

# Civil Service 101 for Public Library Trustees

## Three of the four types of libraries fall under New York State Civil Service:

- Municipal Public Libraries
- School District Public Libraries
- Special District Public Libraries

\*Association libraries do not fall under Civil Service Law unless it is explicitly stated in the library's charter.

[Source: New York State Division of Library Development, *Types of Libraries: A Comparison*, <http://www.nysl.nysed.gov/libdev/libs/pltypes.htm>]

## What is Civil Service?

Civil Service governs the hiring, promotion and firing of employees. Under New York State Civil Service Law, "appointments and promotions... shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive..."

## What is the point of Civil Service?

- Test for merit and fitness in an objective way.
- Encourage promotion from within.
- Provide career ladders for employees.

## Who administers Civil Service?

Civil Service is administered by "commissions" that are geographically located throughout New York State. Each commission has authority over those practices of institutions within its service area. The commissions are commonly county based, in larger cities there may be a Civil Service Commission specific to that city.

## If the board is hiring a new library director, do Civil Service practices need to be followed?

Yes.

## Does Civil Service dictate the salary we must pay a new director?

No.

## How is a new director appointed?

Boards will need to reach out to their local Civil Service commission to discuss the process. This position will fall into the competitive class. Your process will likely follow the following pattern:

- Candidates must meet the minimum qualifications for the position.
- Candidates must receive a passing score and be reachable\* on an eligible list. (\*See "Rule of Three" below)
- Candidates that are reachable must respond positively to a canvass letter
- The board must select a new director from the pool of available candidates identified through the canvassing process. The board should use an interview process and use any legal selection criteria amongst those deemed eligible to make their selection.
- Once a selection has been made, the candidate of choice must be appointed "from the list."
- The person selected must complete a probationary period. The length of this probationary period is determined by the local Civil Service commission.

## **Can we appoint an interim director while conducting a search for a new director?**

Yes, it is possible for an interim director to be named through the temporary hire option. Please contact your local Civil Service Commission for their temporary hire process.

## **Is there a residency requirement for candidates to be eligible?**

Possibly. You will need to check with your local Civil Service commission.

## **What is the “Rule of Three”?**

This is actually referred to as the “Rule of One of Three,” and means that you may choose to appoint any one of the three candidates certified by the local civil service commission as “standing highest on such eligible list and who are willing to accept the appointment.” To fully understand the “rule of three”, it is necessary to understand Zone Scoring. When eligible lists are established, grades will be presented in zones. Final scores will be round numbers such as 100, 95, 90, etc. This scoring method creates a significant number of tie scores. Every candidate within the same zone has equal standing on the eligible list. Zone Scoring in no way alters the Rule of Three; appointing authorities must still select from among the three highest scoring candidates, and not the three highest scores. Please contact your local Civil Service Commission for questions about implementing the Rule of Three.

## **What do we do if there is no eligible list to hire a new director from?**

Your first step would be to contact your local Civil Service commission to find out when the next test will be offered to gauge the timeframe for your process.

- **If a test will be offered within an acceptable time span to meet your needs**, advertise the test opportunity along with your job opening to encourage candidates to become eligible.
- **If a test will not be offered within an acceptable time span** you can provisionally appoint a candidate of your choice with the understanding that once the test is offered this person will need to take the test and score high enough to be reachable to keep their job.

## **What questions are asked on the exam for library directors?**

The exam for directors is not a traditional “exam” as you may envision it. It is called a “training and experience” exam, or “T&E” exam, and is basically a form that asks questions about a candidate’s education and experience relevant to the job specifications.

## **What job protections are offered to employees under Civil Service Law in New York?**

Section 75 of the Civil Service Law provides due process in removal and other disciplinary actions to every post-probationary permanent employee. Due process will include a hearing at which the employee must be proved guilty of misconduct or incompetence. Library collective bargaining agreements may modify these procedures.

**For more information** see “*A Librarian’s Guide to Civil Service in New York State*,” a publication of the New York Library Association’s Leadership & Management Section (LAMS): <http://bit.ly/YWbxV0>

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