RULES OF THE CIVIL SERVICE COMMISSION OF THE CITY UNIVERSITY OF NEW YORK

PREAMBLE: The Civil Service Commission of The City University of New York hereby establishes the Rules under which applicants to that service and employees of that service may be assured that all actions affecting them in the administration of the CUNY Civil Service, under regulations and policies of the Board of Trustees of The City University of New York and the Vice Chancellor for Faculty and Staff Relations or a successor title, are consistent with the Civil Service Laws of the State of New York.

SECTION I: Responsibilities of the Commission: Jurisdictional Classification

1.1. Decisions of the CUNY Civil Service Commission pursuant to its powers to classify positions in the exempt, labor, or noncompetitive classes shall take effect when filed by the Vice Chancellor with the Secretary, approved by the Commission, approved by the New York State Civil Service Commission, and filed with the Secretary of State. Classification actions by the Commission shall be made only after a public hearing for which adequate public notice has been provided by law.

1.2. The Exempt Class

(a) Positions in the exempt class are those for which competitive or non-competitive examinations are found not to be practicable.

(b) Positions in the exempt class shall be listed in Appendix One (1) of these rules and made a part hereof.
1.3. The Non-Competitive Class

(a) Positions in the non-competitive class shall include all positions of the classified service that are not in the exempt class or the labor class and for which it is found by the Commission to be not practicable to ascertain the merit and fitness of applicants by competitive examination.

(b) Positions in the non-competitive class shall be listed in Appendix Two (2) of these Rules and made a part hereof. Positions in the non-competitive class which are confidential or require the performance of functions influencing policy shall be designated by the Commission in this Appendix.

1.4. The Labor Class

(a) The labor class shall include unskilled laborers.

(b) Positions in the labor class shall be listed in Appendix Three (3) of these rules and made a part hereof.

1.5. The Secretary of the Commission shall prescribe the form in which requests for jurisdictional classification shall be submitted to the Commission.
SECTION II: Responsibilities of the Commission: Civil Service Administration

2.1 Position Classification

Consistent with the Resolution of the Board of Trustees of The City University of New York, and in fulfillment of its statutory responsibility under Section 20 of the Civil Service Law, the CUNY Civil Service Commission hereby provides that the Vice Chancellor of the Office of Faculty and Staff Relations, or a successor title, shall administer the classification of positions in the classified civil service of The City University of New York, and shall maintain for review by the Commission the Classification and Pay Plan of The City University of New York and shall group positions by titles and include title specifications, salary rates, code numbers and classification and pay regulations and procedures.

2.2 Examinations, Appointments, Promotions, Transfers, Resignations and Reinstatements

Consistent with the Resolution of the Board of Trustees of The City University of New York, and in fulfillment of its statutory responsibility under Section 20 of the Civil Service Law, the CUNY Civil Service Commission hereby also provides that the Vice Chancellor of the Office of Faculty and Staff Relations, or a successor title, shall administer all Civil Service actions including but not limited to those enumerated above, subject to the Regulations that are incorporated by this Commission in its Rules and subject to such other implementing policies and procedures that may from time to time be established by the Vice Chancellor.
Transfers between civil service jurisdictions shall be permitted by this Commission when Reciprocal Rules have been provided for and adopted by the other jurisdiction. At the City University of New York such reciprocal rules shall be limited to positions in titles which have been designated by the Vice Chancellor as positions for which recruitment is difficult. The Vice Chancellor is authorized to enter into a reciprocal agreement to establish special terms, when desirable, for implementing this Rule.

SECTION III: Responsibilities of the Commission: Appeals

3.1. Procedures

Any one aggrieved by a determination made by the Vice Chancellor may appeal the determination to the Civil Service Commission, subject to the limitations established by the Board of Trustees. Such appeal shall be in writing. In addition to any requirements for filing an appeal with the Vice Chancellor as may be provided in collective bargaining agreements, the appellant must submit to the Secretary of the Commission within 30 days following the determination complained of a short statement of the determination complained of, with such evidence as the appellant wishes the Commission to consider and a statement of the relief sought. The Commission may waive the 30-day filing limitation. An aggrieved party may request a conference with the Commission during which he or she may present oral argument. If the request for a conference is approved, the conference will be scheduled and the appellant notified in writing. Appellants may appeal in person or may be represented by a person of his or her choice.

The commission will also review the record created at any lower level hearing. Except as otherwise provided by law, implementation of a decision of the Vice Chancellor or of a designated official shall not be stayed while an appeal is pending.
3.2. Hearing Officers

If the Commission directs that such appeals be heard by someone designated by the Commission, the hearing officer shall provide for a transcript of such proceedings and make findings of fact and recommendations to the Commission. The Commission shall make the final determination on the basis of the record made at such proceedings.

3.3. Records

The appellant shall be notified in writing of the Commission's decision.

SECTION IV: Secretary of the Commission

4.1. There shall be a position of Secretary to the Commission which shall provide assistance as the Commissioners may from time to time request. The Secretary shall report to the Commission on the operations of the CUNY Civil Service system, shall present information on matters pending before the Commission and shall prepare such documents as the Commission may from time to time require.

SECTION V: Adoption and Amendment of Rules

Rules and modifications of Rules shall be adopted only after a public hearing in accordance with §20 of the Civil Service Law. The Secretary of the Commission will provide adequate public notice, including a summary of the subject matter of any proposed rules or modifications of rules, except as provided by law.
SECTION VI: Regulations of the Vice Chancellor

Regulations of the Vice Chancellor for Faculty and Staff Relations, or a successor title, when filed with the Civil Service Commission shall be listed in Appendix Four (4) and made a part hereof.
No. 1 ESTABLISHING THE CUNY CIVIL SERVICE COMMISSION:

RESOLVED, That there is hereby established a municipal civil service commission, which shall be known as The City University of New York Civil Service Commission, which shall consist of three persons, not more than two of whom shall at any time adhere to the same political party, said Commission to be vested with the authority to perform all of the functions set forth herein and such other functions as may be specifically mandated by law;

AND BE IT FURTHER RESOLVED, That the members of the Commission shall be appointed by the Chancellor of The City University of New York, with the advice and consent of this Board, such that of the members first appointed, the term of one shall expire on May 31st of the first even numbered year following the date of appointment; the term of the second shall expire on May 31st of the second even numbered year following the date of appointment; and the term of the third shall expire on May 31st of the third even numbered year following the date of appointment; upon the expiration of each such terms, the term of office of each commissioner thereafter appointed shall be six years from the first day of June in the year which the term of his or her predecessor expired;

AND BE IT FURTHER RESOLVED, That the Chancellor shall designate one member of said Commission to serve at the pleasure of the Chancellor as its Chair. Decisions of the Commission shall be by majority vote. The Chair shall appoint a Secretary and such other staff as may be necessary for the performance of its duties and responsibilities;
AND BE IT FURTHER RESOLVED, That the duties of the Chair of the Commission shall include, but not be limited to, scheduling and convening regular and special sessions of the Commission; chairing sessions; providing the agenda for such sessions; issuing and signing all formal announcements; and coordinating the on-going work of the Commission with the Secretary to the Commission;

AND BE IT FURTHER RESOLVED, That the Commissioners and the Chair of the Commission shall receive no compensation for those duties except for the reimbursement of normal and reasonable expenses incurred by the said persons in carrying out their duties, such reimbursements to be governed by guidelines issued by the Chancellor;

AND BE IT FURTHER RESOLVED, That the Commission shall sit as a body in a regular session no less than once in every three months and shall keep true and accurate minutes of its meetings and proceedings, which shall be open to public inspection;

AND BE IT FURTHER RESOLVED, That the Commission shall be vested with the power to adopt and promulgate such Rules and Regulations as necessary. Such Rules shall be subject to the approval of the State Civil Service Commission and effective when filed with the Secretary of State. The Commission shall have all powers enumerated in Title B of Article II of the Civil Service Law.
AND BE IT FURTHER RESOLVED, That the Commission shall hear and determine complaints alleging violations of Laws or regulations including but not limited to Civil Service Law, the Rules and Regulations of the CUNY Civil Service Commission, grievances brought by employees who are not subject to collectively bargained agreements, and the Regulations of the Vice Chancellor for Faculty and Staff Relations, provided, however, that no such appeal shall be allowed (a) if the action or determination involved relates solely to matters of internal management of the Office of the Vice Chancellor, or (b) if the action or determination involved was considered and approved in advance by the Commission. Appeals to the Commission may be made subject to the Rules of the Commission and subject to administrative procedures found in the Regulations for matters of:

(1) position classification and reclassification
(2) the establishment and certification of eligible lists
(3) disqualification of candidates and appointees
(4) disciplinary actions pursuant to §75 of the Civil Service Law
(5) appointments to positions, promotions, transfers, resignations and reinstatements.

EXPLANATION: Section §6207 of the Education Law provides that The City University, for the purposes of administering the New York State Civil Service Law, shall be a municipal employer. The Board has determined that establishing a municipal civil service commission vested with certain powers would provide the most effective means of administering Civil Service Law with respect to employees of The City University of New York in the Classified Service.
At a public meeting of The City University of New York Civil Service Commission held on Tuesday, July 18, 1989 in Room 310 at 535 East 80 Street, New York, New York, the following resolution was approved and adopted:

WHEREAS; The City University of New York Civil Service Commission held a public meeting on July 18, 1989 pursuant to the provisions of Section 20 of the Civil Service Law on the Rules and Regulations for the classified service in The City University of New York:

NOW, THEREFORE, BE IT RESOLVED, that subject to the approval of the State Civil Service Commission, the Rules and Regulations of The City University of New York Civil Service Commission are unanimously adopted.

George H. Maginley
Commissioner - Chairman

Harry Karetzky
Commissioner

Iris Morales
Commissioner

Attest: Thomas P. Curley
Executive Secretary

Dated: July 18, 1989
New York, New York