



Department of
Civil Service

FLEX YOUR APPOINTMENT MUSCLES



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Session Goals

Review alternative
methods to appoint
the competitive
class

When and how to
request
determinations
from MSD

Understanding
responsibilities
(Civil Service
Agencies and MSD)

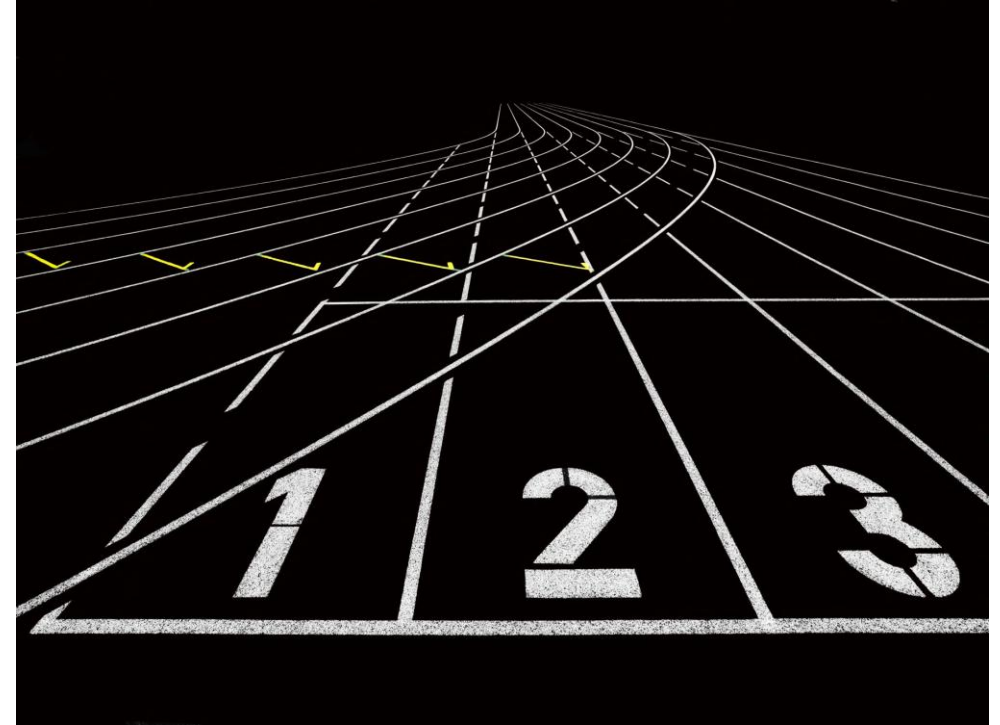
Glimpse into the
future

Welcome to Exam Related Transactions Workout!

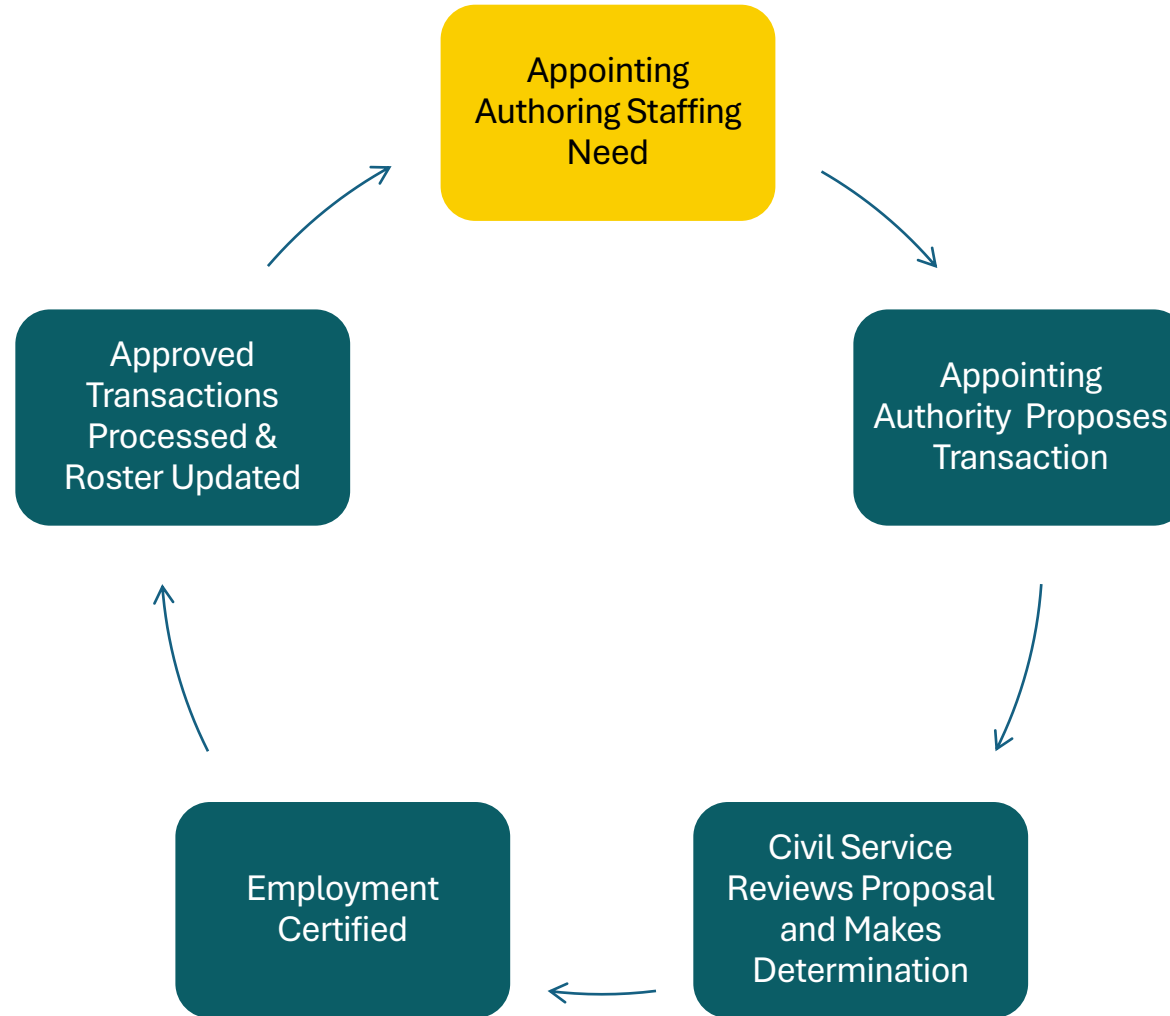
Gym membership is required!

Permanent Competitive Status

- Appointment from an eligible list to a permanent position.
- Successful completion of probation.



The Transaction Process



PROMOTION BY NON-COMPETITIVE EXAMINATION



Promotion by Non-Competitive Examination

Promotion by Non-Competitive Exam – CSL §52.7

- If no more than 3 eligible for promotion exam
 - *or*
- If no more than 3 apply for promotion exam
 - *then*
- Appointing authority may nominate a candidate for a promotional exam.
- No exam required if previously qualified in an appropriate exam.



Promotion by Non-Competitive Examination

Additional requirements – be in the “know”

- **No** valid preferred eligible lists for the target title.
- **No** promotion eligible list for the target title containing 3 or more acceptors.
- **N**ominee meets the current promotion qualifications.
- **No** idea if nominee’s prior exam is considered appropriate? Use the **M-440 Process**.



Test Your Knowledge!

Your Department of Environmental Facilities needs to fill a Senior Solid Waste Inspector due to an anticipated retirement. There is no preferred or promotional list.

- There are five Solid Waste Inspectors who apply to the position.
- Two candidates do not meet the promotional requirements.

Is the appointing authority able to nominate one of the Solid Waste Inspectors under CSL §52.7?

Test your knowledge!

Would the nominated Solid Waste Inspector be required to take an exam for the Senior title?

Compare the subject of examination

SOLID WASTE INSPECTOR

- A. Preparing written material
- B. Understanding and interpreting written material
- C. Evaluating information and evidence
- D. Investigative techniques



SENIOR SOLID WASTE INSPECTOR

- A. Preparing written material
- B. Investigative techniques
- C. Evaluating information and evidence
- D. Understanding and interpreting written material

TRANSFERS, REINSTATEMENTS, AND VOLUNTARY DEMOTIONS



Transfers, Reinstatements, and Voluntary Demotions

CSL § 70(1)

- Exam scopes and minimum qualifications cannot be different or higher.
- Civil Service Agencies can adopt rules governing transfers.
- Transfers are voluntary.

MODEL RULE XVII

- No preferred list
- No mandatory departmental promotion list
- Identical exam scopes and minimum qualifications (or as determined by NYSDCS)
- For the good of the service

Transfers, Reinstatements, and Voluntary Demotions

Watch your form

- ✓ Written request of individual and prospective employer.
- ✓ No preferred or mandatory promotion list exists for the “To” title.
- ✓ Exam scopes and minimum qualifications must be identical.
- ✓ Subject to probationary term per agency’s rules.
- ✓ MSD makes determination; use the **M-440 Process**.

Transfers, Reinstatements, and Voluntary Demotions

Test Your Knowledge!

A **Principal Clerk-Typist** employed with Burpee County requests to be transferred to an **Office Specialist II** vacancy with the Village of Plank in the neighboring County of Oblique.

- **When is the Village of Plank required to honor a request to transfer?**
- **True or False? Transfer IS NOT possible because the positions are different, and the appointing authorities are in different jurisdictions.**
- **When could a transfer candidate be appointed in the face of a departmental promotional list?**

Transfers, Reinstatements, and Voluntary Demotions

Reinstatements - Model Rule XVIII

- Competitive employee who resigns may be Reinstated, without further testing, to former position or position to which eligible for transfer or reassignment **providing there is no** active and mandatory promotion list.
 - **Exception** - employee who is seeking return to his/her former position within 1 year from resignation from the jurisdiction.
- Reinstatement following a break in service of more than 1 year is heavier lift.
- Keep your Rules in mind - Probationary Term (Model Rule XIV).
- If exam scopes and minimum qualifications are not identical, MSD makes determination. [Use the M-440 Process.](#)

Transfers, **Reinstatements**, and Voluntary Demotions

Test your knowledge!

A former **911 Dispatcher** with Kettlebell County applies to your agency for reinstatement to your **Public Safety Dispatcher** position.

What are your next steps?

Test your knowledge!

You notice the subject of examination is the same, but the MQs are the different.

Is the former 911 Dispatcher eligible for reinstatement?

Compare the Minimum Qualifications

911 DISPATCHER

Graduation from HS or GED and either

A. Completion of 30 semester credit hours from a regionally accredited college or university and six months of work experience providing customer service; **or**

B. One year of work experience providing customer service.



PUBLIC SAFETY DISPATCHER

Graduation from HS or GED and six months of work experience which involved customer service.

Transfers, Reinstatements, and Voluntary Demotions

Local Civil Service Rules - Model Rule XX

- Applies to permanent competitive class employees
- Employee's request in writing
- Reinstated to lower position to which eligible as provided for in the reinstatement rule
- "Such statement of relinquishment shall not take effect until the employee is reinstated to the lower-level position"

ELIGIBLE, PREFERRED, AND COUNTY OR STATE LISTS



Use of Eligible List

Use of Eligible List Pursuant to CSL §61 and Model Rule XII

“Appointments and promotions shall be made from the eligible list most nearly appropriate for the position to be filled.”

- Eligible list must be “live”.
- If you are unable to clearly defend your reasons for using the list, contact MSD by use of the **M-440 process** to provide you with a written determination.

Use of Preferred List

Use of Preferred List Pursuant to CSL §81 and Model Rule XVIII

- A preferred list established pursuant to the displacement of person(s) resulting from layoff.
- Certified first to the same or similar position, second to any position in lower grade in line of promotion, third to any comparable position in the same jurisdictional class.
- Request determination from MSD on comparability **(M-440 process)**.

Use of County or State Eligible List

Use of Eligible List Pursuant to CSL § 23 (4)

- Use of an appropriate county or state eligible list to fill a position in the absence of the agency's own list.
- COUNTY – may request to use a STATE eligible list.
- CITY or TOWN CSA – may request use of the COUNTY'S eligible list. This means the county in which the CITY or TOWN CSA is located.
- Your procedures should include a request a determination from MSD on the examination comparability **(M-440 Process)**.

Another Option to Consider, Part 1

Model Rule XII (9) – Certification of Appointment

- When an open-competitive examination 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 the State of New York, ***then***
- The municipal commission or Personnel Officer may waive the examination and certify for appointment the names of the qualified applicants, provided they have been licensed or certified in the profession by the State of New York.

<https://eservices.nysed.gov/professions/verification-search>

Another Option to Consider, Part 2

Non-Competitive Appointment per CSL §55-a

- Allows for individuals with disabilities to be appointed as noncompetitive to certain entry–level competitive class positions.
- Candidates must meet minimum qualifications and be certified by NYS Office of Vocational & Educational Services for Individuals with Disabilities (ACCESS-VR).
- Discretionary; Not appropriate for all titles.
- Local procedure for considering candidates for 55-a non-competitive appointment



Yates County Department of Civil Service
417 Liberty Street
Penn Yan, NY 14527
SECTION 55-A

SHOULD 55-a ELIGIBLE INDIVIDUALS TAKE CIVIL SERVICE EXAMINATIONS?

Yes. The 55-a Employment Program is voluntary and some departments and local jurisdictions may not participate. To ensure that you do not miss any employment opportunities, you should take all examinations for which you qualify.

Special arrangements and accommodations are provided for disabled people upon request to enable them to participate in the civil service examination process.

PROMOTIONAL OPPORTUNITIES FOR 55-a EMPLOYEES

Section 52 of New York State Civil Service Law permits 55-a employees to compete in promotional examinations for which they qualify.

JOB PROTECTION

New York State Civil Service Law provides job protection under Section 75 after five years of employment. Labor contract provisions, if any, would apply and may grant similar protections within a shorter period.

WHO TO CONTACT FOR FURTHER INFORMATION ON THE YATES COUNTY DEPARTMENT OF CIVIL SERVICE'S 55-a EMPLOYMENT PROGRAM:

Yates County Personnel Office
417 Liberty Street
Penn Yan, NY 14527
(315) 536-5112
<https://www.yatescounty.org/Personnel>

New York State Education Department ACCES-VR
Finger Lakes Works – Geneva
70 Elizabeth Blackwell Street Geneva, NY 14456
(315) 789-0195
<http://www.acces.nysed.gov/vr>

New York State Commission for the Blind and Visually Handicapped
Ellicott Square Building 295 Main Street, Room 590 (mail goes to room 545)
Buffalo, NY 14203
Telephone: (716) 847-3516
TDD: (716) 847-3500
Buffalo Outstation: (716) 773-1252
Rochester Outstation: (585) 238-8110
Jamestown Outstation: (716) 488-1292
Dundee Outstation: (607) 243-7596
www.ocfs.state.ny.us/main/cbvh/distoffices.asp

THE CURRENT M-440 PROCESS



M-440 – Examination Appropriateness Request Form

MSD Online

Home
Contact MSD
Master Exam Schedule
Examination Services
Position Classification
Training Opportunities
Memoranda
Manuals & Guides
Forms & Surveys
Rules Resolutions & 211
Waivers
Annual Report
Municipal Civil Service
Agency Directory &
Contact Updater
Director of Facilities
Projects
Transformation
Consultant Resources

Forms and Surveys

The Forms and Surveys page contains the most up-to-date versions of documents commonly used by local civil service agencies. We recommend downloading forms directly from this page as opposed to saving a version on a personal computer. This will ensure access to the most recent version.

Sections and documents are arranged in alphabetical order. Sample forms can be modified for use by your agency. Please contact us at assistance.request@csc.ny.gov with any questions regarding the use of these forms or surveys.

211 Waivers and Rules Resolutions

- [Appendices Amendment Data Sheet \(M-4A\)](#)
- [Appendices Amendment Data Sheet - Deletions \(M-4D\)](#)
- [Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law \(CSC-1\)](#)
- [Notice of Public Hearing \(Sample\)](#)
- [Resolution \(Sample\)](#)
- [Text Amendment Data Sheet \(M-4T\)](#)

Application Permissions

- [Appointing Authority Request for Access to 211 System \(M-31\)](#)
- [Local Agency Request for Access to MSD Applications \(M-30\)](#)

Appointments/Transactions

- [Supplemental Payroll Certification/Report of Personnel Change \(Sample\)](#)

Examination Appropriateness

- [Examination Appropriateness Request Form \(M-440\)](#)
 - [Procedure for Municipal Civil Service Agency Staff - Examination Appropriateness Request](#)
- [Request for 52.7 Non-Competitive Examination Checklist \(M-440A\)](#)

Examination Services

- [Bookkeeping Survey \(M-22\)](#)
- [Local-to-Local Cross-filer Form \(M-600\)](#)
- [Local-to-State Cross-filer Form \(M-601\)](#)
- [Notice of Intent \(M-35\)](#)
- [Police Rank Survey \(M-31\)](#)

 NEW YORK STATE OF OPPORTUNITY	Department of Civil Service Albany, NY 12239	MUNICIPAL SERVICES DIVISION Examination Appropriateness Request Form M-440 (2/2020)
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Guidelines

The New York State Department of Civil Service, through the Municipal Services Division, provides municipal civil service agencies with information regarding the appropriateness of non-competitive promotional examinations, transfers, reinstatements, alternate eligible lists, and preferred lists. These transactions are referred to as movement "from" a title "to" a title. The "from" title is defined as the title for which an individual has already taken an examination or a title for which an eligible list or preferred list exists. The "to" title is the position your agency wishes to fill via the transaction.

Please complete Section A, B, and C of this form when submitting requests for Examination Appropriateness to the New York State Department of Civil Service. Your agency's request will be reviewed to ensure that the **transaction identified in Section B** is appropriate. Should you have any questions regarding the submission of a request for appropriateness information, please contact Municipal Assistance at assistance.request@csc.ny.gov

If requests are unclear or the supporting documentation is not complete, the municipal civil service agency will be contacted for additional information.

IMPORTANT: It is further recommended that the Civil Service Commission/Personnel Officer ensure all requirements of Law and Rule regarding this transaction are satisfied.

Section A - Review Information

Civil Service Agency:	
From Title:	
Municipal Department or Governmental Unit:	
Status of incumbent:	
To Title:	
Municipal Department or Governmental Unit:	

Section B - Type of Transaction

		Comments
Transfer		
Reinstatement		
Appropriate eligible list use		
Non-competitive promotion CSL 52(7)		Indicate number of candidates in promotion field; complete M-440A
Voluntary demotion		
Preferred eligible list use		

Section C - Required Supporting Documentation

		Comments
"From" title Classification Specification		
"From" title Examination Announcement		
"To" title Classification Specification		
"To" title Examination Announcement		

Section D - Office of Commission Operations & Municipal Assistance Recommendation (Office Use Only)

		Comments
Recommended		
Not Recommended - Examination		
Not Recommended - Minimum Qualifications		

Required Documents for Review – M-440 Process

Documents  Transactions	OC Minimum Qualifications Review	“From” title exam announcement & job spec	Exam type – taken by candidate or most recent	“To” title exam announcement & job spec
NCP Promotion CSL 52.7*	No	Yes	Taken by NCP nominee	Yes
Transfer CSL 70.1	Yes	Yes	Most recent	Yes
Reinstatement	Yes	Yes	Most recent	Yes
Use of Eligible List CSL 61 or Pref List CSL 81	Yes	Yes	Most recent	Yes
Use of State or County List CSL 23.4	Yes	Yes	Most recent	Yes

CSA and MSD Responsibilities

CSA
Submission
Responsibilities

A New Workout is Being Planned

- Your feedback on the current M-440 process
- Dedicated webpage for exam related transactions with instructions
- New form is being considered



Q & A

MSDExams@cs.ny.gov





**Department of
Civil Service**