

PERSONNEL SERVICES BULLETIN

320-3R
PSB No.

Subject: Guidelines for Reassignments of Civilian Managers

Supersedes: Personnel Services Bulletin No. 320-3R

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

Date: April 27, 2015

I. Purpose

This PSB sets forth standard policy and procedures for determining the salary of managers assigned to a lower assignment level or to a lower non-managerial title, whether due to (i) misconduct or incompetence (for cause) or (ii) other circumstances (not for cause).

II. Definitions

- A. "**Reassignment**" means a personnel action resulting from (i) a manager's incompetence or misconduct (for cause) or (ii) reasons other than incompetence or misconduct (not for cause), and (iii) resulting in a change to a lower level within the Pay Plan for Management Employees (PPME) or to the employee's underlying permanent competitive non-managerial title.
- B. "**Minimum entitlement**" means the lowest salary that a manager may be paid if he/she is reassigned for reasons other than incompetence or misconduct. Minimum entitlement consists of all pensionable adjustments a manager would have received had he/she remained in the lower title or assignment level as well as all merit adjustments received while serving as a manager (but not including salary increases received for promotion to higher level(s) within the PPME). Except as set forth in Section IV D below, the calculation of the minimum entitlement shall not result in a reduction of the reassigned manager's salary in an amount greater than 20% of his/her current managerial salary.

III. Procedure

- A. Agencies must follow the procedures mandated by Section 75 of New York State Civil Service law to reassign a permanent competitive civil service manager for cause. Agencies should complete and retain appropriate documentation, including managerial performance evaluations, agency memos, etc., to justify reassignments for cause.
- B. This PSB does not affect the disciplinary rights conferred to permanent competitive managers or certain honorably discharged veterans serving in non-competitive positions and exempt volunteer firefighters under Section 75 of New York State Civil Service law.

- C. This PSB does not confer any substantive or procedural rights on provisional, non-competitive or exempt managers, including those with an underlying permanent competitive non-managerial title, except as set forth in Section IV below.

IV. Policy

- A. Reassignment of a manager must be accompanied by a change to a lower level within the PPME or to a non-managerial title. The salary of a manager may not be reduced unless the manager is reassigned. A reassignment shall 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.
- B. Reassignment For Cause
 - 1. A provisional, non-competitive or exempt 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.
 - 2. A manager who is reassigned to a lower level within the PPME for cause will have his/her salary reduced to an amount determined by the agency head; however, the salary of such manager may not be less than the minimum salary of the pay level to which he/she has been assigned.
- C. Reassignment Not for Cause
 - 1. A provisional, non-competitive or exempt manager reassigned to his/her permanent competitive non-managerial title for reasons other than incompetence or misconduct may receive the minimum entitlement only if such salary does not exceed the maximum salary for the non-managerial title. When a reassignment to a non-managerial title does not result in a reduction of a manager's salary, the employing agency must submit a written request for review of the personnel action to the DCAS Deputy Commissioner for Human Capital.
 - 2. An agency may reduce the salary of a manager reassigned to a lower level for reasons other than misconduct or incompetence to the minimum entitlement in accordance with paragraph D, below, 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 exceed the maximum of the pay level to which he/she has been assigned.

D. Calculating the Minimum Entitlement

To determine the appropriate salary for reassignments of permanent competitive civil service managers or of step-up provisional, exempt, or non-competitive managers with an underlying permanent competitive non-managerial title for reasons other than incompetence or misconduct, calculate the minimum entitlement for the manager by following these steps:

1. Determine the base figure using the chart below:

For reassignment to a:	The base figure should be:
Permanent competitive non-managerial title	The salary earned by the manager on the date he/she last served in that title
Previously held, lower PPME level	The salary earned by the manager on the date he/she last served at that lower level
Lower intermediate PPME level, which was not previously held	Whichever of the following is higher: <ul style="list-style-type: none"> • The last salary in the lowest PPME pay level held that is closest to the newly assigned level plus the assignment guarantee (one half the difference between the minimums of that previously held level and the new level); or • The minimum salary of the newly assigned PPME level
PPME level, lower than any PPME level previously held	Whichever of the following is higher: <ul style="list-style-type: none"> • The salary the manager earned immediately prior to entry into the PPME (as a non-manager) plus the \$1,000 promotion guarantee; or • The minimum salary of the newly assigned PPME level

2. Using the base salary as the manager's initial managerial salary, restructure the salary working chronologically from the date of appointment to a managerial position to present by adding each of the following to the base salary so that all adjustments are compounded:
 - a. The percentage of each annual salary adjustment (except for promotional increases as excluded in the definition of minimum entitlement under Section II.B.); and
 - b. The actual dollar amount of each merit adjustment granted.
3. Unless the manager is being reassigned to a permanent competitive non-managerial title, whereby the maximum salary he/she may earn is the

maximum salary rate of the non-managerial title, add any additional amount required to ensure that the manager loses no more than 20% of his/her current managerial salary.

V. 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.

Stacey Cumberbatch
Commissioner

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