

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL**

TRANSMITTAL MEMORANDUM NO. 73

August, 2018

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1840(C) - TM-73 (issued 8/2018)	1800 Appointments	1
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1840(C) - TM-71 (issued 6/2015)	1800 Appointments	1
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SUMMARY OF REVISIONS OR NEW MATERIAL

1840 (C) Transfer Between Titles Which are not Similar

has been revised with:

- minor language changes

- a change to .211(d) to be less restrictive (passing scores on transition or promotion examinations may be considered)

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL
1800 APPOINTMENTS**

1840 (C) Transfers Between Titles Which are not Similar

.1 BACKGROUND

- * Section 70.4 of the Civil Service Law provides for transfer to another title at a similar salary grade after a noncompetitive examination. It has been the long standing practice and policy of the Department to consider this type of transfer as a device to allow current employees to change career fields, and to limit these transfers to positions which are (or would be) filled by examinations open to the public.

.2 POLICY

.211 Requirements and limitations:

Section 70.4 transfers shall generally be approved if they meet the requirements of Section 1840, and

- a. the employee seeking transfer meets the minimum qualifications and requirements of either the most recent or the next, anticipated open competitive examination, and
- b. the employee seeking transfer has not failed the most recent examination, either open-competitive or promotion, for the title to which transfer is sought, and
- c. there is not a departmental or interdepartmental promotion list containing the names of three eligibles willing to accept the position (Transition lists do not block this type of transfer), and
- * d. the employee achieves (or has achieved) a passing score on an appropriate examination as determined by the Staffing Services Division.

.4 PROCEDURES

- .411 The Personnel Office for the agency in which the position will be filled inquires of their Staffing Services Representative about the appropriateness of a Section 70.4 transfer for a potential nominee.
- .412 The Staffing Services Representative determines whether a nomination is in order, i.e., the requirements of Section 1840 are met. If so, the Staffing Services Representative advises the agency that a formal nomination may be submitted.
- * .413 Upon written nomination from the agency, including a completed open competitive examination application (NYS-APP) demonstrating that the employee is qualified, the Staffing Services Representative will arrange to administer any required tests.
- .414 Upon completing the transfer nomination, including any necessary tests, the Staffing Services Representative will send form S-121, *Action on Nomination for Permanent Appointment* to the agency. This form indicates the disposition of the nomination, and the effective date of the action.
- .415 Where the Section 70.4 transfer is approved, the agency Personnel Office will notify the nominee, confirm that no reemployment list or promotion list blocks the transfer and initiate the submission of the transaction.