



CLINTON COUNTY MANUAL FOR APPOINTING OFFICERS

Clinton County Department of Personnel

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INTRODUCTION

This manual provides basic information on the more common New York State Civil Service activities you may be concerned with as an Appointing Authority. If you have any questions after reviewing this manual, please contact the Clinton County Department of Personnel at 565-4676.

If your agency has an agreement with a union, you should review those guidelines as well. This manual, references Civil Service Rules for Clinton County and you may print those rules from our website: www.clintoncountygov.com.

Clinton County Government Departments must obtain approval from the Clinton County Legislature before hiring. Clinton County Government Departments should contact the Clinton County Department of Personnel with any questions regarding this process.

If your agency is missing any required forms mentioned in this manual, please contact us so that we may send you the most recent forms electronically.

1) Determining Type of Vacancy

Before you fill a position, you must determine the status (ex: permanent, temporary, part-time), and the jurisdictional classification (position title) based on the type of duties your agency needs to have accomplished. There must be a vacant position for the employee. You can either, create a position, fill an existing vacant position, or reclassify an existing position as indicted below. Check with the Department of Personnel for the jurisdictional classification of the position if you cannot locate it in the Civil Service Rules for Clinton County Appendix. Refer to Civil Service Rules III-VI for definitions of jurisdictional classes. The New York State Civil Service Commission determines the jurisdictional classification of titles. The different types of jurisdictional classifications are divided into Classified and Unclassified. The Classified jurisdictions are: Exempt Class, Competitive Class, Non-Competitive Class, and Labor Class. Competitive Class titles are not listed in the Appendix and require a civil service examination.

Clinton County Government Departments must obtain approval from the Clinton County Legislature before hiring. County departments submit requests to the Personnel Committee for review prior to the full Legislature acting on the request. The Personnel Committee meets once a month to review requests. County Departments should contact the Personnel Department for current Personnel Committee forms.

a) Creating Positions

To create a position, you must complete an MSD-222, New Position Duties Statement. Submit the original to the Personnel Department for review and classification. After the Personnel Director has classified the duties and the Appointing Authority in your agency has approved your request, the position is created and posting procedures go into effect.

b) Existing Positions

When a position becomes vacant, due to resignation, retirement, or removal, report the vacancy to the Personnel Department on a Report of Personnel Change Form. Refer to posting procedures as your next step. Refer to Civil Service Rule XIX for information regarding Leave of Absences or Rule XX for information regarding Resignations.

c) Reclassification of Existing Positions

If your agency has a current position (vacant or filled) that has evolved and the duties of that position are no longer within the description of that position, (as outlined on a job specification for that position title) the incumbent, supervisor and appointing authority must complete and sign a Reclassification Form. If the position is vacant, the Appointing Authority completes a Reclassification Form outlining the new duties required of the position. The original form is then submitted to the Personnel Department for review and classification. After the Personnel Director has classified the duties and the Appointing Authority in your agency has approved your request, the position is reclassified and posting procedures go into affect. Refer to Civil Service Rule XXIII on classification plan.

d) Posting Procedures (follow any bargaining unit agreement stipulation)

You must post any vacancy, new position, or reclassification that you wish to fill within your agency, in accordance with your current bargaining unit agreement. The Appointing Authority may consider any transfers or reinstatements at this time. Also, refer to the following Civil Service Rules VII-XVIII on Recruitment of Personnel, Applications, Examinations, Transfers and Reinstatement.

2) Hiring Procedures

Candidates must meet Clinton County residency requirements as defined in Civil Service Rules for Clinton County, Rule VII, as well as the minimum qualifications as set forth on the job specification for each specific title. You can obtain current job specifications on classified positions from the Personnel Department website www.clintoncountygov.com. It is the Appointing Authority's responsibility to ensure employees meet and stay current on Special Requirements and Licenses.

a) Non-Competitive Class Positions: Candidates must meet residency requirements and the minimum qualifications for the position, as indicated on the job specification for that position.

b) Labor Class Positions: Candidates do not usually have to meet any minimum qualifications except residency. (Check if minimum qualifications are listed on the job specification.)

c) Exempt Class Positions: Candidates do not usually have to meet any minimum qualifications except residency. (Check if minimum qualifications are listed on the job specification.)

d) Unclassified Service Positions: Candidates do not have to meet any criteria.

e) For Competitive Class Positions: Candidates must meet the minimum qualifications for the position as indicated on the job specification for that position, and residency. Provisional appointments are made when there is no valid Eligible List from which to select. When there is a mandatory Eligible List, appointing authorities must make appointments from the top three interested candidates of the Eligible List for that position. Refer to Civil Service Rule XIII for information on promotions. See Eligible List for your next step or Examinations if there is no Eligible List.

3) Eligible Lists

The names of passing candidates resulting from an examination appear on an Eligible List. Check with the Department of Personnel to see if a current Eligible List exists for the title you wish to fill. If an eligible list exists forward the Request for a Certification of Eligible List Form to our office.

A Certification of Eligible List will list names available for appointment. You will have sixty days to conduct interviews and hire from this Certification of Eligible List. You do not have to interview all of the candidates before you decide on the candidate you wish to select. Once an appointment is made, you are responsible for sending non-selection letters to all of the other candidates who appeared on the certification of eligible list in accordance with Section 61, Paragraph 3 of New York State Civil

Service Law. Indicate the appointment on the Certification of Eligible List by following the instructions on the form. Refer to appointing procedures for your next step. If no Eligible List exists refer to advertising/interviewing.

4) Advertising/Interviewing

If no eligible list exists or if the position is other than a Competitive Class position, you can advertise for the position and accept applications for this vacancy. When placing an advertisement in the paper, you should review the job specification for the position so you are aware of the minimum qualifications to be placed in your advertisement. Other important information to include in your advertisement: Title, Department, Residency, Salary, Status, Reply by date, and Affirmative Action and ADA requirements.

a) Applications Resulting from Advertising

After the closing date for receiving applications, review the applications to determine who you are interested in interviewing and who you believe meet the minimum qualifications as indicated on the job specification. The Department of Personnel must review and approve the application of the applicant you want to hire before you make an appointment. If we receive the application after you make the appointment and have to disapprove the application, you will have to terminate the employee. Refer to Appointing Procedures for your next step.

5) Appointing Procedures

Appointing Authorities must notify the Personnel Department whenever they make an appointment by using a Report of Personnel Change Form (referred to as a pink sheet). The candidate's original application must accompany the pink sheet.

When an Appointing Authority makes an appointment to a competitive class position, he/she must return the original Certification of Eligible List with the pink sheet showing the action taken. The Certification of Eligible List is valid for sixty days and the first day of work for the appointee must be within the sixty days indicated on the certification. The Personnel Department will have an approved application on file from the examination process. When there is no Eligible List, the appointment is provisional and the Appointing Authority must forward an application from the appointee and the Department of Personnel must approve the application before the person can be hired. Refer to Civil Service Rule XII for information regarding Certification and Civil Service Rule XXI for information regarding Reports of Appointing Officers.

6) Probationary Term

Civil Service Rules for Clinton County XIV (a) probationary term as follows:

“...Every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than twenty-six (26) weeks.”

Probationary terms for training positions, promotions, and positions of Airport Manager, Police Officer, Firefighter, Deputy Sheriff and Correction Officer and Assessor are different and are detailed in Rule XIV (b), (c), (d), (e).

EXAMINATIONS

When an Appointing Authority makes a competitive class appointment and no eligible list exists, the position is filled on a provisional basis. When a provisional appointment exists, the Department of Personnel must notify New York State Civil Service Department to schedule most examinations. The Department of Personnel will announce an examination usually a few months in advance of the examination date, however, we only accept applications until the announced closing date for filing. Refer to Personnel Department web site www.clintoncountygov.com for current Open-Competitive Examination Announcements.

1) Types of Examinations

There are three (3) basic types of civil service examinations: Open-Competitive, Promotional and Non-Competitive Promotion. Refer to Civil Service Rule X for information regarding examinations.

a) Open-Competitive Examination

This type of exam is open to any candidate who meets the minimum qualifications for the position. All passing candidates are placed on an Eligible List in order of their score. Appointing Authorities must appoint one of the top three interested candidates issued on the Certification of Eligibles List. The Eligible List, with all of the passing candidates, is established for four years. Continuous Recruitment Eligible List scores are established for two years. These Eligible Lists are used to fill vacancies that occurs in any of the Clinton County Municipalities.

b) Promotional Examination

This type of exam is open only to candidates who “have served at least six months on a permanent basis in a lower grade position” in that department. The City of Plattsburgh promotional requirements are set city wide. Candidates must meet the minimum qualifications set for the promotional examination, usually requiring so many months in a certain title within the department. All passing candidates are placed on an Eligible List in order of their score. Appointing Authorities must appoint from the top three interested candidates issued on the Certification of Eligibles List. The Eligible List with all of the passing candidates is established for four years. Promotional Eligible List must be used and/or exhausted prior to departments considering Open Competitive Eligible List. The promotional list is used for vacancies that occur within the department in which it is given. If a list of less than three candidates is established and the provisional does not place on the Promotional Eligible List, and there is not an Open-Competitive Eligible List for that title, the Appointing Authority has the option to give the provisional appointee a second provisional appointment or select from the existing Promotional Eligible List. When a second provisional appointment is given, the Appointing Authority must forward a new Report of Personnel Change Form appointing the person and the Department of Personnel would again request the examination from the New York State of Civil Service. Refer to Civil Service Rule XII for information on certifications.

c) Non-Competitive Promotional Examination

This type of exam is given for one candidate only. In order to qualify for a Non-Competitive Promotional Examination, there must be less than three eligible candidates in the department who qualify for promotion. The Appointing Authority may choose one candidate to participate in this examination. The candidate must meet minimum qualifications set for promotion. The candidate is usually graded on a pass/fail basis. Since there is only one candidate participating in this examination, he/she only needs to pass the exam and the appointing authority can make the appointment. If the candidate fails the examination, he/she has another chance to take the exam because an eligible list will not be established for the position. The Appointing Authority should forward a pink sheet to the Personnel Department showing a second provisional appointment and the Department of Personnel will again request an examination from the New York State Civil Service Department

2) Exam Administration

a) Decentralized Examination

A number of Decentralized Examinations are available. Some are written examinations and some are based on training and experience. Some of the training and experience examinations are accepted continuously without a closing date for filing.

These exams are scheduled and rated by the Department of Personnel, however, the New York State Department of Civil Service determines which examinations are decentralized. These examinations are held whenever a vacancy occurs and no current eligible list is available.

The Clinton County Department of Personnel sends decentralized exam results to the candidates usually within a few weeks following the examination. If a performance test is also required, the rating of the examination will be delayed until the performance tests are scheduled and rated.

b) Non-Decentralized Examination

The New York State Department of Civil Service schedules and scores these exams. There are written examinations, oral examinations and exams based on training and experience. It may be a year or longer before an examination is scheduled by Albany. The Department of Personnel usually receives test results from the New York State Department of Civil Service within two months following the date of the examination.

c) Computerized Examinations/ITT (Information Technology Test)

ITT or Information Technology Tests are performed directly on the computer by the candidate. These exams may be scheduled and rated by the Department of Personnel or by the New York State Department of Civil Service.

PAYROLL CERTIFICATION

Payroll Certification is referred to as a comparison of a municipal agency's payroll information to the information on the Civil Service Roster Record the Personnel Department maintains. The certification of payrolls (or comparison of information) enables the Department of Personnel to verify that the municipal agencies are following proper appointment and employment procedures in accordance with Civil Service Law and Civil Service Rules for Clinton County.

To accomplish the comparison, the Personnel Department requires a minimum of one payroll per year for certification. For employees paid by voucher, the voucher must be submitted for certification.

A payroll should contain the Individual's Name, Social Security Number, Retirement Number (mandatory for permanent and contingent-permanent full-time employees), Title, Rate of pay (whether hourly or yearly), Gross pay for the period covered on the payroll and Net pay. The Department of Personnel certifies every individual appearing on the payroll. If there is a discrepancy, the Personnel Department will request the required paperwork.

Jurisdictions must submit Report of Personnel Change Forms and other required paperwork on a timely basis so the Department of Personnel can certify payrolls without delay. Refer to Civil Service Rule XXI for information required by Appointing Officers and refer to Rule XXII for information regarding certification of payrolls.

The Department of Personnel may withhold certification or temporarily certify an individual appearing on the payroll. Temporary certification means that the Personnel Director requires additional information, such as a Report of Personnel Change Form, an application, license verification, etc., before certifying the individual. If the Personnel Director determines that the employment of the individual is not in accordance with Civil Service requirements, the Director may withhold or terminate certification.

Certification that is withheld or terminated makes the Appointing Authority responsible for any payment of the individual after certification is withheld. New York State Civil Service Law, Section 101 states "Any officer who shall willfully pay or authorize the payment of salary or compensation to any person in the classified service with knowledge that the state civil service department or appropriate municipal civil service agency has refused to certify the payroll, estimate or account of such person, or after due notice from such department or agency that such person has been appointed, employed, transferred, assigned to perform duties or reinstated in violation of any of the provisions of this chapter or the rules established there under, shall be guilty of a misdemeanor". Refer to Section 102 of Civil Service Law pertaining to court proceedings.

LEAVES OF ABSENCE

A leave of absence without pay, not to exceed one year, may be granted to an employee by the Appointing Authority. The Appointing Authority should provide notice of any leave of absence to the Department of Personnel on a Report of Personnel Change Form. If the leave extends beyond the one year, a further leave of absence without pay shall not be granted unless the employee returns to his/her position and serves continuously therein for three months immediately preceding the subsequent leave of absence. Absence on leave for more than one year shall be deemed the equivalent of a resignation from the service upon the date of commencement of such absence, except in exceptional cases, where the Personnel Director may, for good cause shown, waive the provisions of this rule to permit an extension of the leave of absence for an additional one year period. In no case may such leave of absence exceed over two years from the date of commencement of the leave.

For information pertaining to leaves beyond one year, see Rule XIX. You should also refer to your current contract regulations for leaves exceeding one year.

Sections 71 of Civil Service Law indicates that an employee who has been separated from service by reason of a disability resulting from occupational injury or disease as defined in the workmen's compensation law shall be entitled to a leave of absence for at least one year, unless his/her disability is of such a nature as to permanently incapacitate him/her for the performance of the duties of his/her position. See this Section of the law for additional information on reinstating employee or placing employee on a preferred list.

Section 72 of Civil Service Law outlines rights for employees who are unable to perform the duties of his/her position by reason of a disability, other than a disability resulting from occupational injury or disease as defined in the worker's compensation law. See this Section of the law for additional information on leaves for ordinary disability. See Section 73 of Civil Service Law for information on reinstating an employee who has been out on a leave for ordinary disability or placing employee on a preferred list.

DISCIPLINARY PROCEDURES

If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner prescribed in the Civil Service Rules. Refer to Rule XIV for information on Probationary terms. The supervisor is responsible, from time to time, during the probationary term, to advise the probationer of his/her status and progress. Problems should be documented in the files.

Check with the Department of Personnel before terminating an employee to be sure all proper procedures have been followed. The termination of an employee must be reported to the Department of Personnel on a Report of Personnel Change Form and additional information must also be supplied regarding the reason for termination.

The following permanent employees have rights under Section 75 of the New York State Civil Service Law:

- a. A person holding a position by permanent appointment in the competitive class of the classified civil service; or
- b. A person holding a position by permanent appointment or employment in the classified service who is an honorable discharged member of the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of Civil Service Law, or who is an exempt volunteer fireman as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department; or
- c. A person holding a position in the non-competitive class, other than a position designated in the rules of the state or municipal civil service commission as confidential or requiring the performance of functions influencing policy, who since his/her last entry into service, has completed at least five years of continuous service in the non-competitive class.

The proper procedure which must be followed in removing or disciplining an employee must be in accordance with Section 75, Paragraph 2 of Civil Service Law. The person's rights are as follows:

“A person against whom removal or other disciplinary action is proposed shall have written notice thereof and of the reasons therefor, shall be furnished a copy of the charges preferred against him/her and shall be allowed at least eight days for answering the same in writing. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose. In case a deputy or other person is so designated, he/she shall, for the purpose of such hearing, be vested with all the powers of such officer or body and shall make a record of such hearing which shall, with his/her recommendations, be referred to such officer or body for review and decision. The person or persons holding such hearing shall, upon the request of the person against whom charges are preferred, permit him/her to be represented by counsel, or by a representative of a recognized or certified employee organization, and shall allow him to summon witnesses in his behalf. The burden of proving incompetence or misconduct shall be upon the person alleging the same. Compliance with technical rules of evidence shall not be required.”

Section 75, Paragraph 3 of Civil Service Law refers to suspension pending determination of charges.

“Pending the hearing and determination of charges of incompetence or misconduct, the officer or employee against whom such charges have been preferred, may be suspended without pay for a period not exceeding thirty days. If such officer or employee is found guilty of the charges, the penalty or punishment may consist of a reprimand, a fine not to exceed one hundred dollars to be deducted from the salary or wages of such officer or employee, suspension without pay for a period not exceeding two months, demotion in grade and title, or dismissal from the service; provided, however, that the time during which an officer or employee is suspended without pay may be considered as part of the penalty. If he/she is acquitted, he/she shall be restored to his position with full pay for the period of suspension less the amount of compensation which he may have earned in any other employment or occupation and any unemployment insurance benefits he may have received during such period. If such officer or employee is found guilty, a copy of the charges, his/her written answer thereto, a transcript of the hearing and the determination shall be filed in the office of the department or agency in which he has been employed and a copy thereof shall be filed with the civil service commission having jurisdiction over such position. A copy of the transcript of the hearing shall, upon request of the officer or employee affected, be furnished to him/her without charge.”

Section 75, Paragraph 4 of Civil Service Law refers to the time limit upon removal or disciplinary proceedings after the occurrence of the alleged incompetence or misconduct.

“Notwithstanding any other provision of law, no removal or disciplinary proceeding shall be commenced more than three years after the occurrence of the alleged incompetence or misconduct complained of and described in the charges provided, however, that such limitation shall not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.”

Please note that any suspension or disciplinary action must be reported to the Department of Personnel on a Report of Personnel Change Form with details regarding the charges and outcome of the discipline.

LAYOFF PROCEDURES

Civil Service Rules for Clinton County XXV pertains to layoff of competitive class employees. If you have a potential layoff situation in your jurisdiction, contact the Department of Personnel immediately. The Personnel Department must receive verification, in writing, of specific title(s) affected by the layoff and the effective date of the layoff. The Department of Personnel may require a roster of current employees with their current addresses in order to verify records.

The Department of Personnel will canvass individuals who may be affected by the layoff to establish seniority. Before seniority can be established, however, employees are requested to review their specific employment information provided to them and to supply to us any prior employment in any New York State Civil Division.