

Chapter 11: Personnel Practice and Procedure

§ 11-01 General Examination Regulations.

(a) *General provisions.*

(1) These regulations shall be applicable to all examinations conducted by the New York City Department of Citywide Administrative Services for positions in the competitive, non-competitive and labor classes. Before applying to take an examination, applicants should consult the Notice of Examination for the specific position for which they are applying and these General Examination Regulations. Applicants are responsible for knowledge of the contents of those documents, which are binding on all applicants. In addition, the Civil Service Law and the personnel rules and regulations of the City of New York apply to all examinations.

(2) All information concerning an examination including these regulations, notices of examination, filing dates, test dates, and key answers are available at the website of the Department of Citywide Administrative Services at www.nyc.gov/dcas or can be obtained in person at the Application Centers, located at 2 Lafayette Street, 17th Floor, New York, NY 10007 and at 210 Joralemon Street, 4th Floor, Brooklyn, NY 11210.

(b) *Applications.*

(1) Completed application forms and required fee must be submitted in a manner specified by the Notice of Examination for the specific position for which the applicant is applying. Applications must be received by the last date for receipt of applications specified in the Notice of Examinations.

(2) Except on legal holidays and unless otherwise stated in the Notice of Examination, the Application Centers of the Department of Citywide Administrative Services, located at 2 Lafayette Street, 17th Floor, New York, NY 10007 and at 210 Joralemon Street, 4th Floor, Brooklyn, NY 11210, are open from Monday to Saturday, from 9 a.m. to 5 p.m. Application forms can be obtained without charge at the Application Centers during the application period specified in the Notice of Examination. Application materials are also available at the website of the Department of Citywide Administrative Services at www.nyc.gov/dcas.

(3) A late application in a promotion examination shall be accepted if submitted by the employing agency personnel office as early as practicable prior to the day of the first test thereof if such late application includes a signed statement from his or her personnel officer that he or she was absent from employment because of vacation, sick leave, military duty, or other reason acceptable to the Department of Citywide Administrative Services, for a period of not less than one-half of the application period.

(4) The Department of Citywide Administrative Services assumes no responsibility for applications where:

(i) errors or mistakes are made therein by the applicant;

(ii) they are filed by mail;

(iii) they are not filed with the Department of Citywide Administrative Services or other agency designated by the Commissioner of Citywide Administrative Services to accept applications; or

(iv) they are not received on a timely basis.

(c) *Application fees.*

(1) An application fee, as required in the Notice of Examination, must be paid at the time of submitting the application for any civil service appointment and for any application for appointment without competitive examination including provisional and labor class appointments and transfers. The application fee will be based upon the minimum of the salary range of the title being sought:

Salary Category	Fee
Under \$30,000	\$40
\$30,000 - \$34,999	\$47
\$35,000 - \$39,999	\$54
\$40,000 - \$44,999	\$61
\$45,000 - \$62,999	\$68
\$63,000 - \$69,999	\$82
\$70,000 - \$74,999	\$85
\$75,000 - \$79,999	\$88
\$80,000 - \$89,000	\$91
\$89,001 - \$99,999	\$96
\$100,000 & over	\$101

(2) An application fee is not required of a New York City resident receiving public assistance from the New York City Department of Social Services. To have the fee waived, such applicant must submit a photocopy of a current Medicaid identification card. In addition, the application fee may be waived, in the discretion of the Commissioner of Citywide Administrative Services, upon a showing of compelling circumstances.

(3) Application fees must be submitted and paid for in a manner authorized by the Notice of Examination for the specific position for which the applicant is applying.

(4) An applicant who was unable to take or complete an examination may apply for refund of the application fee by submitting a written request therefor to the Fiscal Division of the Department of Citywide Administrative Services within 30 days of the date of the first test in the examination at which he or she was unable to appear with verification that such absence was due to:

(i) compulsory attendance before a court or other public body or official having the power to compel attendance;

(ii) hospitalization;

(iii) a clear error or mistake for which the Department of Citywide Administrative Services is responsible.

(5) An applicant who was unable to take the first test in an open competitive examination because of active military service with the armed forces of the United States may apply for refund of the filing fee by submitting written request therefor with verification of such service not later than 60 days from the termination of military duty.

(6) *Veteran Exam Fee Waiver.*

(i) An application fee for an open-competitive or promotion civil service examination will not be required of a Veteran for taking any examination,

under the conditions detailed in this paragraph.

A "Veteran," for the purposes of this paragraph, shall mean an individual who, at the time of filing his or her application for a civil service examination, (i) is a citizen of the United States or an alien lawfully admitted for permanent residence, (ii) has received an honorable discharge or who has been released under honorable conditions from the Armed Forces of the United States, and (iii) has served on full-time active duty, other than active duty for training.

The "Armed Forces of the United States" shall mean the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof, and the National Guard when in the service of the United States pursuant to call as provided by Law.

The Veteran Exam Fee Waiver can be used by a Veteran to waive the application fee for any open-competitive or promotion civil service examination offered by the Department of Citywide Administrative Services or offered by any other agency or entity pursuant to a delegation from the Department.

(ii) *Process for Requesting the Veteran Exam Fee Waiver.* To request the Veteran Exam Fee Waiver, an applicant must submit a photocopy of his or her U.S. Armed Forces separation papers (DD214 long form) in the manner and at the time detailed on the Fee Waiver Request Form, available at Application Centers and at the website of the Department of Citywide Administrative Services at www.nyc.gov/dcas.

(d) *Test date and admission cards.*

(1) The tentative date of the first assembled test in an examination is stated in the Notice of Examination. The official test date will be given in the admission card sent to the applicant. The City assumes no responsibility for mail delivery. Applicants who do not receive an admission card at least 4 days prior to the tentative test date must obtain a duplicate admission card at the address specified in the Notice of Examination.

(2) A candidate who is found to be not qualified or not eligible for an examination or for whom the Department of Citywide Administrative Services has no record of receiving an application will not have his/her test scored.

(e) *Change of address.*

(1) A candidate in an examination whose address changes after s/he submits the application but prior to mailing of the notice of results, must promptly notify the Examining Service Division of the Department of Citywide Administrative Services in writing in the manner described in paragraph (3) of this subdivision.

(2) A candidate in an examination whose address changes after mailing of the notice of results and during the life of an eligible list upon which the candidate's name appears shall promptly notify the Certification Section of the Department of Citywide Administrative Services in writing in the manner described in paragraph (3) of this subdivision.

(3) A separate notification of a change of address should be submitted for each examination in which the person is a candidate or an eligible. Each submission must include the candidate's name, Social Security number, complete new address, the title of the examination and the examination number, and place on the eligible list, if applicable. For promotion examinations, include the name of the city agency by which the candidate is employed. Failure to furnish notification of a change of address may result in the loss of opportunity to compete in tests or loss of opportunity to appear for appointment interviews.

(f) *Citizenship.*

(1) Any citizenship requirement will be set forth in the Notice of Examination. When citizenship is not required, non-citizens must be able to establish at the time of appointment and throughout the period of their employment that they are legally permitted to work in the United States.

(2) Under the Immigration Reform and Control Act of 1986, each candidate must be able to prove his/her identity and his/her right to obtain employment in the United States prior to employment with the City of New York.

(g) *Age.* Persons who have not reached their eighteenth birthday shall obtain employment certificates as required by law before appointment.

(h) *Residency.* §§ 12-120 and 12-121 of the Administrative Code of the City of New York require that any person who enters City service on or after September 1, 1986 shall be a resident of the City within 90 days after the date he or she enters City service and shall thereafter maintain city residence as a condition of employment. The Commissioner of Citywide Administrative Services may waive this requirement for positions which are hard to fill. In addition, certain positions are exempted by law.

(i) *Language.* Candidates must be able to understand and be understood in English. A qualifying English language oral will be given by the Department of Citywide Administrative Services to all candidates who, in the opinion of the appointing officer, do not meet this requirement.

(j) *Special testing services for disabled applicants.*

(1) Any applicant who is disabled to the extent that he or she requires special accommodations to take an examination shall submit a written request for such accommodations, together with proof of disability as described below. The written request shall be submitted in the manner specified in the Notice of Examination and the Special Circumstances Form for the submission of such requests. The written request must indicate the specific accommodation requested, and any alternative which would be equally acceptable. Where appropriate and practicable, the Department of Citywide Administrative Services will provide one or more forms of testing accommodations, such as providing an accessible or alternate examination site, additional time to complete the examination, special seating, full written instructions and special attention from the monitor to insure that the applicant has understood oral instructions, a reader or tape recorder for test questions, an amanuensis or tape recorder for test answers, and large print or braille.

(2) Where the disability involves vision, the applicant shall submit:

- (i) proof of registration with the New York State Commission for the Blind and Visually Handicapped, or
- (ii) proof that corrected total vision is less than 20/200 or that the applicant's field of vision is less than 20 degrees.

(3) Where the disability involves hearing, the applicant shall submit an audiogram taken within the past year by an audiologist licensed in New York State or board certified otologist, indicating registration number, and showing the level of hearing loss.

(4) Where the applicant's disability does not come within the categories described in paragraphs (2) or (3) of this subdivision and the applicant nevertheless requires special accommodations to take the examination because of his or her disability, the applicant shall submit either a doctor's note or proof of disability from an agency or organization which is recognized as one which specializes in serving persons with the applicant's type of disability. The substantiating document shall indicate the extent of the disability and the specific testing accommodations recommended for the applicant.

(5) For the purpose of these regulations, "an agency or organization which is recognized as one which specializes in serving persons with (certain disabilities)" means a government agency (such as the New York State Office of Vocational Rehabilitation) or a private organization or agency (such as United Cerebral Palsy) which is known to the Department of Citywide Administrative Services or the Mayor's Office for People with Disabilities for its work. The substantiating document must be on letterhead and must bear the signature and title of the person certifying the applicant's disability.

(6) Disabled applicants may take steps to personally accommodate their special testing needs in the following ways:

(i) Applicants may use their own impairment-related aids, such as magnifying glasses or talking calculators with ear plugs (where all other applicants are permitted to use calculators), during the examination.

(ii) An applicant who requires an amanuensis or reader with special skills or abilities not provided by the Department of Citywide Administrative Services may submit proof of special need from an agency or organization which is recognized as one which specializes in serving persons with the candidate's type of disability and which further has volunteers available to perform the requested service. The agency or organization must notify the Department of Citywide Administrative Services no later than 15 work days before the test date that it will provide a volunteer. The Department of Citywide Administrative Services will not be responsible for providing a replacement amanuensis or reader in the event a volunteer fails to appear on the day of the examination.

(k) *Special examinations.*

(1) An applicant who is unable, for any of the reasons listed below, to take the regular examination as scheduled may be given a special examination upon written request. Such applicant must submit a written request setting forth the reasons requiring the absence and providing documentary evidence which demonstrates to the satisfaction of the Commissioner of Citywide Administrative Services that the applicant was unable to take the regular examination as scheduled. Unless otherwise specified herein, such material must be submitted to the Examining Service Section either in person or by certified or registered mail no later than one week following close of the application period. If one of the following circumstances arises after that date, such documentation must be received within one week following the occurrence, but no later than one week before the special test.

(2) *Religious observance.* An applicant claiming to be unable to take an examination when originally scheduled because of his or her religious beliefs may request a special examination by submitting either in person or by certified or registered mail to the Examining Services Division of the Department of Citywide Administrative Services, a written request no later than 15 days before the scheduled date of the regular examination. The request must include a recent written statement on letterhead signed by the applicant's religious leader attesting to the applicant's religious beliefs and certifying that the applicant is a Sabbath observer and that it is contrary to the applicant's tenets to participate in an examination on the date the regular test is scheduled.

(3) *Military service.*

(i) § 243: An applicant who has taken the first test:

(A) in an open competitive examination but is unable to complete the remaining test because of military duty as defined in § 243 of the New York Military Law must apply to the Control and Service Division of the Department of Citywide Administrative Services with his or her separation papers not later than 90 days from the termination of such military duty;

(B) in a promotion examination, who is unable to take or complete such examination because of military duty as defined in § 243 of the New York Military Law, must apply to the Control and Service Division of the Department of Citywide Administrative Services with his or her separation papers not later than 60 days from the date of restoration to his or her City position.

(ii) § 242: An applicant in a multiple choice promotion examination who is ordered to appear for military duty on the scheduled test date must notify the Examining Service Section in writing no later than one week from the close of the application period. To be admitted to the make-up test scheduled in the Notice of Examination, such applicant must provide by certified or registered mail, written documentation on letterhead signed by the commanding officer stating that such duty cannot be rescheduled to permit the applicant to participate in the test and setting forth the reasons why. Such documentation must be received by the Examining Service Section no later than 10 working days prior to the regular test date. Such applicants who do not follow the above procedures must apply for a special test under the procedures in paragraph (3)(i)(B) of this subdivision.

(4) *Other reasons:*

(i) a manifest error or mistake for which the Department of Citywide Administrative Services or the examining agency is responsible; or

(ii) compulsory attendance before a court or other public body or official having the power to compel attendance; or

(iii) physical disability incurred during the course of and within the scope of municipal employment where such applicant is an officer or employee of the City; or

(iv) absence from the test within one week after the date of death of a spouse, domestic partner, mother, father, sister, brother, child or child of a domestic partner of such applicant where such applicant is an officer or employee of the City; (For purposes of this subparagraph, a domestic partner shall mean a person who has registered a domestic partnership in accordance with applicable law with the City Clerk, or has registered such a partnership with the former City Department of Personnel pursuant to Executive Order 123 (dated August 7, 1989) during the period August 7, 1989 through January 7, 1993. (The records of domestic partnerships registered at the former City Department of Personnel are to be transferred to the City Clerk.))

(l) *Education and experience credit.*

(1) To be credited, the education and experience must be of the nature, duration and quality described in the notice of examination and must have occurred during the prescribed period of time. Unless otherwise specified in the Notice of Examination, all requirements must be met by the last date of the application period.

(2) All education and experience must be clearly specified on the experience paper in order to be credited or considered on appeal. Education and experience listed on the experience paper will receive credit only to the extent that it is described clearly and in detail. A maximum of one year of experience will be credited for each 12 month period. Part-time experience will be pro-rated and credited in lieu of, but not in addition to full time experience during the same period.

(3) If statements of material facts are found to be false, exaggerated or misleading, an applicant may be disqualified.

(4) Where experience is a qualifying test only, experience which falls short by up to one month shall be accepted as qualifying.

(m) *Physical tests.* To be permitted to participate in any physical test candidates must sign the prescribed release form.

(n) *Medical examination.*

(1) Any impairment which will adversely affect ability to perform the duties of the position in a reasonable manner, or which may reasonably be expected to render the applicant unfit to continue to perform the duties of the position shall constitute grounds for disqualification.

(2) A candidate medically rejected for a condition which thereafter materially improves may apply for medical reexamination. However, no such candidate will be re-examined following expiration of the eligible list.

(o) *Test administration.* A candidate who fails to follow instructions at the test site will not have his/her test scored.

(p) *Impersonating and cheating.*

(1) A person who impersonates another or who allows himself or herself to be impersonated or who otherwise cheats in an examination shall be barred from taking civil service examinations for positions with the City of New York or receiving appointments with the City of New York.

(2) A person barred from city employment pursuant to subdivision (p)(1) of this section may submit a written request to the Commissioner of Citywide Administrative Services for reconsideration of this action, setting forth reasons to substantiate the request.

(q) *Protests.* Candidates may file protests against proposed key answers in accordance with § 50-a of the Civil Service Law. Protest procedures and time limits will be described at the time of the test.

(r) *Appeals.*

(1) Except as may otherwise be provided by the Commissioner of Citywide Administrative Services and upon payment of applicable fees:

(i) Candidates who wish to appeal a computational error in rating shall file an appeal within 30 days from the date of the notice of results of the examination.

(ii) Candidates who wish to appeal the rating of oral, practical, or essay tests may request a breakdown of their scores and an appointment for review by submitting a written request to the Committee on Manifest Errors within one week following the date of the notice of results of the examination and shall file their completed appeals within 60 days from that date. An appointment for review, i.e. for playback of audio/video recording, inspection of work sample on practical test, or review of answer paper and the key or illustrative answers of essay tests, where available, will be granted prior to the end of the appeal period.

(2) For all oral, practical, or essay tests, such playback, inspection or review shall be limited in duration to a period equivalent to the duration of the test in question. A representative of the Department of Citywide Administrative Services must be present at all times.

(s) *Investigation.*

(1) All applicants must be of satisfactory character and reputation and must meet all requirements set forth in the Notice of Examination for the position for which they are applying. Applicants may be summoned for the written test prior to investigation of their qualifications and background. Admission to the test does not mean that the applicant has met the qualifications for the position.

(2) A fee of \$50 is required of each candidate to cover the cost of fingerprint processing. Payment shall be submitted to the appointing agency at the time of fingerprinting and shall be in the form of a Travelers Express, American Express or postal money order payable to the "New York State Division of Criminal Justice Services." Cash will not be accepted.

(t) *Probationary terms.*

(1) Except as otherwise provided, all appointments and promotions shall be for a probationary term of one year.

(2) Upon showing to the satisfaction of the Commissioner that the services of a probationer have been unsatisfactory, an appointing officer may terminate the employment of such probationer at any time during the probationary term.

(u) *Fees for special services.* Fees for special services furnished upon request shall be as follows:

- (1) duplicate result cards – \$1 per card
- (2) breakdown of rating on examination – \$5 per copy
- (3) photocopies – \$1 per page
- (4) play-back of audio recordings – \$5 per play-back
- (5) play-back of video recordings – \$10 per play-back
- (6) other – as may be provided

(v) *Correspondence and address:* All correspondence relating to examination issues shall be sent to the Department of Citywide Administrative Services, Division of Citywide Personnel Services, One Centre Street, 14th Floor, New York, N.Y. 10007, unless otherwise specified.

(w) *Seniority and veterans' credit.* Where seniority or Veterans' Preference credit is claimed, the candidate must achieve a passing score in order to be eligible for such credit.

(Amended City Record 9/28/2020, eff. 10/28/2020)

§ 11-02 License Examinations. [Repealed]

(Repealed City Record 12/22/2020, eff. 1/21/2021)

§ 11-03 Adjudications of the Department of Citywide Administrative Services.

(a) Pursuant to Sections 1041 and 1046 - 1048 of the Charter, and by designation by the Mayor, the Department of Citywide Administrative Services has determined that adjudications held pursuant to Section 210.2(g) of the Civil Service Law Article 14 ("The Taylor Law") to determine whether an employee has violated the Taylor Law shall be conducted by the Department or a designee of the Commissioner of Citywide Administrative Services. Such designee shall be a Hearing Officer who is authorized in writing by the Commissioner of Citywide Administrative Services to conduct hearings pursuant to the Taylor Law. Administrative Law Judges from the Office of Administrative Trials and Hearings ("OATH") may be designated as Hearing Officers authorized by the Commissioner of Citywide Administrative Services to conduct hearings pursuant to the Taylor Law.

(b) Disciplinary hearings and disability hearings conducted pursuant to Civil Service Law §§ 72 and 75 shall be conducted by OATH. In all adjudications conducted by OATH, pursuant to Civil Service Law §§ 71, 72, 73 and 75, the Administrative Law Judge shall make written proposed findings of fact, conclusions of law, a recommended decision and, where appropriate, a proposed penalty. The Commissioner of Citywide Administrative Services may adopt, reject, or modify any such recommendations.

§ 11-04 Taylor Law Hearings.

(a) All hearings conducted pursuant to § 210.2(g) of the New York Civil Service Law shall be subject to the following rules.

(b) *Notice.* All persons who are entitled to a Taylor Law Hearing shall receive a notice that shall contain the following provisions:

- (1) a statement of the legal and jurisdictional authority for a hearing;
- (2) a statement of the pertinent legal and regulatory sections at issue;
- (3) a statement of the employee's right to object to a determination of a Taylor Law violation;
- (4) a statement of the nature of the proceeding and the particular matter to be adjudicated;
- (5) a statement of the date(s) a Taylor Law violation was committed;

(6) a statement of potential penalties that may be assessed;

(7) a statement that the employee is entitled to representation by counsel or a union representative.

(c) The notice shall be served personally or by certified mail addressed to the last address the employee has filed with his or her agency's personnel office.

(d) Where a hearing is required pursuant to § 210.2(g) of the New York Civil Service Law, the employee shall receive further notice of the time and place of the hearing.

(e) *Hearing.* Where an employee requests that a hearing pursuant to § 210.2(g) of the New York Civil Service Law, be held, such a hearing shall be held within a reasonable time. The hearing shall be conducted by a Hearing Officer assigned exclusively to perform adjudicative and related duties for the Department of Citywide Administrative Services, or by a designee of the Department who is authorized in writing by the Commissioner of Citywide Administrative Services to conduct hearings pursuant to the Taylor Law. Administrative Law Judges from OATH may be designated as Hearing Officers authorized by the Commissioner of Citywide Administrative Services to conduct hearings pursuant to the Taylor Law.

(1) At the hearing, the employee shall be entitled to: be represented by counsel or union representative; call witnesses and cross-examine opposing witnesses; present oral and written arguments on the law and facts; issue subpoenas or request that a subpoena be issued, requiring attendance and the giving of testimony and/or the production of books, papers, documents, and other evidence. The issuance of subpoenas shall be governed by the New York Civil Practice Law and Rules.

(2) Adherence to the formal rules of evidence is not required. Objections may be made to evidence, including testimony, and shall be noted in the record.

(3) There shall be no ex parte communications between a party and the hearing officer.

(4) The hearing shall be transcribed or recorded. Upon request, a copy of the transcript or record, or any part thereof, shall be made available and a copy shall be provided at reasonable cost.

(f) *Burden of proof.* The employee shall bear the burden of proof at the hearing in accordance with Civil Service Law § 210.2(g).

(g) *Findings of fact.* In all hearings conducted by the Department or a designee of the Commissioner of Citywide Administrative Services, the Hearing Officer shall make findings of fact and determine whether the employee has established that he or she did not violate Section 210 of the New York Civil Service Law. These findings and the determination shall be in writing and delivered to the Commissioner of Citywide Administrative Services within a reasonable time following the conclusion of the hearing. The Commissioner of Citywide Administrative Services shall then notify the employee of the Hearing Officer's findings and determination.

(h) *Appeals.* The determination of the hearing officer may be appealed by any party by bringing a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules.