

RULE REVIEW

Department of Civil Service

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 President of the Commission during calendar years 2001, 2006 and 2011.

Contained herein is a brief description of each rule, including the statutory authority therefor, and a statement setting forth the justification for the ongoing need for each rule and its proposed continuation without further modification.

Rules Adopted in Calendar Year 2001

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

Statutory Authority: Civil Service Law section 64(4)

Description of the Rule: The rule repealed prior sections 4.11 and 4.12 and added a new section 4.11.

The rule describes the rights and limitations of “contingent permanent” appointments to positions in the competitive, non-competitive and labor classes.

Proposed Action: The rule has functioned consistent with the purposes underlying its adoption and shall be continued without modification.

Amendments to Chapter II 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 Rules: The rules amended sections 28-1.3(b), 28-2.1(c) and 28-3.7(a) and (c) upon the request of the Governor’s Office of Employee Relations (GOER) to provide that qualified managerial/confidential employees may utilize up to 200 days of accrued sick leave credits to pay for health insurance premiums during retirement.

The amendments to sections 28-3.7(a) and (c) provide that the rules governing donations of leave credits for managerial/confidential employees shall be consistent with such leave donation policies granted represented employees through collective bargaining agreements.

Proposed Action: The rule has functioned consistent with the purposes underlying its adoption and shall be continued without modification.

Rules Adopted in Calendar Year 2006

Amendment to Chapter I of Title 4 of NYCRR (Rules for the Classified Service)

Statutory Authority: Civil Service Law section 63

Description of the Rule: The rule revised section 4.5 to provide for probationary terms for positions of University Police Officer 1 and University Police Officer 1 (Spanish Language) of not less than 52 nor more than 78 weeks.

Proposed Action: The rule has functioned consistent with the purposes underlying its adoption and shall be continued without modification.

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President’s regulations])

Statutory Authority: Public Officers Law sections 87, 89

Description of the Rule: Public Officers Law Article 6 (Freedom of Information Law; “FOIL”) requires subject agencies to adopt regulations regarding public access to records. In accordance with FOIL, the regulation specifies how requests shall be acknowledged and addresses when the Department is unable to grant or deny a request for records within the initial twenty-day period from when the request is received.

Proposed Action: The rule is required by the Public Officers Law and shall be continued without modification.

Rules Adopted in Calendar Year 2011

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President’s regulations])

Statutory Authority: Civil Service Law sections 80, 80-a

Description of the Rule: The rule amended section 72.1 to designate units for suspension, demotion or displacement for employees in the Agency Law Enforcement Services bargaining unit of the Department of Environmental Conservation.

Proposed Action: This rule is consistent with the operative collective bargaining agreement for subject employees and shall be continued without modification.

Amendment to Chapter V of the Title 4 of NYCRR (Regulations of the Department of Civil Service [President’s regulations])

Statutory Authority: Civil Service Law section 164

Description of the Rule: This rule amended section 73.2(e) to clarify that the President of State Civil Service Commission, as head of the State Department of Civil Service, may disqualify a dependent of a covered employee or retiree who has secured or attempted to secure participation in the health insurance plan or benefits under the plan authorized by Civil Service Law Art. 11 personally or for another by fraud, deception or a false statement of a material fact, or who has accepted benefits personally or for another knowing s/he was not entitled thereto.

Proposed Action: The rule has functioned consistent with the purposes underlying its adoption and shall be continued without modification.

Various amendments to the Appendices to the Rules for the Classified Service

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 Rules:

Civil Service Commission rules relating to the jurisdictional classification of positions were specifically exempted from compliance with Executive Order No. 20 review requirements upon a finding that such review lacked substantial benefit. Based upon this determination, and pursuant to subdivision (5) of SAPA section 207, a full recitation of amendments to Appendices 1 and 2 to Title 4 of NYCRR adopted

by the Civil Service Commission during calendar years and 2001,2006 and 2010 is hereby omitted.

Public Comments

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:* J. Marc Hannibal, Special Counsel, Department of Civil Service, Empire State Plaza, Albany, NY 12239, (518) 473-2624 or e-mail: marc.hannibal@cs.ny.gov