



## Civil Service Enforcement/ Research Department

**FROM:** PEF Civil Service Enforcement/Research Department

**DATE:** September 12, 2019

**RE:** *Solicitation & Submission of Comments re: Tentative Classification Standards and Jurisdictional Requests – Information*

In our discussions with PEF leadership, members, and field representatives, a recurring issue has been confusion surrounding the solicitation and submission of comments for: Tentative Classification Standards (“TCS”) and Jurisdictional Classification (“JC”) requests.

In response, CSE/R has revised the memoranda that will be sent out with the reviews, designed to clarify the purpose and process of comment solicitation facilitated by CSE/R. The information below has been distilled from those memos. As you will see, the processes of TCS and JC comment solicitation, submission (content & format), and review are set forth by the New York State Department of Civil Service.

Please review and familiarize yourself with the attached information. Members have expressed the import of understanding the process and context for these comment periods. We hope this information provides an understanding of the comment solicitation and submission process.

## **TENTATIVE CLASSIFICATION STANDARDS.**

The Division of Classification & Compensation shares tentative title classification information with PEF through CSE/R mainly as a courtesy. The purpose of distribution is largely informational, and C&C is not in any way required to incorporate, or respond, to comments or revisions submitted by PEF.

Please read the information below to better understand the basis for this notification of Tentative Classification Standard, and the directions for the solicitation and submission of member responses. PEF will not submit comments on this Tentative Classification Standard to the Division of Classification & Compensation unless we receive input from our members, or from their PEF representatives.

### **Background:**

PEF's Civil Service/Enforcement Research Department (CSE/R) routinely receives notification from the Department of Civil Service's Division of Classification & Compensation, informing PEF of the establishment of new classification standards, or the revision of existing standards.

A Classification Standard is an official document that provides detailed collective information describing a class of positions. **They are descriptive, not restrictive**; their purpose being to portray, for each class of positions, the duties and responsibilities which, if present in an individual position, will cause the position to fall in that class. Classification Standards are used for recruitment, selection and training of employees, the assignment of positions to negotiating units, performance evaluations, and the resolution of out-of-title work grievances.

### **Solicitation & Submission of Comments:**

CSE/R facilitates the solicitation process designed by the Division of Classification & Compensation.

Upon receiving the request for comment, CSE/R administrative assistant, Nina McCauliffe, circulates the announcement and corresponding attachments to Executive Board Members, Council Leaders, L/M Chairs, and Field Representatives for the agency (or agencies) affected. It is the responsibility of these PEF leaders to circulate the announcement to their members who serve in these titles.

Please see below for guidelines on the acceptable submission content and format.

1. Members submitting comments should be commenting on the classification standards as they are written. Comments should be brief and germane to the tentative classification standard as is, without extensive edits. Because the standards are descriptive, and not restrictive, all the duties and responsibilities of a given title cannot be covered. Rewritten standards will be discarded.
2. **Specific suggestions must follow the comment formatting required by the Division of Classification and Compensation. The Division of Classification and Compensation requires that revisions must be made by showing:**
  - a. deletions in parenthesis ( );
  - b. additions by underscoring \_\_\_\_

3. Members may either submit comments using this technique a) via Word Document, or b) handwriting any changes on the enclosed specifications and scanning them to CSE/R. **CSE/R will not accept changes submitted in track changes format, or list form in the body of an e-mail.** The formatting requirements are necessary for C&C to accept the revisions, and for our department to understand what revisions individuals have made so that we can draft a summary of member comments.
4. CSE/R staff drafts a letter summarizing member comments with an attachment of the additions/deletions. The Division of Classification & Compensation will consider all submitted comments from the parties solicited, and will publish the standards. Solicitation by C&C does not guarantee that these comments are included by, or responded to, by the Division of Classification & Compensation.

## **JURISDICTIONAL CLASSIFICATION REQUESTS**

Please read the information below to better understand the basis for a “JC Request,” and the directions for the solicitation and submission of member responses.

The PEF Civil Service Enforcement/Research Department routinely receives Jurisdictional Classification Requests (“JC Requests”) from the Civil Service Commission (CSC), concerning exempt and/or non-competitive classification as requested by an agency. The CSC considers PEF’s submitted comments when the agenda item is before them at their monthly meeting. While the CSC considers our submission, they are not required to incorporate, or respond, to our comments.

### **Background:**

Article V, Section 6 of the New York State Constitution states, in part: Appointments and promotions in the civil service of the State and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive.

By law, classified service positions are in the competitive jurisdictional class, unless the Commission acts to approve placement outside of the competitive class. Agencies may request the Commission to place existing jobs, or create new job titles, within the exempt, non-competitive or labor classes. Positions in these three jurisdictional classes can be filled outside of the normal competitive examination process.

Agencies must petition the Commission to have positions removed from the competitive jurisdictional class. The agencies are required to provide descriptions of the duties for each job and state their justifications for removing the positions from the competitive class. The Commission obtains supporting materials and analyses from the Department of Civil Service's Division of Staffing Services and Division of Classification and Compensation.

For your convenience, the following is an explanation of jurisdictional classifications:

**Competitive class:** The jurisdictional class comprised of positions for which it is practicable to determine the merit and fitness of applicants by competitive examination. A new position is in the competitive class unless the Civil Service Commission places it in a different class. The majority of PEF jobs are in this category.

**Non-Competitive class:** This jurisdictional class is comprised of positions for which it is not practicable to conduct examinations on a competitive basis; an agency may appoint any person who meets the minimum qualification of training and experience. The second largest grouping of PEF jobs is in this category.

**Exempt class:** The jurisdictional class comprised of positions for which it is deemed impracticable to fill by tests of any kind. No minimum training and experience requirements are established for exempt positions. This grouping is very small and defined specifically by statute.

### **Solicitation & Submission of Comments:**

Please share copies of the request with impacted PEF members for their comments and recommendations.

**Recommendations and comments should be brief and germane to the request as it is written.** Possible recommendations could vary from “no action by PEF necessary” to “object because this position is similar to other competitive class positions.” In your comments, please include: 1) if a position has

traditionally been in the competitive class, and 2) if the position is similar to other competitive class positions, please list the title(s) and/or duties that are similar.

Once received, we will include the comments in our review for possible objection to the Civil Service Commission.