

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**STATE PERSONNEL MANAGEMENT MANUAL**  
**0800 Position Classification and Compensation**  
**TRANSMITTAL MEMORANDUM NO. 72** **August 6, 2018**

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**SUMMARY OF REVISIONS OR NEW MATERIAL**

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- Updating 0800 Table of Contents to replace Special Salary Treatments with Salary Differentials.
- Updating 0830 Definition of Terms to remove “Appointing Officer Application” as it is no longer relevant; updated “Decentralized Agencies,” “Decentralized Titles,” “Pass Through,” “Post-Audit Review,” “Pre-Audit Review,” “Reviewable Record,” “Short Form Transaction,” and “Title and Salary Plan” definitions to reflect updates to C&C’s decentralized classification program. Also, we replaced Special Salary Treatments with Salary Differentials.
- Updating 0840 Title and Salary Plan Elements to reflect current negotiating unit names (APSU) and job levels (removed “temporary”); decentralization status to reflect updates to C&C’s decentralized classification program; to replace Advisory Memorandum with C&C Update; and replace Special Salary Treatments with Salary Differentials.
- Updating 0850 B- Classification Processing Requirements to remove reference to Short Form transactions as only 131.1a requests are submitted via a short form; added proposed minimum qualifications as a requirement for 64.3 positions; and updated an obsolete hyperlink.
- Updating 0850 D- State Negotiating Units to reflect current negotiating unit names (APSU) and removed obsolete titles.
- Updating 0860 Decentralization to replace Special Salary Treatments with Salary Differentials.
- Updating 0870 Special Salary Treatments; 0870 A- 130.4; 0870 B-130.6; 0870 C-130.7; and 0870 E-130.13 to replace Special Salary Treatments with Salary Differentials.
- Updating 0870 F-131.1a to replace Special Salary Treatments with Salary Differentials; to clarify our policy regarding same geographic area or location; and to remove reference to the pre-approved 131.1a listing that is no longer maintained.

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**ALLOCATE:** To assign a statutory salary grade to a class of positions based on an evaluation of relative worth. **Reallocate** 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 the minimum requirements for appointment. All such determinations are subject to the approval of the Director of the Division of the Budget. [See SPMM Section 0870(F)]

**BASE ANNUAL SALARY:** Salary before the addition of Salary Differentials (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 on 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)]

**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]

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

**DECENTRALIZED TITLES:** Titles for which requests for positions can be approved by authorized agencies without pre-audit by the Division of Classification and Compensation See Decentralized Classification Program, Pre-Audit Review, Post-Audit Review, and SPMM Section 0860. Decentralized Titles have the following characteristics:

1. Under the “**Decntrl Lvl**” column, the designation of “U” or “S” indicates the type of decentralization. “U” indicates that a title is "universally" decentralized. Positions in such titles can be established by all authorized agencies without pre-audit by the Division of Classification and Compensation. "S" indicates that a title is "specifically" decentralized for certain agencies, typically those that have or had positions in the title in the previous 12 months of the date of the request.
2. The “**Duties Only**” column on the Title and Salary Plan will indicate the minimum documentation required. If a "Y" is listed for a title, NYSTEP will require that a duties description be attached. If the field is “N,” NYSTEP will require a duties description and agency justification.

**DOWNSTATE ADJUSTMENT:** Negotiated pay added to base annual salary of employees whose principal place of employment or whose official station is 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)]

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**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 that 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 wages 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)]

**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 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)]

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**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:** The review, observation, and discussion of 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]

**LOCATION PAY:** Negotiated pay added to the base annual salary of employees whose principal place of employment or whose official station is 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 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.

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**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 grade 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]

**NYSTEP:** NYSTEP (**N**ew **Y**ork **S**tate **E**lectronic **P**ersonnel) 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) 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 grade 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)]



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**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 that are inappropriate 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 (e.g., Professional Engineer 1 (Electrical)). [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 Post-Audit Review by the Division of Classification and Compensation.

**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 transactions after they are approved. Such review consists of an analysis of the reviewable record. [See Reviewable Record, Decentralized Classification Program, Decentralized Agencies, and Decentralized Titles]

**PRE-AUDIT REVIEW:** The review conducted by the Division of Classification and Compensation on transactions before such transaction is approved.

**QJES (Quantitative Job Evaluation System):** An econometric pay model that 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.

**REALLOCATE:** 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.]

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**REVIEWABLE RECORD:** To comply with State Internal Controls, agencies are required to maintain a reviewable record to support each transaction. Reviewable records must be stored in electronic formats and be prepared in full prior to any submission of a transaction in NYSTEP, in accordance with the documentation required for the requested title. 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 documents must be 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 DIFFERENTIALS:** The Civil Service Law authorizes the Director of the Division of Classification to increase salaries under certain circumstances. The general purpose of Salary Differentials is to assist State agencies address recruitment and retention difficulties. Salary Differentials 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 reduce, increase or rescind Salary Differentials. [See SPMM Section 0870 et. al.]

**SALARY GRADE:** The designation attached to a title that indicates its compensation in accordance with 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]

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**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 for classification requests are primarily used to request increased minimum salaries in accordance with Section 131.1a of the Civil Service Law. A reviewable record must be retained by each agency for Post-Audit Review. [See Reviewable Record, Post-Audit Review, and SPMM Section 0860]

**STREAMLINE:** A Division of the Budget process allowing for the immediate approval of a transaction that meets specified criteria. [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 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 (Decntrl Lvl and Duties Only). [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) governing the appointment and advancement of employees in training status. It combines a description of the duties at the full performance level with an action plan to give a trainee the ability to successfully perform those duties. [See SPMM Section 0890]

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**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]

## **.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 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.
- .114 The [Title and Salary Plan](#) is a valuable tool for identifying and locating a title, title code, or producing a list of titles that fall within chosen parameters.

### **.120 Title and Salary Plan Coding**

- .121 Title Code - Every title has 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). 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 parenthetic.
- .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.
- .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

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Service's Website 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 Police Services (APSU).
- 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 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 have a hyperlink, 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 Job Levels are:

- A – Appointed.
- C – Career Ladder.
- E – Elected.
- I – Intermittent.
- J – Journey Level.
- P – Parenthetic.
- S – Seasonal.
- T – Trainee.

.128 Decentralization Status (Decntrl Lvl) and Required NYSTEP Documentation (Duties Only) – These two columns show the Decentralized Status of a title, and the required NYSTEP documentation for a decentralized title. Specifically:

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- A. Under the “**Decntrl Lvl**” column, the designation of “U” or “S” indicates a decentralized title. “U” indicates that a title is “universally” decentralized. Positions in such titles can be established by all authorized agencies without pre-audit by the Division of Classification and Compensation. “S” indicates that a title is “specifically” decentralized for certain agencies, typically those that have or had positions in the title in the previous 12 months of the date of the request.
- B. The “Duties Only” column on the [Title and Salary Plan](#) indicates the minimum documentation required. If a “Y” is listed for a title, NYSTEP will require that a duties description be attached. If the field is “N,” NYSTEP will require a duties description and agency justification.

**.2 PROCEDURE**

**.210 Title and Salary Plan Determinations**

- .211 The Division of Classification and Compensation issues a monthly publication (C&C Update) that summarizes all approved amendments to the Title and Salary Plan. Current and historical publications can be found on the Department of Civil Service’s Website at the previously noted web address. Such publications 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 Salary Differentials ([See SPMM Section 0870](#)).

## **.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 the proposed salary grade. All requests must be submitted in accordance with New York State Electronic Personnel (NYSTEP) procedures detailed in the [NYSTEP/TPM User Manual](#).
- .212 If the title requested is not “Duties Only” [[See SPMM Section 0860](#)], an agency must attach to the NYSTEP transaction the following:
- A. A letter of justification explaining why the position is needed and how the classification criteria for the requested title have been met.
  - 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.
- .213 If a new title is requested, an agency must attach to the NYSTEP transaction all information listed in sub-section .212 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](#)." 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.
- .214 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.
  - .215 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.
  - .216 If other than Competitive Jurisdictional Class designation is requested, a letter to the Civil Service Commission justifying this request must 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 website](#).

## **.220 Temporary Positions**

- .221 Section 118 of the Civil Service Law authorizes the Director of the Division of Classification and Compensation to classify temporary positions.
- .222 Requests for the classification of temporary positions follow the same format as those for permanent positions.
- .223 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.

- .224 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](#) should be consulted for more information on this process.
- .225 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](#) should be consulted for more information on this process.
- .226 Temporary positions that are flagged by the Division of Classification and Compensation do not appear on the Temporary Position Reactivation Roster for extension. An agency wishing to extend such positions must submit an extension request, which is subject to Pre-Audit Review ([See SPMM Section 0860](#)).

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

- .231 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 18 months.
- .232 Appointments to temporary positions pursuant to Section 64.3 of the Civil Service Law may be authorized for up to 18 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.
- .233 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; the proposed minimum qualifications for the positions; and rationale for invoking Section 64.3 are also required.

- .234 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. Such Extensions are excluded from the NYSTEP Mass Change Process and require new NYSTEP transactions in accordance with procedures detailed in the [NYSTEP/TPM User Manual](#).
- .235 Temporary positions pursuant to Section 64.3 are not allocated to a salary grade. Salary is determined pursuant to Section 44 of the State Finance Law.

**.240 Seasonal Positions**

- .241 Approved seasonal periods for an 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.
- .242 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, seasonal positions are not typically allocated to a salary grade. Rather, the rate of pay for most seasonal positions is determined by the Division of the Budget, which publishes Bulletins on Seasonal Rates that list seasonal titles and their hourly rates of pay. Such are found on the Division of the Budget's Website at [www.budget.ny.gov](http://www.budget.ny.gov).
- .243 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.
- .244 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 classification requests, except that these requests must include a proposed hourly salary rate. All requests must be submitted in accordance with procedures detailed in the [NYSTEP/TPM User Manual](#). Requests for new seasonal positions must receive fiscal approval from the Division of Budget.

**.250 Employee Reclassification Requests**

- .251 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”](#) to the Director of the Division of Classification and Compensation. Employees can obtain this form from their human resources office or on the Department of Civil Service’s website.
- .252 Upon receipt of the [“Employee Application for Change in Title or Salary”](#), 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 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 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 Sergeant, Community Correctional Center Assistant, and Institution Safety Officer.
- B. Negotiating Unit 21 (non-arbitration) – Certain safety positions including 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, and 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.

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

This unit also includes 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 operation 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.
- 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 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.

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 Police Services (APSU): 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 Units 61 and 91 – Security Supervisors Unit (SSPU):
  - A. Negotiating Unit 61 (arbitration) – Supervisory positions that 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 include Chief Safety and Security Officer, Chief Security Officer, and Security Services Assistant 3.
- .128 Negotiating Unit 67 – Rent Regulation Services Unit (RRSU): Consists of positions in the Division of Housing and Community Renewal that assist in the administration of New York City rent control and stabilization. The unit includes rent examiners and inspectors, and positions found in other negotiating units such as and attorneys and office assistants.

## **.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 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) that authorizes agencies to classify or reclassify positions in decentralized titles.
- .112 Title Decentralization refers to those titles, typically with classification standards, which have been approved for decentralization. A limited number of titles, without classification standards, with mostly seasonal positions are on the decentralized listing. Decentralized titles are identified on the [Title and Salary Plan](#) under the Decentralization Level (Decntrl Lv) column and are broken up into two groups:
- A. "U" indicates that a title is "universally" decentralized. Positions in such titles can be established by all authorized agencies without pre-audit by the Division of Classification and Compensation.
  - B. "S" indicates that a title is a "specifically" decentralized for certain agencies, typically those that have or had positions in the title in the previous 12 months of the date of the request.
  - C. Transactions in "U" and "S" decentralized titles will be automatically approved if the standard attributes (e.g., Salary Grade, Jurisdictional Class and Negotiating Unit) of the titles are requested and the transactions meet all other conditions for the requested agency.

**.2 PROCEDURE**

**.210 Title Decentralization**

- .211 Authorized agencies can submit classification (NYSTEP Form 4N) or reclassification (NYSTEP Form 4R) requests for decentralized titles that will bypass the Division of Classification and Compensation (Decentralized Transactions). These decentralized transactions are subject to the limitations and responsibilities noted in Subsection .230 below.
- .212 Agencies may request the addition of titles to the decentralized listing if such titles have current classification standards.

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- .213 To participate in the decentralization program, agencies must have a human resources professional who is certified by the Division of Classification and Compensation to sign off on decentralized transactions. That individual must meet all training requirements established by the Division of Classification and Compensation.
- .214 Participating agencies, in effect, make classification and reclassification determinations to selected classes, but do not reallocate classes, establish new titles, approve employee applications, or authorize any Salary Differentials [[See SPMM Section 0870](#)].
- .215 No class that is unique to an agency may be used under this program by another agency unless the title has been approved in that agency by the Division of Classification and Compensation.

**.220 Limitations on “Decentralized” Transactions**

- .221 If the requested position is in an atypical organizational context, the agency must attach sufficient documentation to explain the classification. If the requested title is new to the agency, or other than the standard attributes (e.g., Negotiating Unit or Jurisdictional Class) of a title are being requested, the request will be pre-audited by the Division of Classification and Compensation under the guidelines in [SPMM Section 0850](#).
- .222 Decentralized transactions, which are automatically approved, are reviewed on a post-audit basis. The Division of Classification and Compensation reserves the right to rescind inappropriate transactions or earmark improperly classified positions.

**.230 Agency Responsibilities**

- .231 At a minimum, a duties description must be attached to all decentralized transactions. For decentralized transactions that require more than a duties description, the following documentation also must be attached in NYSTEP:
  - A. An agency justification letter detailing the reason for the classification or reclassification and an analysis of the action.
  - B. The organizational context of the position.
  - C. An attestation (see below) by an HR professional certified by the Division of Classification and Compensation.

**Attestation**

TM-72

Replaces Sections 0830; 0840; 0850(B); 0850(D); 0870; 0870(A);  
0870(B); 0870(C); 0870(E); 0870(F) - Dated August, 2008  
Replaces 0860 - Dated December 18, 2014

August 6, 2018

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I, \_\_\_\_\_, attest that I have reviewed the duties of this position and have determined that they are consistent with those described in the classification standard and/or other properly classified positions in the class.

Such certification may be included at the bottom of the duties description or a separate document ([see sample template](#)).

The Duties Only column on the [Title and Salary Plan](#) will indicate the minimum documentation required. If a “Y” is listed for a title, NYSTEP will require that a duties description be attached. If the field is “N”, NYSTEP will require a duties description and agency justification.

- .232 Agencies should bear in mind that submitting only the minimum required documents may be insufficient to fully explain a transaction. In such cases, agencies should provide sufficient documentation to demonstrate to the Division of Classification and Compensation the appropriateness of the request.
- .233 To comply with State Internal Controls, agencies must maintain a reviewable record to support each decentralized transaction. To meet this requirement, agencies are strongly encouraged to attach all relevant documents to the applicable transaction in NYSTEP to facilitate post-audit of such transaction.

**.240 Audits**

- .241 Staff of the Division of Classification and Compensation conducts periodic audits of decentralized transactions to evaluate the appropriateness of classification actions and the adequacy of the submitted documents.
- .242 All transactions in non-decentralized titles will be pre-audited. Transactions in “U” or “S” decentralized titles will also be pre-audited if they do not meet the requirements for automatic approval.
- .243 Staff of the Division of Classification and Compensation audits a percentage of automatically approved decentralized transactions each month. Audited transactions will be flagged to indicate that they have been audited. Deficiencies discovered because of a post-audit will be communicated to the responsible agency.

**.250 Review, Reassessment, and Rescission**

- .251 The administrative classification flexibility afforded an agency may be revoked by the Director of the Division of Classification and Compensation if an agency or

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certified HR professional fails to adhere to the program's requirements as outlined herein.

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**0870 Salary Differentials**

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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 131.1a)

**.120 Purpose**

.121 The general purpose of Salary Differentials is to assist State agencies in addressing 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 Salary Differentials. When appropriate, the Director retains the statutory authority to either reduce or enhance existing Salary Differentials, or terminate (i.e., rescind) existing Salary Differentials.

**.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 in a particular occupation and/or geographic area.

**.130 Approved Salary Differentials**

- .131 The Division of Classification and Compensation has developed a Salary Differential Search Engine to look up approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). The Salary Differential Search Engine is an advisory tool only and should not be used to convey any "official" salary offer to any candidate. For an "official" salary calculation with an approved Salary Differential, 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 (NYSTEP) procedures detailed in the [NYSTEP/TPM User Manual](#).
- .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.
- 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 Approved Increased Hiring Salary determinations require that all employees of such positions in the affected areas or locations below the newly approved minimum salary be brought up to the new minimum salary.
- .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.

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

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Increased Hiring Salaries. When appropriate, 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 hiring salary set forth in Section 130 of the Civil Service Law.



## **.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 employees 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](#) 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 Salary Differentials**

- .131 The Division of Classification and Compensation has developed a [Salary Differential Search Engine](#) to look up approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). The Salary Differential Search Engine is an advisory tool only and should not be used to convey any "official" salary offer to any candidate. For an "official" salary calculation with an approved Salary Differential, 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 (NYSTEP) procedures detailed in the [NYSTEP/TPM User Manual](#). 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 occupation and shift under consideration.
- B. Pay provided by non-State employers (combination of base pay and shift differential) that results in total compensation that substantially exceeds the State's base pay.
- 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 occupation on the subject shift are not materially less than those 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 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 ineligible for a Shift Pay Differential because the assignment is temporary.
- .223 Shift Pay Differentials may be approved for an occupation when it is determined that other employers pay higher salaries 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.

- .224 Shift Pay Differentials are either percentage or fixed dollar amounts. A Shift Pay Differential is not 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 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.

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

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Shift Pay Differentials. When appropriate, 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 difficulties can be tied to private or other non-State employers in such areas paying substantially higher salaries 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 employees in particular occupations and areas of the State.

**.130 Approved Salary Differentials**

- .131 The Division of Classification and Compensation has developed a [Salary Differential Search Engine](#) to look up approved Increased Hiring Salaries (Section 130.4), Shift Pay Differentials (Section 130.6), and Geographic Pay Differentials (Section 130.7). The Salary Differential Search Engine is an advisory tool only and should not be used to convey any "official" salary offer to any candidate. For an "official" salary calculation with an approved Salary Differential, 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 (NYSTEP) procedures detailed in the NYSTEP/TPM User Manual located on the Department of Civil Service's website (see previously listed website). 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.
- 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.

.222 Geographic Pay Differentials should not be confused with the Downstate Adjustment, Mid-Hudson Adjustment, or Location Pay, which are pay negotiated supplements. 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 \(GOER\)](#) website.
- 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 website.
- C. Location Pay is provided to employees whose principal place of employment or whose official station is 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 website.

.223 A Geographic Pay Differential is not part of an employee's base annual salary.

- .224 An employee does not retain 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.

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

- .231 The Division of Classification and Compensation periodically reviews the appropriateness of previously approved Geographic Pay Differentials. When appropriate, 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 130.13 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 Salary Differential**

- .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.

**.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.

**.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 the requirements 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](#) states that this salary adjustment is only available for the appointment of candidates from outside State service. Further stated is that this tool should be used "selectively" and not as a means for "upgrading" the workforce.
- .123 The salaries of State employees serving in the same title, at the same appointing authority, and in the same geographical area or location and having qualifications equivalent to or greater than those of 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.

**.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 (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

pages (either an IM, Increased Minimum, or an EQ, Equivalent Qualification). A description of each is listed in the [NYSTEP/TPM User Manual](#).

.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 minimum qualifications of a title.
- C. Evidence (such as a résumé or employment application) that a candidate possesses qualifications that 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. Reason that a candidate's appointment at a higher rate is in the interest of State service.
- F. Employees in the title under consideration, at the same appointing authority, and in the same geographical area or location who would be entitled to equivalent salary.

## **.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).
- .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 be disapproved 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 that are substantially in excess of the minimum qualifications.