

WARREN COUNTY

CIVIL SERVICE RULES

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Update: October 2026

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RULES FOR THE CLASSIFIED CIVIL SERVICE

OF WARREN COUNTY

PURPOSE AND EFFECT

It is hereby declared to be the purpose of these rules to provide an orderly and uniform system for the administration of civil service in Warren County on a basis of merit and fitness as provided in the Civil Service Law of the State of New York. These rules have the force and effect of law, and apply to all positions in the classified service of Warren County as well as the towns, villages, school districts, and special districts therein. These rules may be amended by the Personnel Officer after public hearing and subject to the approval of the State Civil Service Commission.

RULE I

DEFINITIONS

Unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the terms mentioned, whenever used in these rules, shall be construed as follows:

1. **"Civil Division"** means each county, town, city, village, school district, community college, public authority, or special district.

2. **"Commission"** means the Personnel Officer of the County of Warren.

3. **"Eligible List"** means an official record established and maintained by the Commission as a public record which contains the names of those persons who have successfully completed an examination, listed in order of their final ratings from the highest to the lowest rank.

4. **"Employee"** means the incumbent of the position, or multiple positions where authorized, who has been appointed in accordance with the Civil Service Law and these Rules.

5. **"Employment in Multiple Positions"** means the employment of an individual in more than one position, where authorized by the Commission, in one or more civil divisions. Appointments to each position must be made in accordance with the Civil Service Law, Rules, and applicable policies.

6. **"Employment on a Part-time Basis"** means any employment in a position, or combination of positions, in a civil division, in which an individual works fifty percent or less of the time prescribed as the standard workweek by the governing body or other appropriate authority, or where the employee earns not more than one half of the rate assigned to the position if the position has been allocated to a salary schedule. All positions designated in the Appendices of these rules as non-competitive due to their part-time nature must be filled on a competitive basis when the regularly assigned work schedule or expected earnings will exceed the limitations herein.

7. **"Position"** means an aggregation of duties to be performed and responsibilities to be exercised by one employee as described in the job classification specification or duties statement.

8. **"Reassignment"** means the change, without examination, of a permanent employee from one position to another similar position in the same title under the jurisdiction of the same appointing authority.

9. **"Transfer"** means the change, without further examination, of a permanent employee from a position under the jurisdiction of one appointing authority to a similar position under the jurisdiction of another appointing authority, or to a position in a different title under the jurisdiction of the same appointing authority.

RULE II

ORGANIZATION OF THE PERSONNEL DEPARTMENT

The Personnel Officer may appoint subordinates and employees within available appropriations, as he/she may deem necessary or proper to carry out the purposes of these rules and the law. The Personnel Officer shall fix the duties of these employees.

RULE III

EXEMPT CLASS

1. Positions in the exempt class are those for which competitive or non-competitive examinations or other qualification requirements are not practicable. (Civil Service Law, Section 41).
2. Positions in the exempt class shall be listed in Appendix A of these rules and made a part hereof.

RULE IV

NON-COMPETITIVE CLASS

1. Non-competitive Positions; Approval and Designation: Positions approved by the State Civil Service Commission pursuant to Section 42 of the Civil Service Law for placement in the non-competitive class shall be listed in Appendix B of these rules. The Personnel Officer shall designate titles in Appendix B that involve confidentiality or require the performance of functions influencing policy for the purposes of excluding such positions from the statutory provisions on the removal and disciplinary proceedings.

2. Nomination for Non-Competitive Appointment: A position in the non-competitive class may be filled by the appointment of a person who meets the minimum qualifications established for such position by the Personnel Officer. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed, prior to any appointment, by the appointing authority with the Personnel Officer. Such appointment shall become effective only after approval by the Personnel Officer.

RULE V

LABOR CLASS

1. Positions approved by the State Civil Service Commission pursuant to Section 43 of the Civil Service Law for placement in the labor class shall be listed in Appendix C of these rules.

2. A position in the labor class may be filled by the appointment of any persons selected by the appointing officer of the agency where a vacancy exists, and the Personnel Officer may require applicants for employment in the labor class to qualify in such tests of their fitness for employment as may be deemed practicable.

RULE VI

UNCLASSIFIED SERVICE

1. Positions in the unclassified service shall be listed in Appendix D of these rules and made a part hereof.

RULE VII

RECRUITMENT OF PERSONNEL

1. Residence requirements for municipal positions:
    a. An applicant must be at the time of examination and for at least four months prior thereto a resident of the municipality in which appointment is to be made or any reasonable combination of municipalities both in and outside of New York State contiguous to the municipality in which appointment is to be made or contiguous to the municipality in which such municipality is located as determined by the Personnel Officer. Residence requirements may be suspended or reduced by the Personnel Officer in cases where recruitment difficulty makes such requirements disadvantageous to the public interest.
    b. When preference in certification is given to residents of a municipality pursuant to subdivision 4-a of Section 23 of the Civil Service Law, an eligible must have been a resident of such municipality for at least four months prior to the date of certification in order to be included in a certification as a resident of such municipality and must be a resident of such municipality at the time of certification and appointment.

2. Announcements of examinations:

    The public announcement of an examination shall specify the application fee, if any, the title, salary or salary range, the duties of the positions, the minimum qualifications required, the final date for filing applications, the subjects or scope of the examination and the relative weights thereof, and the date and place of the examination. Public notice of open-competitive examinations shall be made at least twenty-five days before the date of the examination and must be conspicuously posted in a public place for fifteen days. The last day for filing applications shall be at least ten days before the date of the examination.

RULE VIII

APPLICATIONS

1. Receipt and Disposition of Applications:
   a. Applications of candidates for positions in the competitive class and for positions in the non-competitive class must be addressed to the Personnel Officer at the office of the Personnel Officer.
   b. The burden of establishing qualifications to the satisfaction of the Personnel Officer shall be upon the applicant.
   c. The Personnel Officer shall notify each applicant of the disposition of his/her application. Applicants for competitive examination shall be given notice of their approval or disapproval at least four days before the examination, by mail to the address stated in the application, or one day's notice by telegram.

2. Release of Application Information:

   A candidate's application for appointment or examination may be exhibited, upon request, to the appointing officer to whom his/her name is certified, or to the appointing officer's representative, provided, however, that information therein relating to the candidate's national origin or indicating whether his/her citizenship is by birth or naturalization shall not be divulged. Before a candidate's application for examination is exhibited to the appointing officer or an authorized representative, all reference therein to the candidate's natural origin or to the basis of his/her citizenship shall be concealed.

RULE IX

DISQUALIFICATIONS

1. Any applicant whose application is disqualified for an examination or appointment shall be notified of the reasons for such disqualification and afforded an opportunity to submit facts in opposition to such disqualification prior to final disposition of such application.

2. A record of disrespect for the requirements and processes of law, including repeated traffic offenses, or disregard of summonses for traffic offenses, may be grounds for disqualification for examination or, after examination, for certification and appointment.

3. The burden of establishing his/her qualifications to the satisfaction of the Personnel Officer shall be upon the applicant. Any applicant who refuses to permit the Personnel Officer to investigate matters necessary for the verification of his/her qualifications or who otherwise hampers, impedes or fails to cooperate with the Personnel Officer in such investigation shall be disqualified for examination or, after examination, for certification and appointment.

RULE X

EXAMINATIONS

1. The marking of each competitor's examination shall be made on the scale of 100, which maximum shall represent the best performance possible, expected or attained, and 70 shall represent a performance meeting the minimum needs of the position to be filled. The Personnel Officer may, after the announcement of an examination is made, sub-divide the written examination into parts and require a passing mark of 70 in each of the parts in order that candidates be considered further for eligibility. Notice of such arrangement shall be given in the instructions on the written examination. Where the written test is prepared and rated by the State Civil Service Commission in accordance with Section 23, subdivision 2 of the Civil Service Law, the provisions of the rules and regulations of the State Civil Service Commission and Department dealing with the rating of examinations shall apply.

2. The Personnel Officer shall adopt a system to conceal the identity of the candidates' papers in a written examination until such written examination has been rated.

3. For examinations prepared and rated by the Personnel Officer, applications and examination records and papers of candidates shall be preserved until at least six months after the expiration of the eligible list resulting from such examination, but in no event may records be destroyed except in accordance with the policies of the State Commissioner of Education and the State Civil Service Commission. Whenever an oral test shall be prescribed as part of an examination, a stenographic or recording device record of all the questions and answers shall be made a part of the examination records.

4. Every candidate in an examination shall be notified of his/her final rating and, if successful, of his/her relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or his/her duly authorized representative, may inspect his/her examination papers in the office of the Personnel Officer and in the presence of a designated representative of the Personnel Officer, provided he/she makes request for such inspection, in writing, within the period of ten days after the date of the post-mark of such notice. The application and examination papers of a candidate shall be exhibited only to the candidate or his/her duly authorized representative, designated as such in writing. The application of an eligible who is being considered for appointment may be shown to the appointing officer.

5.

   a. A candidate who wishes to appeal to the Personnel Officer from his/her rating in one, or more, or all of the subjects of an examination must submit such appeal in writing within twenty days after the earliest date on which his/her examination papers were made available for his/her inspection. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidate's papers for review, whether resulting in a higher or lower average standing. No change in ratings shall be made as a result of an appeal unless it shall affect the candidate's relative position on the eligible list.

b. For examinations prepared and rated under Section 23 (2) of the Civil Service Law, the State Civil Service Commission shall have sole and exclusive authority to correct any errors in rating upon appeal or otherwise. The review of papers by candidates and the filing of appeals in such examinations shall be governed by the rules and regulations of the State Civil Service Commission and Department.
c. The Personnel Officer may at any time during the life of an eligible list, resulting from an examination prepared and rated by the Personnel Officer, correct any clerical or computational errors in the ratings of candidates who competed in the examination.
d. Any change in an eligible list pursuant to this rule shall be made without prejudice to the status of any person previously appointed as a result of such examination.

6. Rating keys shall be prepared for each examination held. Such keys shall be a permanent part of the record of each examination.

7. Examination Material Security: In order to prevent the unauthorized publication and dissemination of examination material, the following acts are prohibited except as authorized by the Commission.
   a. No person shall copy, record or transcribe any examination question or answer; or remove from the examination room or possess outside the examination room, any question sheet, answer sheet or booklet, scrap papers, notes or any other papers or materials relating to such examination.
   b. A candidate in an examination shall not at any time communicate with an examiner concerning the conduct or content of such examination; and shall not directly or indirectly communicate to any other person information concerning the content of such examination until completion of the testing of all candidates.
   c. No examiner, proctor or other person charged with the supervision of a candidate or group of candidates during an examination shall have authority to waive the provisions of this subdivision. A person who is found by the Commission to have violated the provisions of this subdivision or any similar provision of the rules of any other civil service jurisdiction within the State of New York shall be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

RULE XI

ELIGIBLE LISTS

1. Every candidate who attains a passing mark in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination shall be eligible for appointment to the position for which he/she was examined and his/her name shall be entered on the eligible list in the order of his/her final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed therefore by the Personnel Officer.

2. The date of the establishment of a list shall be the date fixed therefore by the Personnel Officer, and shall be entered on such list. The duration of all eligible lists shall be fixed by the Personnel Officer resolution prior to the establishment of such lists, but shall not be less than one nor more than four years. The date of establishment of a list and its duration shall be given to all successful candidates at the time when notice of standing on the eligible list is given to such candidates. Where the duration of an eligible list is fixed at less than four years, the Personnel Officer may, prior to the expiration date of such list, extend the duration of the list up to the maximum limitation of four years, provided that eligibles on such list are notified in writing of the extension of the eligible list.

3. Eligible list shall be open to public inspection at the office of the Personnel Officer. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.

4. The Personnel Officer shall have power in his/her discretion to correct any error and amend any eligible list where it appears that an error has been made. The Personnel Officer shall have power to revoke any eligible list where the provisions of these rules were not properly or sufficiently carried out; provided, however, that an eligible list shall not be revoked except after notice and an opportunity to be heard has been given to all persons whose names appear thereon. The reasons for such action shall be recorded by the Personnel Officer and reported to the State Civil Service Commission

RULE XII

CERTIFICATION

1. Appropriate Eligible List Determination/Certification

   The Personnel Officer shall determine the eligible list most nearly appropriate for the position to be filled, and shall certify to the appointing authority a sufficient number of eligibles from which selection for appointment may be made. When the names of any eligible is included in a certification for appointment, the names of all other eligibles on the list having the same final rating as such eligible shall likewise be included in such certification.

2. Duration of Certification

   A certification issued by the Personnel Officer to an appointing officer shall be valid for a period of 30 days from the date of its issuance. After the expiration of such 30 day period, no appointment shall be made except from a new certification. The Personnel Officer, for good cause shown, may extend a certification up to a maximum of sixty days upon request of an appointing authority.

3. Failure to Respond to a Canvass Inquiry

   When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his/her willingness to accept such appointment within four business days after the mailing of such canvass or offer, he/she may be considered ineligible when making selection for such particular appointment. When an eligible fails to respond to two successive canvass letters, his/her name shall be restricted from further certification from the eligible list. Thereafter, the eligible may request that his/her name be restored to active status on such list, provided the list is still in existence. The eligible's name may be restored to active status on such list if the Personnel Officer in his/her discretion determines that the reasons for the previous non-response are satisfactory.

4. Certification Declination

   The name of the person declining appointment shall be eliminated from further certification from the eligible list unless declination is for one or more of the following reasons: (a) Insufficiency of compensation offered when below minimum of grade of the position for which the examination was held; (b) Location of employment; (c) Temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing; (d) other reason deemed acceptable by the Personnel Officer. The Personnel Officer shall enter upon the eligible list the reasons for its action in such areas.

5. Rule of Three

   Except as otherwise provided herein, appointment or promotion to a position in the competitive class shall be made by the selection of a person on the most nearly appropriate eligible list who is willing to accept such appointment and whose final rating in the

examination is equal to or higher than the rating of the third highest ranking eligible on the list indicating willingness to accept such appointment. The term "ranking" as used herein refers to the order in which the names of the eligibles appear on the eligible list as provided in rule eleven.

6. (a) Nomination to Fill Vacancy After Open-Competitive Examination

Whenever a vacancy exists in a position in the competitive class and an open competitive examination, duly advertised, results in three or fewer approved applicants for the examination, the appointing officer may nominate to the Personnel Officer one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that he/she has qualified already in an examination of equivalent character within the last four years from the date of nomination.

(b) Appointment by Non-Competitive Examination

Whenever no more than two names appear on the open competitive eligible list for appointment to a position or upon the receipt of the results of an open competitive examination wherein no candidates passed the appropriate examination, the appointing officer may nominate a qualified individual for appointment, and such nominee, upon passing an examination appropriate to the duties and responsibilities of the position may be appointed, or the Personnel Officer may designate the eligible list, if there be one, as a continuing eligible list in accordance with section 57 of the Civil Service Law, and insert therein the names of additional eligibles as they are found qualified by examinations held at such intervals as may be prescribed.

(c) Nomination and Administration of Qualified Incumbent Examinations for NY HELPS Appointees

The Personnel Officer may administer a qualified incumbent examination (QIE) for any position in any title which has been included in the NY HELPS program.

(1) Eligibility

An appointing officer shall nominate eligible employees to participate in a QIE. Such QIE may be offered only to incumbents who are currently serving in a designated NY HELPS title and have served a minimum of six months in such position.

(2) Frequency of Examination

Such QIEs may be held at such intervals as prescribed by the Personnel Officer. Names of successful candidates shall be interfiled on a continuing eligible list for each title as prescribed by section 57 of the Civil Service Law.

RULE XII (cont.)

(3) Content and Scoring of the QIE

Such examination shall consist of a review of the qualifying service of the nominee. All passing candidates shall be assigned an identical earned numerical rating and shall be deemed equally reachable for permanent competitive appointment from the eligible list resulting from the QIE. No seniority credits shall be awarded to the final earned rating of any candidate.

(4) Appointments from the QIE

All incumbents whose names are included on an eligible list created from a QIE must be appointed from such QIE within two months following the addition of their names on the eligible list. All individuals appointed from an eligible list created from a QIE shall obtain a permanent appointment in the competitive jurisdictional class. Such appointment shall not alter or re-set any required period of probation imposed upon the appointee upon original appointment through the NY HELPS program.

(5) Expiration of Use of QIEs

No QIE may be administered to any incumbent upon the termination of the NY HELPS program by the New York State Civil Service Commission and no individual may be appointed from a QIE eligible list following termination of the NY HELPS program by the New York State Civil Service Commission.

(6) QIEs Not Exclusive

A holding of a QIE or the placement of the name of an incumbent on an eligible list created from a QIE shall not prevent the appointing authority from granting such incumbent a permanent competitive appointment through any other method authorized by the Civil Service Law and these Rules.

(7) Priority in Certification

(i) An eligible list created from a QIE shall have priority in certification over any open-competitive eligible list for the same title.

(ii) An eligible list created from a QIE shall not have priority in certification over any mandatory promotion eligible list for the same title.

(iii) An eligible list created from a QIE shall not have priority in certification over a duly established preferred list, nor shall the existence of such QIE prevent a transfer, reinstatement or any other lawful permanent appointment to a position filled from such eligible list.

(8) Expiration of Rule

RULE XII (cont.)

This rule shall expire upon the termination of the NY HELPS Program by the New York State Civil Service Commission.

7. Declination for Salary

Wherever one or more eligibles shall have declined any appointment offered and an eligible, whose relative standing is lower and who was reachable on the certification only because of the aforesaid declination, shall have been appointed to the position, the salary or compensation of such appointee shall not be increased, except by a service or a class wide increase, within a period of six months after his appointment beyond that offered to the persons so declining.

8. Restriction on Certification for Reclassified Position

An open-competitive, promotion or preferred eligible list shall not be certified for filling a permanent competitive class vacancy created by reclassification of a permanently encumbered competitive class position if appointment or promotion from such list would require the layoff of a permanent competitive class employee; but this provision shall not apply if the incumbent whose position was reclassified, following such reclassification, either refused to take an examination for such reclassified position or failed to qualify for appointment, examination or promotion to the reclassified position.

9. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, as defined in these Rules, is nominated for non-competitive promotion examination in accordance with Section 52 (7) of the Civil Service Law, the Personnel Officer may determine that the appropriate examination for such non-competitive promotion shall consist of a review of the candidate's training and experience at the time of nomination. If the Personnel Officer determines the candidate's training and experience meets or exceeds the open-competitive qualifications for the position, the candidate shall be certified as eligible for permanent promotion appointment to the position subject to a probationary period.

10. Whenever a vacancy exists in a position in the competitive class and an open-competitive examination duly advertised results in three or fewer approved applicants, and the announced minimum qualifications for the position included a requirement of possession of a license or certificate in a profession issued by State of New York, the Personnel Officer may waive the examination and certify for appointment to the appointing authority the names of such qualified applicants, provided, however, that such applicants have been licensed or certified in the profession by the State of New York.

RULE XIII

PROMOTION

1. Eligibility for promotion: In order to be eligible to participate in a promotion examination or to be promoted a candidate must have been employed in a competitive class or non-competitive class position on a permanent basis in a lower grade, either in direct line of promotion or in a related or collateral line of promotion as determined by the Personnel Officer. The Personnel Officer shall determine the minimum period of such service for eligibility to enter a promotion examination, and may also prescribe a minimum period of such service as a qualification for promotion from the resulting eligible list.

2. Successive Nominations for Non-Competitive Promotion: Any person who is nominated for non-competitive examination for promotion to a position and who fails to appear for such examination or who fails to pass two successive examinations for such promotion shall not thereafter be eligible for employment in such position, except by appointment or promotion from an eligible list established following competitive examination.

3. Preference in Appointment: When an interdepartmental promotion eligible list exists, such list shall be certified before any appropriate open competitive eligible list. Preference in appointment from the interdepartmental promotion eligible list must be given to departmental employees. If such departmental employees constitute fewer than three eligibles willing to accept appointment, appointment may be made from the entire interdepartmental promotion list. If the interdepartmental promotion eligible list contains the names of fewer than three eligibles willing to accept appointment, appointment may be made from the most appropriate open competitive eligible list.

4. Promotion from the Non-Competitive Class: Promotion examinations for non-competitive class employees shall, in addition to the requirements of Civil Service Law, Section 52 (12), require that applicants shall have been employed in a full-time position.

RULE XIV

PROBATIONARY TERM

1. Probationary Term:
    a. Except as herein otherwise provided, every permanent appointment from an open competitive list and every original 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 weeks.
    b. The probationary term for trainee position, in which an appointee is required to serve a specified training term, shall be not less than twelve nor more than fifty-two weeks.
    c. The probationary term for Police Officers and Patrol Officers shall be not less than twelve nor more than 78 weeks.
    d. The probationary term for Corrections Officers, Caseworkers, Social Welfare Examiners and Firefighters shall be not less than twelve nor more than fifty-two weeks.
    e. Every permanent appointment from a promotion eligible list shall be for a probationary term of not less than eight nor more than twenty-six weeks. Upon written notice of the appointing authority the probationary period upon promotion may be waived and the appointee given a permanent appointment.
    f. An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of probation or upon earlier written notice following completion of the minimum period of probation that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Personnel Officer.
    g. 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 probation, and on or before completion of the maximum period of probation in the manner as prescribed in these rules.

2. Transfers to positions in the same Civil Division:
    a. Every transfer from a position to another in the same civil division shall require a probationary term of not less than a minimum of eight weeks nor more than twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation.
    b. Transfers to positions under different appointing authorities in different Civil Divisions:
    Every transfer from a position in one civil division to a position in another civil division shall require a probationary term of not less than a minimum of eight weeks up to a maximum of twenty-six weeks. If the conduct or performance of

the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation. The Personnel Officer shall advise the prospective transferee in writing prior to approval of the transfer that an eight to twenty-six week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised it is his/her responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed.

c. Waiver: The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term in (2a) or (2b) by written notification to the transferee and the Personnel Officer.

3. Restoration to a permanent position: When a permanent employee is promoted or transferred to a position in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary basis during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election. If the conduct or performance of the probationer is not satisfactory, he/she shall be restored to his/her former permanent position at the end of his/her probationary term.

4. Absence during probationary term: Any periods of authorized or unauthorized absence aggregating up to ten work days during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term. Any such periods of absence in excess of an aggregate of ten work days shall not be counted as time served in the probationary term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his/her absence which, pursuant to this section, are not considered as time served in the probationary term.

5. Report on probationer's service: The appointing authority and supervisor of a probationer will carefully evaluate the probationer's work performance of the duties and responsibilities of the position. A probationer whose services are to be terminated for unsatisfactory service shall be given written notice prior to such termination and, upon request, shall be granted an interview with the appointing authority or his/her representatives.

6. Restoration to eligible list: A probationer whose employment is terminated or who resigns before the end of his/her probationary term may request that his/her name be restored to the eligible list from which he/she was appointed, provided such list is still in

existence. His/her name may be restored to such list if the Personnel Officer in his/her discretion determines that the probationer should be given a second opportunity for appointment.

7. Temporary or provisional service in higher level position: When an employee who has not completed his/her probationary term is appointed on a temporary or provisional basis to a higher level position, the period of temporary or provisional service rendered by such employee in such higher level position may in the discretion of the appointing authority, be considered as satisfactory probationary service in his/her lower position and may be counted as such in determining the satisfactory completion of such probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one of fixed duration, the appointing authority shall, on request of such probationer, furnish his/her decision in writing as to whether or not service in such higher-level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the appointing authority, such probationer, at his/her request, shall be returned to his/her lower position for sufficient time to permit him/her to complete his/her probationary term. The employment of such a probationer in his/her lower position shall not be terminated at the end of his/her probationary term on account of unsatisfactory service unless he/she shall have actually served in such position, in the aggregate, at least the minimum period specified for such probationary term or the entire probationary term if it be one of fixed duration.

8. Removal during probationary term: Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to section seventy-five of the Civil Service Law, or applicable negotiated disciplinary procedures, at any time during the probationary term, to remove a probationer for incompetence or misconduct.

9. Notwithstanding any other provisions of these rules, the appointment or promotion of a police officer shall not become permanent unless and until he/she has satisfied such requirements as may be applicable to him/her under section 209-q of the General Municipal Law. If a police officer is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under section 209-q of the General Municipal Law, he/she shall be deemed to be on leave of absence from the lower ranked position from which he/she was promoted pending completion of such training. During such period such lower rank position may not be filled except on a temporary basis. In the event of his/her failure to complete such

training successfully within the time allowed therefore, he/she shall be restored to such lower rank position.

10. An employee who is reinstated to a position after a separation of more than one year, either in his/her former jurisdiction or in another jurisdiction, shall serve a new probationary period in the same manner and subject to the same requirements as apply upon the original appointment to such position.

RULE XV

TRAINEE APPOINTMENTS

1. Trainee Appointments:

   The Personnel Officer may require that permanent appointments or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a trainee in such a position or in an appropriate, lower training title or the completion of specified training or academic courses, or both. The period of such term of training service shall be prescribed by the Personnel Officer. Upon the satisfactory completion of such training term and of specified courses if required, an appointee shall be entitled to full permanent status in the positions for which appointment was made. Any appointment hereunder shall be subject to such probationary period as is prescribed in these rules. Also, the employment of such person may be discontinued if his/her conduct, capacity for fitness is not satisfactory, or at any time if he/she fails to pursue or continue satisfactorily such training or academic courses as may be required.

RULE XVI
EFFECT OF TEMPORARY OR PROVISIONAL APPOINTMENT ON STATUS OF APPOINTEE

1. Effect of temporary appointment on eligibility for permanent appointment: The acceptance by an eligible of a temporary appointment shall not affect his/her standing on the eligible list for a permanent appointment, nor shall the period of temporary service be counted as part of the probationary service in the event of subsequent permanent appointment.

2. Provisional appointment of permanent employee: When a permanent competitive class employee is given a provisional appointment to another competitive class position in the same department or agency, the position thus vacated by him/her shall not be filled on other than a temporary basis pending his/her reinstatement thereto upon failure of his/her provisional appointment to mature into permanent appointment.

3. Successive provisional appointment: No provisional employee who has failed two examinations for permanent appointment or who has refused to take such examination, shall be given another provisional appointment in the same position; provided, however, that where an examination fails to produce any qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the Personnel Officer may be given a third and final provisional appointment in the same position.

4. Contingent permanent appointments:

a. A position left temporarily vacant by the leave of absence of the permanent incumbent may be filled, at the discretion of the appointing authority, by a contingent permanent appointment through the use of an open-competitive or promotion eligible list. Any person appointed on a contingent permanent basis shall have all the rights and benefits of a permanent competitive class employee subject to the following limitations:

    1. Probationary Period: All appointments under this rule shall be required to complete the probationary period for original appointment or promotion as prescribed in these rules.

    2. Return of Incumbents: In the event of layoff or the permanent incumbent returns from leave of absence, persons holding positions on a contingent permanent basis shall be displaced before any persons holding permanent status in the same title regardless of total seniority. In the event more than one position in the same title is

held by persons having contingent permanent appointments, displacement among those persons shall be based on the inverse order of their contingent permanent appointments.

3. Preferred List: Upon displacement, if the contingent permanent appointee was made from a promotion eligible list, he/she shall be restored to his/her permanent position and have their name placed on a preferred eligible list for certification as a mandatory list only to the department or agency in which the contingent permanent appointment was made. If the contingent permanent appointee was appointed from an open-competitive eligible list and does not have a permanent position to return to, he/she shall have their name placed on a preferred eligible list for certification as a mandatory list in the civil division in which the contingent permanent appointment was made.

4. Seniority: When a contingent permanent appointment matures into a permanent appointment, the date of permanent service shall be the date of the original contingent permanent appointment

5. Promotion: When a permanent competitive class employee accepts a contingent permanent appointment, the position vacated by such employee shall not be filled except on a temporary or contingent permanent basis until the contingent permanent appointment matures into a permanent appointment.

b. All prospective appointments under this rule shall be canvassed as "permanent-contingent permanent". A copy of this rule must be included with the canvass letter.
c. Appointments to contingent permanent positions shall be made by selection of one of the top three candidates on an appropriate eligible list willing to accept a contingent permanent appointment; there will be no re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the person's name from the eligible list for any future contingent permanent or permanent vacancies within the department or agency in which the contingent permanent appointment was made.
d. If a permanent vacancy becomes available in the same title in the department or agency in which a contingent permanent appointment has been made, contingent permanent appointees may be offered reassignment, prior to canvassing for a permanent appointment from an appropriate eligible list or prior to appointing a temporary or provisional to the positions.

RULE XVI (cont.)

e. When a position filled by a contingent permanent appointee becomes unencumbered, the contingent permanent appointee in that position shall immediately gain permanent competitive class status in the class if the required probationary period as prescribed in this rule has been satisfactorily completed.

RULE XVII
TRANSFERS

Transfer of Eligibility for Permanent Appointment

Upon the written request of an individual and the prospective appointing authority, and subject to the approval of the Personnel Officer, an individual serving in a competitive class position as a permanent appointee may be permanently appointed to another competitive class position subject to these rules without further competitive examination, provided:

a. There is no preferred list appropriate for filling the position to which appointment is sought containing the name of an eligible willing to accept appointment; and
b. There is no departmental promotion list for the position to which appointment is sought containing the names of three or more eligibles willing to accept appointment; and
c. 1. The Personnel Officer determines that the examination's scopes and qualifications for the positions held and to which appointment is sought are identical; or
   2. When the examinations' scopes and qualifications are not identical, the New York State Department of Civil Service has determined that the examination for the purpose held involves or would involve essential tests and qualifications the same as or greater than those of the position to which appointment is sought; and
d. The Personnel Officer has determined that such appointment is for the good of the service.

RULE XVIII
REINSTATEMENT

1. A permanent competitive class employee who has resigned may be reinstated without further examination to the position from which he/she resigned, if then vacant, or in any vacant position to which the employee was eligible for transfer or reassignment. An employee who is laid off shall be eligible for reinstatement in the same manner as an employee who had resigned. All reinstatements are subject to the following terms and conditions:
    - The prospective appointing authority must request approval from the Commission/ Personnel Officer to reinstate an individual.
    - A reinstatement may not be approved to a position for which a preferred list exists containing the name of an eligible willing to accept appointment.
    - With the exception of an employee who is being reinstated to his/her former position within one year from resignation, a reinstatement may not be approved to a position for which a promotion eligible list exists containing the names of three or more eligibles willing to accept appointment.
    - The Commission/Personnel Officer shall determine if the reinstatement is for the good of the service.

    Reinstatement following a break in service of more than one year must also satisfy the following additional conditions:
    - The appointing authority must provide documentation or explanation that demonstrates to the satisfaction of the Commission/Personnel Officer that the individual requested to be reinstated possesses current knowledge and skill in the occupational field to which reinstatement is sought.
    - If the position to which reinstatement is sought requires successful completion of medical and/or physical agility tests for original appointment, the individual being reinstated must satisfy these criteria immediately prior to reinstatement.

2. Refusal or failure to accept reinstatement from preferred list.
    a. Preferred lists shall be established for four years.
    b. Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept reinstatement therefrom to his/her former position, or any similar position in the same salary grade for which such list is certified, shall be deemed to be a relinquishment of his/her eligibility for reinstatement, and his/her name shall thereupon be stricken from such preferred list. The name of such person may be restored to such preferred list, and certified to fill such appropriate vacancies as may thereafter occur, only upon the request of such

person and his/her submission of reasons satisfactory to the Personnel Officer for his/her previous failure or refusal to accept reinstatement.

c. Effect of refusal to accept reinstatement to lower grade position. A person on a preferred list shall not be deemed to relinquish his/her eligibility for reinstatement therefrom by reason of his/her failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which he/she was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in the same or a lower salary grade than the position to which he/she failed or refused to accept reinstatement.

d. Restoration to eligibility for reinstatement not to affect previous appointment. The restoration of the name of a person to a preferred list, or his/her restoration to eligibility for certification therefrom to positions in a lower salary grade than his/her former position, shall not invalidate or in any manner adversely affect any appointment, promotion, reinstatement or demotion previously made to any position to which such person would otherwise have been eligible for reinstatement from such preferred list.

RULE XIX

LEAVE OF ABSENCE

1. A leave of absence without pay may be granted by the appointing authority in conformance with the regulations established by the appropriate legislative body, provided however, that a permanent competitive class employee may not encumber a permanent competitive class position by a leave without pay while holding a permanent appointment to another position in the civil service of the same municipality.

2. A leave of absence without pay, not to exceed four years, shall be granted by an appointing officer to an employee who is a veteran of the Armed Forces of the United States, providing such a leave of absence is for the purpose of taking courses under the educational benefits provided for in Title 38, United States Code or under a New York State Board of Regents War Service Scholarship, Education Law, Section 614. An employee taking such leave shall be reinstated to his/her position, provided he/she makes application for such reinstatement within sixty days after the termination of his/her courses of study.

RULE XX

RESIGNATION

1. Resignation in writing: Except as otherwise provided herein every resignation shall be in writing.

2. Effective date: If no effective date is specified in a resignation, it shall take effect upon delivery to or filing in the office of the appointing authority. If an effective date is specified in a resignation, it shall take effect on such specified date. However, if a resignation is submitted while the employee is on leave of absence without pay, such resignation, for the purpose of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such absence. Notwithstanding the provisions of this section, when charges of incompetence or misconduct have been or are about to be filed against an employee, the appointing authority may elect to disregard a resignation filed by such employee and to prosecute such charges; and, in the event that such employee is found guilty of such charges and dismissed from the service, his/her termination shall be recorded as a dismissal rather than as a resignation.

3. Withdrawal or amendment: A resignation may not be withdrawn, cancelled or amended after it is delivered to the appointing authority, without the consent of the appointing authority.

4. Voluntary Demotion of Permanent Competitive Employee: An employee, who voluntarily elects to relinquish his /her permanent competitive class status to a position and accept a demotion, must deliver the statement of relinquishment to the appointing authority. Upon receipt of the statement of relinquishment by the appointing authority, the employee may be reinstated to any vacant lower salary level position from which he/she is eligible for such reinstatement as provided in these rules. Such statement of relinquishment shall not take effect until the employee is reinstated to the lower level position.

RULE XXI

REPORTS OF APPOINTING OFFICER

For the purpose of certification of payrolls and to enable the Personnel Officer to keep an official roster of the classified service as required by law, each appointing officer, from time to time, and upon the date of the official action in each case, shall report to the Personnel Officer as follows:

a. Every appointment or employment whether probationary, temporary or otherwise in the classified service, with the date of commencement of service and the title and compensation of the position.

b. Every failure to accept an appointment under him/her by a person eligible therefore, with copies of the offer or notice of appointment and the reply thereto, if any.

c. Every discharge during or at the end of probationary term with the date thereof.

d. Every vacancy in a position, for whatever reason with the date thereof.

e. Every position abolished, with the date of such abolition.

f. Every change of compensation in a position, with the date thereof.

g. Every promotion, giving positions from which and to which made, with the date and salaries thereof.

h. Every transfer, giving the positions from which and to which made, with the date and salaries thereof.

i. Every reinstatement in a position, with the date and salary thereof.

j. Every leave of absence, with the date and duration thereof.

k. Every new position, giving a complete description of the duties thereof

RULE XXII

PAYROLL CERTIFICATION

1. Certification required prior to payment:
   a. No person shall receive salary or compensation until the Personnel Officer has certified his or her employment to be in compliance with the provisions of the Civil Service Law or these Rules.
   b. The Personnel Officer shall not certify the names of any person employed in a manner that does not comply with the provisions of the Civil Service Law or these Rules.

2. Extended Certification:
   a. The Personnel Officer may certify the employment of a person for a limited or extended period. No further certification shall be necessary for the payment of salary or compensation to such person as long as his or her status, title, and salary grade remain unchanged during the period or the certification granted.
   b. The Personnel Officer shall require certification of the first full payroll of the fiscal year for every civil division under its jurisdiction except school districts. The Personnel Officer shall certify the first full payroll of every school district under its jurisdiction in October every calendar year.
   c. The Personnel Officer may, at any time, require any civil division under its jurisdiction to submit payrolls or accounts for certification in accordance with Section 100 (1) of the Civil Service Law.
   d. Annual certifications provided by the Personnel Officer shall be valid for a period of no more than 12 months following the scheduled date of certification established in these Rules. Certifications provided at any other time during the year shall be valid for a period not to exceed the next scheduled certification established in these Rules.

3. Refusal or termination of certification:
   a. The Personnel Officer shall investigate any discrepancies between the payroll and the official roster and any other instances where the Personnel Officer finds the employment of a person may be in violation of the law or these Rules.
   b. In any case where the Personnel Officer finds satisfactory evidence that the employment of a person is in violation of law or these Rules, or the Personnel Officer finds satisfactory evidence of intent to evade the provisions of law or these Rules in regard to the employment of any person, the Personnel Officer shall refuse certification or terminate a certification previously made and then in force.
   c. Any refusal, termination, or revocation of a certification of any person shall be communicated in writing to the appropriate fiscal or disbursing officer.

RULE XXIII

CLASSIFICATION PLAN

1. Definitions- For the purpose of this rule the following definitions shall apply:

   "Class" means one or more positions sufficiently similar with respect to duties and responsibilities to be designated by a single descriptive title and treated as a unit for the purpose of recruiting, establishing salary ranges, and administering other personnel functions.

   "Class title" means the designation given under these rules to a class and to each position allocated to such class.

   "Class specification" means a formal written statement of the class which defines the general character and scope of the duties and responsibilities of position in the class, lists typical or illustrative examples of work of positions in the class, enumerates the knowledges, skills and abilities required for successful performance of the work and states required minimum experience and training for position in the class.

   "Allocation" means the assignment of a position to an appropriate class as determined by the duties, responsibilities, and minimum qualification requirements of the position.

   "Reclassification" means the re-allocation of a position from one class to another because of a permanent and material change of the duties of that position.

2. The Personnel Officer shall prepare and maintain a list of class titles in the classified service and shall allocate all such positions to an appropriate class and shall maintain class specifications for all positions in the Competitive, Non-competitive and Labor classes.

3. Classification of Vacant Positions: The appointing officer shall file a prescribed form with the Personnel Officer when a classified position which has or is about to become vacant is to be filled. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Personnel Officer shall allocate the position to an appropriate class, or, if no appropriate class exists, shall create a new class and prepare a class specification for such position.

4. Classification of New Positions: The appointing officer shall file a prescribed form with the Personnel Officer when a new position is to be created. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a

statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Personnel Officer shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and specification for the class.

5. Reclassification: The appointing officer shall file a prescribed form with the Personnel Officer whenever a permanent and material change is made in the duties and responsibilities of any position. Such form shall clearly describe in detail the changes which have been made in the duties of the position. After an analysis of the changes in the duties and responsibilities of the position, the Personnel Officer shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position.

6. Notice and Appeals: Any appointing officer may make application for the classification or reclassification of any position in his/her department, or any employee in the classified service may apply for a reclassification of his/her position. Such application must set forth reasons in support of the requested reclassification, and must show changes in the duties and responsibilities of the position since the last determination with respect to its classification. The Personnel Officer shall give reasonable notice of any proposal or application for a change in classification to the appointing officer and to the employee or employees affected thereby. Any person desiring to submit facts orally or in writing in connection with the reclassification of any position shall be afforded reasonable opportunity to do so. The Personnel Officer shall then determine the proper allocation of the position. No employee, either by classification or reclassification, change of title or otherwise, shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of the Civil Service Law and these rules.

RULE XXIV

PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION

CONCERNING POLITICAL AFFILIATION

No question in any examination or application or other proceeding by the Personnel Officer or his/her examiners shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Personnel Officer and his/her examiner. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his/her political opinions or affiliation.

RULE XXV

LAYOFF OF COMPETITIVE, NON-COMPETITIVE, AND LABOR CLASS EMPLOYEES

1. For the purpose of this Rule, the following terms shall mean:
   a. Direct line of promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root.
   b. Next lower occupied title shall mean the title in direct line of promotion immediately below the title from which the incumbent is suspended or demoted, unless no one is serving in that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.
   c. Layoff unit shall mean each department of a County, Town, Village, each School District and each special district. Authorities and community colleges shall be deemed to be separate civil divisions.
   d. Satisfactory service shall mean service by an employee during which he/she did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or incompetence pursuant to Section 75 of the Civil Service Law which resulted in the imposition of any of the following penalties upon such employee:
      i. Dismissal from the services, or
      ii. Suspension without pay for a period exceeding one month, or
      iii. Demotion in grade and title.
   e. Permanent service
      1) Original Appointment
      Permanent service shall start on that date of the incumbent's original appointment on a permanent or contingent permanent basis in the classified service, however, in the case of disabled veterans, the date of original permanent appointment is considered to be 60 months earlier than the actual date; while non-disabled veterans are considered to have been appointed 30 months earlier than their actual date of appointment. For the purposes of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.
      2) Resignation Followed by a Reinstatement or Reappointment
      A resignation followed by a reinstatement or reappointment more than one year subsequent to the resignation constitutes a break in service. The original appointment date is to be determined from the date of re-employment; the prior service would not count.
      3) Temporary or Provisional Service
      Temporary or provisional service preceding the original permanent appointment does not count, however, temporary or provisional or contingent permanent employment immediately preceded and followed by permanent classified service employment does

not interrupt continuous service.

4) Seniority of Transferred Employees

The permanent service of any employee who was transferred from another civil division shall start on the date of his/her original permanent appointment in the classified service in the other civil division.

5) Seniority Date When Covered-In

If an employee was covered-in to a classified position upon acquisition by a civil division of an private institution or enterprise in which he/she was employed, his/her seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.

2. Suspension

a. When an occupied position in the competitive, non-competitive, or labor class is abolished, suspension is to be made from among those employees holding the same title in the same layoff unit as the abolished position.

b. Among permanent employees, the order of suspension is the inverse of the order of their original permanent appointments in the classified service. See above definition of permanent service for veterans and disabled veterans. An exception to this rule is that the blind have absolute retention rights but only in their job status.

c. A blind person may not back-date his/her permanent service if he also happens to be either a veteran or a disabled veteran. A person is considered blind if he/she is so certified by the Commission for the Visually Handicapped of the New York State Social Services Department.

d. When two or more permanent incumbents of positions in a specific title are suspended, demoted or displaced at the same time, the order in which they shall be entitled to displace shall be determined by their respective retention standing, with those having the greater retention standing entitled to displace first.

e. When several employees were originally appointed on a permanent basis from the same eligible list on the same day, their retention rights shall be determined by their rank on the eligible list from which they were appointed; that person having the highest rank having greater retention rights over those having lower ranks.

f. All temporary, provisional and contingent permanent employees occupying these positions must be let go before any permanent employee is suspended from such positions.

g. Probationary employees occupying such positions in the same title must also be suspended before any permanent employee in the layoff unit in that title who has completed his/her probationary period. Probationary employees do, however, have superior retention rights to those of contingent permanent, temporary and provisional

employees.

i. The order of suspension among probationary employees shall follow the same principles as that among permanent employees.

j. Where the layoff involves more than one position in a title, the order of displacement will be the inverse of the order of suspension. That is, the most senior of the suspended employees will be the first to displace. This shall apply to both vertical bumping and retreat.

3. Vertical Bumping:
   a. Vertical bumping occurs when an employee in a specific title to which there is a direct line of promotion, who is himself/herself suspended or displaced, displaces an employee in the next lower occupied title in direct line of promotion in the same layoff unit having the least seniority if the employee who seeks to displace has greater retention standing.
   b. If an employee refuses to displace a junior incumbent he/she must be laid off. This, however, does not protect the junior incumbent from being compared in retention standing with other incumbents if other positions at the higher level are being abolished.
   c. When a next lower title has been occupied by means of displacement regardless of when the displacement into the title has occurred, it is considered to be occupied for further displacement purposes; however, a next lower title which has all of its positions abolished at the same time as positions are abolished at a higher level cannot be considered as occupied. A title which is occupied by an incumbent, temporary, provisional, contingent permanent, probationary or permanent is considered occupied for the purposes of this section.

4. Retreat
   a. Retreat occurs when and only when there is no lower occupied position in direct line of promotion at any level.
   b. An employee may retreat by displacing the incumbent with the least retention right who is serving in a position in the title in which the displacing incumbent last served on a permanent basis prior to service in the title from which he/she is currently suspended or displaced. Retreat may only occur where the position in the title formerly held by the displacing incumbent is occupied in the competitive class, in the same layoff unit, and at a lower salary grade; the service of the displacing incumbent while in the former title must have been satisfactory, and the junior incumbent must have less retention standing than the displacing incumbent.
   c. The service of the displacing incumbent in the title to which he/she is retreating need not have been in the same layoff unit as the one from which he/she is displaced.
   d. An employee may also displace by retreat to a position in a title he/she last served on a permanent basis although he/she had intervening service in other titles as long as his/her

service in each of the intervening titles was on other than a permanent basis. He/she may also displace by retreat to a position which does not count in the computation of his/her continuous service.

e. Where a title change has been affected to better describe the duties of a position but the duties have not substantially changed since the suspended employee last served in that title the new title will for retreat purposes be deemed to be the former title.

5. An employee who refuses to accept an appointment afforded by displacement for whatever reason waives all rights regarding the displacement; however, this employee's name will be entered on an appropriate preferred list.

6. An appointing authority may take such steps as it may deem necessary in order to secure binding written commitments in advance of suspension, demotion or displacement from employees potentially affected by such suspension, demotion or displacement as to their willingness to accept reassignment or displacement.

APPENDIX A

EXEMPT POSITIONS

APPENDIX B

NON-COMPETITIVE POSITIONS

APPENDIX C

LABOR POSITIONS

APPENDIX D

UNCLASSIFIED SERVICE

WARREN COUNTY

APPENDIX A

EXEMPT CLASS

COUNTY SERVICE

Assistant County Attorney (3)
Assistant District Attorney (9)
Assistant Public Defender (7)
Budget Officer (Part-time)
Confidential Assistant to Superintendent of Public Works
Confidential Secretary to Public Defender
Coordinating Assistant District Attorney
County Administrator
County Attorney
County Historian (Part-time)
Deputy County Treasurer
Deputy Superintendent of Public Works
Executive Secretary, Soil and Water Conservation District
First Deputy County Clerk
Investigator
Public Defender
Second Deputy County Clerk
Secretary to Commissioner of Social Services
Secretary to County Attorney
Secretary to District Attorney
Secretary to President of Adirondack Community College
Undersheriff

TOWN SERVICE

In all Towns

Constables (part-time)
Deputy Highway Superintendent
Deputy Town Clerk
Dog Warden (part-time)
Registrar of Vital Statistics (part-time)
Secretary to Supervisor
Town Comptroller
Town Attorney
Town Budget Officer
Town Historian (part-time)

TOWN OF BOLTON
Court Clerk (2)

TOWN OF CHESTER
Court Clerk

TOWN OF HAGUE
Court Clerk
Deputy Town Supervisor

TOWN OF HORICON
Court Clerk

TOWN OF JOHNSBURG
Court Clerk (2)

TOWN OF LAKE GEORGE
Court Clerk (2)
Second Deputy Town Clerk

TOWN OF LUZERNE
Court Clerk (2)

TOWN OF QUEENSBURY
Clerk of the Court
Court Clerks (2)
Deputy Clerk of the Court
Deputy Receiver of Taxes
Deputy Town Attorney
Deputy Town Supervisor
Receiver of Taxes
Second Deputy Receiver of Taxes
Second Deputy Town Clerk
Secretary to Superintendent of Highways

TOWN OF THURMAN
Court Clerk

TOWN OF WARRENSBURG
Court Clerk (2)

VILLAGE OF LAKE GEORGE

Deputy Village Clerk-Treasurer
Historian
Police Justice
Secretary to the Mayor
Village Attorney

SCHOOL DISTRICTS

In All School Districts

Census Takers
Claims Auditor
School Attorney
School District Clerk
School District Treasurer
School Tax Collector
Secretary to Superintendent of Schools
Student Helpers

CITY OF GLENS FALLS

Deputy City Clerk
Executive Director/ Glens Falls Housing Authority
Public Works Superintendent
Secretary to Mayor
Special Assistant to the Mayor

APPENDIX B

NON-COMPETITIVE CLASS

Civil Service Law Section 55-A Designated positions in titles where the incumbent is certified either by the Commission for the Blind and Visually Handicapped in the State Department of Social Services as being physically disabled by blindness or by the Office of Vocational Rehabilitation, State Education Department, as otherwise physically or mentally disabled.

IN ALL CIVIL DIVISIONS AND AGENCIES

Account Clerks (HELP Program)
Account Clerks (Part-time)
Account Clerk-Typists (Part-time)
Account Clerk-Stenographers (Part-time)
Accounting Technicians (HELP Program)
Accountants (HELP Program)
Administrative Assistants (HELP Program)
Assistant Economic Development Coordinators (HELP Program)
Automotive Mechanics
Building Maintenance Helpers
Building Maintenance Mechanics
Building Maintenance Workers
Clerks (HELP Program)
Clerks (Part-time)
Cooks
Custodians (HELP Program)
Custodians (Part-time)
Dietetic Consultant (Part-time)
Economic Development Coordinators (HELP Program)
Grounds Keepers
Head Custodians (HELP Program)
Heavy Equipment Operators
Human Resources Specialists (HELP Program)
Janitors (Part-time)
Junior Planners (HELP Program)
Lifeguards (Seasonal)
Maintenance Mechanics
Maintenance Workers
Messengers
Motor Equipment Operators
Motor Equipment Operators (Heavy)
Motor Equipment Operators (Light)
Motor Equipment Operators (Medium)
Natural Resource Specialists (HELP Program)
Office Specialists (HELP Program)
Painters

Pharmacists (Part-time)
Physicians (Part-time)
Principal Account Clerks (HELP Program)
Principal Planners (HELP Program)
Print Room Aides
Recreation Assistants (Seasonal) or (Part-time)
Recreation Director (Seasonal) or (Part-time)
Recreation Leaders (Seasonal) or (Part-time)
Recreation Specialists (Seasonal) or (Part-time)
School Traffic Officers (Part-time)
Secretaries (HELP Program)
Senior Account Clerks (HELP Program)
Senior Building Maintenance Mechanics
Senior Building Maintenance Workers
Senior Custodians (HELP Program)
Senior Library Clerks (Part-time)
Senior Lifeguards
Senior Planners (HELP Program)
Senior Stenographers (Part-time)
Sign Maintenance Workers
Stenographers (Part-time)
Student Intern
Typists (HELP Program)
Typists (Part-time)
Van Drivers
Welders
Working Supervisors

COUNTY SERVICE

Administrator, Fire Prevention and Building Code Enforcement
Airport Maintenance Workers
Airport Manager, *Policy Influencing, Confidential
Assistant Messengers
Automotive Parts Shop Specialist (HELP Program)
Cabinetmaker/Groundskeeper
Case Managers (HELP Program)
Case Managers – Foster Care Home Finders (HELP Program)
Case Managers – Public Defender (HELP Program)
Caseworkers (HELP Program)
Chief Deputy, *Policy Influencing/Confidential
Civil Service Assistants (HELP Program)
Civil Service Coordinators (HELP Program)
Civil Service Specialists (HELP Program)
Commissioner of Social Services
Communication Officers (HELP Program)
Communications Operators (Part-time)

Community Services Workers (HELP Program)
Confidential Secretary to the County Administrator *Policy Influencing/Confidential
Construction Specialists I (HELP Program)
Construction Specialists II (HELP Program)
Cook/Manager
Correction Officers (Part-time)
County Fire Coordinator (Part-time)
County Planner
County Youth Director
Court Attendants (Part-time)
Deputy Commissioner of Social Services
Deputy Director of Public Health/Patient Services (HELP Program)
Deputy Directors of Real Property Tax Services (HELP Program)
Deputy EMS Coordinators part-time(4)(until next vacant after 10/15/07)
Deputy Fire Coordinators (Part-time)
Director of Emergency Services
Director of Human Resources *Policy Influencing/Confidential
Director of Information Technology *Policy Influencing/Confidential
Director of Parks, Recreation and Railroad (HELP Program)
Director of Public Health/Patient Services *Policy Influencing/Confidential
Director of Planning, Lake Champlain/Lake George Regional Planning
Director of Public Affairs (HELP Program)
Director of Real Property Tax Services
Director of Services (HELP Program)
Director of Social Services/ Public Assistance (HELP Program)
Director of T. B. Control (Part-time)
Director of Tourism
Director of Veterans Service
EMS Coordinator, Part-time
Employment and Training Coordinators (HELP Program)
Employment and Training Counsellors II (HELP Program)
Employment and Training Director II
Enforcement Officer, Part-time
Fire Prevention & Building Code Enforcement Officers (HELP Program)
Fiscal Coordinators (HELP Program)
Fiscal Managers (HELP Program)
Fish Management Specialists (HELP Program)
Grant Administrator, part-time (until next vacant after 10/15/07)
Graphic/Desktop Publisher
GIS Specialists (HELP Program)
GIS Tax Map Technician (HELP Program)
Hatchery Aide
Health Facility Van Drivers
Human Resource Assistants (HELP Program)
Human Resource Coordinators (HELP Program)
Infant Feeding Advocate

Insurance Administrator
Intake Clerks (HELP Program)
Jail Administrator *Policy Influencing/Confidential
Jail Physician
Legal Clerks (HELP Program)
Legal Clerks II (HELP Program)
Legal Clerks III (HELP Program)
Legal Recording Clerks (HELP Program)
Licensed Practical Nurses
Meal Site Cooks
Meal Site Managers
Medicaid Clerks (HELP Program)
Medical Consultant (Part-time)
Medical Director (Physically Handicapped Children's Program) (PT)
Mental Health Program Analyst (HELP Program)
Motor Vehicle/License Registration Clerks (HELP Program)
Nurse Technicians
Office Machines Operator
Patrol Officers (Part-time)
Personnel Officer
Pharmaceutical Consultant (Part-time)
Pistol Permit Clerk (HELP Program)
Principal Clerks (HELP Program)
Principal Legal Recording Clerks (HELP Program)
Property and Casualty Risk Managers (HELP Program)
Public Health Program Managers (HELP Program)
Public Health Veterinarian (Part-time)
Purchasing Agent (Part-time)
Recording Clerks (HELP Program)
Recreational Aide
Registered Professional Nurses
Rehabilitation Aides
Senior Caseworkers (HELP Program)
Senior Clerks (HELP Program)
Senior Communication Officers (HELP Program)
Senior Legal Recording Clerks (HELP Program)
Senior Motor Vehicle Examiners (HELP Program)
Senior Public Health Educators (HELP Program)
Services Assistant (HELP Program)
Sign Maintenance Workers
Sign Maintenance Supervisors (HELP Program)
Social Services Attorney *Policy Influencing/Confidential
Social Welfare Examiners (HELP Program)
Solid Waste Supervisors (HELP Program)
Student-to-Careers Development Specialists (HELP Program)
Superintendent of Residential Hall

Supervisor of Volunteers (Part-time)
Support Investigators (HELP Program)
Switchboard Operator - Receptionists (Part-time)
Switchboard Operators (Part-time)
Veteran Benefit Counselors (HELP Program)
Victim's Assistance Program Director, *Policy Influencing, Confidential
WIC Assistants (HELP Program)
WIC Nutrition Aide (HELP Program)

TOWN SERVICE

IN ALL TOWNS

Bookkeeper (HELP Program)
Building Code and Enforcement Officers (HELP Program)
Building Inspectors (HELP Program)
Code Compliance Officers (HELP Program)
Code Enforcement Officer (HELP Program)
Communication Directors (HELP Program)
Deputy Fire Marshalls (HELP Program)
Director of Parks and Recreation ((HELP Program)
Dispatcher/Meter Readers (HELP Program)
Enforcement Officer (Part-time)
Health Officer (Part-time)
Housing Assistance Representatives (HELP Program)
Police Officers (Part-time)
Senior Treatment Plant Instrumentation Electricians (HELP Program)
Senior Water Maintenance Supervisors (HELP Program)
Town Social Services Officer
Water Rent Collector (Part-time)
Water Superintendent (Part-time)
Water Treatment Plant Operations Engineers (HELP Program)
WWTP Instrumentation Electricians (HELP Program)
Zoning Clerks (HELP Program)

TOWNS UNDER 5,000 POPULATION

Building and Zoning Enforcement Officer, part-time
Landfill Equipment Operators
Recycling Supervisor
Town Assessor
Zoning Administrator (HELP Program)
Zoning Enforcement Officer (HELP Program)

TOWN OF BOLTON *(Under 5,000)*
Animal Control Officer (part time)
Building and Zoning Enforcement Officer (Part-time)
Director of Planning and Zoning (HELP Program)
Water and Sewer Superintendent *(Under 5,000)*

TOWN OF CHESTER *(Under 5,000)*
Animal Control Officer (part time)
Labor Foreman
Library Aide
Library Technician

TOWN OF HAGUE *(Under 5,000)*
Animal Control Officer

TOWN OF HORICON *(Under 5,000)*
Animal Control Officer
Museum Director
Vector Control Technician

TOWN OF JOHNSBURG *(Under 5,000)*
Animal Control Officer (part time)

TOWN OF LAKE GEORGE *(Under 5,000)*
Animal Control Officer
Court Attendant
Deputy Comptroller
Superintendent of Highways

TOWN OF LAKE LUZERNE *(Under 5,000)*
Assistant Water Superintendent
Court Attendant
Library Aide
Library Technician

TOWN OF QUEENSBURY
Cemetery Superintendent
Cremator
Court Attendant
Executive Director, Planning, Zoning and Codes Administration
Landfill Equipment Operator
Recycling Supervisor, part time
Solid Waste Facility Operator (incumbent on Nov. 30, 2001, only)
Town Assessor
Water Maintenance Workers

Wastewater Maintenance Workers

TOWN OF STONY CREEK *(Under 5,000)*
Animal Control Officer (part time)

TOWN OF THURMAN *(Under 5,000)*
Animal Control Officer
Animal Control Officer (part-time)

TOWN OF WARRENSBURG *(Under 5,000)*
Animal Control Officer (part time)
Deputy Water Superintendent
Water & Sewer Superintendent *(Under 5,000)*

VILLAGE SERVICE

VILLAGE OF LAKE GEORGE *(Under 5,000)*
Dispatchers (Part-time)
Enforcement Officer (Part-time)
Meter Enforcement Officer
Police Officers (Part-time) or (Seasonal)
Street Maintenance Supervisor
Superintendent of Sanitation
Superintendent of Public Works

CITY OF GLENS FALLS
Assessor – PI/C
Bus Drivers, City
Cement Finishers
Cemetery Superintendent
City Historian, part time
Economic Development Director*
Facility Attendants
Human Resources Director *Policy Influencing/Confidential
School Crossing Guards, part time
Senior Life Guards
Tree Trimmers/Driver
Wastewater Treatment Plant Attendants

SCHOOL DISTRICTS:

IN ALL SCHOOL DISTRICTS
Assistant Cooks
Automotive Mechanic-Bus Drivers
Automotive Mechanic Helper-Bus Drivers
Bus Drivers-Cleaners

Bus Drivers-Maintenance Workers
Bus Drivers
Business Manager (HELP Program)
Cook-Managers
Couriers
Driver Aides
Groundskeeper-Bus Drivers
Human Resources Specialists (HELP Program)
Interpreter for the Hearing Impaired
Library Aides
Licensed Practical Nurses (School)
Registered Professional Nurses (School)
School Physicians (Part-time)
School Secretaries (HELP Program)
School Security Monitors
Supervising Custodians (HELP Program)
Supervisors of Attendance (Part-time)
Teacher Aides

ADIRONDACK COMMUNITY COLLEGE

College Security Guards (p.t.)
Learning Center Assistant (Part-time)

APPENDIX C

LABOR CLASS

ALL CIVIL DIVISIONS

Automotive Mechanic Helpers
Cemetery Caretakers
Cleaners
Food Service Helpers
Laborer Aides
Laborers
Laundry Workers
Parking Lot Caretakers
Recreation Attendants
Sanitary Landfill Attendants
Watchmen

COUNTY SERVICE

Aging Services Aides
Institutional Aides
Leisure Time Activities Aides

TOWN SERVICE

Recycling Attendant

TOWN OF QUEENSBURY

Wingperson

CITY OF GLENS FALLS

Library Pages

SCHOOL DISTRICTS

In All School Districts

School Bus Monitors
School Monitors

ADIRONDACK COMMUNITY COLLEGE

Physical Education Equipment Custodian

APPENDIX D

UNCLASSIFIED SERVICE

ALL CIVIL DIVISIONS
All Elected Officers
All Members, Officers and Employees of Board of Elections
Members of all Boards and Commissions

COUNTY SERVICE
All positions in the Community College as certified by the Board of Trustees in accordance with the provisions of Section 35(i) of the Civil Service Law.

Assistant Secretary to Clerk of the Board of Supervisors
Clerk to the Board of Supervisors
Coroners (4)
County Auditor
County Clerk
County Treasurer
Deputy Clerk to the Board of Supervisors
District Attorney
Legislative Office Specialist
Second Deputy Clerk to the Board of Supervisors
Secretary to the Clerk of the Board of Supervisors
Senior Legislative Office Specialist
Sheriff
Superintendent of Public Works

TOWN SERVICE
In All Towns
Tax Collector
Town Clerk

VILLAGE SERVICE
Village of Lake George
Village Clerk and Treasurer

CITY OF GLENS FALLS
City Attorney
City Clerk

SCHOOL DISTRICTS
All positions as certified by the Commissioner of Education of the State of New York in accordance with Section 35(g) and (j) of the Civil Service Law.