

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**CIVIL SERVICE COMMISSION OPERATIONS**  
**GENERAL INFORMATION BULLETIN No. 19-05**

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

FROM: Allen Jordan  
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SUBJECT: Phi tag Designation Criteria

DATE: May 30, 2019

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Please be advised that pursuant to Civil Service Law section 42(2-a), the Civil Service Commission is the entity empowered to designate, among positions in the non-competitive class, those positions which are confidential or require the performance of functions that formulate or influence policy in an agency. Positions so designated are recorded in Appendix 2 of the Rules for the Classified Service (the non-competitive class) with the Greek letter “phi.”

When seeking approval for non-competitive classification of a position, agencies must provide a detailed explanation of the position, duties and responsibilities for which Commission determination will be sought. The explanation should include a description of why a phi designation is requested.

Alternatively, the Commission may choose to apply a phi designation to a given position, even if the phi designation has not been requested by an agency.

To provide clarity, the phi designation criteria for the Commission’s consideration includes the following:

- Non-competitive positions where the duties include acting in a confidential capacity to an appointing authority or having a close relationship with an appointing authority may be designated as confidential positions. Merely dealing with sensitive and/or confidential information will not necessarily justify a phi designation.
- Non-competitive positions where the duties include formulating or influencing policy may be phi-designated.
- Incumbents of phi-designated positions cannot acquire tenure protection in such positions unless they are honorably discharged wartime veterans or exempt volunteer firefighters,<sup>1</sup> as noted in Civil Service Law section 75(1)(b).

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<sup>1</sup> Exempt volunteer firefighters should not be confused with positions in the exempt jurisdictional class.