

BUDGET POLICY AND REPORTING MANUAL

<i>date</i> 7/27/93	<i>subject</i> Payment Above the Minimum Salary	<i>item</i> D-400
<i>supersedes</i> 9/1/71		<i>page</i> 1

1. Purpose and Scope

Subdivision 1-a of Section 131 of the Civil Service Law authorizes the Director of Classification and Compensation (C&C) to approve the appointment of certain persons at a rate above the minimum salary, when such appointees' qualifications substantially exceed the requirements necessary for appointment. These approvals are subject to the approval of the Director of the Budget. A record of the titles to which such appointments have been made is maintained by the Director of Classification and Compensation.

These provisions do not supersede other provisions of sections 130 and 131 of the Civil Service Law pertaining to increased salaries and pay differentials.

2. Statement of Policy

It is the policy of the State generally that appointments should be made at the established salary grade minimums. However, to facilitate the recruitment of highly qualified people for State service, certain persons with outstanding training or experience may be appointed above the minimum salary. Compensation of certain incumbent State employees with equivalent qualifications of training or experience shall be increased as provided by section 131(1-a).

3. Procedural Guidelines

a. Authority to establish above minimum salary rates.

- (i) The Director of Classification and Compensation shall have the authority to approve or to disapprove applications to appoint above the minimum and to determine the rate above the minimum salary at which appointment of a person outside State service may be made. The Director of Classification and Compensation shall determine the particular geographical area(s) or location(s) wherein the rate of compensation in excess of the minimum shall apply.
- (ii) Any determination of the Director of Classification and Compensation by which a salary would be so increased shall be subject to the approval of the Director of the Budget, however, that when rates have been approved by the Division of the Budget for a specific title, level of qualifications and geographical area, Budget approval shall not be required for individual appointments consistent with those criteria.

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b. Evaluation of previous training and experience.

The Director of Classification and Compensation shall evaluate the experience and training of an individual considered for appointment. Only previous work experience of the type involved in the class to which appointment is to be made shall be considered; provided, however, that in exceptional instances other pertinent experience may be acceptable. In evaluating such experience, recognition shall be given only to experience which, from the standpoints of quality and length, substantially exceeds that specified in minimum qualification requirements. In evaluating training, recognition shall be given only to pertinent degrees held in excess of those specified in minimum qualification requirements.

c. Record-keeping; notification.

The Director of Classification and Compensation shall maintain a record of titles to which such appointments have been made, and shall inform all appointing officers of such approvals. Such appointing officers shall be responsible for appropriate notification to employees in their departments and agencies.

d. Application for approval to appoint above the minimum.

An application for approval to appoint under section 131(1-a) shall be made by the appointing officer to the Director of Classification and Compensation. Such application shall:

- ! indicate the salary rate at which appointment is requested;
- ! identify the eligible list, if any, from which appointment is requested;
- ! include satisfactory evidence that the person for whom approval is sought has qualifications as indicated above;
- ! provide reasons why appointment at a higher rate is in the interest of State service;
- ! list the total number of positions in such title within the department or agency and the names, current salary rates, and qualifications of incumbent State employees entitled to equivalent salary treatment as specified in section 131(1-a);
- ! furnish such other information as may be required by the Director of Classification and Compensation.

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e. Increases for other employees with comparable qualifications.

- (i) When a person outside State service is appointed under section 131(1-a), the salaries of incumbent State employees serving in the same title in the same geographical area or location and having qualifications determined by the Director of Classification and Compensation to be equivalent to those of the person appointed shall be increased by such amount as may be necessary to equal the rate of compensation of the person appointed, effective on the date of such appointment.
- (ii) In connection with consideration of a request for an appointment under section 131(1-a), the Director of Classification and Compensation shall determine which incumbent State employees in the same title in the same geographical area or location are eligible for an increase in salary.
- (iii) Such initial determinations of the Director of Classification and Compensation shall be subject to the approval of the Director of the Budget.

4. Applicability

- a. Subdivision 1-a of section 131 is intended to be used selectively, when there are no well qualified individuals available for appointment at the entrance level. It is not intended to be used as a means for an overall "upgrading" of the work force.
- b. Appointment above the minimum will not be approved if there are other candidates among the top three acceptors on the eligible list who also have substantially more than the required experience and/or education and are willing to accept appointment at the minimum salary of the grade. However, such an appointment may be authorized for an exceptionally qualified candidate even though the other two, less-qualified acceptors will take appointment at the minimum salary.