



Rules
for the
Classified
Civil Service
of the
New York City
School
Construction
Authority

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of the New York City School Construction Authority**

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**Rules for the Classified Civil Service
of the New York City School Construction Authority**

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 the New York City School Construction Authority ("SCA") on the 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 the School Construction Authority. These rules may be amended by the New York City School Construction Authority Civil Service Commission after public hearing and subject to the approval of the New York State Civil Service Commission.

**RULE I (Amended 4/26/99)
DEFINITIONS**

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

1. "Appointing authority" means the President & CEO or his/her designees, except that the Commission shall be the Appointing authority with respect to the President & CEO.
2. "Commission" means the New York City School Construction Authority Civil Service Commission.
3. "Eligible list" means an official record kept in the Commission's office as a public record which contains the names of those persons who have successfully completed examinations, listed and ranked in order of the final ratings of the eligibles from the highest to the lowest rank.
4. "Employee" means the incumbent of a position holding the position in accordance with these rules and the Civil Service Law.
5. "Position" means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.
6. "Reassignment" means the change, without further examination, of a permanent

employee from one position to a position in the same title or a similar position under the jurisdiction of the same appointing authority.

7. "Transfer" means the change, without further examination of a permanent employee from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority.

RULE II ORGANIZATION OF THE COMMISSION

The three Trustees of the New York City School Construction Authority shall constitute the three members of the New York City School Construction Authority Civil Service Commission and shall comprise the Commission. The Commission reserves the right to delegate to others the ability to act on its behalf to conduct hearings and other investigations, and to engage in such other reviews and analyses as may be pertinent to the administration of the Civil Service Law and these rules. A person so delegated shall report to the Commission and may provide findings and recommendations which may be accepted or rejected by them. The Commission shall designate one of its members as Chairman. Two Commissioners shall constitute a quorum for the transaction of business. The Commission may appoint a Secretary who shall not be a Commissioner, and such other subordinates and employees within available appropriations as it may deem necessary or proper to carry out the purposes of these rules and the law. It shall fix the duties of these employees. The Commission shall keep true and accurate minutes of all its meetings and proceedings which shall be open to public inspection.

The President & CEO of the New York City School Construction Authority shall be delegated the responsibility by its Commission to perform the task of administration of these Rules as set forth hereinafter and may further delegate administrative responsibilities to other employees of the SCA as deemed appropriate and necessary.

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.

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. The non-competitive class shall include positions for which it is not practicable to ascertain the merit and fitness of applicants by competitive examination.
2. 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 Commission. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the appointing authority with the Commission. Such appointment shall become effective only after approval by the President & CEO.
3.
 - (a) The President & CEO may determine a prescribed number of positions in the non-competitive class, not to exceed the maximum set by state law, with limited duties which can be performed by physically or mentally disabled persons who are found qualified, in the manner prescribed by law, to perform such duties.
 - (b) Upon such a determination, such positions shall be classified in the non-competitive class, and shall be filled by persons who shall have been certified by either the Commission for the Blind and Visually Handicapped in the New York State Department of Social Services as physically disabled by blindness or by the New York State Education Department as otherwise physically or mentally disabled and, in any event, qualified to perform satisfactorily the duties of any such position. If no qualified physically disabled persons have applied for such positions, the President & CEO may determine to fill those unfilled positions, with qualified mentally disabled persons.
 - (c) The President & CEO shall issue procedures for approval of appointments of physically or mentally disabled persons to such non-competitive positions as are established pursuant to this rule.
4. The Commission shall designate among positions in the non-competitive class those positions which are confidential or require the performance of functions influencing policy.
5. Positions in the non-competitive class shall be listed in Appendix B of these rules and made a part hereof.

**RULE V
LABOR CLASS**

1. The labor class shall include unskilled laborers except those whose positions can be examined for competitively.
2. A position in the labor class may be filled by the appointment of any person selected by the appointing authority, and the President & CEO may require applicants for employment in the labor class to qualify in such tests of fitness for employment as may be deemed practicable.
3. Positions in the labor class shall be listed in Appendix C of these rules and made a part hereof.

**RULE VI
UNCLASSIFIED SERVICE**

Positions in the unclassified service shall be listed in Appendix D of these rules and made a part hereof as though set forth in full herein.

**RULE VII
RECRUITMENT OF PERSONNEL**

1. 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 position, the minimum qualifications required, the final date for filing applications, the subjects or scope of the examination, the date and place of the examination and such other information as may be deemed necessary.

The announcement shall further provide that a person who, because of religious beliefs, is unable to attend and take an examination scheduled to be held by the President & CEO on Saturday or on a day which is a religious day of observance, shall be permitted to take such examination on some other day designated by the President &

CEO at a reasonably comparable time and place without any additional fee or penalty.

2. Filing period

Unless otherwise provided in the announcement of the examination, the President & CEO shall fix the period to be not less than two weeks, during which applications shall be received. There shall be not less than ten days between the last day for the receipt of applications as originally publicly announced and the date of the first test in an examination unless otherwise provided in the announcement of the examination.

3. Alternate procedure.

Notwithstanding the above, the Commission reserves its right to delegate the recruiting of personnel, pursuant to Chapter 738 of the New York State Laws of 1988, Section 1737 (b).

**RULE VIII
APPLICATIONS**

1. The standard application forms for examinations shall be furnished by the SCA without charge to all persons requesting the same.

2. An applicant shall state upon the prescribed form such information as is required including the applicant's background, experience and qualification for the position sought and merit and fitness for the public service. Applications shall be subscribed by the applicant and shall contain a declaration that the statements are made subject to the penalties of perjury.

3. The personal history form or other prescribed form provided in connection with the investigation of an applicant shall be deemed a part of the application.

**RULE IX
EQUAL EMPLOYMENT OPPORTUNITY**

Laws prohibiting discrimination on the basis of Race, Sex, Age, Religion, Color, National Origin, Disability, Sexual Orientation or Affectional Preference shall be strictly enforced by the SCA. The SCA will not discriminate on the basis of Race, Sex,

Religion, Color, National Origin, Disability, Sexual Orientation or Affectional Preference. Equal Opportunity in employment shall be insured and promoted. Written notice of this rule shall be posted in the facilities of the SCA.

RULE X (Amended 4/26/99)
DISQUALIFICATION

1. The President & CEO may recommend that the Commission disqualify any candidate from examination or, after examination, from certification as eligible, in accordance with applicable law and rules. Without limiting the foregoing, a candidate may be disqualified for:

- (a) A record of disrespect for the requirements and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses; or
- (b) Failure to complete a full and accurate financial disclosure statement where required for a position as described in the SCA's Manual of Policy and Procedures as revised from time to time.

2. An 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.

3. The burden of establishing qualifications to the satisfaction of the Commission shall be upon the applicant. Any applicant or eligible who refuses to permit the President & CEO to investigate matters that are necessary for the verification of his or her qualifications or who otherwise hinders, impedes or fails to cooperate with the President & CEO in such investigation shall be disqualified for examination or, after examination, for certification and appointment.

4. The Commission shall make all final determinations of disqualification and eligibility, and may consider the recommendations of the President & CEO. An applicant or eligible may appeal any disqualification determination made pursuant to this rule to the New York City Civil Service Commission.

RULE XI (Amended 4/26/99)

EXAMINATIONS

The President & CEO shall conduct examinations, except as provided for in Chapter 738 of the New York State Laws of 1988, Section 1737 (b), for such positions as may be necessary to anticipate the needs of the service.

1. The tests comprising an examination and the relative weight given to each, where not fixed by these rules and regulations, shall be fixed by the Commission. The Commission may consider recommendations for all or part of the tests comprising an examination from the President & CEO, or from outside expert(s) selected by the President & CEO in accordance with Section 3 of this rule.

2. A candidate shall not be admitted to an examination or any test thereof, whose application therefor has not been presented and accepted in accordance with the rules.

3. The President & CEO may secure outside expert assistance in examinations.

4. The President & CEO shall adopt a system to conceal the identify of the candidates' papers in a written examination until such written examination has been rated.

5. The President & CEO shall preserve applications and examination records and papers of candidates 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 other provisions of law. Oral tests, wherever practicable, shall be recorded by a suitable method to provide reviewable records.

6. Every candidate in an examination shall be notified by mail to the candidate's last known address of the final rating and, if successful, of the candidate's relative position on the eligible list established as a result of the examination. The examination papers of any candidate receiving such notice may be inspected in the office of the President & CEO provided a request is made 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. The application of an eligible who is being considered for appointment may be shown to the appointing authority.

7. Respective places on the resulting eligible list shall be determined for administrative reasons only by a sequence of the number derived from the last five and then the first four positions of the respective social security numbers whenever two or

more candidates in an examination receive the same final examination ratings.

8.
 - (a) A candidate may protest a rating in one or all of the subjects of an examination on the grounds of (1) a manifest, material error in the examination; (2) a mistake in the rating key; or (3) a mistake in the application of the key to a candidate's test papers or other records of examination performance. A protest must be submitted to the Vice President of Administration in writing, within twenty days after the earliest date on which the examination papers were made available for inspection. The protest 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 rating shall be made as a result of a protest unless it shall affect the candidate's relative position on the eligible list.
 - (b) A protest under this section shall be determined by the Vice President of Administration. The Vice President of Administration may appoint a committee of three qualified persons to consider claims under this section and to recommend a disposition. The action taken by the Vice President of Administration on the recommendation may result in higher or lower final scores and changes in positions on the eligible list.
 - (c) A candidate may appeal the decision of the Vice President of Administration to the Commission.
 - (d) 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.
 - (e) The Vice President of Administration may, at any time during the life of an eligible list resulting from an examination correct any clerical or computational error in rating of candidates who competed in the examination.
 - (f) 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.
9. The Commission shall adopt rating keys for each examination held. Such keys

shall be a permanent part of the record of each examination.

10. A veteran or disabled veteran, who elects to claim additional credit as provided by the civil service law, shall so notify the President & CEO and establish by appropriate documentary evidence eligibility for such additional credit.

11. A make-up examination for a missed examination may be granted by the President & CEO if adequate documentation of extenuating circumstances, such as jury duty or ordered military service, is provided.

12. Open competitive examinations for filling vacancies may be held in conjunction with promotional examinations.

RULE XII (Amended 4/26/99)
ELIGIBLE LISTS

1. Every candidate who attains a passing mark in an examination as a whole, meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination, and is not disqualified pursuant to applicable law and rules, shall be eligible for appointment to the position for which the candidate was examined and the candidate's name shall be entered on the eligible list in the order of final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with the procedure in Rule XI, Section 7.

2. The date of the establishment of a list shall be the date fixed therefor by the President & CEO and shall be entered on such list. The duration of all eligible lists shall be fixed by President & CEO 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. That notice will be made by mail to the candidate's last known address. Where the duration of an eligible list is fixed at less than four years, the President & CEO 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. Unless otherwise provided, an eligible list which has been in existence for one year or more shall terminate upon the establishment of an appropriate subsequent like list for the same title.

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

4. The President & CEO shall have power to correct any error and amend any eligible list where it appears that an error has been made. The President & CEO 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 reported to the School Construction Authority Civil Service Commission and recorded in its minutes.

5. If a correction of an error results in an appointee having failed an examination, the appointment will be rescinded unless the appointee has completed the probationary period.

RULE XIII CERTIFICATION

1. The President & CEO shall determine the eligible list most nearly appropriate for the position to be filled and shall certify a sufficient number of eligibles from which selection for appointment may be made. When the name 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. A certification issued by the President & CEO to the appointing authority 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.

3. When an eligible is canvassed for appointment or is offered appointment in writing and fails to state willingness to accept such appointment within seven business days after the mailing of such canvass or offer, to the last known address of such person, or before the end of the next succeeding business day if such canvass or offer is sent by mailgram, the eligible may be considered ineligible for purposes of making selection for such particular appointment.

4. 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) Location of employment; (b) Temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing. The President & CEO

shall enter upon the eligible list the reasons for actions in such cases.

5. Appointment or promotion from an established eligible list to a position in the competitive class shall be made by the selection of one of the three persons certified by the President & CEO as standing highest on such established list who are qualified and willing to accept an appointment or promotion.

6. No name shall be certified more than three times to the same division head for the same or similar position unless at the division head 's request. However, only those who have been actually entitled to consideration for selection shall be charged with certification.

7. Selective certification may be made from an eligible list to fill similar or related positions which require additional or special qualifications not tested specifically in the prescribed requirements or test of an examination, in the manner provided in this paragraph.

(a) Upon the initiative of the President & CEO or at the request of the head of a division within the SCA, the President & CEO may selectively certify from an eligible list where the announcement of examination originally contained a specific provision for such selective certification.

(b) With respect to certifying divisions, the division head may so selectively certify where the announcement of examinations originally contained a specific provision for such selective certification, upon approval by the President & CEO.

(c) Selective certification shall be made only upon due notice to all affected eligibles on such list by mail to the eligible 's last known address.

(d) Eligibles on such list who possess the additional or special qualifications required as evidenced by experience, appropriate licensure, possession of essential tools, equipment and facilities, or who pass an appropriate qualifying test shall be qualified for selective certification and shall be certified to such similar or related positions in the order of standing on the original list.

(e) Where the announcement of examination did not originally contain a provision for such selective certification, it shall not be made or authorized until intention to make such certification has been duly advertised in a designated

newspaper and a public hearing thereon held by the President & CEO in the same manner as is required for the adoption or amendment of a rule.

8. Upon the initiative of the President & CEO or upon request of the division head, the President & CEO may certify eligibles subject to investigation, medical test or other qualifying test or requirement, where such conditions were not provided for at the time an eligible list was established. Upon approval by the President & CEO, such conditional certification may be made by the head of a certifying division.

(a) Written notice of such conditional certification pursuant to this paragraph shall be mailed to eligibles' last known address at the time of appointment or promotion, as the case may be.

(b) Whenever upon subsequent investigation, medical test or other qualifying test or requirement, an eligible thus certified is found to be not qualified, such certification shall be revoked by the President & CEO and the employment, if any, of such eligible terminated, provided, that no such certification shall be revoked or appointment terminated more than three years after it is made, except in the case of fraud.

9. 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 authority may nominate to the President & CEO one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that the applicant was already qualified in an examination of equivalent character within the last four years from the date of nomination.

10. Whenever one or more eligibles shall have declined any appointment offered 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 of such appointee shall not be increased, except by a service or a class-wide increase, within a period of six months after appointment beyond that offered to the persons so declining.

11. Except as otherwise provided in this section, the name of an eligible who has been certified for employment in and offered an appointment to a position, whether or not the list was expressly established therefor, shall be withheld from certification for any position upon the occurrence of one of the following:

(a) Declination by the eligible of an offer of appointment to any such position;

(b) Failure of the eligible to respond to an offer of appointment within the period fixed by the division head, provided that such period is not less than four days after the date of such offer;

(c) Failure of the eligible to report for duty after accepting such position.

RULE XIV PROMOTIONS

Promotion examinations may be held SCA-wide, by division, or for such subdivisions of a division as the President & CEO may determine to be an appropriate promotion unit. Prior to such examinations, the President & CEO shall announce the length of prior, lower grade permanent service needed to participate in such promotion examination.

RULE XV PROBATIONARY TERM

1. Probationary term.

(a) Except as herein otherwise provided, every appointment, promotion, transfer and reassignment within the competitive, non-competitive, and labor class, as well as exempt original appointments, shall be for a probationary term of not less than three weeks, nor more than one year.

(b) Except as herein otherwise provided, the probationary term for training positions, in which an appointee is required to serve a specified training term, shall be not less than three weeks, nor more than one year.

(c) An appointment shall become permanent upon the completion of the period of probation unless the probationer, prior to the completion of such service, is given written notice that the probationary term will be continued. A copy of such notice shall be sent to the President & CEO. If the probationary term is so continued, the appointment shall become permanent upon the retention of the probationer after completion of six months of additional service or upon earlier notice to the probationer at any time after the completion of the three week period of service that the probationary term was successfully completed. If the conduct or performance of the probationer is not satisfactory, employment may be terminated at any time.

2. Promotions.

A promotion from a position in the SCA to another position in the SCA shall be for a probationary term of not less than three weeks nor more than one year. However, the appointing authority may waive the requirement of satisfactory completion of the probationary period. If the conduct or performance of the probationer is not satisfactory, employment in such position shall be discontinued. For the purposes of this subdivision, the term "promotion" shall include the appointment of an employee to a higher title in the non-competitive or exempt class.

3. Restoration to permanent position.

When a permanent employee is promoted or transferred to a position which requires a probationary term, the position thus vacated 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 this previous position by election. If the conduct or performance of the probationer is not satisfactory, the probationer shall be restored to the underlying permanent position.

4. Absence during probationary term.

The probationary term of any employee may, in the discretion of the appointing authority, be extended by the number of work days of absence which, pursuant to this section, are not considered as time served in the probationary term. Any periods of authorized or unauthorized absence during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term.

5. Reports to President & CEO.

The President & CEO may require a division head to report in writing on the quality of the performance of any probationer. From time to time the probationer will be advised of his/her progress.

6. Restoration to eligible list.

A probationer whose employment is terminated or who resigns before the end of a probationary term may request restoration to the eligible list from which appointed, provided such list is still in existence. The probationer's name may be restored to such

list if the President & CEO determines that the probationer should be given a second opportunity for appointment.

7. Service in another position.

When an employee who has not completed probation is appointed to another position, the period of service rendered by such employee in such other position may, in the discretion of the appointing authority, be considered as satisfactory probationary service in the original position and may be counted as such in determining the satisfactory completion of such probationary term. On request of such probationer, the appointing authority shall furnish a decision in writing by mail to the probationer's last known address, as to whether or not service in such other position shall be considered as satisfactory probationary service.

Such probationer may request to be returned to the original position for sufficient time to permit the completion of the probationary term. The employment of such a probationer in the original position shall not be terminated at the end of probation on account of unsatisfactory service unless the probationer shall have actually served in such position, in the aggregate, for at least the three week, nor more than one year period specified for such probationary term, except as herein otherwise provided.

8. Removal during probationary term.

Nothing contained in this rule shall be construed to limit or otherwise affect the authority of the appointing authority, at any time during the probationary term, except the first three weeks, to remove a probationer for incompetency or misconduct.

9. Reinstatement after separation.

An employee who is reinstated to a position after a separation of more than one year 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 XVI
TRAINEE AND TEMPORARY APPOINTMENT**

1. Trainee appointments.

The President & CEO may require that permanent appointment 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. Service in the lower position shall be counted toward satisfaction of the probationary term in the higher title.

Temporary appointments without examination in exceptional cases.

(a) The President & CEO may authorize a temporary appointment, without examination when the person appointed will render professional, scientific, technical or other expert services:

[i] on an occasional basis, or

[ii] on a full time or regular part-time basis in a temporary position established to conduct a special study or project for a period not exceeding eighteen months.

(b) Such appointment may be authorized only in a case where because of the nature of the services to be rendered and the temporary or occasional character of such services it would not be practicable to hold an examination of any kind.

RULE XVII
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 standing on the eligible list for a permanent appointment, but if at the time of temporary appointment all merit and fitness requirements are met the period of temporary service may 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 SCA, the position thus vacated shall not be filled on other than a temporary or contingent permanent basis unless the provisional appointee gains permanent appointment in the title s/he was serving provisionally.

3. Contingent permanent appointments.

(a) When an encumbered position is left temporarily vacant by the absence of the permanent incumbent, the position 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:

[i] Probationary period

All appointees under this rule shall be required to complete the probationary period for original appointment or promotion as prescribed in these rules.

[ii] Return of incumbents.

In the event of layoff or the permanent incumbent returns to his/her position, 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 person 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.

[iii] Preferred list.

Upon displacement, if the contingent permanent appointment 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 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 department in which the contingent permanent appointment was made.

[iv] 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.

[v] 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 positions filled on a contingent permanent basis shall be canvassed as "permanent-contingent permanent." A summary of this rule will be included in the Information and Instructions Notice.

(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 recanvassing of the eligible lists 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 in which the contingent permanent appointment was made.

(d) If a permanent vacancy becomes available in the same title in the department 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.

(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 described in this rules has been satisfactorily completed.

RULE XVIII TRANSFERS

1. General conditions and limitations.

In addition to the conditions and limitations prescribed by statute or in other provisions of these rules, transfers shall be subject to the following requirements:

(a) A transfer may not be made to a position for which a preferred list containing the name of an eligible willing to accept reinstatement to such position exists.

(b) Every transfer shall require the consent, in writing, of the transferee and of the appointing authority having jurisdiction over the position to which transfer is sought.

2. Transfer and change of title

Notwithstanding the provisions of this section or any other provision of law, any permanent employee in the competitive class who meets all of the requirements for a competitive examination, and is otherwise qualified as determined by the President & CEO shall be eligible for participation in a non-competitive examination in a different position classification provided, however, that such employee is holding a position in a similar salary range.

RULE XIX REINSTATEMENT

A permanent employee who has resigned or retired may be reinstated without examination within one year from the date of such resignation or retirement in the position from which the employee resigned or retired, if then vacant, or in any vacant position to which the employee was eligible for transfer or reassignment. In computing the one year period within which a person may be reinstated after the resignation or retirement, the day the resignation or retirement takes effect, and any time spent in

active service in the military forces of the United States or of the State of New York, shall not be considered. In an exceptional case, the President & CEO may, for good cause shown and where the interests of the government would be served, waive the provisions of this rule to permit the reinstatement of a person to the employee 's former position more than one year thereafter resignation or retirement; provided, however, that such a waiver to permit reinstatement more than three years after resignation or retirement shall be subject to approval of the SCA Civil Service Commission. For the purpose of this rule, where an employee on leave of absence resigns or retires, such resignation or retirement shall be deemed effective as of the date of the commencement of such leave.

RULE XX
VETERANS ' EDUCATION LEAVE OF ABSENCE

1. A leave of absence without pay, not to exceed four years, shall be granted by the appointing authority 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 a leave shall be reinstated to that employee' s position, provided application is made for such reinstatement within sixty days after the termination of the employee' s courses of study.

2. The seniority of an employee on Veterans' Education Leave of Absence pursuant to the this rule shall accrue for the purpose of suspension pursuant to Section 80 of the Civil Service Law during the period of such leave. Such employee may, in the same manner as all regular candidates, file for and compete in any scheduled promotion examination held during the period of such leave for which the employee meets the eligibility requirements. However, the inability of such employee to file or to appear for the examination at the regularly scheduled time and place because of such leave shall not be sufficient grounds for granting a make-up examination.

RULE XXI
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 incompetency 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, the termination shall be recorded as a dismissal rather than as a resignation.

3. Withdrawal or amendment.

A resignation may not be withdrawn, canceled or amended after it is delivered to the appointing authority, without the consent of the appointing authority.

**RULE XXII
REPORTS OF APPOINTING AUTHORITY**

To enable the Commission to keep an official roster of the classified service as required by law, the appointing authority, from time to time, and upon the date of the official action in each case, shall report to the Commission 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 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 salaries and date 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 XXIII
CERTIFICATION OF PAYROLLS**

Payrolls shall not be certified except upon declaration by the Vice President of Administration submitting them to the President & CEO that the persons named therein are employed in their respective positions in accordance with law and the rules and regulations adopted pursuant thereto. The payment of any person whose employment is in contravention of the foregoing provision shall not be certified by the President & CEO.

**RULE XXIV (Amended 4/26/99)
CLASSIFICATION PLAN**

1. Definitions. For the purpose of this rule the following definitions 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 positions in the class, lists typical or illustrative examples of work of positions in the class, enumerates the knowledge, skills and abilities required for successful performance of the work, and states required minimum experience and training for positions 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. Allocation of positions.

The President & CEO shall prepare and maintain a list of class titles and class specifications for all positions in the classified service of the SCA and shall allocate all such positions to an appropriate class, subject to review and final determination by the Commission.

3. Classification of new titles

The Appointing authority shall file a prescribed form with the President & CEO when a new title 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. Upon receipt of an analysis of the position description and a recommendation by the President & CEO, the Commission shall allocate the position to an appropriate class or, if no appropriate classification exists, shall create a new class and adopt a class specification for such new class.

4. Reclassification.

The Appointing authority shall file a prescribed form with the President & CEO 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 that have been made in the duties of the position. Upon receipt of an analysis of the changes in duties and responsibilities of the position by the President & CEO, the Commission shall allocate

the position to an appropriate class or, if no appropriate classification exists, shall create a new class and adopt a class specification for such new class.

5. Notice of appeals.

The Appointing authority may make application for the classification or reclassification of any position, or any employee in a position within the classified service may apply for a reclassification of that 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 President & CEO shall give reasonable notice of any proposal or application for a change in classification to the appointing authority 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 to the Commission. The Commission 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 XXV
PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION
CONCERNING POLITICAL AFFILIATION**

No question in any examination or application or other proceeding by the Commission, President & CEO or their 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 Commission, President & CEO and their examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of political opinions or affiliations.

**RULE XXVI
LAYOFF OF COMPETITIVE CLASS EMPLOYEES**

1. For the purposes of this Rule the following terms mean:

(a) "Direct line of promotion" shall be construed as provided in the SCA position description.

(b) "Next lower occupied title" means 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 which is occupied.

(c) "Layoff unit" means each division of the SCA.

(d) "Satisfactory service" means service by an employee during which the employee did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or incompetency pursuant to either Section 75 of the Civil Service Law or to a collective bargaining agreement which resulted in the imposition of any of the following penalties upon such employee:

[i] dismissal from the service,

[ii] suspension without pay for a period exceeding one month, or

[iii] demotion in grade and title.

(e) Permanent Service.

[i] For purposes of lay off under Section 80 of the Civil Service Law, "permanent service" means the order of appointment of original employment on a 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 the 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.

[ii] 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 reemployment, the prior service would not count.

[iii] Temporary or provisional service preceding the original permanent appointment does not count. However, temporary, provisional, or

unclassified employment within this jurisdiction immediately preceded and followed by permanent classified service employment does not interrupt continuous service.

[iv] The permanent service of any employee who was transferred pursuant to Rule XVIII from another civil division shall start on the date of original permanent appointment in the classified service in the other civil division.

[v] If an employee was covered-in to a classified position upon acquisition by a civil division of an agency in which the employee was employed, that employee's 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

(f) Retention Standing shall mean the relative right of an employee to retain a position when compared with other employees in the same title in the same lay-off unit. Any individual's retention rights are determined first by his or her appointment status. Employees who are appointed on a temporary or provisional or contingent permanent basis shall all have less right to retain a position than employees who have been appointed permanently. Permanent employees serving a probationary period shall have less right to retain a position than employees who have been appointed permanently. Permanent employees serving a probationary period shall have less right to retain a position than permanent employees who have completed their probation. Where permanent employees have the same appointment status, their relative right to retain a position among themselves shall be then determined by their date of original permanent appointment in the classified service as appropriately adjusted for veterans, disabled veterans or legally blind status.

2. Lay-offs.

(a) When an occupied position in the competitive class is abolished, lay-off is to be made from amongst those employees holding the same title in the same layoff unit as the abolished position.

(b) The order of lay-off amongst permanent employees is the inverse of the order of original permanent appointment in the classified service. See above

definition of permanent service for veterans and disabled veterans. An exception to this rule is that the blind are considered the most senior employees in their same category or retention status.

(c) A blind person's permanent service may not be back-dated if that person is also a veteran or disabled veteran.

(d) A person is considered blind if they are so certified by the Commission for the Visually Handicapped of the New York State Department of Social Service.

(e) When two or more permanent incumbents of positions in a specific title are laid-off, 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.

(f) When several employees were originally appointed on a permanent basis 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 rank.

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

(h) 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 the probationary period. Probationary employees do, however, have superior retention rights to those of contingent permanent, temporary and provisional employees.

(i) The order of lay-off among probationary employees shall follow the same principles as that among permanent employees.

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

(c) If an employee refuses to displace a junior incumbent that employee refusing to displace the junior incumbent 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.

(d) 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 the higher level cannot be considered as occupied. A title which is occupied by an incumbent who is on leave without pay or by a temporary, provisional, contingent permanent, probationary or permanent employee 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 standing 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 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; 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 the incumbent is retreating need not have been in the same layoff unit as the one from which displaced.

(d) An employee may also displace by retreat to a position in a title the

employee last served on a permanent basis despite intervening service in other titles as long as the service in each of the intervening titles was on other than a permanent basis. The employee may also be displaced by retreat to a position which does not count in the computation of continued 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. Displacement: refusal of appointment.

An employee who refuses to accept a 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. Preferred lists: certification and reinstatement.

In the event of lay-off or demotion, preferred lists and certification and reinstatement therefrom shall be governed by the provisions of Section 81 of the Civil Service Law.

(a) The failure or refusal of a person on a preferred list, after reasonable mail to the person's last known address, to accept reinstatement therefrom to the person's former position, or any comparable position in a comparable salary or salary range for which such list is certified, shall be deemed to be a relinquishment of eligibility for reinstatement, and such person's name shall thereupon be stricken from such preferred list.

(b) 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 written request of such person containing a submission of reasons satisfactory to the President & CEO for the previous failure or refusal to accept reinstatement.

(c) A person on a preferred list shall not be deemed to relinquish eligibility for reinstatement therefrom by reason of failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which the person 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 that person failed or refused to accept reinstatement.

(d) The restoration of the name of a person to a preferred list, or restoration to eligibility for certification therefrom to positions in a lower salary grade than that person's 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.

(e) The New York City Office of Administrative Trials and Hearings is designated the hearing office on matters concerning the disqualification for reinstatement and removal from a preferred list.

RULE XXVII SEPARABILITY

If any rule or section or subdivision herein is found to be ineffective, invalid or inoperable in whole or in part, to the extent that it has not been found ineffective, invalid or inoperable in whole or in part, it shall continue in effect. No other rule, section or subdivision shall on account hereby be deemed ineffective, invalid or inoperable.

APPENDIX A

Exempt Positions

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APPENDIX B

Non-Competitive Positions

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APPENDIX C

Labor Positions

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APPENDIX D

Unclassified Service

APPENDIX A - EXEMPT POSITIONS

5/2002

<u>Title</u>	<u>Number of Positions</u>
Office of the Inspector General	
Assistant IG and Chief of Operations	1
Assistant IG for Investigations	1
Assistant IG for Policy and Analysis	1
Assistant IG for Special Operations	1
First Assistant IG and Counsel	1
IG Administrative Services Technician	1
IG Deputy Counsel (Civil)	1
IG Deputy Counsel (Criminal)	1
IG Budget Procurement Specialist	1
IG Engineer Auditor (A,B,C)	1
IG Intelligence Evaluator (A,B)	4
IG Intelligence Specialist (A,B)	1
IG Intelligence Staff Support	2
IG Investigative Accountant	5
IG Investigator (A,B,C)	9
IG Lead Developer	1
IG Manager, Administration	1
IG Manager, Contract Administration/Prequalification	1
IG Manager, Field Investigations	1
IG Manager, Information Technology	1
IG Manager, Intelligence	1
IG Manager, Research and Analysis	1
IG Secretary to Assistant Inspector General	2
IG Secretary to Director	2

IG Secretary to Vice President and Inspector General 1

5/2002

Title **Number of Positions**

IG Systems Specialist (A,B,C) 4

Vice President and Inspector General 1

Other Titles

Corporate Secretary 1

Executive Director 1

Secretary, Civil Service Commission 1

Secretary to President 1

Senior Director, Press Officer 1

Senior Director, Internal Audit Services 1

Special Assistant (to Chairman, to Trustees, to President) 3

Vice President, Administration 1

Vice President, Architecture & Engineering 1

Vice President and General Counsel 1

Vice President, Government & Community Relations 1

Vice President, Management Oversight and Special Projects 1

Vice President, Projects Management & Operations 1

APPENDIX B NON-COMPETITIVE POSITIONS

5/2002

Title	Section 42.2a Designation(s)	No. of Positions
Attorney (Attorney, Senior Attorney)		.
Chief Information Officer	P	1
Chief Plan Examiner		1
Chief Projects Officer	P	.
Comptroller	P	1
Confidential Human Resources Specialist (Assistant, Specialist)		.
Confidential Secretary (to Director, to Vice President)	C	.
Confidential Senior Finance Specialist		1
Contract Negotiator (Negotiator, Senior Negotiator)		.
Director, Administrative Services	P	1
Director, Architecture & Engineering	P	.
Director, Change Orders	P	1
Director, Community Relations	P	1
Director, Contract Administration	P	1
Director, Contract Negotiations	P	1
Director, Employment Development Programs	P	1
Director, Facilities Inspections	P	1
Director, Human Resources	P	1
Director, Industrial and Environmental Hygiene	P	1
Director, Information Technology	P	1
Director, Mentor Program	P	1
Director, Operations	P	.
Director, Program Support Services	P	1
Director, Project Controls	P	1

* For these titles an unlimited number of positions is authorized: P = Policy-influencing; C = Confidential.

NON COMPETITIVE TITLES

5/2002

Title	Section 42.2a Designation(s)	No. of Positions
Manager, Audit		.
Manager, Business Development		1
Manager, Community Relations (Manager, Senior Manager)	C	.
Manager, Contracts Administration		1
Manager, Employment Programs		.
Manager, Furniture & Equipment		1
Manager, Human Resources (Manager, Senior Manager)	C	.
Manager, Industrial and Environmental Hygiene		.
Manager, Purchasing		1
Manager, Safety		1
Managing Inspector		.
Principal Attorney	P	.
Principal Program Coordinator		1
Project Officer (Level I, Level II)		.
Senior Construction Assessment Specialist (A, B)		.
Senior Director, Architecture & Engineering	P	1
Senior Director, Contract Administration	P	1
Senior Director, Construction Services	P	1
Senior Director, Government & Community Relations	P	1
Senior Director, Project Management	P	1
Senior Manager, Project Operations	P	.
Senior Manager, Risk	P	1
Senior Manager, Scheduling and Cost Monitoring		.
Senior Project Officer	P	.

* For these titles an unlimited number of positions is authorized: P = Policy-influencing; C = Confidential.

APPENDIX C - LABOR POSITIONS

5/2002

<u>Title</u>	<u>No. of Positions</u>
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There are currently no SCA positions in this classification.

APPENDIX D - UNCLASSIFIED SERVICE

5/2002

<u>Title</u>	No. of <u>Positions</u>
President & Chief Executive Officer	1