



PEF Civil Service Department Toolkit

How to Advocate for Increased Pay Using Civil Service Law

This document provides guidance for PEF members who are interested in pursuing a **salary differential** or a **title reallocation** to increase their pay. We explain how salaries are determined, how PEF advocates for improved salaries, what salary differentials and reallocations are, and next steps if you want to pursue increased pay at your agency.

Table of Contents

<u>How Salary is Determined</u>	1
<u>Differentials & Reallocations</u>	4
<u>Table: Salary Differentials vs. Reallocations</u>	6
<u>Salary Differentials: Criteria</u>	7
<u>Reallocations: Criteria</u>	8
<u>Advocating & Organizing for Additional Pay</u>	10
<u>Strategy for Submissions</u>	11
<u>Salary Differentials – Guidance for PEF Members, Leaders, & Labor/Management Committee Members</u>	14
<u>How PEF Can Help</u>	18
<u>Guidance – What to do and When</u>	19

<u>Reallocations – Guidance for PEF Members, Leaders, & Labor/Management Committee Members</u>	30
<u>Table: Classification Factors</u>	32
<u>How PEF Can Help</u>	37
<u>Guidance – What to do and When</u>	38
<u>The Appeals Process</u>	49
<u>Appendices</u>	55

How Salary is Determined

PEF can influence how much pay members take home through the collective bargaining procedure. During contract negotiations, PEF works with the Executive to determine the hiring rate, job rate, and salary steps for civil service titles.

The **Division of Classification and Compensation (Class & Comp)** within the New York State Department of Civil Service is responsible for allocating civil service titles to the appropriate salary grade. Class & Comp's authority to assign titles to salary grades is codified in Section 118 of the New York State Civil Service Law.

PEF cannot negotiate the salary grade to which positions are assigned.

In determining salary grades for civil service titles, Class & Comp assesses classification factors reflecting various duties, requirements, and responsibilities that are expected of an individual serving in a title.

They include education and experience; written and oral communication; complexity; supervision; job demands; managerial activities; and responsibility.

Each factor is given a relative weight in determining the salary grade of a title.

- **Education and experience – 30%**
- **Communication (written and oral) – 26%**
- **Complexity – 14%**
- **Supervision – 11%**
- **Job demands – 10%**
- **Managerial activities – 5%**
- **Responsibility – 5%**

** Due to rounding, the sum of weighted values exceeds 100%.*

Class & Comp uses these classification factors and their relative weight to determine salary grade. For example, because education and experience are given more weight than job demands, a civil service title that has significant education requirements but lesser job demands would probably be assigned a higher salary grade than a title with more substantial job demands and lower education requirements.

It's important to note that certain factors are not taken into consideration when determining salary grades. These include recruitment and retention difficulties and comparisons to earmarked or misclassified positions. A member's list eligibility/reachability, productivity, performance, and length of service also do not influence what salary grade Class & Comp decides is most appropriate for a title.

For more information about classification factors and how they're used by Class & Comp to determine salary grade, see [PEF's Guidelines for Reallocations on page 30.](#)

Differentials & Reallocations –

Increasing Pay Outside of the Negotiated Contract

Salary differentials and reallocations affect title salaries. Only Class & Comp and the Division of the Budget have authority to implement them, however PEF can help members advocate for such salary increases using civil service law.

Salary differentials address recruitment and retention problems, increasing compensation for specific titles and positions across occupations, geographic areas, and shifts. The types of differentials that can be approved are outlined in Section 130 of the New York State Civil Service Law. The differentials that have historically been approved for titles represented by PEF are increased hiring salaries, shift pay differentials, and geographic differentials.

PEF helps members advocate for salary differentials, and it is Class & Comp's decision which differential or suite of differentials is most appropriate to address confirmed recruitment and retention issues.

A more in-depth description of each salary differential is available on [page 15](#).

Reallocations can also increase pay but under different circumstances than salary differentials. Reallocations change a title's salary grade, without a change to the title itself or its duties and responsibilities. They may be approved when there is evidence that a title is undervalued compared to similar positions in state service based on objective characteristics such as duties, responsibilities, and minimum qualifications.

If interested in increasing your pay by pursuing either a reallocation or a salary differential, it's important to understand the criteria for each. This will help you pull together the correct data to support your request.

Salary Differentials vs. Reallocations

	Salary Differentials	Reallocations
Purpose	Address recruitment and retention issues	Ensure equal pay for equal work among titles within the civil service pay structure
Criteria	Request must demonstrate that the salary of title is not competitive with similar positions outside of state service and/or within state service, and agency's recruitment and retention efforts have been unsuccessful	Request must demonstrate that the requirements, duties, and responsibilities are not adequately compensated in proportion to other civil service titles with similar requirements, duties, and responsibilities
Permanency	Not permanent; agency can elect to stop providing the approved salary differential	Permanent
Payment	Depends on the type of salary differential approved. See details for each on page 15 .	All agencies with employees in the affected titles must pay the new salary

Salary Differentials: Criteria

In determining whether a salary differential should be approved, Class & Comp looks for evidence that a title's salary is the cause of recruitment and retention difficulties. Some information they will look for includes:

1. Recruitment difficulty of a class overall
2. Recruitment difficulty in a geographic area or to a specific shift worked by employees in a title
3. Recruitment efforts made by agencies
4. Information about eligible lists for a class, such as whether a list exists, the age of the list, reachability of candidates, etc.
5. Vacancy and turnover data
6. Salaries of similar positions offered by other employers

Class & Comp assesses information such as this to determine whether the recruitment and retention difficulties in a title can be attributed to pay.

Reallocations: Criteria

Reallocations are considered when there is evidence that a title or class is undervalued in relation to similar positions in state service based on objective characteristics such as duties, responsibilities, and minimum qualifications.

Reallocations may be approved if it is found that the duties performed by a title are similar to positions assigned to another salary grade.

In determining if a title should be reallocated to a different salary grade, Class & Comp considers title classification factors and whether there has been a change since the title was last reviewed.

These changes must be substantive and long-term, altering the core duties and responsibilities of the title.

Some documents and information Class & Comp may review include:

1. Classification standards for the title or class
2. Classification standards for other titles or classes with similar responsibilities
3. Examination announcements
4. Minimum qualifications
5. Duties descriptions

Reallocations are limited in scope to other titles within the civil service system. Factors such as recruitment and retention challenges in a title or class or salaries for comparable work by non-state employees are not relevant. Additionally, personal qualifications of individuals holding these jobs are not considered unless such personal qualifications fulfill eligibility requirements.

Advocating & Organizing for Additional Pay

If you believe your position meets the criteria for either a salary differential or a reallocation, then you should speak with your L/M chair. Increased pay proposals for either differentials or reallocations should be raised at statewide L/M meetings. If this is a statewide title, consider which agencies also have positions. Contact CSE/R for specific data on the number of positions across state government. Connect with the Statewide L/M Chairs of these other agencies to see if they would support the request for a differential or reallocation. Labor, management, or both can sign onto the submission to bolster the request.

The more support shown by labor and management across state agencies, the stronger the request will be.

Strategy for Submissions

Requests for a salary differential or reallocation can be submitted by the agency, or by an individual or group of individuals. The best submission strategy for a request depends on the L/M chair and members' success at securing agency support.

If the agency will be the entity submitting a request for a differential:

- The union should ask for a copy of the submission.
- The union should also ask for a copy of the final determination from Class & Comp when it is given to the submitting agency.

The final determination from Class & Comp explains in detail why a differential request is approved or denied.

- **The union cannot appeal a final determination submitted by an agency.** If the request is denied, only the agency will be able to pursue an appeal.
- If the union submits a request for a differential, they will receive all correspondence from Class & Comp directly, including the final determination.

Once received, the union can appeal the final determination if necessary.

If the agency will not allow the union to review the submission or determination letter, then the L/M chair should consider submitting a request directly to Class & Comp.

The best-case scenario is that the Statewide Labor-Management Chair and the members who helped with the request submit the salary differential request themselves with a letter of support to be attached from the applicable agency or agencies.

Independent submissions should be sent to the attention of the Director of Classification and Compensation at the

Department of Civil Service. Contact CSE/R for the most up to date contact information. You can review template requests for salary differentials and reallocations beginning on [page 55](#).

If you're interested in organizing around a salary differential or a reallocation for your title, please review this entire document. It contains additional information about both methods for increasing salary, step-by-step guidance for L/M chairs, and templates for submissions.

This is a true organizing effort, so be prepared to work closely with members, leaders, and management to collect data, draft documents, and foster positive labor relations.

Salary Differentials –

Guidance for PEF Members, Leaders, and Labor/Management Committee Members

Background – How Baseline Pay is Determined

Class & Comp is responsible for allocating civil service titles to the appropriate salary grade (SG).

Although PEF can negotiate for increased pay during contract negotiations, outside of negotiation, PEF cannot increase the pay of members.

What differentials are

Salary differentials increase basic compensation to help agencies recruit and retain employees in hard-to-fill positions or shifts. Differentials must be approved by Class & Comp and the Division of the Budget (DOB). Historically, differentials that have been approved

for PEF members are increased hiring rates, shift pay differentials, and geographic pay differentials (geos).

Increased hiring rates are increases to the minimum salary or hiring rate of a class. If there is a recruitment and retention issue, Class & Comp and DOB may approve this differential to allow agencies to hire employees at a greater starting salary than the hiring rate of the SG to which the class is allocated. Increased hiring rates are approved for specific titles and locations. If approved, all employees in such positions below the newly approved hiring rate will be brought up to the new rate.

Shift pay differentials increase the salary paid to employees who work certain shifts. They target recruitment and retention issues resulting from non-State employers paying employees more to work hard-to-fill shifts. These differentials may be approved for any shift where wage practices in private or other non-State employment are higher than what is paid by the state, including, but not limited to, evening shifts, night shifts, and weekend day shifts. Shift pay may be made as a

percentage of salary, an hourly rate, or a fixed dollar amount per pay period.

Geos increase the salary of a class in a geographic area. Geos address recruitment and retention problems resulting from other employers in an area paying more for similar work. Geos are paid as a percentage of salary or a fixed dollar amount added to the hiring rate and job rate of affected titles. The amount approved for a geo is a maximum; agencies can elect to pay the full amount, less than the full amount, or not at all. Agencies typically pay the full amount.

How Differentials are Decided

Differentials are intended to target recruitment and retention issues for a title or class when, due to comparatively low pay, agencies are unable to compete with other employers. Differentials give agencies an edge when looking to hire new staff and keep seasoned employees.

Class & Comp may approve a request for a differential based on the following information:

1. Recruitment difficulty of a class overall
2. Recruitment difficulty in a geographic area or to a specific shift worked by employees in a title
3. Recruitment efforts made by agencies
4. Information about eligible lists for a class, such as whether a list exists, the age of the list, reachability of candidates, etc.
5. Vacancy and turnover data
6. Salaries of similar positions offered by other employers

Class & Comp will assess whether demonstrable discrepancies exist between the title salary and what other employers pay for similar work, and whether there are recruitment and retention issues for the title. If both conditions exist, Class & Comp will further research if recruitment and retention problems are reasonably related to the salary differences.

If Class & Comp approves the request for a differential, it must then also be approved by DOB.

How PEF Can Help

PEF Civil Service Enforcement and Research (CSE/R) has prepared informational material and reference documents for individuals pursuing differentials.

Additionally:

- CSE/R can pull data on staffing levels in titles across all state agencies for Statewide Labor-Management Chairs pursuing differentials.
- CSE/R will provide feedback on requests for differentials; however, these must be provided to CSE/R at least three months before the intended submission date to ensure sufficient time for review.
- If a request is denied by Class & Comp, CSE/R will help individuals prepare for an appeal. Please see [page 49](#) of this toolkit for further information on appeals.

Guidance –

What to do and When

This guidance provides the framework for forming a differential request; however, every request is different. Labor-management (L-M) chairs and members should be prepared to modify the request depending on what they find and management's response. If a PEF member believes there are recruitment and retention issues affecting their title due to comparatively low pay, they should first:

- Connect with their peers to discuss staffing issues and document all evidence of recruitment and retention issues for the title of interest.
- This may include whether they have had recruiters reach out to them, if there are long-standing vacancies in their department or high turnover levels, and what impact this has on their job.

- Document job postings made by other employers for similar positions in the area. Save screenshots and PDF copies of all comparable job postings.
- Monitor postings for title vacancies at the agency, tracking how long positions have been vacant. Save copies of these as well. Agency postings can be found here: <https://statejobs.ny.gov/public/search.cfm>

If information collected from peers and other job opportunities in the area show pay discrepancies between the agency and what members could make elsewhere, supporting the claim that pay is causing staffing problems, members should reach out to their L/M committee chair. Members should be prepared to share their findings with the chair.

PEF field representatives can help connect members to L/M chairs. If you don't know who your PEF Field Representative is, please contact PEF Statewide Field Services at **518-785-1900 extension 307**.

At this point, L/M chairs, with the assistance of interested members, should review all the materials gathered and conduct additional research, including:

- A review of existing civil service examination postings and eligible lists for the title or titles being considered.
 - Examination postings can be found here:
https://www.cs.ny.gov/elmspublic/shared/list_search.cfm
 - Eligible lists can be found here:
https://www.cs.ny.gov/elmspublic/shared/list_search.cfm
- Survey staffing levels in the title throughout the state to see if there are challenges in the region or statewide. CSE/R can help L/M chairs secure data on current staffing levels.

Based on what they find, L/M chairs decide if the case can be made that:

1. The title or class is paid less than the salary of similar jobs with non-state employers; and
2. The title or class is understaffed at the agency or agencies where they are classified.

In the preliminary phase, these are the most important elements to determine. Comparatively low salary and staffing problems form the basis of the request for a salary differential.

It is up to the L/M chair to decide whether to proceed with the request. If they decide not to pursue it, the L/M chair should communicate the reasons for this decision to the members.

Communication is key.

If the L/M chair thinks that the request should be pursued, they should also consider whether the title in question exists at other agencies and, if so, whether members at these agencies share similar concerns.

CSE/R can help L/M chairs identify other agencies where the title is classified. L/M chairs should consider reaching out to labor leaders at these agencies about securing additional support for the request.

Solidarity among PEF members and leaders statewide increases our chances of success.

If the L/M chair decides to proceed with the request, the next step is to begin a discussion with management at upcoming L/M committee meetings.

To initiate this conversation, the L/M chair should include an agenda item for the next L/M meeting related to members' pay concerns and the possibility of a differential.

L/M chairs may find it useful to compile findings from preliminary research and share with management to aid the discussion. L/M chairs can decide how much of their findings to share at this point.

During the first meeting when bringing up the differential, L/M chairs should ask management to compile and prepare staffing data for the next meeting. This is information that is not readily available to the Union and includes:

- Vacancy and turnover data in a title or class
 - Over the last few years (L/M chairs should determine how far back to go), how many people were appointed to the title, how many remain in the title, and how many have left the title

- Documentation of recruitment and advertising efforts by the agency for the title or class
 - Information on advertising media
 - Duration of each advertisement or posting
 - Cost of each advertisement or posting
 - Total cost to the agency spent on advertising or posting
- Information on specific steps taken by the agency to address staffing challenges

Ultimately, the goal is to have management agree to support the request, ideally by providing a letter of support to be included with the request. L/M chairs may have an idea of how supportive the agency will be after this first meeting. For now, it is best to assume that the agency will have the requested information prepared for the second L/M committee meeting.

Between the first and second meeting, L/M chairs should continue researching information needed for the

differential request. Keep members in the loop on how the first committee meeting went, what was asked of management, and the plan to proceed.

For the second committee meeting, L/M chairs should add an agenda item to discuss the data management was asked to gather. If the L/M chair has any additional findings, supportive material should be shared with management at the meeting.

Depending on how the meeting goes, the L/M chair may feel they have sufficient agency support to move forward. If so, they should begin to prepare a request for a differential to Class & Comp, which should be presented to management before being sent.

PEF Support

CSE/R has prepared drafting guidance for reference, beginning on [page 55](#) of this toolkit. CSE/R will also provide feedback on the request before it is presented to management, however **it must be given to CSE/R at least 3 months prior to the meeting when it will be presented to give CSE/R enough time for review.**

If the agency has failed to provide the data requested at the first meeting, has not engaged in conversation on the topic of a differential, or has otherwise indicated they are unable to support the request, the L/M chair should determine how to proceed. They may choose to give management more time to pull the data and keep the conversation going, with the intention of persuading management to support the request.

What to do if management is not supportive

The L/M chair may also determine that management will not be supportive, and the request will need to be pursued without agency support. If management will not provide the data requested, then L/M chairs can submit a Freedom of Information Law (FOIL) request to secure the data. CSE/R has prepared sample FOIL requests for reference. If you submit a FOIL, track the request closely to ensure the FOIL is fulfilled. You can view a FOIL template and sample data requests in [Appendix A](#) of this toolkit.

If the agency has not indicated their support, L/M chairs should still share a copy of their independent submission

to Class & Comp with management prior to sending it in order to maintain transparency.

What to do if Management is Supportive

If the agency has agreed to support the request for a differential, then L/M chairs and management should determine which party is going to submit the request to Class & Comp. Agencies submitting on their own behalf typically lend more credence to the request than a submission by the members alone. However, if an agency submits, they are not required to share a copy of the submission or Class & Comp's determination with the members. Additionally, if an agency submits a request and it is denied, the agency alone has the right to appeal the determination.

If the agency will be submitting the request, members should ask for a copy of the submission. If management is unable or unwilling to provide a copy, then L/M chairs should consider submitting their own parallel request in order to maintain their rights to an appeal.

If the members will be responsible for the submission, then it is recommended that management provides a formal letter indicating their support for the request. This letter should be included with the members' submission.

For more information on submission strategies, please refer to [page 55](#).

Requests for salary differentials should be sent in writing to the Director of Class & Comp. Reach out to CSE/R for the most up-to-date contact information.

Reallocations –

Guidance for PEF Members, Leaders, and Labor/Management Committee Members

Background – the Classification Factors and How Baseline Pay is Determined

Class & Comp is responsible for allocating civil service titles to the appropriate salary grade.

Class & Comp maintains New York’s classification and compensation system; classifies and reclassifies all positions in the classified service; allocates and reallocates all positions in the competitive, non-competitive, and labor classes; and applies the principle of fair and equal pay for similar work in the context of the classification system, as is required by New York State Civil Service Law section 118(c).

Class & Comp determines the salary grade of a title based on seven weighted classification factors. Each classification factor reflects an aspect of a title and is compared against the factors of other titles when determining salary grade.

The information below is intended only as a summary; please see Appendix D for complete descriptions of the classification factors.

Individuals interested in pursuing a reallocation request should read the full descriptions of the classification factors.

Classification Factor	Weighted Value*	Description
Education & Experience	30%	Education level and previous professional experience required for the entry-level position of a class
Communication	26%	The nature and extent of oral and written communications needed to accomplish work
Complexity	14%	The nature and variety of the tasks and activities inherent to the work performed and the degree of variation in the work itself
Supervision	11%	Supervision over other employees as well as degree of supervision received by the title incumbent
Job Demands	10%	Pace of work and time constraints, physical demands, environmental conditions, and repetitiveness
Managerial Activities	5%	Coordinating the efforts of employees and resources to accomplish the organization's goals and objectives
Responsibility	5%	The impact of work performed on people, the organization, and its resources

* Due to rounding, the sum of weighted values exceeds 100%.

To determine salary grades, Class & Comp compares titles to benchmark titles at lower, the same, and higher salary grade levels in both similar and dissimilar occupations in various agencies. Salary grade is based on a title's classification factors and how similar they are to other positions in state service. This classification system is intended to ensure that work is adequately and proportionately compensated in comparison to other civil service titles.

It is important to note that certain factors are not taken into consideration when determining salary grade. These include recruitment and retention difficulties in a class, wages for similar work in the private sector, and the performance/length of service of individuals. If you are seeking increased pay based on one of these, please see [PEF's Guidance for Salary Differentials on page 19](#).

What Reallocations Are

A reallocation is a change in a title's salary grade when there is evidence that a class is not appropriately compensated compared to similar positions in state service, based on the classification factors. They are

permanent changes that affect every agency where the title exists. Reallocations may move a title to a higher or lower salary grade, depending on what change has occurred in the core requirements and duties.

How Reallocations are Decided

Reallocations are intended to provide equity between similar titles within the civil service system. To be approved by Class & Comp, evidence must prove that a title or class is not proportionately compensated compared to titles in state service with similar classification factors.

In determining whether a reallocation is justified, Class & Comp examines the classification factors of a title and whether they have significantly changed since the last time the class was reviewed. These changes must be substantial and long-term, altering the core duties of the class.

Class & Comp works with agency representatives to review classification standards, examination

announcements, minimum qualifications, duties descriptions, and any other documents necessary to understand the nature of the title's work.

Agency representatives are selected based on their knowledge of the title or titles being considered. If the title or titles exist at multiple agencies, Class & Comp typically works with the agency or agencies that have the majority of positions.

Class & Comp then reviews other civil service titles to determine if there is a parity issue. This involves evaluating the classification standards and allocations of similar titles in similar occupational fields, dissimilar titles assigned to the same salary grade, and other titles at both higher and lower salary grades that have similarities in their classification factors anywhere in state service.

The aim is to see if other civil service titles with similar factors are compensated differently, even if the titles are in different occupational fields. This is a thorough review of the nature of the work and the classification factors,

which can lead to reallocation requests moving slowly when compared to other actions like salary differentials.

If Class & Comp determines that there has been a substantial change to the core duties of a class, that similar positions are compensated differently, or both, they may approve the reallocation and then determine what salary grade to move a class to. If approved, it must also be approved by the Division of the Budget (DOB).

How PEF Can Help

PEF Civil Service Enforcement and Research (CSE/R) has prepared informational material and reference documents for individuals pursuing reallocations.

Additionally:

- CSE/R can ascertain which state agencies the title under review exists in and pull staffing data.
- CSE/R will provide feedback on requests, however these must be provided to CSE/R at least three months before the intended submission date to ensure sufficient time for review.
- If a request for a reallocation is denied by Class & Comp, CSE/R will also help individuals prepare for an appeal. Please see [page 49](#) of this toolkit for further information on the appeals process.

Guidance –

What to do and When

This guidance provides the framework for forming a reallocation request; however, every request is different. Labor/management (L/M) chairs and members should be prepared to modify the request depending on what they find and management's response.

If a PEF member believes there has been a substantial change to the core duties of their job since the last time it was reviewed, and/or their title is not appropriately compensated when compared to other civil service titles that do similar work, the first step is reviewing the title's classification standard.

The classification standard includes basic information about the title series, including salary grade, minimum qualifications for appointment, and illustrated job duties. The classification standard will have a month and date included at the very end indicating the last time Class &

Comp reviewed the title. Members should think about whether the classification standard reflects the duties and responsibilities of their job, or if something has changed since it was last reviewed.

The classification standard is not an exhaustive list of job duties, and employers can reasonably expect employees to do more than what the standard includes.

Members should try to determine if they're regularly expected to go above and beyond the standard duties or if the basic requirements for appointment have changed.

All classification standards can be found here:
<https://www.cs.ny.gov/tsplan/tsp.html>

Members should also talk to their peers in their title. Members can work together to review the aspects of their role and compare their actual experiences in the title, keeping track of responsibilities and duties that all members in the class are expected to carry out.

Members should look at the classification standards of other civil service titles that have similar requirements and duties, as well as titles at the same salary grade, to see how they compare to the members' titles. It will be helpful to compile a list of titles and make note of any substantial similarities and differences.

If the members believe their core responsibilities have changed and/or their pay isn't consistent with other titles that have similar duties, they should reach out to the L/M committee chair. Members should be prepared to share their findings with the chair.

PEF field representatives can help connect members to L/M chairs. If you don't know who your PEF Field Representative is, please contact PEF Statewide Field Services at **518-785-1900 extension 307**.

At this point, L/M chairs, with the assistance of interested members, should review the collected information and conduct additional research, such as:

- A thorough review of civil service titles that members have identified as potentially being paid more for similar work, with the aim of ascertaining how similar they are.
- Identifying additional civil service titles for comparison.
- Researching the history of a title or the agency/ agencies where it is allocated to see if the expansion of duties can be tied to a specific change or event.

Based on material provided by members and independent research, L/M chairs decide if the case can be made that:

1. There have been significant changes to the core duties and responsibilities of the class since the last time it was reviewed, and/or
2. Whether the title or class is adequately compensated for these duties when compared to other civil service titles with similar duties.

In the preliminary phase, it is best to determine whether an argument can be made for the points above.

Keep in mind that other factors like the difficulty of recruiting or retaining employees in the class, or the personal qualifications of members in these titles, aren't relevant to a reallocation request. If these factors make up the bulk of the concerns raised by members, L/M chairs should review the guidance for salary differentials on [page 19](#) of this toolkit.

It is up to the L/M chair to decide whether to proceed with the request. If they decide not to pursue it, the L/M chair should communicate the reasons for this decision to the members.

Communication is key.

If the L/M chair thinks that the request should be pursued, they should also consider whether the title in question exists in multiple agencies and, if so, whether members at these other agencies share similar concerns.

CSE/R can help L/M chairs identify other agencies where the title is classified. L/M chairs should consider reaching out to labor leaders at these agencies about securing additional support for the request.

Solidarity among PEF members and leaders statewide increases our chances of success.

If the L/M chair decides to proceed with the request, the next step is to begin a discussion with management at upcoming L/M committee meetings.

To initiate this conversation, the L/M chair should include an agenda item for the next L/M meeting related to members' pay concerns and the possibility of a reallocation. L/M chairs may find it useful to compile their findings from preliminary research and share with management to aid the discussion. L/M chairs can decide how much of their findings to share at this point.

Between the first and second meeting, L/M chairs, with the support and assistance of active and interested members, should continue to research the class and start to put together the framework for a reallocation request. They should make note of what information is still needed and, with members' help, fill in the gaps.

For the second committee meeting, L/M chairs should add an agenda item to discuss the reallocation request. L/M chairs should be prepared to discuss their findings and ask management to support the request.

If management supports the request, L/M chairs should begin to prepare a request for submission to Class & Comp.

PEF Support

CSE/R has prepared drafting guidance for reference, beginning on [page 55](#) of this toolkit. CSE/R will also provide feedback on the request before it is presented to management, however it must be given to CSE/R at least 3 months prior to the meeting when it will be presented to give CSE/R enough time for review.

Management may ask for more time to consider the reallocation request. In this case, it is up to L/M chairs whether to begin putting together the request for submission.

What to do if Management is Supportive

If the agency has agreed to support the request for a reallocation, then L/M chairs and management should determine which party is going to submit the request to Class & Comp. Agencies submitting on their own behalf typically lend more credence to the request than a submission by the members alone. However, if an agency submits, they are not required to share a copy of the submission or Class & Comp's determination with the members. Additionally, if an agency submits a request and it is denied, the agency alone has the right to appeal the determination.

If the agency will be submitting the request, members should ask for a copy of the submission. If management is unable or unwilling to provide a copy, then L/M chairs should consider submitting their own parallel request in order to maintain their rights to an appeal.

If the members will be responsible for the submission, then it is recommended that management provides a formal letter indicating their support for the request. This letter should be included with the members' submission.

What to do if Management is Not Supportive

L/M chairs may determine that management will not be supportive, and the request will need to be pursued without agency support. If so, L/M chairs should still share a copy of their independent submission to Class & Comp with management prior to sending it in.

For more information on submission strategies, please refer to [page 55](#).

How Members can Submit their own Request for a Reallocation

The reallocation request can be submitted to Class & Comp using the CC-2E form. This form requires individuals to identify employees they supervise, if any, explain their role in detail, estimate the percentage of time spent on different aspects of their work, provide specific

justification for the reallocation being requested, and provide examples of similar civil service titles for comparison. This information is substantially similar to what L/M chairs and members have already pulled together for the submission, with some modifications.

Individuals filling out the CC-2E form should be specific when describing their role and thoroughly explain the steps they must take to perform the core duties of the job.

To estimate how much time they spend on different aspects of their work, members may find it helpful to keep a log of how much time they spend on tasks at work for a few weeks.

In addition to the information required by the form, L/M chairs and members should include all other information and writing they have prepared for submission as an attachment, including any letters of support. The individuals completing the form may find it useful to

include separate attachments answering the questions on the form or to include that information in the submission they have prepared.

When completed, the CC-2E form can be sent to Class & Comp. Reach out to CSE/R for the most up-to-date contact information.

The Appeals Process

If Class & Comp denies the request for a salary differential or a reallocation, members or the agency can appeal this determination to the Civil Service Commission. This is the last step in the process, and the determination of the Commission is final.

In the event a request for a differential or reallocation is denied, CSE/R will help L/M chairs, leaders, and members prepare for the appeal.

Please be aware that if an agency submits the request, members cannot appeal the determination.

The agency may choose to appeal and ask the members for support, but they are under no obligation to do so.

The determination letter provided by Class & Comp will give the rationale for the denial and instructions on how to appeal the decision.

Appeals to the Commission must be submitted within sixty days of the issuance of the denial. Because of this limited timeframe, L/M chairs should begin working on the appeal right away.

Class & Comp's determination will provide an overview of the reasons for the denial; they are not required to detail all considerations for the decision. It is therefore important to respond to both the reasons listed in the determination and potential arguments that may have informed Class & Comp's decision.

The appeal must be submitted using the CSC-3 form, with the supporting arguments and documents attached.

The individuals preparing the appeal should build an argument against the reasons for the denial and include any supplementary materials necessary to support it.

The appeal should also reiterate the main argument for the salary differential or reallocation request.

Unlike proposals for salary differentials or reallocations, there is no recommended format for appeals documents. Nonetheless, there are some things that submitters should address or include in the appeal.

- **Rebuttals:** In reviewing the appeal, note the specific points Class & Comp made. Respond to each point. Use information from the original submission or, if necessary and useful, additional information to explain why the points made by Class & Comp are insufficient justification for the denial.
- **Omissions:** Note which elements of the argument Class & Comp did not address in the denial. Restate these points and stress that, even if some of the reasons for the denial may be valid, they do not negate the rest of the argument.

CSE/R will review the appeal no less than thirty days prior to the submission deadline. When sending CSE/R the appeal, also send the original request for a salary differential or reallocation.

After the CSC-3 form has been sent, the submitters will receive notification of the Commission's acceptance of the appeal and the date of the hearing. They will also receive a conference attendance form on which they should indicate the names of all persons that will attend the hearing. Representatives of Class & Comp will be present, and the Commission may ask agency representatives to attend.

Hearings are informal in nature and do not follow a set format or timeline. Formal rules of evidence are not followed, and no record of the meeting is kept.

At the hearing, Commissioners will ask all representatives questions, and representatives may also ask each other questions. The L/M chair and other members present should be familiar with both the original request and the appeal they filed so that they can effectively respond to the Commissioners' questions. They should also be prepared to ask Class & Comp specific questions about the rationale for denial.

Some questions to consider are:

- Did they speak to agency representatives, other staff, or subject matter experts when reviewing the request? If so, what were their names? How did Class & Comp determine that these individuals were sufficiently familiar with the subject and that their feedback was accurate?
- If the request was for a salary differential, did they compile and use data that differed from the data included in the request? From what sources was this data gathered and how did it differ?
- If the request was for a reallocation, what benchmark titles were used for comparison? In what ways were these titles similar or dissimilar to the title under review?
- Did they conduct desk audits, speaking with employees in the title under review to assess their day-to-day responsibilities?

If requested, CSE/R will attend the hearing to support the L/M chair and members. The chair and members should

be prepared to lead the conversation at the hearing, but CSE/R staff can assist with asking and answering questions. If CSE/R support is requested, inform the department at the time the appeal is submitted for their review. CSE/R staffs' names will need to be included on the conference attendance form.

Appendices

A. Sample FOIL Request Letter	56
• FOIL Request Letter – Fillable Template	57
• Sample Data Requests for Salary Differential Requests	58
B. Salary Differential Request Template	59
C. Reallocation(s) Request Template	64
D. Classification Factors	69

A. Sample FOIL Request Letter

Dear Records Access Officer, **[Insert Agency/Department]:**

Pursuant to Article Six of the New York State Public Officers Law (the “Freedom of Information Law”), I am requesting that the **[Insert Agency/Department]** provide copies of records containing the information indicated below:

1. **[Insert Item 1]**
 - a. **[Insert Expanded Details as Needed]**
2. **[Insert Item 2]**
 - a. **[Insert Expanded Details as Needed]**

If any portion of my request can be fulfilled electronically, please send the information via email to **[Insert Email]**. I can be reached by phone at **[Insert Phone Number]**.

Physical mail can be addressed to:

[Insert Mailing Address]

If there are any fees associated with the provision of the information requested, please inform me before filling the request. The Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

I appreciate your assistance with this request and look forward to your response.

Thank you,

[Insert Name]

Dear Records Access Officer, _____ :

Pursuant to Article Six of the New York State Public Officers Law (the "Freedom of Information Law"), I am requesting that the _____ provide copies of records containing the information indicated below:

If any portion of my request can be fulfilled electronically, please send the information via email to

_____ .

I can be reached by phone at _____ .

Physical mail can be addressed to:

If there are any fees associated with the provision of the information requested, please inform me before filling the request. The Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

I appreciate your assistance with this request and look forward to your response.

Thank you,

Sample Data Requests for Salary Differential Requests

1. Vacancy and turnover data in **[title/class]**
 - a. Data for the period from **[date-date]** on:
 - i. The number of total positions in the title or class at **[agency]**
 - ii. The total number of appointments made to **[title/class]** at **[agency]**
 - iii. The total number of appointees to the **[title/class]** at **[agency]** who have left employment in the **[title/class]** at **[agency]**
 - b. Current employment and vacancy data for the **[title/class]** at **[agency]** including:
 - i. The number of positions in the **[title/class]** at **[agency]** that are currently occupied by a permanent employee
 - ii. The number of positions in the **[title/class]** at **[agency]** that are currently filled on a provisional or temporary basis
 - iii. The number of positions in the **[title/class]** at **[agency]** that are currently vacant
2. Documentation of recruitment and advertising efforts by **[agency]** for **[title/class]**
 - a. Data for the period from **[date-date]** on:
 - i. The amount of money **[agency]** has spent on advertising media for the posting of vacancies in **[title/class]**
 - ii. The duration of each posting and/or average duration of postings during this period

B. Salary Differential Request Template

LABOR/MANAGEMENT AGENDA ITEM:

[TITLE SERIES] SALARY DIFFERENTIAL REQUEST

The Public Employees Federation (PEF) is requesting the **[agency]** designate Human Resources department staff and resources to partner with PEF to file a proposal with the New York State Department of Civil Service (DCS), Division of Classification and Compensation (C&C) to provide the [title series] with a salary differential in order to address recruitment and retention problems and make **[agency]** competitive with other employers.

BACKGROUND:

- List the title(s) subject to the differential request and their salary grades. Include the agencies where titles are classified.
- Provide a high-level overview of basis of the request and what the key points are.

Example:

The [title] is a position whose compensation has lagged behind wages for similar positions offered by both private sector and non-New York State public employers, impacting the state's ability to recruit and retain qualified employees in the title. This title exists across many state agencies, including [...]. This title has been affected by both consistently low staffing rates, with vacancies remaining unfilled for long periods of time despite agencies' recruitment efforts, and high attrition rates, with employees frequently leaving state employment to perform similar work elsewhere. Both of these issues are directly related to the low salary offered by the state.

In order to improve recruitment and retention to the title, it is necessary to align pay with the wages offered by other employers for similar work. This paper will detail the issues staffing the title over time, the pay discrepancy between this title and similar positions outside of state service, and show that a differential is necessary in order to allow agencies to hire and keep employees.

[TITLE] CHARACTERISTICS:

- Describe the characteristics of the title, including the minimum qualifications for appointment and the core duties. It may be helpful to review the classification standard and ask members about their day-to-day experience.

Example:

[Title] is chiefly responsible for [duties, e.g. maintenance of online security programs] at [agency]. For convenience, a copy of the classification standard has been included in appendix A. The most significant aspects of the title are:

- 1. Education and Experience: This title requires, at minimum, a master's degree, two years of professional experience at a lower level, and licensure by the New York State Department of Education (NYSED). NYSED requires an additional 25 hours of coursework and the completion of a supervised internship for licensure.*
- 2. Core duties: [Title] is responsible for multiple functions related to both internal agency functions and the delivery of state services. These include [provide list].*

[TITLE] STAFFING LEVELS OVER TIME:

- Staffing levels in the title over a set amount of time
 - At the beginning of each year, how many positions were filled and on what basis (permanent, temporary, or provisional)
 - How many were vacant at the beginning of each year
- Recruitment efforts by the agency
 - How many vacancies the agency/agencies have posted over the set amount of time
 - The number of applications received
 - What sites or forums the agency has used to post vacancies and the amount of money the agency has spent per posting

COMPARABLE POSITIONS OUTSIDE OF STATE EMPLOYMENT:

- Include a list of similar positions outside of NYS employment; copies of vacancy postings should be included in the appendix and can be referred to as specific examples.
- Explain similarities between civil service title and outside titles to establish reasonable grounds for comparison.
- Use average wage data to show discrepancies between NYS wages and earnings of similar fields.
- Create graphs to show changes in wages over time. To aid the differential request, graphs should show wages in non-NYS employment rising more steadily or at a higher rate than NYS titles.

Example:

[Civil Service title] is comparable to [other job title], a position being filled by many employers in New York State. [Job title] has the same licensure requirements as [title] to practice in New York, and therefore has equivalent minimum educational requirements. Recently licensed professionals have the choice between a state job and a private sector job – a decision that, for many people, comes down to wages. And, as demonstrated by both national labor statistics and a sample of job postings by non-New York State employers, New York consistently pays a lower wage.

The United States Bureau of Labor Statistics estimated that the average national wage for [position] was [\$] in 2023 (appendix A). In New York State alone, average wages for the position were [\$] in 2023. By contrast, [title], currently allocated to [SG], has a job rate of [\$], which is lower than average wages for similar employment in New York.

Additionally, wages for [position] have increased over time at an accelerated rate compared to [title]. The below chart shows wage trends in the last 10 years in the United States, New York, and Civil Service.

Moreover, higher-paying jobs are immediately available to current and prospective state employees. Please see appendix B for a sampling of job postings that were accessible online between [date range].

EMPLOYEES' EXPERIENCES:

- If applicable/relevant, include experiences and testimonies shared by members regarding:
 - How working in an understaffed title affects their ability to carry out their own work
 - How working in an understaffed and underpaid title affects morale, and how low morale affects their job performance
 - If they have considered leaving state employment to take a higher-paying job elsewhere
 - If they have had other employers or recruiters reach out to them
 - If they have had the experience of other colleagues leaving state employment and the reasons therefor
- If available, reach out to former members/state employees who have left state employment about how pay contributed to their decision to leave state employment.
- If possible, ask supervisors of the title(s) and hiring managers at the agency about:
 - The challenges of supervising and overseeing work when the title is understaffed
 - Specific experiences and challenges of finding qualified job candidates, and how pay contributes to these challenges.

CONCLUSION:

- Reiterate key points of the argument:
 - The title is paid less than similar positions outside of state service
 - New York is unable to compete with other employers for staff due to the comparatively low pay

- There are recruitment and retention issues in the title due to low pay
- Improving pay will address recruitment and retention problems

APPENDICES

- Include appendices for:
 - The classification standard for the class or title
 - Copies of job postings for similar titles
 - Copies of sites/pages from which statistics were pulled (i.e. BLS)
 - Copies of NYS job postings, if being used

C. Reallocation(s) Request Template

LABOR/MANAGEMENT AGENDA ITEM: [TITLE SERIES] REALLOCATION REQUEST

The Public Employees Federation (PEF) is requesting the [agency] designate Human Resources department staff and resources to partner with PEF to file a proposal with the New York State Department of Civil Service (DCS), Division of Classification and Compensation (C&C) to provide the [title series] with an upward reallocation of salary grade commensurate with the substantive and long-term changes since their last reallocation.

BACKGROUND:

- List the titles subject to the request and their salary grades. Include the agencies where the titles are classified.
- Include information on the last time these titles were reviewed and/or subject to a reallocation.
- Provide a high-level overview of the basis of the request and what the key points are.
- List which titles will be used for comparison and their salary grade.

Example from the white paper prepared for OPWDD Labor/Management requesting the reallocation of physical therapy titles:

C&C describes in its classification standard of class series the following Physical Therapy (PT) titles (SG-Salary Grade): Physical Therapy Assistant (PTA) 1 (SG-11), Physical Therapy Assistant 2 (SG-14), Physical Therapist (SG-16), Senior Physical Therapist (SG-18), Head Physical Therapist (SG-20) and Chief Physical Therapist (SG-23).

C&C revised the classification standards for these titles in March 2019, however, the Physical Therapy title series has not had an evaluation by C&C for the reallocation of their salary grades since 1981.

OPWDD employs the vast majority of the Physical Therapy positions in State service (128 of the 193 PT positions). OPWDD was known in 1981 as the OMRDD agency and employed PT clinicians in its Developmental Centers. All these centers but Sunmount and Valley Ridge ICF have closed over the past 41 years and the delivery of Physical Therapy skilled services now has expanded to the community environment resulting in a significant increase in their independence of practice, as well as their professional responsibilities. The PT professional development during these four decades has also significantly changed with an increase in their professional autonomy. These changes have affected all the relevant classification factors which C&C evaluates in order to allocate positions to salary grades.

CHANGES IN THE CLASSIFICATION AND COMPENSATION FACTORS:

- Include separate sections for each factor.
- Only include factors where a substantial expansion can be demonstrated. For example, if there has been no change in the education and experience requirements of a title, then a section on education and experience does not need to be included.
- Avoid simply explaining the classification factors or illustrating language from the classification standard. Instead, focus on analyzing how the factor has expanded beyond what used to be expected of the class.
- Aim to be as specific as possible.

Example from the white paper prepared for OPWDD Labor/Management requesting the reallocation of physical therapy titles:

Supervision. The supervisory level, Head (SG-20) and Chief (SG-23) positions have additional new supervision duties following the deinstitutionalization of the OMRDD/OPWDD agency to a Community-Based Service delivery system. These now include the duties to:

- *Provide program supervision not only for the Physical Therapy department but also for the Adaptive Equipment shop/specialists for the delivery of Complex Rehabilitation Technologies services;*

- *Chair/Co-chair facility or Agency-wide committees (Falls Committee and Safe Patient Handling Committee, Article 16 Documentation Compliance Committees) and develop/coordinate their related policies with other clinical departments;*
- *Provide community based and Agency staff training; budget responsibilities (department and facility); and*
- *Assist the Placement Coordinator in determining the most appropriate residential setting/placement of constituents in the agency.*

SIMILAR TITLES:

- Create a chart that includes the title, salary grade, and brief description of the titles being used for comparison.
- Stress elements of the comparable titles that are the most similar to those of the titles for which the reallocation is sought.
- If any of the titles being compared have previously been approved for transfers from the title for which reallocation is sought, make a note of this.

Example from the white paper submitted to C&C requesting the reallocation of Underwriter titles:

Comparatively statewide, there are other SG-20 titles in the NYS Title and Salary Plan who have similar complex and technical paraprofessional duties/responsibilities to those of the Underwriter. They include but are not limited to the following.

Title	Grade	Global Duties/Responsibilities
Senior Industrial Hygienist	20	<i>Industrial Hygienists conduct occupations health inspections and consultations of office buildings or facilities operated by the State of New York, any of its political subdivisions, and private sector companies to determine, or advise on, compliance with applicable State and federal health standards. The inspections or consultations are conducted to identify and evaluate health standards, violations, and occupational health hazards of a complex nature, particularly those associated with exposure to toxic or explosive chemicals and substances in the form of dusts, fibers (including asbestos), fumes, mists, vapors, gases, metals, pathogenic organisms as well as other hazards such as noise and vibrations, extremes of temperature and humidity, light of various types, and other physical energies including electromagnetic emissions and non-ionizing and ionizing radiation.</i>

Assistant Geologist	20	<p><i>Geologists review, analyze, and investigate geologic data for the resolution of environmental and transportation related concerns. These positions exist primarily in the Department of Environmental Conservation and the Department of Transportation. Field assignments are required for all positions in this series in each agency. Incumbents working for the Department of Environmental Conservation review and analyze geologic data related to investigations of groundwater, water supply, solid or hazardous waste disposal sites. Positions within the Department of Transportation are involved with issues concerning bedrock including slope work, rock outcrop mapping, water wells in rock, investigating rock falls, providing assistance in rock blasting issues, evaluating aggregate sources for transportation projects, reviewing geologic source reports, evaluating engineering properties of aggregates, and conducting aggregate studies and friction investigations.</i></p>
---------------------	----	---

EFFECT ON RECRUITMENT AND RETENTION:

- Include any relevant information about recruitment and retention difficulties to the class resulting from comparatively low pay.
- Although reallocations are not intended to address recruitment and retention problems, a short section going over this concern may be helpful. If C&C does not approve a reallocation, then some information here may bring their attention to the possibility of a differential for the title.

Example from the white paper prepared for OPWDD Labor/Management requesting the reallocation of physical therapy titles:

The most recent May 2021 United States Department of Labor-Bureau of Labor Statistics (U.S. DOL) salary data for employed (non-self-employed) Physical Therapists clearly show the significantly higher salaries for the entry level and experienced PT professional when compared to current NYS PT item salary grade allocations (see appendix). The most recent 2022 salary data from the NYS DOL also verifies this significant gap for all Salary Grade levels. The data supports higher salaries for PT supervisors working in metropolitan areas supporting the use of Geographic Pay Differentials in addition to the higher salary grade. These lower salaries result in failures to adequately staff Physical Therapy departments in OPWDD and therefore affect the delivery of care. Significant monies from the budget are spent with private contract PT services which pay the higher salary rates.

CONCLUSION:

- Reiterate key points of the argument:
 - How the title's expectations and requirements have expanded and that a reallocation is necessary to align with other titles and ensure equity in the civil service compensation system.
 - Which other civil service titles have been used for comparison and the key ways in which they are similar to the title in the request.

APPENDICES:

- Include appendices for:
 - The classification standard for the title
 - The classification standards of titles that have been used for comparison
 - Any documentation supporting the expansion of the title's duties

D. Classification Factors

Source: C&C Update April 2016

EDUCATION AND EXPERIENCE

- This factor entails the amount of relevant job experience and the academic preparation required at the entry level of the class.
- It evaluates the level of knowledge and skills necessary to successfully perform the major duties of the class, which is essential to setting the allocation.
- Major duties form the basis for the position's existence, encompass the majority of the person's time, and serves as the basis for the requirements of the position. Therefore, bonafide occupational qualifications are the focus rather than what is preferred or the education and experience of specific employees or candidates.
- All things being equal, a job that requires greater level education and experience will be allocated at a higher grade than one with less stringent requirements.
 - For example, a Nurse 2 is required to have a license and registration to practice nursing, and one year of post-licensure experience, which results in a Grade 16 allocation. By contract, a Highway Maintenance Worker 1 must possess a Commercial Driver's License to perform the essential duties of the job, one-person plowing. This title is allocated to a Grade 8.
- Education and experience must be reasonable and relevant to the position.

RESPONSIBILITY

- This factor measures the impact of work performed by the class on people, the organization, and its resources. Every position exercises some degree of responsibility, large or small.
- A position may be responsible for the leadership of a large, diverse, and active program while another position may be limited to performing routine and repetitive work with little opportunity for exercising independent judgment. The fact that positions may have the same reporting relationship does not equate to similar level of responsibility.
- The scope and level of a person's responsibility is critical in evaluating classification requests.
- Although a position's responsibility extends to both supervisory and non-supervisory areas, comparative analysis often reveals an interrelationship between factors such as responsibility, supervision, and difficulty of work. This is to be expected as details about the type and level of supervision will likely point toward increased responsibility and difficulty. When a position has greater responsibility, its duties are often more difficult; when a position has less responsibility, its duties are often less difficult.
- Even though many classes are inextricably linked to supervisory responsibility, and supervisory span of control, responsibility exists outside of circumstances surrounding direct supervision.
 - Examples of responsibility that may not necessarily be linked to supervision include making recommendations affecting planning and policy-making; exercising independent action in terms of action and decision-making and binding an agency to take a certain course of action.
- The responsibility of a position is relative to its organizational context. This requires an understanding of the scale of authority of positions both below and above the position under review.

- For example, is the position responsible for monitoring work processes and the work product of others, or is the position rubber-stamping completed work and approving leave requests? Is the position vested with the authority to make meaningful decisions regarding the work of a unit or are those decisions routinely passed on to higher level managers?
- Often, higher level of responsibility is found in occupational areas requiring knowledge, skills, and abilities in professional areas. Those would include titles requiring an advanced education or credential, or both.
 - A Nurse Practitioner for example is classified and allocated to Grade 24 based upon its exercise of specialized scientific and medical knowledge in the evaluation, treatment, and care relating to the health and well-being of others. The title is not classified and allocated based upon supervision. Nurse Practitioners are specifically trained medical professionals who work with considerable authority and independence of judgment and action.
- In summary, different titles have different duties and responsibilities, but may be similarly or identically allocated. Responsibility, which has to be measured through comparative analysis, is just one factor that is considered in the classification and allocation process.

COMMUNICATION

- This factor assesses the nature and extent of oral and written communications required to accomplish work in conjunction with others, including contacts beyond the immediate hierarchy. This may include completing forms, writing original documents, or editing materials provided by others in subject areas ranging from simple to highly technical.
- It may also involve teaching, advising, giving directions or providing instructions, leading and planning meetings and workshops, and making other work-related contacts with the public, other employees, and institutionalized individuals. Communication is one of the factors where a logical progression can be obvious.

- Evaluation of this factor entails a combination of elements reflecting the nature of the communication and the individuals receiving the communication.

COMPLEXITY

- This factor covers the nature and variety of tasks, steps, processes, methods and activities in the work performed; and the degree to which the employee must vary the work, discern interrelationships and deviations, or develop new techniques, criteria, or information.
- At the low end of the complexity scale, the work involves few, clear-cut and directly related tasks or functions.
- Other elements to consider when assessing complexity in the work are:
 - *Status of work*: How is the work assigned? What other positions handle the work before and after it leaves the subject position?
 - *Selection of assignments*: How are assignments determined? Are assignments pre-reviewed by supervisors or managers? What procedures are followed? What processes performed? What plans or actions are initiated or developed by the position? What independence or authority does the incumbent have to make decisions? What types of decisions are made? How much does precedence influence such actions?
 - *Control of position's work by others*: How much technical supervision over assignments is exercised by supervisors or managers?
 - *Variety and scope of work*: What type (analytical, technical or clerical) of work is done? How frequent is the work? What skills and abilities are needed to perform each task?
- Simply stating in a justification letter or duties description that a position performs "complex duties" is not compelling. The complexity needs to be explained in detail with unambiguous, illustrative, and meaningful descriptions of such work.

- Statements of such difficult or complex duties should and will be compared to the typical duties of the same class or occupation, or similar classes and occupations.
- Claims of complexity will be suspect especially for requested atypical, high level positions in title series with numerous levels.
 - For example, in a title series with a Grade 18 (entry level); Grade 23 (advanced performance level); Grade 27 (first supervisory level); Grade 29 (managerial level); and additional classes of director and assistant director, classifying a position at Grade 29 based on complexity alone would be extraordinary. In such series, the roles of the Grade 27 and 29 positions not only entail performing the most difficult duties but also the added responsibilities of supervision and management. It should be noted that supervisory and managerial activities may contribute to complexity.
- Even if there are indicators that the work is complex, the frequency, intensiveness and extensiveness of such work will be weighed along with other classification factors such as communication, responsibility, and education and experience. In other works, complexity is not valued in isolation of other classification factors but instead in conjunction with these other components.
- To be valid, claims of complexity must be supported by duties and responsibilities of a nature that do not override other classification factors but bolster them.

SUPERVISION

- This factor assesses both supervision exercised, and supervision received. Supervision is not merely signing off on time and attendance. The Cambridge Dictionary states, to supervise is “to be responsible for the good performance of an activity or job.”

- Supervision entails assuming responsibility for the work of others by directing the work, reviewing it, ensuring those performing the work receive appropriate training, assessing employee performance, and being responsible for resolving work problems.
- Supervision usually includes having significant say in hiring decisions.
- It is considered a factor when the supervisory responsibility requires a sufficient amount of time, such that the focus or nature of the job is impacted. Generally, this occurs when at least two full-time employees, who are performing the full range of duties of an occupation, report directly to the item in question.
 - When direct supervision is exercised over approximately eight or more full-time positions, the incumbents of which are performing the full range of duties of their titles, the focus of the job changes to full-time supervision.
- Supervisory responsibility impacts the allocation of a title: considerations include how many supervised; the level of the work (typically reflected in the allocations of those performing it); the scope of the work; and the range of duties performed by those supervised.
 - For example, a position supervising ten Office Assistants performing the same processing operation will be allocated lower than one supervising three units of professional staff involved in three distinct functions.
- Supervision received is evaluated in terms of how direct and how much supervision is provided. Although trainees and new employees often receive more supervision, the focus for classification purposes should be on how much supervision is typically provided to the position or group of positions.
- Supervisory activities in all ranges are closely related to activities involving the direction of work, which are considered under the Managerial Activities factor and the Responsibility factor.

MANAGERIAL ACTIVITIES

- A manager in an organization coordinates the efforts of people to accomplish goals and objectives using available resources efficiently and effectively. Major activities of managers include planning, organizing, staffing, leading/directing, and controlling.

Planning	Organizing	Staffing	Leading/Directing	Controlling
<ul style="list-style-type: none"> • Choosing appropriate organizational goals, short- and long-term, and choosing the correct directions policies and methods to achieve those goals. • Involves flexibility, as the planner must coordinate with all levels of management and leadership in the organization. • Involves knowledge of the available resources and the future objectives of the organization. 	<ul style="list-style-type: none"> • Involves designating tasks and responsibilities to employees with the specific skill sets needed to complete the tasks. • Involves developing the organization structures and chain of command within the organization. 	<ul style="list-style-type: none"> • Includes hiring and assigning the right people for the right job. • Involves the training and development of employees to optimize their skills and efficiency. • Includes hiring, training/ development, performance appraisals, promotions, and transfers 	<ul style="list-style-type: none"> • Ensures that all activities work together for the good of the organization. • Typically takes place in meetings and other planning sessions to ensure everyone is headed toward the same objectives and goals. • Includes good communication and motivational skills. 	<ul style="list-style-type: none"> • Ensures that all functions of the organization are operating successfully. • Managers monitor and measure the degree to which the organization has reached its goals, and use that information to take corrective action as necessary and to inform continuing planning practices.

- In classification, once the job is identified as managerial, the relative level of the class needs to be determined. There are typically three levels of management: top or executive level, mid-level, and first-level.
- Determining the level of manager includes looking at the other classification factors required to perform the job successfully.

JOB DEMANDS

- Job demands in this instance do not refer to the supply and demand of employees in an occupation. They instead deal with work pace and the nature and impact of time constraints on decision making and the conduct of work. They also relate to repetitiveness, physical demands, and environmental conditions encountered.
- Allocation analysis of this factor takes into consideration a number of elements contributing to the overall nature of work, including presence or absence of repetition, the presence of time limits directing work output, the need for decision-making and environmental conditions present.
 - Classes that perform work consisting of repetitive short tasks requiring little interpretation or decision-making, where work environment may be noisy and have extremes in temperature, or require strenuous physical effort tend to be allocated at the lower levels.
 - Job demands in the higher allocated classes are characterized by activities that are varied and entail a high degree of decision-making, often in the context of immediate time constraints.
- The impact of job demands is evident in the allocation of various titles in state service.
 - For example, Security Services Assistant 1, Grade 6, and Security Officer, Grade 8, have similar duties and minimum qualifications. Security Officer, however, is allocated higher based on the work setting, which is likely to be secure; or have unruly or disruptive clients due to adverse benefit decisions.
 - Similarly, Mental Health Therapy Aide, Grade 9, and Secure care Treatment Aide 1, Grade 11, perform similar duties, but in different settings to explain the difference in grade allocation.
 - In addition, Correction Officer, Grade 14, which requires a high school diploma, is allocated the same as police titles requiring an associate's degree or 60 college credits. The work environment of Correction Officers

contributes, in part, to their allocation being the same as other titles having greater minimum qualifications.

- Certain job demands inform right-to-know training and use of equipment to minimize exposure or worker injury or disability pursuant to federal Occupational Health and Safety Agency laws and regulations, and New York State's Public Employees Safety and Health Act. For people or workplace hazards, worksites may qualify for a hazardous duty differential to compensate employees for such assignments.
- In addition to allocation, job demands analysis assists the Department of Civil Service in the design of examination and minimum qualifications, placement of titles in the appropriate jurisdictional classification, and establishment of hazardous duty pay.