

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
STATE PERSONNEL MANAGEMENT MANUAL  
0800 Position Classification and Compensation  
TRANSMITTAL MEMORANDUM NO. 65** **AUGUST 2008**

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**SUMMARY OF REVISIONS OR NEW MATERIAL**

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The revised August 2008 version of Section 0800 mostly represents minor language changes and the updating of web site addresses. However, more substantive changes include:

- Updating of Section 0850(C): Plan Management Through Earmarking, to recognize that this process is now electronic business in NYSTEP.
- Updating of Section 0850(F): Overtime Eligibility, to recognize the 2004 changes in the Fair Labor Standards Act (FLSA).
- Elimination of the former Section 0870(E): Safety Incentive Differential – Section 130.9. Such information has been assimilated into Section 0870(D): Hazardous Duty Differentials – Section 130.9.
- Re-numbering of the former Section 0870(F): Occupational Pay Differentials – Section 130.13, to Section 0870(E). This was due to the elimination of the former Section 0870(E): Safety Incentive Differential – Section 130.9.
- Re-numbering of the former Section 0870(G): Appointments Above the Minimum Salary – Section 131.1(a), to Section 0870(F). This was due to the elimination of the former Section 0870(E): Safety Incentive Differential – Section 130.9.
- Addition of a new Section – Section 0890: Traineeships.

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**0810 Classification and Compensation Program**

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**.1 BACKGROUND**

**.110 Introduction**

- .111 The programs and services delivered by New York State government are large, varied, and constantly changing. For the effective management of the State's enterprises, a sound job classification and pay plan must be maintained to determine the classes of jobs needed for the proper conduct of business, the kinds of training and experience required for proper work performance, and the establishment and management of a pay program which is both internally fair/equitable and sensitive to market conditions. Because the classification program is the foundation of the New York State Merit System Program, it is critical that all positions are properly classified by the Division of Classification and Compensation.

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**ALLOCATION:** To assign a statutory salary grade to a class of positions based on an evaluation of relative worth. **Reallocation** is to change the existing allocation of a class to a different salary grade in the schedule. [SPMM Section 0850 et. al.]

**APPEAL:** Application to the Civil Service Commission to review a determination of the Director of the Division of Classification and Compensation under provisions provided in the Civil Service Law.

**APPOINTMENT ABOVE THE MINIMUM SALARY:** Section 131.1(a) of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize additional compensation, called an Appointment Above the Minimum Salary (i.e., minimum is the statutory hiring rate of a salary grade), not to exceed the Job Rate of the salary grade of the title to which a person is to be appointed, when the training or experience of the appointee substantially exceeds requirements necessary for appointment. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(F)]

**APPOINTING OFFICER APPLICATION:** A request submitted to the Division of Classification and Compensation by an agency for changes in salaries or titles through NYSTEP.

**BASE ANNUAL SALARY:** Salary before the addition of Special Salary Treatments (i.e., Geographic or Shift Pay Differentials), Inconvenience Pay, overtime compensation, and other pay supplements.

**CLASS OF POSITIONS:** Positions sufficiently similar in respect to duties and responsibilities that the same title may be used to designate each position in a group, the same salary may be equitably applied, the same qualifications required, and the same examination used to select qualified employees. A class may sometimes consist of only one position.

**CLASSIFY:** To group positions (new and existing) according to the similarity of duties and responsibilities and assign a class title. **Reclassify** is to change the title of an existing position based on a change of duties and/or responsibilities. [See SPMM Section 0850 et. al.]

**CLASSIFICATION STANDARD:** A Classification Standard is a document that provides detailed information describing a class of positions. They are descriptive, not restrictive; their purpose being to portray for each class of positions the duties and responsibilities which, if present in an individual position, will cause the position to fall in that class. [See SPMM Section 0850(A)]

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**CLASSIFIED CIVIL SERVICE (CLASSIFIED SERVICE):** Those positions in the Civil Service of the State that are not in the Unclassified Civil Service (Unclassified Service). The Classified Civil Service (Classified Service) is divided into four Jurisdictional Classes: Competitive, Non-competitive, Exempt, and Labor. [See Section 40 of the Civil Service Law and SPMM Section 0600]

**COMPETITIVE JURISDICTIONAL CLASS (COMPETITIVE CLASS):** The Jurisdictional Class under the Classified Civil Service (Classified Service) composed of positions for which it is practicable to determine the merit and fitness of applicants by competitive examination. [See Section 44 of the Civil Service Law]

**DECENTRALIZED AGENCIES:** Refers to the administrative flexibility afforded only to certain pre-approved agencies. These pre-approved agencies are authorized by the Director of the Division of Classification to classify and reclassify positions for all titles that have a Classification Standard and exist in the agency or interdepartmental titles for which a Tentative or Final Classification Standard has been issued. Under the Decentralized Classification Program and to comply with State Internal Controls, agencies are required to maintain a reviewable record to support each transaction (short and long). Records should be stored in electronic formats and should be prepared in full prior to any submission of a transaction in NYSTEP. All such records must be available for audit by the Division of Classification and Compensation. [See Decentralized Classification Program, Pre-Audit Review, Post-Audit Review, and SPMM Section 0860]

**DECENTRALIZED CLASSIFICATION PROGRAM:** A program administered by the Division of Classification and Compensation (also known as Decentralized Classification and Decentralization) that refers to specific titles or to authorized agencies. This program should not be confused with decentralization terminology used by other State agencies. [See Decentralized Agencies, Decentralized Titles, Pre-Audit Review, Post-Audit Review, and SPMM Section 0860]

**DECENTRALIZED TITLES:** Titles for which the duties and organizational placement of the title is so well understood and documented that extensive review of each transaction involving these titles by the Division of Classification and Compensation is not necessary [See Decentralized Classification Program, Pre-Audit Review, Post-Audit Review, and SPMM Section 0860]. Decentralized Titles can be broken into two groups:

- A. Under the "1A" column on the Title and Salary Plan, the designation of "Y" indicates that a title is considered a Decentralized Title.
- B. Under the "Decntrl Lvl" column on the Title and Salary Plan, the designation of "S" indicates that a Decentralized Title is considered appropriate

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for “pass through” classification to the Division of the Budget (i.e., no Pre-Audit Review by the Division of Classification and Compensation) when an agency has or had positions in the title within the twelve months previous to the date of the transaction and the agency requests the normal title attributes.

**DOWNSTATE ADJUSTMENT:** Negotiated pay added to base annual salary of employees whose principal place of employment or whose official station is located in the City of New York or the Counties of Nassau, Rockland, Suffolk, or Westchester. This is also afforded to Managerial/Confidential (M/C) employees. This was formerly known as Location Pay in the New York City area and is still referred to as Location Pay for certain employees in Monroe County. [See Location Pay, and SPMM Section 0870(C)]

**EARMARK:** The term used when a position has been designated for restudy before refilling once the position becomes vacant. An earmark may be placed by the Division of Classification and Compensation, the Civil Service Commission, or the Division of the Budget. [See SPMM Section 0850(C)]

**EMPLOYEE APPLICATION:** A request submitted to the Division of Classification and Compensation by an employee for a change in title or salary. [See SPMM Section 0850(B)]

**EXEMPT JURISDICTIONAL CLASS (EXEMPT CLASS):** The Jurisdictional Class under the Classified Civil Service (Classified Service) of positions deemed impracticable to fill by tests of any kind. No minimum training and experience requirements are established for exempt positions. [See Section 41 of the Civil Service Law and SPMM Section 0600]

**FAIR LABOR STANDARDS ACT (FLSA):** FLSA is a worker protection statute that governs, among many things, the process which determines whether a position is Eligible or Ineligible for overtime compensation. FLSA provides minimum standards that may be exceeded, but cannot be waived or reduced. [See SPMM Section 0850(F)]

**GEOGRAPHIC PAY DIFFERENTIAL:** Section 130.7 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Geographic Pay Differential, to State employees in one or more areas of the State when private or other non-State employers in such areas pay substantially higher wage rates for a similar occupation. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(C)]

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**HAZARDOUS DUTY DIFFERENTIAL:** Section 130.9 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Hazardous Duty Differential, to employees exposed to hazardous working conditions in certain locations and under specified criteria for “people related hazards” and “environmental and/or non-people related hazards.” All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(D)]

**HIRING RATE:** The statutory Hiring Rate (i.e., minimum salary) of a position as prescribed under Section 130 of the Civil Service Law. [See Section 130 of the Civil Service Law]

**INCREASED HIRING SALARY:** Section 130.4 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may increase the minimum salary of a class, called an Increased Hiring Salary, whenever it is determined that it is impracticable to recruit for positions in that class at the hiring rate of the salary grade in one or all areas or locations of the State. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(A)]

**INCONVENIENCE PAY:** Negotiated pay in addition to the base annual salary of an employee (other than part-time or seasonal employees) who regularly works four or more hours between the hours of 6 p.m. and 6 a.m. exclusive of any hours for which overtime compensation is paid. Managerial/Confidential (M/C) employees are also eligible for this pay.

**JOB AUDIT:** An activity initiated and conducted for the purpose of reviewing, observing, and discussing the duties and responsibilities of a position. Job Audits are performed at the discretion of the Division of Classification and Compensation or as a response to an agency and/or employee request for review. [See SPMM Section 0880(A)]

**JOB RATE:** The statutory Job Rate (i.e., maximum salary) of a position as prescribed under Section 130 of the Civil Service Law. [See Section 130 of the Civil Service Law]

**LABOR JURISDICTIONAL CLASS (LABOR CLASS):** The Jurisdictional Class under the Classified Civil Service (Classified Service) designated for positions for which competitive tests are impracticable because of the unskilled nature of the duties. Minimum Qualifications for Labor Class positions other than the physical ability to perform the duties of the position are generally not established. [See Section 43 of the Civil Service Law and SPMM Section 0600]

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**LOCATION PAY:** Negotiated pay added to the base annual salary of employees whose principal place of employment or whose official station is located in Monroe County who were receiving such compensation on March 31, 1985 for those represented by the Civil Service Employees Association (CSEA) and on March 31, 1988 for those represented by the Public Employees Federation (PEF). This is also afforded to Managerial/Confidential (M/C) employees. In the New York City area, this is now referred to as a Downstate Adjustment. [See Downstate Adjustment]

**LONG FORM TRANSACTION (LONG TRANSACTION):** These NYSTEP transactions require supporting documentation be attached for Pre-Audit Review by the Division of Classification and Compensation. [See Pre-Audit Review and SPMM Section 0850(B)]

**MID-HUDSON ADJUSTMENT:** Negotiated pay added to base annual salary of employees whose principal place of employment or whose official station is located in the Counties of Dutchess, Orange, and Putnam. [See SPMM Section 0870(C)]

**MINIMUM QUALIFICATIONS:** Education, training, and/or experience requirements established to give reasonable assurance that all candidates certified for appointment can satisfactorily perform the essential duties of the position of appointment.

**NEGOTIATING UNIT:** Article 14 of the Civil Service Law, entitled The Public Employees Fair Employment Act (also known as the Taylor Law), grants public employees the right to organize and to be represented by employee organizations of their own choice; requires public employers to negotiate and enter into agreements with public employee organizations regarding their employees' terms and conditions of employment; and establishes a state agency – The Public Employment Relations Board (PERB) – to administer the law. Positions are then placed in an appropriate Negotiating Unit based on the community of interest among job responsibilities. [See SPMM Section 0850(D) and 0850(E)]

**NON-COMPETITIVE JURISDICTIONAL CLASS (NON-COMPETITIVE CLASS):** The Jurisdictional Class under the Classified Civil Service (Classified Service) designating positions not in the Exempt or Labor Classes and for which it is found by the Civil Service Commission to be not practicable to ascertain the merit and fitness of applicants by competitive examination. [See Section 42 of the Civil Service Law and SPMM Section 0600]

**NS (NON-STATUTORY):** The administrative designation for salaries established by the Division of the Budget pursuant to Section 44 of the State Finance Law for positions not allocated to a statutory salary grade. [See Section 44 of the State Finance Law]



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**NYSTEP:** NYSTEP (New York State Electronic Personnel System) is the electronic personnel system used by the State of New York.

**OCCUPATIONAL PAY DIFFERENTIAL:** Section 130.13 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize additional compensation, called an Occupational Pay Differential, for employees serving in positions designated as Managerial/Confidential (M/C) in order to maintain appropriate salary relationships over subordinates who occupy positions within their same occupational series. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(E)]

**OS (OTHER STATUTE):** The administrative designation for salaries established by a statute other than the Civil Service Law.

**OCCUPATIONAL STUDY:** The systematic review and analysis of an occupation as it exists in State government. It involves the identification and analysis of the job duties associated with all levels of titles in that occupation and the organizational and programmatic context in which jobs function. Occupational studies are conducted by the Division of Classification and Compensation to determine whether a title series requires updating or a new title series needs to be created. [See SPMM Section 0880(B)]

**ORGANIZATIONAL SURVEY:** The systematic review and analysis of titles in a specific organizational unit of an agency or of similar organizational units in many agencies. Organizational surveys are conducted to verify the cross agency appropriateness of the classification of positions in an occupational area (e.g., purchasing). [See SPMM Section 0880(C)]

**OUT-OF-TITLE WORK:** Duties performed by an employee which are not appropriate to the title to which the employee has been appointed. [See Section 61.2 of the Civil Service Law]

**PARENTHETIC:** A descriptive designation in parentheses following a common base title, to distinguish a specialty within a given field – i.e., Head Clerk (Personnel). [See SPMM Section 0840]

**“PASS THROUGH”:** Classification or reclassification transactions that receive no Pre-Audit Review by the Division of Classification and Compensation. These transactions “pass through” immediately to the Division of the Budget for approval upon entry into NYSTEP by an agency. All such transactions are subject to electronic Post-Audit Review by the Division of Classification and Compensation. [See Pre-Audit Review,

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Post-Audit Review, Reviewable Record, Short Form Transaction, Decentralized Classification Program, and SPMM Section 0860]

**POSITION:** An assigned group of duties and responsibilities, temporary or permanent, which is generally performed by one person in a title.

**POSITION DUTIES DESCRIPTION:** A listing that describes the nature and purpose of the work, the organizational and supervisory relationships, and the basic duties and responsibilities, for an individual position.

**POST-AUDIT REVIEW:** The review conducted by the Division of Classification and Compensation on all Short Form Transactions (short transactions) after they are approved. Such review consists of an analysis of the Reviewable Record. [See Reviewable Record, Short Form Transaction, Decentralized Classification Program, Decentralized Agencies, and Decentralized Titles]

**PRE-AUDIT REVIEW:** The review conducted by the Division of Classification and Compensation on all NYSTEP Long Form Transactions (long transactions), and some Short Form Transactions (short transactions) before any transaction is approved. Such review consists of an analysis of the Reviewable Record. [See Reviewable Record and Long Form Transaction]

**QJES (Quantitative Job Evaluation System):** An econometric pay model which defines the salary grade allocation for a title as a function of the value of the job content of the title. It provides internal pay equity by comparing and ranking similar and dissimilar jobs across a common set of measures.

**REALLOCATION:** To change the salary grade of a class with no change in title or duties or responsibilities. [See Allocation and SPMM Section 0850 et. al.]

**RECLASSIFY:** To change the title of an existing position based on a change of the duties and responsibilities. [See Classify and SPMM Section 0850 et. al.]

**REVIEWABLE RECORD:** To comply with State Internal Controls, State agencies are required to maintain a Reviewable Record to support each transaction (Long Form Transaction and Short Form Transaction). Reviewable Records must be stored in electronic formats and be prepared in full prior to any submission of a transaction in NYSTEP. Reviewable Records must contain: justification explaining why the position is needed; a detailed position description and minimum qualifications; an organization chart indicating the relationship of positions; and any other information as directed by the Division of Classification and Compensation. All such Reviewable Records must be

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available for audit by the Division of Classification and Compensation. [See Pre-Audit Review, Post-Audit Review, Short Form Transaction, SPMM Section 0850 et. al., and SPMM Section 0860]

**SAFETY INCENTIVE DIFFERENTIAL:** Section 130.9 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Hazardous Duty Differential, to employees exposed to hazardous working conditions in certain locations and under specified criteria for “environmental and/or non-people related hazards.” This is the historical reference term and a sub-set of the Hazardous Duty Differential. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(D)]

**SALARY GRADE:** The designation attached to a title that indicates a title’s compensation in accordance to Section 130 of the Civil Service Law. [See Section 130 of the Civil Service Law]

**SALARY SURVEY:** A study of salaries paid by other employers for work comparable to that of selected classes.

**SECTION 55.b:** A Section of the Civil Service Law that provides for hiring qualified individuals with disabilities into positions normally filled on a competitive basis. [See Section 55 of the Civil Service Law]

**SECTION 55.c:** A Section of the Civil Service Law that provides for hiring qualified veterans with disabilities into positions normally filled on a competitive basis. [See Section 55 of the Civil Service Law]

**SHIFT PAY DIFFERENTIAL:** Section 130.6 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Shift Pay Differential, to employees regularly assigned to work on a shift other than a normal day shift, in specific titles, or occupations under certain specified conditions. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(B)]

**SHORT FORM TRANSACTION (SHORT TRANSACTION):** These NYSTEP transactions do not require supporting documentation to be attached in NYSTEP. A Reviewable Record must be retained by each agency for Post-Audit Review. [See Reviewable Record, Post-Audit Review, and SPMM Section 0860]

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**SPECIAL SALARY TREATMENTS:** The Civil Service Law authorizes the Director of the Division of Classification to enhance baseline State salaries under certain circumstances. The general purpose of Special Salary Treatments is to assist State agencies as they address recruitment and retention difficulties. Special Salary Treatments include Increased Hiring Salaries, Shift Pay Differentials, Geographic Pay Differentials, Hazardous Duty Differentials, Occupational Pay Differentials, and Appointments Above the Minimum Salary. The Director retains the statutory authority to either reduce or enhance existing Special Salary Treatments, or terminate (i.e., rescind) existing Special Salary Treatments. [See SPMM Section 0870 et. al.]

**STREAMLINE:** A Division of the Budget process allowing for the immediate approval of a transaction that meets specified criteria through NYSTEP or by the Division of Classification and Compensation. [See the Division of the Budget's Budget Policy and Reporting Manual Items D-300 and D-310]

**TITLE:** The "label" used to officially designate a class. It is descriptive of the work performed and its relative level.

**TITLE AND SALARY PLAN:** The Title and Salary Plan is the complete listing of job titles in the Classified Civil Service (Classified Service). The Title and Salary Plan is arranged alphabetically by title for all established Competitive, Non-competitive, Exempt, and Labor Jurisdictional Class positions. The Title and Salary Plan contains title specific information listed in the following separate columns: Title Code; Jurisdictional Class (JC); Salary Grade (SG); Negotiating Unit (NU); Title Name; Classification Standard Number (STD No); Level; and Decentralization Status (1A and Decntrl Lvl). [See SPMM Section 0840]

**TITLE STRUCTURE CHANGE:** The change of the title of a class where there are no substantial changes in duties or responsibilities.

**TPM (TITLE POSITION MANAGEMENT):** Classification and compensation actions within NYSTEP. [See NYSTEP]

**TRAINEESHIP:** Traineeships are established when it is found that the job market cannot provide candidates with the skills and abilities necessary for certain positions in State service, and to provide employee advancement opportunities. [See SPMM Section 0890]

**TRAINING AND DEVELOPMENT PLAN:** A formal employee development plan (which is required for the creation of a traineeship) approved by the Department of Civil Service governing the appointment and advancement of employees in training status leading to

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permanent status. It combines a description of the duties at the full performance level with an action plan designed to give a trainee the ability to successfully perform those duties. [See SPMM Section 0890]

**UNCLASSIFIED CIVIL SERVICE (UNCLASSIFIED SERVICE):** Positions specified under Section 35 of the Civil Service Law. Examples are: elected officials, appointees of the Governor or Legislature (including heads of Departments and legislative employees), and employees in professional positions in certain colleges whose principal functions are teaching or supervision of teaching in a public school, academy or college, or in the State University. [See Section 35 of the Civil Service Law]

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**0840 Title and Salary Plan Elements**

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**.1 BACKGROUND**

**.110 Purpose**

- .111 The Title and Salary Plan is the complete listing of job titles within the Classified Civil Service (Classified Service). The Title and Salary Plan is arranged alphabetically by title for all established Competitive, Non-competitive, Exempt, and Labor Jurisdictional Class positions. The Title and Salary Plan contains title specific information listed in separate columns.
- .112 The Title and Salary Plan provides information essential to those who are involved with the preparation and review of classification requests and personnel transactions.
- .113 The Title and Salary Plan is updated and maintained on a regular basis, with the most recent date noted at the top of the first page.
- .114 The Title and Salary Plan is a valuable tool for identifying and locating a particular title or title code or producing a list of titles that fall within chosen parameters. An on-line version of the Title and Salary Plan and the Title and Salary Plan Search Engine can be found on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).

**.120 Title and Salary Plan Coding**

- .121 Title Code – Every title has been assigned a seven digit Title Code. The first two numbers designate the occupational group within which the title belongs (these designations are listed in the Description of Occupational Groupings available on the Department of Civil Service's Web Site at the above noted web address). The third and fourth numbers of the Title Code indicate the title series within that occupational group. The fifth number describes the level of that title. The last two numbers are generally used to designate a parenthesis.
- .122 Jurisdictional Class (JC) – Shows the Jurisdictional Class [See SPMM Section 0600] of a title. The four Jurisdictional Classes in the Classified Service are: Competitive (0); Non-competitive (1); Exempt (2); and Labor (3).
- .123 Salary Grade (SG) – Shows the Salary Grade assigned to a title. If the Salary Grade is Non-Statutory (NS), this means that the salary is not fixed by statute but by the Director of the Division of the Budget pursuant to Section 44 of the State Finance Law. If the Salary Grade is Other Statute (OS), this means that the salary is fixed by a statute other than the Civil Service Law.

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- .124 Negotiating Unit (NU) – Shows the corresponding Negotiating Unit [See SPMM Sections 0850(E) and (F)] assigned to a title for represented and non-represented employees. A complete listing of Negotiating Units can be found on the Title and Salary Plan Search Engine located on the Department of Civil Service's Web Site at the previously noted web address. The most commonly used Negotiating Units are:
- 01 – Security Services (SSU).
  - 02 – Administrative Services (ASU).
  - 03 – Operational Services (OSU).
  - 04 – Institutional Services (ISU).
  - 05 – Professional, Scientific, and Technical Services (PS&T).
  - 06 – Managerial/Confidential (M/C).
  - 09 – NYS Teachers' Retirement System.
  - 16 – NYS Housing Finance Agency.
  - 21 – Security Services (non-arb).
  - 31 – Agency Law Enforcement Services (ALES).
  - 61 – Security Supervisors (SSPU).
  - 66 – Public Employment Relations Board.
  - 67 – Housing and Community Renewal – Rent Administration.
  - 71 – Casual.
  - 91 – Security Supervisors (non-arb).
- .125 Title Name – Shows the full name of a title.
- .126 Classification Standard Number (STD No) – Shows whether a Classification Standard has been published for a title. A code of four numbers indicates a pre-1976 series specification. A code of seven numbers indicates that a final Classification Standard has been published. The seven numbers represent the "Occupational Code" which is generally the same as the lowest Title Code in the series. If the numbers are blue and underlined, the Classification Standard is viewable on-line by clicking on the numbers.
- .127 Level – Shows a characteristic (code) that helps to identify a title under certain common criteria. The codes for the Levels are:
- 9 – Temporary.
  - A – Appointed.
  - C – Career Ladder.
  - E – Elected.
  - I – Intermittent.
  - J – Journey Level.
  - P – Parenthetic.
  - S – Seasonal.
  - T – Trainee.

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- .128 Decentralization Status (1A and Decntrl Lvl) – These two columns show the Decentralized Status of a title. Specifically:
- A. Under the “1A” column, the designation of “Y” indicates that a title is considered a Decentralized Title.
  - B. Under the “Decntrl Lvl” column, the designation of “S” indicates that a Decentralized Title is considered appropriate for “pass through” classification to the Division of the Budget (i.e., limited Pre-Audit Review by the Division of Classification and Compensation) when an agency has or had positions in the title within the twelve months previous to the date of the transaction and the agency requests the normal title attributes.

**.2 PROCEDURE**

**.210 Title and Salary Plan Determinations**

- .211 The Division of Classification and Compensation issues listings (Monthly Title and Salary Plan Advisory Memoranda) that summarize all approved amendments to the Title and Salary Plan. Current and historical Advisory Memoranda can be found on the Department of Civil Service’s Web Site at the previously noted web address. Such Advisory Memoranda include:
- A. Titles added to or eliminated from the State title structure.
  - B. Titles revised and/or reallocated.
  - C. Titles added to or removed from the list of Decentralized Titles.
  - D. Approved Special Salary Treatments (See SPMM Section 0870).



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**0850 Classification**

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**.1 BACKGROUND**

**.110 Purpose**

.111 Section 117 and 118 of the Civil Service Law charges the Director of the Division of Classification and Compensation with the responsibility of maintaining the State classification and compensation system. To perform such task, the Division of Classification and Compensation conducts extensive classification analyses. Information about the different types of analyses can be found under SPMM Sections 0850 A through F.

- A. Position Classification.
- B. Classification Processing Requirements.
- C. Plan Management Through Earmarking.
- D. State Negotiating Units.
- E. Non-Represented Employees.
- F. Overtime Eligibility.

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**0850(A) Position Classification**

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**.1 BACKGROUND**

**.110 Purpose**

- .111 Position classification is the foundation of the New York State Merit System Program. Position classification is an occupation based system of analyzing and describing the variety of work in an organization, reviewing the structure of positions, determining occupational families, and grouping positions with similar job duties and occupational requirements together by job title (and salary grade).

**.2 PROCEDURE**

**.210 Requirements for Position Duties Descriptions**

- .211 Position duties descriptions, prepared by operating agencies for individual positions, should be sufficiently detailed for each position and provide information with regard to:
- A. The nature and purpose of the work of the position(s).
  - B. Organizational and supervisory relationships.
  - C. Basic duties and responsibilities.
- .212 More specific information about "Duties Descriptions" can be found in Chapter 7 of the Classification and Compensation Requests: Agency Manual on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).

**.220 Classification Standards**

- .221 A Classification Standard is an official document that provides detailed collective information describing a class of positions. They are descriptive, not restrictive; their purpose being to portray, for each class of positions, the duties and responsibilities which, if present in an individual position, will cause the position to fall in that class. Information in each Classification Standard should be grouped into the following categories: Brief Description of Class (required); Distinguishing Characteristics (required); Related Classes; Illustrative Duties (required); Independence of Operation; Complexity; Communication; Supervision Exercised; and Minimum Qualifications (required).
- .222 Classification Standards are used for recruitment, selection and training of employees, the assignment of positions to negotiating units, performance evaluations, and the resolution of out-of-title work grievances.

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- .223 A Classification Standard must be developed by operating agencies when requesting a new title. More information in regard to this process can be found in SPMM Section 0850(B), Subsection .214.
- .224 The process of creating or revising Classification Standards is described in the Guide to Writing Classification Standards that can be found on the Department of Civil Service's web site (see previously listed web site).

**.230 Salary Schedules**

- .231 Salary Schedules are essential tools for personnel managers. They illustrate the actual dollar salary range of the salary grade to which titles have been allocated. They are products of collective negotiations for positions other than those designated Managerial/Confidential (M/C).
- .232 Salary schedules can be found on the Department of Civil Service's web site (see previously listed web site).

**.1 BACKGROUND**

**.110 Statutory Authority**

- .111 Section 118 of the Civil Service Law grants the Director of the Division of Classification and Compensation the authority to:
- A. Classify and reclassify all positions in the Classified Civil Service (Classified Service) of the State.
  - B. Determine a salary grade for all positions in the Competitive and Non-competitive Jurisdictional Classes of the Classified Service, except temporary, part-time, and seasonal positions.
  - C. Allocate and reallocate part-time, temporary, and seasonal positions and positions in the Labor Jurisdictional Class.

**.2 PROCEDURE**

**.210 “Long Form” Transaction (Long Transaction)**

- .211 An agency or appointing authority can submit a request to the Division of Classification and Compensation to classify or reclassify a position to an existing title or propose a new title. Such positions may be permanent, temporary, or seasonal. If the title proposed is new, the agency or appointing authority must present justification for a particular salary grade. All requests must be submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual located on the Department of Civil Service’s web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).
- .212 If neither the Title requested nor the Agency making the request is designated as Decentralized [See SPMM Section 0860], a “Long Form” Transaction (Long Transaction) must be used.
- .213 For a Long Transaction, an agency must attach to the NYSTEP transaction the following:
- A. A letter of justification addressed to the Chief Classification and Pay Analyst responsible for the agency explaining why the position is needed and how the classification criteria for the requested title have been met.

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- B. A detailed position duties description that addresses non-supervisory, supervisory and/or administrative responsibilities, and complexity of duties to be performed.
  - C. An organization chart indicating the relationship of the position to existing positions within the organization.
- .214 If a new title is requested, an agency must attach to the NYSTEP transaction all information listed in sub-section .213 and the following:
- A. A draft Classification Standard describing the scope of work that would properly be assigned to positions in the title. The draft must include all required sections of a Classification Standard. The process of creating or revising Classification Standards is described in the "[Guide to Writing Classification Standards](#)" that can be found on the Department of Civil Service's web site (see previously listed web site). More information regarding Classification Standards can be found in SPMM Section 0850(A), Subsection .220.
  - B. Proposed minimum qualifications for appointment based on the job requirements.
- .215 Prior to submitting a classification request for a new title, an agency should ensure that there is no existing title that would be appropriate, and evaluate how the classification of this position would affect other positions within the agency.
- .216 If a Managerial/Confidential (M/C) designation [See SPMM Section 0850(E)] is requested, and M/C is not the normal attribute of the title (according to the Title and Salary Plan), additional justification is required consistent with Section 201.7 of the Civil Service Law and must be attached to the NYSTEP transaction.
- .217 If other than Competitive Jurisdictional Class designation is requested, a copy of the letter submitted by the agency to the Civil Service Commission justifying this request should be attached to the NYSTEP transaction (See SPMM Section 0630). Note that Non-competitive titles that do not have a limiting number on the Civil Service Commission's "Positions Classified in the Non-Competitive Class" (Appendix II) listing do not require a Jurisdictional Class request. Civil Service Commission Jurisdictional Class Appendices can be found on the Department of Civil Service's web site (see previously listed web site).

**.220 "Short Form" Transaction (Short Transaction)**

- .221 If the title of the requested position is designated as a Decentralized Title [See SPMM Section 0860] on the Title and Salary Plan, and the normal attributes of the title are being requested, a "Short Form" Transaction (Short Transaction)

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should be used. All requests must be submitted electronically in accordance with NYSTEP procedures detailed in the NYSTEP/TPM User Manual (see previously listed web site).

- .222 Agencies designated as Decentralized [See SPMM Section 0860] may classify positions using Short Transactions in any title that has an approved Classification Standard and if that title already exists within the agency.
- .223 Under the Decentralized Classification Program [See SPMM Section 0860] and to comply with State Internal Controls, classification requests using a Short Transaction require agency personnel offices to maintain reviewable electronic records of the short transaction for auditing by the Division of Classification and Compensation.

**.230 Temporary Positions**

- .231 Section 118 of the Civil Service Law authorizes the Director of the Division of Classification and Compensation to classify temporary positions.
- .232 Requests for the classification of temporary positions follow the same format as those for permanent positions.
- .233 Temporary positions are positions that have an “end date” and are not seasonal (i.e., do not recur at the same time each succeeding year). Positions may be temporary because the actual need for the job is temporary or the Division of the Budget is only allowing the creation of the job on a temporary basis for fiscal reasons.
- .234 NYSTEP automatically forwards to an agency a quarterly listing of certain temporary positions that will expire within that quarter (also referred to as the CC-X10). The NYSTEP/TPM User Manual (see previously listed web site) should be consulted for more information on this process.
- .235 Temporary positions that are re-established annually are recreated each year using the Temporary Position Reactivation procedure. Transactions are automatically sent to the agency via NYSTEP. Agency users assigned to administer this procedure must access their NYSTEP worklist and take appropriate action. The NYSTEP/TPM User Manual (see previously listed web site) should be consulted for more information on this process.
- .236 Temporary positions that are flagged by the Division of Classification and Compensation do not appear on the Temporary Position Reactivation Roster for extension. Such positions are subject to Pre-Audit Review (See SPMM Section 0860).

**.240 Temporary Positions – Section 64.3 of the Civil Service Law**

- .241 Section 64.3 of the Civil Service Law authorizes temporary appointment, without examination, when the person appointed will render professional, scientific, technical, or other expert services on:
  - A. An occasional basis. (or)
  - B. A full-time or regular basis in a temporary position established to conduct a special study or project for a period not to exceed eighteen months.
- .242 Appointments to temporary positions pursuant to Section 64.3 of the Civil Service Law may be authorized for up to eighteen months only in cases where, because of the nature of the services to be rendered and the temporary or occasional character of such services, it would not be practicable to hold an examination of any kind. Approval of such appointments rests with the Division of Staffing Services.
- .243 Requests for classification of positions to be used for Section 64.3 of the Civil Service Law appointments are treated the same as other requests for classification except that information regarding the project or study, including a time line, and rationale for invoking Section 64.3 are also required.
- .244 Requests to extend temporary positions (Project Assistant, Project Coordinator, and Project Director positions) pursuant to Section 64.3 are subject to review by the Division of Classification and Compensation. Extensions are not included in the NYSTEP Mass Change Process and require new NYSTEP Long Transactions in accordance with NYSTEP procedures detailed in the NYSTEP/TPM User Manual (see previously listed web site).
- .245 Temporary positions pursuant to Section 64.3 are not allocated to a salary grade. Actual pay is determined pursuant to Section 44 of the State Finance Law.

**.250 Seasonal Positions**

- .251 Approved seasonal periods for a particular agency are established by the Division of Classification and Compensation and must recur at the same time for the same period of time each succeeding year.
- .252 Although Section 118 of the Civil Service Law grants the Director of the Division of Classification and Compensation the discretion to allocate and reallocate seasonal positions to an appropriate salary grade, under most circumstances seasonal positions are not allocated to a salary grade. Rather, the rate of pay for

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most seasonal positions is determined by the Division of the Budget. The Division of the Budget publishes Bulletins on Seasonal Rates that list the titles approved for seasonal use along with their hourly rates of pay. Such are found on the Division of the Budget's Web Site ([www.budget.state.ny.us](http://www.budget.state.ny.us)).

- .253 Seasonal positions are re-established via the NYSTEP Mass Change Process. Mass Change Process transactions are automatically sent to an agency via NYSTEP. Agency users assigned to administer the TPM Mass Change Process must access their TPM worklist and take appropriate action. Agencies are unable to add new items to this listing.
  
- .254 Requests to add additional titles to the seasonal roster that have not been previously approved for classification on a seasonal basis must include the same information as other requests for classification, except that these requests must include a proposed hourly salary rate. All requests must be submitted electronically in accordance with NYSTEP procedures detailed in the NYSTEP/TPM User Manual (see previously listed web site). Requests for new seasonal positions must receive fiscal approval from the Division of Budget.

**.260 Employee Reclassification Requests**

- .261 Section 120 of the Civil Service Law affords employees the opportunity to request the reclassification and/or reallocation of their position by submitting an "Employee Application for Change in Title or Salary" Form to the Director of the Division of Classification and Compensation. Employees can obtain this Form from their personnel office or on the Department of Civil Service's web site (see previously listed web site).
  
- .262 Upon receipt of the "Employee Application for Change in Title or Salary" Form, the Division of Classification and Compensation asks the employing agency to comment on the employee request. Agency comments should be sent back to the Division of Classification and Compensation within the appropriate timeframes so that a timely analysis can occur.



## **.1 BACKGROUND**

### **.110 Statutory Authority**

- .111 Section 118.2 of the Civil Service Law requires the Director of the Division of Classification and Compensation to make revisions in the classification and compensation of positions as changes in State service may require. To carry out this responsibility, it is often necessary to review the use of certain titles and suspend their further use until the appropriate review has been completed. This is accomplished through the Earmark procedure.

### **.120 Purpose**

- .121 The Earmark procedure, applicable to any position in the Classified Civil Service (Classified Service), is a control mechanism by which the Division of Classification and Compensation notifies operating agencies, departments, and the Division of the Budget that it will review the classification of individual positions or classes of positions before they may be filled again. Such review is performed to determine if the current duties and organizational assignment of a position or class of positions are appropriate based on a comparison with an existing Classification Standard or with similarly classified positions.
- .122 Separate Earmark procedures are utilized by both the Civil Service Commission and the Division of the Budget. The Civil Service Commission uses the procedure, as described in SPMM Section 0600, in relation to its responsibilities for Jurisdictional Classification. The Division of the Budget utilizes the procedure in accordance with its responsibility for both fiscal control and general program direction. Details of the Budget Policy are described in the Budget Policy and Reporting Manual Item D-350 ([www.budget.state.ny.us](http://www.budget.state.ny.us)).

## **.2 PROCEDURE**

### **.210 Application of Earmarks**

- .211 The earmarking authority is responsible for the initiation of the Earmark transaction submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).
- .212 An earmarked position cannot be filled unless the authority that placed the Earmark removes the Earmark or grants a "fill and continue," or unless it is used to change the appointment status of an incumbent from provisional to permanent or to allow a return to a hold item.

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- .213 A “fill and continue” action allows an item to be filled once. The Earmark is restored automatically following completion of the “fill” transaction.
- .214 Earmarks do not terminate at the end of a fiscal year, with a change of item number, with an organizational reassignment, with a source of funding change, or with a title structure change.
- .215 The removal of an Earmark on one position in a class of positions does not remove an Earmark on any other position in a class.
- .216 Reclassification of an Earmarked position automatically removes all Earmarks on that position.

**.220 Removal of Earmarks**

- .221 An agency can submit a request to remove an Earmark or a request for a “fill and continue” to the Division of Classification and Compensation. All requests must be submitted electronically in accordance with NYSTEP procedures detailed in the NYSTEP/TPM User Manual (see previously listed web site). A requesting agency should attach all necessary information, including a letter of justification, an organization chart, and a duties description for the position. For more information about position duties descriptions, see SPMM Section 0850(A), Subsection .210.
- .222 An agency can also submit a request to remove an Earmark placed by the Civil Service Commission or the Division of the Budget. All requests must be submitted electronically in accordance with NYSTEP procedures detailed in the NYSTEP/TPM User Manual (see previously listed web site). A requesting agency should attach a letter, including the justification addressed to the President of the Civil Service Commission or the Director of the Division of the Budget, respectively.
- .223 Upon receipt of a request, the authority responsible for an Earmark will conduct a review of the position. If additional information is required, the agency will be contacted.

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**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Article 14 of the Civil Service Law, entitled The Public Employees Fair Employment Act (also known as the Taylor Law – September 1, 1967), grants public employees the right to organize and to be represented by employee organizations of their own choice; requires public employers to negotiate and enter into agreements with public employee organizations regarding their employees' terms/conditions of employment; and establishes a State agency – The Public Employment Relations Board (PERB) – to administer the law.

**.120 Principal Negotiating Units Representing Employees in State Service**

.121 Negotiating Units 01 and 21 – Security Services Unit (SSU):

A. Negotiating Unit 01 (arbitration) – Consists of positions involving the protection of persons and property; the enforcement of laws, codes, rules, and regulations concerned with vehicle and highway safety; and the security aspects of correctional institutions. Positions include Correction Officer, Correction Officer Trainee, Correction Sergeant, Community Correctional Center Assistant, and Institution Safety Officer.

B. Negotiating Unit 21 (non-arbitration) – Certain safety positions including Ski Patrolman, Lifeguard and Water Safety and Instructor, and positions with Peace Officer status including Security Hospital Treatment Assistant, Safety and Security Officer, Security Services Assistant, Security Officer and Campus Public Safety Officer, are eligible security titles for salary and benefit purposes.

.122 Negotiating Unit 02 – Administrative Services Unit (ASU): Consists of positions engaged in preparing, transcribing, systematizing, and maintaining records, reports, and communications by manual process or by operating various machines and equipment. Positions typically have one or more of the following as primary functions:

A. Operation of communication or tabulating equipment, telephone switchboards, typewriters, or other keyboard machines.

B. Collection, recording, arranging, filing, transmitting, or processing of information and records.

C. Application of regulations in accordance with established instructions and guidelines to determine liabilities or eligibility for benefits.

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- D. Application of simple techniques of analysis, testing, or drafting.
- E. Supervision of the above functions.

This unit also includes inspectors, investigators, and examiners whose responsibilities are not of a professional, scientific, or technical nature.

.123 Negotiating Unit 03 – Operational Services Unit (OSU): Consists of positions engaged in the performance of a craft or unskilled work in fabrication, maintenance, and repair activities, or in the operating of machines, equipment, or vehicles. Positions in this unit typically have one or more of the following as primary functions:

- A. Tending, operation, and maintenance of stationary plants and fixed mobile equipment.
- B. Fabrication, alteration, and repair of structures, equipment, distribution systems, and other works.
- C. Performance of janitorial and other services for buildings and grounds.
- D. Carrying out of printing and duplicating processes.
- E. Performance of any craft or unskilled work on board ship and floating plant.
- F. Care of animals and the cultivation of plants.
- G. Performance of manual labor.
- H. Supervision of the above functions.

.124 Negotiating Unit 04 – Institutional Services Unit (ISU): Consists of positions that direct and participate in recreational, educational, vocational, social, and daily living programs that aid in the rehabilitation of individuals with physical or mental illness or with a disabling condition or that directly assist professionals with medical activities in a structured living setting. Positions in this unit typically are characterized by one or more of the following:

- A. Services rendered are for one or a group of persons who are physically or mentally ill or unable to care for themselves.
- B. Services rendered are concerned with the health of individuals.

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- C. Services rendered are part of a health related research program.
- D. Supervision of the above functions.

.125 Negotiating Unit 05 – Professional, Scientific, and Technical Services Unit (PS&T): Consists of: positions engaged in the application of a comprehensive body of knowledge normally acquired through college or university graduation in specific fields; professional groups generally controlled through licensure; occupational groups engaged in the conduct of analytical and investigative duties in the natural, physical and social sciences (excluding health related technicians), in the preparation and measurement of biological, chemical and physical substances and materials, in the design, construction, operation and maintenance of complex equipment, systems and processes, and in the performance of similar technical duties in which the requisite knowledge and skills are normally acquired through completion of secondary school education plus post-secondary or equivalent specialized training; and occupational groups engaged in the planning, execution, conduct, and control of programs or internal management. Positions are typically characterized by one or more of the following:

- A. Application of knowledge, principles, or skills specific to an intellectual discipline.
- B. Exercise of discretion requiring analysis of problems, evaluation of alternative courses of action, and selection of the particular course of action to be followed in applying rules and regulations, or in planning, organizing, and coordinating the work of others.
- C. Knowledge of the objectives of an organization (including departmental policies relating to work performed), understanding the rationale of the methods and procedures used, and exercise of discretion in determining courses of action.
- D. Testing of materials and substances or the observation, orderly compilation, and presentation of technical phenomena and information.
- E. Design, construction, operation, or maintenance of specialized equipment, systems of processes requiring the application of knowledge, skills, and techniques normally acquired through vocational training beyond secondary school.
- F. Writing of standards, specifications, procedures, or manuals related to the above duties.

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G. Supervision of the above functions.

Also included are inspectors, investigators, and examiners whose responsibilities are of a professional, scientific, or technical nature.

- .126 Negotiating Unit 31 – Agency Law Enforcement Services (ALES): Consists of all positions granted Police powers involved in the protection of persons and property; enforcement of laws, codes, rules, and regulations concerned with safety at the State Universities and in State parks and forests; and activities related directly or indirectly to enforcement of the Conservation Law.
- .127 Negotiating Unit 47 – Division of Military and Naval Affairs (DMNA): Comprised of civilian employees involved in the administration of the New York Army National Guard and New York Air National Guard. This unit includes armory maintenance workers, armory mechanics, clerks, and keyboard specialists.
- .128 Negotiating Units 61 and 91 – Security Supervisors Unit (SSPU):
  - A. Negotiating Unit 61 (arbitration) – Supervisory positions which are responsible for the supervision of subordinate Security Services Unit staff involved in the protection of persons and property and the security aspects of correctional institutions. The non-police title of Correction Lieutenant is assigned to this unit.
  - B. Negotiating Unit 91 (non-arbitration) – Security titles within this unit that are designated for salary and benefit purposes include Chief Safety and Security Officer, Chief Security Officer, Security Services Assistant 3, and Ski Patrol Director.
- .129 Negotiating Unit 67 – Rent Regulation Services Unit (RRSU): Consists of positions in the Division of Housing and Community Renewal which assist in the administration of New York City rent control and stabilization. The unit includes rent examiners and inspectors, keyboard specialists, and attorneys.

## **.2 PROCEDURE**

### **.210 Designation Procedure**

- .211 The Division of Classification and Compensation assists the Governor's Office of Employee Relations (GOER) on issues related to the Negotiating Unit designation for classes of positions (default description) and individual positions within classes (done on an exception basis). Such determinations are rendered based on the understanding of the class of positions or individual positions in

terms of duties and responsibilities as compared to the existing Negotiating Units and the criteria for Managerial/Confidential (M/C) designation.

- .212 When proposing new classes, operating agencies must initially choose the Negotiating Unit or M/C designation. The Division of Classification and Compensation will then assess the agency request in accordance with the above noted and applicable statutory criteria, and issue an administrative determination (NYSTEP negotiating unit code) with its classification determination. Unless changed at the request of GOER or by order of PERB, this determination becomes the default determination for all future positions in the class.
  
- .213 For individual vacant positions for which a default Negotiating Unit determination exists, agencies wishing to change such determination must present rationale to the Division of Classification and Compensation for review. Requests to change the Negotiating Unit for a filled position must be sent to GOER.

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**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Article 14 of the Civil Service Law, entitled The Public Employees Fair Employment Act (also known as the Taylor Law – September 1, 1967), provides that employees in certain positions are excluded from the right to belong to an employee organization for the purpose of negotiating terms and conditions of employment.

**.120 Non-Represented Employees**

.121 Unit 06 – Managerial/Confidential (M/C): Such employees are excluded when it is found that their position is either Managerial or Confidential as defined in Section 201.7 of the Civil Service Law.

A. Managerial Designation Criterion:

1. Participation in the formulation of policy: Formulating policy means having a direct and powerful influence at the highest level in determining the objectives of government or the agency and the means of achieving those objectives. Incumbents must participate regularly in the essential decision making processes that result in policy proposals, selecting among options, and the decision to implement such policies. It does not extend to determining methods of operation that are merely of a technical nature.
2. Participation in collective negotiations: Participation in collective negotiations requires direct involvement in or being a part of the preparation for collective negotiations, including the formulation of positions or proposals so as to be part of the decision making process.
3. Major role in the administration of negotiated agreements: Major role in the administration of negotiated agreements means the responsibility to interpret the agreement both within and outside the grievance process, and includes only those whose authority in labor relations goes beyond traditional supervisory concerns. Supervisors who take part in first step grievance decisions do not meet this criterion if the decisions conform to policy or interpretations made at a higher level.
4. Major role in personnel administration: Major role in personnel administration requires the exercise of independent judgment and cannot be clerical or routine in nature. Incumbents who, due solely to their supervisory responsibilities, are required to carry out personnel policies, do not meet this criterion.



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B. Confidential Designation Criteria:

1. Confidential designations may apply only to those working in a confidential capacity to managerial individuals in the personnel or labor relations areas described above and not to those who formulate policy. Such individuals must have regular access and exposure to information related to personnel matters and contract negotiations and administration.

.122 Unit 71 – Casual: Employees in certain positions are not considered a “public employee” for the purpose of representation under the Taylor Law. Casual employment is defined using the following standards:

A. Seasonal Casual Positions:

1. The employment is seasonal in nature, shorter than six weeks a year. (or)
2. The employment requires fewer than 20 hours a week. (or)
3. Fewer than 60% of the employees in the title return for at least two successive seasons.

B. Non-Seasonal Casual Positions:

1. The length of employment is less than six weeks. (or)
2. The employment is to be occasional and intermittent and not expected to total more than six weeks per year.

**.2 PROCEDURE**

**.210 Designation Procedure**

.211 The Division of Classification and Compensation assists the Governor’s Office of Employee Relations (GOER) on issues related to the Negotiating Unit designation for classes of positions (default description) and individual positions within classes (done on an exception basis). Such determinations are rendered based on the understanding of the class of positions or individual positions in terms of duties and responsibilities as compared to the existing Negotiating Units and the criteria for Managerial/Confidential (M/C) designation.

.212 When proposing new classes, operating agencies must initially choose the Negotiating Unit or M/C designation. The Division of Classification and

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Compensation will then assess the agency request in accordance with the above noted and applicable statutory criteria, and issue an administrative determination (NYSTEP negotiating unit code) with its classification determination. Unless changed at the request of GOER or by order of PERB, this determination becomes the default determination for all future positions in the class.

- .213 For individual vacant positions for which a default Negotiating Unit determination exists, agencies wishing to change such determination must present rationale to the Division of Classification and Compensation for review. Requests to change the Negotiating Unit for a filled position must be sent to GOER.

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**.1 BACKGROUND**

**.110 Purpose**

- .111 The Federal Fair Labor Standards Act (FLSA) is a worker protection statute that governs, among many things, the process which determines whether a position is Eligible or Ineligible for overtime compensation.
- .112 FLSA was originally enacted in 1938 to protect workers in the areas of minimum wage, overtime pay, and child labor. The Act has been amended many times since, most recently in 2004.
- .113 The FLSA provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers may, on their own initiative or under a collective bargaining agreement, provide a higher overtime premium than is required by FLSA (time and one half the regular rate of pay for all hours worked over 40 hours in a workweek). For example, New York State, as described under Subsection .213 below, guarantees overtime compensation for positions allocated to Grade 22 or below, even if the positions meet the FLSA exemption criteria and would be otherwise Ineligible.

**.2 PROCEDURE**

**.210 Overtime Eligibility Determination**

- .211 When a new title is requested, the Division of Classification and Compensation must determine whether or not incumbents will be Eligible or Ineligible for overtime compensation.
- .212 Under the FLSA regulations, all titles are considered overtime Eligible unless they meet one, or a combination of the FLSA's Executive, Administrative, Professional Creative, Professional Learned, Computer Employee, Outside Sales, or Highly Compensated Employee exemption criteria. Brief descriptions of the criteria are:
  - A. Executive – One whose primary duties include the management of a recognized department or agency, supervising staff, and work that includes exercising discretion and independent judgment (i.e., department heads, division/bureau managers, section heads, office supervisors, etc.).
  - B. Administrative – One whose primary duties include the performance of office or non-manual work directly related to management policies or general government operations, and work that regularly requires exercising discretion and independent judgment (i.e., not “line” or program functions, “staff”

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functions such as office managers/administrative assistants/business officers/contract administrators, etc.).

- C. Professional Creative – One whose primary duty must be in the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor (i.e., actors, musicians, composer, writers, etc.).
  - D. Professional Learned – One whose primary duty must be the performance of work requiring advanced knowledge customarily acquired by a prolonged course of specialized instruction in the field of science or learning, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment (i.e., attorneys, physicians, engineers, etc.).
  - E. Computer Employee – One who is employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.
  - F. Outside Sales – One whose primary duty must be making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer, and must be customarily and regularly engaged away from the employer's place or places of business.
  - G. Highly Compensated Employees – Employees performing office or non-manual work and paid total annual compensation of \$100,000 or more are exempt from the FLSA if they customarily and regularly perform at least one of the duties of an exempt executive, administrative, or professional employee identified in the standard tests for exemption.
- .213 Pursuant to State collective bargaining agreements, titles allocated at or equivalent to Grade 22 or below, are generally Overtime Eligible, regardless of the above exemptions.
- .214 Pursuant to State collective bargaining agreements, titles allocated to Grade 23 or paid the equivalent or above, are Overtime Ineligible unless:
- A. The title does not meet any of the exemptions described in Subsection .212 above.
  - B. Blue Collar Workers – The exemptions provided by FLSA do not apply to manual laborers or other “blue collar” workers who perform work involving repetitive operations with their hands, physical skill, and energy. Such employees are entitled to minimum wage and overtime premium pay under

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the FLSA, and are not considered exempt regardless of how highly paid they might be.

- C. First Responders – The exemptions provided by FLSA do not apply to Police, Fire Fighters, Paramedics, and other First Responders.

**.220 Requesting an Overtime Waiver**

- .221 Applications for overtime waivers should be directed to the Division of the Budget. In accordance with Budget Policy and Reporting Manual Item G-1024 ([www.budget.state.ny.us](http://www.budget.state.ny.us)), waivers may be granted pursuant to provisions of the law by the Director of the Budget when it is determined that strict adherence to the rules would be detrimental to the sound and orderly administration of State government.

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**0860 Decentralized Classification**

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**.1 BACKGROUND**

**.110 Purpose**

- .111 The New York State Classification and Compensation Program is administered as a blend of centralized and decentralized decision making. To facilitate decentralized decision making, the Director of the Division of Classification and Compensation administers a Decentralized Classification Program (Title Decentralization and Agency Decentralization) that allows agencies the authorization to classify or reclassify existing permanent, temporary, or seasonal positions for which a Classification Standard exists.
- .112 Title Decentralization, afforded to all agencies, refers to those titles for which the duties and organizational placement of the title is so well understood and documented that extensive review of each classification and reclassification involving these titles by the Division of Classification and Compensation is not necessary. Decentralized Titles are specifically identified on the Title and Salary Plan ([www.cs.state.ny.us](http://www.cs.state.ny.us)) and can be broken up into two groups:
- A. Under the “1A” column, the designation of “Y” indicates that a title is a Decentralized Title.
- B. Under the “Decntrl Lvl” column, the designation of “S” indicates that a Decentralized Title is appropriate for “Pass-Through” classification to the Division of the Budget (i.e., limited Pre-Audit Review by the Division of Classification and Compensation) provided the agency has or had positions in the title within the twelve months previous to the date of the transaction and the agency requests the standard title attributes.
- .113 Agency Decentralization refers to the administrative flexibility afforded only to certain pre-approved agencies. These pre-approved agencies are authorized by the Director of the Division of Classification and Compensation to classify and reclassify positions for all titles that have a Classification Standard.

**.2 PROCEDURE**

**.210 Title Decentralization**

- .211 All agencies can submit classification (NYSTEP Form 1A) or reclassification (NYSTEP Form 2A) requests for Decentralized Titles using “Short Form” Transactions (Short Transactions). These transactions are subject to the limitations and responsibilities noted in Subsection .230 below.

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- .212 Agencies may request the addition of titles to the listing of Decentralized Titles by written request to the Director of the Division of Classification and Compensation. Only those with current Classification Standards will be considered.

**.220 Agency Decentralization**

- .221 Any agency may request designation as a Decentralized Agency in writing to the Director of the Division of Classification and Compensation. Such requests will be reviewed by the Division and may be approved if the agency is judged as having the capacity and resources to apply the rigorous statutory and administrative criteria required for participation.
- .222 Decentralized Agency status allows such approved agencies the ability to submit classification or reclassification requests using Short Transactions subject to the limitations and responsibilities noted in Subsection .230 below.
- .223 Participating agencies, in effect, make classification and reclassification determinations to selected classes, but do not reallocate classes, establish new titles, or authorize any Special Salary Treatments [See SPMM Section 0870].
- .224 No class that is unique to only one agency may be used under this program by another agency unless the title has been formally approved in that agency by the Division of Classification and Compensation.
- .225 No titles in an operating agency personnel office setting may be classified or reclassified under this program unless they have been designated as Decentralized Titles on the Title and Salary Plan.

**.230 Limitations on “Short Form” Transactions (Short Transactions)**

- .231 If the title requested is to be established in other than the usual organizational context, the requested title is new to the agency, or other than the standard attributes are being requested (e.g., a different Negotiating Unit or jurisdictional class), use of a Short Transaction is not appropriate. A “Long Form” Transaction (Long Transaction) with supporting documentation must be submitted to the Division of Classification and Compensation under the guidelines in SPMM Section 0850.
- .232 Short Transactions are reviewed and processed expeditiously. However, the Division of Classification and Compensation reserves the right to disapprove inappropriate transactions.

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**.240 Agency Responsibilities**

- .241 Although supporting documentation need not be attached to Short Transactions on NYSTEP, information must be included in the NYSTEP comments panel that briefly reflects:
- A. The reason for the classification or reclassification.
  - B. The organizational context of the position.
  - C. An attestation that the duties of the position have been compared to and found consistent with the Classification Standard for the title.
- .242 Under the Decentralized Classification Program and to comply with State Internal Controls, agencies are required to maintain a reviewable record to support each transaction (Short and Long). Records should be stored in electronic formats in the requesting agency's Personnel Office and should be prepared in full prior to any submission of a transaction in NYSTEP. All such records must be available for either Pre-Audit or Post-Audit Review by the Division of Classification and Compensation.

**.250 Audits**

- .251 Staff of the Division of Classification and Compensation conduct periodic audits of agency records in NYSTEP to evaluate the adequacy of the records maintained and the appropriateness of determinations made. A transaction may be audited before the Division of Classification and Compensation makes a determination (Pre-Audit) or after the transaction has received fiscal approval from the Division of the Budget (Post-Audit), if applicable.
- .252 Generally all transactions that receive a Pre-Audit review are those which involve Decentralized Titles that are designated as "1A" in the Title and Salary Plan, but are not designated "S" in the "Decent Lvl" column ("Pass-Through") of the Title and Salary Plan. Transactions submitted by Decentralized Agencies that involve titles that have a Classification Standard are also subject to Pre-Audit. In addition, some "Pass-Through" transactions, which are typically Post-Audit transactions, are randomly selected by NYSTEP and routed to the Division of Classification and Compensation for review.
- .253 Generally all decentralized transactions that receive a Post-Audit review are those which involve titles that are designated as both "1A" and "S" in the Title and Salary Plan. These are the "Pass-Through" transactions that, upon submission



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by the agency into NYSTEP, will automatically show as “C&C Approved,” provided they are not randomly selected for Pre-Audit on NYSTEP.

- .254 The administrative flexibility afforded by Subsection .113 may be revoked by the Director of the Division of Classification and Compensation for failure to meet the program requirements outlined herein.

**.260 Review, Reassessment, and Rescission**

- .261 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Decentralized Titles and Agencies. When appropriate and justifiable, the Director retains the statutory authority to either enhance or rescind the aforementioned administrative flexibility afforded by Decentralization.

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**0870 Special Salary Treatments**

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**.1 BACKGROUND**

**.110 Statutory Authority**

.111 The Civil Service Law (specific section listed in parentheses below) authorizes the Director of the Division of Classification and Compensation to enhance baseline State salaries under certain circumstances. All such determinations are subject to the approval of the Director of the Division of the Budget. Additional information on each can be found in SPMM Section 0870 A through F.

- A. Increased Hiring Salaries (Section 130.4).
- B. Shift Pay Differentials (Section 130.6).
- C. Geographic Pay Differentials (Section 130.7).
- D. Hazardous Duty Differentials (Section 130.9).
- E. Occupational Pay Differentials (Section 130.13).
- F. Appointments Above the Minimum Salary (Section 131.1(a)).

**.120 Purpose**

.121 The general purpose of Special Salary Treatments is to assist State agencies as they address recruitment and retention difficulties created by market circumstances.

**.130 Review, Reassessment, and Rescission**

.131 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Special Salary Treatments. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Special Salary Treatments, or terminate (i.e., rescind) existing Special Salary Treatments.

**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Section 130.4 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may increase the minimum salary of a class, called an Increased Hiring Salary, whenever it is determined that it is impracticable to recruit for positions in that class at the hiring rate of the salary grade in one or all areas or locations of the State. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

.121 The purpose of Increased Hiring Salaries is to assist State agencies in the recruitment of qualified individuals to vacant positions in a particular occupation and/or geographic area.

**.130 Approved Special Salary Treatments**

.131 The Division of Classification and Compensation has developed a Special Salary Treatment Search Engine that includes a "live" database of approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). This database is the repository of Special Salary Treatment information and it is available through the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)). The Special Salary Treatment Search Engine is an **advisory tool only** and should not be used to convey any "official" salary offer to any candidate. For an "official" calculation regarding an existing approved Special Salary Treatment, contact the Office of the State Comptroller's Payroll Unit.

**.2 PROCEDURE**

**.210 Applications**

.211 Section 130.4 authorizes applications for Increased Hiring Salaries from appointing officers. Applications by State agencies should be submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual located on the Department of Civil Service's web site (see previously listed web site).

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**0870(A) Increased Hiring Salaries - Section 130.4**

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- .212 All requests should include detailed information and documentation regarding:
- A. Recruitment difficulty for a class.
  - B. Recruitment difficulty in a geographic area.
  - C. Documentation of recruitment efforts made by an agency.
  - D. Eligible list information (i.e., age of list, eligible candidates in the area).
  - E. Vacancy and turnover data regarding a class.
  - F. Salaries offered for similar positions by other employers in the same location and geographic area.

**.220 Considerations**

- .221 Increased Hiring Salary determinations made with respect to one or more areas/locations require that all employees of such positions in the particular areas or locations affected who are receiving less than the newly approved minimum salary will have their salaries brought up to the new minimum salary for the area or location.
- .222 An employee does not retain the benefit of an Increased Hiring Salary when that employee is appointed, transferred, or reinstated to the same title in another location where the increased salary has not been approved (Section 130.4(a) of the Civil Service Law). Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .223 Sections 130.4(b), (c), (d), and (e) of the Civil Service Law detail specific salary treatment for employees who are appointed, transferred, reinstated, or demoted to a different title and/or salary grade. Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .224 Further specifics and examples of the application of Increased Hiring Salaries can be found in the Office of the State Comptroller's Salary Manual (see previously listed web site).

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**.230 Review, Reassessment, and Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Increased Hiring Salaries. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Increased Hiring Salaries, or terminate (i.e., rescind) existing Increased Hiring Salaries and restore the hiring salary of a salary grade to the original hiring salary set forth in Section 130 of the Civil Service Law.

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**0870(B) Shift Pay Differentials - Section 130 .6**

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**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Section 130.6 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Shift Pay Differential, to employees regularly assigned to work on a shift other than a normal day shift, in specific titles, or occupations under certain specified conditions. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

.121 The purpose of Shift Pay Differentials is to help the State attract and retain competent personnel to work other than normal daily shifts in particular occupations and areas of the State.

.122 The Division of the Budget's Budget Policy and Reporting Manual Item D-420 ([www.budget.state.ny.us](http://www.budget.state.ny.us)) states that Shift Pay Differentials are not substitutes for a general salary increase or inconvenience pay and should not be authorized simply because hours of employment differ from those of a normal day shift.

**.130 Approved Special Salary Treatments**

.131 The Division of Classification and Compensation has developed a Special Salary Treatment Search Engine that includes a "live" database of approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). This database is the repository of Special Salary Treatment information and it is available through the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)). The Special Salary Treatment Search Engine is an ***advisory tool only*** and should not be used to convey any "official" salary offer to any candidate. For an "official" calculation regarding an existing approved Special Salary Treatment, contact the Office of the State Comptroller's Payroll Unit.

**.2 PROCEDURE**

**.210 Applications**

.211 Section 130.6 authorizes applications for such Shift Pay Differentials from appointing officers, employees, and employee organizations. Applications by appointing officers should be submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual located on the Department of Civil Service's web site

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(see previously listed web site). Applications by employees and employee organizations should be submitted in writing to the Director of the Division of Classification and Compensation.

- .212 All requests should include detailed information and documentation regarding:
- A. Common practice among non-State employers, in the comparable geographic location, to pay shift differentials for the particular occupation and shift under consideration.
  - B. Pay provided by non-State employers (combination of base pay and shift differential) that results in total compensation which substantially exceeds the State's base pay scales.
  - C. Evidence that an agency is experiencing difficulty in recruiting qualified employees for the particular class of work or that it has been losing employees to other employers for the same class of work on shifts other than the day shift.
  - D. How the duties and responsibilities of employees in the particular occupation on the subject shift are not materially less than the duties and responsibilities of employees in the same occupation who work on the day shift.

**.220 Considerations**

- .221 Shift Pay Differentials may only be authorized for tours of duty which include four (4) or more hours between 6 p.m. and 6 a.m. (This is the same definition used for Inconvenience Pay, See Subsection .225.).
- .222 Shift Pay Differentials can be authorized for employees who are "regularly assigned" to "a work shift other than a normal day shift." Budget Policy and Reporting Manual Item D-420 and Section 143.1 of the Civil Service Codes, Rules, and Regulations defines "regularly assigned" as "scheduled to work a shift other than a normal day shift on a basis other than a temporary basis." An employee should be considered "regularly assigned" to a night or evening shift if the employee works no less than ten (10) working days in a two-week period on such a shift. An employee regularly assigned to the day shift whose schedule is changed to a night shift for one (1) or two (2) days is not eligible for a Shift Pay Differential because the assignment is temporary.
- .223 Shift Pay Differentials may be approved for a particular occupation when it is determined that other employers authorized a higher rate of pay or wage differential for similar shifts. An employee whose normal work schedule consists of both day and evening or night shifts is eligible for a Shift Pay Differential on a pro-rated basis.

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- .224 Shift Pay Differentials are either percentage or fixed dollar amounts that can be authorized in any area or location. A Shift Pay Differential is not considered part of an employee's base annual salary.
- .225 Shift Pay Differentials should not be confused with Inconvenience Pay which is negotiated pay in addition to the base annual salary of an employee (other than part-time or seasonal employees) who regularly works four or more hours between the hours of 6 p.m. and 6 a.m., exclusive of any hours for which overtime compensation is paid. Managerial/Confidential (M/C) employees are eligible for Inconvenience Pay. Inconvenience Pay is paid to eligible employees in addition to Shift Pay Differentials.
- .226 An employee does not retain the benefit of a Shift Pay Differential when that employee ceases to be employed in the work shift or position in the area or location for which the Shift Pay Differential is authorized. Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .227 Further specifics and examples of the application of Shift Pay Differentials can be found in the Office of the State Comptroller's Salary Manual (see previously listed web site).

**.230 Review, Reassessment, and Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Shift Pay Differentials. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Shift Pay Differentials, or terminate (i.e., rescind) existing Shift Pay Differentials.



**.1 BACKGROUND**

**.110 Statutory Authority**

- .111 Section 130.7 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Geographic Pay Differential, to State employees in one or more areas of the State when recruitment and/or retention problems can be tied to private or other non-State employers in such areas paying substantially higher wage rates for a similar occupation. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

- .121 The purpose of Geographic Pay Differentials is to assist State agencies with the recruitment and retention of competent personnel in particular occupations and areas of the State.

**.130 Approved Special Salary Treatments**

- .131 The Division of Classification and Compensation has developed a Special Salary Treatment Search Engine that includes a "live" database of approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). This database is the repository of Special Salary Treatment information and it is available through the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)). The Special Salary Treatment Search Engine is an ***advisory tool only*** and should not be used to convey any "official" salary offer to any candidate. For an "official" calculation regarding an existing approved Special Salary Treatment, contact the Office of the State Comptroller's Payroll Unit.

**.2 PROCEDURE**

**.210 Applications**

- .211 Section 130.7 authorizes applications for such Geographic Pay Differentials from appointing officers, employees, and employee organizations. Applications by appointing officers should be submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual located on the Department of Civil Service's web site (see previously listed web site). Applications by employees and employee organizations should be submitted in writing to the Director of the Division of Classification and Compensation.

- .212 All requests should include detailed information and documentation regarding:
- A. Recruitment difficulty for a class.
  - B. Recruitment difficulty in a geographic area.
  - C. Documentation of recruitment efforts made by an agency.
  - D. Eligible list information (i.e., age of list, eligible candidates in an area).
  - E. Vacancy and turnover data regarding a class.
  - F. Salaries offered for similar positions by other employers in the same geographic area.

**.220 Considerations**

- .221 Geographic Pay Differentials are authorized as either percentages or fixed dollar amounts for titles by area or location.
- .222 Geographic Pay Differentials should not be confused with the Downstate Adjustment, Mid-Hudson Adjustment or Location Pay, which are pay categories derived from collective bargaining. These amounts can only be authorized for unionized employees if the applicable negotiated agreement provides for such "Adjustments." Managerial/Confidential employees also qualify for both the Downstate and Mid-Hudson Adjustments.
- A. The Downstate Adjustment is provided to all employees who work in the five counties of New York City and the counties of Nassau, Suffolk, Rockland, and Westchester. The amounts negotiated can be found on the Governor's Office of Employee Relations (GOER) web site ([www.goer.state.ny.us](http://www.goer.state.ny.us)) by clicking into the applicable contract.
  - B. The Mid-Hudson Adjustment is provided to all employees who work in Dutchess, Orange, and Putnam counties. The amounts negotiated can be found on the above noted GOER web site.
  - C. Location Pay is provided to employees whose principal place of employment or whose official station is located in Monroe County who were receiving such compensation on March 31, 1985 for those represented by the Civil Service Employees Association (CSEA) and on March 31, 1988 for those represented by the Public Employees Federation (PEF). The associated amounts can be found on the above noted GOER web site.

- .223 A Geographic Pay Differential is not considered part of an employee's base annual salary.
- .224 An employee does not retain the benefit of a Geographic Pay Differential when that employee ceases to be employed in the position or area or location for which the Geographic Pay Differential was authorized. Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .225 Further specifics and examples of the application of Geographic Pay Differentials can be found in the Office of the State Comptroller's Salary Manual (see previously listed Civil Service web site).

**.230 Review, Reassessment, and Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Geographic Pay Differentials. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Geographic Pay Differentials, or terminate (i.e., rescind) existing Geographic Pay Differentials.

**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Section 130.9 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize payment of additional compensation, called a Hazardous Duty Differential, to employees exposed to hazardous working conditions in certain locations and under specified conditions. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

.121 Risk management and risk reduction are the primary objectives of the State commitment to occupational safety and health. As such, there are certain assignments which expose employees to unavoidable, clear, and direct risks and hazards to their safety and health – considerations which are not otherwise addressed in a position’s salary grade allocation.

**.2 PROCEDURE**

**.210 Applications and Appeals**

.211 Section 130.9 authorizes applications for a Hazardous Duty Differential from appointing officers, employees, and employee representatives. All applications should be submitted in writing to the Director of the Division of Classification and Compensation.

.212 All requests should include detailed information and documentation that demonstrates how the request meets the established criteria to qualify an assignment for a Hazardous Duty Differential.

.213 The three (3) step appeal process is as follows:

- A. Step 1: Appeals of eligibility at approved locations or which involve the accuracy of Hazardous Duty Differential payments shall first be submitted for review to the agency head or designee. Appeals regarding accuracy of payment may only be appealed through Step 1.
- B. Step 2: An appeal from an unsatisfactory decision at Step 1 involving employee eligibility for a Hazardous Duty Differential may be filed with the Director of the Division of Classification and Compensation within 15 working days of the Step 1 decision.

- C. Step 3: An appeal from an unsatisfactory Step 2 decision by the Director of the Division of Classification and Compensation may be filed within 60 calendar days with the Civil Service Commission.

### **.3 APPLICABILITY**

#### **.310 Subcategories**

.311 There are currently two “subcategories” of the Hazardous Duty Differential:

- A. Those which provide additional compensation for “people-related hazards.” [This type is commonly referred to as the Hazardous Duty Pay (HDP) Differential. At the Office of Mental Retardation and Developmental Disabilities (OMRDD), it is referred to as Behavioral Intervention Pay (BIP).]
- B. Those which provide additional compensation for exposure to chemical, biological, radiological, or other “environmental and/or non-people related hazards.” [This type is commonly referred to as the Safety Incentive Differential.]

#### **.320 “People Related Hazards” Established Criteria, Approved Locations, and Payment Information**

.321 State employees are eligible to receive the Hazardous Duty Differential for “people-related hazards” in agencies and locations approved by the Director of the Division of Classification and Compensation provided their regular work schedules expose them at least 50 percent of the time to clear, direct, and unavoidable hazards from clients, inmates (i.e., general inmate population) or patients, and they are not otherwise compensated for such hazardous exposure. Part-time employees assigned to the hazardous locations who meet the 50 percent criteria, are eligible for payments. Substitute employees qualify without meeting the 50 percent criteria. Employees paid on an hourly basis are not eligible.

.322 State employees at the following locations are eligible to receive the Hazardous Duty Differential for “people-related hazards:”

- A. Department of Correctional Services – Medium and maximum security correctional facilities, and the Willard Drug Treatment Campus.
- B. Department of Motor Vehicles – Staff assigned to Correctional Services medium or maximum security facilities.

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- C. Division of Parole – Staff assigned to Correctional Services medium and maximum security facilities and all field assignments.
- D. Office of Children and Family Services – All secure facilities.
- E. Office of Mental Health – Adult, children, youth and geriatric admitting units, secure units, regional forensic units, and forensic hospitals.
- F. Office of Mental Retardation and Developmental Disabilities (OMRDD) – All units/locations having a 50 percent or greater population of clients identified as aggressive, requiring a behavior management plan approved by the Interdisciplinary Treatment Team. (Within the OMRDD, the Hazardous Duty Differential is referred to as Behavioral Intervention Pay or BIP. It is, in all other ways, identical to the Hazardous Duty Differential.)

.323 The Hazardous Duty Differential for “people-related hazards” can only be authorized for unionized employees if the applicable negotiated agreement provides for such Differential. Managerial/Confidential employees qualify for the Hazardous Duty Differential. The amount negotiated can be found on the GOER web site ([www.goer.state.ny.us](http://www.goer.state.ny.us)). Payment is calculated on an hourly basis and distributed pursuant to an agency defined schedule.

**.330 “Environmental and/or Non-People Related Hazards” Established Criteria and Payment Information**

.331 State Agencies and employees are eligible to receive the Hazardous Duty Differential for “environmental and/or non-people related hazards” based on the following criteria:

A. State Agencies must have in place:

- 1. Formal training in respiratory protection and hazard identification that conforms to OSHA, Part 1910.134.
- 2. Appropriate medical monitoring of employees whose work assignments entail contact with hazardous substances.
- 3. Administrative and supervisory procedures to effectively manage hazardous substance work sites.

B. Employees are eligible to receive the Hazardous Duty Differential for “environmental and/or non-people related hazards” if they:

- 1. Are employed in an eligible agency.

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2. Participate in the formal training and medical monitoring and comply with the procedures described in Part A above.
  3. Perform activities as described in the following bullet requiring the use of at least Level C Personal Protection Equipment (PPE) as defined by the U.S. Environmental Protection Agency's "Interim Standard Operating Safety Guides," Part B (Revised September 1982).
  4. On a primary (50%) or occasional (at least 30 days per year) basis, conduct investigations at hazardous substance spills or other hazardous substance emergencies, or inspect hazardous substance facilities sites (e.g., manufacturers, storage facilities, active/inactive waste sites), or manage the cleanup of inactive hazardous waste sites.
- .332 The Hazardous Duty Differential for “environmental and/or non-people related hazards” can only be authorized for unionized employees if the applicable negotiated agreement provides for such Differential. Managerial/Confidential employees qualify for the Hazardous Duty Differential. The amount negotiated can be found on the above noted GOER web site. Payment is calculated on a **daily basis** and distributed pursuant to an agency defined schedule.
- A. "Primarily" Field Employees:
1. Employees who are designated as "primarily" field employees (i.e., spend at least half of the regular work schedules in field assignments described in Section .331(B) above) receive the Hazardous Duty Differential for “environmental and/or non-people-related hazards” for each day or part thereof they work. Time charged to leave credits of a full day is not credited for the Differential.
  2. “Primary” field employees who are eligible to earn overtime compensation will receive the Hazardous Duty Differential for “environmental and/or non-people-related hazards” at the time and a half rate for work beyond 40 hours in the work week.
- B. “Occasional” Field Employees:
1. Employees who are designated as "occasional" field employees (i.e., spend a minimum of 30 work days a year up to half time in the field assignments described in Section .323(B) above) receive the Hazardous Duty Differential for “environmental and/or non-people related hazards” for each day or part thereof spent in eligible field assignments.

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2. "Occasional" field employees who are eligible to earn overtime compensation will receive the Hazardous Duty Differential for "environmental and/or non-people related hazards" at the time and a half rate of work beyond 40 hours a week spent at hazardous work sites.

**.340 Considerations**

- .341 A Hazardous Duty Differential, for both "people-related hazards" and "environmental and/or non-people related hazards," will be applied to eligible employees at a negotiated rate for time actually at the work site. Leave time is not credited for Hazardous Duty Differential pay purposes. Employees eligible to earn overtime will receive a Hazardous Duty Differential at the time and a half rate for overtime worked in the hazardous duty location.
- .342 A Hazardous Duty Differential, for both "people-related hazards" and "environmental and/or non-people related hazards," is not considered part of an employee's base annual salary.
- .343 An employee does not retain the benefit of a Hazardous Duty Differential, for both "people-related hazards" and "environmental and/or non-people related hazards," when that employee ceases to be employed in the position or assignment for which the Hazardous Duty Differential was authorized. Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .344 Further specifics and examples of the application of a Hazardous Duty Differential, for both "people-related hazards" and "environmental and/or non-people related hazards," can be found in the Office of the State Comptroller's Salary Manual (see previously listed Civil Service web site).

**.350 Review, Reassessment, and Rescission**

- .351 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Hazardous Duty Differentials, for both "people-related hazards" and "environmental and/or non-people related hazards." When appropriate and justifiable, the Director retains the statutory authority to either prescribe additional Hazardous Duty Differentials for qualified employees in certain locations, revise the criteria, or terminate (i.e., rescind) existing Hazardous Duty Differentials deemed no longer appropriate.



**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Section 130.13 of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize additional compensation, called an Occupational Pay Differential, for employees serving in positions designated as Managerial/Confidential to maintain appropriate salary relationships over subordinates who occupy positions within the same occupational series. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

.121 The purpose of an Occupational Pay Differential is to maintain appropriate salary relationships between Managerial/Confidential supervisors and their represented subordinates.

**.130 Approved Special Salary Treatments**

.131 The Division of Classification and Compensation issues a listing of all titles and locations for which Occupational Pay Differentials have been approved by the Division of the Budget. This listing can be found on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).

**.2 PROCEDURE**

**.210 Applications**

.211 Section 130.13 authorizes applications for such Occupational Pay Differentials from appointing officers, employees, and employee organizations. Requests should be submitted in writing to the Director of the Division of Classification and Compensation.

.212 All requests should include detailed information and documentation that demonstrates the disparity between the salary relationships of Managerial/Confidential supervisors and their represented subordinates.

**.220 Considerations**

- .221 Occupational Pay Differentials are authorized as percentages or fixed dollar amounts for titles by area or location. Full payment of an Occupational Pay Differential is available where the basic annual salary of an employee is at or below the unadjusted Job Rate of a grade. The adjusted Job Rate is the Job Rate of a grade plus the Occupational Pay Differential. Approved employees whose salaries are above the unadjusted Job Rate receive an increase to the adjusted Job Rate, but not above the adjusted Job Rate.
- .222 An Occupational Pay Differential is not considered part of an employee's base annual salary.
- .223 An employee does not retain the benefit of an Occupational Pay Differential when that employee ceases to be employed in the position, or area or location for which the Occupational Pay Differential was authorized. Contact the Office of the State Comptroller's Payroll Unit regarding salary implications.
- .224 Further specifics and examples of the application of Occupational Pay Differentials can be found in the Office of the State Comptroller's Salary Manual (see previously listed web site).

**.230 Review, Reassessment, and Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Occupational Pay Differentials. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Occupational Pay Differentials, or terminate (i.e., rescind) existing Occupational Pay Differentials.

**.1 BACKGROUND**

**.110 Statutory Authority**

.111 Section 131.1(a) of the Civil Service Law provides that the Director of the Division of Classification and Compensation may authorize additional compensation, called an Appointment Above the Minimum Salary (**i.e., minimum is the statutory hiring rate of a salary grade**), not to exceed the Job Rate of the salary grade of the title to which a person is to be appointed, when the training or experience of the appointee substantially exceeds requirements necessary for appointment. All such determinations are subject to the approval of the Director of the Division of the Budget.

**.120 Purpose**

.121 The purpose of Section 131.1(a) is to allow for the recruitment and the appointment of highly qualified individuals with outstanding training and experience when there are no well-qualified individuals available for appointment at the minimum salary of a title.

.122 The Division of the Budget's Budget Policy and Reporting Manual Item D-400 ([www.budget.state.ny.us](http://www.budget.state.ny.us)) states that this salary adjustment is only available for the appointment of candidates from outside State service. Further stated is that this Special Salary Treatment should be used "selectively" and not as a means for "upgrading" the workforce.

.123 The salaries of State employees serving in the same title and in the same geographical area or location and having qualifications equivalent to or greater than the newly appointed employee must also be raised to the authorized increased salary. It is the responsibility of State agencies, not the Division of Classification and Compensation, to monitor approved "Appointments Above the Minimum Salary" and submit requests to the Director of the Division of Classification and Compensation to move employees with Equivalent Qualifications (EQ) to the new minimum salary.

**.130 Approved Special Salary Treatments**

.131 The Division of Classification and Compensation issues a listing of all titles and locations for which Appointments Above the Minimum Salary have been pre-approved by the Division of the Budget. This listing can be found on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).

**.2 PROCEDURE**

**.210 Applications**

.211 Section 131.1(a) authorizes applications for Appointments Above the Minimum Salary from appointing officers. Applications should be submitted in accordance with New York State Electronic Personnel System (NYSTEP) procedures. To avoid any delays in the review and processing of NYSTEP transactions, State agencies must select the appropriate type of Section 131.1(a) transaction on the NYSTEP panel (either an IM, Increased Minimum, or an EQ, Equivalent Qualification). A description of each is listed in the NYSTEP/TPM User Manual located on the Department of Civil Service's web site (see previously listed web site).

.212 All requests should include detailed information about:

- A. The requested salary rate and the eligible list, if any, from which appointment would be made.
- B. The established minimum qualifications of a title.
- C. Evidence (such as a résumé or employment application) that a candidate possesses qualifications which substantially exceed the minimum qualifications for a position.
- D. Evidence that there are no other similarly qualified candidates who would accept appointment at the minimum salary rate and reasons why the candidate will not accept appointment at the minimum salary.
- E. Why a candidate's appointment at a higher rate is in the interest of State service.
- F. Which employees in the title under consideration in the same geographic area or location would be entitled to equivalent salary treatment.

**.220 Considerations**

.221 Appointments Above the Minimum Salary are normally restricted to original permanent appointments to State service. Exceptions may be allowed under unique circumstances presented by an appointing officer (i.e., when an existing employee acquires a credential to otherwise qualify for an Appointment Above the Minimum Salary).

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**0870(F) Appointments Above the Minimum - Section 131 .1 (a)**

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- .222 Appointments Above the Minimum Salary normally will not be approved for provisional employees who are being permanently appointed. Exceptions may be allowed under unique circumstances presented by an appointing officer.
  
- .223 Appointments Above the Minimum Salary will not be approved if there are other candidates among the three highest ranking acceptors who also have substantially greater qualifications than the required experience and training and are willing to accept appointment at the minimum salary. However, it can be authorized for one of the three highest ranking acceptors on an eligible list even though the other two acceptors will accept the appointment at the minimum, providing the other two candidates do not possess qualifications which are substantially in excess of the minimum qualifications.
  
- .225 Appointing officers have the flexibility to choose whether or not to offer a previously approved Appointment Above the Minimum Salary to new employees. Additionally, if an appointing officer decides to offer a previously approved Appointment Above the Minimum Salary, they can decide if they want to offer all or only a portion of the previously approved Appointment Above the Minimum Salary.
  
- .226 Further specifics and examples of the application of Appointments Above the Minimum Salary can be found in the Office of the State Comptroller's Salary Manual (see previously listed web site).

**.230 Review, Reassessment, and Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Appointments Above the Minimum Salary. When appropriate and justifiable, the Director retains the statutory authority to either reduce or enhance existing Appointments Above the Minimum Salary, or terminate (i.e., rescind) existing Appointments Above the Minimum Salary.
  
- .232 When an Appointment Above the Minimum Salary is approved for an employee, it immediately becomes a permanent addition to an employee's salary so the reduction and/or rescinding of an Appointment Above the Minimum Salary will not affect an employee who was the beneficiary of a previously approved Appointment Above the Minimum Salary.

**.1 BACKGROUND**

**.110 Purpose**

.111 Job Audits, Occupational Studies, and Organizational Surveys are tools used by the Division of Classification and Compensation and State agencies to gather information about positions and occupations in State service. Additional information on each can be found in SPMM Section 0880 A through C.

- A. Job Audits.
- B. Occupational Studies.
- C. Organizational Surveys.

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**0880(A) Job Audits**

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**.1 BACKGROUND**

**.110 Definition**

.111 Job Audits are activities initiated and conducted for the purpose of reviewing, observing, and discussing the duties and responsibilities of a position.

**.120 Purpose**

.121 Job Audits are performed at the discretion of the Division of Classification and Compensation or as a response to an agency and/or employee request for review when:

- A. Assignments and/or duties vary considerably among positions in a class.
- B. Position duties descriptions are incomplete or unclear.
- C. Conflicts of responsibility exist between positions or other unusual situations are present.

**.2 PROCEDURE**

**.210 Job Audit Procedure**

.211 The general procedure followed for performing a Job Audit is:

- A. All Job Audits will be scheduled in advance with the cooperation of agency personnel and supervisory staff. Employees will also be notified in advance.
- B. Classification Analysts will prepare for each interview by reviewing position descriptions, organization charts, and other relevant information. Questions will include, but will not be limited to, what tasks are done (when and how) and who assigns and reviews work.
- C. Every attempt will be made to interview an employee(s) at the applicable work site(s) if possible, and there will be no set time limit on each interview.
- D. Supervisors will be interviewed to verify the accuracy of information provided and information obtained during interviews.
- E. Recorded notes will be taken throughout each Job Audit to help with analysis.

.212 More specific information about Job Audits can be found in Chapter 8 of the Classification and Compensation Requests: Agency Manual on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)).

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**0880(B) Occupational Studies**

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**.1 BACKGROUND**

**.110 Definition**

- .111 Occupational Studies are the systematic review and analysis of an occupation as it exists in State government. It involves the identification and analysis of the duties associated with all levels of titles in that occupation, and the organizational and programmatic context in which jobs function.

**.120 Purpose**

- .121 Occupational Studies are conducted by the Division of Classification and Compensation to determine whether a title series requires updating or a new title series needs to be created in response to:
- A. Agency reorganization(s).
  - B. Substantial changes in a job's program content and direction.
  - C. Technological changes.
  - D. Legal changes.
  - E. Changes in the availability and qualifications of the workforce.

**.2 PROCEDURE**

**.210 Occupational Study Procedure**

- .211 The general procedure for performing an Occupational Study is:
- A. The actual need for a study should be determined. If deemed appropriate, applicable titles and locations will be identified.
  - B. Relevant agency work papers and/or position descriptions regarding titles will be reviewed. If necessary, a request may be made for current position descriptions.
  - C. Other agencies that have the applicable titles will be contacted regarding position descriptions and the organizational placement of positions. If necessary, surveys or other quantitative means of gathering applicable information will be prepared and distributed.



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**0880(B) Occupational Studies**

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- D. Research will be conducted of other similar industry jobs to determine changes or trends.
- E. A proposal will be prepared that identifies the potential problems and probable causes, and develops suggestions for resolution.
- F. Observations in the proposal will be verified or discredited by visiting work sites and interviewing staff within the occupation at all levels as well as their managers and subordinates.
- G. A report on all field work findings, including whether the proposal is supported and next steps, will be assembled and finalized. If the findings support the proposal, a procedure will be developed for implementation that describes the implications of the proposal on: testing, training, and staffing; the impact on employees, agency, and fiscal operations; and the required transactions needed for completion.

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**0880(C) Organizational Surveys**

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**.1 BACKGROUND**

**.110 Definition**

.111 Organizational Surveys are the systematic review and analysis of titles in a specific organizational unit of an agency or of similar organizational units in many agencies.

**.120 Purpose**

.121 Organizational surveys are conducted to verify the cross agency appropriateness of the classification of positions in an occupational area.

**.2 PROCEDURE**

**.210 Organizational Survey Procedure**

.211 The general procedure for performing an Organizational Survey is:

- A. The actual need for a survey should be determined. If deemed appropriate, applicable titles and locations within an organization will be identified.
- B. Personnel office(s) will be contacted to discuss the purpose of the survey, methods to be used, roles, and any special considerations.
- C. Arrangements will be made for a preliminary group meeting of supervisors and employees. A qualified agency employee will be designated to participate as the agency representative in the survey.
- D. Background information including organizational charts with names, titles, and salary grades will be obtained and studied. From this, planning activities for survey implementation will be finalized.
- E. Employees will be interviewed at their work sites, work samples will be collected, duty statements will be clarified, and inconsistencies, if any, will be discussed.
- F. Findings and recommendations of the survey will be presented to the agency, which will be asked to respond to the findings and recommendations.
- G. A final report with determinations will be issued by the Division of Classification and Compensation.

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**0890 Traineeships**

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**.1 BACKGROUND**

**.110 Purpose**

- .111 Traineeships are established when it is found that the job market cannot provide candidates with the skills and abilities necessary for certain positions in State service, and to provide employee advancement opportunities.

**.120 Approved Traineeships and Salary Rates**

- .121 Traineeships are currently classified in various represented bargaining units and for non-represented employees.
- .122 The Division of Classification and Compensation maintains explanations and comprehensive lists of all approved traineeships on the Department of Civil Service's web site ([www.cs.state.ny.us](http://www.cs.state.ny.us)). The associated spreadsheets are only updated in conjunction with general salary increases, or when a traineeship is added, deleted or amended.
- .123 All questions regarding payroll preparation and salary rate calculations should be directed to the Office of the State Comptroller and/or the Office of the State Comptroller's Salary Manual.

**.2 PROCEDURE**

**.210 Applications**

- .211 Requests for new and/or revised traineeships are initiated by appointing authorities through a letter addressed to the Director of the Division of Classification and Compensation. The justification letter should explain the impetus (i.e., "why" ) behind the request (and applicable minimum qualifications).
- .212 Each request should include a detailed Training and Development Plan. Training and Development Plans combine a description of the duties at the full performance level with an action plan designed to give a trainee the ability to successfully perform those duties. Training and Development Plans should always be based on the "lowest common denominator." Assume that a trainee will not possess anything other than what was required for the minimum qualifications and to pass the applicable examination. Training and Development Plans should contain at a minimum, the following four (4) components (go to the previously listed Department of Civil Service web address for the Training and Development Plan Template):
- A. Duties – Description of the duties at the full performance or journey level.

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**0890 Traineeships**

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- B. Expectations/Performance Measurements – Description of what tasks and how a trainee is expected to perform them at benchmark periods throughout a traineeship. For example, a two year traineeship should include expectations at each six month interval, with the end of the traineeship being a full range of duties performed at the journey level. Trainee evaluations are required at the appropriate intervals to determine whether a trainee is making sufficient progress and to identify and resolve any deficiencies or problems. Traineeships include concurrent probationary status for the duration of a traineeship.
- C. Knowledge, Skills, and Abilities – List of the knowledge, skills, and abilities a trainee needs to acquire to perform successfully at the journey level.
- D. Training Activities – Action plan that describes the training activities designed to give a trainee the critical knowledge, skills, and abilities. These activities may include formal classroom training, reading assignments, rotational assignments, and other activities in addition to on the job training activities to bring the trainee to the full performance level.

**.220 Review and Reassessment**

- .221 The Division of Classification and Compensation will review and evaluate all requested new/modified traineeships and associated plans in coordination with other Divisions within the Department of Civil Service (i.e., Diversity Planning and Management, Staffing Services, Testing Services, etc.).
- .222 If proposed traineeships require either the establishment of new or modified Non-Statutory (i.e., “NS”) salary rates, upon approval by the Division of Classification and Compensation such will be transmitted to the Division of the Budget for fiscal authorization (“NS” salaries are determined by the Division of the Budget pursuant to Section 44 of the State Finance Law).
- .223 If proposed traineeship modifications do not alter pre-existing “NS” salary rates (i.e., just a change in minimum qualifications or appointment at various levels), no Division of the Budget fiscal authorization is necessary.

**.230 Rescission**

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved traineeships. When appropriate and justifiable, the Director retains the authority to either reduce, enhance, or terminate (i.e., rescind) existing traineeships.