

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

DIVISION OF STAFFING SERVICES

GENERAL INFORMATION BULLETIN No. 01-01

TO: Department and Agency Human Resource, Personnel and Affirmative Action Officers
FROM: William Doyle, Staffing Services Division
SUBJECT: Appointments to Senior Attorney/Hearing Officer and Traineeships
DATE: April 24, 2001

In our on-going review of recruitment and retention programs, we contacted you for input regarding Attorney appointments. Most agencies responded to our recent survey regarding these traineeships, and we appreciate your comments. Based on these responses, we are announcing the following changes to the Legal Specialties Program:

Entry level appointments can be made at **all** levels of the Senior Attorney and Hearing Officer traineeship, including the journey level. All appointments must be made at the highest level for which a candidate is qualified.

The Assistant Hearing Officer 3 level has been eliminated from the traineeship leading to Hearing Officer. Per recent DOB approval, all employees currently in the title of Assistant Hearing Officer 3, on or before March 1, 2001 for Administrative payroll agencies and March 8, 2001 for Institution payroll employees, **must** be trainee advanced retroactively to Hearing Officer, SG-25, effective the dates noted above.

Changes to the Appointment Levels

We will be reissuing the continuous recruitment, open competitive announcement for Legal Specialties soon. In addition to new salaries, that announcement will also contain the following changes:

Appointment Level Chart	
ATTORNEY TRAINEE 1	law school graduation
ATTORNEY TRAINEE 2	law school graduation and six months of subsequent satisfactory legal experience
ASSISTANT ATTORNEY 1	admission to NYS Bar; no subsequent experience
ASSISTANT ATTORNEY 2	admission to NYS Bar and six months of subsequent satisfactory legal experience (Advancement is to either Attorney 1 or Hearing Officer 1)
ATTORNEY 1	admission to NYS Bar and 12 months of subsequent satisfactory legal experience
OR	
ASSISTANT HEARING OFFICER 1	admission to NYS Bar and 12 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency

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Appointment Level Chart (continued) (* and bold, italics indicate revisions)	
ATTORNEY 2	six months as an Attorney 1, or <i>*admission to the NYS Bar and 18 months of subsequent satisfactory legal experience</i>
OR	
ASSISTANT HEARING OFFICER 2	six months as an Assistant Hearing Officer 1, or <i>* admission to NYS Bar and 18 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency</i>
ASSISTANT HEARING OFFICER 3	<i>*eliminated</i>
SENIOR ATTORNEY	six months as an Attorney 2, <i>or *admission to the NYS Bar and 24 months of subsequent satisfactory legal experience</i>
HEARING OFFICER	six months as an Assistant Hearing Officer 2, <i>or *admission to NYS Bar and 24 months of subsequent satisfactory legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency</i>

Impact on Current Procedures

LISTS: The profile submission process has not changed.

LERTS: Your Lert will look the same, with the candidates' appointment levels remaining as follows:

- a) law school graduation or equivalent, but not admitted to NYS Bar;
- b) NYS Bar admitted; or
- c) NYS Bar admitted and 12 months or more subsequent satisfactory legal experience

The selection process will also remain the same. The final appointment level will depend on the candidate's eligibility and **must** be made to the highest level for which they qualify, up to and including the journey level.

Conversion of Current Trainees

Current trainees in the following titles **may** be qualified to advance within the traineeship, or to the full SG25 level, if they meet the revised minimum qualifications:

- Attorney 1
- Attorney 2
- Assistant Hearing Officer 1

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- Assistant Hearing Officer 2

These trainees should be canvassed to determine if they have the post bar experience outlined in the Appointment Level Chart, which would make them eligible for immediate (but **not** retroactive) trainee advancement. An example would be as follows: a candidate has been NYS Bar admitted and has 3 years of subsequent satisfactory legal experience (see GIB 92-01 for reciprocity information). Formerly, that candidate could only be appointed at the Attorney 1 level. Now, that same candidate would qualify to be appointed to the journey level of Senior Attorney.

Please review the qualification of all employees below the journey level of Senior Attorney and Hearing Officer and advance those who qualify under this new approach. Once again, the Assistant Hearing Officer 3 employees **must** be advanced retroactively as indicated on the first page of this memorandum.

Probation for Converted Employees: Normally, the probationary period for a trainee is the same length as the traineeship. In some cases, conversion of current trainees directly to the journey-level could result in employees serving a probationary period less than the legal minimum (26 weeks) from an open-competitive list. You should advise such employees that are advanced that they will **continue** in probationary status in accordance with classified service rule 4.5c which says:

Where an appointment from an open-competitive list can be made to either the trainee or journey level...the probationary period for the trainee appointment will be from 26 to 52 weeks or the length of the training period, whichever is greater.

Please note that the probationary period runs for a minimum of 26 to a maximum of 52 weeks and that trainees can be removed from probation after the minimum period of time. Whether you choose the minimum or the maximum period, you should be consistent within your agency for all trainees so affected.

Your must submit a NYSTEP transaction for each affected employee showing the change. It should be submitted as an NCP (IAG-SPC-NCP). Please note this General Information Bulletin number (01-01) on the "Transaction Comments" panel line number 3. Also, please send a listing of all converted trainees to:

Staffing Section 5, Room 327
Department of Civil Service
Building 1, State Office Campus
Albany, NY 12239
(Fax number (518) 457-7020)

If you have any question regarding the details of this General Information Bulletin, please contact Joan Kugler, Staffing Section 5, at (518) 457-2639.