



THE

CIVIL SERVICE RULES

FOR

TOMPKINS COUNTY

Third 2020 Revision: June 5, 2020
Based on the 2018 & 2019 Non-competitive Class petition, 2020 January Exempt
Class Petition, and May 13, 2020 CSC Action

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CHRONOLOGY OF THE CIVIL SERVICE RULES FOR TOMPKINS COUNTY

At a public hearing held on September 4, 1969, a general revision of the rules for Classified Services was presented and on January 27, 1970, the amended version of the rules was approved by the New York State Civil Service Commission.

The revision dated August 1, 1974, contained amendments which had been presented at public hearings subsequent to September 4, 1969, and approved by the New York State Civil Service Commission.

The revision dated May 1, 1976, contained amendments which had been presented at public hearing subsequent to August 1, 1974, and approved by the New York State Civil Service Commission.

The revision dated January 11, 1979, contained amendments which had been presented at public hearings subsequent to May 1, 1976, through November 29, 1978, and approved by the New York State Civil Service Commission.

The last complete revision was prepared in September 1983, and contained all amendments which had been presented at public hearings subsequent to the September 4, 1969, general revision.

The revision dated 1996, contains all amendments which had been presented at public hearings subsequent to the September 1983 revision.

The revision dated July 1998 contained amendments that had been presented at public hearings subsequent to November 13, 1997.

The revision dated August 2000, contains amendments that had been presented at public hearings subsequent to the May 31, 2000 hearing.

The revision dated December 2001, contains amendments that had been presented at public hearings subsequent to the March 30, 2001 hearing.

The revision dated May 12, 2003, contains amendments that had been presented at public hearings subsequent to the February 7, 2003, public hearing.

The revision dated August 17, 2004, contains amendments presented at public hearings subsequent to the April 12, 2004, public hearing.

The revision dated October 6, 2006, contains amendments presented at public hearings subsequent to the January 3, 2006, public hearing.

The revision dated September 12, 2008, contains amendments presented at public hearings subsequent to the August 24, 2007, public hearing.

The revision dated August 5, 2009, contains amendments presented at public hearings subsequent to the November 24, 2008, public hearing.

The revision dated July 5, 2011, contains amendments presented at public hearings subsequent the July 12, 2010, public hearing.

The revision dated August 2, 2012, contains amendments presented at public hearings subsequent the August 8, 2011, public hearing.

The revision dated February 28, 2013, contains only the Exempt class amendments presented at public hearings subsequent to the August 13, 2012 public hearing. Non-competitive amendments are pending further review.

The revision dated October 17, 2013, contain the non-competitive amendments approved by the NYS CSC on September 10, 2013.

The revision dated January 1, 2014, addresses and corrects Rules discrepancies identified by OCOMA in Mike Schwabe's December 31, 2013, email.

The revision dated August 26, 2014, contains the Exempt amendments approved by the NYS CSC on June 17, 2014.

The revision dated August 1, 2016, contains the Definitions, Promotion and Transfer rules amendments petitioned in 2014 and approved by the NYS CSC on May 10, 2016.

The revision dated October 21, 2016, contains the Non-competitive Appendices amendments petitioned in 2016 and approved by the NYS CSC on September 13, 2016.

The revision dated July 26, 2018, contains Exempt Class Appendices amendments petitioned in 2018 and approved by the NYS CSC on April 17, 2018.

The revision dated October 31, 2018, contains Non-competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on October 16, 2018.

The revision dated November 9, 2018, contains Non-Competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on October 16, 2018.

The revision dated December 10, 2018, contains Non-competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on November 13, 2018.

The revision dated January 4, 2019, contains Non-competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on December 11, 2018.

The revision dated January 29, 2019, contains Non-competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on January 9, 2019.

The revision dated March 28, 2019, contains Exempt Appendices amendments petitioned in 2018 and approved by the NYS CSC on March 13, 2019.

The revision dated May 23, 2019, contains Non-competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on May 15, 2019.

The revision dated July 5, 2019, contains Exempt class Appendices amendments petitioned in 2018 and approved by the NYS CSC on March 13, 2019.

The revision dated July 5, 2019, contains Non-Competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on May 15, 2019.

The revision dated July 5, 2019, contains Non-Competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on June 19, 2019.

The revision dated March 4, 2020, contains Non-Competitive Appendices amendments petitioned in 2018 and approved by the NYS CSC on December 18, 2019.

The revision dated April 21, 2020, contains Non-Competitive Appendices amendments petitioned in 2019 and approved by the NYS CSC on March 11, 2020.

The revision dated June 5, 2020, contains Non-Competitive Appendices amendments petitioned in 2018 and 2019 and 2020 Exempt Appendices amendments approved by the NYS CSC on May 15, 2020.

The format of these rules was changed with the September 1983 revision so as to make complete revisions of the Rules unnecessary from that date forward. Subsequent to September 1983, whenever a rule or appendix is amended, after having been presented at a public hearing and approved by the New York State Civil Service Commission, the actual page(s) containing that rule will be revised and distributed. Consequently, all sets of the Rules, including this one, should always be up-to-date.

RESOLUTION FOR ADOPTION OF CIVIL SERVICE RULES

WHEREAS, the County of Tompkins has adopted a Personnel Officer form of Civil Service Administration, which became effective January 1, 1966, and

WHEREAS, the adoption of Civil Service Rules and Appendices to the Rules is necessary for the proper administration of the Civil Service Law, a public hearing was held on February 28, 1966, pursuant to the provisions of Section 20 of the Civil Service Law, now therefore be it

RESOLVED, That subject to the approval of the State Civil Service Commission, the attached Rules and Appendices to the Rules are adopted as Rules for the Classified Service of Tompkins County, and the towns, villages, special districts and school districts under the jurisdiction of the Personnel Officer Tompkins County.

Date: May 9, 1966

s/ John D. Hunt
Personnel Officer

NEW YORK STATE CIVIL SERVICE COMMISSION. At a meeting of the State Civil Service Commission held May 18, 1966, the foregoing resolution was APPROVED.

ATTEST: _____
Ass't. Administrative
Director

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RULES FOR THE CLASSIFIED SERVICE OF TOMPKINS 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 Tompkins County, on a basis of merit and fitness as provided in the Civil Service Laws of the State of New York.

These Rules have the force and effect of law and apply to all positions in all classified service of Tompkins County, as well as the towns, villages, school districts, and special districts therein.

These Rules may be amended by the Commissioner of Personnel 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 means the Commissioner of Personnel of the County of Tompkins.
- 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 Commissioner's office 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 appointment or a combination of one or more appointments in a civil division in which an individual works not more than 50% of the time prescribed as a normal work week by the appropriate governing body or other appropriate authority of the civil division, or wherein the employee earns not more than one-half 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.
- 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, B.O.C.E.S., school district, Tompkins-Cortland Community College, or special district.
- 10) Appointing authority means any officer of body having the power of appointment to subordinate positions.
- 11) "Permanent status" means an individual who has received a permanent appointment to a position in the classified service and who has successfully completed the probationary term for such position as may be prescribed in these rules. An employee dismissed from service for incompetency or misconduct pursuant to section 75 of the Civil Service Law or an alternative disciplinary procedure collectively bargained by organized labor pursuant to section 76 of the Civil Service Law shall no longer possess permanent status in the position or title from which he or she was dismissed.

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

RULE IV --- 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 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 a part thereof.

RULE V --- 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 VI --- RECRUITMENT OF PERSONNEL

- 1) Residence requirements for municipal positions. An applicant must be, at the time of examination and for at least one month prior thereto, a resident of the municipality in which appointment is to be made or any reasonable combination of municipalities both in and outside of New York State contiguous to the municipality in which appointment is to be made or contiguous to the municipality in which such municipality is located, as determined by the Commissioner of Personnel. Residence requirements may be suspended or reduced by the Commissioner in cases where recruitment difficulty makes such requirements disadvantageous to the public interest.
- 2) Announcements of examinations. The public announcement of an examination shall specify an application fee, if any, the title, the salary or salary range, the duties of the position, the minimum qualifications required, the final date for filing applications, the subjects of scope of examination, and the relative weights thereof, and the date and place of 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 and paying the application fee shall be at least ten days before the date of the examination.

RULE VII --- APPLICATIONS

- 1) Applications of candidates for positions in the competitive class and positions in the non-competitive class must be addressed to the commissioner or the office of the commissioner.
- 2) The commissioner shall notify each applicant of the disposition of his/her application. Approved applicants for competitive examination shall be given notice of their approval at least four days prior to the examination, by mail, to the address stated on the application, or one day's notice by telegram.
- 3) The appointing officer may see application with restrictions. A candidate's application for examination may be exhibited, upon request, to the appointing officer to whom his/her name is certified, or to his/her representative, provided, however, that information therein relating to the candidate's race, creed, national origin, citizenship, religion, marital status, age, disability, or record of arrest or conviction shall not be divulged. Before a candidate's application for examination is exhibited to the appointing officer or his/her representative, all reference therein to the above shall be concealed.

RULE VIII --- 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 his/her qualifications to the satisfaction of the Commissioner shall be upon the applicant. Any applicant who refuses to permit the Commissioner to investigate matters necessary for the verification of his/her qualifications or who otherwise hampers, impedes, or fails to cooperate with the Commissioner in such investigation shall be disqualified for examination, or after examination, for certification and/or appointment.

RULE IX --- EXAMINATIONS

- 1) The marking of each competitor's examination shall be made on the scale of 100, which maximum shall represent the best performance possible, expected or attained, and 70 shall represent a performance meeting the minimum needs of the position to be filled. The Commissioner 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 arrangement shall be given in the instructions on the written examination. Where the written test is prepared and rated by the State Civil Service Commission in accordance with Section 23, Sub-division 2, of the Civil Service Law, the provisions of the rules and regulations of the State Civil Service Commission and department dealing with the rating of examinations shall apply.
- 2) The Commissioner shall adopt a system to conceal the identity of the candidate's papers in a written examination until such written examination has been rated.
- 3) For examinations prepared and rated by the Commissioner, applications and examination records and papers of the candidates shall be preserved until at least six months after the expiration of the eligible list resulting from such examination, but in no event may records be destroyed except in accordance with the policy of the State Commissioner of Education and the State Civil Service Commission. Whenever an oral test shall be prescribed as part of the examination, a stenographic or recording device record of all the questions and answers shall be made part of the examination records.
- 4) Every candidate in an examination shall be notified of their final rating and, if successful, of his or her relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or a duly authorized representative, may inspect examination papers in the office of the Commissioner and in the presence of a designated representative of the Commissioner, provided that the request to make such inspection is made in writing within ten days after the date of the postmark of such notice. The application and examination papers of a candidate shall be exhibited only to the candidate or a duly authorized representative designated as such in writing.
- 5-a) A candidate who wishes to appeal an examination rating in one or more of the subject areas of an examination, must submit such appeal in writing to the Commissioner within twenty days after the earliest date on which his examination papers were made available for inspection. Such appeal must show that a manifest error was made in the original rating. Such appeal shall be considered as opening all of the candidates papers for review, whether resulting in a higher or lower average 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.

- 5-b) For examinations prepared and rated under Section 23(2) of the Civil Service Law, the State Civil Service Commission shall have the sole and exclusive authority to correct any errors in rating upon appeal or otherwise. The review of papers by candidates and the filing of appeals in such examinations shall be governed by the rules and regulations of the State Civil Service Commission and Department.
- 5-c) The Commissioner may, at any time during the life of an eligible list resulting from an examination prepared and rated by the Commissioner, correct any clerical or computational errors in the ratings of candidates who competed in the examination.
- 5-d) Any change in an eligible list pursuant to this rule shall be made without prejudice to the status of the person previously appointed as a result of such examination.
- 5-e) Rating keys shall be prepared for each examination held. Such keys shall be a permanent part of the record for each examination.
- 6) Examination material security. In order to prevent the unauthorized publication and dissemination of examination material, the following acts are prohibited except as authorized by the New York State Civil Service Commission.
 - a) No person shall copy, record, or transcribe any examination question or answer; or remove from the examination room or possess outside the examination room, any question sheet, answer sheet or booklet, scrap papers, notes or any other papers or materials relating to such examination.
 - b) A candidate in an examination shall not at any time communicate with an examiner concerning the conduct or content of such examination and shall not directly or indirectly communicate to any other person information concerning the content of such examination until completion of the testing of all candidates.

No examiner, proctor or other person charged with the supervision of a candidate or group of candidates during an examination shall have authority to waive the provisions of this subdivision. A person who is found by the Commission to have violated the provisions of this subdivision or any similar provision of the rules of any other civil service jurisdiction within the State of New York shall be disqualified from appointment to the position for which the examination is being held and may be disqualified from being a candidate for any civil service examination for a period of five years.

RULE X --- ELIGIBLE LISTS

- 1) Every candidate who attains a passing mark in an examination as a whole and 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 examined and his or her name shall be entered on the eligible list in the order of final rating; but if two or more eligible candidates receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed by the Commissioner.
- 2) The date of the establishment of a list shall be the date fixed therefore by the Commissioner's resolution, and shall be entered on such list. The duration of all eligible lists shall be fixed by the Commissioner's resolution prior to the establishment of such lists, but shall not be less than one nor more than four years. The date of the 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 is less than four years, the Commissioner may, by resolution, prior to the expiration date of the list, extend the duration of the list up to the maximum limitation of four years, provided that eligibles on such lists 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. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.
- 4) The Commissioner shall have power in its discretion to correct any error and amend any eligible list where it appears that an error has been made. The Commissioner shall have the power to revoke any eligible list where the provisions of these Rules were not properly or sufficiently carried out; provided, however, that an eligible list shall not be revoked except after notice and an opportunity to be heard has been given to all persons whose names appear thereon. The reasons for such action shall be recorded in the minutes of the Commissioner and reported to the State Civil Service Commission.

RULE XI --- CERTIFICATION

- 1) The Commissioner 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 eligible candidates from which selection for appointment may be made. When the name of any eligible is included in a certification for appointment, the names of all other eligible candidates 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 Personnel to an appointing officer shall be valid for a period of sixty days from the date of issuance, unless the certification is extended by the Commissioner of Personnel. The Commissioner of Personnel may, for good cause shown, extend the certification for up to an additional 30 days, provided that there has been no change in the ranking or composition of eligibles in the range from which the appointment is made. After the expiration of such period, no appointment shall be made except from a new certification. Candidates must be appointed and commence employment during the period that the certification is valid. In the case of provisional appointments, Section 65(3) of the New York State Civil Service Law will take precedent over the longer certification period. This law requires that provisional employees be appointed or removed from the position within two months following the date of establishment of the eligible list (not within two months from the date of the certification).
- 3) When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his/her willingness to accept such appointment within four business days after the mailing of such canvass or offer, he/she may be considered ineligible when making selection for such particular appointment. When an eligible fails to respond to two successive canvass letters, his/her name shall be restricted from further certification from the eligible list. Thereafter, the eligible may request that his/her name be restored to active status on such list, provided the list is still in existence. The eligible's name may be restored to active status on such list if the Commission in its discretion determines that the reasons for the previous non-response are satisfactory.
- 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 offered when below minimum of grade of the position for which the examination was held; (b) geographical location of employment; (c) temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing; (d) other reason deemed acceptable by the Commission. The Commission shall enter upon the eligible list the reasons for its 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 eligible candidates appear on the eligible list as provided in Rule X.

- 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 one of the applicants who may be certified for a permanent appointment to fill the vacancy without further examination provided that he/she has already qualified in an examination of equivalent character within the last four years from the date of nomination.
- 7) Whenever one or more eligible candidates 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) 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 a list would require the lay-off 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.

RULE XII --- PROMOTIONS

- 1) In no case shall any person be eligible to participate in a promotion examination until he or she has held at least six months of permanent status in a lower grade position.
- 2) Any person who is nominated for a non-competitive promotion examination in accordance with Civil Service Law, Section 52(7), and who fails to pass two successive examinations for such promotion shall not thereafter be eligible for employment in such position/title, except by appointment or promotion from an appropriate eligible list established following a competitive examination.
- 3) Promotion examinations for non-competitive class employees shall, in addition to the requirements of the 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 the promotional examination is to be held.

RULE XIII --- PROBATIONARY TERM

1. Probationary Term

- a. Except as otherwise provided in these rules, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than fifty-two weeks.
- b. The probationary term for training positions in which an appointee is required to serve a specified training term shall not be less than twelve nor more than fifty-two weeks. Every permanent appointment from an open competitive eligible list and every original appointment in the non-competitive class in all of the following titles shall be for a probationary term of not less than 26 weeks nor more than 104 weeks from the date of appointment...

Commissioner of Personnel,
Commissioner of Planning,
Commissioner of Mental Health Services,
Commissioner of Public Works,
Commissioner of Social Services, and
Public Health Director.

- c. Every permanent appointment from a promotion eligible list shall be for a probationary term of not less than eight nor more than twenty-six weeks. Upon written notice of the appointing authority the probationary period upon promotion may be waived and the appointee given a permanent appointment.
- d. An appointment shall become permanent upon retention of the probationer after his completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that his probationary term is successfully completed. A copy of such notice shall be sent to the Commissioner of Personnel. If the conduct or performance of the probationer is not satisfactory, his employment may be terminated at any time after the completion of the minimum period of service, and on or before the completion of the maximum period of service in the manner as prescribed in these Rules.

2. a. Transfers to Positions in the Same Civil Division

Every transfer from a position to another in the same civil division shall require a probationary term of not less than a minimum of eight weeks nor more than twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation.

b. Transfers to Positions Under Different Appointing Authorities in Different Civil Divisions

Every transfer from a position in one civil division to a position in another civil division shall require a probationary term of not less than a minimum of eight weeks up to a maximum of twenty-six weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before, completion of the maximum period of probation. (see next page for a continuation of this rule)

RULE XIII - PROBATIONARY TERM-contd.

The Commissioner shall advise the prospective transferee in writing prior to approval of the transfer that an eight to twenty-six week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised it is his/her responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed.

c. Waiver

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

3. Restoration to Permanent Position

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

4. Absence During Probationary Term

Absence during probationary term. Any periods of authorized or unauthorized absence during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term. If the appointing authority chooses not to count the absences as part of the probationary term, the employee shall be notified and the minimum and maximum periods of the probationary term of any such employee shall be extended by the number of work days of the employee's absence.

5. Report on Probationer's Service

The probationer's supervisor will closely observe and carefully evaluate the probationer's work performance as it relates to the duties and responsibilities of the position. A probationer whose services are to be terminated for unsatisfactory service shall be given written notice prior to such termination and, upon request, shall be granted an interview with the appointing authority or his or her representative.

6. Restoration to Eligible List

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

RULE XIII - PROBATIONARY TERM—contd.

7. Temporary, Provisional or Contingent Permanent Service in Higher Level Position

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

8. Removal During Probationary Term

Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 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.

9. Leave of Absence for Police Supervisors

Notwithstanding any other provision of these rules, if a Police Officer is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section Two Hundred Nine-Q of the General Municipal Law, he/she shall be deemed to be on leave of absence from the lower rank position from which he/she was promoted pending completion of such training. During such period, such lower rank position may not be filled except on a temporary or contingent permanent basis. In the event of his/her failure to successfully complete such training within the time allowed therefor, he/she shall be restored to such lower rank position.

10. Probationary Term Upon Reinstatement

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

RULE XIV --- SEASONAL AND TRAINEE POSITIONS

- 1) Appointment to seasonal positions in competitive class.
 - (a) Positions in the competitive class where the nature of service is such that it is not continuous throughout the year, but recurs in each successive year, except as herein otherwise provided, shall be designated as seasonal positions and shall be subject to the provisions of the Rules applicable generally to positions in such class.
 - (b) Upon the expiration of employment season, the names of all persons employed in such seasonal positions shall be entered upon a seasonal reemployment list in the order of their first appointment to the title vacated by them at the expiration of such employment season. Such seasonal reemployment list shall be certified to the appointing authority at the commencement of or during the next employment season, and the persons whose names appear thereon as still qualified shall be entitled to reemployment in such positions in the order in which their names appear on such list. Any such person may be reexamined by the Commissioner with respect to his/her physical fitness for the performance of the duties of the position, and may be disqualified for reemployment in the same manner, and for any of the reasons applicable to the disqualification of an eligible on an eligible list resulting from open-competitive examination.
 - (c) The name of any person on such list who is not reached for reemployment shall remain on such list and shall be certified in the order of the date of his/her first appointment to such position during subsequent employment seasons; provided, however, that the eligibility for employment of any such person shall not continue for a period longer than three years from the date of his/her separation from such seasonal employment. A seasonal reemployment list shall not be deemed to be a preferred list as provided for in Section eighty-one of the Civil Service Law.
- 2) The Civil Service Commissioner may require that permanent appointments or promotions from eligible lists 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 such specified training shall be prescribed by the Commissioner. Upon the satisfactory completion of such training term, and of specified courses if required, an appointee shall be entitled to full permanent status to 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/her conduct, capacity, or fitness is not satisfactory, or at any time if he/she fails to pursue or continue satisfactorily such training or academic courses as may be required.

RULE XV --- CONTINGENT PERMANENT APPOINTMENT

When an appointment to an encumbered position is made from an eligible list and the appointee is at the time of such appointment reachable for permanent appointment on such eligible list, he shall, at such time that the 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 XVI -- EFFECT OF TEMPORARY OR PROVISIONAL APPOINTMENT ON THE STATUS OF APPOINTEE:

- 1) Effect of temporary appointment on eligibility for permanent appointment. The acceptance by an eligible of a temporary appointment shall not affect his 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 a permanent employee. When a permanent competitive class employee is given a provisional appointment to another competitive class position in the same department or agency, the position thus vacated by him shall not be filled on other than a temporary basis pending his reinstatement thereto upon failure of the provisional appointment to mature into a permanent appointment.
- 3) Successive provisional appointments.
 - (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/title.
 - (b) No provisional employee who has twice failed an examination for permanent appointment shall be given a third provisional appointment in the same position, provided, however, that where an examination fails to produce ANY qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the appointing officer authority, may be granted a third and final provisional appointment in the same position/title.

RULE XVII --- 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 Personnel, any permanent appointee to a competitive class position may be permanently appointed to another competitive class position subject to these rules without further competitive examination, provided:
 - a. The employee has successfully completed the probationary term established for the position currently held by the employee;
 - b. The Commissioner determines that the essential tests and qualifications for the position in which the employee has permanent status are similar to or higher than the qualifications for the position to which transfer is sought;
 - c. The Commission determines that the examination for the title in which the prospective transferee holds permanent status is appropriate to fill the position to which transfer is sought;
 - d. There is no preferred list appropriate for filling the position to which transfer is sought containing the name of an eligible willing to accept reinstatement;
 - e. There is no departmental promotion list for the position to which transfer is sought containing the names of three or more eligible candidates willing to accept appointment; and
 - f. The Commissioner determines that the proposed transfer is in the best interest of the public service.

RULE XVIII --- REINSTATEMENT

- 1) A permanent competitive class employee who has resigned may be reinstated without further examination to the position from which he/she resigned, if then vacant, or in any vacant position to which the employee was eligible for transfer or reassignment. An employee who is laid off shall be eligible for reinstatement in the same manner as an employee who had resigned. All reinstatements are subject to the following terms and conditions:
 - (a) The prospective appointing authority must request approval from the Commissioner of Personnel to reinstate an individual;
 - (b) 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;
 - (c) 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;
 - (d) The Commissioner of Personnel shall determine if the reinstatement is for the good of the service.

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

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

RULE XVIII --- REINSTATEMENT (CONTINUED)

- 2) Refusal or failure to accept reinstatement from a preferred list.
 - (a) Relinquishment of eligibility for reinstatement. The failure or refusal of such 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 reason satisfactory to the Commissioner 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/she was suspended or demoted. The name of such person may be withheld from further certification for reinstatement to a position in the same or a lower salary grade than the position to which he/she failed or refused to accept reinstatement.
 - (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 XIX --- LEAVE OF ABSENCE

- 1) A leave of absence without pay, not to exceed one year, may be granted to a permanent employee by an appointing officer. Notice of such leave of absence shall be given to the Commissioner. 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 leaves of absence. Notice of such subsequent leave of absence shall also be given to the Commissioner. 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 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 the commencement of such leave.

RULE XIX --- LEAVE OF ABSENCE (CONTINUED)

- 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, providing such leave of absence is for the purpose of taking courses under the educational benefits provided for in Title 38, United States Code or under a New York State Board of Regents War Service Scholarship, Education Law, Section 614. An employee taking such a leave shall be reinstated to his position, provided that he makes application for such reinstatement within sixty days after the termination of his courses of study.

RULE XX --- RESIGNATION

- 1) Resignation in writing. Except as otherwise provided herein, every resignation shall be in writing.
- 2) Effective date. If no effective date is specified in a resignation, it shall take effect upon delivery to or filing in the office of the appointing authority. If an effective date is specified in a resignation, it shall take effect on such specified date. However, if a resignation is submitted while the employee is on leave of absence without pay, such resignation, for the purposes of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such leave of absence. Notwithstanding the provisions of this section, when charges of incompetence or misconduct have been or are about to be filed against an employee, the appointing authority may elect to disregard a resignation filed by such employee and to prosecute such charges; in the event that such employee is found guilty of such charges and dismissed from the service, his/her termination shall be recorded as dismissal rather than as a resignation.
- 3) Withdrawal or amendment. A resignation may not be withdrawn, canceled or amended after it is delivered to the appointing authority, without the consent of the appointing authority.
- 4) Voluntary demotion of a permanent competitive class employee. An employee who voluntarily elects to relinquish his/her permanent competitive class 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 level salary 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.

RULE XXI --- REPORTS OF APPOINTING OFFICERS

For the purpose of certification of payrolls and to enable the Commissioner 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 as follows:

- (a) Every appointment or employment, whether probationary, temporary, or otherwise, in the classified service, with the date of commencement of service and the title and compensation of the position.
- (b) Every failure to accept an appointment under him/her by a person eligible therefor, with copies of the offer or notice of appointment and the reply thereto, if any.
- (c) Every discharge during or at the end of probationary term with the date thereof.
- (d) Every vacancy in a position, for whatever reason, with the date thereof.
- (e) Every position created or abolished including 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 or reassignment in a position, with the date and salary thereof.
- (j) Every leave of absence, with the date and duration thereof.
- (k) Every new position, giving a complete description of the duties thereof.

RULE XXII --- CERTIFICATION OF PAYROLLS

- 1) Certification required prior to payment
 - (a) No person shall receive salary or compensation until the Tompkins County Commissioner of Personnel has certified his or her employment to be in compliance with the provisions of the New York State Civil Service law or these Rules.
 - (b) The Commissioner shall not certify the names of any person employed in a manner that does not comply with the provisions of the New York State Civil Service Law or these Rules.
- 2) Extended Certification
 - (a) The Commissioner 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/her status, title and salary grade remain unchanged during the period for which the certification is granted.
 - (b) With the exception of School Districts, an annual payroll certification is required for the first full payroll of the civil division's fiscal year for every civil division under Tompkins County's jurisdiction. School districts under the jurisdiction of Tompkins County shall provide an annual payroll certification for the first full pay period in October of each year.
 - (c) The Commissioner may, at any time, require any civil division under its jurisdiction to submit payrolls or accounts for certification in accordance with Section 100 (1) of the New York State Civil Service law.
 - (d) Annual payroll certifications provided by the Commissioner of Personnel shall be valid for a period of no more than 12 months following the scheduled date of certification established in (b) above. Certifications provided at any other time during the year shall be valid for a period of time not to exceed the next scheduled certification as specified in (b) above.
- 3) Refusal or Termination of Certification
 - (a) The Commissioner shall investigate any discrepancies between the payroll and the official roster and any other instances where the Commission finds the employment of a person may be in violation of the Civil Service law or these local Rules.
 - (b) In any case where the Commissioner finds satisfactory evidence that the employment of a person is in violation of the laws or these Rules, or the Commissioner finds satisfactory evidence of intent to evade the provisions of law or these Rules in regard to the employment of any person, the Commissioner shall refuse to certify the appointment and may terminate any certification previously authorized.
 - (c) Any refusal, termination or revocation of a certification of any person shall be communicated in writing to the appropriate fiscal or disbursing officer.

RULE XXIII --- CLASSIFICATION PLAN

- 1) Definitions. For the purpose of this Rule, the following definitions shall apply . . .
 - (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, establishing salary ranges, 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) Class specification means a formal written statement of the class which defines the general character and scope of the duties and responsibilities of positions in the class, lists typical or illustrative examples of work, of positions in the class, enumerates the knowledge, skills, abilities and personal characteristics required for successful performance of the work and states required minimum experience and training for positions in 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 reallocation of a position from one class to another because of a permanent and material change of the duties of the position.
- 2) The Commissioner shall 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.
- 3) Classification of vacant positions. The appointing officer shall file a prescribed form with the Commissioner when a classified position which has or is about to become vacant is to be filled. Such form shall contain a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications for the position. After an analysis of the position description, the Commissioner shall allocate the position to an appropriate class or, if no appropriate class exists, shall create a new class and prepare a class specification for such position.
- 4) Classification of new positions. The appointing officer shall file a prescribed form with the Commissioner when a new position is to be created. Such form shall contain a detailed description of the duties and responsibilities of the positions to be filled and a statement of suggested minimum entrance qualifications for the position.

After an analysis of the position description, the Commissioner 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.

RULE XXIII --- CLASSIFICATION PLAN (Continued)

- 5) **Reclassification.** The appointing officer shall file the prescribed form with the Commissioner whenever a permanent and material change is made in the duties and responsibilities of any position. Such form shall clearly describe in detail the changes which have been made in the duties of the position. After an analysis of the changes in the duties and responsibilities of the position, the Commissioner shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such position.
- 6) **Notice and appeals.** Any appointing officer may make application for the classification or reclassification of any position in his department, or any employee in the classified service may apply for a reclassification of his position. Such application must set forth reasons in support of the requested reclassification and must show changes in the duties and responsibilities of the position since the last determination with respect to classification.

The Commissioner shall give reasonable notice of any proposal or application for a change in classification to the appointing officer and to the employee or employees affected thereby. Any person desiring to submit facts orally or in writing in connection with the reclassification of any position shall be afforded reasonable opportunity to do so. The Commissioner 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 provision of the Civil Service Law and these rules.

**RULE XXIV --- PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION
CONCERNING POLITICAL AFFILIATION**

No question in any examination or application or other proceeding by the Commissioner or his examiners shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain, the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Commissioner and his 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 affiliations.

RULE XXV --- 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 the 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/she 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 or 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.

RULE XXV --- LAYOFF OF COMPETITIVE CLASS EMPLOYEES (Continued)

- 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 is to be determined from the date of reemployment, the prior service would not count.
 - iii) Temporary or provisional service preceding the original permanent appointment does not count. However, temporary 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/her 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/she was employed, his/her seniority begins on the effective date of the cover-in. As between that employee and others covered-in on the same date, they shall have the seniority held by them as among themselves in the agency before the cover-in.
- 2) Suspension
- (a) When an occupied position in the competitive 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 backdate his/her permanent service if he/she also happens to be either a veteran of disabled veteran.
 - (d) A person is considered blind if he/she is so certified by the Commission for the Visually Handicapped of the New York State Social Service Department.

RULE XXV --- LAYOFF OF COMPETITIVE CLASS EMPLOYEES (Continued)

- (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 of a permanent basis on the same day, the 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 position.
- (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/her probationary period. Probationary employees do, however, have superior retention rights to those of contingent permanent, temporary, and provisional employees.
- (i) The order of suspension among probationary employees shall follow the same principles as that among permanent employees.

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 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/she must be laid off. This, however, does not protect the junior incumbent from being compared in retention standing with other incumbents if other positions at the higher level are being abolished.
- (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 this section.

XXV --- LAYOFF OF COMPETITIVE CLASS EMPLOYEES (Continued)

4) Retreat

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

RULE XXV --- LAYOFF OF COMPETITIVE CLASS EMPLOYEES (Continued)

- (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 not be inter-filed.
 - (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 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) An appointing authority may take such steps as it may deem necessary in order to secure binding written commitments in advance of suspension, demotion, or displacement from employees potentially affected by such suspension, demotion, or displacements as to their willingness to accept reassignment or displacement.

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX A . . . EXEMPT CLASS

County Service

County Administrator

County Administrator
Deputy County Administrator (2)- CSC 6/30/98
Executive Assistant to the County Administrator - CSC 9/21/01

County Clerk

Deputy County Clerk (2)- CSC 10/22/96

Department of Finance

Director of Finance (1)- CSC 1/15/13

Department of Law

Assistant County Attorney (2) - CSC 4/17/18
County Attorney (1)- CSC 4/17/18
Deputy County Attorney (1)- CSC 4/17/18
Secretary/Paralegal Aide to County Attorney (1) - CSC 4/17/18

District Attorney

Assistant District Attorney - Level 1(2)- CSC 5/13/20
Assistant District Attorney - Level 2(2)- CSC 5/13/20
Assistant District Attorney - Level 3(5)- CSC 5/13/20
Assistant District Attorney - Level 4(4)- CSC 3/13/19
Deputy District Attorney (1) - CSC 10/22/96
Secretary to the District Attorney

Sheriffs' Office

Executive Assistant to the Sheriff - CSC 1/15/04
Undersheriff - CSC 10/22/96

Town Service

In All Towns

Bookkeeper to the Supervisor
Court Clerk (1) - (except Towns of Ithaca and Newfield)- CSC 4/17/18
Deputy Town Clerk (1)-(except Towns of Caroline, Dryden, and
Ithaca)- CSC 4/17/18
Deputy Town Highway Superintendent
Dog Enumerator (part-time)
Town Attorney

Town of Caroline

Deputy Town Clerk (2)- CSC 9/11/06
Deputy Town Supervisor - CSC 7/19/04
Secretary to the Town Highway Superintendent (1)- CSC 6/8/09
(When the Town Highway Superintendent is an elected official)

Town of Danby

Deputy Town Supervisor

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX A ... EXEMPT CLASS (Continued)

Town of Danby

Secretary to the Town Highway Superintendent (1)- CSC 12/18/07
(When the Town Highway Superintendent is an elected Official)

Town of Dryden

Deputy Town Clerk (2)
Deputy Town Supervisor (1) - CSC 6/8/09
Secretary to the Town Highway Superintendent (1)- CSC 9/11/06
Senior Court Clerk (1)- CSC 4/17/18

Town of Enfield

Deputy Town Supervisor - CSC 7/19/04

Town of Ithaca

Budget Officer (1)- CSC 6/30/98
Court Clerk (2)- CSC 10/22/96
Deputy Town Clerk (2) - CSC 10/22/96
Deputy Town Supervisor - CSC 10/22/96
Receiver of Taxes (1)- CSC 11/19/01

Town of Lansing

Deputy Town Supervisor - CSC 6/16/15
Secretary to the Town Highway Superintendent (1)- CSC 6/17/04
(When the Town Highway Superintendent is an elected official)
Senior Court Clerk (1)- CSC 1/15/13

Town of Newfield

Deputy Town Supervisor - CSC 1/15/04
Court Clerk (2) - CSC 1/15/13

Town of Ulysses

Deputy Town Supervisor - CSC 7/19/04

Village Service

In All Villages

Acting Village Justice
Village Attorney
Village Treasurer

Village of Cayuga Heights

Court Clerk - CSC 9/11/06
Deputy Village Clerk - CSC 1/15/04

Village of Dryden

Deputy Village Clerk and Treasurer - CSC 10/24/00
Court Clerk (part time)- CSC 6/22/88

Village of Freeville

Bailiff (part time)- CSC 6/22/88
Court Clerk - CSC 1/15/04
Deputy Village Clerk - CSC 1/15/04

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX A ... EXEMPT CLASS (Continued)

Village of Groton

Deputy Village Clerk - CSC 7/19/04
Deputy Village Treasurer - CSC 7/19/04

Village of Trumansburg

Court Clerk (part time)- CSC 6/22/88
Deputy Village Clerk
Deputy Village Treasurer - CSC 9/11/06

School District Service

Claims Auditor - CSC 12/18/07
Secretary to the Superintendent
School Attorney
School District Clerk
School District Treasurer
School Tax Collector
Treasurer of Board of Cooperative Educational Services

Dryden Central School

Internal Auditor (1)- CSC 4/17/18

Newfield Central School

Internal Auditor - CSC 12/18/07

T-S-T BOCES

Internal Auditor - CSC 12/18/07

Special Districts

Southern Cayuga Lake Intermunicipal Water Commission

General Manager(SCLIWC) - CSC 10/24/00

Tompkins County Soil and Water Conservation District

Conservation District Manager (1) - CSC 6/17/14

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS

In all Offices and Departments Where the Following Positions Exist: Section 55A -- designated positions in titles where the incumbent is certified either by the Commission for the Blind and Visually Handicapped in the State Department of Social Services as being physically disabled by blindness or by the Office of Vocational and Educational Services for Individuals with Disabilities as otherwise physically or mentally disabled. CSC 10/22/96

In all Civil Divisions

Automotive Mechanic Assistants - CSC 10/24/00
Building Maintenance Worker(s) Plumber/Steamfitter - CSC 6/30/98
Carpenters - CSC 11/19/01
Court Attendants (Part-time) - CSC 4/22/03
Electricians - CSC 10/22/96
Equipment Service Technicians - CSC 10/24/00
Groundskeepers - CSC 9/11/06
Heavy Equipment Mechanics - 11/19/01
Information Aides - CSC 5/18/11
Maintenance Workers - CSC 10/22/96
Painter Mechanics - CSC 10/24/00
Project Assistants (18 months maximum) - CSC 9/11/06
Seasonal Workers - CSC 4/22/03
Senior Groundskeepers - CSC 9/11/06

County Service

In all Departments

Bakers
Cooks
Deputy Medical Examiners (2) (Part-time)
Drivers
Guards
Head Cooks - CSC 10/22/96
Licensed Practical Nurses
Medical Examiner (part-time)
Registered Professional Nurses

Assigned Counsel Program

*Supervising Attorney - CSC 6/19/12

County Administrator's Department

Stop DWI Coordinator
Director of Budget and Finance

County Veterans Service Agency:

*Director of Veterans Services - CSC 3/13/19

Department of Airport

*Airport Director - CSC 12/11/18

Department of Assessment

*Director of Assessment - CSC 5/18/11

Department of Emergency Response:

*Deputy Director of Emergency Response - CSC 5/15/19
*Director of the Department of Emergency Response - CSC 6/19/12

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS (Continued)

Department of Facilities

Building Maintenance Workers (Plumbers/Steamfitters)- CSC 5/13/20
*Deputy Facilities Director - CSC 5/13/20
Electricians - CSC 5/13/20
*Facilities Director - CSC 5/13/20
Grounds Supervisors - CSC 5/13/20
Refrigeration and Air Conditioning Mechanics - CSC 5/13/20

Department of Finance:

*Deputy Director of Finance - CSC 10/16/18

Department of Health:

*Deputy Director of Public Health - CSC 5/15/19

Department of Highway:

Automotive Mechanic Assistants - CSC 3/11/2020
Bridge Mechanics - CSC 3/11/2020
*Deputy Highway Director - CSC 3/11/2020
Heavy Equipment Mechanics - CSC 3/11/2020
Heavy Equipment Operators - CSC 3/11/2020
*Highway Director - CSC 3/11/2020
Motor Equipment Operators - CSC 3/11/2020
Sign Mechanic - CSC 3/11/2020
Welders - CSC 3/11/2020
Working Supervisors - CSC 3/11/2020

Department of Human Resources:

Commissioner of Human Resources - CSC 6/19/19
*Deputy Commissioner of Human Resources - CSC 6/19/19

Department of Information Technology Services:

*Deputy Director of Information Technology Services - CSC 5/15/19

Department of Planning and Sustainability:

*Commissioner of Planning and Sustainability - CSC 11/13/18
*Deputy Commissioner of Planning and Sustainability - CSC 11/13/18

Department of Recycling and Materials Management:

*Deputy Director of Recycling and Materials Management - CSC 12/18/19
*Recycling and Materials Management Director - CSC 12/18/19

Department of Youth Services:

*Deputy Director of Youth Services - CSC 1/9/19
*Director of Youth Services - CSC 1/9/19

District Attorney:

*Confidential Investigator (2) - CSC 10/18/16

Health Department

Dental Director, Medical Assistance Program (part-time)
Dental Hygienist (part-time)
Home Health Aide
Medical Director, Medical Assistance Program (part-time)
*Public Health Director - CSC 10/22/96
TB Physician (part-time) - CSC 10/22/96

Information Services

*Director of Information Technology Services - CSC 10/24/00

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS (Continued)

Mental Health Department

- *Commissioner of Mental Health Services - CSC 10/22/96
- *Deputy Commissioner of Mental Health Services - 11/19/01

Office for the Aging

- *Deputy Director, Office for the Aging - CSC 5/15/19
- *Director, Office for the Aging - CSC 6/19/12
5A CSR 06/19

Office of Human Rights

- *Director of Human Rights - CSC 11/13/18

Office of Workforce Development

- *Workforce Development Director - CSC 6/19/12

Probation Department

- Work Project Supervisors - CSC 10/22/96

Social Services Department

- Casework Interns - CSC 9/10/13
- Commissioner of Social Services
- Consultant Psychiatrist
- *Deputy Commissioner of Social Services - CSC 9/13/16

Tompkins-Cortland Community College

- Audio Visual Aide
- Electricians

Tompkins County Public Library

- Librarian Trainee
- Audio Visual Aide - CSC 6/22/88

In All Towns and Villages Service

- Assistant Camp Director (Seasonal June 1 to September 30) - CSC 2/18/07
- Camp Aquatics Director (Seasonal June 1 to September 30) - CSC 12/18/07
- Camp Counselor (Seasonal June 1 to September 30) - CSC 12/18/07
- Camp Director (Seasonal June 1 to September 30) - CSC 12/18/07
- Counselor in Training (Seasonal June 1 to September 30) - CSC 12/18/07
- Director of Recreation (part time or seasonal)
- Heavy Equipment Operators - CSC 9/11/06
- Historians (part time)
- Lifeguards (part time or seasonal)
- Recreation Activity Specialists (part time or seasonal)
- Recreation Assistants (part time or seasonal)
- Recreation Assistants - CSC 4/22/03
- Recreation Supervisors (part time or seasonal)
- Swimming Area Director (part time or seasonal)
- Working Supervisors

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS (Continued)

All Town Service

Automotive Mechanics
Dog Control Officers (part time)
Enforcement Officers (part time)
Heavy Equipment Operators - CSC 9/11/06
Janitors (part time)
Maintenance Workers - CSC 10/22/96
Motor Equipment Operators
School Crossing Guards (part time)
Typists (part time)
Zoning Officer (part time)

Town of Caroline

Constable (part time)

Town of Danby

Constable (part time)
M.E.O./Water/Sewer Maintenance Workers - CSC 6/8/09
Water Treatment Plant Operators, Type C (part time)- CSC 9/10/13

Town of Enfield

Constable (part time)
Code/Fire Enforcement Officers (part-time)- CSC 1/15/04

Town of Groton

Code/Fire Enforcement Officer (part time) - CSC 6/22/88
Constables (part time)
Mobile Home Enforcement Officer (part time)

Town of Ithaca

Assistant Zoning Officer (part time)
Heavy Equipment Operators - CSC 7/19/04
Parks Maintenance Crew Leaders - CSC 10/22/96
Parks Maintenance Workers - CSC 10/22/96
Planning Interns - CSC 10/22/96
Youth Project Assistants - CSC 9/11/06

Town of Ithaca - Bolton Point

Distribution Operator Assistant - CSC 9/13/16

Town of Lansing

Clerk (part time)
Code/Fire Enforcement Officer (part time) - CSC 6/22/88
Constables (part time)
Drop-In Center Coordinators (part time)
Police Officers (part time)
Truck Drivers - CSC 10/22/96
Water Treatment Plant Operator, Type B (part time)

Town of Newfield

Electricians - CSC 10/22/96
M.E.O./Water/Sewer Maintenance Worker - CSC 11/19/01

Town of Ulysses

Code/Fire Enforcement Officers (part-time) - CSC 9/10/13
Distribution Operator Assistant
M.E.O./Water/Sewer Maintenance Worker - CSC 10/18/16

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS (Continued)

Village Service

In All Villages

Automotive Mechanics
Clerks (part-time)
Maintenance Workers - CSC 10/22/96
Motor Equipment Operators
Police Officers (part-time)
School Crossing Guards (part-time)
Typists (part-time)
Zoning Officers (part-time)

Village of Cayuga Heights

Fire Inspector (part-time)
Fire Superintendent (part-time)
Police Clerk (part-time)
Senior Motor Equipment Operators - CSC 7/19/04
Village Engineer (part-time)
Youth Program Director (part-time)

Village of Freeville

Bus Drivers

Village of Groton

Code/Fire Enforcement Officer (part-time) - CSC 6/22/88
Electric Utility Helpers
Police Escorts (part-time) - CSC 10/22/96

Village of Lansing

Health and Safety Code Inspector (part time)
Parking Enforcement Officer (part time)
Code/Fire Enforcement Officer (part-time) - CSC 6/22/88

Village of Trumansburg

Code/Fire Enforcement Officers (part-time) - CSC 9/11/06

School Districts Service

Advanced Signer - CSC 10/22/96
Advanced Signer/Aides - CSC 10/22/96
Audio-Visual Aides - CSC 10/22/96
Audio-Visual Helpers
Audio-Visual Library Clerks (part-time)
Audio-Visual Maintainer - CSC 6/22/88
Automotive Mechanics
Automotive Mechanic Assistants - CSC 10/22/96
Automotive Mechanic-Helpers
Bakers
Bus Drivers
Census Takers (part-time)
Clerks (part-time)
Cooks
Custodians (part-time)

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX B --- NON-COMPETITIVE CLASS (Continued)

School Districts Service

Data Processing Helpers
Groundskeeper/Bus Drivers
Head Bus Drivers
Head Cooks - CSC 6/30/98
Head Mechanics - CSC 10/22/96
Interpreters Level I - CSC 10/22/96
Interpreters Level II - CSC 10/22/96
Interpreters Level III - CSC 10/22/96
Library Clerks (part-time)
Library Director I (part-time)
Licensed Practical Nurses - CSC 10/22/96
Lifeguards
Maintenance Workers
Office Machine Helpers
Personal Health Care Aides - CSC 6/30/98
Printers - CSC 10/24/00
Psychology Assistants (part-time)
School Bus Attendants - CSC 7/19/04
School Bus Monitors - CSC 9/11/06
School Chauffeurs
School Lunch Cashiers (part-time)
School Nurses
School Physicians (part-time)
Senior Food Service Helper
Signers - CSC 10/22/96
Signer/Aides - CSC 10/22/96
Special Education Monitors - CSC 10/24/00
Stenographers (part-time)
Supervisors of Attendance (part-time)
Swimming Area Director (part-time)
Teacher Aides
Teacher Aide/Bus Drivers - CSC 10/24/00
Translators - CSC 6/30/98
Truck Drivers - CSC 10/22/96
Typists (part time)

Lansing Central School

Music Department Accompanist (part-time)- CSC 12/18/07

Greater Tompkins County Municipal Health Insurance Consortium

*Executive Director (GTCMHIC) (1) - CSC 6/19/19

Southern Cayuga Lake Intermunicipal Water Commission

Automotive Mechanics - CSC 10/22/96
Instruments and Controls Mechanic/Operators - CSC 10/22/96
Maintenance Workers - CSC 10/22/96
Motor Equipment Operators - CSC 10/22/96
Water Maintenance Specialists - CSC 9/10/13
Working Supervisors - CSC 10/22/96

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX C --- LABOR CLASS

In All Civil Divisions

Cleaners - CSC 4/22/03
Laborers - CSC 4/22/03

County Service

In All Departments

Cleaners
Groundskeepers
Laborers

County Library

Pages

Department of Public Works

Garage Attendants

Health Department

Nursing Aide

Town Service

In All Towns

Cleaners
Laborers

Village Service

In All Villages

Cleaners
Fire House Caretakers
Laborers

School District Service

Cleaners
Food Service Helpers
Groundskeepers
Laborers
Lauderer
School Monitors

Southern Cayuga Lake Intermunicipal Water Commission

Laborers
Cleaners - CSC 10/22/96

Groton Public Library

Pages - CSC 6/8/09

Lansing Public Library

Pages - CSC 6/8/09

CIVIL SERVICE RULES FOR TOMPKINS COUNTY

APPENDIX D --- UNCLASSIFIED SERVICE

In All Civil Divisions

All Elected Officials - CSC 10/22/96

County Service

Chief Deputy Clerk of the Legislature - CSC 12/18/07
Clerk of the Legislature - CSC 1/15/04
County Clerk
Deputy Clerk, Tompkins County Legislature (1) - CSC 12/18/07
District Attorney
Members, Tompkins County Legislature - CSC 1/15/04
Sheriff

Board of Elections

All officers and employees

Town Service

In All Towns

Planning Board Members - CSC 10/22/96
Town Clerk
Town Councilmen
Town Highway Superintendent
Town Justice
Town Supervisor
Voting Machine Custodians
Zoning Board of Appeals Members - CSC 10/22/96

Village Service

In All Villages

Mayor
Planning Board Members
Trustees
Village Clerk
Village Clerk and Treasurer
Village Justice
Voting Machine Custodians
Zoning Board of Appeals Members

School District Service

All positions as defined in Section 35 (g), (i), and (j) of the Civil Service Law.

Southern Cayuga Lake Intermunicipal Water Commission

Commissioners, (S.C.L.I.W.C.) - CSC 10/22/96

Tompkins County Soil and Water Conservation District

District Directors - CSC 10/24/00