

## PERSONNEL SERVICES BULLETINS (PSBs)

320-2R

**Subject:** Salary guidelines for managerial reassignments or demotions of civilian managers

**Supersedes:** Personnel Services Bulletin No. 320-1R

**Source:** Mayor's Personnel Order No. 78/9

**Date:** February 8, 2002

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### I. Policy

**A. Reassignment or demotion of a civilian manager either to a lower managerial assignment level or to a non-managerial title is a Pre-Audit action requiring Planned Action Report (PAR) approval before implementation.**

#### B. Reassignment or Demotion to a Non-Managerial Title

1. A manager who is reassigned to his/her permanent competitive non-managerial title due to reasons other than incompetence or misconduct will receive the Minimum Entitlement as defined below in Section I.D. If placement in a non-managerial title results in no loss in salary, review by the Commissioner of the Department of Citywide Administrative Services (DCAS) is required.

2. A manager who is reassigned or demoted to his/her permanent competitive non-managerial title due to incompetence or misconduct will receive the appropriate salary provided by the applicable collective bargaining agreement or pay plan for the non-managerial title. If no such provision is made, then the employee 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.

#### C. Reassignment to a Lower Assignment Level within the Pay Plan for Management Employees

1. A manager who is reassigned to a lower assignment level within the Pay Plan for Management Employees (PPME) due to reasons other than incompetence or misconduct will receive the Minimum Entitlement. Such manager's salary may exceed the maximum of the pay level to which he/she has been assigned. The total salary reduction for such a manager during any twelve month period must not exceed 20%. Also, his/her salary may not be further reduced at any future time for the same instance or reassignment.

2. A manager who is reassigned to a lower assignment level within the PPME due to incompetence or misconduct will have his/her salary reduced to an amount determined by the agency head and subject to the approval of the Commissioner of DCAS. Such a manager must, however, receive at least the minimum of the pay level to which he/she has been reassigned.

#### D. Definition of Minimum Entitlement

Minimum Entitlement is defined as the lowest salary to which an employee is entitled if he/she is reassigned for reasons other than incompetence or misconduct either out of the PPME or into a lower assignment level within the PPME. This

salary will include all pensionable adjustments (including all merit adjustments received while serving as a manager) an employee would have received had he/she remained in the lower title or assignment level, plus any additional amount required to ensure that he/she loses no more than 20% of his/her current managerial salary. Prior salary increases received upon a manager's promotion to a higher level within the PPME are not to be factored in when calculating Minimum Entitlement.

## II Procedure

### A. Demotion of a Permanent Manager due to Incompetence or Misconduct

Agencies must follow procedures mandated in New York Civil Service Law Section 75 when demoting a permanent civil service manager to a lower assignment level in the PPME or to a non-managerial title due to incompetence or misconduct. Agencies should complete and retain appropriate documentation, including managerial performance evaluations, agency memos, etc. to justify any such demotion.

### B. Reassignment of a Non-Permanent Manager

Provisional and Non-Competitive and Exempt Class managers with no underlying leave status as permanent competitive employees in a non-managerial title are not entitled to disciplinary procedures and may be reassigned at the discretion of the Agency Head after receiving Pre-Audit PAR approval. Note: Certain honorably discharged veterans serving in Non-Competitive managerial positions and volunteer firefighters serving in Exempt Class managerial positions are covered by New York Civil Service Law Section 75 and may have disciplinary rights.

### C. Calculation of Minimum Entitlement upon Reassignment of a Permanent Competitive Manager or a Provisional, Non-Competitive or Exempt Manager with an Underlying Permanent Competitive Non-Managerial leave title

1. To calculate Minimum Entitlement upon reassignment to a permanent competitive non-managerial title, determine the salary earned by the manager on the date he/she last served in that title. Use this base figure and follow the steps in Section II.C.5 below. However, if the Minimum Entitlement salary of a manager who is reassigned out of the PPME results in a salary that exceeds the maximum salary rate of the non-managerial position, he/she will receive the maximum salary of that non-managerial position.
2. To calculate Minimum Entitlement upon reassignment to a lower PPME pay level previously held, first determine the salary earned by the manager on the date he/she last served at that lower level. Use this base figure and follow the steps in Section II.C.5 below.
3. To calculate Minimum Entitlement upon reassignment to a lower intermediate PPME pay level not previously held, determine the last salary earned by the manager in the lowest PPME pay level held that is closest to the newly assigned level. Add the assignment guarantee between that level and the newly assigned level, as defined in Personnel Order 78/9. Use this base figure and follow the steps in Section II.C.5 below.
4. To calculate Minimum Entitlement upon reassignment to a PPME pay level lower than previously held, for persons with permanent competitive non-managerial leave status, determine the salary the manager earned as a non-manager immediately before entry into the PPME. Add the promotion guarantee, as defined in Personnel Order 78/9, or use the minimum of the newly assigned managerial level, whichever is higher, as the base figure and follow the steps in

Section II.C.5 below.

5. Add to the base figure the amount derived by applying in chronological order the percentage of each annual salary adjustment to the salary the manager would have been earning on the effective date of the adjustment plus the actual dollar amount of each merit adjustment granted from that date to the present so that all adjustments are compounded. After these calculations are performed, add any additional amount required to ensure that the manager loses no more than 20% of his/her current managerial salary.

**D. Department of Citywide Administrative Services Commissioner Actions**

1. Appeals of agency reassignment actions must be submitted in writing to the Commissioner of the Department of Citywide Administrative Services within 30 days of official agency notification to the manager of such action.

2. The Commissioner of the Department of Citywide Administrative Services may, upon consideration, make individual exceptions to any provision of this Personnel Services Bulletin where appropriate documentation is provided by either an agency head or an affected manager substantiating the mitigating factors that warrant such exception.

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*Commissioner*

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