

**RULES FOR THE CLASSIFIED  
CIVIL SERVICE**



**OF  
CHEMUNG COUNTY AND CITY OF ELMIRA  
NEW YORK**

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**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 Chemung County on a basis of merit and fitness as provided in the Civil Service Law of the State of New York. These rules have the force and effect of law, and apply to all positions in the classified service of Chemung County as well as municipalities therein, subject to the jurisdiction of this Commission. These rules may be amended by the Commission 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. "Commission" means the Regional Civil Service Commission of the County of Chemung and the City of Elmira.
2. "Day" means a calendar day.
3. "Employee" means the incumbent of a position holding the position in accordance with these rules and the Civil Service Law.
4. "Position" means an office or employment involving an aggregation of duties to be performed and responsibilities to be exercised by one person.
5. "Compensation" means the remuneration of a position and shall include food, lodging, maintenance and commutation when the same is furnished.
6. "Eligible List" means an official record kept in the Commission'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.
7. "Part-time Employment" means any employment or a combination of one or more employments in a civil division in which an individual works twenty (20) hours or less per work week.
8. "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.
9. "Re-assignment" 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.
10. "Municipality" means county, town, city, village, school district or special district.

## **RULE II**

### **ORGANIZATION OF THE COMMISSION**

The Commission shall designate one of its members as Chairperson. Two Commissioners shall constitute a quorum for the transaction of business. The Commission may appoint a Secretary who shall not be a Commissioner, and such other subordinates and employees within available appropriations as it may deem necessary or proper to carry out the purposes of these rules and the law. It shall fix the duties of these employees. The Commission shall keep true and accurate minutes of all its meetings and proceedings which shall be open to public inspection.

### **RULE III**

#### **EXEMPT CLASS**

1. Positions in the exempt class are those for which competitive or non-competitive examinations or other qualification requirements are not practicable. (Civil Service Law, Section 41)
2. Positions in the exempt class shall be listed in Appendix A of these rules and made a part hereof.

### **RULE IV**

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

### **RULE V**

#### **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 Commission 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 hereof.

### **RULE VI**

#### **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 VII**

### **RECRUITMENT OF PERSONNEL**

1. Residence requirement for municipal positions.

(a) An applicant must be at the time of examination and for at least one (1) month immediately prior thereto be 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. Residence requirements may be suspended or reduced by the Commission in cases where recruitment difficulty makes such requirements disadvantageous to the public interest.

(b) When preference in certification is given to residents of a municipality pursuant to Section 4-a of Section 23 of the Civil Service Law, an eligible must have been a resident of such municipality for at least one month prior to the date of certification in order to be included in a certification as a resident of such municipality and must be a resident of such municipality at time of appointment.

2. Announcements of examinations.

The public announcement of an examination shall specify the application fee, if any, the title, salary or salary range, the duties of the position, the minimum qualifications required, the final date for filing applications, the subject or scope of the examination and the relative weights thereof, and the date of the examination. Public notice of open-competitive examinations shall be made at least twenty-five (25) days before the date of the examination and must be conspicuously posted in a public place for fifteen (15) days. The last day for filing applications shall be at least ten (10) days before the date of the examination.

## **RULE VIII**

### **APPLICATIONS**

1. Applications of candidates for positions in the competitive class and for positions in the non-competitive class must be addressed to the Commission at the office of the Commission.
2. The Commission 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 (4) days before the examination, by mail to the address stated in the application, or one (1) day's notice by telegram.
3. 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 national origin or indicating whether his/her citizenship is by birth or naturalization shall not be divulged. Before a candidate's application for examination is exhibited to the appointing officer or his/her representative, all reference therein to the candidate's national origin or to the basis of his/her citizenship shall be concealed.



## **RULE IX**

### **DISQUALIFICATION**

1. 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.
2. The burden of establishing his/her qualifications to the satisfaction of the Commission shall be upon the applicant. Any applicant who refuses to permit the Commission to investigate matters necessary for the verification of his/her qualifications or who otherwise hampers, impedes, or fails to cooperate with the Commission in such investigation shall be disqualified for examination or, after examination, for certification and appointment.
3. No person shall be disqualified unless he/she has been given a written statement of the reasons therefore and afforded an opportunity to make an explanation and submit facts in opposition to such disqualification.

## **RULE X**

### **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 Commission may, after the announcement of an examination is made, sub-divide 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, Subdivision 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 Commission shall adopt a system to conceal the identity of the candidates' papers in a written examination until such written examination has been rated.
3. For examinations prepared and rated by the Commission, applications and examination records and papers of candidates shall be preserved until at least six (6) 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 policies of the State Commissioner of Education and the State Civil Service Commission. Whenever an oral test shall be prescribed as part of an examination, a stenographic or recording device record of all of the questions and answers shall be made a part of the examination records.
4. Every candidate in an examination shall be notified of his/her final rating and, if successful, of his/her relative position on the eligible list established as a result of the examination. Any candidate receiving such notice, or his/her duly authorized representative, may inspect his/her examination papers in the office of the Commission and in the presence of a designated representative of the Commission, provided he/she makes request for such inspection in writing within the period of ten (10) 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 his/her duly authorized representative designated as such in writing. The application of an eligible who is being considered for appointment may be shown to the appointing officer.
5. (a) A candidate who wishes to appeal to the Commission from his/her rating in one, or more, or all of the subjects of an examination must submit such appeal in writing within twenty (20) days after the earliest date on which his/her examination papers were made available for his 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 candidate's 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.  
  
(b) For examinations prepared and rated under Section 23(2) of the Civil Service Law, the State Civil Service Commission shall have 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.

- (c) The Commission may, at any time during the life of an eligible list resulting from an examination prepared and rated by the Commission, correct any clerical or computational errors in the ratings of candidates who competed in the examination.
  - (d) Any change in an eligible list pursuant to this rule shall be made without prejudice to the status of any person previously appointed as a result of such examination.
6. Rating keys shall be prepared for each examination held. Such keys shall be a permanent part of the record of each examination.
7. 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 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 XI**

### **ELIGIBLE LISTS**

1. Every candidate who attains a passing mark in an examination as a whole and who meets the standards prescribed, if any, for separate subjects or parts of subjects of the examination shall be eligible for appointment to the position for which he/she was examined and his/her name shall be entered on the eligible list in the order of his/her final rating; but if two or more eligibles receive the same final rating in the examination, they shall be ranked in accordance with such uniform, impartial procedure as may be prescribed therefore by the Commission.
2. The date of the establishment of a list shall be the date fixed therefore by the Commission resolution, and shall be entered on such list. The duration of all eligible lists shall be fixed by Commission resolution prior to the establishment of such lists, but shall not be less than one (1) nor more than four (4) years. The date of establishment of a list and its duration shall be given to all successful candidates at the time when notice of standing on the eligible list is given to such candidates. Where the duration of an eligible list is fixed at less than four (4) years, the Commission may, by resolution, prior to the expiration date of such list, extend the duration of the list up to the maximum limitation of four (4) years, provided that eligibles on such list are notified in writing of the extension of the eligible list.
3. Eligible lists shall be open to public inspection at the office of the Commission. The names of persons who failed to receive a passing grade on the examination shall not be disclosed to the public.
4. The Commission shall have power in its discretion to correct any error and amend any eligible list where it appears that an error has been made. Commissions shall have power to revoke any eligible list where the provisions of these rules were not properly or sufficiently carried out; provided, however, that an eligible list shall not be revoked except after notice and an opportunity to be heard has been given to all persons whose names appear thereon. The reasons for such action shall be recorded in the minutes of the Commission and reported to the State Civil Service Commission.

## **RULE XII**

### **CERTIFICATION**

1. The Commission shall determine the eligible list most nearly appropriate for the position to be filled, and shall certify to the appointing authority a sufficient number of eligibles from which selection for appointment may be made. When the name of any eligible is included in a certification for appointment, the names of all other eligibles on the list having the same final rating as such eligible shall likewise be included in such certification.
2. A certification issued by the Commission to an appointing officer shall be valid for sixty (60) days from the date of its issuance. After the expiration of such sixty (60) days, no appointment shall be made except from a new certification.
3. When an eligible is canvassed for appointment or is offered appointment in writing and fails to state his/her willingness to accept such appointment within ten (10) calendar days after the mailing of such canvass or offer, he/she may be considered ineligible for purpose of making selection from this eligible list. Such individual may have his/her eligibility restored at the Commission's discretion upon receipt of a written request to reinstate his/her eligibility.
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) Location of employment; (c) Temporary inability, physical or otherwise, which must be satisfactorily explained by the eligible in writing. The Commission shall enter upon the eligible list the reasons for its actions in such cases.
5. Except as otherwise provided herein, appointment or promotion to a position in the competitive class shall be made by the selection of a person on the most nearly appropriate eligible list who is willing to accept such appointment and whose final rating in the examination is equal to or higher than the rating of the third highest ranking eligible on the list indicating willingness to accept such appointment. The term "ranking" as used herein refers to the order in which the names of eligibles appear on the eligible lists as provided in Rule XI.
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 Commission one of the applicants who may be certified for 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 eligibles shall have declined any appointment offered and an eligible whose relative standing is lower and who was reachable on the certification only because of the aforesaid declination shall have been appointed to the position, the salary or compensation of such appointee shall not be increased, except by a service or class-wide increase, within a period of six months after his/her appointment beyond that offered to the persons so declining.

8. When a vacancy exists in a permanent competitive class position and a permanent competitive class candidate in direct line of promotion, as defined in these Rules, is nominated for non-competitive promotion examination in accordance with Section 52(7) of Civil Service Law, the municipal

commission, may determine that the examination that shall be appropriate for such non-competitive promotion may consist of a review of the candidate's training and experience at the time of nomination.

If the commission determines the candidate's training and experience meets or exceeds the open-competitive qualifications for the position, the candidate shall be certified as eligible for permanent appointment to the promotional position without further examination.

9. An open-competitive, promotion or preferred eligible list shall not be certified for filling a permanent competitive class vacancy created by reclassification of a permanently encumbered competitive class position if appointment or promotion from such list would require the layoff of a permanent competitive class employee; but this provision shall not apply if the incumbent whose position was reclassified, following such reclassification, either refused to take an examination for such reclassified position or failed to qualify for appointment, examination or promotion to the reclassified position.
10. 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, and the announced minimum qualifications for the position included a requirement of possession of a license or certificate in a profession issued by the State of New York, the Commission may waive the examination and certify for appointment to the appointing authority the names of such qualified applicants, provided, however, that such applicants have been licensed or certified in the profession by the State of New York.

## **RULE XIII**

### **PROMOTIONS**

1. In no case shall any person be eligible to participate in a promotion examination until he/she has served at least six (6) months on a permanent basis in a lower grade position.
2. Any person who is nominated for non-competitive examination for promotion to a position and who fails to pass two successive examinations for such promotion shall not thereafter be eligible for employment in such position, except by appointment or promotion from an eligible list established following competitive examination.
3. Promotion examinations for non-competitive class employees shall, in addition to the requirements of Civil Service Law, Section 52(12), require that applicants shall have been employed in a full-time position at a salary level less than that assigned the position for which promotion examination is to be held.

## **RULE XIV**

### **PROBATIONARY TERM**

1. Probationary term.

- (a) Except as herein otherwise provided, every permanent appointment from an open-competitive list, every original appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) nor more than fifty-two (52) weeks.
- (b) The probationary term for training positions, in which an appointee is required to serve a specified training term, shall be not less than twelve (12) nor more than fifty-two (52) weeks.
- (c) Every permanent appointment from an open-competitive eligible list and every original appointment in the non-competitive class in all the following titles shall be for a probationary term of not less than twenty-six (26) weeks nor more than one-hundred and four (104) weeks from the date of appointment: Commissioner of Planning, Commissioner of Social Services, County Youth Bureau Director, Director of Information Services, Director of Office for the Aging, Director of Real Property Tax Services, Director of Veteran's Service Agency, Executive Director – Human Relations Commission. The following titles shall be probationary for a term not less than twenty-six (26) weeks nor more than fifty-two (52) weeks: Director of Social Services, Chief Social Welfare Examiner, Director of Parks and Recreation, Director of Patient services, Director of Nursing, Director of Administrative Services.
- (d) Every permanent appointment from a promotion list resulting from a departmental or inter-departmental examination, every inter-departmental transfer and every permanent appointment pursuant to Rule XII (8) shall be for a probationary term of not less than eight (8) weeks nor more than twelve (12) weeks.
- (e) The probationary term for persons receiving appointments as Police Officers and Deputy Sheriffs shall not be less than twelve (12), nor more than seventy-eight (78) weeks.
- (f) An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Commission.

If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service.

2. Inter-departmental promotions and transfers.

An inter-departmental promotion or transfer means a promotion or transfer from a position in one department to a position in another department. For the purposes of this subdivision, the term "promotion" shall include the appointment of an employee to a higher grade position in the non-competitive and exempt class.



3. Restoration to permanent position.

When a permanent employee is promoted or transferred to a position in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary basis, during such probationary term. At anytime 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 his/her probationary term.

4. Absence during probationary term.

Any periods of authorized or unauthorized absence aggregating up to ten (10) work days during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term. Any such periods of absence in excess of an aggregate of ten (10) work days shall not be counted as time served in the probationary term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his/her absence which, pursuant to this section, are not considered as time served in the probationary term.

5. Restoration to eligible list.

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

6. Temporary or provisional service in higher level position.

When an employee who has not completed his/her probationary term is appointed on a temporary or provisional basis to a higher level position, the period of temporary or provisional service rendered by such employee in such 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 such probationary term. At any time after the expiration of the minimum period of the probationary term, or the entire probationary term if it be one 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 based on 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.

7. Removal during probationary term.

Nothing contained in this Rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 of the Civil Service Law, at any time during the probationary term, to remove a probationer for incompetency or misconduct.

8. Notwithstanding any other provisions of these Rules, the appointment or promotion of a Police Officer shall not become permanent unless and until he/she has satisfied such requirements as may be applicable to him/her under Section 209-q of the General Municipal Law. 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 209-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 basis. In the event of his/her failure to complete such training successfully within the time allowed therefore, he/she shall be restored to such lower rank position.
9. An employee who is reinstated to a position after a separation of more than one (1) 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.

## **RULE XV**

### **TRAINEE APPOINTMENTS**

1. The Civil Service Commission may require that permanent appointments or promotions to designated positions shall be conditioned upon the satisfactory completion of a term of service as a trainee in such a position or in an appropriate, lower training title or the completion of specified training or academic courses, or both. The period of such term of training service shall be prescribed by the Commission. Upon the satisfactory completion of such training term, and of specified courses if required, an appointee shall be entitled to full permanent status in the position for which appointment was made. Any appointment hereunder shall be subject to such probationary period as is prescribed in these Rules. Also, the employment of such person may be discontinued if his/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 XVI

### EFFECT OF TEMPORARY OR PROVISIONAL APPOINTMENT ON 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/her standing on the eligible list for a permanent appointment nor shall the period of temporary service be counted as part of the probationary service in the event of subsequent permanent appointment.

2. Provisional appointment of permanent employee.

When a permanent 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/her shall not be filled on other than a temporary basis pending his/her reinstatement thereto upon failure of his/her provisional appointment to mature into permanent appointment.

3. Contingent permanent appointments.

(a) A position left temporarily vacant by the leave of absence of the permanent incumbent may be filled, at the discretion of the appointing authority, by a contingent permanent appointment through the use of an open-competitive or promotional eligible list. Any person appointed on a contingent permanent basis shall have all the rights and benefits of a permanent competitive class employee subject to the following limitations:

- (1) Probationary Period: All appointments under this rule shall be required to complete the probationary period for original appointment or promotion as prescribed in these rules.
- (2) Preferred List: In the event the permanent incumbent returns from leave of absence, the contingent permanent appointee shall have his/her name placed on a preferred list for the title.
- (3) Layoff: In the event of a layoff, contingent permanent appointees shall be treated in the manner prescribed in these rules; provided, however, that when a contingent permanent appointment matures into a permanent appointment the date of permanent service shall begin on the date of the original contingent permanent appointment.
- (4) Promotion: When a permanent competitive class employee accepts a contingent permanent appointment, the position vacated by that employee shall be filled only on a temporary or contingent permanent basis until such time as the contingent permanent appointment matures into a permanent appointment.

- (b) All appointments under this Rule shall be canvassed as "permanent contingent permanent." A copy of this Rule must be included with the canvass letter.
- (c) Appointments to contingent permanent positions shall be made by selection of one of the top three (3) candidates on an appropriate eligible list willing to accept a contingent permanent appointment. There will be no re-canvassing of the eligible list in the event the contingent permanent position becomes unencumbered. Acceptance of a contingent permanent appointment will remove the eligible's name from the eligible list for any future contingent permanent or permanent vacancies.
- (d) If a permanent vacancy becomes available in the same title in the department or agency in which a contingent permanent appointment has been made, contingent permanent appointees may be offered reassignment, prior to canvassing for a permanent appointment from an appropriate eligible list or prior to appointing a temporary or provisional to the positions.
- (e) When a position filled by a contingent permanent appointee becomes unencumbered, the contingent permanent appointee in that position shall gain permanent competitive class status in the class if they have completed the required probationary period as prescribed in this rule.

4. Successive provisional appointment.

- (a) No provisional employee who has refused to take an examination held for permanent appointment shall be given another provisional appointment in the same position.
- (b) No provisional employee who has twice failed an examination for permanent appointment shall be given another provisional appointment in the same position, provided, however, where an examination fails to produce any qualified eligibles, or where an eligible list is depleted of all eligibles immediately following its establishment, such employee, at the discretion of the appointing authority, may be given a third and final provisional appointment in the same position.

## **RULE XVII**

### **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 Commission, any individual serving in a competitive class position as a permanent appointee may be permanently appointed to another competitive class position subject to these rules without further competitive examination, provided:

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

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

- The appointing authority must provide documentation or explanation that demonstrated to the satisfaction of the Commission that the individual requested to be reinstated possesses current knowledge and skill in the occupational field to which reinstatement is sought.
- If the position to which reinstatement is sought requires successful completion of medical and/or physical agility test for original appointment, the individual being reinstated must satisfy these criteria immediately prior to reinstatement.

2. Refusal or failure to accept reinstatement from preferred list.
  - (a) Relinquishment of eligibility for reinstatement. The failure or refusal of a person on a preferred list, after reasonable notice, to accept reinstatement therefrom to his/her 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/her eligibility for reinstatement, and his/her 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/her submission of reasons satisfactory to the Commission for his/her 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/her eligibility for reinstatement therefrom by reason of

his/her 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/her restoration to eligibility for certification therefrom to positions in a lower salary grade than his/her 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 an employee by an appointing officer. Notice of such leave of absence shall be given to the Commission. 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/her position and serves continuously therein for three months immediately preceding the subsequent leave of absence. Notice of such subsequent leave of absence shall also be given to the Commission. 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 on subdivision 2 of this rule.
2. In an exceptional case, the Commission may for good cause shown waive the provisions of this rule to permit an extension of the leave of absence for an additional one year period. In no case may such leave of absence exceed in aggregate two years from the date of commencement of the leave.
3. A leave of absence without pay, not to exceed four years, shall be granted by an appointing officer to an employee who is a veteran of the Armed Forces of the United States, providing such a 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/her position, provided he/she makes application for such reinstatement within sixty days after the termination of his/her 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 purpose of determining eligibility for reinstatement, shall be deemed to be effective as of the date of the commencement of such absence. Notwithstanding the provisions of this section, when charges of incompetency or misconduct have been or are about to be filed against an employee, the appointing authority may elect to disregard a resignation filed by such employee and to prosecute such charges; and, in the event that such employee is found guilty of such charges and dismissed from the service, his/her termination shall be recorded as a 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 Permanent Competitive 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 salary level position for which he/she 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 Commission 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 Commission 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 therefore, with copies of the offer or notice of appointment and the reply thereto, if any.
- (c) Every discharge during or at the end of probationary term with the date thereof.
- (d) Every vacancy in a position, for whatever reason with the date thereof.
- (e) Every position abolished, with the date of such abolition.
- (f) Every change of compensation in a position, with the date thereof.
- (g) Every promotion, giving positions, from which and to which made, with the salaries and date thereof.
- (h) Every transfer, giving the positions from which and to which made, with the date and salaries thereof.
- (i) Every reinstatement in a position, with the date and salaries 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

### PAYROLL CERTIFICATION

1. Certification required prior to payment

- (a) No person shall receive salary or compensation until the Commission has certified his or her employment to be in compliance with the provisions of the Civil Service Law and these Rules.
- (b) The Commission shall not certify the name of any person employed in a manner that does not comply with the provisions of the Civil Service Law and these Rules.

2. Extended certification

- (a) The Commission may certify the employment of a person for a limited or extended period. No further certification shall be necessary for the payment of salary or compensation to such person as long as his or her status, title, and salary grade remain unchanged during the period of the certification granted.
- (b) The Commission shall require certification of the full payroll of every civil division under its jurisdiction at least once every fiscal year, and shall require such certifications according to the following schedule:

<b>Civil Division</b>	<b>Payroll(s) to be Certified:</b>
County	First Full Payroll in January
Cities	First Full Payroll in February
Towns	First Full Payroll in March
Villages	First Full Payroll in May
School Districts	First Full Payroll in October
All Other Agencies Or Special Districts	First Full Payroll in June

- (c) The Commission may, at any time, require any civil division under its jurisdiction to submit payrolls or accounts for certification in accordance with §100(1) of the Civil Service Law.
- (d) Annual certifications provided by the Commission shall be valid for a period of no more than 12 months following the scheduled date of certification established in these Rules. Certifications provided at any other time during the year shall be valid for a period not to exceed the next scheduled certification established in these Rules.

3. Refusal or termination of certification

- (a) The Commission 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 law and these Rules.
- (b) In any case where the Commission finds satisfactory evidence that the employment of a person is in violation of law and these Rules, or the Commission finds satisfactory evidence of intent to evade the provisions of law or these Rules in regard to the employment of any person, the

Commission shall refuse certification of the person and terminate any certification of the person previously made and then in force.

- (c) Any refusal, termination, or revocation of a certification of any person shall be communicated in writing to the appropriate fiscal or disbursing officer.

## **RULE XXIII**

### **CLASSIFICATION PLAN**

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

"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.

"Class title" means the designation given under these rules to a class and to each position allocated to such class.

"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 knowledges, skills and abilities required for successful performance of the work and states required minimum experience and training for positions in the class.

"Allocation" means the assignment of a position to an appropriate class as determined by the duties, responsibilities and minimum qualification requirements of the position.

"Reclassification" means the reallocation of a position from one class to another because of a permanent and material change of the duties of that position.

2. The commission shall prepare and maintain a list of class titles and class specifications for all positions in the classified service of the civil division and shall allocate all such positions to an appropriate class.
3. Classification of Vacant Positions. The appointing officer shall
4. Classification of New Positions. The appointing officer shall file a prescribed form with the Commission when a new position is to be created. 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 Commission shall allocate the position to an appropriate class, or if no appropriate class exists, shall create a new class and prepare a class specification for such new class.
5. Reclassification. The appointing officer shall file a prescribed form with the Commission 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 Commission 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/her department, or any employee in the classified service may apply for a reclassification of his/her 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 its classification. The Commission shall give reasonable notice of any proposal or application for a change in classification to the appointing officer and to the 27 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 Commission shall then determine the proper allocation of the position. No employee, either by classification or reclassification, change of title or otherwise, shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of the Civil Service Law and these rules.

## **RULE XXIV**

### **PROHIBITION AGAINST QUESTIONS ELICITING INFORMATION CONCERNING POLITICAL AFFILIATION**

No question in any examination or application or other proceeding by the commission or their 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 Commission and its examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his/her political opinions or affiliation.



## **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 that title in that layoff unit, in which case it shall be the closest lower title in direct line of promotion in that layoff unit in which one or more persons do serve.
  - (c) Layoff unit shall mean each department of a county, city, town, village, each school district and each special district. Authorities and community colleges shall be deemed to be separate civil divisions.
  - (d) Satisfactory service shall mean service by an employee during which he/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 and title.
  - (e)
    - i. Permanent service shall start on that date of the incumbent's original appointment on a permanent basis in the classified service; however, in the case of disabled veterans, the date of original permanent appointment is considered to be 60 months earlier than the actual date; while non-disabled veterans are considered to have been appointed 30 months earlier than their actual date of appointment. For the purposes of this Rule the definition of what constitutes a veteran or disabled veteran is contained in Section 85 of the Civil Service Law.
    - ii. A resignation followed by a reinstatement or reappointment more than one year subsequent to the resignation constitutes a break in service. The original appointment date is to be determined from the date of 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 or 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 Services Department.
- (e) When two or more permanent incumbents of positions in a specific title are suspended, demoted or displaced at the same time, the order in which they shall be entitled to displace shall be determined by their respective retention standing, with those having the greater retention standing entitled to displace first.
- (f) When several employees were originally appointed on a permanent basis on the same day, their retention rights shall be determined by their rank on the eligible list from which they were appointed; that person having the highest rank having greater retention rights over those having lower ranks.
- (g) All temporary, provisional and contingent permanent employees occupying these positions must be let go before any permanent employee is suspended from such positions.
- (h) Probationary employees occupying such positions in the same title, must also be suspended before any permanent employee in the layoff unit in that title who has completed his/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, which there is a direct line of promotion, who is himself/herself suspended or displaced, displaces an employee in the next lower occupied title in direct line of promotion in the same layoff unit having the least seniority if the employee who seeks to displace has greater retention standing.
- (b) Where the layoff involves more than one position in a title, the order of displacement will be the inverse of the order of suspension. That is, the most senior of the suspended employees will be the first to displace. This shall apply to both vertical bumping and retreat.
- (c) If an employee refuses to displace a junior incumbent he/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.

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 displacing 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 other than a permanent basis. He/she may also displace by retreat to 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 a position but the duties have not substantially changed since the suspended employee last served in that title the new title will for retreat purposes be deemed to be the former title.

5. An employee who refuses to accept an appointment afforded by displacement for whatever reason waives all rights regarding the displacement; however, this employee's name will be entered on an appropriate preferred list.
6. 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 displacement as to their willingness to accept reassignment or displacement.

**APPENDIX A**  
**EXEMPT CLASS**

**REGIONAL SERVICE**

Secretary, Regional Civil Service Commission

**COUNTY SERVICE**

Administrative Assistant - County Executive  
Administrative Assistant – County Treasurer  
Assistant County Attorneys (4)  
Assistant District Attorneys (6)  
Assistant Public Advocates (2)  
Assistant Public Defenders (5)  
Attorney to the Legislature & Special Districts  
Chief Assistant District Attorney  
Confidential Secretary – Public Advocate  
Confidential Secretary - County Attorney  
Confidential Secretary - District Attorney  
Confidential Secretary - Public Defender  
Confidential Secretary – Sheriff  
Coordinator of Records & Information  
County Attorney  
Criminal and Juvenile Justice System Coordinator  
Deputy Commissioner of Public Works  
Deputy County Executive  
Deputy County Treasurer  
Director of Aviation  
Director of Budget & Research  
Director of Central Services  
Director of Fire & Emergency Management  
First Assistant County Attorney (1)  
Public Advocate  
Public Defender  
Special Investigator – Public Advocate  
Special Investigator – District Attorney (2 PT)  
Special Investigator – Public Defender  
Undersheriff

**CITY OF ELMIRA SERVICE**

Assistant Corporation Counsel  
City Chamberlain  
Clerk to Board of Education  
Executive Director of Housing Authority  
Executive Secretary to the Superintendent of Schools  
School District Tax Collector  
School District Treasurer  
Secretary to the Cemetery Commission  
Secretary to the City Manager  
Secretary to the Corporation Counsel  
Secretary to the General Manager, Water Board  
Secretary-Treasurer to the Water Board

**APPENDIX A**  
**EXEMPT CLASS** (contd.)

**TOWN SERVICE**

Assistant Town Attorney  
Clerk to the Town Justice  
Deputy Town Clerk  
Deputy Town Supervisor (Elmira, Chemung, Horseheads)  
Secretary to Supervisor  
Town Attorney  
Town Budget Officer (Erin, Chemung, Horseheads, VanEtten)

**TOWN SERVICE (EXCEPT TOWNS OF ELMIRA, HORSEHEADS & SOUTHPORT**

Deputy Town Clerk

**IN THE TOWN OF SOUTHPORT**

Deputy Superintendent of Highways  
Deputy Town Clerks (3)  
Deputy Town Supervisor  
Town Budget Officer  
Town Comptroller

**IN THE TOWN OF ELMIRA**

Deputy Town Clerks (3)

**IN THE TOWN OF HORSEHEADS**

Deputy Town Clerks (3)

**VILLAGE SERVICE**

Acting Village Justice  
Deputy Village Clerk  
Secretary to Village Manager  
Tax Collector  
Village Attorney  
Village Treasurer

**IN THE VILLAGE OF ELMIRA HEIGHTS, HORSEHEADS AND WELLSBURG**

Clerk to Village Justice (1)

**SCHOOL DISTRICTS**

Census Taker  
School Attorney  
School District Clerk  
School District Treasurer  
School Tax Collector  
Secretary to the School Superintendent

**SPECIAL DISTRICTS**

Attorney  
Secretary  
Treasurer

**APPENDIX A**  
**EXEMPT CLASS** (contd.)

**B.O.C.E.S.**

District Clerk – B.O.C.E.S.

District Treasurer – B.O.C.E.S.

**CHEMUNG COUNTY SOIL & WATER CONSERVATION DISTRICT**

Secretary/Assistant Treasurer

**APPENDIX B**  
**NON-COMPETITIVE CLASS**

**IN ALL CIVIL DIVISIONS**

Section 55 (a) - designated positions in titles where the incumbent is certified by the Commission for the Blind and Visually Handicapped, State Social Services Department, as physically disabled by blindness or by the State Education Department as otherwise physically or mentally disabled.

Account Clerks PT  
Assistant Director of Recreation PT  
Automotive Mechanics  
Bakers  
Barbers  
Bingo Inspectors PT  
Bookkeepers PT  
Bookmobile Drivers  
Building Inspectors PT\*  
Building Maintenance Mechanics  
Bus Drivers  
Caretakers  
Carpenters  
Clerk – Typists PT  
Clerks PT  
Cook - Managers  
Cooks  
Couriers  
Custodians PT  
Data Entry Machine Operators PT  
Director of Recreation PT  
Dog Warden PT  
Electricians  
Equipment Operators I  
Equipment Operators II  
Garage Mechanics  
Head Electrician  
Janitors PT  
Librarian Trainees  
Librarians III PT  
Librarians II PT  
Librarians I PT  
Library Clerks PT  
Licensed Practical Nurses  
Lifeguards PT  
Maintenance Helpers  
Maintenance Mechanics  
Masons  
Motor Equipment Operators  
Painter Crew Chief  
Painters  
Physical Therapists PT  
Physicians PT  
Plumbers  
Police Officers PT  
Receptionists PT

\*Denotes Confidential or Policy Influencing

*Revised 12/14/2011*



**APPENDIX B**  
**NON-COMPETITIVE CLASS (contd.)**

Recreation Assistants PT  
Recreation Leaders PT  
Recreation Specialists PT  
Recreation Supervisors PT  
Registered Professional Nurses  
Registrar of Vital Statistics PT  
Secretaries PT  
Senior Library Clerks PT  
Senior Pages  
Senior Recreation Leaders PT  
Stenographers PT  
Typists (Seasonal)  
Typists PT  
Welders  
Working Forepersons  
Working Supervisors

**REGIONAL SERVICE**

Assistant Secretary, Regional Civil Service Commission PT \*

**COUNTY SERVICE**

Airport Maintenance Workers I  
Airport Maintenance Workers II  
Airport Maintenance Workers III  
Airport maintenance Worker IIA/Mechanics  
Assistant Airport Manager  
Carpenter's Assistant  
Cohesion Coordinators PT  
Commissioner of Human Services\*  
Commissioner of Planning\*  
Community Services Aide  
County Historian PT\*  
County Youth Bureau Director\*  
Courier/Nurse Aide  
Court Attendants  
Dental Clinic Assistant PT  
Deputy Director of Veterans' Services  
Deputy Medical Examiners PT\*  
Director of Information Services\*  
Director of Office for the Aging\*  
Director of Community Mental Health Services\*  
Director of Personnel/Labor Relations\*  
Director of Real Property Tax Services\*  
Director of Sales Tax PT  
Director of Veteran's Service Agency\*  
Electrician's Assistant  
Executive Director - Human Relations Commission\*  
Executive Director - Sewer District  
Garage Attendants  
Homemakers  
Housekeepers

\*Denotes Confidential or Policy Influencing

**APPENDIX B**  
**NON-COMPETITIVE CLASS (contd.)**

**COUNTY SERVICE (cont.)**

Jail Superintendent\*  
Landscape Maintenance Persons  
Lead Laundry Aides  
Lead Maintenance Workers  
Lead Mechanic  
Legal Counsel PT - Department of Social Services\*  
Licensed Cosmetologists  
Maintenance Workers I  
Maintenance Workers II  
Medical Examiner PT\*  
Nurse Aides  
Painter's Assistant  
Public Health Director\*  
Restitution Enforcement Officer PT  
Secretary/Examination Proctor PT  
Senior Aide Trainees  
Sign Mechanics  
Skilled Mechanics  
STOP/DWI Coordinator\*  
Summer Counselors PT  
Supervising Nurses PT  
Supervising Public Health Nurse PT  
Transportation Aides

**CITY OF ELMIRA SERVICE**

Assistant Pool Managers (Seasonal)  
City Assessor  
Court Attendants  
Deputy City Manager/Operations\*  
Deputy Police Chief (Administration)\*  
Deputy Police Chief\*  
Director of Public Services\*  
Director of Seasonal Recreation Program (May 15 through September 15)  
Diversity Coordinator  
Fire Chief\*  
Golf Course Manager  
Head Bus Driver  
Kennel Workers  
Law Enforcement Interns  
Parks Specialists I  
Parks Specialist II  
Police Chief\*  
Pool Attendants (Seasonal)  
Pool Managers (Seasonal)  
Public Administration Interns  
Public Works Specialists I  
Public Works Specialists II  
School Aides

\*Denotes Confidential or Policy Influencing

*Revised 12/14/2011*

**APPENDIX B**  
**NON-COMPETITIVE CLASS** (contd.)

**CITY OF ELMIRA SERVICE (cont.)**

School Bus Monitors  
School Lunch Cooks  
School Personnel Administrator  
School Traffic Officers PT  
Skilled Mechanics  
Solid Waste Specialists I  
Solid Waste Specialists II  
Teacher Aides

**TOWN SERVICE**

Assessors  
Assessor PT (Appointed)  
Attendance Officers PT  
Attendance Supervisor  
Constables PT  
Court Attendants  
Director of Youth Employment Service PT (Seasonal)  
Fire Equipment Mechanic - Inspector  
Juvenile Aide Officer PT  
Maintenance Workers  
Parks Superintendent PT\*  
School Crossing Guards PT  
School Traffic Officers PT  
Sewer Inspectors PT  
Town Highway Superintendent (Appointed)\*  
Town Historians PT\*  
Traffic Officer (Incumbent only, as per State Resolution)  
Water Superintendent PT

**IN THE TOWN OF HORSEHEADS**

Deputy Superintendent of Highways\*  
Kennel Workers

**VILLAGE SERVICE**

Assessor PT (Appointed)  
Assistant Water Superintendent PT  
Cemetery Sexton PT  
Chief of Police PT  
Enforcement Officers PT  
Fire Inspector PT  
Fire Truck Drivers PT  
Park Superintendent PT  
Pump Station Operator PT  
School Crossing Guards PT  
School Traffic Officers PT  
Village Engineer PT  
Village Historians PT  
Water Treatment Plant Operator (Grade III) PT

\*Denotes Confidential or Policy Influencing

*Revised 12/14/2011*

**APPENDIX B**

**NON-COMPETITIVE CLASS (contd.)**

**SCHOOL DISTRICTS**

Assistant Automotive Mechanics  
Bus Attendants  
Bus Drivers - Mechanic's Helper - Laborer  
Food Service Drivers  
Groundskeeper (s)  
Head Bus Driver  
Head Maintenance Man  
Nurse Aides (School)  
School Auditor  
School Dentist PT

**SCHOOL DISTRICTS (cont.)**

School Food Service Helpers  
School Monitors  
School Physicians PT  
Senior Food Service Helpers  
Signing Teacher Aide (s)  
Supervisor of Attendance PT  
Teacher Aides  
Working Foremen

**ELMIRA CITY SCHOOL DISTRICT**

Assistant Groundskeepers  
Bus Driver Trainees  
Cook's Helpers  
Director of Human Resources & Employee Relations\*  
Educational Interpreter(s) for the Deaf

**HORSEHEADS CENTRAL SCHOOL DISTRICT**

Aquatic Aides PT  
Director of Human Resources and Employee Relations\*  
Head Carpenter  
Head Painter  
Head Plumbers  
Safety Examiner

**SPECIAL DISTRICTS**

Head Mill Facility Mechanics  
Mill Operators  
Motor Equipment Operators I – Elmira Water Board  
Motor Equipment Operators II – Elmira Water Board  
Motor Equipment Operators III – Elmira Water Board  
Skilled Mechanics

\*Denotes Confidential or Policy Influencing

**APPENDIX B**  
**NON-COMPETITIVE CLASS** (contd.)

**B.O.C.E.S.**

Assistant Automotive Mechanics  
Audio-Visual Aides  
Career Education Resource Specialists PT  
Director of Human Resources and Employee Relations\*  
Food Service Drivers  
Food Service Maintenance Worker (s)  
Graphic Artists  
Labor Relations Specialist \* (2)  
Offset Press Operators  
Printing Clerks  
Program Assistants PT  
Teacher Aides  
Typewriter Repair Person

\*Denotes Confidential or Policy Influencing

**APPENDIX C**  
**LABOR CLASS**

**IN ALL CIVIL DIVISIONS**

Cemetery Caretaker  
Cleaners  
Custodial Laborers  
Food Service Helpers  
Laborers  
Pages  
Recreation Attendants  
Semi - Skilled Laborers

**COUNTY SERVICE**

Activity Aides  
Airport Security Guards PT  
Aging Services Aides  
Feeding Assistants  
Home Health Aides  
Hospital Attendants  
Laundry Aides  
Nutrition Services Aides  
Watchmen

**CITY OF ELMIRA SERVICE**

Custodial Workers  
Sanitation Workers

**VILLAGE SERVICE**

Park Gardner

**SPECIAL DISTRICTS**

Loader Operators  
Sewer District Laborers  
Transfer Station Attendants  
Watchmen

**B.O.C.E.S.**

Film Inspectors  
Occupational Therapy Aides  
School Monitors  
Student Aides

**APPENDIX D**  
**UNCLASSIFIED SERVICE**

**REGIONAL SERVICE**

Chemung County/City of Elmira Regional Civil Service Commission

**COUNTY SERVICE**

All member, officers and employees of the Board of Elections. Member of the following boards and commissions:

County Sewer District #1  
Fire Advisory Board  
Fish and Wildlife Board  
Forrest Practice Board  
Human Relations Commission  
Jury Board  
Mental Health Board  
Planning Board  
Public Health Board  
Soil Conservation Board  
County Solid Waste Management District

Chairman and members of the County Legislature  
Clerk to the Legislature  
Commissioner of Public Works  
County Clerk  
County Executive  
County Treasurer  
Deputy Clerk to the Legislature  
District Attorney  
Sheriff  
Superintendent of Buildings and Grounds

**CITY OF ELMIRA SERVICE**

Cemetery Commissioners  
City Clerk  
City Manager  
Corporation Counsel  
Council Members  
Deputy City Clerk  
General Manager of the Elmira Water Board  
Mayor  
Members, Board of Education  
Members, Officers and Employees of the Board of Elections  
Members of the Housing Authority  
Members of the Plumbing Board  
Members of the Zoning Board of Appeals  
Water Board Commissioners

**APPENDIX D**  
**UNCLASSIFIED SERVICE (contd.)**

**TOWN SERVICE**

All members, officers and employees of the Board of Elections  
Appeals Board Members  
Assessment Review Board Members  
Assessors (Elected)  
Council Members  
Fire District Commissioners  
Justice of Peace  
Planning Board Members  
Receiver of Taxes  
Supervisor (Elected)  
Tax Collector  
Town Clerk  
Town Highway Superintendent (Elected)  
Town Justice (Elected)  
Youth Commissioner

**TOWN OF BIG FLATS**

Commissioner of Public Works

**VILLAGE SERVICE**

All member, officers and employees of the Board of Elections

Assessors (Elected)  
Fire Commissioner  
Mayor  
Planning Board Members  
Trustees (Elected)  
Village Clerk (Appointed)  
Village Clerk and Treasurer  
Village Justice  
Village Manager

**SCHOOL DISTRICTS AND B.O.C.E.S.**

All positions included in Section 35 (g) and (j) of the Civil Service Law.

**IN ALL CIVIL DIVISIONS**

Board of Assessment Members