

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

**TRANSMITTAL MEMORANDUM NO. 75**

**August 2020**

**PAGES ATTACHED**

0850(B) (TM-75)

**CODE**

0800 Classification

**NO. OF PAGES**

5

**PAGES IN MANUAL TO BE DESTROYED**

0850(B) (TM-72)

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**0850(B) CLASSIFICATION PROCESSING REQUIREMENTS**

**.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.
- D. Apply the principle of fair and equal pay for similar work in the classification, reclassification, allocation, and reallocation of positions.

**.2 PROCEDURE**

**.210 Classification Transactions**

.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, propose a new title, or reallocate or title structure change existing titles. Positions may be permanent, temporary, or seasonal. All requests must be submitted in the New York State Electronic Personnel (NYSTEP) system, in accordance with the following procedures.

.212 Classification or reclassification requests for existing titles must include the following documentation.

- A. A justification letter explaining why the position is needed and how the classification criteria for the requested title have been met.
- B. A detailed duties description specific to the requested position that outlines the duties to be performed, including non-supervisory, supervisory and/or administrative responsibilities.
- C. An organization chart indicating the relationship of the position to existing positions within the organization, including positions above and below the requested position. The organization chart must include the position's direct and indirect supervisory responsibilities, employee names, State titles and grades, and item numbers.

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- D. If the title requested is “Duties Only” as noted on the Title and Salary Plan, an agency is only required to attach a duties description, and an attestation from a certified classification specialist (see SPMM Section 0860).
- .213 New title requests must include the following documentation.
- A. A justification letter, duties description, and organization chart (see subsection .212). Specific to new title requests, the justification letter must address the following:
1. Why the title is needed and why existing titles would not be appropriate.
  2. How the title will impact the agency’s existing title structure at similar salary grades.
  3. Rationale for the proposed allocation, which considers similar titles, and classification factors such as responsibility, education and experience, communication, job demands, supervision, managerial activities, and complexity.
- B. A draft Classification Standard describing the scope of work that would properly be assigned to position(s) in the title. The draft must include all required sections of a Classification Standard. See the *Guide to Writing Classification Standards*, and SPMM Section 0850(A), subsection .220 for additional information.
- C. Proposed minimum qualifications for appointment based on the job requirements.
- .214 Reallocation or title structure change requests must include a justification letter, duties description, and organization chart (see subsection .212).
- A. The justification letter must address the reason for the request, changes in duties, and impact on the agency’s organizational structure. Reallocation requests must include rationale for the proposed allocation (see subsection .213).
- B. Agencies are encouraged to consult with their classification analyst prior to submitting a request.
- .215 Additional documents may be required depending upon the nature of the request.
- A. If Managerial/Confidential (M/C) designation is requested, and M/C is not the normal attribute of the title noted on the “NU” column on the Title and

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Salary Plan, additional justification is required consistent with Section 201.7 of the Civil Service Law (see SPMM Section 0850(E)).

- B. If other than Competitive Jurisdictional Class designation is requested, a letter to the Civil Service Commission justifying the 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 web site.

**.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).

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**.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 filled under Section 64.3 of the Civil Service Law 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. Positions to be filled under Section 64.3 of the Civil Service Law are typically classified in the titles of Project Assistant, Project Coordinator, and Project Director. These positions are not allocated to a salary grade and are non-statutory (NS). Salary is determined pursuant to Section 44 of the State Finance Law.
- .234 Requests to extend temporary positions (Project Assistant, Project Coordinator, and Project Director positions) are subject to review by the Division of Classification and Compensation. Such extensions are excluded from the NYSTEP Mass Change Process (CC-X10) and require new NYSTEP transactions in accordance with procedures detailed in the NYSTEP/TPM User Manual.

**.240 Seasonal Positions**

- .241 Seasonal positions for an agency are established by the Division of Classification and Compensation and must be active for the same duration 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, they are not typically allocated. Rather, the rate of pay for most seasonal positions is determined by the Division of the Budget, which publishes Bulletins on

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Seasonal Rates for such titles. The seasonal rates can be 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. These 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 for additional seasonal positions must include the same information as other classification requests, except that these requests must also include a proposed hourly salary rate. All requests must be submitted in accordance with procedures detailed in the NYSTEP/TPM User Manual.

**.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 to the Division of Classification and Compensation within the appropriate timeframes so that a timely analysis can occur. If agencies do not respond within 60 days, the Division of Classification and Compensation will move forward with its review of the application.