

# CIVIL SERVICE 101

*Westchester Library System*

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New York Library Association  
Civil Service Task Force  
Claudia Depkin



WHY DOES CIVIL  
SERVICE EXIST?

“Our mission is to build tomorrow's workforce today by promoting a diverse, inclusive, and talented workforce. We lead and deliver world-class workforce management strategies by providing innovative solutions based on merit, fitness, and equality of opportunity.”

Westchester Human Resources: “Our civil service recruitment and selection team serves over 10,000 candidates annually to ensure Westchester taxpayers have a talented, diverse workforce able to meet the needs of a growing County now and in the future...we maintain detailed employment records for more than 30,000 employees of Westchester County, Westchester Medical Center, and 121 cities, towns, villages, schools and fire districts”

# What's the Point?

- Protect incumbents from political pressure
- Test for merit and fitness in an objective way
- Encourage promotion from within
- Provide career ladders for employees
- Prevent nepotism



## Types of Public Libraries: A Comparison

Revised February 2010

	Association Library	Municipal Public Library	School District Public Library	Special District Public Library
<b>How Established</b>	By vote of association members or as trustees operating under a will or deed of trust.	By vote of county, city, town or village board; or by petition and referendum.	By vote of school district voters.	By special act of State legislature and vote of special district voters. <sup>1</sup>
<b>Charter</b>	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.
<b>Registration</b>	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.
<b>Tax Funds</b>	May receive appropriation from units of government. Also tax levy by vote of municipal or school district voters. Library should sign contract with appropriating unit. May petition municipal and/or school district tax payers for funds.	Budget approved by county, city, town, or village board. Also tax levy by vote of municipal or school district voters. May petition municipal and/or school district tax payers for funds.	Budget approved by school district voters. May also petition for a tax levy from municipalities.	Budget approved by district voters. May also petition for a tax levy from municipalities, unless enactment legislation specifies otherwise.
<b>Bonding Authority</b>	Not permitted. Requires a special act of legislation through Dormitory Authority of the State of New York (DASNY)	Municipal government may bond if it owns the library building.	School district may bond if it owns the library building.	A municipality may bond on behalf of district if legislation allows. <sup>2</sup>
<b>Board of Trustees</b>	Number: 5-25. Elected by association members. Term of office: set by charter.  Responsible to association membership and to Regents. Residential requirements may be established in bylaws.	Number: 5-15. Approved by municipal governing board; term of office: three or five years if established after 1921. <sup>3,4</sup> Responsible to municipal government, public, and Regents. Must be residents of municipality (except village library).	Number: 5-15. Elected by school district voters. Term of office: three or five years (if established after 1921). <sup>5,6</sup> Responsible to school district voters and Regents. Must be residents of school district.	Number: determined by enabling legislation. Elected by residents of special district. Term of office: five years or as defined by legislation. Responsible to special district voters and Regents. Residency requirements determined by enabling legislation.
<b>Community Involvement</b>	Public can join association and may vote for trustees.	Public "owns" library; votes for elected officials who are sympathetic to library needs.	Public "owns" library and votes directly for trustees and budget.	Public "owns" library and votes directly for trustees and budget.
<b>Retirement Benefits</b>	May purchase retirement benefits from private vendor. Some may be in State Retirement System if specified in statute.	State Retirement System benefits through municipality.	State Retirement System benefits through school district or independently.	State Retirement System benefits if library district opts to participate.
<b>Civil Service</b>	Employees not covered by Civil Service.	Employees subject to Civil Service Law.	Employees subject to Civil Service Law.	Employees subject to Civil Service Law.



# A few thoughts on vocabulary

- Vocabulary is very important when dealing with civil service
- Nonstandard
- Lots of jargon & abbreviations
- A world unto itself

# Home Rule

- The New York State Department of Civil Service administers Civil Service Law for state departments and agencies
- Civil Service law for all other government positions in New York State is locally administered
- May be either county, city, town, or “other” (Other only for NYC)

# State Civil Service Law

- Dictates core Civil Service functions
- Audits local municipalities
- Rules on specific changes requested by local agencies



# Local Control

- The way Civil Service law is implemented varies from municipality to municipality.
  - *Those things not specifically mentioned in State Law are left to the local municipality to decide*
  - *This makes discussion of particulars challenging*
  - *Because of this, commissioners and other C.S. employees wield enormous power over hiring practices*
  - *Misunderstanding of NYS Civil Service law at the local municipal level can be devastating*

# Some Examples

- Number of years of experience in minimum qualifications
- Whether to use promotional exams
- How often to offer exams
- Part time staff in competitive or non-competitive status
- Which titles are permitted

# Classification of Positions

- Two broad classes
  - *Classified*
  - *Unclassified*

# Unclassified Service

- Elective positions, heads of government agencies, teachers, employees of the legislature and a few others
- Largely not important to libraries in NYS

# Classified Service

- Four categories of classified service
  - *Competitive class*
  - *Non-competitive class*
  - *Exempt class*
  - *Labor class*

# Competitive

- Competitive class positions are the core of the classified service in New York's libraries.
  - *Competitive examinations*
  - *Provides due process (Civil Service Law, § 75) in removal and disciplinary actions for permanent job holders*

# Non-Competitive

- Non-competitive class positions have minimum qualifications but competitive examinations have been determined to be impractical
  - *Some part-time library positions are placed in the noncompetitive class*
    - At will employees (bargaining unit protections may apply)
    - After five years of continuous service noncompetitive positions may be granted § 75 protections
    - Volunteer firefighters may be granted § 75 protections

# Exempt

- Some exempt class positions exist in libraries in New York State
  - *Incumbents serve at the pleasure of the appointing authority*
  - *No tenure protection*
  - *C.S. Law § 41 defines which positions may be exempt.*
  - *Most common positions in libraries*
    - Library attorney
    - Library treasurer
    - Library executive/CEO



# Labor Class

- Jobs largely consisting of manual labor.
  - *May have minimum qualifications (HS diploma)*
  - *No test for fitness, no job protections under § 75 at first*
    - At will employees (bargaining unit protections may apply)
    - § 75 protections after 5 years of continuous service
    - Volunteer firefighters may be afforded § 75 protections even in labor class positions



# EXAMINATIONS

# Exams

- Types of Exams
  - *Open Competitive*
  - *Promotional*
- Exam Timing
  - *Continuous recruitment*
  - *Periodic or scheduled recruitment*
- Exam Formats and Methods

# Open Competitive Exams

- Examinations are open to anyone meeting education and experience qualifications
- Candidates may have to meet residency requirements as determined by the local authority

# Promotional Exams

- Open only to current employees of the jurisdiction who have permanent status in a specific lower title for a required amount of time
- Promotional list **MUST** be used prior to using results of open competitive exam
- If there are fewer than two interested eligibles, open competitive list may be used

# Continuous Recruitment vs. Periodic Recruitment

- Continuous recruitment exams – offered more than once a year or on a continual basis.
  - *Applications always accepted*
- Periodic recruitment exams are offered at a specific time determined by the local municipality
  - *Fixed window of time to submit application*
  - *More commonly used*

# Methods of Examination

- Written exam
- Training and experience exam
- Combination exams

# Written Exam

- Typically multiple choice exam
- Used for many titles
- May be administered on computer, typically on paper

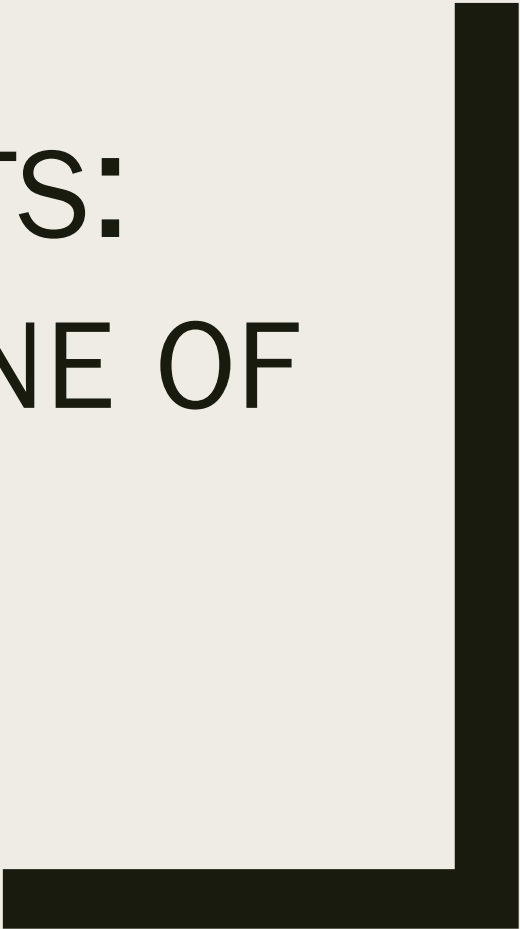



# Training and Experience Exam

- Used for librarian titles
- “Structured resume”
- Questions about professional experiences, formal education, and continuing education

# Combination Exams

- Used most frequently for computer titles
- Combination of T&E and written, focusing on troubleshooting or programming



ELIGIBLE LISTS:  
THE RULE OF ONE OF  
THREE

# Rule of One of Three

- Frequently abbreviated to Rule of Three.
  - *Ensures that appointing authority is never forced to choose from fewer than three eligible candidates*
- Frequently misinterpreted by agencies, municipalities, and candidates

# Rule of Three Applied

- Appointing authority may choose to appoint any of the three highest scoring candidates, including ties, **who are willing to accept the appointment**
  - *This is why the canvassing process is critical*
- Within the Rule of Three, any legal method may be used
  - *If candidate immediately reachable you may appoint without canvassing the list or interviewing*

# The Rule of Three

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How do you determine who is reachable for appointment?

Count down 3 NAMES from the top of the list. Everyone RANKED ABOVE or TIED in score with the THIRD candidate is REACHABLE.

May I appoint anyone in the TOP 3 SCORES?

NO! Only people ranked above or tied in score with the THIRD CANDIDATE FROM THE TOP OF THE LIST

<p><b>Example 1</b></p> <p>1 Julia 2 Sal 3 Linda 4 Horace 5 Khafir 6 Joe 7 Carey</p>	<p><b>Score</b></p> <p>100 95 90 85 85 85 80</p>	<p><b>WHO IS REACHABLE FOR APPOINTMENT?</b></p> <p><i>Julia, Sal, Linda</i></p> <p>If Sal declines, who is reachable? <i>Julia, Linda, Horace, Khafir, Joe</i></p>
<p><b>Example 2</b></p> <p>1 Paula 2 Karen 3 Jim 4 Taylor 5 Luis 6 Pat 7 Doug</p>	<p><b>Score</b></p> <p>90 90 90 85 85 85 80</p>	<p><b>WHO IS REACHABLE FOR APPOINTMENT?</b></p> <p><i>Paula, Karen, &amp; Jim</i></p> <p>What if Taylor had a 90 too? <i>reachable</i></p> <p>If Karen declined, who is reachable? <i>Paula, Jim, Taylor, Luis, Pat</i></p>
<p><b>Example 3</b></p> <p>1 Pedro 2 Will 3 Lori 4 Marie 5 Dan 6 Jill 7 Tammy</p>	<p><b>Score</b></p> <p>90 90 85 85 85 85 80</p>	<p><b>WHO IS REACHABLE FOR APPOINTMENT?</b></p> <p><i>Pedro, Will, Lori, Marie, Dan, Jill</i></p> <p>If Pedro and Will declined appointment would Tammy be reachable? <i>No</i></p> <p>If Lori, Marie, Dan and Jill declined, would Tammy be reachable? <i>Yes</i></p>



# APPOINTMENTS

# Typical Method of Appointment for Competitive Positions

- Applicant must:

- *Meet the minimum qualifications for the position.*
  - Determined in combination by NYS C.C. and the local municipal agency
- *Obtain a passing score and be reachable on an eligible list established by the examination*
- *Respond positively to a canvass letter*
- *Selected from available candidates*
- *Be officially appointed from the list*
- *Complete probationary period*



# Types of Appointments for the Competitive Class

- Contingent Permanent
- Permanent
- Provisional
- Reassignment
- Reinstatement
- Transfer
- Temporary

# Permanent

- Typical method of appointment
- If made from an competitive Eligible List the appointee is subject to a probationary period
  - *Length is locally determined*
- Name of candidate is removed from the Eligible List

# Provisional Appointment

- Made when there is no Eligible List or there are fewer than three willing acceptors from the list
- No §75 protection, may be dismissed
- Must meet minimum qualifications for position.
- Experience gained during provisional appointment should not be used to increase score on the examination for that position

# Temporary

- Specific timeframe (week, month)
- Up to three months
  - *Appointee must meet minimum qualifications.*
- More than three, less than six months
  - *Appointed from Eligible List, rank disregarded*
- More than six months
  - *Appointed as if for a permanent position*
  - *Successive temporary appointments are prohibited*

# Resources

- NYLA Civil Service Task Force

<http://bit.ly/2RUwA8T>

- NYS Department of Civil Service

<http://www.cs.state.ny.us/>

- A list of all local government civil service municipalities can be found here:

<https://on.ny.gov/2Tzl7Lh>



QUESTIONS?

Claudia Depkin

[cdepkin@rcls.org](mailto:cdepkin@rcls.org)

845-786-3800 x12

