

## PERSONNEL SERVICES BULLETINS (PSBs)

### 320-2

**Subject:** Guidelines for Reassignments of Civilian Managers (revised)

**Supersedes:** Personnel Services Bulletin No. 320-2 issued 4/27/15

**Source:** Mayor's Personnel Order 78/9; New York City Charter, Section 814(2)

**Date:** April 8, 2021

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#### I. Introduction

- A. This PSB sets forth standard policy and procedures for determining the salary of managers reassigned, whether due to (i) misconduct or incompetence (for cause) or (ii) other circumstances (not for cause).
- B. This PSB does not confer any substantive or procedural rights on provisional, non-competitive or exempt class managers, including those with an underlying permanent competitive non-managerial title, except as set forth in Sections IV and V below.

#### II. Definition

“Accreted levels of a title” means the levels of a competitive class civil service title that was previously a uniformly management class of positions with assignment levels with respect to which the Office of Collective Bargaining (“OCB”) has determined that appointees perform non-managerial work and are appropriately represented by a collective bargaining agent under the New York City Collective Bargaining Law. For example, Administrative Staff Analyst Non-Managerial – Formerly M1, M2, and M3 are levels of the title that have been accreted to a bargaining unit represented by the Organization of Staff Analysts pursuant to a determination by the OCB.

#### III. Reassignment Policy

The salary of a manager may not be reduced unless the manager is reassigned to new duties. Reassignment of a manager may be accompanied by a change to a lower level within the Pay Plan for Management Employees (PPME), to a non-managerial position in an accreted level of a title, to a lower underlying permanent competitive non-managerial title, or to no change in managerial level. A reassignment should result in only one salary reduction. Future reductions in the salary of a manager must be a result of another reassignment due to new circumstances or a new instance of misconduct or incompetence.

#### **IV. Reassignment for Cause (see supplementary chart attached below)**

Agencies must comply with Section 75 of New York State Civil Service law when reassigning for cause a permanent competitive civil service manager, or a manager who is a veteran who was honorably discharged or released under honorable circumstances or is an exempt volunteer firefighter. Agencies should retain appropriate documentation of the justification for a reassignment for cause.

##### **These are the options when reassigning a manager for cause:**

- A. A permanent competitive civil service manager serving in a managerial level of a title (e.g., Administrative Staff Analyst M5), who is found guilty of charges in a Section 75 proceeding can be reassigned (i) to a lower level in the PPME; (ii) to different duties at the same managerial level with a reduction in salary; or (iii) to a non-managerial position in an accreted level of the title (e.g., Administrative Staff Analyst Non-Managerial – Formerly M1, M2, and M3).
  - i. If the manager is reassigned to a lower level in the PPME, the salary may be reduced to an amount determined by the agency head not less than the minimum pay for the managerial level.
  - ii. If the manager is reassigned to new duties with no change to managerial level, the salary may be reduced to an amount determined by the agency head not less than the minimum pay for the managerial level.
  - iii. If the manager is reassigned to a non-managerial position in an accreted level of the title, the salary will be within the range provided by the applicable collective bargaining agreement.
  
- B. A provisional, non-competitive or exempt class manager reassigned to his/her permanent competitive non-managerial title for cause will receive the appropriate salary provided by the applicable collective bargaining agreement or pay plan for such title. If no such provision is made, then the reassigned manager will receive the salary he/she would have been earning had the years of service in the managerial position been served in the non-managerial position.

#### **V. Reassignment Not for Cause (see supplementary chart attached below)**

Except as set forth below, the lowest salary that may be paid to a manager reassigned for reasons other than incompetence or misconduct is an amount not lower than 20% of his/her current managerial salary.

##### **These are the options when reassigning a manager not for cause:**

- A. The agency can reassign a permanent competitive civil service manager serving in a managerial level of a title (e.g., Administrative Staff Analyst M5) (i) to a lower level in the PPME; (ii) to different duties at the same managerial level with a reduction in salary; or (iii) to a non-managerial position in an accreted level of the title (e.g., Administrative Staff Analyst Non-Managerial – Formerly M1, M2, and M3).
  - i. An agency may reduce the salary of a manager reassigned to a lower level within the PPME for reasons other than misconduct or incompetence provided that reduction to a manager's salary may not exceed 20% during

any twelve-month period. The salary of a manager **reassigned to a lower level within the PPME** for reasons other than incompetence or misconduct may not be less than the minimum pay for the managerial level but **may exceed the maximum of the pay level** to which he/she has been assigned.

- ii. An agency may reduce the salary of a manager serving in a managerial level of an accreted title who is reassigned to new duties with no change to managerial level for reasons other than cause provided that the reduction to the manager's salary may not exceed 20% during any twelve-month period and may not be less than the minimum pay for the managerial level.
- iii. An agency may reduce the salary of a permanent competitive manager **reassigned to a non-managerial position at an accreted level of a title** for reasons other than for cause by up to 20% provided that **such salary cannot exceed the maximum salary for the accreted level** under the collective bargaining agreement.

- B. A provisional, non-competitive or exempt class manager reassigned to his/her permanent competitive non-managerial title or non-managerial position within an accreted title for reasons other than incompetence or misconduct may receive a reduction of up to 20% only if such salary does not exceed the maximum salary for the non-managerial title or accreted level under the collective bargaining agreement.

## VI. Additional Information

### A. Requesting Review of a Reassignment

A manager may request DCAS to review whether the agency followed the policy and procedures set forth in this bulletin when it reassigned him or her. Such request must be submitted in writing to the Commissioner of DCAS within 30 days of the date of the official agency notification of such action.

### B. Exceptions and Interpretations

The Commissioner of DCAS, in his or her discretion, may make an individual exception to any provision of this Personnel Services Bulletin where either an agency head or an affected manager provides appropriate documentation demonstrating that mitigating factors warrant such exception.

Attachment: [Supplementary Chart](#)

Lisette Camilo  
Commissioner

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