

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**DIVISION OF STAFFING SERVICES**  
**GENERAL INFORMATION BULLETIN No. 08-04**

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

FROM: Blaine Ryan-Lynch, Director of Staffing Services

SUBJECT: Appointment Processing: Budget Division Approval Requirements

DATE: August 21, 2008

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In order to comply with Budget Bulletin B-1182, the Department of Civil Service will apply the guidelines below in processing personnel transactions.

All transactions submitted on or before July 30, 2008 will be honored. Transactions submitted after July 30, 2008 which reflect the appointment of an individual who began work on or before July 30, 2008 will also be honored providing that the necessary freeze waiver or exemption was in place. Additionally, other commitments to fill positions where employees were scheduled to begin work after July 30, 2008, may be honored. In these cases, agencies must attest in writing to the Director of Staffing Services that such appointments resulted from hiring commitments made on or before July 30, 2008. This attestation must include the employee's name, item number, title, date of the commitment to hire, and effective date of the appointment. This information may be faxed to the Director's Office at 518-473-8890.

These guidelines describe the case-by-case requirements for processing appointment transactions. They neither suspend nor relax the administration of the provisions of the Civil Service Law, Rules, Regulations or the State's policy to grant preference to qualified members of the present and/or displaced work force.

**All pre-existing hiring freeze waivers and exemptions have been revoked.**

**BUDGET APPROVAL OF WAIVERS OR EXEMPTIONS IS REQUIRED TO EFFECT THE FOLLOWING PERSONNEL TRANSACTIONS:**

1. To fill any positions, (excluding those designated for Civil Service Law, Sections 55-b and 55-c candidates), either permanent or temporary, whether by promotion, transfer between appointing authorities, transfer to upward level positions, transfer from non-General Fund to General Fund items, upward reallocation or reclassification actions, reinstatements, or new hires (this includes appointments made for hold purposes only);
2. To engage the services of individuals on a contract or voucher basis;
3. To change the funding source of filled items; and,
4. To replace a non-permanent employee with a qualified individual from an eligible list or a reemployment list.

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**BUDGET APPROVAL OF WAIVERS OR EXEMPTIONS IS NOT REQUIRED TO EFFECT THE FOLLOWING PERSONNEL TRANSACTIONS:**

1. To fill any positions via transfer to lateral or downward level positions within the same appointing authority, unless such appointments involve movement from non-General Fund to General Fund items;
2. To change the status of incumbents from non-permanent to permanent, such as list appointments of provisional or temporary incumbents;
3. To move incumbents in their items where those items have been reallocated or reclassified, whether downward or on a lateral basis (i.e., such employees have appointment rights). As noted previously, upward position reallocation and reclassification actions are subject to the freeze and must satisfy the above criteria;
4. To replace employees who have been terminated during their probationary periods (full 120 day life reinstated);
5. To refill vacated items within the life of a current budget approved hiring freeze waiver for such items (life not to exceed 120 days);
6. To fill positions via displacements from reductions in force, such as bumping and retreating;
7. To fill positions as a result of returns from leaves of absence;
8. To change line items within the same appointing authority and funding source;
9. To facilitate mandatory advancements within, or completion of, approved traineeships, apprenticeships, or appointment level changes (PR-50);
10. To make appointments to positions authorized under Sections 55-b and 55-c of the Civil Service Law;
11. To replace employees who have resigned during their probationary periods in lieu of probationary termination – in these cases, Directors of Personnel or Human Resource Management must send written attestations to this effect to the attention of the Employment Records Section;
12. To move an incumbent, or an incumbent's hold item, from an encumbered to an unencumbered position, but **only** when required by the New York State Codes, Rules, and Regulations (4 NYCRR 4.11(c)); and,
13. To provide a permanent hold item to an employee who has received a contingent permanent appointment under the jurisdiction of a different appointing authority, but only when required by 4 NYCRR 4.11(e)(2).