



Department of
Civil Service

POSITIONS OUTSIDE OF THE COMPETITIVE CLASS AND RULES RESOLUTIONS



WARREN COUNTY CIVIL SERVICE RULES

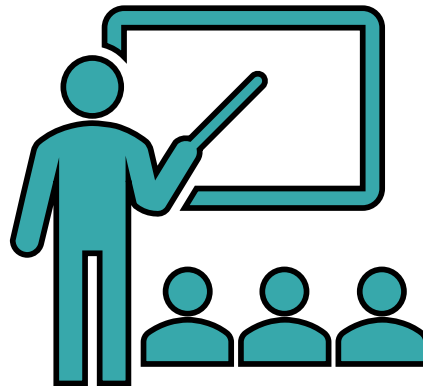
Warren County Department of Human Resources
Civil Service Administration
1340 State Route 9
Lake George, New York 12845
518-761-6440
www.warrencountyny.gov/civilservice

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JUNE 16, 2026

AGENDA

- Review of the local resolution process
- Materials to provide in support of proposed appendices amendments
- How to justify your request



REVIEW OF THE LOCAL RESOLUTION PROCESS

[Annual Schedule](#)
[Information Services](#)
[Jurisdiction 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](#)

Commission Resources

The Manuals and Forms are currently available in "Portable Document Format" (.pdf). PDF forms may not be accessible by all users. To view and print these documents, you will need Adobe Acrobat Reader from Adobe Systems. This software is free and you may download it [here](#).

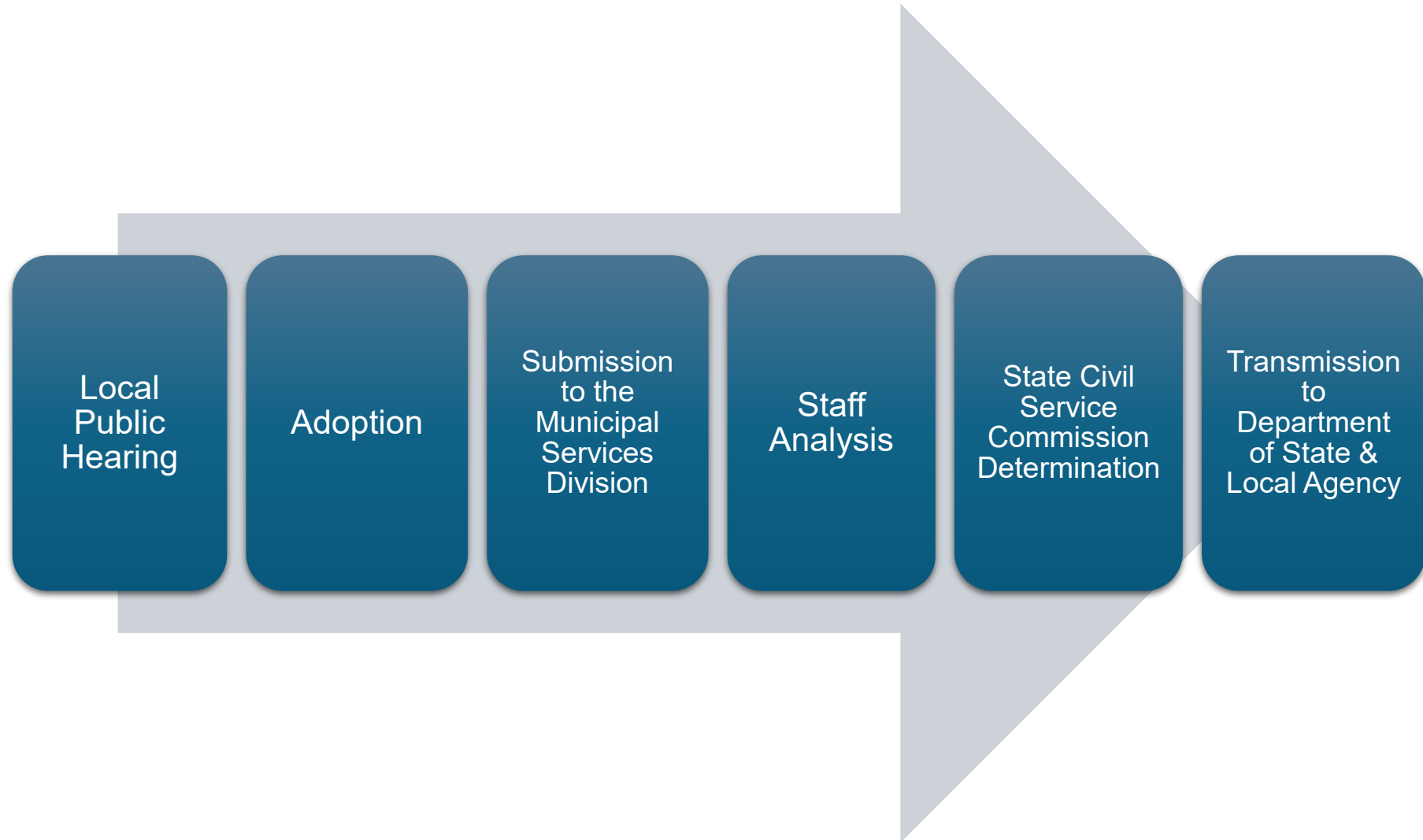
Resources for 211 Waiver Applications

- [General Information - Working After Retirement](#)
- [211 Information](#)
- [211 Statutory Criteria & Commission Guidelines](#)
- [How to Apply for a Section 211 Waiver](#)
- [211 Waiver Online Application Tool](#) (Requires a User ID and password as noted [here](#))
- [Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law \(CSC-1\)](#)

Resources for Rules Resolutions

- [Jurisdictional Classification and Civil Service Rules Resolution Guidelines \(M-6031\)](#)
- [Resolution \(Sample\)](#)
- [Notice of Public Hearing \(Sample\)](#)
- [Affidavit of Public Hearing \(Sample\)](#)
- [Appendices Amendment Data Sheet \(M-4A\)](#)
- [Text Amendment Data Sheet \(M-4T\)](#)
- [Appendices Amendment Data Sheet - Deletions \(M-4D\)](#)
- [Model Municipal Civil Service Rules \(M-6007\)](#)

Review of the Local Resolution Process



Review of the Local Resolution Process

Section 20 of Civil Service Law:

- Local rules are subject to State Civil Service Commission approval
- Public hearing is generally required
- Changes do not take effect unless filed with the Secretary of State

Review of the Local Resolution Process

Local Public Hearing:

- Announcement
 - Advertise to the public for at least three days
 - Notify interested parties requesting written notification 30 days prior to the hearing
 - Summarize the details of the proposal
 - Document with Affidavit of Publication & Copy of the Announcement(s)

Review of the Local Resolution Process

Local Public Hearing:

- Sample
 - Notification is hereby given that a Public Hearing will be held at (location) at (time) on the matter of amending the Appendices of the Rules for the Classified Civil Service of (County or Municipality Name).

Sample – LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on [redacted] in the office of the [redacted] Civil Service Commission/Personnel Officer located at [redacted] on [redacted], 2010 at [redacted] a.m./p.m. on the matters of amending the [redacted] Civil Service Rules by amending the Text or Appendices:

Such proposed changes are available for inspection during business hours in the office of the [redacted] Civil Service Commission/Personnel Officer located at [redacted].

Name
Secretary to the [redacted] Civil Service
Commission/Personnel Officer

Review of the Local Resolution Process

Local Public Hearing:

- Holding the Hearing
 - Time and Place Announced
 - Allow Public Comments—Oral and Written
 - Produce Minutes

Review of the Local Resolution Process

Adoption of Resolution

- Official Action of the Local Commission or Personnel Officer
- Standardized Format
- Certification of Submission Language Required
- Signed by Majority of Commission Members or Personnel Officer
- Additional Requirements for Cities
 - Subject to Approval by Mayor or Designee
 - Failure to Act in 30 Days Considered Approval

- Resolution

Sample – RESOLUTION TO AMEND MUNICIPAL CIVIL SERVICE RULES

Resolution to Amend the Appendices/Text of the City/County/Town of [] Civil Service Rules.

At a meeting of the [], Civil Service Commission held on [], / Upon action of the Personnel Officer of [] on [] the following resolution was adopted:

WHEREAS the [] Civil Service Commission/Personnel Officer deems it necessary to make certain changes to the Appendices of the [] Civil Service Rules; AND

WHEREAS the [] Civil Service Commission/Personnel Officer has duly advertised and has on [] held a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED that subject to the approval of the State Civil Commission, the following changes be made to the Text/Appendices of the [] Civil Service Rules:

Appendices

ADD: DELETE:

[]
Text

ADD: DELETE:

Submission includes:

- ☐ Scanned copy of the signed original of this adopted resolution
- ☐ Notice of public hearing
- ☐ Affidavit of Publication of Notice
- ☐ Transcript of hearing minutes and written comments
- ☐ Supporting documentation and information for each requested amendment

Certification of Submission

I/We attest that this resolution and supporting documents have been reviewed by this office and are complete and accurate. I/We have determined that the request(s) for amendments included in this resolution complies with the standards set forth in State and local Law. This office supports this request and has performed all duties and actions required by the Civil Service Law and local Rules. This submission is complete and appropriate for consideration by the State Civil Service Commission.

Chairperson/Personnel Officer

City Manager

Commissioner

Commissioner

Review of the Local Resolution Process

Submission to SCSC

- Required Documentation/Submit Electronically (commission.ops.mun@cs.ny.gov)
 - Copy of the Notice of Public Hearing
 - Affidavit of publication from the paper in which the Notice was published
 - Minutes from the Public Hearing
 - Resolution (including certification of submission)
 - Data Sheet(s)
 - Required Supporting Materials

MATERIALS TO PROVIDE IN SUPPORT OF PROPOSED APPENDICES AMENDMENTS



- **M-4A**

 NEW YORK STATE OF OPPORTUNITY.	Department of Civil Service Albany, NY 12239	MUNICIPAL SERVICES DIVISION Appendix Amendment Datasheet
	M-4A (2/2020)	

Appendix Amendment Datasheet

Title:	Department/Location:
Jurisdictional request:	Salary:
<u>Position History/Information:</u>	
Date position established:	Newly created position: ☐ Yes ☐ No
Reclassification of existing position: ☐ Yes ☐ No	
If reclassification of existing position, provide original title/JC, and reason for reclassification:	
Position occupied: ☐ Yes ☐ No	Status: ☐ Perm ☐ Prov ☐ Temp
Title/JC of immediate supervisor:	
Titles/JC of immediate subordinates (include # of employees supervised):	
<u>Examination History:</u>	
Title:	Date:
Type of Examination: ☐ OC ☐ Promotion ☐ NCP	
Recruitment Difficulty: ☐ Yes ☐ No	
If yes, provide examination/recruitment information:	
<u>Justification:</u>	
Section of Civil Service Law (and any other Law) supporting the request:	
Justification for request/explanation of how the standards of CSL are met (attach additional sheets if necessary):	

Information To Be Submitted

Exempt; Unclassified; Non-Competitive (PI/C);

Dept/Division Head; Deputy Head; All upper-level positions

☐ Complete and detailed approved duties statement (exempt) and/or adopted class specification (non-competitive)

- ☐ Organizational budget
- ☐ Organizational chart
- ☐ Employment Record(s) (if occupied) or statement of position vacancy
- ☐ Legislation or other action creating position
- ☐ Legislation or other action granting authority and/or assigning duties and responsibilities
- ☐ Justification
- ☐ Any other supporting information

Labor; Non-Competitive

- ☐ Adopted class specification
- ☐ Documented recruitment difficulty (if justification)
- ☐ Any other supporting documentation

- **M-4D**

 NEW YORK STATE OF OPPORTUNITY.	Department of Civil Service Albany, NY 12239	MUNICIPAL SERVICES DIVISION Appendix Amendment Datasheet – Deletions M-4D (2/2020)
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Appendix Amendment Datasheet – Deletions

Title(s) being deleted:	Department/Location:
Reason for deletion:	
Are positions occupied: ☐ Yes ☐ No	
If positions are occupied, please indicate if the incumbent(s) will receive competitive class status upon removal of title from your Appendices:	

Information to be Submitted

☐ If position being deleted is occupied, provide roster record of incumbents

HOW TO JUSTIFY YOUR REQUEST

Creating a Justification

- Explain why it is not practicable to examine for the title
- Identify the legal basis for the title to be placed outside of the competitive class
- Reference the section of civil service law and explain why it is relevant to this specific case

Justification:

Section of Civil Service Law (and any other Law) supporting the request: 42(1)

Justification for request/explanation of how the standards of CSL are met (attach additional sheets if necessary):

The title of Senior Shelter Services Worker (Relief) is a new position in the Department of Social Services and was established on September 9, 2024. The nature of the work involves the responsibility for providing all types of support for the warming center facility and the guests during the cold winter months (6 month period from November – April).

It is not practicable to fill the position by competitive examination since it is not possible to determine the most critical components of merit and fitness for this title by written examination; most importantly, a Senior Shelter Services Worker is responsible for overseeing the daily planning and scheduling of staff and ensures the completion of tasks while providing support for the Warming Center Manager.

Note: The position was established as a "relief" position because the Senior Shelter Services Workers will work on an as needed and limited basis. "Relief position" means a single position which one or multiple incumbents may be appointed to work on an intermittent basis to meet the challenging needs of the workforce or to work on an as-needed basis in the absence of a regularly scheduled employee.

Pursuant to section 42 (1) of the New York State Civil Service Law we are requesting that the title of Senior Shelter Services Worker (Relief) be placed in the Non-competitive class.

What MSD looks for:

- Duties of the position
- How the proposal meets the applicable criteria
- How the position fits in with the rest of the organization (Org Chart)
- Documentation is crucial



HOW TO JUSTIFY YOUR REQUEST- UNCLASSIFIED SERVICE

Unclassified Service, §35 of CSL:

- §35(a) Elective offices
- §35(b) All offices filled by election or appointment by the legislature
- §35(c) Legislative employees principally involved in legislative function
- §35(e) Department heads authorized to:
 - Control the functions of a department of government
 - Appoint and remove subordinates
- §35(f) Members, officers and employees of Boards of Elections
- §35(g) Teaching and teaching supervisory staff
- §35(i) Community College professional positions approved by the Chancellor

Unclassified Service, §35 of CSL:

For all requests except those made pursuant to §35(e), provide:

- A written statement of how the requested position satisfies the criteria in §35;
and
- Local Law/Charter or Board Resolution that supports allocation to the unclassified service

Unclassified Service, §35 of CSL:

For all requests made pursuant to §35(e), provide:

- A written explanation citing §35(e) of the Civil Service Law;
- The local law creating the department; and
- The local law designating the position as the head of the department with the authority to direct and control the department, as well as the authority to appoint and remove employees.

Example

- Comptroller

Section 35(e) of the Civil Service Law provides for placement in the unclassified service “the head or heads of any department of government who are vested with direction and control over a department, and who have the power and authority to appoint and remove officers and employees therein.”

HOW TO JUSTIFY YOUR REQUEST- EXEMPT CLASS

Exempt Class, §41 of CSL:

- §41(1)(b) Deputies of principal officers authorized to act generally for and in place of the principal
- §41(1)(c) One secretary to each municipal board or commission
- §41(1)(d) One clerk for each elected judge, One clerk and one deputy clerk, if authorized by law, for each court
- §41(1)(e) Other subordinate offices or positions for which neither competitive nor non-competitive examination is practicable

Exempt Class, §41 of CSL:

§41(1)(b) Deputies of principal officers authorized to act generally for and in place of the principal

- Provide:
 - Jurisdictional classification of the principal
 - Duties of the principal executive officer
 - Local law creating the department of which the requested position is the deputy
 - Local law granting the authority to act for and in place of the principal
 - Written justification

Exempt Class, §41 of CSL:

§41(1)(c) One secretary to each municipal board or commission

- Provide:
 - A written explanation citing §41(1)(c);
 - Documentation supporting the creation or existence of the municipal board or commission the secretary is serving; and
 - The local law permitting the appointment.

Exempt Class, §41 of CSL:

Section §41(1)(d) One Clerk for each elected judge, one clerk and one deputy clerk of each Court

- Provide:
 - Statement of duties
 - Written statement Citing §41(1)(d) of Civil Service Law.
 - Local Law is not required

Exempt Class, §41 of CSL:

§41(1)(e) Other subordinate offices or positions for which neither competitive nor non-competitive examination is practicable

- Written explanation citing §41(1)(e) and explaining why neither competitive nor non-competitive examination is practicable;
- Local law creating the position.
- Working with confidential material/holding confidence and trust of the supervisor are not necessarily appropriate justification.
 - Compelling evidence of a unique and confidential relationship or other extenuating circumstances must be provided.

Exempt Example

- Deputy Commissioner of Parks, Recreation, and Conservation - Division of Construction and Maintenance

Sec. 12-5. Deputy Commissioners of Parks, Recreation and Conservation; appointment; revocation.

The Commissioner of Parks, Recreation and Conservation may appoint such Deputy Commissioners of Parks, Recreation and Conservation, assistants and employees of his department as shall be authorized by the County Legislature. Any such Deputy Commissioner appointed shall have all the powers and duties of the Commissioner. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Human Resources.

(L.L. No. 8, 1980)

Historical Note

1980 Amendment. L.L. No. 8 of 1980, eff. May 29, 1980, added sentence beginning "Any such Deputy...."

HOW TO JUSTIFY YOUR REQUEST- NON-COMPETITIVE CLASS

Non-Competitive, §42 of CSL:

- §42(1) Positions not practicable to competitively examine
- §42(2-a) Policy influencing/confidential positions may be designated as such to provide for exclusion from tenure protection
- §42(2) Positions in municipalities with fewer than 5,000 population

Non-Competitive Class, §42 of CSL:

§42(1) Positions not practicable to competitively examine

- All requests - Written justification citing §42(1) and explaining how examination is not practicable.
- Recruitment difficulty – The written justification must include a summary of the last three examinations and eligible lists resulting in non-mandatory situations.
- Exam not provided by DCS – The written justification must include the date of the exam request which must have been more than three years prior to the resolution.

Non-Competitive Class, §42 of CSL:

§42(2) Positions in civil divisions where the population is under 5,000

- Written justification citing §42(2) and explaining how examination is not practicable.
- Part Time Positions Only per State Commission policy
 - Standards for Non-Competitive Classification in Civil Divisions of Less than 5,000 Population.
- The civil division must include a notation of “population under 5000” or other symbol designating it as such on the resolution.

Non-Competitive Class, §42 of CSL:

§42(2) Positions in civil divisions where the population is under 5,000

- There are many villages with populations under 5,000.
- Population must be documented using census data.

Name	County	Pop. (2020)
Dering Harbor	Suffolk	50
Saltaire	Suffolk	113
West Hampton Dunes	Suffolk	126
Ames	Montgomery	138
Ocean Beach	Suffolk	153

Non-Competitive Class, §42 of CSL:

§42(2-a) Positions which are confidential or require the performance of functions influencing policy.

- A written explanation citing §42(2-a) and why competitive examination is not practicable with specific aspects of the position that cannot be tested.
 - Without specifics, the request may be viewed as flawed by the state commission.
- Title must include an identifying symbol on the resolution denoting its policy influencing/confidential nature.

Non-Competitive Example

- Disaster Coordinator Assistants (Part-time)

(Typed name and the checked "approved"/box indicate signatures of approval)

CERTIFICATE OF PERSONNEL OFFICER

10. In accordance with the provisions of Civil Service Law, Section 22 the Chautauqua County Department of Human Resources certifies that the appropriate civil service title for the position described is:

Position Title: Assistant Disaster Coordinator	Jurisdictional Class:	Position Number:
Disaster Coordinator Assistants (Part-time)* Noncompetitive		
Date: 1/24/13	Title: Sr. Personnel Technician	Signature: [Signature] Approved ☒

(Typed name and the checked "approved"/box indicate signatures of approval)

ACTION BY LEGISLATIVE BODY OR OTHER APPROVING AUTHORITY

11. Creation of described position

☒ Approved
☐ Disapproved

Date:	Title: Village Clerk	Signature: [Signature] Approved ☒
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CC (County positions only): Budget Office
Dept. Head

(Typed name and the checked "approved"/box indicate signatures of approval)

* Under 5,000 population pending approval of NYS Civil Service Commission

- Deputy Commissioner of Water & Sewer

QUALIFICATIONS

- Graduation from a regionally accredited or New York State registered four (4) year college or university with a Bachelor of Science or Bachelor of Art degree and four (4) years of satisfactory experience in the operation of a Type 3A wastewater treatment plant, at least one (1) year of which was in a responsible supervisory position; or
- Graduation from high school or possession of a high school equivalency diploma and eight (8) years of satisfactory experience in the operation of a wastewater treatment plant, at least four (4) years of which is experience in the operation of a Type 3A treatment plant, one (1) year which was in a responsible supervisory position; or
- An equivalent combination of training and experience as defined by the limits of (A) and (B) and meeting the requirements as outlined by New York State's Department of Environmental Conservation for a Type 3A Wastewater Treatment Plant Operator's Certification.

- Maintains records of activities and prepares reports;
- Assists in formulating policy and procedure for plant operation, in accordance with state and federal regulations;

HOW TO JUSTIFY YOUR REQUEST- LABOR CLASS

Labor Class, §43 of CSL:

§43(1) All unskilled laborers

- Written justification citing §43(1) of the Civil Service Law.
- The position must not have minimum qualifications.
- Unskilled positions
- Duties impracticable to examine

Labor Example

- Video Camera Operator

DISTINGUISHING FEATURES OF THE CLASS: This position is responsible for videotaping meetings for Municipalities and School Districts. Work is performed under general supervision. Supervision over others is not a responsibility of this position. Does related work as required.

TYPICAL WORK ACTIVITIES:

Operates video camera to record and broadcast meetings;
May assist with the set up and breakdown of video equipment;
May use computer applications in the performance of duties.

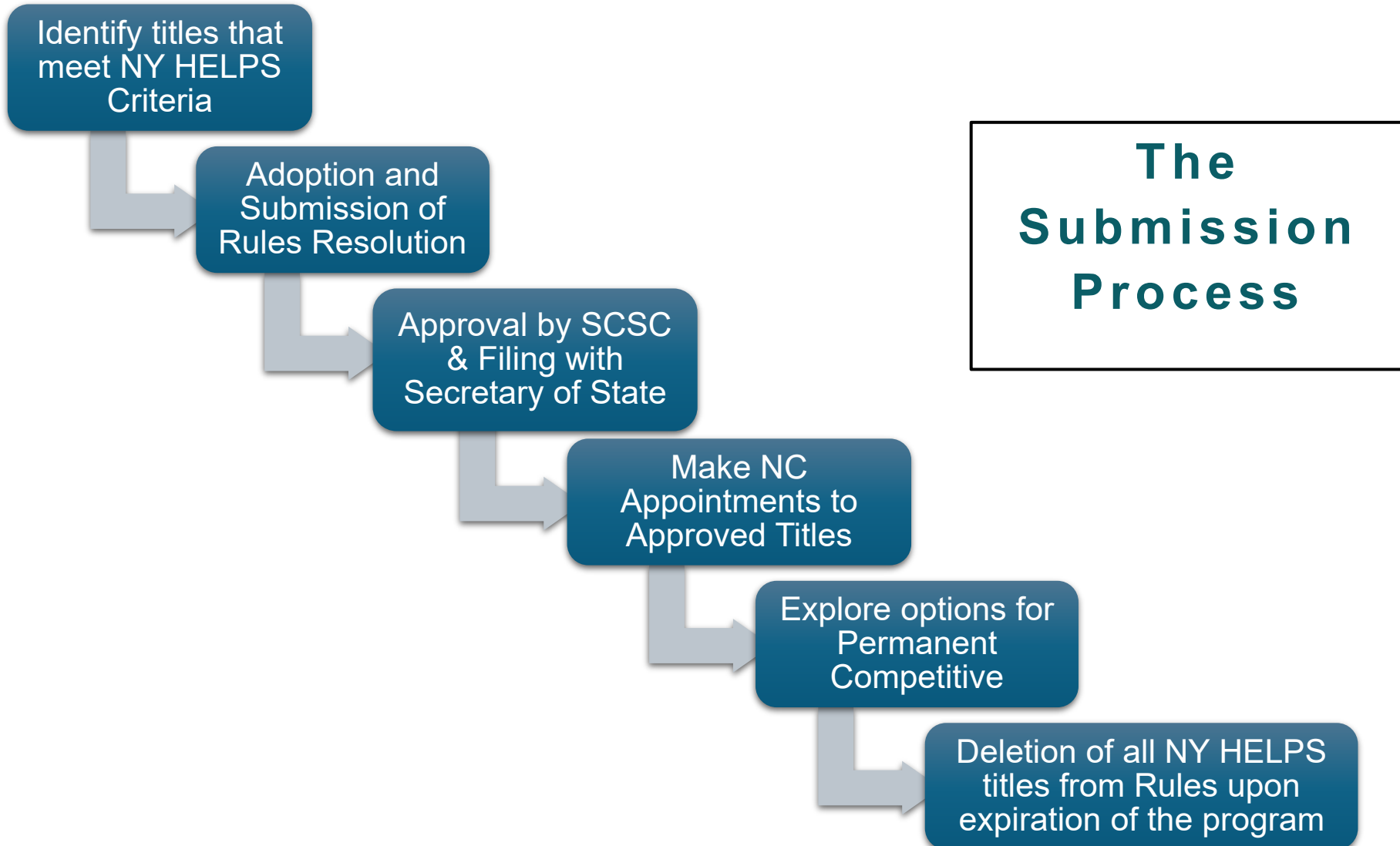
FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Basic technical aptitude and ability to learn to properly operate video camera equipment; ability to understand and follow oral and written directions; ability to establish and maintain effective working relationships; ability to communicate clearly and effectively; physical condition commensurate with demands of the position.

MINIMUM QUALIFICATIONS: None are required.

LOCAL NY HELPS PROGRAM JURISDICTIONAL CLASSIFICATION



Local NY HELPS Program Jurisdictional Classification



- NY HELPS Program – Local Addendum

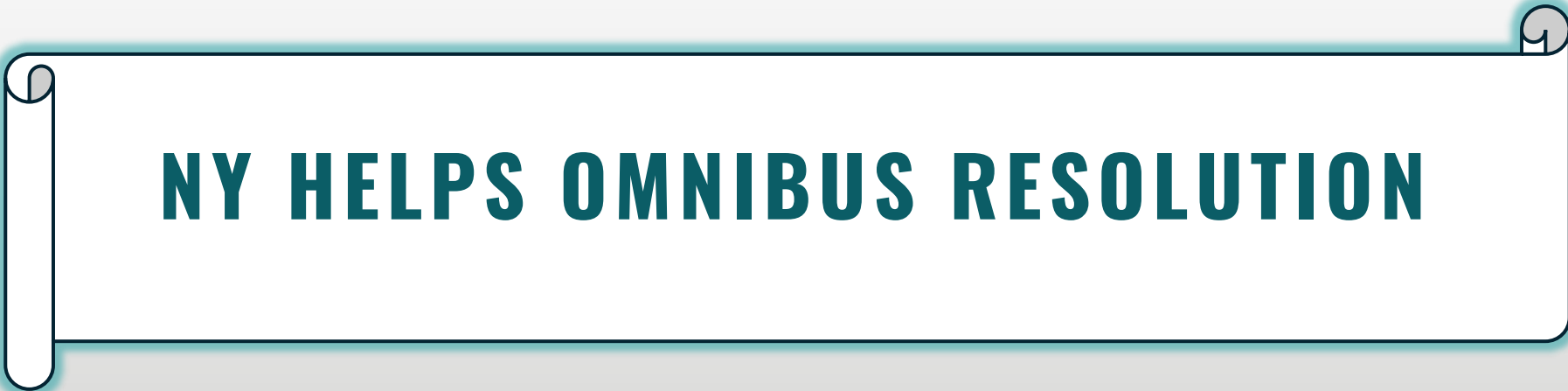
New York State Department of Civil Service 42

DELETING NY HELPS TITLES BY RESOLUTION



Deleting NY Helps Titles By Resolution

- Deleting the title will grant permanent competitive class status once approved by SCSC and filed with Secretary of State.
 - In the short term, this should be viewed as a last resort!
- Deletion of NY HELPS titles is required when the program expires.
 - Benefit to the employee is they are not required to take an exam.



NY HELPS OMNIBUS RESOLUTION

NY HELPS Omnibus Rule (Temporary Use)

What is it?

- Text rule that local agencies can add to their rules as a mechanism to expedite adding competitive titles which qualify for inclusion in the NY HELPS Program to their appendices.

Why?

- After the text is added to your rules, a list of titles can be submitted to add to or delete from the program via the NY HELPS Omnibus Title Request Form!
 - No resolution needed!

NY HELPS Program Omnibus Title Request Form

Signature:

IN CONCLUSION...



In Conclusion

When seeking to convert NY HELPS appointees from Non-Competitive to Competitive:

- Exhaust all promotion possibilities first.
- Deleting the title from your rules should be viewed as a last resort. We recommend using the QIE rule to convert employees to the competitive class.
- All NY HELPS titles must be deleted when the program expires.
- Requesting titles in plural form when multiple positions are needed.

In Conclusion

When submitting a rules resolution, avoid:

- Not providing copies of/references to laws
- Providing laws that do not refer to the requested title
- Providing laws that limit authority in a way that does not meet CSL criteria
- Requesting unlimited positions in an exempt title
- Requesting non-competitive titles in singular form when multiple positions are needed

In Conclusion

When submitting a rules resolution, avoid:

- Submitting requests based on recruitment difficulty which are not supported by recruitment information
- Submitting requests for full-time non-competitive titles based on population under 5,000 policy
- Submitting requests for labor class positions that require minimum qualifications

In Conclusion

How you can help:

- Check your submission for completeness before submission
- Break larger resolutions up into smaller resolutions
 - Smaller resolutions typically process faster
 - <5 titles per resolution optimum
 - It is not uncommon for a resolution of 15 titles to be held up because of problems that concern only one or two of the titles

In Conclusion

Questions? Concerns?

- You can always contact us!
 - Commission.ops.mun@cs.ny.gov
 - Office telephone: 518-473-5037





THANK YOU!



**Department of
Civil Service**

