

# **ORANGE COUNTY RULES**

for the Classified Service



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**Rules for the Administration of Civil Service Law in the  
County of Orange**

**including Towns, Villages, School Districts, Special Districts and Libraries**

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# TABLE OF CONTENTS

Page

Purpose and Effect.....	1
Rule I Definitions.....	2
Rule II Organization of the Department of Human Resources.....	3
Rule III Competitive Class.....	3
Rule IV Exempt Class.....	3
Rule V Non-Competitive Class.....	3
Rule VI Labor Class.....	4
Rule VII Unclassified Service.....	4
Rule VIII Recruitment of Personnel.....	4
Rule IX Applications.....	5
Rule X Disqualification.....	5
Rule XI Examinations.....	6
Rule XII Eligible Lists.....	7
Rule XIII Certification.....	8
Rule XIV Promotions.....	10
Rule XV Probationary Term.....	10
Rule XVI Temporary Appointment from Eligible List.....	13
Rule XVII Emergency Defense and Trainee Appointments.....	14
Rule XVIII Effect of Non-Permanent Appointment on Status of Employee.....	14
Rule XIX Transfers.....	17
Rule XX Layoff of Competitive Class Employees.....	17
Rule XXI Reinstatement.....	21
Rule XXII Leave of Absence.....	23
Rule XXIII Resignation.....	23
Rule XXIV Reports of Appointing Officers.....	24
Rule XXV Certification of Payrolls.....	25
Rule XXVI Position Classification.....	26
Rule XXVII Prohibition Against Questions Eliciting Information.....	28

## Concerning Political Affiliation

### Appendices

A. Exempt Class.....	29
B. Non-Competitive Class.....	34
C. Labor Class.....	46
D. Unclassified Service.....	47
E. Emergency Defense Positions.....	49

**RULES FOR THE CLASSIFIED CIVIL SERVICE OF  
ORANGE COUNTY**

**Purpose and Effect**

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

## RULE I

### Definitions

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

1. "**Commissioner of Human Resources**" means that person appointed by the County Executive under the terms of the Orange County Charter and approved by the Orange County Legislature to direct the Department of Human Resources of said county.
2. "**Employee**" means the incumbent of a position holding the position in accordance with these rules and the Civil Service Law.
3. "**Position**" means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.
4. "**Compensation**" means the remuneration of a position and shall include food, lodging, maintenance and commutation when the same is furnished.
5. "**Eligible List**" means an official record kept in the office of the Commissioner of Human Resources as a public record which contains the names of those persons who have successfully completed examinations, listed and ranked in order of their final ratings from the highest to the lowest rank.
6. "**Part-Time Employment**" means any employment or a combination of one or more employments in a civil division in which an individual works a total of fifty percent or less of the time prescribed as a standard work week by the governing body or other appropriate authority of the civil division or wherein the employee earns not more than one half (1/2) of the rate assigned to the position if the position has been allocated to a graded salary schedule.
7. "**Transfer**" means the change, without further examination, of a permanent employee from a position under the jurisdiction of one appointing authority to a similar position under the jurisdiction of another appointing authority, or to a position in a different title under the jurisdiction of the same appointing authority.
8. "**Reassignment**" means the change, without further examination, of a permanent employee from one position to another similar position under the jurisdiction of the same appointing authority.
9. "**Municipality**" means county, town, village, school district, or special district.

## **RULE II**

### **Organization of the Department of Human Resources**

The Orange County Department of Human Resources shall be under the supervision of a Commissioner of Human Resources. Such Commissioner of Human Resources shall be appointed by the County Executive with the approval of the County Legislature. The Commissioner of Human Resources shall have all the power and duties of a Municipal Civil Service Commission as provided in Civil Service Law.

## **RULE III Classified Service**

### **Competitive Class**

The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination, and shall include all positions now existing or hereafter created or whatever functions, designations or compensation in each and every branch of the classified service, except such positions as are listed as being in the exempt class, the non-competitive class or the labor class in the Appendices of these rules.

## **RULE IV Classified Service**

### **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 V Classified Service**

### **Non-Competitive Class**

1. 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 Commissioner of Human Resources. A nomination for such an appointment shall state the qualifications of the nominee and shall be filed by the appointing authority with the Commissioner of Human Resources. Such appointment shall become effective only after approval by the Commissioner of Human Resources.
2. Positions in the non-competitive class shall be listed in Appendix B of these Rules and made a part hereof.

**RULE VI**  
**Classified Service**

**Labor Class**

1. The labor class shall include unskilled laborers.
2. A position in the labor class may be filled by the appointment of any person selected by the appointing officer of the agency where a vacancy exists, and the Commissioner of Human Resources may require applicants for employment in the labor class to qualify in such tests of their 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 part hereof.

**RULE VII**

**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 VIII**

**Recruitment of Personnel**

1. Residence requirements for municipal positions.
  - a. An applicant at the time of examination need not be a resident of the municipality in which appointment is to be made.
  - b. When preference in certification is given to residents of a municipality pursuant to subdivision 4-a. of Section 23, Civil Service Law, an eligible must have been a resident of such municipality prior to date of examination to be included in a certification as a resident of such municipality and must be a resident of such municipality at the time of appointment.

2. Announcements of examination.

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

## **RULE IX**

### **Applications**

1. Applications of candidates for positions in the classified service must be addressed to the Commissioner of Human Resources, Orange County Government Center, Goshen, New York. Applications nominating individuals for appointment must be approved by the Commissioner of Human Resources before employment commences.
2. The Commissioner of Human Resources shall notify each applicant for competitive examination of the disposition of their application. Approved applicants for examination shall be given notice of their approval at least four days before the examination by mail to the address stated in the application. The burden of establishing qualifications to the satisfaction of the Commissioner of Human Resources shall be upon the applicant.
3. Appointing Officer may see application restrictions. A Candidate's application for examination may be exhibited, upon request, to the appointing officer to whom his name is certified or to his representative provided, however, that information therein relating to the candidate's age or national origin or indicating whether his citizenship is by birth or naturalization shall not be divulged. Before a candidate's application for examination is exhibited to the appointing officer or his representative, all reference therein to the candidate's age or national origin or to the basis of his citizenship shall be concealed.

## **RULE X**

### **Disqualification**

1. Good moral character and habits and a satisfactory reputation shall be requirements for appointment to any position subject to these rules. Any applicant who is found to lack such requirements shall be disqualified for examination, or after examination, for certification and appointment.
2. A record of disrespect for the requirements and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses, may be grounds for disqualification for examination or, after examination, for certification and appointment.
3. The burden of establishing qualifications to the satisfaction of the Commissioner of Human Resources shall be upon the applicant. Any applicant who refuses to permit the Commissioner of Human Resources to investigate matters necessary for the verification of his qualifications or who otherwise hampers, impedes or fails to cooperate with the Commissioner of Human Resources in such investigation shall be disqualified for examination or after examination, for certification and appointment.

## RULE XI

### Examinations

1. For examinations prepared and rated by the State Civil Service Department, the provisions of the rules and regulations of the State Civil Service Commission and Department shall govern the rating of examinations, the review of examination papers by candidates and the filing of appeals. The State Civil Service Commission shall have sole and exclusive authority to correct any errors in rating upon appeal or otherwise.
2. For examinations prepared and/or rated by the Orange County Commissioner of Human Resources, the Commissioner of Human Resources shall adopt a system to conceal the identity of the candidates' papers in a written examination until such written examination has been rated.
  - a. Rating keys shall be prepared for each examination held. Such keys shall be a permanent part of the record of each examination. The marking of an examination shall be made on the scale of 100, with 70 the passing score. The Commission may, after the announcement of an examination is made, subdivide the written examination into parts and require a passing mark of 70 in each of the parts in order that candidates be considered further for eligibility. Notice of such arrangements shall be given in the instructions of the written examination.
  - b. Applications and examination records and papers of candidates shall be preserved in accordance with the policies of the State Commissioner of Education and the State Civil Service Commission. Whenever an oral examination shall be prescribed as part of an examination, every effort shall be made to insure that a stenographic or recording device record of all the questions and answers be made a part of the examination records.
  - c. Every candidate in an examination shall be notified in writing of their final rating. Except for continuous recruitment examination, they shall also, if successful, be notified of their relative position on any eligible list established as a result of the examination.
  - d. Any candidate receiving such notice may request the Commissioner of Human Resources conduct a computational review of their examination papers provided they make such request, in writing, within ten (10) days of the date of the postmark of such notice. There shall be no review of examination papers for examinations rated by the Commissioner of Human Resources or those held on a continuous recruitment basis other than for a computational check of the candidate's answers against the key answers; nor shall there be reviews of practical or performance examinations.
  - e. A candidate who wishes to appeal to the Commissioner of Human Resources regarding their rating in one, or more, or all of the subjects of an examination must submit such appeal, in writing, within twenty (20) days from the date of computational review. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidate's papers for review, whether resulting in a higher or lower standing. No change in rating shall be made as a result of an appeal unless it shall affect the candidate's relative position on the eligible list.

3. The Commissioner of Human Resources may at any time during the life of an eligible list, pursuant to the provisions of this subdivision, correct any clerical or computational errors in the rating of candidates who compete in the examination. Any changes in an eligible list pursuant to this rule shall not affect the status of any person previously appointed from such eligible list.
4. In order to prevent the unauthorized publication and dissemination of examination material, the following acts are prohibited except as authorized by the Commissioner of Human Resources.
  - a. No person shall copy, record or transcribe any examination question or answer; or remove from the examination room or possess outside the examination room, any question sheet, answer sheet or booklet, scrap papers, notes or any other papers or materials relating to such examination.
  - b. A candidate in an examination shall not at any time communicate with an examiner concerning the conduct or content of such examination; and shall not directly or indirectly communicate to any other person information concerning the content of such examination until completion of the testing of all candidates.
  - c. No examiner, proctor or other person charged with the supervision of a candidate or group of candidates during an examination shall have authority to waive the provisions of this subdivision.
5. Any person who is found by the Commissioner of Human Resources to have violated the provisions of this subdivision or any similar provision of the rules of any other civil service jurisdiction within the State of New York may be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

## **RULE XII**

### **Eligible Lists**

1. Every candidate who attains a passing mark in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination shall be eligible for appointment to the position for which he was examined and his name shall be entered on the eligible list in the order of his final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with such uniform impartial procedure as may be prescribed therefore by the Commissioner of Human Resources.
2. The date of the establishment of a list shall be the date fixed therefore by the Commissioner of Human Resources, and shall be entered on such list. The duration of all eligible lists shall be fixed by the Commissioner of Human Resources prior to the establishment of such lists, but shall not be less than one nor more than four years. The date of establishment of a list and its duration shall be given to all successful candidates at the time when notice of standing on the eligible list is given to such candidates.

Where the duration of an eligible list is fixed at less than four years, the Commissioner of Human Resources may, by resolution, prior to the expiration date of such list, extend the duration of the list up to the maximum limitation of four years, provided that eligibles on such list are notified in writing of the extension of the eligible list.

3. Eligible lists shall be open to public inspection at the office of the Commissioner of Human Resources. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.
4. The Commissioner of Human Resources shall have power in his discretion to correct any error and amend any eligible list where it appears that an error has been made. The Commissioner of Human Resources 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 reason for such action shall be recorded in the office of the Commissioner of Human Resources and reported to the State Civil Service Commission.

### **RULE XIII**

#### **Certification**

1. The Commissioner of Human Resources shall determine the eligible list most nearly appropriate for the position to be filled, and shall certify to the appointing authority a sufficient number of eligibles from which selection for appointment may be made. When the name of an 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 Commissioner of Human Resources to an appointing officer shall be valid for a period of sixty (60) days from the date of issuance unless extended by the Commissioner of Human Resources. The Commissioner of Human Resources may, for good cause shown, extend the certification for up to an additional period of sixty (60) days provided there has been no change in the ranking or composition of eligibles in the range from which the appointment is made. Except for certifications issued for the titles of Correction Officer, Deputy Sheriff, Dispatcher, Police Officer, and Public Safety Dispatcher which shall be valid for a period of ninety (90) days from the date of issuance. After the expiration of such 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 his or her willingness to accept such appointment within seven business days after the mailing of such canvass or offer, he or she may be considered ineligible for appointment and restricted from further certification from such eligible list. Thereafter, the eligible may request that their name be restored to active status on such list, provided the list is still in existence. Restoration to active status on such list is not automatic and the decision to restore active status rests solely with the Commissioner of Human Resources.

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) Insufficiency of compensation; (b) Location of employment; (c) other reasons satisfactory to the Commissioner of Human Resources, e.g. temporary or contingent nature of appointment, undesirable hours, or annual duration such as ten, eleven, or twelve-month positions. The Commissioner of Human Resources shall enter upon the eligible list the reasons for his/her action in such cases.
5. Except as otherwise provided herein, appointment or promotion to a position in the competitive class shall be made by the selection of a person on the most nearly appropriate eligible list who is willing to accept such appointment and whose final rating in the examination is equal to or higher than the rating of the third highest ranking eligible on the list indicating willingness to accept such appointment. The term "ranking" as used herein refers to the order in which the names of eligibles appear on the eligible list as provided in rule twelve.
6. Whenever a vacancy exists in a position in the competitive class and an open competitive examination duly advertised results in three or fewer approved applicants for the examination, the appointing officer may nominate to the Commissioner of Human Resources one of the applicants who may be certified for appointment to fill the vacancy without further examination, provided that he has already qualified in an examination of equivalent character within the last four years from the date of nomination.
7. Wherever one or more eligibles shall have declined any appointment offered and an eligible, whose relative standing is lower and who was reachable on the certification only because of the aforesaid declination, shall have been appointed to the position, the salary or compensation of such appointee shall not be increased, except by a service or a class wide increase, within a period of six months after his appointment beyond that offered to the persons so declining.
8. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, at the next lower level position, is nominated for non-competitive promotion examination in accordance with Section 52 (7) of Civil Service Law, the Commissioner of Human Resources may determine that the examination that shall be appropriate for such non-competitive promotion may consist of a review of the candidate's training and experience at the time of nomination.

If the Commissioner of Human Resources determines the candidate's training and experience meets or exceeds the open-competitive qualifications for the position, the candidate shall be certified as eligible for appointment to the promotional position; such appointment shall require successful completion of a probationary term as prescribed in these Rules.

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

## **RULE XIV**

### **Promotions**

1. In order to be eligible to participate in a promotion examination or to be promoted a candidate must have been employed on a permanent basis in a lower grade, either in direct line of promotion or in a related or collateral line of promotion as determined by the Commissioner of Human Resources. The Commissioner of Human Resources shall determine the minimum period of such service for eligibility to enter a promotion examination, and may also prescribe a minimum period of such service as a qualification for promotion from the resulting eligible list.
2. Any person who is nominated for non-competitive examination for promotion to a position and who fails to pass two successive examinations for such promotion shall not thereafter be eligible for employment in such position, except by appointment or promotion from an eligible list established following competitive examination.
3. Promotion examinations for non-competitive class employees shall, in addition to the requirements of Civil Service Law, Section 52 (12), require that applicants shall have been employed in a full-time position at a salary level less than that assigned the position for which promotion examination is to be held.

## **RULE XV**

### **Probationary Term**

#### 1. Probationary Term

Except as herein otherwise provided, every permanent or contingent permanent appointment from an open-competitive eligible list and every appointment to a position in the non-competitive, exempt or labor class shall be subject to a probationary term of not less than eight nor more than fifty-two weeks.

- a. Every permanent or contingent-permanent appointment from a promotional eligible list resulting from departmental or interdepartmental examination and every appointment of a permanent employee to a higher grade position in the non-competitive, exempt or labor class within the same department or agency shall be subject to a probationary term of not less than eight nor more than twenty-six weeks.
- b. Every permanent appointment to a trainee position in which an appointee is required to serve a specified training period shall be subject to a probationary term of not less than eight nor more than fifty-two weeks.
- c. Every permanent or contingent-permanent appointment to the position of Police Officer and Deputy Sheriff shall be subject to a probationary term of not less than eight nor more than seventy-eight weeks.

- d. Every transfer from one position to another position under the jurisdiction of the same appointing authority of a civil division shall be subject to a probationary term of not less than eight nor more than twenty-six weeks. The appointing authority may elect to waive the probationary term by written notification to the transferee and the Commissioner of Human Resources.
- e. Every transfer from a position under the jurisdiction of one appointing authority of a civil division to a position under the jurisdiction of a different appointing authority in the same civil division shall be subject to a probationary term of not less than eight nor more than twenty-six weeks. The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term by written notification to the transferee and the Commissioner of Human Resources.
- f. Every transfer from a position in one civil division to a position in another civil division shall be subject to a probationary term of not less than eight nor more than twenty-six weeks. The Commissioner of Human Resources shall advise the prospective transferee, in writing, prior to approval of the transfer that a probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised that it is their responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed. The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term by written notification to the transferee and the Commissioner of Human Resources.

An appointment shall become permanent upon the retention of the probationer after completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that the probationary term has been successfully completed. A copy of such notice shall be sent to the Commissioner of Human Resources. If the conduct or performance of a probationer is not satisfactory, employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner as prescribed in these rules.

## 2. Restoration to Permanent Position

- a. When a permanent competitive or non-competitive class employee is promoted from a departmental or interdepartmental eligible list resulting from promotional examination or transferred to another competitive class position in which they are required to serve a probationary term, the position thus vacated by them shall not be filled, except on a temporary or contingent permanent basis.
- b. When a permanent competitive, non-competitive, exempt or labor class employee is promoted to a non-competitive, exempt or labor class position or accepts an original appointment within the same department or agency and they are required to serve a probationary term, the position thus vacated by them shall not be filled, except on a temporary or contingent permanent basis.

- c. When a permanent employee is appointed from an open competitive eligible list to a position in the same department or agency and they are required to serve a probationary term, the position thus vacated by them shall not be filled except on a temporary or contingent permanent basis.
- d. At any time during such probationary term the employee shall have the right to return to their previous position at their own election. If the conduct or performance of the probationer is not satisfactory, they shall be restored to their former permanent position at the end of their probationary term.

### 3. Absence During Probationary Term

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

### 4. Report on Probationer's Service

The probationer's supervisor shall carefully observe their conduct and performance and, at least two weeks prior to the end of the probationary term, shall report thereon in writing to the proper appointing authority. The supervisor shall also, from time to time during the probationary term, advise the probationer of their status and progress. A probationer whose services are to be terminated for unsatisfactory service shall receive written notice at least one week prior to such termination and, upon request, shall be granted an interview with the appointing authority or his representative.

### 5. Restoration to Eligible List

A probationer whose employment is terminated or who resigns before the end of the probationary term may request their name be restored to the eligible list from which they were appointed, provided such list is still in existence. Their name may be restored to such list if the Commissioner of Human Resources, in his/her discretion, determines that the probationer should be given another opportunity for appointment.

### 6. Temporary, Provisional or Contingent-Permanent Service in Higher Level Position

When an employee who has not completed their probationary term is appointed on a temporary, contingent-permanent or provisional basis to a higher level position, the period of temporary, contingent-permanent or provisional services rendered by such employee in such higher level position may, in the discretion of the appointing authority, be considered as satisfactory probationary service in the lower position and may be counted as such in determining the satisfactory completion of such probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one fixed duration, the appointing authority shall, on request of such probationer, furnish a decision in writing as to whether or not service in such higher level position shall be considered as satisfactory probationary service. In the event of an adverse decision by the

appointing authority, such probationer, at their request, shall be returned to their lower position for sufficient time to permit them to complete the probationary term. The employment of such a probationer in the lower position shall not be terminated at the end of their probationary term on account of unsatisfactory service unless they shall have actually served in such position, in the aggregate, at least the minimum period specified for such probationary term or the entire probationary term if it be one of fixed duration.

7. Removal During Probationary Term

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

8. Reinstatement

- a. An employee who is reinstated to a position after a separation of more than one year, either in their former jurisdiction or in another jurisdiction, shall serve a new probationary period in the same manner and subject to the same requirements as apply upon an original appointment to such position.
- b. An employee who is reinstated to a position after a separation of less than one year in an agency other than the one in which they formerly served, shall serve a new probationary term in the same manner and subject to the same requirements as applied upon an original appointment to such position.

9. Extended Probationary Term for Police Officers and Deputy Sheriffs

Notwithstanding any other provisions of these rules, the appointment or promotion of a Police Officer or Deputy Sheriff shall not become permanent unless and until they have satisfied such requirements as may be applicable to them under section two hundred nine-q of the general municipal law. If a Police Officer or Deputy Sheriff is promoted to a higher rank for which they have met all requirements of eligibility for permanent promotion except training requirements applicable under section two hundred nine-q of the general municipal law, they shall be deemed to be on leave of absence from the lower rank position from which they were promoted pending completion of such training. During such period, such lower rank position may not be filled except on a temporary or contingent-permanent basis. In the event of their failure to complete such training successfully within the time allowed therefore, they shall be restored to such lower rank position.

## **RULE XVI**

### **Temporary Appointment from Eligible List**

When a temporary appointment to a permanently encumbered position is made from an eligible list and the temporary appointee is at the time of such appointment reachable on such eligible list he shall, at such time that the permanent incumbency is vacated, be eligible for permanent appointment to the same position or another position in the same class notwithstanding the fact that the eligible list on which his name originally appeared may have expired.

## **RULE XVII**

### **Emergency Defense and Trainee Appointments**

1. Emergency defense appointments
  - a. Any position in a civil defense agency or any position created in a governmental agency to perform civil defense or other national emergency functions, which is unique and peculiar to civil defense or national emergency activities and which is not comparable to any regular, standard position in the classified civil service, may be designated, with the consent of the Commissioner of Human Resources and upon the approval of the State Civil Service Commission, as an emergency defense position. No position involving conventional and stable duties of the nature of those performed in the regular and normal function of civil government, or having as a counterpart a position in any regular, established department or agency or civil government, shall be designated as an emergency defense position. An emergency defense position may be filled on a temporary basis for a period not to extend beyond the duration of the New York State Emergency Defense Act. Appointments to such positions shall be designated as emergency defense appointments. All positions designated as emergency defense positions shall be listed in Appendix E of these rules and made a part hereof as though set forth in full herein.
  - b. Any permanent employee who, with the consent of his appointing officer, accepts an emergency defense appointment under this subdivision shall be granted a leave of absence from his permanent position until the termination of such appointment.

#### 2. Trainee appointments

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

## **RULE XVIII**

### **Effect of Non-Permanent Appointment on Status of Employee**

#### 1. Effect of temporary appointment on eligibility for permanent appointment

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

## 2. Provisional appointment of permanent employee

When a permanent employee is given a provisional, contingent-permanent or temporary appointment to a competitive class position in the same department or agency, the position thus vacated by them shall only be filled on a temporary or contingent permanent basis until the position is unencumbered by the permanent incumbent. A provisional, contingent-permanent or temporary appointee may return to their permanent position at any time by providing written notice to the appointing authority requesting to be returned to such permanent position. The appointing authority shall return such appointee to their permanent position within fifteen days of receipt of such written notice.

## 3. Successive provisional appointment

- a. No provisional employee who has refused to take an examination held for permanent appointment shall be given another provisional appointment in the same position.
  - b. No provisional employee who has twice failed an examination for permanent appointment shall be given another provisional appointment in the same position provided, however, where an examination fails to produce any qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the appointing authority, may subject to the approval of the Commissioner of Human Resources be given a third and final provisional appointment in the same position.
4. An open-competitive, promotion or preferred eligible list shall not be certified for filling a permanent, competitive class vacancy created by reclassification of a permanently encumbered competitive class position if appointment or promotion from such list would require the layoff of a permanent competitive class employee; but this provision shall not apply if the incumbent whose position was reclassified, following such reclassification, either refused to take an examination for such reclassified position or failed to qualify for appointment, examination or promotion to the reclassified position.

## 5. 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 appointments 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 position in the same title is held by persons having contingent permanent appointment, 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 appointee was made from a promotional or open competitive eligible list, he/she shall be restored to his/her permanent position and have their name placed on a preferred eligible list for certification as a mandatory list only to the department or agency in which the contingent permanent appointment was made.

If the contingent permanent appointee was appointed from an open-competitive eligible list and does not have a permanent position to return to, he/she shall have their name placed on a preferred eligible list for certification as a mandatory list in the civil division in which the contingent permanent appointment was made.

(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 re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the person's name from the eligible list for any future contingent permanent or permanent vacancies.

(d) If a permanent vacancy becomes available in the same title in the department or agency in which a contingent permanent appointment has been made, contingent permanent appointees shall 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 prescribed in this rule has been satisfactorily completed.

## **RULE XIX**

### **Transfers**

#### 1. Transfer of Eligibility for Permanent Appointment

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

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

## **RULE XX**

### **Layoff of Competitive Class Employees**

#### 1. For the purpose of this Rule the following terms shall mean:

- a. Direct line of promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root.
- b. Next lower occupied title shall mean the title in direct line of promotion immediately below the title from which the incumbent is suspended or demoted, unless no one is serving in that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.
- c. Layoff unit shall mean each department of a County, City, Town, Village, each School District and each Special District. Authorities and community colleges shall be deemed to be separate civil divisions.

- d. Satisfactory service shall mean service by an employee during which he did not receive an "Unsatisfactory" performance rating and was not found guilty of misconduct or incompetency pursuant to Section 75 of the Civil Service Law which resulted in the imposition of any of the following penalties upon such employee:
- (i) dismissal from the service, or
  - (ii) suspension without pay for a period exceeding one month, or
  - (iii) demotion in grade and title.
- e. (i) Permanent Service shall start on the date of the incumbent's original appointment 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 their actual date of appointment. For the purposes of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.
- (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 reenlistment, the prior service would not count.
- (iii) Temporary or provisional service preceding the original permanent appointment does not count. However, temporary or provisional employment immediately preceded and followed by permanent classified service employment does not interrupt continuous service.
- (iv) The permanent service of any employee who was transferred from another civil division shall start on the date of his 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 he was employed, his seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.

## 2. Suspension

- a. When an occupied position in the competitive class is abolished, suspension is to be made from among those employees holding the same title in the same layoff unit as the abolished position.
- b. Among permanent employees, the order of suspension is the inverse of the order of their original permanent appointments in the classified service. See above definition of permanent service for veterans and disabled veterans. An exception to this rule is that the blind have absolute retention rights but only in their job status.
- c. A blind person may not back-date his permanent service if he also happens to be either a veteran or disabled veteran.

- d. A person is considered blind if he is so certified by the Commission for the Visually Handicapped of the New York State Social Services Department.
- e. When two or more permanent incumbents of positions in a specific title are suspended, demoted or displaced at the same time, the order in which they shall be entitled to displace shall be determined by their respective retention standing, with those having the greater retention standing entitled to displace first.
- f. When several employees were originally appointed on a permanent basis on the same date, their retention rights shall be determined by their rank on the eligible list from which they were appointed; that person having the highest rank having greater retention rights over those having lower ranks.
- 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 his probationary period. Probationary employees do, however, have superior retention rights to those of contingent permanent, temporary and provisional employees.
- i. The order of suspension among probationary employees shall follow the same principles as that among permanent employees.

### 3. Vertical bumping

- a. Vertical bumping occurs when an employee in a specific title to which there is a direct line of promotion, who is himself 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 suspension. That is, the most senior of the suspended employees will be the first to displace. This shall apply to both vertical bumping and retreat.
- c. If an employee refuses to displace a junior incumbent he 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, temporary, provisional, contingent permanent, probationary or permanent is considered occupied for the purposes of his section.

#### 4. Retreat

- a. Retreat occurs when and only when there is no lower occupied position in direct line of promotion at any level.
  - b. An employee may retreat by displacing the incumbent with the least retention right who is serving in a position in the title in which the displacing incumbent last served on a permanent basis prior to service in the title from which he is currently suspended or displaced. Retreat may only occur where the position in the title formerly held by the displacing incumbent is occupied in the competitive class, in the same layoff unit, and at a lower salary grade; the services of the displacing incumbent while in the former title must have been satisfactory, and the junior incumbent must have less retention standing than the displacing incumbent.
  - c. The service of the displacing incumbent in the title to which he is retreating need not have been in the same layoff unit as the one from which he is displaced.
  - d. An employee may also displace by retreat to a position in a title he last served on a permanent basis although he had intervening service in other titles as long as his service in each of the intervening titles was on other than a permanent basis. He may also displace by retreat to a position which does not count in the computation of his continuous service.
  - e. Where a title change has been effected to better describe the duties of a position but the duties have not substantially changed since the suspended employee last served in that title the new title will for retreat purposes be deemed to be the former title.
5. An employee who refuses to accept an appointment afforded by displacement for whatever reason waives all rights regarding the displacement, however, this employee's name will be entered on an appropriate preferred list.
  6. Preferred list standing for competitive class employees on and after October 1, 1972 shall be as follows:
    - a. On and after October 1, 1972 those employees whose positions were abolished prior to that date and who therefore had their standing on the preferred list determined by the date of their original appointment on a permanent basis in the competitive class shall retain among themselves such preferred list standing including the preferences to which they were entitled as blind, disabled veterans, and non-disabled veterans.
    - b. Blind employees whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service, whether or not they are also disabled veterans or non-disabled veterans; provided however, that the blind shall be granted absolute preference on the preferred list over all other employees except those disabled veterans and blind employees whose positions were abolished prior to October 1, 1972 with whose names theirs shall be interfiled.

- c. Disabled veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service provided however, that the date of such original appointment shall be deemed to be 60 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law.
  - d. Non-disabled veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service; provided however, that the date of such original appointment shall be deemed to be 30 months earlier than the actual date, determined in accordance with Section 30 of the General Construction Law.
  - e. Non-veterans whose positions are abolished on or after October 1, 1972 shall have their preferred list standing determined by the date of their original appointment on a permanent basis in the classified service.
  - f. The names of all persons encompassed by paragraphs c, d, and e above whose positions are abolished on or after October 1, 1972 shall be inter-filed on the preferred list with the names of all non-veterans whose positions were abolished prior to October 1, 1972.
7. Any appointing authority may take such steps as it may deem necessary in order to secure binding written commitments in advance of suspension, demotion or displacement from employees potentially affected by such suspension, demotion or displacement as to their willingness to accept reassignment or displacement.

## **RULE XXI**

### **Reinstatement**

#### 1. Reinstatement following resignation

A permanent competitive class employee who has resigned may be reinstated without further examination to the position from which he/she resigned, if then vacant, or in any position to which the employee was eligible for transfer or reassignment. An employee who is laid off shall be eligible for reinstatement in the same manner as an employee who had resigned.

All reinstatements are subject to the following terms and conditions:

- The prospective appointing authority must request approval from the Commission/ Personnel Officer to reinstate an individual.
- A reinstatement may not be approved to a position for which a preferred list exists containing the name of an eligible willing to accept appointment.
- With the exception of an employee who is being reinstated to his/her former position within one year from resignation, a reinstatement may not be approved to a position for which a promotion eligible list exists containing the names of three or more eligibles willing to accept appointment.

- The Commission/Personnel Officer shall determine if the reinstatement is for the good of the services.

Reinstatement following a break in service of more than one year must also satisfy the following additional condition:

- The appointing authority must provide documentation or explanation that demonstrates to the satisfaction of the Commission/Personnel Officer that the individual requested to be reinstated possesses current knowledge and skill in the occupational field to which reinstatement is sought.
- If the position to which reinstatement is sought requires successful completion of medical and/or physical agility tests for original appointment, the individual being reinstated must satisfy these criteria prior to reinstatement.
- Time spent in active service in the military or naval forces of the United States or of the State of New York, or any time served in another position in the civil service of the same municipality shall not be counted in computing the one year period within which a person may be reinstated after resignation.

## 2. Refusal or failure to accept reinstatement from preferred list

- a. Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept reinstatement therefrom to his former position, or any similar position in the same salary grade for which such list is certified, shall be deemed to be a relinquishment of his eligibility for reinstatement, and his name shall thereupon be stricken from such preferred list. The name of such person may be restored to such preferred list, and certified to fill such appropriate vacancies as may thereafter occur, only upon the request of such person and his submission of reasons satisfactory to the Commissioner of Human Resources for his previous failure or refusal to accept reinstatement.
- b. Effect of refusal to accept reinstatement to lower grade position. A person on a preferred list shall not be deemed to relinquish his eligibility for reinstatement therefrom by reason of his failure or refusal to accept reinstatement to a position in a lower salary grade than the position from which he was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in the same or a lower salary grade than the position to which he failed or refused to accept reinstatement.
- c. Restoration to eligibility for reinstatement not to affect previous appointments. The restoration of the name of a person to a preferred list, or his restoration to eligibility for certification therefrom to positions in a lower salary grade than his former position, shall not invalidate or in any manner adversely affect any appointment, promotion, reinstatement or demotion previously made to any position to which such person would otherwise have been eligible for reinstatement from such preferred list.

## **RULE XXII**

### **Leave of Absence**

1. A leave of absence without pay, not to exceed one year, may be granted to an employee by an appointing officer. Notice of such leave of absence shall be given to the Commissioner of Human Resources. Where a leave of absence without pay has been granted for a period which aggregates one year, a further leave of absence without pay shall not be granted unless the employee returns to his position and serves continuously therein for three months immediately preceding the subsequent leave of absence. Notice of such subsequent leave of absence shall also be given to the Commissioner of Human Resources. Absence on leave for more than one year shall be deemed the equivalent of a resignation from the service upon the date of commencement of such absence, except as provided in subdivision 2 of this rule.
2. In an exceptional case, the Commissioner of Human Resources may for good cause shown waive the provisions of this rule to permit an extension of the leave of absence for an additional one year period. In no case may such leave of absence exceed in aggregate two years from the date of commencement of the leave.
3. A leave of absence without pay, not to exceed four years, shall be granted by an appointing officer to an employee who is a veteran of the armed forces of the United States provided the leave of absence is for the purpose of taking advantage of educational benefits provided for in title 38 of the U.S. Code or under a New York State Board of Regents War Service Scholarship. An employee taking such a leave shall be reinstated to his position, provided he makes application for such reinstatement within sixty days after the termination of his course of study.
4. Whenever an employee is to be terminated under Section 73 of the Civil Service Law following a leave of absence occasioned by ordinary disability, or under Section 71 following exhaustion or termination of Workers' Compensation leave, he/she must be afforded an opportunity for a hearing to contest the decision before such termination is to take effect.

## **RULE XXIII**

### **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, his termination shall be recorded as a dismissal rather than as a resignation.

### 3. Withdrawal or amendment

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

### 4. Voluntary demotion of permanent employee

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

### 5. Unauthorized absence from work for five work days or more

An employee who is on an unauthorized absence from work for five (5) work days or more will be considered to be discharged from his/her position. Before the discharge becomes effective, the employee is entitled to receive notice of such discharge and any benefits conferred by Sections 75 and/or 76 of Civil Service Law. In order to exercise those rights, the employee must notify the appointing authority within eight (8) calendar days of receipt of the notice advising the employee that the appointing authority has deemed him/her discharged.

## **RULE XXIV**

### **Reports of Appointing Officers**

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

- a. Every appointment or employment whether probationary, temporary or otherwise, in the classified service, with the date of commencement of service and the title and compensation of the position.
- b. Every failure to accept an appointment under him 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 therefore.
- 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 XXV**

### **Certification of Payrolls**

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

3. Refusal or termination of certification

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

**RULE XXVI**  
**Position Classification**

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

- a. "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, examinations, salary and administering other personnel functions.
- b. "Class title" means the designation given under these rules to a class and to each position allocated to such class.
- c. "Job classification 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 work activities, enumerates knowledges, skills, abilities and personal characteristics required for successful full performance of the work, states required minimum qualifications and indicates any special requirement of the class.
- d. "Allocation" means the assignment of a position to an appropriate class as determined by the duties, responsibilities and minimum qualification requirements of the position.
- e. "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. Powers and duties. The Commissioner of Human Resources shall have power and duty to:

- a. Classify and reclassify all positions in the civil service of all civil divisions under his jurisdiction.
- b. Prepare and maintain job classification specifications for each class of positions in the competitive, non-competitive and labor jurisdictional classes and establish appropriate minimum qualifications for each class.

- c. Investigate all matters affecting the classification and reclassification of all positions and from time to time review the duties, responsibilities and qualification requirements of all positions under his jurisdiction and to make revisions in the classification of positions.
3. Classification of Vacant Positions. When a position has or is about to become vacant, the appointing officer, if deemed necessary by the Commissioner of Human Resources, may be required to file a detailed description of the duties and responsibilities of the position and a statement of suggested minimum entrance qualifications of the position with the Commissioner of Human Resources. After an analysis of the detailed description of duties and responsibilities, the Commissioner of Human Resources shall allocate the position to an appropriate class, or, if no appropriate class exists, shall create a new class and prepare a class specification for such position including a statement of appropriate minimum qualifications.
4. Classification of New Position. When a new position is to be created, the appointing officer shall file a detailed description of the duties and responsibilities of the position and a statement of suggested minimum entrance qualifications for the position with the Commissioner of Human Resources, prior to creating the position. After an analysis of the detailed description of duties and responsibilities, the Commissioner of Human Resources shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such new class including a statement of appropriate minimum qualifications.
5. Reclassification of Positions. Either:
  - a. The Commissioner of Human Resources may, upon his own initiative, review the duties and responsibilities and qualification requirements of any position under his jurisdiction. Appointing authorities and employees in positions under review shall be required to complete a detailed description of the duties and responsibilities of the positions and provide such other information as determined necessary by the Commissioner of Human Resources. After an analysis of the detailed description of the duties and responsibilities, the Commissioner of Human Resources shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position including a statement of appropriate minimum qualifications.
  - b. Whenever a permanent and material change is made in the duties and responsibilities of any position, the appointing authority shall file a detailed description of the duties and responsibilities of the position with the Commissioner of Human Resources. After an analysis of the duties and responsibilities of the position, the Commissioner of Human Resources shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position including a statement of appropriate minimum qualifications.
  - c. Any employee in the classified service may apply to the Commissioner of Human Resources for a position reclassification. Such application shall include a detailed description of the duties and responsibilities of the position since the last determination with respect to its classification. After an analysis of the duties and responsibilities of the position, the Commissioner of Human Resources shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position including a statement of appropriate minimum qualifications.

6. Notice and Appeals. The Commissioner of Human Resources 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. The Commissioner of Human Resources 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 XXVII**

### **Prohibition Against Questions Eliciting Information Concerning Political Affiliation**

No question in any examination or application or other proceeding by the Commissioner of Human Resources or their examiners shall be so framed as to elicit information concerning, nor shall another 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 Commissioner of Human Resources and its examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his political opinions or affiliation.

## Appendix A

### Positions in the Exempt Class

#### County Service:

In the Board of Ethics:

Confidential Secretary to the Board of Ethics

In the Office of Assigned Counsel

Administrator

In the Office of Community Development:

Director of Community Development

In the Office of the County Clerk:

Assistant to the County Clerk

Deputy County Clerk (2)

In the County Executive's Office:

Assistant to County Executive (3)

Budget Director

Confidential Secretary to County Executive

Deputy County Executive

Director of Economic Development

Director of Operations & Cost Control

Economic Development Zone Director

Executive Secretary & Administrative Assistant

Staff Assistant

In the Office of the District Attorney:

Assistant District Attorney (36)

Chief Assistant District Attorney

Chief Criminal Investigator

Chief Trial Assistant District Attorney

Confidential Secretary to District Attorney

Executive Assistant District Attorney (4)

Senior Assistant District Attorney (12)

In the Department of Emergency Services:

Deputy Commissioner of Emergency Services/Division of Emergency Communications

Deputy Commissioner of Emergency Services/Division of Emergency Management

In the Department of Finance:

Deputy Commissioner of Finance (2)

In the Department of General Services

Deputy Commissioner of General Services

Deputy Commissioner, Procurement and Compliance

In the Health Department:

Deputy Commissioner of Health (2)

Deputy Commissioner of Health for Environmental Health

In the Department of Human Resources:

Deputy Commissioner of Employee Relations

Deputy Commissioner of Human Resources

\*Indicates Part-Time

## Appendix A - Positions in the Exempt Class (continued)

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In the Human Rights Commission:

Executive Director, Orange County Human Rights Commission

In the Department of Law:

Assistant County Attorney (13)

Chief Assistant County Attorney (Appeals)

Chief Assistant County Attorney (Contracts)

Chief Assistant County Attorney (Family Law & Juvenile Justice)

Chief Assistant County Attorney (Litigation)

Confidential Secretary to County Attorney

County Attorney

Deputy County Attorney

Senior Assistant County Attorney (11)

In the Department of Mental Health:

Deputy Commissioner of Mental Health

In the Department of Parks, Recreation and Conservation:

Deputy Commissioner of Parks, Recreations and Conservation

In the Department of Planning:

Deputy Commissioner of Planning

In the Department of Public Works:

Deputy Commissioner of Public Works – Division of Engineering

Deputy Commissioner of Public Works – Division of Environmental Facilities

Deputy Commissioner for Infrastructure Services

In the Department of Residential Health Care Services:

Deputy Commissioner of Residential Health Care Services

In the Sheriff's Department:

Confidential Secretary to the Sheriff

Undersheriff (2)

Orange County Community College Service:

Secretary to the President

\*Indicates Part-Time

## Appendix A - Positions in the Exempt Class (continued)

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### Town Service:

In all the offices and departments where the following positions exist:

- Budget Officer
- Clerk or Secretary or Bookkeeper to Supervisor
- Clerk to Town Justice (one per each elected judicial officer)
- Confidential Secretary to the Town Superintendent of Highways (where the Town has an elected Town Superintendent of Highways)
- Deputy Highway Superintendent
- Deputy Receiver of Taxes and Assessments
- Deputy Supervisor
- Secretary to Planning Board
- Town Attorney

In the Town of Blooming Grove:

- Administrator
- Deputy Court Clerk
- Deputy Receiver of Taxes and Assessments (2)
- Deputy Town Clerk (2)
- Town Comptroller

In the Town of Chester:

- Deputy Court Clerk
- Deputy Town Clerk (2)

In the Town of Cornwall:

- Deputy Town Clerk (2)

In the Town of Crawford:

- Deputy Tax Collector
- Deputy Town Clerk

In the Town of Deerpark:

- Deputy Tax Collector
- Deputy Town Clerk (2)

In the Town of Goshen:

- Deputy Town Clerk
- Deputy Town Clerk\*

In the Town of Greenville:

- Deputy Town Clerk

In the Town of Hamptonburgh:

- Deputy Town Clerk

In the Town of Highlands:

- Deputy Town Clerk
- Confidential Secretary to Highway Superintendent
- Town Comptroller

\*Indicates Part-Time

## Appendix A - Positions in the Exempt Class (continued)

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In the Town of Minisink:  
Deputy Town Clerk

In the Town of Monroe  
Assistant Court Clerk  
Court Clerk  
Deputy Town Clerk (2)  
Secretary to Conservation Commission  
Town Comptroller

In the Town of Montgomery:  
Deputy Town Clerk (2)

In the Town of Mount Hope:  
Deputy Town Clerk (2)

In the Town of New Windsor:  
Deputy Town Clerk (3)  
Town Comptroller

In the Town of Newburgh:  
Deputy Town Clerk (2)

In the Town of Tuxedo:  
Deputy Town Clerk

In the Town of Walkill:  
Confidential Secretary to Commissioner of Public Works  
Deputy Town Clerk  
Town Comptroller

In the Town of Warwick:  
Deputy Commissioner of Public Works (2)  
Deputy Town Clerk (2)  
Town Comptroller

In the Town of Wawayanda:  
Deputy Town Clerk

In the Town of Woodbury:  
Deputy Tax Collector  
Deputy Town Clerk (2)

\*Indicates Part-Time

## **Appendix A - Positions in the Exempt Class (continued)**

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### **Village Service:**

In all offices and departments where the following positions exist:

- Acting Police Justice
- Clerk to Village Justice
- Deputy Village Clerk
- Deputy Village Clerk and Treasurer
- Deputy Village Treasurer
- Secretary to the Planning Board
- Village Attorney
- Village Treasurer
- Village Treasurer and Tax Collector

In the Village of South Blooming Grove  
Confidential Assistant to the Village Mayor

In the Village of Walden:  
Deputy Village Manager

### **School Districts and the Board of Cooperative Educational Services:**

In all school districts where the following positions exist:

- Census Takers
- Executive Secretary to District Superintendent
- Internal Claims Auditor (School)
- School Attorney
- School District Clerk
- School District Treasurer
- School Tax Collectors

In the Board of Cooperative Educational Services where the following positions exist:

- Clerk (BOCES)
- Executive Assistant to District Superintendent
- Internal Claims Auditor (School)
- Treasurer (BOCES)

### **Special Districts:**

In all special districts where the following positions exist:

- Attorney
- Treasurer
- Treasurer (Fire Districts) (if appointed)

In the Kiryas Joel Housing Authority:  
Executive Director, Kiryas Joel Housing Authority

In the Orange County Soil and Water Conservation District:  
Secretary to Soil and Water Conservation Board

\*Indicates Part-Time

## Appendix B

### Positions in the Non-Competitive Class

#### In all Civil Divisions where the position exists:

Section 55a - Not to exceed seven hundred (700) positions, with duties which can be performed by physically or mentally disabled persons who are found qualified to satisfactorily perform the duties of the positions, in the manner prescribed in Section 55a of the Civil Service Law. At least three hundred (300) of such positions shall be filled by persons who have been certified as physically disabled. If no qualified physically disabled persons have applied for such positions, the municipal civil service commission may fill those unfilled positions with qualified mentally disabled persons.

Positions designated as confidential or policy-influencing in the Non-Competitive Class are excluded from tenure protection under Section 75 of the Civil Service Law. They shall be so designated in Appendix B by notation of (e).

#### In County Service and at Orange County Community College:

In all departments where the following positions exist:

- Assessors (e)
- Account Clerks\*
- Automotive Mechanics
- Building Maintenance Mechanics
- Building Service Workers III
- Clerks I\*
- Clerks II\*
- Couriers
- Engineering Equipment Operators I
- Engineering Equipment Operators II
- Groundskeepers
- Heavy Motor Equipment Operators
- Interns (Seasonal)
- Licensed Practical Nurses
- Lifeguards (Seasonal)
- Lifeguard Supervisors (Seasonal)
- Maintenance Carpenters I
- Maintenance Carpenters II
- Maintenance Carpenters III
- Maintenance Electricians
- Maintenance Plumbers
- Micrographics Clerks
- Micrographics Clerk Trainees
- Motor Equipment Operators I
- Motor Equipment Operators II
- Principal Account Clerks\*
- Receptionists\*
- Registered Professional Nurses

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

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Secretaries\*  
Senior Account Clerks\*  
Senior Automotive Mechanics  
Senior Building Maintenance Mechanics  
Senior Building Service Workers  
Senior Clerks\*  
Senior Lifeguards (Seasonal)  
Senior Maintenance Electricians  
Skilled Laborers  
Stockroom Helpers  
Telephone Operators I\*  
Typists I\*  
Typists II\*

### In the Office for the Aging:

Assistant Cooks I  
Assistant Director, Office for the Aging (e)  
Cooks I  
Director, Office for the Aging (e)  
Site Managers-Nutrition Program

### In the Department of Consumer Affairs:

Commissioner of Consumer Affairs (e)

### In the Office of the County Clerk:

Motor Vehicle Clerks\*  
Reproduction Technicians  
Reproduction Technician Trainees

### In the County Executive's Office:

County Youth Bureau Director (e)  
Employment and Training Director (e)  
Risk Management Officer (e)

### In the Office of the District Attorney:

Career Criminal Unit Coordinators  
Criminal Investigators  
Deputy Chief Criminal Investigator (e)  
Law Clerks (Seasonal)  
Project Manager (Group Violence Intervention) (e)  
Senior Criminal Investigator (e)

### In the Department of Emergency Services:

Assistant Fire Training Center Managers\*

### In Employment and Training Administration:

Junior Counselors (Seasonal)  
Lead Counselors (Seasonal)

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

---

In the Department of Finance:

Director, Real Property Tax Services (e)

In the Health Department:

Deputy Medical Examiner (e)

Home Health Aides

Medical Examiner (e)

Senior Public Health Educators\*

In the Historian's Office

County Historian (e)

In the Department of Law:

Law Clerks (Seasonal)

In the Department of Mental Health:

Fee Negotiators\*

Staff Social Workers (Approved as NC for one year as part of the HELP Program 9/25/23 – 9/24/24)

Staff Social Workers\*(Approved as NC for one year as part of the HELP Program 9/25/23 – 9/24/24)

Staff Social Workers (Spanish/English Speaking) (Approved as NC for one year as part of the HELP Program 9/25/23 – 9/24/24)

In the Orange County Community College:

Campus Security Guards\*

Electrician's Assistant

Grounds Maintenance Workers

Pool Maintenance Assistant

In the Department of Parks, Recreation and Conservation:

Horticultural Supervisor

Park Attendants

Park Maintenance Leaders

Park Maintenance Mechanics

Recreation Leaders - Seasonal

Recreation Specialists - Seasonal

Ski Patrol Director - Seasonal

Ski School Director - (Seasonal)

In the Department of Probation

Deputy Probation Director (Group C)

Probation Director (Group C)

In the Department of Public Works

Airport Maintenance Mechanics

Airport Service Attendants

Assistant Highway Supervisors

Assistant Transfer Station Supervisors

Building Construction Supervisors

Director of Aviation (e)

Director of Facilities (e) Approved until first vacated after 11/19/07

Heavy Equipment Mechanics

Security Guards

Senior Airport Maintenance Mechanics

Senior Airport Service Attendants

Senior Garage Attendant

Weighing Station Operators

Welders

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

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### In the Department of Residential Health Care Services:

- Admissions Assessor
- Assistant Admissions Assessor
- Assistant Cooks II
- Cooks II
- Hairdressers
- Health Services Assistant
- Nursing Assistants
- Personal Services Assistant
- Pharmacists\*
- Senior Groundskeeper
- Senior Nursing Assistants
- Staff Nurses (RN)
- Tailor

### In the Sheriff's Department

- Corrections Administrator (e)
- Program Integrity Officer (e) (3)

### In the Department of Social Services:

- Commissioner of Social Services and Mental Health (e)
- Deputy Commissioner of Social Services (e)
- Casework Assistants (Approved as NC for one year as part of the HELP Program 9/25/23 – 9/24/24)

### In the Department of Tourism

- Director of Tourism (e)

### In the Veterans Service Agency:

- Cemetery Superintendent (e)
- Deputy Directors, Veterans Services (e)
- Director, Office of Veterans Services (e)
- Senior Deputy Director, Veterans Services (e)

\* Indicates part-time

**In all Towns and Villages where the following positions exist:**

Account Clerks\*  
Account Clerks - Seasonal  
Account Clerk Typists\*  
Administrative Aides\*  
Animal/Dog Control Officers  
Assessors (e)  
Assessor's Clerks\*  
Assessor's Clerk Trainees\*  
Assistant Assessors\*  
Assistant Building Inspectors III\*  
Assistant Cooks  
Assistant Court Clerks\*  
Assistant Public Works Supervisors  
Assistant Receiver of Taxes and Assessments (if appointed)\*  
Assistant Recreation Directors\*  
Assistant Voting Machine Custodians\*  
Assistant Water Safety Instructors (Seasonal)  
Automotive Mechanics  
Automotive Mechanic's Helpers  
Billing Control Clerk\*  
Bookkeeper\*  
Building Inspectors III\*  
Building Maintenance Mechanics  
Bus Drivers  
Camp Health Directors (Seasonal)  
Chauffeurs  
Clerks\*  
Clerks - Seasonal  
Clerks of the Works (Temp)  
Code Enforcement Officers\*  
Constables\*  
Cooks  
Couriers  
Court Attendants\*  
Court Clerks\*  
Data Entry Operators\*  
Deputy Assessors (PT) - Seasonal  
Deputy Registrar of Vital Statistics\*  
Dispatchers\*  
Electricians  
Fire Alarm Electricians\*  
Fire Inspectors\*  
Fire Truck Maintenance Workers  
Groundskeepers

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

---

Head Automotive Mechanics  
Heavy Equipment Mechanics  
Heavy Equipment Operators  
Interns (Seasonal)  
Janitors\*  
Library Clerks\*  
Library Clerk/Typists\*  
Lifeguards - Seasonal  
Lifeguarding Instructors (Seasonal)  
Maintenance Carpenters  
Meter Readers\*  
Motor Equipment Operators  
Municipal Bingo Inspectors\*  
Painters  
Park Attendants  
Park Maintenance Leaders  
Park Maintenance Supervisors\*  
Parking Enforcement Officers\*  
Police Matrons\*  
Police Officers\*  
Public Works Maintenance Workers  
Purchasing Clerks\*  
Real Property Data Collectors\*  
Receiver of Taxes and Assessments (if appointed)\*  
Records Retention Clerks\*  
Recreation Aides  
Recreation Coordinators\*  
Recreation Directors\*  
Recreation Leaders\*  
Recreation Specialists\*  
Recreation Supervisors\*  
Registrars of Vital Statistics\*  
Reservoir Caretakers  
Sanitation Department Drivers  
Secretary Zoning Board of Appeals\*  
Senior Automotive Mechanics  
Senior Citizens Activity Leader\*  
Senior Library Clerks\*  
Senior Lifeguards - Seasonal  
Senior Motor Equipment Operators  
Senior Typists\*  
Senior Wastewater Maintenance Mechanics  
Senior Wastewater Maintenance Workers  
Senior Water & Wastewater Maintenance Mechanics  
Senior Water Maintenance Workers  
Site Managers - Nutrition Program  
Skilled Laborers  
Street Crossing Guards

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

---

Town Engineers\*  
Town Health Officers\* (e)  
Town Historians\*  
Traffic Guards\*  
Typists\*  
Village Assessors (e)  
Village Engineers\*  
Village Health Officers\* (e)  
Village Historians\*  
Voting Machine Custodians\*  
Wastewater Maintenance Mechanics  
Wastewater Maintenance Workers  
Wastewater Treatment Plant Operators\*  
Water & Wastewater Administrators\*  
Water & Wastewater Maintenance Mechanics  
Water & Wastewater Maintenance Workers  
Water & Wastewater Maintenance Worker Trainees  
Water Inspectors\*  
Water Maintenance Leaders  
Water Maintenance Workers  
Water Meter Readers and Repairpersons\*  
Water Safety Aides (Seasonal)  
Water Safety Directors (Seasonal)  
Water Safety Instructors (Seasonal)  
Water Treatment Plant Operators\*  
Working Leaders  
Working Supervisors (Parks)

In the Town of Cornwall:

Assistant Leader - Sanitation Department  
Sanitation Department Drivers

In the Town of Deerpark:

Police Sergeant\* – until first vacated after 09/17/07

In the Town of Highlands

Chief Wastewater Treatment Plant Operator\*  
Sanitation Department Drivers

In the Town of Monroe:

Head Bus Driver (Dial-A-Bus Program)

In the Town of Newburgh:

Commissioner of Public Works (e)  
Senior Groundskeeper  
Welder

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

---

In the Town of Tuxedo:  
Project Coordinator

In the Town of Walkill:  
Parts Attendant  
Welder

In the Town of Warwick:  
Head Bus Driver (Dial-A-Bus Program)

In the Town of Waywayanda:  
Park Superintendent\*

In the Town of Woodbury:  
Senior Groundskeeper

In the Village of Chester (under 5000 population):  
Building Inspector III/Custodial Worker  
Village Street Superintendent  
Water Treatment Plant Operators  
Water Treatment Plant Operator Trainee

In the Village of Cornwall (under 5000 population):  
Assistant Leader  
Superintendent of Public Works/Building Inspector III/Code Enforcement Officer  
Village Public Works Superintendent  
Water Treatment Plant Operators  
Water Superintendent

In the Village of Florida (under 5000 population):  
Public Works Supervisors

In the Village of Greenwood Lake (under 5000 population):  
Building Inspector III  
Navigational Assistants (SL)  
Senior Navigation Assistant  
Water Superintendent  
Water Treatment Plant Operators

In the Village of Harriman (under 5000 population):  
Village Public Works Superintendent  
Water Superintendent

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

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In the Village of Highland Falls (under 5000 population):

- Assistant, Federal Code Enforcement Program
- Assistant Housing Rehabilitation Specialist
- Chief Wastewater Treatment Plant Operators
- Housing Rehabilitation Specialist\*
- Parking Enforcement Officer
- Public Works Supervisors
- Section 8 Coordinator
- Video Camera Operator
- Village Streets Superintendent
- Wastewater Treatment Plant Operators
- Water and Sewer Administrator
- Water Treatment Plant Operators

In the Village of Kiryas Joel:

- Head Bus Drivers (Kiryas Joel)
- Firefighters (Kiryas Joel)\*

In the Village of Maybrook (under 5000 population)

- Chief Water and Sewer Treatment Plant Operator
- Village Public Works Superintendent
- Water and Wastewater Treatment Plant Operator

In the Village of Monroe:

- Public Works Supervisor (1) until first vacant after June 30, 2006
- Water Plant Assistants

In the Village of Montgomery (under 5000 population):

- Chief Water and Wastewater Treatment Plant Operator
- Village Public Works Superintendent
- Village Street Superintendent
- Wastewater Treatment Plant Operator
- Water and Wastewater Treatment Plant Operator
- Water Treatment Plant Operators (B)

In the Village of Otisville (under 5000 population):

- Village Public Works Superintendent

In the Village of Tuxedo Park (under 5000 population):

- Building Inspector III/Code Enforcement Officer\*
- Traffic Guards
- Village Public Works Superintendent
- Water and Wastewater Treatment Plant Operators

In the Village of Walden:

- Public Works Supervisor (1) until first vacated after June 30, 2006

In the Village of Warwick:

- Public Works Supervisor (1) – until first vacated after June 30, 2006

\*Indicates Part-Time

## Appendix B - Positions in the Non-Competitive Class (continued)

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In the Village of Washingtonville:

Public Works Supervisor (1) until first vacated after June 30, 2006

### **School Districts and the Board of Cooperative Educational Services:**

In all School Districts and BOCES where the following positions exist:

- Account Clerks\*
- Assistant Building Maintenance Mechanics
- Assistant Cooks
- Audio Visual Repairpersons
- Automotive Mechanics
- Automotive Mechanic's Helpers
- Building Maintenance Mechanics
- Building Maintenance Mechanic/School Bus Drivers
- Cashiers\*
- Clerks\*
- Clerks of the Works (Temp)
- Cooks
- Cook Managers
- Couriers
- Custodial Workers-Bus Drivers
- Electricians
- Grounds Equipment Mechanics
- Groundskeepers
- Head Automotive Mechanics
- Head Bus Drivers
- Head Maintenance Workers
- Library Clerks\*
- Lifeguards
- LPNs (School)
- Maintenance Carpenters
- Maintenance Helpers
- Maintenance Painters
- Maintenance Workers
- Painters
- Payroll Clerks\*
- Physical Therapists\*
- Plumbers
- Pool Maintenance Operators
- Registered Professional Nurses (School)
- Reproduction Services Clerks\*

\*Indicates Part-Time

**School Districts and the Board of Cooperative Educational Services - continued**

- School Bus Dispatchers\*
- School Bus Driver/Food Service Helpers
- School Bus Driver/School Monitors
- School Bus Drivers
- School Physicians\*
- Senior Account Clerk/Typists\*
- Senior Automotive Mechanics
- Senior Building Maintenance Mechanics
- Senior Food Service Helpers
- Senior Groundskeepers
- Senior Library Clerks\*
- Senior School Monitors
- Sign Language Interpreters
- Stockroom Helpers
- Student Interns (Seasonal)
- Teacher Aides
- Telephone Operators\*
- Typists\*

**In the Board of Cooperative Educational Services:**

- Asbestos Workers
- Audio Visual Repairpersons
- Child Care Aides
- Health & Safety Coordinator (approved until first vacated after 02/01/1994)
- Interscholastic Athletic Coordinator (approved until first vacated after 02/27/1997)
- Film Inspectors
- Micrographic Clerks (BOCES)

**In the Kiryas Joel Union Free School:**

- Non-Public Schools Services Program Coordinator (Yiddish-English Speaking)

**Special Districts:**

**In all special districts where the following positions exist:**

- Account Clerks\*
- Automotive Mechanics
- Building Maintenance Mechanics
- Custodians\*
- Fire Alarm Electricians\*
- Fire Truck Maintenance Workers
- Janitors\*
- Librarians I\*
- Librarians II (Children's Services)\*
- Library Clerks\*
- Library Clerk/Typists\*
- Maintenance Carpenters
- Senior Fire Truck Maintenance Workers
- Senior Library Clerks\*
- Student Interns (Seasonal)

\*Indicates Part-Time

**Special Districts - continued**

In the Orange County Soil and Water Conservation District:

- Conservation District Educator (for present incumbent only)
- Conservation District Manager (for present incumbent only)
- Conservation District Technician (for present incumbent only)

\*Indicates Part-Time

## Appendix C

### Labor Class

In all county, towns, villages, special districts and school districts where the following positions exist and at Orange County Community College:

- Animal Shelter Helpers
- Building Service Workers I
- Building Service Workers II
- Cleaners
- Copy Aides
- Custodial Workers
- Food Service Helpers
- Food Service Helpers-Custodial Workers
- Food Service Helper/School Monitors
- Garage Attendants
- Laborers
- Laborers I
- Laborers II
- Laundry Workers
- Occupational Therapy Aides
- Pages
- Parking Lot Attendants\*
- Physical Therapy Aides
- Recreation Attendants
- Recycling Center Attendants
- School Bus Monitors
- School Monitors
- Student Tutors
- Wardrobe Aides
- Wastewater Plant Attendants
- Watchguards\*
- Watchguards
- Water and Wastewater Plant Assistant

\*Indicates Part-Time

## Appendix D

### Unclassified Service

#### COUNTY SERVICE:

Chairman (County Legislature)  
Clerk of the Legislature  
Commissioners of Election (2)  
Commissioner of Emergency Services  
Commissioner of Finance  
Commissioner of General Services  
Commissioner of Health  
Acting Commissioner of Health  
Commissioner of Human Resources  
Commissioner of Information Technology  
Commissioner of Parks, Recreation and Conservation  
Commissioner of Planning  
Commissioner of Public Works  
Commissioner of Residential Health Care Services  
County Clerk  
County Executive  
Deputy Clerk of the Legislature (2)  
District Attorney  
Employees of Board of Elections  
Legislative Aide  
Legislative Counsel  
Legislative Secretary (2)  
Legislators (20)  
Members of Boards and Commissions authorized by law  
Sheriff

#### ORANGE COUNTY COMMUNITY SERVICE:

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

\*Indicates Part-Time

## Appendix D- Positions in the Unclassified Service (continued)

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### **TOWN SERVICE:**

In all Offices and Departments where the Following Positions Exist:

- Assessor (if elected)
- Chairman Planning Board
- Councilmen
- Justice of the Peace
- Members of Boards and Commissions authorized by law
- Receiver of Taxes and Assessments (if elected)
- Supervisor
- Tax Collector
- Town Clerk
- Town Superintendent of Highways (if elected)

In the Town of Cornwall:

- Highway Superintendent (if appointed)

In the Town of Highlands:

- Highway Superintendent (if appointed)

In the Town of Newburgh:

- Commissioner of Parks, Recreation & Conservation
- Highway Superintendent (if appointed)

In the Town of Walkill

- Commissioner of Public Works

In the Town of Warwick:

- Commissioner of Public Works

### **VILLAGE SERVICE:**

In all Offices and Departments where the Following Positions Exist:

- Mayors
- Members of Boards and Commissions authorized by law
- Trustees
- Village Clerks
- Village Clerks and Treasurers
- Village Clerks and Tax Collectors

In the Village of Walden:

- Village Manager

### **SPECIAL DISTRICTS:**

In all Offices and Departments where the Following Positions Exist:

- Commissioners
- Members of Boards
- Secretary (Fire Districts)
- Secretary/Treasurer (Fire Districts)
- Treasurer (Fire Districts) (if elected)

\*Indicates Part-Time

**SCHOOL DISTRICT SERVICE:**

Section 35(g) all persons employed by any title whatsoever as members of the teaching and supervisory staff of a school district, board of cooperative educational services or county vocational education and extension board, as certified to the state commission by the commissioner of education. The commissioner of education shall prescribe qualifications for appointment for all classes of positions so certified by him, and shall establish specifications setting forth the qualification of and the nature and scope of the duties and responsibilities of such positions.

Section 35 (h) all persons, other than persons under paragraph (g) of this section whose principal functions are teaching or the supervision of teaching in a public school, academy or college or in the state university.

**Appendix E**

**Emergency Defense Positions**

**Town Service:**

Director of Civil Defense

\*Indicates Part-Time