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The Department of Citywide Administrative Services

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 »Search**PERSONNEL RULES AND REGULATIONS OF THE CITY OF NEW YORK ~ RULE 1****RULE 1 - DEFINITIONS**

**Agency:** Agency is any department, administration, board, body or authority possessing separate and independent powers and functions and recognized as such by the department of citywide administrative services.

**Agency Head:** Agency head is the head of an agency.

**Announcement:** Announcement is the official notice of examination.

**Appointing Officer:** Appointing officer is the officer, commission, board, body or authority having the power of appointment to subordinate positions.

**Certifying Agency:** Certifying agency is an agency which administers and certifies eligible lists for classes of positions unique to such agency.

**Civil Service of New York City or Civil Service:** Civil Service of New York City or Civil Service includes all offices and positions in the definitions hereinafter set forth of "classified service" and "unclassified service."

**Class of Positions:** Class of positions means a group of positions substantially similar with respect to duties, responsibilities, qualifications and examination requirements to the extent that the same title may be used to designate such positions and the same salary grade may be equally applied thereto.

**Classified Service:** Classified service means all offices or positions in the civil service of New York City, classified under one of the four jurisdictional classes: exempt; competitive; non-competitive; labor; including such offices and positions in the New York City housing authority, triborough bridge and tunnel authority, New York City transit authority, New York City board of education and the offices of all district attorneys and all public administrators within the City of New York.

**Commission:** Commission means the New York City civil service commission.

**Commissioner of Citywide Administrative Services:** The Commissioner of Citywide Administrative Services is the head of the New York City department of citywide administrative services.

**Compensation:** Compensation is the annual salary attaching to a position or its equivalent if stated by the day, week, month, hour or other unit. Maintenance in the form of board and lodging or its monetary equivalent as duly fixed may also be included therein.

**Day:** Day is each day of the week; provided, however, if the last day for completing action on any matter is a Saturday, Sunday or holiday, it shall be the next business day.

**The Department of Citywide Administrative Services:** The Department of Citywide Administrative Services is the department established by chapter thirty-five of the New York City charter.

**Examination:** Examination is the process by which the department of citywide administrative services or other examining agency ascertains the fitness of candidates for entrance into the classified service or promotion therein.

**Examining Agency:** Examining agency is an agency which schedules and conducts non-written promotion examinations for positions in that agency.

**Grade or Salary Grade:** Grade or salary grade is the order or standing of a position with reference to the full-time annual compensation attaching to it or, if compensation be paid on other than a full-time per annum rate, then the equivalent of such rate as determined by the commissioner of citywide administrative services.

**Jurisdictional Classification:** Jurisdictional classification is the assignment of positions in the classified service to the exempt, non-competitive, labor or competitive classes.

**Period of Service:** In computing the length of a period of service in order to attain a prescribed eligibility requirement, whenever the first working day is immediately preceded by a Saturday, Sunday or public holiday, or a combination thereof, such "period of service" shall be deemed to commence on the day following the last work day preceding the Saturday, Sunday or public holiday, or combination thereof.

**Position:** Position means a particular office or employment in the civil service.

**Position Classification:** Position classification is a grouping together under common or descriptive titles of positions that are substantially similar in the essential character and scope of their duties and responsibilities and in the qualification requirements thereof.

**Position Reclassification:** Position reclassification is the reassignment of a position or positions from one class of positions to a different class of positions.

**Publish:** The term "publish" means making a public announcement by advising the public or making known of something to the public or bringing before the public either by posting publicly and conspicuously in the office of the department of citywide administrative services or other appropriate agency or printing or causing to be printed and to issue from a newspaper, or such other distribution or circulation as the commissioner of citywide administrative services deems appropriate.

**Regulation:** Regulation is a resolution of the commissioner of citywide administrative services setting forth policy or procedures for the effectuation of the provisions of the civil service law of the State of New York and the rules of the commissioner of citywide administrative services, which shall not be inconsistent with or supersede the civil service law or the rules.

**Salary Grade Allocation:** Salary grade allocation is the assignment of a class of positions to one of the salary grades set forth in the classification rules.

**Salary Grade Reallocation:** Salary grade reallocation is the reassignment of a class of positions from one salary grade to another salary grade.

**Service Rating, Performance Rating, or Performance Evaluation:** Service rating, performance rating, or performance evaluation means a rating or evaluation of an employee for performance in a position as defined in the rules or regulations of the commissioner of citywide administrative services.

**Subject:** Subject is a subdivision of a test.

**Terminal Date:** If the "terminal date" of a prescribed period in which to accomplish an act of duty occurs on a Saturday, Sunday or public holiday, or a combination thereof, such date shall be deemed to be the first working day following thereupon.

**Test:** Test is a major subdivision of an examination.


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## PERSONNEL RULES AND REGULATIONS OF THE CITY OF NEW YORK ~ RULE 2

### RULE II - APPLICABILITY AND ADMINISTRATION

#### SECTION I--PERSONNEL ADMINISTRATION

**2.1.** (a) The commissioner of citywide administrative services shall have the power to promulgate rules and regulations relating to the personnel policies, programs and activities of city government in furtherance of and consistent with state civil service law and chapter 35 of the New York City charter.

(b) The commissioner of citywide administrative services shall have all the powers and duties of a municipal civil service commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by chapter 35 of the New York City charter assigned to the mayor, the city civil service commission or the heads of agencies.

(c) The heads of agencies shall have the powers and duties of personnel management as provided for in chapter 35 of the New York City charter.

#### SECTION II--RULES

**2.2.** These rules shall have the force and effect of law.

#### SECTION III--REGULATIONS

**2.3.** The commissioner of citywide administrative services shall have power to adopt suitable regulations to carry out the provisions of the civil service law, the New York City charter and the rules.

#### SECTION IV--GENERAL ADMINISTRATION AND ENFORCEMENT

**2.4.** (a) The commissioner of citywide administrative services shall have the authority and responsibility in the administration and enforcement of the rules and regulations prescribed thereunder and shall possess the powers and duties assigned to the commissioner of citywide administrative services pursuant to the provisions of chapter 35 of the New York City charter.

(b) The commissioner of citywide administrative services shall prescribe directives and orders for the instruction of the staff of the department of citywide administrative services and for the execution of the rules and regulations and wherever practicable, shall prescribe forms for all applications, certifications, reports, records and returns required thereunder.

#### SECTION V--APPLICABILITY

**2.5.** These rules shall apply to all offices and positions in the classified service of the city including offices and positions in the New York City housing authority, New York City transit authority, triborough bridge and tunnel authority, New York City board of education, and the offices of all district attorneys and all public administrators within the City of New York.

**SECTION VI--RULE CHANGES; CALENDAR**

**2.6.** (a) No proposed amendment, modification or addition to the rules shall be acted upon until public notice thereof shall be given in a designated newspaper for not less than three days prior to a public hearing thereon. Such notice shall set forth the proposal; but notice and public hearing shall not be necessary where the purpose of the proposed amendment, modification or addition is to conform with a change in a statute.

(b) Certified copies of all duly adopted amendments, modifications or changes of rules shall be transmitted to the offices of the secretary of state, the corporation counsel, the city clerk and to said designated newspaper for publication. Certified copies of all duly adopted regulations shall be transmitted to all of the foregoing except the office of the secretary of state.

(c) The commissioner of citywide administrative services shall cause to be published in said designated newspaper, as the commissioner of citywide administrative services may determine, those minutes of general interest or broad application appearing as items in the calendar. Copies of the entire calendar shall be maintained for public inspection at the office of the department of citywide administrative services.

(d) If one year after the date of the public hearing held to consider approval of a change of a rule of the commissioner of citywide administrative services (as provided for by section 20 of the New York State civil service law) either the commissioner of citywide administrative services or the mayor of the City of New York or the state civil service commission has not acted upon the matter, the resolution shall automatically be deemed withdrawn unless the period of consideration is extended by an official action of the commissioner of citywide administrative services.

**SECTION VII--NON-DISCRIMINATION; EQUAL OPPORTUNITY**

**2.7.** There shall be no unlawful discrimination in city employment on the basis of race, sex, age, religion, national origin or disability, and equal opportunity in employment shall be ensured and promoted in the administration of personnel.

**SECTION VIII--CONTINUITY AND PRESERVATION**

**2.8.** Any resolutions, equivalency tables, terminal dates, restrictions, terms and conditions, and regulations in connection with the rules of classification in force and effect immediately prior to the effective date of these rules, shall continue to be in force and effect to the extent theretofore provided under the provisions of these rules, unless otherwise provided herein.

**RULE I - DEFINITIONS****RULE II - APPLICABILITY AND ADMINISTRATION****RULE III - JURISDICTIONAL CLASSIFICATION****RULE IV - EXAMINATION PROCEDURES, VETERANS PREFERENCE, ELIGIBLE LIST AND CERTIFICATIONS****RULE V - APPOINTMENTS AND PROMOTIONS****RULE VI - PERSONNEL CHANGES****RULE VII - GENERAL PERSONNEL ADMINISTRATION****RULE VIII - APPEALS****RULE IX - AUDITS AND INVESTIGATION****RULE X - CLASSIFICATION OF POSITIONS NOT INCLUDED IN THE CAREER AND SALARY PLAN OR IN THE NEW YORK CITY HOUSING AUTHORITY CLASSIFICATION PLAN****RULE XI - CLASSIFICATION AND COMPENSATION OF CAREER AND SALARY PLAN POSITIONS****RULE XII - CLASSIFICATION OF POSITIONS IN THE NEW YORK CITY HOUSING AUTHORITY CLASSIFIED PURSUANT TO AND SUBJECT TO RULE XI PRIOR TO JULY 1, 1958.**

## PROBATIONARY PERIOD

### 1. Appointments from Open Competitive Lists

All employees appointed from open competitive lists, must serve a one-year probationary period. The probationary period on appointment from an open competitive list cannot be waived. However, credit for prior provisional service for employees in titles covered by the citywide agreement will be granted in accordance with PSB No. 200-11.

### 2. Appointments from Promotion Lists

The probationary period begins on the date the employee reports for work in the title after appointment from the list. However, the promotion probationary period may be waived by the agency at the time of promotion, or the balance may be waived at any time during the probationary period.

Prior continuous provisional or temporary service within a title and particular job assignment served immediately prior to a permanent promotion or appointment to the same title and particular job assignment within the same agency shall be credited toward the probationary period for that title as follows:

- A. If immediately prior to a permanent promotion to a title, a permanent employee has served in that promotional title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period which is less than the probationary period for that title, the promotee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the promotion, but in no case shall such probationary period be reduced by more than nine months; or
- B. If immediately prior to permanent appointment to a title, an employee has served in that title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period for that title, the employee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the appointment, but in no case shall such probationary period be reduced by more than nine months.

This policy applies to employees who are appointed or promoted directly by the agency in which they are serving on a provisional or temporary basis. This policy also applies to employees who are appointed or promoted by one agency and have their permanent titles transferred to the agency in which they are serving on a provisional or temporary basis.

Nothing herein prohibits the agency head from extending the probationary period of employees whose probationary periods are shortened pursuant to paragraphs A or B above.

### 3. Procedure

If an employee is appointed or promoted to a title in which one of the above conditions applies, the department of citywide administrative services (DCAS) will consider all such prior continuous provisional or temporary services as the same job assignment to which the employee is being promoted or appointed unless the personnel director of the agency where the employee will be working notifies the control and service division to the contrary in writing.

### JURISDICTIONAL CLASSIFICATION

**The Exempt Class** - The exempt class shall include all offices and positions in the classified service enumerated in section forty-one of the civil service law and all other subordinate offices or positions for the filling of which competitive or non-competitive examinations shall be found by the commissioner of citywide administrative services to be not practicable.

**The Non-Competitive Class** - The non-competitive class shall include all positions that are not in the exempt or labor class and for which it is found by the commissioner of citywide administrative services not to be practicable to ascertain the merit and fitness of applicants by competitive examination

**The Labor Class** - (a) The labor class shall comprise all unskilled laborers in the classified service as are not classified in the competitive or non-competitive class. (b) The commissioner of citywide administrative services shall prescribe the requirements and tests to be held for positions in the labor class.

**The Competitive Class** - The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination and shall include all positions now existing or hereafter created, of whatever functions, designations, or compensation, except such positions as are in the exempt class, the non-competitive or the labor class.

## **REASSIGNMENT**

### **Reassignment or Demotion to a Non-Managerial Title**

A manager who is reassigned to a non-managerial title due to reasons other than incompetence or misconduct will receive the Minimum Entitlement.

#### **Definition of Minimum Entitlement**

Minimum Entitlement is defined as the lowest salary to which employee is entitled if he/she is reassigned either for reasons other than incompetence or misconduct out of the Pay Plan for Management Employees (PPME) or into a lower level within the PPME. This salary will include all pensionable adjustments (including all merit adjustments received while serving as a manager) an employee would have received had he/she remained in the lower title or assignment level, plus any additional amount required to ensure that he/she loses no more than 20% of his/her current managerial salary. However, if the minimum entitlement salary of a manager who is reassigned out of the PPME results in a salary that exceeds the maximum salary rate of the non-managerial position, he/she will receive the maximum salary of the new position.

## **REINSTATEMENTS**

### **General Provisions**

(a) An employee who has completed a probationary term in a permanent position in the competitive or labor class, and who has resigned or retired therefrom may be reinstated with the approval of the commissioner of citywide administrative services to:

- (1) the position from which the employee has resigned or retired, if vacant, or to any similar vacant position in the agency in which the employee was employed; or
- (2) to a position in another agency to which the employee would have been eligible for transfer.

(b) Such reinstatement may be made only if the separation from employment was without fault or delinquency on the employee's part and the head of the agency to whom the employee has applied for such reinstatement is willing to reinstate the employee.

### **General Conditions**

(a) Such reinstatement shall be subject to the provisions of this section and shall be made without further examination except that the employee reinstated under this section may be subject to such probationary period, investigation, medical or other qualifying tests or requirements as the commissioner of citywide administrative services shall determine.

(b) The head of the agency wherein such reinstatement occurs may elect to waive the requirement of satisfactory completion of the probationary term at any time during such term.

### **Period of Eligibility for Reinstatement**

(a) Such reinstatement must be accomplished within a period of time equivalent to the time the employee has actually served in the civil service of New York City, but in no event shall such period for reinstatement be less than one year nor more than four years from the date of resignation or retirement provided, however, that:

- (1) the commissioner of citywide administrative services may fix a period equal to or twice the period actually served, but in no event less than one year nor more than four years within which an employee may be reinstated for designated classes of positions, where the commissioner of citywide administrative services determines that there is a lack of a sufficient number of qualified persons available for recruitment; and
- (2) the commissioner of citywide administrative services shall annually re-examine the reason for establishing such period for reinstatement and shall revoke the prior determination upon a finding that there is a sufficient number of qualified persons available for recruitment.

(b) In computing the aforementioned time limitation, any time subsequent to separation spent in active service in the armed forces of the United States or of the State of New York resulting in discharge under honorable conditions and any time spent subsequent to separation in another position in the civil service of the city shall not be considered.



(c) Notwithstanding the foregoing provisions of this paragraph, with respect to members of the uniformed forces of the police and fire departments, the uniformed force of the New York City transit authority police department, and the uniformed force of the police department of the New York City housing authority, such reinstatement must be applied for by the former employee within a period of one year from the date of resignation or retirement.

#### **Effect on Continuous Service**

Any such reinstatement effected more than one year after such separation shall not constitute continuous service.

#### **Reinstatement After Separation for Disability**

(a) Where an employee has been separated from the service by reason of a disability resulting from occupational injury or disease as defined in the worker's compensation law, such employee shall be entitled to a leave of absence for at least one year unless the disability is of such a nature as to permanently incapacitate the employee from the performance of the duties of the position.

(b) Such employee may, within one year after the termination of such disability, make application to the commissioner of citywide administrative services for a medical examination to be conducted by a medical examiner selected by the commissioner of citywide administrative services. If upon such examination, such examiner shall certify that such person is physically and mentally fit to perform the duties of the former position, such person shall be reinstated to it, if vacant, or to a vacancy in a similar or lower position in the same occupational field or to a vacant position for which such person was eligible for transfer.

(c) If no appropriate vacancy shall exist to which reinstatement may be made, or if the work load does not warrant the filling of such vacancy, the name of such person shall be placed upon a preferred list for the person's former or similar position, and such person shall be eligible for reinstatement therefrom for a period of four years from the date of medical and physical qualification. In the event that such person is reinstated to a position in a lower grade, the person's name shall likewise be placed on a preferred list.

(d) This paragraph shall not be deemed to modify or supersede any other provisions of law applicable to the re-employment of persons retired from the public service on account of disability.

## **Reinstatement of Dismissed Employee**

(a) An agency under the jurisdiction of the commissioner of citywide administrative services, upon written application for reinstatement by a person who was dismissed from a permanent competitive or labor class position in such agency, which sets forth the reasons for requesting an opportunity of making a further explanation, may consider such application.

(b) If the agency shall determine that such application and explanation are meritorious, it may, in its discretion and with the approval of the commissioner of citywide administrative services, reinstate such person; provided however, that:

(1) such person shall be eligible for reinstatement for a period of one year only from the date of dismissal; and

2) such person shall execute a prescribed waiver, in writing, with respect to claims for back pay, civil service rights and status for the period of the dismissal.

## **Other City Service**

A permanent competitive class employee, separated from a position by appointment or promotion to another position in the unclassified or classified service of the city and who has served continuously therein, shall be eligible for reinstatement to the competitive class position formerly held by the employee or to another similar position or lower position in the same or similar occupation group or service.