

RULE REVIEW

Department of Civil Service

Five Year Review of Existing Regulations (Amended)

Pursuant to section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided of rules adopted by the New York State Civil Service Commission and the President of the New York State Civil Service Commission for the calendar years 1998, 2003 and 2008.

Contained below is a brief description of each rule, including the statutory authority therefor; a statement setting forth the justification for the ongoing need for each rule; the Department's recommendations for continuation, and/or describing the prior repeal of such rule. Following expiration of the forty-five (45) day public comment period, the Department will publish a summary and analysis of any comments received and a statement setting forth whether any rule described herein shall be modified as a result of such public comments.

1998

Amendments to Part 4 of Title 4 of NYCRR (Appointment and Probation)

Statutory Authority: Civil Service Law sections 6 and 63

Description of the Regulations:

Resolutions refined and clarified the administration of probation for non-competitive class employees and modified the probationary term for positions in the classified service title of "Highway Maintenance Worker 2."

Proposed Action: These regulations have functioned consistent with the purposes underlying their adoption and the Department recommends continuation without further modification.

Amendment to Part 5 of Title 4 of NYCRR (Personnel Changes)

Statutory Authority: Civil Service Law sections 6 and 79

Description of the Regulation:

This resolution added a new section 5.10 to 4 NYCRR regarding establishment of redeployment lists for classified service employees serving in positions designated managerial or confidential (m/c).

Upon the Commission's receipt of approval from the Director of the Budget, Section 5.10 of Title 4 of NYCRR implemented section 79 of the Civil Service Law providing for the establishment of redeployment lists for State employees serving in positions designated managerial or confidential (m/c).

Proposed Action: This regulation has functioned consistent with the purposes underlying its adoption and parallels agreements negotiated between the State and represented employees. This regulation may not be unilaterally amended by the Civil Service Commission.

Amendments to Parts 21 and 28 of Title 4 of NYCRR (Attendance Rules for Employees in New York State Departments and Institutions)

Statutory Authority: Civil Service Law section 6

Description of the Regulations:

A resolution amended sections 21.3 (f), 21.4(b), 21.4(c), 28-1.3(f), 28-1.4(b), 28-2.1(g), 28-2.2(a), 28-2.2(b) and 28-2.2(c) of 4 NYCRR

to enable New York State departments and institutions to authorize eligible employees, as defined for purposes of these regulations, to use and/or be advanced sick leave to obtain and train a guide dog or service animal. Another resolution enabled qualifying employees, serving in positions designated managerial or confidential, to receive donated leave credits.

Proposed Action: These regulations have functioned consistent with the purposes underlying their adoption and the Department recommends continuation without further modification.

2003

Amendments to Parts 21 and 28 of Title 4 of NYCRR (Attendance Rules for Employees in New York State Departments and Institutions)

Statutory Authority: Civil Service Law, section 6; provisions relating to leave for non-Managerial/Confidential employees upon the request of the Director of the Governor's Office of Employee Relations to conform such Rules to Memoranda of Understanding executed with the employee unions.

Description of the Regulations:

4 NYCRR Section 21.15 (for non-Managerial/Confidential Employees) and Section 28-1.17 (for Managerial/Confidential Employees) were amended following the events of September 11, 2001 to provide for the continued availability of a single, supplemental grant of military leave with pay; military leave at reduced pay; and separate grants of training leave at reduced pay during calendar years 2003 and 2004 for NYS employees ordered to perform military duty in the service of the United States or New York State.

Action: These rules have expired and have been superseded by new State regulations providing for the continued availability of the benefits described therein. No further action is necessary.

Amendment to Part 75 of Title 4 NYCRR (Managerial/Confidential Group Term Life Insurance Plan)

Statutory Authority: Section 158(1) of the Civil Service Law

Description of the Regulations:

This rule replaced paragraph (2) of subdivision (e) of section 75.1 and added a new paragraph (3) to such subdivision to permit employees who leave public service after vesting in a retirement plan or system administered by the State of New York or a civil division thereof, and who defer receipt of their pension benefits, to continue their group term life insurance coverage.

Proposed Action: These regulations have functioned consistent with the purposes underlying their adoption and the Department recommends continuation without further modification.

Amendment to Part 82 of Title 4 NYCRR (Disclosure of Medical Records)

Statutory Authority: Section 94(2)(c) of the Public Officers Law (Personal Privacy Protection Law)

Description of the Regulations:

This rule replaced paragraph (1) of subdivision (a) of section 82.3 and amended subdivision (b) of section 82.3 in order to provide for

the authorized release of subject medical records upon the request of the data subject in conformance with the Personal Privacy Protection Law.

Proposed Action: These regulations have functioned consistent with the purposes underlying their adoption and the Department recommends continuation without further modification.

2008

Amendments to Section 78.9 of the Regulations of the Department of Civil Service (President's Regulations)

Statutory Authority: Section 159-a of the Civil Service Law

Description of the Regulations:

This regulation authorizes the Department of Civil Service to maintain the listing of special enrollees in the IPP. The previous, obsolete list of enrollees contained in Appendix 5 of 4 NYCRR was repealed.

Proposed Action: These regulations have functioned consistent with the purposes underlying their adoption and the Department recommends continuation without further modification.

Amendments to Parts 21 and 28 of Title 4 of NYCRR (Attendance Rules for Employees in New York State Departments and Institutions)

Statutory Authority: Civil Service Law, section 6; provisions relating to leave for non-Managerial/Confidential employees upon the request of the Director of the Governor's Office of Employee Relations to conform such Rules to Memoranda of Understanding executed with the employee unions.

Description of the Regulations: These regulations continued the availability of supplemental military leave benefits for eligible employees through December 31, 2008.

Action: Expired; superseded by subsequent resolutions.

Various amendments to the Appendices to the Rules for the Classified Service (1998, 2003 and 2008)

Appendix 1 (Exempt Class)

Appendix 2 (Non-Competitive Class)

Statutory Authority:

Appendix 1: Civil Service Law, sections 6 and 41; 4 NYCRR 2.1

Appendix 2: Civil Service Law, sections 6 and 42; 4 NYCRR 2.2

Description of the regulations:

Civil Service Commission rules relating to the jurisdictional classification of positions were specifically exempted from review by the former Governor's Office for Regulatory Reform upon a finding that review of such rules lacked substantial benefit. Based upon this determination, and pursuant to SAPA section 207, subdivision 5, a recitation of amendments to Appendices 1 and 2 to Title 4 of NYCRR adopted during calendar years 1998, 2003 and 2008 is hereby omitted.

There will be a forty-five (45) day public comment period following publication of this notice. Requests for information and public comments regarding the foregoing may be directed to: Ilene A. Lees, Counsel, Department of Civil Service, Albany, NY 12239, (518) 473-2624, e-mail: pio@cs.state.ny.us