

PERSONNEL SERVICES BULLETINS (PSBs)

100-1

Subject: Non-Competitive program for the physically or mentally disabled

Supersedes: Personnel Policy and Procedure No. 471-87

Source: Civil Service Law - Section 55-a, as amended and City Personnel Director Rule 3.2.10, as amended

Date: March 21, 1997

I. Background

City Personnel Director (CPD) Rule 3.2.10 states:

(a) The City Personnel Director may determine a prescribed number of positions, not to exceed the maximum set by state law, with limited duties which can be performed by physically or mentally disabled persons who are found qualified, in the manner prescribed by law, to perform such duties.

(b) Upon such a determination, such positions shall be classified in the non-competitive class, and shall be filled by persons who shall have been certified by either the commission for the blind and visually handicapped in the state department of social services as physically disabled by blindness or by the state education department as otherwise physically or mentally disabled and, in any event, qualified to perform satisfactorily the duties of any such positions. At least three hundred of such positions shall be filled by persons who have been certified as physically disabled. If no qualified physically disabled persons have applied for such positions, the city personnel director may determine to fill those unfilled positions with qualified mentally disabled persons.

(c) The City Personnel Director shall issue procedures for approval of appointments of physically or mentally disabled persons to such non-competitive positions as are established pursuant to this rule.

II. Policy

In compliance with CPD Rule 3.2.10, agencies shall make every effort to increase the number of employment opportunities for physically or mentally disabled persons, and may request that an existing competitive position be classified as non-competitive in order to appoint a qualified physically or mentally disabled individual to the position.

In specific circumstances, the following exception may be approved for a position to be classified as non-competitive under CPD Rule 3.2.10.

A. an individual who has competitive civil service status and is working as a provisional step-up in a competitive title may request that the provisional step-up position be classified as 55-a non-competitive under CPD Rule 3.2.10;

B. an individual in the non-competitive class may seek to have his/her position classified as non-competitive under CPD Rule 3.2.10 (such cases must be determined by a special panel at the Department of Citywide Administrative Services (DCAS) Office of Citywide Equal Employment Opportunity on a case-by-case basis).

It is the responsibility of DCAS's Office of Citywide Equal Employment Opportunity

(EEO) to submit the proper documentation to the internal 55-a review panel. The panel will consist of employees of the Office of Citywide EEO and will grant final approval of the appointment pursuant to CPD Rule 3.2.10.

III. Procedure

Appointments to non-competitive status under CPD Rule 3.2.10 are to be processed as follows:

A. The agency personnel officer may identify positions which may be filled by a qualified mentally or physically disabled person. A request to the agency personnel officer to identify a position may be initiated by a 55-a candidate (applicant or employee), or by DCAS. The agency personnel office has the discretion to determine which specific positions should be converted to non-competitive status under Rule 3.2.10, with the Commissioner of DCAS ultimately approving all requests for title conversions under CPD Rule 3.2.10.

B. After the position has been identified, the agency personnel officer must complete and submit form DP-2023 (Position Questionnaire for Non-Competitive Positions Subject to Rule 3.2.10) to DCAS Office of Citywide EEO. Form DP-2023 must be submitted together with a letter of request recommending the position conversion to the non-competitive class in accordance with CPD Rule 3.2.10, pursuant to Section 55-a of the Civil Service Law. The candidate's Tasks and Standards or job description must be attached.

C. The Commissioner of DCAS has the final authority to approve all position conversion requests for the 55-a Program. DCAS's Office of Citywide EEO will submit Form DP 2024 (Certification of Disability and Fitness for Non-Competitive Position) together with the position's Tasks and Standards to one of the following state agencies for certification, depending on the nature of the disability involved: New York State Education Department Office of Vocational Educational Services for Individuals with Disabilities (VESID).

D. After the appropriate State agency evaluates the candidate it will return Form DP-2024 to DCAS's Office of citywide Equal Employment Opportunity certifying the candidate as physically or mentally disabled and able to perform satisfactorily the duties of the position.

E. Upon receipt of Form 2024 from the state agency, DCAS's Office of Citywide EEO will submit an Approval Request memorandum, requesting that the position be converted to non-competitive status and, that the mentally or physically disabled candidate be found qualified to fill the position. The 55-a panel will be presented with the candidate's name, department or agency, position title and position presented with the candidate's name, department or agency, position title and position number, and a statement of the applicable City Personnel Director's Rule and pertinent section of the State Civil Service Law. The 55-a panel will assure that the proper documentation has been submitted and it will then be listed as an uncalendared item for the DCAS Commissioner's approval.

F. DCAS's Office of Citywide EEO will inform the city agency of the approval or declination. If certification is approved, the agency must then list the position on its Planned Action Report ("PAR").

G. When the PAR is approved, the agency will appoint the individual and submit notification to DCAS's Office of Citywide EEO and send a copy to the 55-a Coordinator of DCAS, and to Civil Service Administration's Authorization and Control Unit via Form DP-2025. (Report of Non-competitive Appointments Subject to Rule 3.2.10).

H. Upon termination for any reason of an enrollee from the 55-a Program appointed pursuant to these provisions, the agency must submit Form DP-2026 (Report on Termination of Employment in a Non-competitive Position Subject to Rule 3.2.10) to DCAS's Office of Citywide EEO who will notify DCAS's Civil Service Administration Authorization and Control Unit. This position will remain in the non-competitive class (subject to 3.2.10) unless otherwise authorized by the

Commissioner of DCAS.

William J. Diamond
Commissioner

Inquiries: Citywide Equal Employment Opportunity (212) 386-0222

Issue No. 1-97

