

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held in the Clinton County Personnel Conference Room 2nd Floor of the Clinton County Government Center, 137 Margaret Street, Room 215, Plattsburgh, New York, on June 12, 2019 at 9:00 a.m. on the matters of amending the Civil Service Rules for Clinton County.

Copies of the proposed changes are available for inspection at the Department of Personnel link of the Clinton County Government website, clintoncountygov.com, or during normal business hours (8:00 am to 5:00 pm) in the Clinton County Department of Personnel, 2nd Floor of the Clinton County Government Center, 137 Margaret Street, Room 212, Plattsburgh, New York.

In compliance with the Americans with Disabilities Act, special accommodations, within reason and upon request at least forty-eight hours in advance of the meeting, will be provided to persons with disabilities.

Kim Kinblom, PHR
Personnel Director
Clinton County
518-565-4676

Proposed changes to the Appendices are as follows:

**PROPOSED AMENDMENTS TO THE
CIVIL SERVICE RULES FOR CLINTON COUNTY
APPENDICES CHANGES**

APPENDIX A

EXEMPT CLASS

COUNTY SERVICE

Add

Assistant Public Defender (5)
Chief Assistant Public Defender
Confidential Secretary to the Public Defender
Public Defender

TOWN SERVICE

Add

Deputy Highway Superintendent
(Town of Beekmantown)

Secretary to the Supervisor (Town of Peru,
Town of Black Brook excluded)

Delete:

Secretary to the Supervisor
(Town of Peru, Town of
Black Brook, Town of
Mooers excluded)

Secretary to the Town Board
(Town of Mooers)

APPENDIX A

EXEMPT CLASS

SPECIAL DISTRICT SERVICE

Add

Ellenburg Center-Fire District

Fire Chief-Fire District

Ellenburg Depot-Fire District

Fire Chief-Fire District

District 3-Fire District

Secretary – Fire District

Joint ACK-Fire District

Secretary – Fire District

Saranac-Fire District

Secretary – Fire District

South Plattsburgh – Fire District

Secretary/Deputy Treasurer – Fire District

Altona-Fire District

Secretary/Treasurer – Fire District

Beekmantown-Fire District

Secretary/Treasurer – Fire District

Champlain-Fire District

Secretary/Treasurer – Fire District

Chazy-Fire District

Secretary/Treasurer – Fire District

Cumberland Head-Fire District

Secretary/Treasurer – Fire District

Ellenburg Center-Fire District

Secretary/Treasurer – Fire District

Ellenburg Depot-Fire District

Secretary/Treasurer – Fire District

Morrisonville-Fire District

Secretary/Treasurer – Fire District

District 3-Fire District

Treasurer – Fire District

Joint ACK-Fire District

Treasurer – Fire District

Saranac-Fire District

Treasurer – Fire District

South Plattsburgh-Fire District

Treasurer – Fire District

APPENDIX B

NON-COMPETITIVE CLASS

COUNTY SERVICE

Add

Laborers (Airport)

APPENDIX B

NON-COMPETITIVE CLASS

SCHOOL DISTRICTS

Add

Offset Printing Machine Operators (Champlain Valley Educational Services)

SPECIAL DISTRICT SERVICE

Add

Ellenburg Center-Fire District

Emergency Vehicle Drivers – Fire District

Ellenburgh Depot – Fire District

Emergency Vehicle Drivers – Fire District

Joint ACK-Fire District

Firehouse Vehicle Caretakers – Fire District

Remove:

RULE 14 PROBATIONARY TERM

(Civil Service Law, Section 63)

1. Probationary term

a. Except as otherwise provided in these rules, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt, or labor class shall be for a probationary term of not less than eight (8) nor more than fifty-two (52) weeks.

b. The probationary term for a Trainee position, in which an appointee is required to serve a specified training term, shall be not less than twelve (12) nor more than fifty-two (52) weeks.

c. A permanent employee who is given an appointment within the promotional unit to a higher-level salaried title in the same jurisdictional class will have a probationary term for a period of twelve (12) weeks. The probationary term for promotional appointment to the positions of: Social Welfare Examiner, Senior Social Welfare Examiner, Principal Social Welfare Examiner; Caseworker, Senior Caseworker, Case Supervisor Grade B, and Child Support Specialist, Senior Child Support Specialist, and Coordinator of Child Support Enforcement shall not be more than fifty-two (52) weeks. Upon written notice of the appointing authority, the probationary term may be waived and the appointee given a permanent appointment.

d. The probationary term for every appointment to the positions of Police Officer and Deputy Sheriff shall not be less than eight (8) weeks nor more than seventy-eight (78) weeks.

e. If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of probation and on or before completion of the maximum period of probation in the manner as prescribed in these rules.

2. Transfers

a. Transfers to Positions in the Same Civil Division

Every transfer from a position to another in the same civil division shall require a probationary term of not less than eight (8) weeks nor more than twenty-six (26) weeks. The position vacated by him/her shall not be filled, except on a temporary or contingent-permanent basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election.

If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the eight (8) weeks of probation, and on or before, completion of twenty-six (26) weeks of probation. He/she shall then be restored to his/her former permanent title.

b. Transfers to Positions Under Different Appointing Authorities in Different Civil Divisions

Every transfer from a position in one civil division to a position in another civil division shall require a probationary term of not less than eight (8) weeks nor more than twenty-six (26) weeks. If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the eight (8) weeks of probation, and on or before completion of twenty-six (26) weeks of probation.

The Director shall advise the prospective transferee in writing prior to approval of the transfer that an eight (8) to twenty-six (26) week probationary term is required and must be successfully completed to obtain permanent status in the position to which transfer is sought. The prospective transferee shall be advised it is his/her responsibility to request a leave of absence from the releasing agency. Unless the prospective transferee obtains a leave of absence, the releasing agency is not required to hold a position to return to should the probationary period not be successfully completed.

c. Waiver of Probationary Period for Transfers

The appointing authority having jurisdiction over the position to which transfer is sought, may elect to waive the probationary term in 2a or 2b of this rule by written notification to the transferee and the Director.

3. Restoration to permanent position

a. Restoration for employees other than Police Officer/Deputy Sheriff Supervisors

When a permanent employee is appointed in the same promotional unit to a higher-level salaried position in which he/she is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary or contingent-permanent basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election.

If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the minimum period of probation, and on or before the completion of the maximum period of probation. He/she shall then be restored to his/her former permanent title.

b. Restoration for Police Officer/Deputy Sheriff Supervisors

Notwithstanding any other provisions of these rules, the promotion of a police officer or deputy sheriff shall not become permanent unless and until he/she has satisfied such requirements as may be applicable to him/her under Section 209-q of the General Municipal Law. If a police officer or deputy sheriff is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section 209-q of the General Municipal Law, he/she shall be deemed to be on leave of absence from the lower-rank position from which he/she was promoted pending completion of such training. During such period, such lower-rank position may not be filled except on a temporary or contingent-permanent basis. In the event of his/her failure to complete such training successfully within the time allowed therefore, he/she shall be restored to such lower-rank position.

4. Absence during probationary term

Any periods of authorized or unauthorized absence totaling up to ten (10) working days during the probationary term, may, in the discretion of the appointing authority, be counted as time served in the probationary term. Any such periods of absence in excess of ten (10) work days shall not be counted as time served in the probationary term. The minimum and maximum periods of the probationary term of any employee shall be extended by the number of work days of his/her absence which, pursuant to this section, are not considered as time served in the probationary term.

5. Report on probationer's service

The appointing authority and supervisor of a probationer will carefully evaluate the probationer's work performance of the duties and responsibilities of the position. A probationer whose services are to be terminated for unsatisfactory service shall be given written notice prior to such termination and, upon request, shall be granted an interview with the appointing authority or his/her representatives.

6. Restoration to eligible list

A probationer whose employment is terminated or who resigns before the end of his/her probationary term may request that his/her name be restored to the eligible list from which he/she was appointed, provided such list is still in existence. His/her name may be restored to such list if the Director determines that the probationer should be given another opportunity for appointment.

7. Temporary, provisional, or contingent-permanent service in higher-level position

When an employee who has not completed his/her probationary term is appointed on a temporary, provisional, or contingent-permanent basis to a higher-level position, the appointing authority may consider that time as satisfactory probationary service in the employee's lower position.

At any time after the minimum period of probation in the higher-level position, the appointing authority must provide a written decision as to whether or not he/she considers the service in the higher-level position as satisfactory probationary service in the lower-level position. In the event the appointing authority decides not to use the service in the higher-level position as satisfactory service in the lower-level position, upon request, the probationer shall return to the lower-level position for sufficient time to complete his/her probationary term.

The appointing authority cannot terminate a probationer in his/her lower position at the end of his/her probationary term because of unsatisfactory service unless the probationer has actually served at least the minimum period specified in the lower position.

8. Removal during probationary term

Nothing contained in this rule shall be construed to limit or otherwise affect the authority of an appointing authority pursuant to Section 75 of Civil Service Law, at any time during the probationary term, to remove a probationer for incompetence or misconduct.

9. Probationary term upon reinstatement

a. An employee who is reinstated to a position after a separation of more than one (1) year, either in his/her former civil division or in another civil division, shall serve a new probationary term subject to the same requirements upon the original appointment.

b. An employee who is reinstated to a position after a separation of less than one (1) year in a civil division other than the one in which he/she formerly served, shall serve a new probationary term subject to the same requirements as an original appointment to such position.

c. An employee who is reinstated to a position after a separation of less than one (1) year in his/her former civil division, shall not be required to serve a new probationary term.

Add:

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- e. If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of probation and on or before completion of the maximum period of probation in the manner as prescribed in these rules.

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If the conduct or performance of the probationer is not satisfactory, employment in such position may be terminated at any time after the completion of the eight (8) weeks of probation, and on or before, completion of twenty-six (26) weeks of probation. He/she shall then be restored to his/her former permanent title.

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c. Restoration of Firefighter Supervisors

Notwithstanding any other provisions of these rules, the promotion of firefighter shall not become permanent unless and until he/she has satisfied such requirements as may be applicable to him/her under Section 209-x of the General Municipal Law. If a firefighter is promoted to a higher rank for which he/she has met all requirements of eligibility for permanent promotion except training requirements applicable under Section 209-x of the General Municipal Law, he/she shall be deemed to be on a leave of absence from the lower-rank position from which he/she was promoted pending completion of such training. During such period, such lower-rank position may not be filled except on a temporary or contingent-permanent basis. In the event of his/her failure to complete such training successfully within the time allowed therefore, he/she shall be restored to such lower-rank position.

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- b. An employee who is reinstated to a position after a separation of less than one (1) year in a civil division other than the one in which he/she formerly served, shall serve a new probationary term subject to the same requirements as an original appointment to such position.
- c. An employee who is reinstated to a position after a separation of less than one (1) year in his/her former civil division, shall not be required to serve a new probationary term.