

CIVIL SERVICE REFERENCE GUIDE TOMPKINS COUNTY



Anita Fitzpatrick, Commissioner of Personnel
Stephen Estes, Deputy Commissioner of Personnel
Revised September 19, 2011

This booklet is designed to help you become familiar with the civil service process as it is administered by Tompkins County. This document is for informational purposes only, and is not intended to be a substitute for seeking legal advice or professional advice from Personnel Department staff. This brochure is available in alternative formats upon request.

Tompkins County government prohibits discrimination in employment, program activities, procurement and contracting against any person due to such person's age, marital status, disability, genetic predisposition or carrier status, race, color, creed, sexual orientation, sex or national origin. Tompkins County government is committed to creating a diverse and fully inclusive workplace that strengthens our organization and enhances our ability to adapt to change.

CIVIL SERVICE LAW

In 1883, the New York State Legislature passed the Civil Service Law, which affected appointments in state government and cities. The law was amended in 1909 and again in 1958 and continues to be amended by The State Legislature regularly. Civil Service Law sets rules for appointment, promotion, and discipline of government employees. These rules provide employees with status, discipline/discharge and layoff rights. These rules apply to the state and all of its civil divisions, including cities, towns, villages, school districts, community colleges, special districts and authorities, and counties.

TOMPKINS COUNTY'S CIVIL SERVICE STRUCTURE

Unlike many entities in New York State, Tompkins County operates under the "Personnel Officer" form of civil service administration. The Commissioner of Personnel has all of the power and authority normally granted to a Civil Service Commission. He or she is a Non-competitive class employee appointed by the County Administrator, subject to approval of the Legislature, for a six-year term. The Commissioner provides civil service oversight of the various County Departments, as well as all of the Towns, Villages, School Districts and Special Districts in Tompkins County, except for the City of Ithaca and the Ithaca City School District.

As part of its services, the Commissioner provides Tompkins County departments and the municipalities under our jurisdiction with the following: classification services consisting of drafting job descriptions, determining titles and in some cases performing compensation studies; civil service examination administration and eligible list establishment for competitive titles; interpretation of Civil Service Law, and Rules covering appointment, promotion, discipline and discharge; and employee roster maintenance.

CLASSIFICATION OF POSITIONS IN GOVERNMENT SERVICE

Positions in local government fall within two broad categories: the unclassified service and the classified service.

The Unclassified Service consists of all elected officials, certain department heads, employees of the Tompkins County Legislature and Board of Elections, teachers and some supervisory personnel in community colleges and school districts. In Tompkins County, the unclassified service positions comprise only a small percentage of the workforce.

The Classified Service makes up the vast majority of positions which are assigned to one of the following classes:

The **Exempt Class** consists of positions for which it has been determined that testing is not practical, due to the confidential nature of the relationship between the employee and the elected official, department head or policy making position. These are "at will" appointments and no civil service test is required. Only the titles listed in Appendix A of the Civil Service Rules for Tompkins County can be filled on an Exempt Class basis.

The **Noncompetitive Class** encompasses positions for which specific training and experience is required, but for which it is impracticable to hold any sort of a written or other type of competitive examination to fill them. For example, registered nurses, Motor Equipment Operators, Mechanic positions. There is not test other than whether or not the candidate meets the minimum qualifications of the position. Also included are competitive class positions filled by a disabled applicant in accordance with the terms and conditions outlined in Section 55-A of New York State Civil Service Law. Appendix B of the Civil Service Rules for Tompkins County contains language that supports these type of appointments.

The **Labor Class** encompasses a range of positions that typically have no minimum qualifications and are "at will" general laborer type of positions such as Seasonal Laborers, Cleaners, etc. There are no tests for these positions either. Approved positions in this class are listed in Appendices C of the Civil Service Rules for Tompkins County.

The **Competitive Class** is a class of positions that require applicants to meet minimum qualifications prescribed for a position as well as score among the top three candidates who participate in an examination (typically a written multiple choice test) and who are willing to accept the appointment. Those candidates with the highest scores are the first to be considered for appointment in accordance with the "Rule of Three." The Rule of Three will be expanded on later in this document.

THE APPOINTMENT PROCESS

Permanent Appointments are made to vacant classified service positions. A permanent appointment in the competitive class is made from among the top three on a list of qualified eligible candidates who have passed an appropriate Civil Service examination and who are willing to accept the particular appointment offered. All permanent appointments are subject to successful completion of a probationary period. Once past probation, a permanent appointment cannot be terminated, interrupted or discontinued except in accordance with the laws, rules, and regulations governing the classified service, or an applicable labor contract.

Provisional Appointments may be made to a vacant competitive classified position if there is no appropriate civil service eligible list for that title. A qualified applicant may be provisionally appointed and serve in the position until an appropriate eligible list can be established and a permanent appointment made. If you are hired provisionally, you must participate in the next examination, be reachable for appointment, and be doing a good job in order to be eligible for a permanent appointment.

Contingent Permanent or Temporary Appointments may be made to competitive class positions when a current employee is on a leave of absence from his/her position or when the appointment will not continue for more than six months. Temporary appointments may be made for a period of not more than three months without regard to existing eligible lists, providing the candidate meets the minimum qualifications. Appointments for more than three months, but not more than six months, may be made by selecting any candidate from the appropriate eligible list, without regard to their standing on the list. Temporary appointments may be extended to one year, by the Commission. Temporary appointments may also be made for the duration of a leave of absence.

Transfers are movements of permanent competitive employees from their positions in one department or jurisdiction to the same or similar positions in the same or lower grade in another department or jurisdiction. The Commissioner of Personnel or New York State determines similarity. No employee may be transferred without his/her consent. Transfers may only be approved by the Commissioner of Personnel.

Reinstatements can occur when a permanent competitive class employee who has resigned, and the appointing authority, request reinstatement. Reinstatements can be made, without further competitive examination, to the position from which he/she resigned, if then vacant, or to any vacant position for 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.

There are some restrictions on transfers and reinstatements. There can be no Preferred or Departmental Promotion lists in existence, and the Commissioner would have to determine it would be for the good of the service. If someone requests reinstatement after a break of more than one year, he or she would have to demonstrate that they continued with education and/or experience that would have enabled them to maintain a current knowledge of the field.

Probationary Periods may vary in the minimum and maximum periods. But all permanent appointments to positions in the classified service require a probationary period during which the employee must prove his/her ability to do the work. During this time frame, the employee is "at will."

CIVIL SERVICE EXAMINATIONS FREQUENTLY ASKED QUESTIONS

Why are examinations needed?

According to Article V, Section 6, of the Constitution of New York State and Civil Service Law, appointments and promotions in New York State and its civil divisions shall be made based on "merit and fitness", to be determined by examinations, which, when practicable, must be "competitive." It is necessary to hold examinations to provide "eligible lists" (ranked lists of successful candidates) to fill vacant positions in the competitive class.

What are the types of Civil Service examinations?

Open competitive examinations are open to anyone who meets the minimum qualifications and the stated residency requirement. Unless otherwise stated most positions covered by the Tompkins County Personnel Department require that you have been a resident of Tompkins County or one of the six contiguous counties for at least one month before you can apply. This is our normal recruitment area. However, if there is difficulty in recruitment, the Commissioner will sometimes waive this requirement in order to be able to recruit a suitable pool of candidates from which to choose.

Promotional examinations are open only to permanent employees of Tompkins County or the various entities under our jurisdiction who are in the announced direct line or collateral line promotional fields and are employed in the department or jurisdiction that has the vacancy in the title tested.

Section 55-A was added to the state Civil Service Law to increase employment opportunities in local governments throughout New York State for qualified people who are mentally or physically disabled. These provisions allow eligible individuals to be appointed to competitive-class positions without taking a Civil Service examination. Responsibility for determining who is eligible for appointment under 55-A is shared by the Tompkins County Personnel Department and either the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) or the State Commission for the Blind and Visually Handicapped (CBVH).

What formats are the Civil Service examinations in?

An examination may consist of one or more tests:

Written Tests – usually sixty or more multiple choice questions.

Performance Tests – candidates are evaluated on how well they perform a sample of work. *For example; data entry, keyboarding, computer programming, etc.*

Training and Experience Evaluations – candidate's education and work experience are rated against the job requirements and a rating scale. Typically, candidates with greater levels of education, more recent education, and more years of experience will score highest. Those who just meet the minimum qualifications obtain a passing score of 70.

Medical Physical, Physical Agility, and Psychological Profile Evaluations - for law enforcement positions, candidates will be required to pass a medical physical, physical agility and for some entities a psychological profile evaluation.

Where are the upcoming examinations posted?

The examination announcements are posted in the Tompkins County Personnel Department, at various Tompkins County departments, on the Tompkins County web site (www.tompkins-co.org), through various distribution lists, on our Facebook page, and distributed electronically to other public sites such as libraries, town halls, and colleges. Postings are updated regularly, so it is recommended to check the lists of current tests every two weeks. Anyone interested in taking an examination should first acquire a copy of the examination announcement. Announcements are released approximately four weeks prior to the closing date for filing an application and contain important information such as:

Type of examination (open-competitive or promotional).

Date of the examination

The Final Filing Date (the most important date because if you miss it, you will not be admitted to the examination).

Examination number, title, and salary. We do NOT currently charge an exam fee.

Eligible criteria for admission to the examination (minimum qualifications).

Location of positions (County department or jurisdiction).

General description of duties.

Types of tests that will be held, and the subjects of the test.

Information on how to apply, special arrangements for Saturday religious observers and persons with disabilities, and other important information, depending on the type of test and the specific examination.

Eligibility requirements for veteran's credits.

Residency requirements.

How do I apply?

All vacancies and examinations for all entities under our jurisdiction are posted online. In the interest of better customer service and a healthy environment, we no longer accept paper application forms. There are a couple of ways to keep up-to-date on vacancies and exams that occur. You may sign up to automatically receive email notifications when new positions or tests are posted in employment areas that interest you. Alternatively, you can create a new account or log in to your existing account at: <https://www.tompkinscivilservice.org/account> and take a more active role in the job search process. Once in the system, you only need to enter the application information once. You may then clone this master application for future vacancies with the click of a button and edit it further if you wish.

Please be sure that:

You meet the minimum qualifications announced for each vacancy or examination.

You submit an application for each examination that you wish to take.

You list the "From" and "To" dates in your work history, as well as the hours worked per week. Experience is credited on a pro-rated basis. If we are unable to quantify it, you get no credit. Applications with incomplete information will result in your disqualification and could cause you to miss the examination. Attaching a resume and other supporting documentation is encouraged. However, a résumé or CV does not usually provide us the level of detail we need for analysis so you need to thoroughly complete the application form.

What if the position does not require an examination?

All titles require completion of the same application. We work cooperatively with the entities under our jurisdiction and they know that all applications must be reviewed and approved by this office before they can appoint. Therefore, we highly recommend that you submit your application to Tompkins County Personnel first through our web site and we will make sure that the Town, Village, School District or Special District that has the vacancy will receive your application for consideration. If you apply directly to a town, village, school district, etc., on a paper form, we will have no record of you and there is no way we can invite you to the examination. You might also miss out on other opportunities in the same title but at different locations. You must apply through the Tompkins County Personnel web site if you want to ensure that you have the greatest exposure to all job opportunities and if you want to be invited to the examination.

What happens after I apply?

Applications for announced vacancies or examinations are processed within a day or two of when you complete them. Individuals who meet the minimum qualifications are notified of their status by either email or United States Postal Service. You will be given an opportunity to select your preference as to how you would like to receive your notifications. If approved for a vacancy, your application will be made available to the appointing authority for interview purposes. If approved for an examination, you will be notified of the time and location of that examination at least one week prior to the test date. An applicant who does not meet the minimum qualifications will be notified immediately after review (by mail or email) informing them of the reasons why they are not qualified and will be provided an opportunity to appeal the disapproval.

How do I prepare for an examination?

After reading the examination announcement and the subject areas you will be expected to know, compare the list of topics to be tested with your own knowledge and skills. If the examination announcement reads, "There will be a written test," you can usually expect multiple choice questions. You can improve your examination score by improving your skill in taking multiple choice tests. The County has no examination preparation materials, unless otherwise noted on the examination announcement. You may be able to identify study guides at your local library or download them free from the union website if you are a CSEA member. There are some basic guides on the Tompkins County web site as well as the New York State site but these are not generally as useful as something that might specifically address the position for which you have applied.

When will I receive my examination results?

For examinations scored by the State, you will be notified of your score by mail several weeks after the examination. For those taking a locally scored examination, you should hear within one to two weeks. Only those with a score of 70% or above are included on eligible lists for job openings. Additional points may be added to the scores of qualified veterans and promotional candidates. Many examinations allow for a computational or post-rating review of the test results (a comparison of your answer sheet to the answer key of the examination). This can be requested in writing within ten days of the notification of your test score.

Where are the examination eligible lists used?

All Tompkins County departments, towns, villages, school districts, libraries, the Tompkins-Cortland Community College, T-S-T BOCES, Tompkins County Soil and Water Conservation District, and the Southern Cayuga Lake Intermunicipal Water Commission use the lists resulting from these examinations to fill competitive positions. Jobs are filled from these lists by the employer choosing one of the three highest scoring applicants and anyone tied in score with the third applicant, willing to accept the job. City of Ithaca, other cities and counties, state and federal government agencies administer their own examinations. If you are interested in employment with these entities, you need to contact them directly.

What about promotional Civil Service examinations?

If you are currently employed by Tompkins County government or one of the entities under our jurisdiction, promotional announcements are posted within your department or jurisdiction. Copies of the examination announcements are also available in the Tompkins County Personnel Department.

ELIGIBLE LISTS

The names of all successful examination candidates (those with a score of 70% or above) are placed on a civil service eligible list in rank order according to the score they received on the examination. Eligible lists are established for a period of one year. Lists may be extended to no more than four years. If an eligible list is extended beyond one year, the eligible candidate will be notified in writing by the Tompkins County Personnel Department. The lists are available for your review in person at the Tompkins County Personnel Department during normal business hours, Monday - Friday, 8:30 AM - 4:30 PM.

TYPES OF ELIGIBLE LISTS:

Open-Competitive – list of the names of all successful open-competitive examination candidates for a particular title.

Promotional – list of the names of successful promotional examination candidates who are currently employed in a lower level title in that County department or jurisdiction. Civil Service Law mandates that promotional eligible lists, if they exist, be used before an open competitive eligible list can be used.

Preferred – list of employees in the competitive class who had permanent appointments and are laid off. Preferred lists must be used first in filling vacancies.

CERTIFICATIONS OF ELIGIBLE CANDIDATES

Names of candidates on a Civil Service Eligible List will be certified for appointment to Tompkins County departments and other entities in the jurisdiction that use the title and want to fill a vacancy in that title. Certifications of eligibles will be sent to departments and jurisdictions seeking to fill vacancies at the time the eligible list is established and to those departments and jurisdictions employing provisional appointees. As vacancies occur, certifications of eligible candidates will be sent to the employing agency. When the jurisdiction receives the certification of eligible candidates, it sends canvass letters to a sufficient number of eligibles in order to make an appointment following the "Rule of Three."

THE "RULE OF THREE"

Job vacancies are filled from eligible lists according to the "Rule of Three" which requires the selection of one of the top three eligibles on the list who indicate willingness to accept appointment.

The Eligible Candidate's Responsibilities:

Upon receipt of a canvass letter, the eligible candidate should immediately indicate his/her interest in the position or their reason for declination and return the canvass letter within the time frame indicated to the appointing authority it was sent by. Not everyone who responds to a canvass letter will be interviewed; you may not be immediately reachable for consideration at that point in time using the "Rule of Three".

If you fail to reply to a canvass letter, the appointing authority will report such failure to reply on the certification, which is returned to the Tompkins County Personnel Department. Your name will be removed from further consideration for that and all other positions filled from the eligible list. If you respond late to the letter, you may be skipped over for that position as well. If you decline due to salary or location, your name will not be certified to that jurisdiction again.

If your name has been removed from an eligible list, it may be restored to an active status on this eligible list by written request to the Tompkins County Personnel Department. Include in this request your name, social security number, eligible list number, title, score, and reasons you are requesting reinstatement.

Your request will be reviewed and a determination will be made regarding your restoration to the eligible list. If reinstated, your name will be considered on future certifications, but your name will not be added to any outstanding certification.

If you are on an eligible list, it is your responsibility to inform the Tompkins County Personnel Department of any change of address and/or name. Include in this notice your name, social security number, eligible list number, title and score.

The Rule of Three

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 the appointing authority 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 may be considered.

**BELOW ARE SOME EXAMPLES OF WHO IS REACHABLE FOR APPOINTMENT
WHEN THERE IS ONE VACANCY**

<p><u>Example 1</u></p> <p>1 Julia 2 Nelson 3 Linda 4 Horace 5 Kwah 6 Joe 7 Carey</p>	<p>100 reachable 95 reachable 90 reachable 85 85 85 80</p>	<p>In this case the appointing authority must chose from among Julia, Nelson, and Linda. This is because Civil service law requires you to choose from among the 3 highest ranking candidates.</p>
<p><u>Example 2</u></p> <p>1 Paula 2 Karen 3 Jim 4 Taylor 5 Dell 6 Pat 7 Doug</p>	<p>90 reachable 90 reachable 90 reachable 85 85 85 80</p>	<p>In this example, you must choose from candidates who received a score of 90. This is because there are three candidates with a score of 90 and Civil service law requires you to choose from among the 3 highest ranking candidates.</p>
<p><u>Example 3</u></p> <p>1 Pedro 2 Will 3 Lori 4 Marie 5 Dan 6 Jill 7 Tammy</p>	<p>90 reachable 90 reachable 85 reachable 85 reachable 85 reachable 85 reachable 80</p>	<p>In this example, you may choose from among the top 6 candidates. This is because there are two candidates with a score of 90 and four who are tied with a score of 85. According to Civil Service law, in addition to the three highest ranking candidates, you are allowed to choose from candidates who are tied in score with the third highest ranking candidate.</p>

ADDRESSES

Anita Fitzpatrick, Commissioner
Tompkins County Personnel
125 E. Court St., First Floor
Ithaca, NY 14850
607-274-5526
<http://www.tompkins-co.org>

New York State Department of Civil Service
Municipal Services Division
Alfred E. Smith State Office Building
Albany, NY 12239
<http://www.cs.state.ny.us>

The City of Ithaca and Ithaca City School District are separate from the Tompkins County civil service process. If you are interested in applying with the City of Ithaca or ICSD, please contact:

City of Ithaca Civil Service Commission
Schelley Michell Nunn, Human Resources Director
108 E. Green St.
Ithaca, NY 14850
607-274-6539
www.cityofithaca.org