

## PERSONNEL SERVICES BULLETINS (PSBs)

**100-5R3**

**Subject:** Transfer and Change of Title

**Supersedes:** Personnel Services Bulletin No. 100-5RR

**Source:** Civil Service Law Section 70(4); Personnel Rules and Regulations of the City of New York, Rule 6.1.9

**Date:** May 24, 2011

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### **I. Background**

The Civil Service Law and the Personnel Rules and Regulations of the City of New York ("Rules") allow a permanently-appointed, competitive class employee, to transfer, with the approval of the employing agency and the Commissioner of the Department of Citywide Administrative Services ("DCAS"), to another competitive class position without the need to take a competitive civil service examination. Specifically, Rule 6.1.9 states that "any permanent employee in the competitive class who meets all of the requirements for a competitive examination, and is otherwise qualified as determined by the commissioner of citywide administrative services, shall be eligible for participation in a non-competitive examination in a different position classification, provided however that such employee is holding a position in a similar grade."

### **II. Criteria**

At the request of the employing agency head and with the approval of the Commissioner of DCAS, DCAS will conduct a non-competitive examination for an employee, pursuant to Rule 6.1.9, provided that the following conditions are met:

- A. The employee has been permanently appointed to a competitive class position and has successfully completed the probationary period for that position;
- B. The employee meets all of the open competitive requirements for appointment to the position sought;
- C. No preferred list or viable promotion list exists for the title to which the employee seeks appointment;
- D. The employee agrees to the change of title;
- E. The position sought is not in a direct line of promotion from the employee's current position;
- F. The minimum salary of the assignment level or title (if the title has no assignment levels) to which the employee wishes to be transferred, is not greater than the maximum salary of the employee's current assignment level or title (if the title has no assignment levels);
- G. If the Rule 6.1.9 criteria would permit the change of title to more than one assignment level or title within a title series, the change of title is permissible only to the title or assignment level comparable to the employee's current salary and assignment level or lower;
- H. The employee is not transferring to a management class of positions from a non-managerial position;
- I. If the employee is also being transferred to another agency, the head of that

agency has agreed to the transfer.

### **III. Procedure**

#### **A. Change of Title**

To change an employee's title under Rule 6.1.9, both agencies, or the one agency if the change is internal, must submit the appropriate forms (Form DP-72 completed by the agency and the Education and Experience Test Paper completed by the employee) after reviewing the employee's qualifications for the new position and send them to DCAS' Personnel Audits and Transactions Unit. If the transaction is approved, a processing fee will be deducted from the employee's paycheck, in accordance with the processing fee schedule. (For non-NYCAPS agencies, a postal money order must accompany the request. If the transaction is not approved, a processing fee is not assessed.)

#### **B. Probationary Period**

When an employee's title is changed in accordance with Rule 6.1.9, the employee is subject to a probationary period, unless waived as provided below:

i. Duration of probationary period: The probationary period shall be for one year, unless otherwise provided under terms and conditions for the position. The provisions of PSB 200-11 (regarding credit for provisional service toward a probationary period) shall be applicable to employees whose titles are changed pursuant to Rule 6.1.9.

ii. Waiver of probationary period: The probationary period may be waived at the request of the agency and with the approval of the Chief Human Capital Officer of DCAS. Such a request must accompany Form DP- 72. If the Chief Human Capital Officer of DCAS approves the waiver, the agency must notify the employee in writing.

#### **C. Rights to Return to Former Position**

By accepting the change in title and regardless of whether a waiver is granted, the employee is considered to have resigned from the original title, and the appropriate agency must payroll the transfer and/or change of title. However, employees covered under PSB No. 200-10 who have not been granted a waiver will be granted a leave of absence for the duration of their probationary period in accordance with the procedures contained in that PSB.

The only option available to attain a previously held title is through request for restoration of title, in accordance with Rule 6.2.7.

In the event of layoffs, employees who have transferred titles pursuant to Rule 6.1.9 and have completed the probationary period do not have a right to return to their previously-held title. They will, however, have the appropriate civil service rights of the title to which they transferred.

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