



Albany County Department of Civil Service Newsletter Issue #12 February 2012

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Previous Incumbent Field

New procedure for RPC submittal: As we continue to improve our policies and procedures, our goal is to streamline the process of reviewing vacancies. In order to better monitor employee movement from position to position, the previous incumbent field will now be required for all actions listed below. This information will be used in conjunction with the Review of Vacancy form (ACS-29).

- ~Permanent Appointment
- ~Provisional Appointment
- ~Provisional Promotion
- ~Temporary Appointment
- ~Contingent Permanent Appointment
- ~Transfer
- ~Reinstatement



The previous incumbent field is located in the personnel section of the RPC entry form underneath the date of birth (DOB) field.

TOPICS COVERED IN THIS ISSUE:

**New RPC
Procedure**



**Permanent
Status**



**Holds on
Positions**



**Librarian I
Exam**



**Roundtable
Discussions**



**Job
Specifications
Review**



**Veterans
Information**



ROUNDTABLE DISCUSSION

We are looking to schedule discussion groups so that the different types of agencies have a platform for voicing concerns and questions. Our first roundtable group will be for school districts. The session will be held mid- to late-April. Please be on the lookout for an email regarding the scheduled date and time.

When filling a temporarily vacant position (meaning it is currently encumbered by a permanent employee), please be aware of the following two rules:

Pursuant to Rule XVI (2a)- Non-Permanent Appointment of Permanent Employee- "When a permanent employee is given a provisional, temporary or contingent permanent appointment to a competitive class position in the same department or agency, the position thus vacated by him/her shall only be filled on a temporary or contingent permanent basis until the position is unencumbered by the permanent incumbent."

Pursuant to Rule XIV (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 or contingent permanent basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election. If the conduct or performance of the probationer is not satisfactory, he/she shall be restored to his/her former permanent position at the end of his/her probationary term."

HOLDS ON POSITIONS

We recommend that you contact your Personnel Technician if these types of situations arise. Be advised, we have added "Contingent Permanent Appointment" to the list of RPC actions in MERIT to accommodate such appointments. This ties in to the new requirement of completing the "previous incumbent" field when submitting an RPC.

The Librarian I exam announcement has been temporarily suspended to allow for the expiration of the current eligible list. We will be switching to a new online testing format. The new exam announcement will be issued in the fall/winter of 2012.



Please remember to identify to us any veterans on staff. We want to ensure all Civil Service benefits are properly applied. If there are any questions, please contact your Personnel Technician.



Job specifications should be reviewed on a regular basis and any proposed changes are to be brought to the attention of your Technician.



Appointments become permanent in one of two ways:

1. Retention of the employee after the successful completion of the maximum probationary period (see Albany County Civil Service Rule XIV-Probationary Term- and Newsletter #11).
2. Notice to the probationer at any time after the completion of the minimum period of probation that his/her probationary term has been satisfactorily completed.

There is some confusion as to what rights are afforded to employees with permanent status. The answer depends on the jurisdictional classification of the employee's current position. Please keep in mind the following: Pursuant to **Section 75 of Civil Service Law**, employees shall not be removed or otherwise subjected to any disciplinary penalty provided in the section except for incompetency or misconduct shown after a hearing upon stated charges. This right is afforded to employees holding (1) a position by permanent appointment in the competitive class or (2) a position in the non-competitive class (other than one designated as policy influencing) who have completed five years of continuous service. Employees holding a position in the labor or exempt class are not afforded Section 75 rights. There are certain exceptions to this law for honorably discharged wartime veterans and exempt volunteer firefighters (see Section 75.1(b)). Furthermore, a union contract may contain language regarding additional rights afforded to employees with permanent status.

As you might expect, changes are in the offing within the County and this may involve an increased workload on our part. We are determined to serve all the jurisdictions as we have, but your patience and understanding may be required.

In this issue, we have tried to expand on the meaning of certain Civil Service phrases that are occasionally misunderstood. We aim to provide a clear understanding of when to apply certain aspects of Civil Service Law, and more importantly, when not to.

The end of conflicts in the Middle East means men and women in the armed service will be returning to our communities. Veterans are given certain privileges under New York State Civil Service Law and we want to make sure veteran employees and exam applicants are made aware of these benefits. To that end, we have asked all appointing authorities to inform us of veterans currently in their employ or to be appointed. We have updated our records to identify all veteran exam applicants and County appointees from 2007 to the present.

Thank you for your cooperation in maintaining MERIT (the public roster) and the ongoing payroll certification process. The months ahead may be difficult due to the 2% property tax cap and its related effects. I am confident that what we have achieved thus far will make the challenges that lay ahead less of a burden.

Best regards,
Michael J. Cummings

