMOVAL OF PREFERRED LIST ELIGIBLES
PURSUANT TO CSL SECTION 81.7**

BACKGROUND

Occasionally this Department receives requests to remove eligibles from reemployment lists. The following policies and procedures are being issued in response to our experience with such cases to date. Because these requests may result in removal from reemployment lists which is tantamount to dismissal from the State service, due process is required. This bulletin states the policy and procedures which are to be followed when a department or agency believes an eligible should be removed from reemployment list eligibility due to, "...misconduct as would warrant his dismissal from the public service..." (Civil Service Law Section 81.7). This bulletin does not address removal for other reasons, which would be handled on a case-by-case basis.

POLICY

This Department will accept agency requests to remove eligibles from reemployment lists pursuant to Section 81.7 only where the reason for the proposed removal occurred after the layoff and where the eligible is not employed by the same agency at a lower level. Where the underlying misconduct precipitating the proposed removal occurred prior to layoff or where the eligible is employed by the layoff agency in another title, the agency must pursue termination through Section 75 or the applicable negotiated disciplinary procedures. Suspension and termination of the employee following those procedures would then result in ineligibility for reemployment list status.

Employees already under suspension at the time of layoff will be placed on reemployment lists in suspended status pending the outcome of the disciplinary process. This Department will conduct a Section 81.7 proceeding against a reemployment list eligible only where the articulated facts and circumstances sufficiently state a case warranting termination from the service. This Department will endeavor to initiate the hearing within three weeks of receipt of the formal request. All costs, such as that incurred for the hearing officer services, are to be born by the requesting agency.

PROCEDURE

The agency should write to the Reemployment Services Section of this Department with a formal request for removal of a reemployment list eligible. The request must include sufficient information to demonstrate that a finding of dismissal from the service would be warranted by the employee's alleged misconduct. The request will be forwarded to the Law Bureau for review, scheduling of the hearing, and notification of both parties. The requesting agency is expected to present the reasons for the reemployment list eligibles removal to the hearing officer and to testify regarding the nature of the alleged misconduct. Following the hearing officer's recommendation, the Law Bureau will notify the agency and the reemployment list eligible of the Department's decision. The reemployment list eligible has the right of appeal.

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Questions about this procedure should be directed to the Reemployment Services Section at (518) 457-3090. Please make a note on page 9 of 1450 in the margin next to ".431 Removal" to see this bulletin.

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Policy Bulletin #93-03

1450 Preferred Lists

September 1, 1993

This bulletin announces a change in our policy on the effect of failure to reply or a declination of contingent permanent positions. It revises the policy statement in 1450 Preferred Lists (page 4, .231 B. 3.), which should be noted as revised by this bulletin, and which will be replaced in a future Transmittal Memorandum.

Currently our policy is that failure to reply to, or a declination of, a contingent permanent position will have the same effect as failure to reply to, or a declination of, a **temporary** position.

Effective October 1, 1993 our policy is that such failure to reply to, or a declination of, a contingent permanent position will have the same effect as if the position were permanent.

This change now makes our policies for reemployment lists the same as for regular eligible lists.

We will be notifying eligibles individually, but on this date you must begin using the revised standard canvass letter for reemployment lists, which has been provided with Advisory Memorandum #93-05, in 1600 Interviewing and Hiring, and the suggested standard confirmation letter for reemployment list declinations enclosed with Advisory Memorandum #93-02, in 2300 Reductions in Force, both of which contain the revised declination effects information.

Other publications, i.e. "*Guidelines for Administration of Reductions in Force*," and "*Information for State Employees Affected by Layoff*," will be revised accordingly.

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Policy Bulletin #91-05

**1450 Preferred Lists, and
1805(B) Permanent/Non-competitive**

October 8, 1991

TO: Department and Agency Personnel and Affirmative Action Officers
FROM: Candice T. Carter, Executive Deputy Commissioner
SUBJECT: Reemployment of Laid Off 55b and 55c Eligibles

Due to the recent layoff of 55b and 55c employees, we have established policies for assisting these employees in reemployment.

Reemployment Lists

Effective immediately, whenever we certify a competitive class reemployment list (i.e., preferred list, reemployment roster, or placement roster), we will also certify any existing reemployment list containing the names of laid off 55b and 55c individuals who are eligible to fill positions in the same title. If agencies wish to make an appointment, they may use the competitive class reemployment list, or reclassify the position and use the 55b/c list. If no competitive class reemployment lists exist, the 55b/c lists are mandatory.

Requests to Reclassify Competitive Class positions to 55b/c Positions

When a 55b/c reemployment list exists, we do not permit the reclassification of a competitive class position to a 55b/c position, unless the agency uses the reemployment list.

If there is no 55b/c reemployment list, we will no longer permit the reclassification of a competitive class position if a competitive class *preferred list* exists. However, the existence of a competitive class *reemployment roster* or *placement roster* will **not** block the classification of a new 55b/c position.

Questions on the above should be addressed to the Workers with Disabilities Program (55-b and 55-c programs) at (518) 457-4296, or the Reemployment Services Section at (518) 485-1989.

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.1 BACKGROUND

.110 Description and Legal Basis

Generally preferred lists contain the names of former permanent employees of the State who have been separated due to reductions in force, reorganizations, reassignments or disability. Specifically, permanent employees may obtain preferred list rights pursuant to the following:

- A. CSL §81.1 provides preferred list rights for employees who are suspended or demoted pursuant to CSL §80 or 80-a.
- B. CSL §71 provides preferred list rights for employees separated after a leave of absence of more than one year due to a disability as defined in the worker's compensation law, who are now able to return to work but have not been reinstated.
- C. CSL §73 provides preferred list rights for employees separated after a leave of absence of more than one year due to an ordinary disability, who are now able to return to work but have not been reinstated.
- D. CSR 4.11 and 4.12 provide preferred list rights for employees appointed contingent permanent pursuant to these two rules who are subsequently separated due to the return of the prior permanent incumbent of the position.
- E. CSL §70.2 provides preferred list rights for employees who are separated due to a transfer of function between State Departments or Agencies and/or Civil Divisions of the State.
- F. Ret. and S.S. Law §102 c. provides preferred list rights for employees receiving disability retirement benefits who are determined to be able to return to active service.
- G. Ret. and S.S. Law §507 d. provides preferred list rights for employees receiving accidental disability benefits whose benefits have ceased.
- H. Civil Service policy grants preferred list rights to employees who refuse to accept an involuntary reassignment to a county other than the one in which currently employed.

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.2 POLICY

.210 Establishment and Duration

Unlike examination eligible lists which are established as of a specific date, preferred lists rights become effective as of the date of the eligibility of the individual employees. Preferred lists are continually changing as the names of eligibles and additional appropriate titles are added or removed.

.211 Establishment

Depending upon the law, rule or policy governing their specific situation the names of permanent employees are placed on preferred lists for their former title, direct line lower level title and other appropriate titles (as determined by the Department of Civil Service) as of the date

- A. Of separation of employees covered by §80 or 80-a; or
- B. On which a disabled employee has been found able to return to work (CSL §71 or 73); or
- C. On which an employee is separated as a result of the return of the prior permanent incumbent (Rule 4.11 and 4.12); or
- D. The name of the disability beneficiary or accidental disability beneficiary is certified as able to return to work and/or is no longer eligible for benefits (Ret. and S.S. Law §102 c and 507 c); or
- E. Of separation of an employee affected by a transfer of function (§70.2); or
- F. Of separation of an employee refusing reassignment to another county; or
- G. The Department of Civil Service determines that a new title is appropriate for filling from a preferred list on a title-for-title basis; or
- H. A title is added as a "comparable title" as a result of a reevaluation.

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.212 Duration

An employee's eligibility for reinstatement from a preferred list continues for not more than four years. However, the names of eligibles may be removed or inactivated before four years by the Department of Civil Service as described in below.

.220 Placement of Names and Ranking

- A. The names of laid off permanent employees are placed on preferred lists for their title of layoff, direct-line lower level titles and for other selected titles, based on a high degree of similarity between duties, minimum qualifications and examinations. Additionally titles may be selected based on the expectation that eligibles will be able to perform the duties of the title after a minimum period of orientation.
- B. The names of individuals placed on preferred lists are interfiled regardless of the reason for their preferred list status or the date on which their names were placed on the preferred list.
- C. The name of each eligible is ranked on a preferred list according to the category the eligible is in for the location, agency and title for which a certification of the list is produced.
 - 1. Title-for-title category - Eligibles laid off from a title are certified first to fill that title.
 - 2. Direct-line category - Eligibles laid off from higher-level titles in a direct promotion line are certified second.
 - 3. Appropriate title category - Eligibles laid off from similar titles in the same occupational field are certified third.

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

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.230 Removal of Names

.231 Effect of Declination

A. The names of eligibles who fail to reply to, or decline an offer of a full-time permanent job:

1. At their former salary grade in their county of layoff—are removed from the preferred list and reemployment roster.¹
2. At their former salary grade in a county other than their county of layoff—are removed from the preferred list and reemployment roster for the county.
3. At a lower salary grade in their county of layoff—are removed from the preferred list and reemployment roster for all titles at that grade and below.
4. At a lower salary grade in a county other than their county of layoff—are removed from the preferred list and reemployment roster for all titles at that salary grade and below for all counties in the geographic area except their county of layoff.

B. Eligibles who fail to reply to, or decline, an offer of:

1. Temporary employment - will have their eligibility for temporary employment affected as described in .231 above. Their eligibility for permanent employment will not be affected.
2. Part-time employment - will have their eligibility affected for part-time as described in .231 above. Their eligibility for full-time employment will not be affected.

- ~~3. Contingent permanent employment - will have their eligibility affected, as if the offer were for temporary employment as described above. Their eligibility for permanent or contingent permanent employment will not be affected.~~

SEE Policy
Bulletin 93-03

¹ See SPMM 1460-Reemployment Rosters

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.231 Effect of Declination (Continued)

- C. Eligibles may be allowed to decline specific job offers and remain on the preferred list. (See Page 10 .432.)

.232 Effect of Reemployment

The names of eligibles reemployed in State service:

- A. On a full-time permanent or contingent permanent basis will be removed from active certification of the preferred list and reemployment roster for all titles at that salary grade and below.
- B. On a temporary basis may be removed from active certification of the preferred list and reemployment roster, for temporary positions at that salary level and below, but will continue to be certified for permanent and contingent permanent employment. If the temporary appointment is short term (usually three months or less) eligibles may remain active for temporary appointment rather than being removed from the preferred list.
- C. On a part-time basis may be removed from active certification of the preferred list and reemployment roster for other part-time positions.

.233 Agencies may request the removal of the name of an eligible from the preferred list and/or reemployment roster for misconduct or disability.¹ (See Page 9 .431.)

.234 Eligibles may voluntarily remove their own names from preferred lists and reemployment rosters.² Unlike eligibles who request temporarily inactive status (see Page 6 .250), the names of eligibles whose names are removed at their request will not be restored.

.235 Eligibles whose names have been removed from the preferred list due to declination or failure to reply may request restoration. (See Page 10 .432.)

¹ CSL 581.7

² CSL 581.8

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.240 Certification Limitations

.241 Certain eligibles may have their rights to be certified on a preferred list restricted by law, rule or policy as follows:

- A. Eligibles who have had their names placed on a preferred list after separation for ordinary disability (CSL §73) shall be limited to preferred lists for their former department or agency.
- B. Eligibles who have had their name placed on preferred lists due to separation because of a transfer of function (CSL §70.2) shall be restricted to preferred lists and reemployment rosters which are certified for positions in their former agency and for positions in the agency to which the function was transferred.
- C. Eligibles who obtain preferred list rights pursuant to CSR 4.11 or 4.12 who were simultaneously permanently reinstated or returned to a lower level position, are eligible for certification only to positions in their layoff unit.
- D. Eligibles who were serving part-time as of their date of layoff, who have never served full-time in their title, or who did not have at least one year of permanent part-time service prior to layoff, will be restricted to part-time reemployment.
- E. Eligibles may request that their names be restricted from specific certifications of the preferred list and reemployment roster for good cause. (See Page 10 .440.)
- F. The Department of Civil Service may restrict the names of eligibles who have resigned, or have been terminated during probation, from a position subsequent to an appointment from a preferred list or reemployment roster. (See Page 10 .432.)

.250 Temporarily Inactive Status

Eligibles may request to have their names temporarily inactive on the preferred list and reemployment roster. (See Page 11 .450.)

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.4 PROCEDURES

.410 Certification, Canvassing, Interviewing and Reporting Results of Canvass of Preferred Lists

.411 Preferred list certifications may be requested by agency personnel offices by telephoning the Preferred List/Reemployment Roster Unit (PL/RR) of the Department of Civil Service.

Preferred list certifications may also be initiated by the PL/RR unit and sent to agencies as a result of payroll audit activities.

- A. Agencies are provided with two copies of each certification. One should be kept by the agency for their records and the other returned to the PL/RR unit with results of canvass.
- B. It is essential that agencies accurately report canvass results in a timely manner. Agencies must return certifications to the PL/RR unit within 60 days of the date of the certification. Provisional and/or temporary employees may be terminated by the PL/RR in less than 60 days when it is known that there are eligibles willing to accept appointment.
- C. The names of the individuals who will appear on a certification of the preferred list cannot be provided prior to the production of the certification.

.412 Canvass Letters and Interviews

- A. Agencies are also provided with form S-290 (preferred list canvass letter), which must be used when canvassing a preferred list.
- B. Canvass letters must specify the title, salary grade, location and duration of the position. Agencies may not canvass for permanent, and temporary, or full-time and part-time on the same canvass letter.
- C. Agencies must allow at least ten business days for eligibles to return a mail canvass and two business days to indicate their availability in response to a telephone canvass.

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.412 Canvass Letters and Interviews - Continued

- D. Agencies should ensure that sufficient time is scheduled for interviews, and that eligibles are given accurate information concerning the terms and conditions of the employment being offered. In addition, they are responsible for conducting interviews in accordance with professional and legal standards. If a job offer is made at the interviews, the eligibles must be given a reasonable amount of time to accept or decline.

.413 Reporting Results of Canvass

- A. When reporting appointments from a certification, agencies must indicate the type, effective date, location and item number in the space provided under the eligible's name.
- B. When reporting an acceptance, declination or failure to reply, the Department of Civil Service requires that agencies submit appropriate documentation to serve as the basis for clearing certifications. Declinations must be verified in accordance with the specific instructions which appear on the certifications under each eligible's name.
1. When a canvass is conducted by mail, the original canvass letter returned by the eligible must be returned with the certification.
 2. If an eligible fails to respond to a mail canvass, a copy of the canvass letter mailed to the eligible must be returned with the certification.
 3. In the case of a canvass conducted by telephone a copy of the letter to the eligible confirming the declination must be returned with the certification. The letter must include specific information on the title, salary, location and duration of the position.
- C. The Department of Civil Service may conduct a follow-up canvass to verify the accuracy of agency reports of canvass and interview. If, in the judgment of the Department of Civil Service, undue influence or other improper practices were used to obtain declinations, agencies will not be allowed to make appointments from other sources. In such cases, reemployment eligibles will be reactivated.

.420 Appointments from Preferred Lists (See also 1800 APPOINTMENTS)

- A. Appointments from a preferred list certification must be made in rank order from those eligibles willing to accept the offer of employment (i.e., "Rule of one").
- B. Appointments from a preferred list certification must be made with an effective date within 60 days from the date of the certification.
- C. Appointments from a preferred list certification are reinstatements, and no probationary period is served by the eligible except when
 1. Eligibles were serving a probationary period at the time of their layoff and must complete the probationary period; or
 2. Eligibles are permanently reinstated to a traineeship title and are therefore on probation while completing the requirements of the traineeship.
- D. See the appropriate section of the payroll manual for the processing and coding of payroll forms (PR-75).

.430 Removal and Restoration of Names

.431 Removal

Agencies may request the removal of an eligible from the preferred list and/or reemployment roster by providing to the Department of Civil Service sufficient specific information to support the request. Generally, eligibles will be removed only if they are unable to perform the duties of the position due to a physical or medical condition, or where the eligible is proven to be guilty of misconduct serious enough to warrant removal from the service.¹

¹ CSL 581.7

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.431 Removal (Continued)

The appropriate section of the Department of Civil Service (i.e., Employee Health Services or Investigations) will review the request and notify the agency of their determination. Civil Service will notify eligibles of their removal and their right to request a hearing. Agencies will be required to prove allegations of misconduct at a hearing in the same manner as would be required to remove an employee pursuant to §75 of the Civil Service Law.

.432 Restoration

The Department of Civil Service may restore the names of eligibles to the preferred list who have declined, or failed to reply to offers of employment, or who were terminated/resigned during probation for good cause. Generally, such exceptions or restorations will be allowed when

- A. The eligible has a significant medical or physical condition or disability which affects the ability of the eligible to perform the duties of the title, or to commute to the location of the position; or
- B. The eligible has a significantly serious family situation or has had previous employment in the title or with the agency such that requiring the eligible to accept employment in the position would constitute a hardship; or
- C. The eligible was unavailable to reply to a canvass for good cause.

.440 Certification Limitations

Generally, preferred list eligibles are expected to be willing and able to return to work immediately. Therefore, only in a limited number of special cases will eligibles' names be restricted from certifications of the preferred list. Where deemed appropriate, the Department of Civil Service may restrict the certification of the name of an eligible who requests such restriction, or who has been terminated, or who has resigned from a position to which they have been appointed from a preferred list, reemployment roster or placement roster.

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.440 Certification Limitations (Continued)

All requests from eligibles for restriction must be in writing and should contain sufficient specific information to support the request. Also certain eligibles may be restricted from certification if they lack a required license or qualification (e.g., driver's license). Generally, the restriction from certification will take one of the following forms:

1. Restriction from a specific title; or
2. Restriction from a specific agency; or
3. Restriction from positions requiring extensive travel as part of the duties of the positions or which require commuting for the eligible which would constitute a hardship.

.450 Temporarily Inactive Status

Eligibles may request to have their names temporarily inactive on preferred lists and reemployment rosters by completing form S-291 [Request for Temporary Inactive Status (PL/RR)] available from the Department of Civil Service. Each request is reviewed on a case-by-case basis. Generally, eligibles will be granted temporarily inactive status only if they have serious personal or medical reasons which temporarily prevent them from accepting employment, or if they have been reemployed by New York State Government in a higher level position on a temporary or provisional basis. Temporarily inactive status is subject to the following limitations:

1. Eligibles granted temporarily inactive status will be inactive on both the preferred list and reemployment roster.
2. Eligibles may not become temporarily inactive only for specific locations or titles.
3. Eligibles will not have their preferred list and/or reemployment roster eligibility extended by the period of temporarily inactive status.
4. Eligibles must reactivate their name by written request to the Department of Civil Service.
5. Eligibles who reactivate their name will have no rights to any positions filled during the period of inactive status.¹

¹ C.S. Rule 5.7(d)

.1 BACKGROUND

.110 Description and Purpose

Generally, reemployment rosters contain the names of former permanent employees who have been separated due to reductions in force, reorganizations and reassignments and whose names have been placed on preferred lists. These rosters provide these employees with additional mandated opportunities for reemployment in State service in addition to those provided by preferred lists. The names of employees are placed on reemployment rosters when they have obtained preferred list rights pursuant to:

- A. CSL §81.1 which provides preferred list rights to employees who are suspended or demoted pursuant to CSL §80 or 80-a; or
- B. CSL §70.2 which provides preferred list rights to employees who are separated due to a transfer of function between State Departments or Agencies and/or Civil divisions of the State; or
- C. CSR 4.11 and 4.12 which provide preferred list rights to employees appointed pursuant to these rules who are subsequently separated due to the return of the prior permanent incumbent of the position. However, employees who have returned or been reinstated to a lower-level position, and whose rights to be reinstated are thereby restricted by these rules, will not have their names placed on reemployment rosters; or
- D. Department of Civil Service policy which grants preferred list rights to employees who refuse to accept an involuntary reassignment to a county other than the one in which currently employed.

.2 POLICY

.210 Establishment and Duration

A. Establishment

Unlike examination eligible lists which are established as of a specific date, the names of employees eligible for reemployment roster status are interfiled with the names of other eligibles as of the date on which they become eligible for preferred list status. (See 1450 .210.)

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.232 Effect of Reemployment

- A. The names of eligibles who are reemployed in a position in New York State Government will be removed from the reemployment roster in the same manner as for preferred lists. (See 1450.231.)
- B. Agencies may request removal of the name of an eligible from the reemployment roster and/or preferred list for misconduct or disability. (See 1450.431.)¹
- C. Eligibles may voluntarily remove their names from the reemployment roster and preferred list.² Unlike eligibles who request temporarily inactive status (see 1450.450), eligibles whose names are removed at their request will not be restored to the reemployment roster.

.240 Certification Limitations

- .241 Certain eligibles may have their rights to be certified on a reemployment roster restricted by law, rule or policy as follows:
 - A. The names of eligibles placed on preferred lists due to separation resulting from a transfer of function are restricted to reemployment rosters and preferred lists which are certified for positions in their former agency, and for positions in the agency to which the function was transferred.
 - B. Eligibles who were serving part-time as of the date of layoff, who have never served full-time in their title, or who did not have at least one year of permanent part-time service prior to layoff will be restricted to part-time reemployment from the reemployment roster.
 - C. Eligibles may request that their names be restricted from specific certifications of the reemployment roster and preferred list for good cause (See 1450.440.)

¹ CSL §81.7

² CSL §81.8

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.241 (Continued)

- D. The Department of Civil Service may restrict the names of eligibles who have resigned, or who have been terminated during probation from a position subsequent to an appointment from a reemployment roster or preferred list. (See 1450.440.)

.250 Temporarily Inactive Status

Eligibles may request to have their names temporarily inactivated on the reemployment roster and preferred list. (See 1450.450.)

.4 PROCEDURES

.410 Certification, Canvassing, Interviewing and Reporting Results of Canvass of Reemployment Rosters

- A. The procedures for certification of reemployment rosters are nearly identical to those described for preferred lists. (See 1450.410.)
- B. Agencies must use form S-290.1; Reemployment Roster Canvass letter, when canvassing a reemployment roster.

.420 Appointments from Reemployment Rosters (See also 1800 APPOINTMENTS)

- A. Any eligible whose name appears on a reemployment roster certification may be appointed (i.e., "Rule of the list").
- B. Appointments from a certification of a reemployment roster must be made with an effective date within 60 days from the date of the certification.
- C. All appointments from a reemployment roster certification require the eligible to serve a probationary period unless waived by the agency at the time of appointment.
- D. See the appropriate section of the payroll manual for the processing and coding of payroll forms, PR-75.

.430 Restrictions, Limitations and Exceptions

The procedures for reemployment rosters are nearly identical to those described for preferred lists. (See 1450.430 through .450.)

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.1 BACKGROUND AND PURPOSE

Generally, placement rosters contain the names of permanent employees of New York State who may be affected by future abolition of positions, reductions in force, mandated reassignments, or reorganizations. Placement rosters are established to provide employment opportunities prior to layoff and reduce the number of employees who must be suspended or demoted as a result of a layoff. The names of certain permanent employees are placed on placement rosters pursuant to CSR 5.8.

.2 POLICY

.210 Establishment and Duration

A. Establishment

1. Placement Rosters are established when deemed appropriate by the Department of Civil Service.
2. Unlike regular examination eligible lists which are established as of a specific date, the names of permanent employees are interfiled on placement rosters as soon as the Department of Civil Service determines that they may be potentially affected by layoff, but not more than six months prior to the date of layoff.

B. Duration

Employees' eligibility for appointment from a placement roster continues only up to the date of layoff. The names of placement roster eligibles may be inactivated or removed by the Department of Civil Service before this date as described on Page 2 .230 below.

.220 Placement of Names and Ranking

- A. The names of eligibles will be placed on placement rosters for their current permanent title. Additionally, their names may be placed on placement rosters for similar titles at a similar salary grade level.
- B. The names of eligibles added to placement rosters are interfiled regardless of when they are scheduled to be laid off, or regardless of the layoff unit in which they are currently employed.

.220 Placement of Names and Ranking (Continued)

- C. The names of eligibles on placement rosters are not ranked. Any eligible on a placement roster may be considered for appointment.

.230 Removal and Restoration of Names

.231 Effect of Declination

- *A. The names of eligibles who decline or fail to reply to an offer of employment from a placement roster certification shall be removed from the placement roster in the same manner as for preferred lists. (See 1450.230.)
- B. The names of eligibles who have not been appointed prior to layoff shall be removed from the placement roster and be placed on preferred lists and reemployment rosters for all titles and locations for which they were originally eligible regardless of any declinations of employment resulting from certifications of the placement roster.

.232 Eligibles who are Reemployed

The names of eligibles who are appointed in a position in New York State Government are removed from active certification of the placement roster, in the same manner as for preferred lists. (See 1450.232.) In addition, their names continue in inactive status on the appropriate preferred lists and reemployment rosters after the date of layoff.

- .233 Eligibles whose names have been removed from the placement roster due to declination or failure to reply may request restoration prior to the date of layoff.

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.240 Certification Limitations

.241 Certain eligibles may have their rights to be certified on a placement roster restricted by law, rule or policy.

- A. Eligibles who will have their names placed on preferred lists pursuant to CSR 4.11 or 4.12 and who will be permanently reinstated or returned to a lower level position are eligible for certification from the placement roster only to positions in their layoff unit.
- B. Eligibles who are serving part-time, and as of the date of layoff will not have served full-time in their title, or who will not have at least one year of permanent part-time service prior to their layoff, are restricted to certifications of the placement roster for part-time reemployment.
- C. Eligibles may request that their names be restricted from specific certifications of the placement roster for good cause (See 1450.440.)
- D. The Department of Civil Service may restrict the names of eligibles who have resigned, or who have been terminated during probation from a position to which they were appointed as a result of a certification of a placement roster. (See 1450.440.)

.240 Temporarily Inactive Status

Eligibles may request to have their names temporarily inactivated on the placement roster. If the request is approved, their names will continue in inactive status on the preferred list and reemployment roster after the date of layoff unless and until eligibles request their names be reactivated. (See 1450.450.)

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.4 PROCEDURES

.410 Certification, Canvassing, Interviewing and Reporting Results of Canvass of Placement Rosters

- A. The procedures for certification of placement rosters are nearly identical to those described for preferred lists. (See 1450.410.)
- B. Agencies must use form S-290.2; Placement Roster Canvass letter, when canvassing a placement roster.
- C. Where appropriate, the Department of Civil Service may authorize an agency where a layoff is scheduled to occur to maintain and certify placement rosters of their own employees identified for layoff.

.420 Appointments from Placement Rosters (See also 1800 APPOINTMENTS)

- A. Any eligible whose name appears on a placement roster certification may be appointed.
- B. Appointments from a placement roster certification must be made with an effective date within 60 days from the date of the certification, and must precede the date of layoff.
- C. All eligibles appointed from a placement roster certification must serve the same probationary period as if they had transferred to the position.
- D. See the appropriate section of the payroll manual for the processing and coding of PR-75's.

.430 Restriction, Limitations and Exceptions

The procedures for placement rosters are nearly identical to those for preferred lists. (See 1450.430.)