

REFERENCE BOOKLET

ASSOCIATE EDUCATION ANALYST- EXAM NO. 0508
ASSOCIATE STAFF ANALYST- EXAM NO. 0509
ASSOCIATE TRANSIT MANAGEMENT ANALYST- EXAM NO. 0510

This booklet is numbered pages 1 through 32

The reference materials provided
pertain to only a portion of the questions on this examination.

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BE PROVIDED AT THE TEST SITE

BRING THIS BOOKLET WITH YOU
TO THE TEST SITE

*YOU ARE PERMITTED TO TAKE NOTES IN THE MARGINS AND
HIGHLIGHT PORTIONS OF THIS BOOKLET TO HELP YOU PREPARE
FOR THE EXAM. THIS BOOKLET AND ALL TEST MATERIALS WILL BE
COLLECTED AT THE END OF THE EXAMINATION.*

PRIOR TO LEAVING THE TEST SITE, YOU WILL BE GIVEN AN UNMARKED COPY OF
THIS REFERENCE BOOKLET.

TABLE OF CONTENTS

	PAGE
ADMINISTRATION AND RATING OF EXAMINATIONS - RULE IV-SECT IV.....	1
AMERICANS WITH DISABILITIES ACT (ADA).....	5
ANNUAL LEAVE/COMPENSATORY TIME REQUESTS.....	7
CITY CHARTER -AMENDMENT AND ADOPTION OF THE EXECUTIVE BUDGET SECTION 254.....	8
COMMISSIONER OF INVESTIGATION, INSPECTOR GENERAL AND STANDARDS OF PUBLIC SERVICE EXECUTIVE ORDER NO. 16	9
Anti-Corruption Guidelines.....	10
CONFLICTS OF INTEREST LAW.....	11
CONTRACT BIDDING PROCEDURES.....	14
DEFINITIONS OF PERSONNEL RULES & REGULATIONS OF THE CITY OF NEW YORK.....	15
DESCRIPTIVE STATISTICS.....	17
Normal Curve.....	18
Sampling.....	19
JURISDICTIONAL CLASSIFICATION.....	20
NEW YORK STATE FREEDOM OF INFORMATION LAW as it applies to the Central Board of Education.....	21
PROBATIONARY PERIOD.....	24
REASSIGNMENT.....	26
REINSTATEMENTS.....	27
RESIDENCE REQUIREMENTS.....	30
SEXUAL HARASSMENT.....	31

ADMINISTRATION AND RATING OF EXAMINATIONS
RULE IV-SECTION IV

Applicability

The provisions of this section shall apply to examinations conducted by the department of citywide administrative services and by examining agencies.

Admission to Examination; Identification

A candidate shall not be admitted to an examination or any test thereof whose application therefor has not been presented and accepted in accordance with the rules. The name of a candidate who has not been fingerprinted at the time of examination shall not be placed on the eligible list.

Processing of Examination Papers

On the day of the examination, the admission cards of the candidates shall be enclosed in an envelope and sealed. In an examination in which the papers are rated in whole or in part by examiners, the identity of each candidate shall remain concealed until the ratings are completed. In an examination in which all procedures from the rating of tests to the production of the list are accomplished entirely by machine, the seal may be broken prior to rating solely to permit verification of mark-sensed application numbers.

Oral Tests

Oral tests, wherever practicable, shall be recorded by a suitable method to provide a reviewable record.

Second or Special Examinations

Except as provided in the paragraph pertaining to Sabbath Observers hereof, or as provided in the military law of the State of New York, no candidate shall be given a second or special competitive test in connection with an examination held, unless it be shown to the satisfaction of the commissioner of citywide administrative services or the head of the examining agency that the candidate's failure to take or complete such tests was due to:

- (a) a manifest error or mistake for which the department of citywide administrative services or the examining agency is responsible, the nature of which shall be recorded;
- (b) compulsory attendance before a court or other public body or official having the power to compel attendance;
- (c) physical disability incurred during the course of and within the scope of the municipal employment of such candidate where such candidate is an officer or employee of the city; or

(d) absence from the test within a period of one week after the date of death of a spouse, mother, father, sister or brother, or child of such candidate where such candidate is an officer or employee of the city. No such claim shall be granted unless it is submitted in writing to the department of citywide administrative services or the examining agency either in person or by certified or registered mail within two months following the date of the regular examination.

Sabbath Observers

A candidate claiming to be unable to participate in an examination when originally scheduled because of the candidate's religious beliefs may seek consideration as a sabbath observer by requesting a special examination by submitting to the department of citywide administrative services or examining agency such request in writing either in person or by certified or registered mail no later than five days prior to the date of the examination. A written statement signed by the candidate's religious leader attesting to the candidate's religious beliefs and certifying that the candidate is a sabbath observer and that it is contrary to the candidate's tenets to participate in an examination during the sabbath must accompany said written request.

General Rating Procedures

Except when otherwise specified by the assistant commissioner for examinations or by the designated officer of the examining agency, each test, subject or part of an examination shall be rated by not less than two examiners. They, or employees designated by the assistant commissioner for examinations in charge or by the designated officer of the examining agency, shall then affix to each paper or record a rating expressing the average of their judgment attested by their respective signatures or initials.

General Rating Standards

The rating shall be comparative and in accordance with such standards as the needs of the service may require.

Passing Rating

(a) Unless otherwise specified by resolution or regulation of the commissioner of citywide administrative services, or by the announcement of examination, candidates must attain a final examination rating of not less than seventy percent in an examination in order to be placed upon an eligible list for certification and appointment.

(b) The required passing rating in any test, subject or part of an examination shall be fixed not later than the time of the holding thereof or as soon as practicable thereafter by the assistant commissioner for examinations or by the designated officer of the examining agency.

(c) Where it is anticipated that the number of eligibles will not meet the needs of the service, the commissioner of citywide administrative services or the head of an examining agency, as the case may be, may, in order to provide an eligible list to meet the needs of the service, authorize

the use of any type or combination of types of conversion methods or a mathematical formula of penalties for incorrect answers on the basis of test difficulty and other relevant factors involved in the rating of any test.

(d) The commissioner of citywide administrative services or the head of an examining agency may prescribe that the passing mark shall be the lowest grade received among a certain fixed number of candidates graded highest in the examination or in any subject or part thereof.

(e) In the case of an examining agency, any action proposed to be taken pursuant to subparagraphs (b), (c) or (d) hereof which was not provided for in the agency plan for examination approved by the commissioner of citywide administrative services shall be submitted for such approval prior to any such action.

Finality of Rating

Except as otherwise provided by the paragraph concerning Correction of Manifest Error or Mistake hereof or by resolution or regulation of the commissioner of citywide administrative services, no final rating of a test, subject or part of an examination shall be subject to alteration or re-rating.

Candidates With Same Final Examination Rating

Whenever two or more candidates in an examination receive the same final examination ratings, their respective place on the resulting eligible list shall be determined for administrative reasons only by a sequence of the number derived from the last five and then the first four positions of their social security numbers.

Certification and Use of Eligible List

Where Candidates Have Same Final Examination Rating

(a) If the name of any eligible whose place on the eligible list has been determined in accordance with the procedures set forth in the paragraph concerning candidates with the same final examination rating is included in the certification for appointment, the names of all other eligibles on the list having the same final examination rating as such eligible shall likewise be included in such certification.

(b) Appointments and promotions then may be made by the selection of any such eligible whose final examination rating is equal to or higher than the final examination rating of the third highest standing eligible qualified and willing to accept appointment or promotion.

Correction of Manifest Error or Mistake

The commissioner of citywide administrative services, at any time prior to the establishment or during the existence of an eligible list, may correct any manifest error or mistake made in connection with an examination, on the initiative of the commissioner of citywide administrative

services or that of the head of an examining agency, or in the granting of a claim of manifest error or mistake. Such action shall be taken in accordance with the procedures regarding Appeals. These rules may result in a higher or lower rating. The nature of such manifest error or mistake shall be recorded.

AMERICANS WITH DISABILITIES ACT (ADA)

The Americans With Disabilities Act (ADA) prohibits discrimination in employment against qualified individuals because of disability. What makes ADA difficult to interpret are the definitions of “qualified individuals” and “disability.”

A qualified individual is defined as “one who, with or without reasonable accommodation, can perform the essential functions of the position.”

A person is considered to have a disability under three circumstances:

- The person has a physical or mental impairment that substantially limits one or more major life activities
- OR
- the person has a record of such an impairment (such as cancer, now in remission)
- OR
- the person is regarded as having such an impairment (such as a congenital birth defect which the individual, himself, does not consider a disability)

“Major life activities” include (but are not limited to):

- walking
- breathing
- sleeping
- talking
- seeing
- hearing
- caring for oneself...

Conditions that are generally considered disabilities are:

- Substantial orthopedic, visual, speech or hearing impairment
- tuberculosis
- HIV infection or AIDS
- cerebral palsy
- muscular dystrophy
- multiple sclerosis
- cancer
- heart disease
- diabetes
- mental retardation
- emotional or mental illness
- arthritis
- recovered drug usage or alcoholism

An employee or applicant is "regarded as having such an impairment" if he or she has a condition that would generally limit a person's ability to do certain activities. This would be true even if the employee doesn't personally consider him/herself to be disabled. For example, a person born without arms would be considered, under ADA to be entitled to certain accommodations and protections. So would a person with a disfiguring facial deformity.

An employee has a record of impairment if they had a disability that has - permanently or temporarily - gone away, such as a cancer patient who is now in remission.

ANNUAL LEAVE/COMPENSATORY TIME REQUESTS

All employees are required to obtain prior approval for annual leave and/or compensatory time by submitting a Request for Leave form at least seven (7) calendar days before the leave begins. If the leave request is submitted less than seven (7) calendar days for a decision, the employee shall be responsible for obtaining the approval before the start of the leave. The appropriate supervisors are required to approve such leave request within seven (7) calendar days from the date of receipt. Otherwise, the leave request in accordance with Union Contractual Agreement is considered approved. Annual leave and/or compensatory time are approved on a planned basis and any employee who takes unplanned annual leave or compensatory time beginning with the first instance which is disapproved, shall be subject to disciplinary action.

Administrative officers are to approve the requests of no more than 20% of their staff performing similar duties at any one time. Approval is based in the order of the following criteria: (1) timeliness of request; (2) seniority; and (3) sufficiency of annual leave or compensatory time credits to cover absence.

CITY CHARTER
AMENDMENT AND ADOPTION OF THE EXECUTIVE BUDGET
SECTION 254

- a. The council may not alter the budget as submitted by the mayor except to increase, decrease, add or omit any unit of appropriation for personal service or other than personal service or any appropriation for any capital project or add, omit or change any terms or conditions related to any capital project or add, omit or change any terms or conditions related to any or all such appropriations; provided, however, that each increase or addition must be stated separately and distinctly from any items of the budget and refer each to a single object or purpose; and provided, further, that the aggregate amount appropriated for capital projects shall not exceed the maximum amount of appropriations contained in the mayor's certification.
- b. The council shall consider, and act upon, all recommendations made by the borough presidents and all recommendations made by the mayor.
- c. The budget when adopted by the council shall become effective immediately without further action by the mayor, except that appropriations for the council or appropriations added to the mayor's executive budget by the council or any changes in terms and conditions, shall be subject to the veto of the mayor.
- d. If an expense budget has not been adopted by the fifth day of June pursuant to subsections a and b of this section, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.
- e. If a capital budget and a capital program have not been adopted by the fifth day of June pursuant to subdivisions a and b of this section, the underutilized portion of all prior capital appropriations shall be deemed reappropriated.

COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL
AND STANDARDS OF PUBLIC SERVICE
EXECUTIVE ORDER NO. 16

Responsibilities of the Commissioner

The Commissioner of Investigation (hereinafter called the Commissioner) shall have general responsibility for the investigation and elimination of corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence (i) by City agencies, (ii) by City officers and employees, and (iii) by persons regulated by doing business with or receiving funds directly or indirectly from the City (hereinafter called persons dealing with the City), with respect to their dealings with the City. For these purposes the Commissioner shall: (a) assist agency heads in establishing and maintaining standards of conduct together with fair and efficient disciplinary systems; (b) conduct background investigations of employees to be appointed to or holding positions of responsibility; (c) receive complaints and information from the public with respect to City agencies, officers, and employees, as well as persons dealing with the City, and to take appropriate action with respect to such complaints; (d) undertake any investigation or study of the affairs, functions, accounts, methods, personnel or efficiency of any agency; and (e) act as liaison with federal, state and local law enforcement and regulatory agencies concerning all matters within the scope of this Order.

Responsibilities of Agency Heads

All agency heads shall be responsible for establishing, subject to review for completeness and inter-agency consistency by the Commissioner, written standards of conduct for the officials and employees of their respective agencies and fair and efficient disciplinary systems to maintain those standards of conduct.

Inspectors General

The Inspector General system shall be a single aggregate of personnel and resources within the Department of Investigation under the direction of the Commissioner. There shall be an Inspector General for each agency who shall report directly to the Commissioner and shall be responsible for the investigation and elimination of corrupt or other criminal activity and conflicts of interest within the agency to which he or she is designated. The Commissioner shall allocate the personnel and resources of the Inspector General system to the Inspector General offices as needed to develop strategies and programs for the investigation and elimination of corruption and other criminal activity affecting the City of New York. Such investigations and programs shall proceed in accordance with the Commissioner's direction.

Investigations

The Commissioner and, with the approval of the Commissioner, the Inspectors General and any person under the direct supervision of the Commissioner or the Inspectors General, may require any officer or employee of the City to answer questions concerning any matter related to the performance of his or her official duties or any person dealing with the City, concerning such dealings with the City, after first being advised that neither their statements nor any information or evidence derived therefrom will be used against them in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. Beginning September 1, 1978 all contracts, leases, licenses or other agreements entered into or issued by the City shall contain a provision approved as to form by the Corporation Counsel permitting the City to terminate such agreement or to take other appropriate action upon the refusal of a person dealing with the City to answer questions in relation to such agreements on the condition of testimonial or use immunity described in this paragraph.

Anti-Corruption Guidelines

Every officer or employee of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commissioner or an Inspector General any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest, (i) by another City officer or employee, which concerns his or her office or employment, or (ii) by persons dealing with the City, which concerns their dealings with the City. The knowing failure of any officer or employee to report as required above shall constitute cause for removal from office or employment or other appropriate penalty.

Upon receipt of any information concerning corrupt or other criminal activity or conflict of interest, gross mismanagement or abuse of authority related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

No officer or employee other than the Commissioner, an Inspector General, or an officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity, conflicts of interest, gross mismanagement or abuse of authority without the prior approval of the Commissioner or an Inspector General.

No officer or employee of the City shall take an adverse personnel action with respect to information concerning corrupt or other criminal activity, conflict of interest, gross mismanagement, or abuse of authority to the Commissioner or an Inspector General.

CONFLICTS OF INTEREST LAW

If you work for the City of New York, you have special public trust. You are expected to follow the rules of ethical conduct set forth in Chapter 68 of the City Charter. These rules often set a higher standard than in the private sector.

Chapter 68, the Conflicts of Interest Law, regulates conflicts between your public duties and private interests. For the most part, these conflicts are financial.

For example, during the holiday season, a representative from a company your agency frequently deals with offers you an expensive gift. While a private company may allow its employees to receive expensive holiday gifts from firms they do business with, City workers are prohibited from accepting such gifts.

These rules of ethical conduct were enacted in order to assure the public that City workers are performing their jobs with integrity. Not only do the rules assure the public that City employees act fairly and impartially, but that their actions appear fair and impartial as well. Chapter 68 of the City Charter governs both the propriety and the appearance of propriety of a City employee's activities.

Who Is Covered

The rules of conduct discussed here apply to all paid City officers, employees, and officials, regardless of salary or rank, whether full-time, part-time, or per diem. Some of these rules also apply to those who are not paid for City service, but who play an important role in government, such as members of Community Boards and Community School Boards.

Accepting Gifts, Favors, Entertainment, Meals, Tips and Travel

In general, you are not permitted to accept a gift worth \$50 or more from any person or firm that you know, or should know, does business with the City or intends to do business with the City. It is your responsibility to find out if the person or firm does business with the City or intends to do business with the City. Two or more gifts that individually are worth less than \$50 must be added together if you receive them within any twelve-month period from the same person or from relatives of the same person or from "affiliated" persons (like two employees of the same company).

Every time a City Worker takes a gift worth \$50 or more from someone who does business with the City, an ethical problem and possibly a criminal violation may occur. It does not matter whether the gift is in the form of money, a CD player, a dinner at a local restaurant, tickets to a football game, a trip to Atlantic City, or anything else.

Exceptions

A gift for customary social occasions is permitted as long as the reason for the gift is a close personal friendship. But it must be clear the personal relationship is the motive for the gift. The entire circumstance of the gift giving must be considered to ensure that ethical problems as well as the appearance of impropriety are avoided.

There are other exceptions to the Gift Rules, such as:

- Acceptance of awards and plaques valued at less than \$150 which are publicly presented in recognition of public service.
- Acceptance of free meals or refreshments in the course of and for the purpose of conducting City business when:
 - (1) offered during a meeting which you are attending for official reasons,
 - (2) offered at a company cafeteria, club, or any place where payment is impractical,
 - (3) the meeting continues through normal meal hours in a restaurant and a refusal to participate would be impractical,
 - (4) offered by the meeting's host when going somewhere else would be impractical,
 - (5) meeting over meals is a customary business practice for one party,
 - (6) you have no alternative but to accept the meal or refreshment given the situation in which you have been called upon to represent the interests of the City, and
 - (7) participating as a panelist or speaker in a professional or education program and the meals or refreshments are provided to all panelists.
- Acceptance of travel-related expenses from a private entity as a gift to the City (rather than to you individually) when:
 - (1) the trip is for a City purpose and could therefore be paid for with City funds; and
 - (2) the travel arrangements are appropriate for that purpose; and
 - (3) the trip is no longer than reasonably necessary to accomplish the business which is its purpose.
- Acceptance of a free ticket to:
 - (1) professional or educational programs as a guest of the sponsoring organization; or
 - (2) ceremonies or functions sponsored or encouraged by the City as a matter of City policy; or

- (3) an annual public affair of an organization that is made up of representatives of business, labor, professions, or news media or organizations of a civic, charitable, or community nature as a guest of the sponsoring organization (unless it has a contract with your agency) (for elected officials and their staffs, this exception is not limited to annual public affairs); or
- (4) a function or occasion where your agency head has, in writing, approved your attendance as being in the interests of the City.

Small tokens of appreciation, which as a practical matter cannot be returned, may sometimes be accepted as a gift to the City and placed in a common area for everyone to enjoy. For example, flowers or a box of chocolates from a senior citizen whom you helped may be accepted and enjoyed by the entire office. Other, more sizeable gratuities, such as a radio or a CD player, and any money, must be returned. You should immediately report the offer of a gratuity to the Inspector General for your agency or to the Department of Investigation or to the Conflicts of Interest Board.

You should also be aware that your own agency may have rules that are stricter than the conflicts of interest rules. For example, some agencies prohibit their employees from accepting any gifts from any firm the agency does business with. You must obey the stricter rules. The reason for stricter rules is that each agency has a different business relationship with outside vendors and other city agencies and so employees in some agencies are more strictly regulated than in other agencies. In addition, Executive Order No. 16 requires that all employees in mayoral agencies report gifts and offers of gifts, and other conflicts of interest, to the Department of Investigation.

CONTRACT BIDDING PROCEDURES

In order to obtain a contract, three different types of bid procedures are available to City agencies. These three procedures include the following:

Sole Source - The contract would be awarded to a contractor based on the fact that no one else can provide such services or that the additional cost of awarding the contract to a bidder other than the intended contractor would be prohibitive.

Invitation to Bid - A formal bid open to all qualified bidders. The lowest bidder must be awarded the contract unless the agency can formally disqualify such a bidder as not responsible or as not qualified for the job.

Requests for Proposals - A method to rate bidders based on objective standards established by the agency to accomplish all of the tailor-made specifications for the particular services sought. A low bid is only one of several elements to be considered in making such an award. Other criteria include the experience of the contractor, the time period needed to achieve completion of the contract, quality of the parts used, and method of effecting repairs with the least disruption.

Note: If the formal invitation to the bid procedure were used, the agency has the option, if dissatisfied with the results, to reject all bids in the best interest of the City and rebid the contract using any of the three bid procedures listed above. The agency can also make its contract multi-year, if desired.

DEFINITIONS OF PERSONNEL RULES AND REGULATIONS
OF THE CITY OF NEW YORK

- **Agency:** Agency is any department, administration, board, body or authority possessing separate and independent powers and functions and recognized as such by the department of citywide administrative services.
- **Agency Head:** Agency head is the head of an agency.
- **Appointing Officer:** Appointing officer is the officer, commission, board, body or authority having the power of appointment to subordinate positions.
- **Class of Positions:** Class of positions means a group of positions substantially similar with respect to duties, responsibilities, qualifications and examination requirements to the extent that the same title may be used to designate such positions and the same salary grade may be equally applied thereto.
- **Classified Service:** Classified service means all offices or positions in the civil service of New York City, classified under one of the four jurisdictional classes: exempt; competitive; non-competitive; labor, including such offices and positions in the New York City housing authority, triborough bridge and tunnel authority, New York City transit authority, New York City board of education and the offices of all district attorneys and all public administrators within the City of New York.
- **Commissioner of Citywide Administrative Services:** The Commissioner of Citywide Administrative Services is the head of the New York City department of citywide administrative services.
- **Compensation:** Compensation is the annual salary attaching to a position or its equivalent if stated by the day, week, month, hour or other unit. Maintenance in the form of board and lodging or its monetary equivalent as duly fixed may also be included therein.
- **Examination:** Examination is the process by which the department of citywide administrative services or other examining agency ascertains the fitness of candidates for entrance into the classified service or promotion therein.
- **Jurisdictional Classification:** Jurisdictional classification is the assignment of positions in the classified service to the exempt, non-competitive, labor or competitive classes.
- **Position:** Position means a particular office or employment in the civil service.

- **Publish:** The term "publish" means making a public announcement by advising the public or making known of something to the public or bringing before the public either by posting publicly and conspicuously in the office of the department of citywide administrative services or other appropriate agency or printing or causing to be printed and to issue from a newspaper, or such other distribution or circulation as the commissioner of citywide administrative services deems appropriate.

- **Regulation:** Regulation is a resolution of the commissioner of citywide administrative services setting forth policy or procedures for the effectuation of the provisions of the civil service law of the State of New York and the rules of the commissioner of citywide administrative services, which shall not be inconsistent with or supersede the civil service law or the rules.

- **Salary Grade Allocation:** Salary grade allocation is the assignment of a class of positions to one of the salary grades set forth in the classification rules.

- **Salary Grade Reallocation:** Salary grade reallocation is the reassignment of a class of positions from one salary grade to another salary grade.

- **Service Rating, Performance Rating, or Performance Evaluation:** Service rating, performance rating, or performance evaluation means a rating or evaluation of an employee for performance in a position as defined in the rules or regulations of the commissioner of citywide administrative services.

- **Subject:** Subject is a subdivision of a test.

- **Test:** Test is a major subdivision of an examination.

DESCRIPTIVE STATISTICS

Terms, Concepts and Definitions

Mean (\bar{x}) - the arithmetic average. It is found by adding the members of the data set and dividing by the number of members of the data set (n)

Median - the midpoint of a data set. It is found by arranging the data in order and then determining the middle value in the distribution.

Variance (S^2) - a measure of the dispersion of data about the mean. It is found by dividing the Sum of squares (SS) by the number of members of the data set (n) less 1.

Standard Deviation (S) - the positive square root of the variance (S^2)

Z (or standard score) is a measure of the distance that a member of the data set (X) is from the mean (\bar{x}). It is found by subtracting the mean from a member of the data set (X) and dividing the result by the standard deviation (S).

Symbols

Σ - "the sum of"

X - the value of a member of a data set

\bar{x} - the mean of a data set

X^2 - the square of X

n - the number of members of a data set

S^2 - the variance of a data set

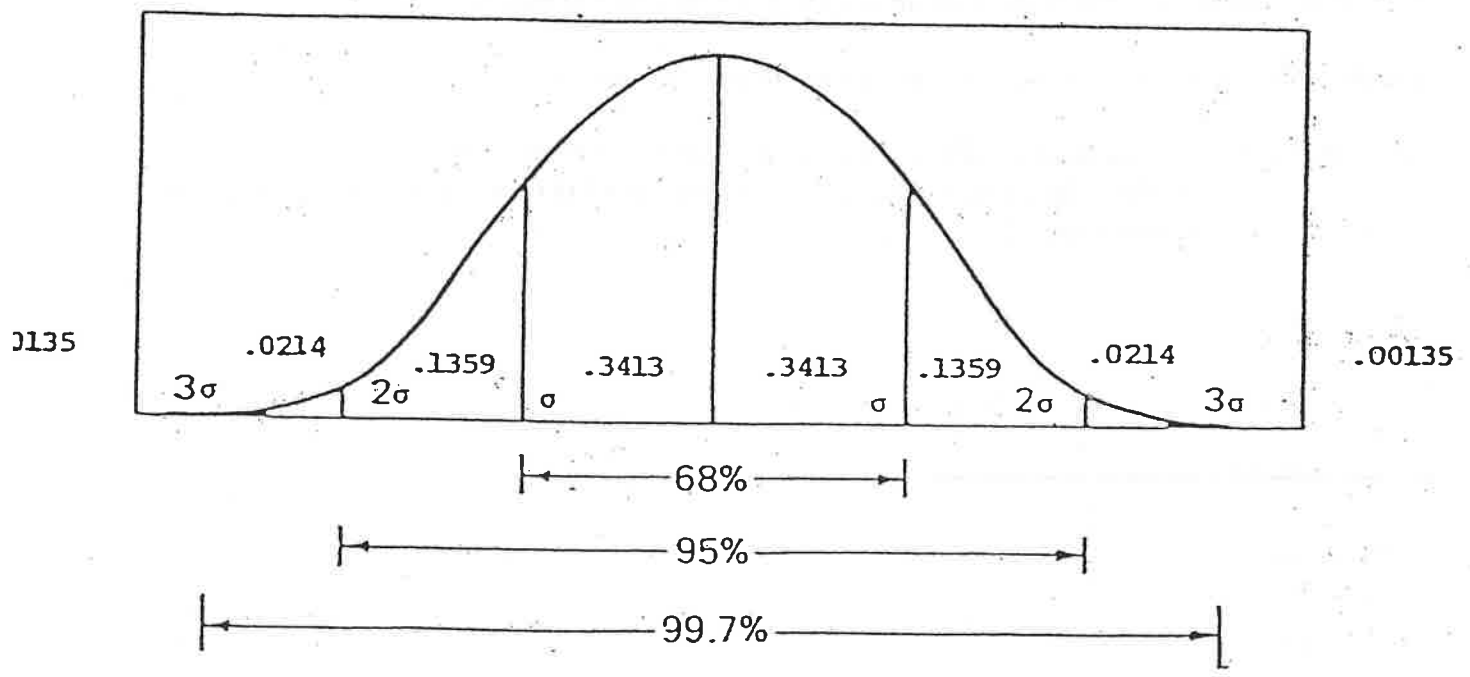
S - the standard deviation of a data set

Formulas

$$\text{Mean } \bar{x} = \frac{\Sigma X}{n}$$

$$\text{Z (or standard score) } Z = \frac{X - \bar{x}}{S}$$

The standard normal distribution is shown below. The values under the curve indicate the proportion of area in each section. For example, the area between the mean and one standard deviation(σ) is about .3413 or 34.13%.



Area under the normal curve..

Sampling

A sample is a smaller number of observations taken from the total number making up a population. For example, if a city has a population of 20,000 and a researcher selects 200 or 20, or even 5 residents from the population to study, the citizens selected form the sample. As a basic rule, the larger the sample, the more accurate the conclusions. In order to make accurate predictions, the sample used should be representative of the larger population. That is, the sample should contain the same elements as the population as a whole. Researchers use sampling in a number of ways, notably when carrying out surveys to solicit public opinion.

Three principal types of surveys

Mailed surveys

Mail surveys generally cost the least of any survey method, but the time required for data collection offsets the benefits of lower cost. Mail surveys allow motivated respondents time to look up requested information and to provide detailed answers to open ended questions. Mail surveys require the researcher to take time to make sure that the final questionnaire is free from confusing or ambiguous items, since no one is available to answer the respondent's questions about what is wanted.

Telephone surveys

Telephone surveys have spread as the cost of in-person surveys has increased and the telephone has been commonplace in American homes. In addition, random digit dialing solves the inability to reach homes with unlisted numbers, and reduces the cost of selecting a representative sample. Telephone surveys can provide rapid turnaround in data collection time and make full use of computerization. Computer-Assisted Telephone Interviewing relies on the computer to help administer a survey. The researcher keys in the answer, the computer then selects the appropriate next question, reducing the logistic problems associated with making sure the interviewer finds the right contingency questions. The computer keeps track of inconsistent responses, stores the data, and monitors the interviewer's performance.

In-person surveys (interviews)

In-person interviews, which approximate telephone interviews have limited use, insofar as costs and improvements in telephone surveying methods are making them less desirable. Nevertheless, in-person interviews seem to work best for complex studies where interviewer-subject rapport is necessary. Structured interviewing depends on standardized interviewers. Without standardized interviewers a researcher does not know whether the answers obtained are a product of respondent characteristics or of those of the interviewers. To conduct structured interviews, interviewers must be consistent in how they explain the study's purpose, ask questions, handle inadequate answers, and record information. The interviewer must be careful not to draw attention to his or her own experiences and opinions.

JURISDICTIONAL CLASSIFICATION

The Exempt Class - The exempt class shall include all offices and positions in the classified service enumerated in section forty-one of the civil service law and all other subordinate offices or positions for the filling of which competitive or non-competitive examinations shall be found by the commissioner of citywide administrative services to be not practicable.

The Non-Competitive Class - The non-competitive class shall include all positions that are not in the exempt or labor class and for which it is found by the commissioner of citywide administrative services not to be practicable to ascertain the merit and fitness of applicants by competitive examination.

The Labor Class - (a) The labor class shall comprise all unskilled laborers in the classified service as are not classified in the competitive or non-competitive class. (b) The commissioner of citywide administrative services shall prescribe the requirements and tests to be held for positions in the labor class.

The Competitive Class - The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination and shall include all positions now existing or hereafter created, of whatever functions, designations, or compensation, except such positions as are in the exempt class, the non-competitive or the labor class.

NEW YORK STATE FREEDOM OF INFORMATION LAW
AS IT APPLIES TO THE CENTRAL BOARD OF EDUCATION

It is the policy of the Board of Education to inform the public about the administration and operation of the public schools in accordance with established policies of the Central Board of Education and applicable state and federal laws, including the New York State Freedom of Information Law (Public Law 84 et seq.). This Regulation governs requests made pursuant to the Freedom of Information Law to inspect or receive copies of records maintained by the City School District and each Community School District. Each Community School Board is required to adopt procedures relating to public access to its District's records consistent with the law, the policy of the Central Board of Education and this Chancellor's Regulation. This Regulation supercedes Chancellor's Regulation D-110, Freedom of Information Law (FOIL), dated November 6, 1996.

I. Records

A. Definition of Records

A record is any information kept, held, filed, produced or reproduced by, with or for the City School District or a Community School District, in any physical form whatsoever, including, but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

B. Mandated Records

The law does not require a public entity to create a record in response to a given request. However, the City School District and the Community School Districts must maintain the following records:

1. A record of the final vote of each Board member of the Central Board of Education or the Community School Board.
2. A record setting forth the name, public office address, title and salary of every officer or employee of the City School District or Community School District.
3. A reasonably detailed current list by subject matter of all records in the possession of the City School District or Community School District whether or not available for public inspection and copying.

II. Records Exempted from Public Access

The public has access to all records, except those records or portions thereof that:

1. are specifically exempted from disclosure by state or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy (see Section IV below);

3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a) interfere with law enforcement investigations or judicial proceedings;
 - b) deprive a person of a right to a fair trial or impartial adjudication;
 - c) identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - d) reveal criminal investigative techniques or procedures, except routine techniques and procedures.
6. if disclosed would endanger the life or safety of any person;
7. are inter-agency or intra-agency materials unless they are:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final agency policy or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. are examination questions or answers which are requested prior to the final administration of such questions;
9. are computer access codes.

III. Unwarranted Invasion of Personal Privacy

- A. An unwarranted invasion of personal privacy includes, but shall not be limited to:
 1. disclosure of employment, medical or credit histories of personal references of applicants for employment;
 2. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 3. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 4. disclosure of information of a personal nature which, if disclosed, would result in economic or personal hardship to the subject party and such information is not relevant to the work of the City School District or Community School District; or
 5. disclosure of information of a personal nature reported in confidence to the City School District or Community School District and not relevant to the ordinary work of the City School District or Community School District.
- B. Name, Job title, and salary are not exempt under this provision.

C. To prevent an unwarranted invasion of personal privacy, the Records Access Officer or Central FOIL Designee should delete identifying details including such items as social security number, date of birth, home address, home telephone number, file number, etc. when records are made available.

D. Disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when the person to whom a record pertains consents in writing to the disclosure.

PROBATIONARY PERIOD

1. Appointments from Open Competitive Lists

All employees appointed from open competitive lists, must serve a one-year probationary period. The probationary period on appointment from an open competitive list cannot be waived. However, credit for prior provisional service for employees in titles covered by the citywide agreement will be granted in accordance with PSB No. 200-11.

2. Appointments from Promotion Lists

The probationary period begins on the date the employee reports for work in the title after appointment from the list. However, the promotion probationary period may be waived by the agency at the time of promotion, or the balance may be waived at any time during the probationary period.

Prior continuous provisional or temporary service within a title and particular job assignment served immediately prior to a permanent promotion or appointment to the same title and particular job assignment within the same agency shall be credited toward the probationary period for that title as follows:

- A. If immediately prior to a permanent promotion to a title, a permanent employee has served in that promotional title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period which is less than the probationary period for that title, the promotee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the promotion, but in no case shall such probationary period be reduced by more than nine months; or
- B. If immediately prior to permanent appointment to a title, an employee has served in that title and particular job assignment in the same agency on a provisional or temporary basis for a continuous period for that title, the employee's probationary period shall be reduced by an amount equal to the time previously served in the provisional or temporary job assignment immediately preceding the appointment, but in no case shall such probationary period be reduced by more than nine months.

This policy applies to employees who are appointed or promoted directly by the agency in which they are serving on a provisional or temporary basis. This policy also applies to employees who are appointed or promoted by one agency and have their permanent titles transferred to the agency in which they are serving on a provisional or temporary basis.

Nothing herein prohibits the agency head from extending the probationary period of employees whose probationary periods are shortened pursuant to paragraphs A or B above.

3. Procedure

If an employee is appointed or promoted to a title in which one of the above conditions applies, the department of citywide administrative services (DCAS) will consider all such prior continuous provisional or temporary services as the same job assignment to which the employee is being promoted or appointed unless the personnel director of the agency where the employee will be working notifies the control and service division to the contrary in writing.

REASSIGNMENT

Reassignment or Demotion to a Non-Managerial Title

A manager who is reassigned to a non-managerial title due to reasons other than incompetence or misconduct will receive the Minimum Entitlement.

Definition of Minimum Entitlement

Minimum Entitlement is defined as the lowest salary to which employee is entitled if he/she is reassigned either for reasons other than incompetence or misconduct out of the Pay Plan for Management Employees (PPME) or into a lower 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. 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 the new position.

REINSTATEMENTS

General Provisions

(a) An employee who has completed a probationary term in a permanent position in the competitive or labor class, and who has resigned or retired therefrom may be reinstated with the approval of the commissioner of citywide administrative services to:

- (1) the position from which the employee has resigned or retired, if vacant, or to any similar vacant position in the agency in which the employee was employed; or
- (2) to a position in another agency to which the employee would have been eligible for transfer.

(b) Such reinstatement may be made only if the separation from employment was without fault or delinquency on the employee's part and the head of the agency to whom the employee has applied for such reinstatement is willing to reinstate the employee.

General Conditions

(a) Such reinstatement shall be subject to the provisions of this section and shall be made without further examination except that the employee reinstated under this section may be subject to such probationary period, investigation, medical or other qualifying tests or requirements as the commissioner of citywide administrative services shall determine.

(b) The head of the agency wherein such reinstatement occurs may elect to waive the requirement of satisfactory completion of the probationary term at any time during such term.

Period of Eligibility for Reinstatement

(a) Such reinstatement must be accomplished within a period of time equivalent to the time the employee has actually served in the civil service of New York City, but in no event shall such period for reinstatement be less than one year nor more than four years from the date of resignation or retirement provided, however, that:

- (1) the commissioner of citywide administrative services may fix a period equal to or twice the period actually served, but in no event less than one year nor more than four years within which an employee may be reinstated for designated classes of positions, where the commissioner of citywide administrative services determines that there is a lack of a sufficient number of qualified persons available for recruitment; and
- (2) the commissioner of citywide administrative services shall annually re-examine the reason for establishing such period for reinstatement and shall revoke the prior determination upon a finding that there is a sufficient number of qualified persons available for recruitment.

(b) In computing the aforementioned time limitation, any time subsequent to separation spent in active service in the armed forces of the United States or of the State of New York resulting in discharge under honorable conditions and any time spent subsequent to separation in another position in the civil service of the city shall not be considered.

(c) Notwithstanding the foregoing provisions of this paragraph, with respect to members of the uniformed forces of the police and fire departments, the uniformed force of the New York City transit authority police department, and the uniformed force of the police department of the New York City housing authority, such reinstatement must be applied for by the former employee within a period of one year from the date of resignation or retirement.

Effect on Continuous Service

Any such reinstatement effected more than one year after such separation shall not constitute continuous service.

Reinstatement After Separation for Disability

(a) Where an employee has been separated from the service by reason of a disability resulting from occupational injury or disease as defined in the worker's compensation law, such employee shall be entitled to a leave of absence for at least one year unless the disability is of such a nature as to permanently incapacitate the employee from the performance of the duties of the position.

(b) Such employee may, within one year after the termination of such disability, make application to the commissioner of citywide administrative services for a medical examination to be conducted by a medical examiner selected by the commissioner of citywide administrative services. If upon such examination, such examiner shall certify that such person is physically and mentally fit to perform the duties of the former position, such person shall be reinstated to it, if vacant, or to a vacancy in a similar or lower position in the same occupational field or to a vacant position for which such person was eligible for transfer.

(c) If no appropriate vacancy shall exist to which reinstatement may be made, or if the work load does not warrant the filling of such vacancy, the name of such person shall be placed upon a preferred list for the person's former or similar position, and such person shall be eligible for reinstatement therefrom for a period of four years from the date of medical and physical qualification. In the event that such person is reinstated to a position in a lower grade, the person's name shall likewise be placed on a preferred list.

(d) This paragraph shall not be deemed to modify or supersede any other provisions of law applicable to the re-employment of persons retired from the public service on account of disability.

Reinstatement of Dismissed Employee

(a) An agency under the jurisdiction of the commissioner of citywide administrative services, upon written application for reinstatement by a person who was dismissed from a permanent competitive or labor class position in such agency, which sets forth the reasons for requesting an opportunity of making a further explanation, may consider such application.

(b) If the agency shall determine that such application and explanation are meritorious, it may, in its discretion and with the approval of the commissioner of citywide administrative services, reinstate such person; provided however, that:

(1) such person shall be eligible for reinstatement for a period of one year only from the date of dismissal; and

2) such person shall execute a prescribed waiver, in writing, with respect to claims for back pay, civil service rights and status for the period of the dismissal.

Other City Service

A permanent competitive class employee, separated from a position by appointment or promotion to another position in the unclassified or classified service of the city and who has served continuously therein, shall be eligible for reinstatement to the competitive class position formerly held by the employee or to another similar position or lower position in the same or similar occupation group or service.

RESIDENCE REQUIREMENTS

City Residence Requirements

- A. Pursuant to Section 12-119 et seq. of the Administrative Code, any person who enters City service on or after September 1, 1986, shall be (1) a resident of The City of New York on the date that he or she enters City service or shall establish City residence within ninety days after such date and (2) shall thereafter maintain City residence as a condition of employment.
- B. Pursuant to Mayoral Directive 78-13, residence within The City of New York shall be required as a condition of employment for persons who entered City service prior to September 1, 1986 and who are currently serving in or being appointed to provisional non-competitive, exempt, seasonal, labor class, temporary or part-time position, regardless of prior civil service status.
- C. Persons who entered City service prior to September 1, 1986 through permanent appointment to competitive class positions which are now covered by the Residence Law, and who are currently serving in those positions in covered agencies, are not subject to the residence requirement. Upon promotion or appointment without a break in service to a new competitive class position such persons are also not subject to the residence requirement. They are, however, subject to the residence requirements of Mayoral Directive 78-13 upon receiving a provisional appointment or an appointment to a non-competitive, exempt or labor class position.
- D. Persons who entered City service prior to September 1, 1986 through provisional appointment or appointment to non-competitive, exempt or labor class positions, who are subsequently appointed permanently to competitive class positions without a break in service, and who are currently serving in those positions in covered agencies, are not subject to the residence requirement upon such permanent appointment.

SEXUAL HARASSMENT

Sexual harassment which affects one's job is a form of employment discrimination prohibited by law. All employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited and know the remedies available to anyone who has experienced sexual harassment.

Definition

Guidelines issued by the Equal Employment Opportunity Commission state that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- 2) submission to or rejections of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcome and/or create an intimidating and hostile work environment.

There is a broad range of conduct by supervisors and co-workers which can, in certain circumstances, be considered sexual harassment. This includes, but is not limited to sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, remarks which disparage women or men and their abilities, subtle or direct propositions for sexual favors and any unnecessary touching, patting or pinching.

Procedure

Any employee who is being sexually harassed at work should not wait for the problem to escalate. The employee should immediately do the following:

1. If at all possible, discuss the problem with the harasser, communicating clearly that the behavior is not humorous or welcomed, and demand that the offensive behavior stop immediately.
2. Document in writing all instances of sexual harassment and keep any letters, memoranda or other tangible evidence that could help prove your case.

3. Confide in trusted family members, close friends and associates so as not to feel alone. The victim should keep in mind that he/she is not responsible for the harasser's actions.

4. Report sexual harassment incidents to a supervisor. All complaints will be investigated confidentially and every effort will be made to resolve the complaint informally.

Managers and supervisors are instructed to:

1. promote and communicate EEO policy to staff on a regular basis
2. maintain an "open door" policy and encourage staff (victims) to come forward with their complaints.
3. consult with the agency's EEO officer immediately and without exception if a sexually intimidating or hostile work environment is known to exist or if the terms and conditions of a person's employment are based upon submission to sexual conduct.
4. Periodically conduct internal training on sexual harassment for staff and distribute a statement reaffirming your commitment to EEO policy.