§ 35. Unclassified service. The civil service of the state and each of its civil divisions shall be divided into the classified and unclassified service. The unclassified service shall comprise the following:

(a) all elective offices;

(b) all offices filled by election or appointment by the legislature on joint ballot;

(c) all officers and employees of the state legislature, and all officers and employees of any other legislative body whose principal functions and duties are directly related to the performance of the legislative functions of such body;

(d) all offices filled by appointment by the governor, either upon or without confirmation by the senate, except officers and employees in the executive department who are not heads of divisions therein;

(e) the head or heads of any department of the government who are vested with authority, direction and control over a department, and who have power and authority to appoint and remove officers and employees therein;

(f) all members, officers and employees of boards of elections;

(g) all persons employed by any title whatsoever as members of the teaching and supervisory staff of a school district, board of cooperative educational services or county vocational education and extension board, as certified to the state commission by the commissioner of education. The commissioner of education shall prescribe qualifications for appointment for all classes of positions so certified by him, and shall establish specifications setting forth the qualifications for and the nature and scope of the duties and responsibility of such positions. The commissioner of education shall file such qualifications for appointment and such specifications with the civil service commission;

(h) all positions in the state university in the professional service as defined in subdivision three of section three hundred fifty-five-a of the education law, which positions shall be determined by the chancellor of the state university and certified by him to the civil service commission; provided, however, that any state university position in the classified service which the chancellor seeks to designate as unclassified must be approved by the civil service commission before

such change in designation;

(i) all positions in community colleges in the professional service as defined in subdivision two of section six thousand three hundred six of the education law, which shall include all positions on the instructional staffs of the fashion institute of technology, the New York city community college of applied arts and sciences, and of the community colleges sponsored by the board of higher education in the city of New York as respectively defined in sections two thousand five hundred eighty-seven, six thousand two hundred six-a, and six thousand two hundred six-b of the education law. Such positions in community colleges other than the fashion institute of technology, the New York city community college of applied arts and sciences, and community colleges sponsored by the board of higher education of the city of New York shall be determined by the board of trustees of such colleges with the approval of the chancellor of state university, and certified by each such board to the commission or officer which administers the civil service law for the local sponsor of the community college administered by such board. Each such board of trustees shall prescribe qualifications for appointment for all classes of positions so certified by it, and shall establish specifications setting forth the qualifications for and the nature and scope of the duties and responsibilities of such positions. Each such board of trustees shall file such qualifications for appointment and such specifications with the civil service commission and with the commission or officer to which the certification is made;

(j) all persons, other than persons covered under paragraph (g) or paragraph (h) or paragraph (i) of this section, whose principal functions are teaching or the supervision of teaching in a public school, academy or college.

(k) all positions in the professional service in the New York State School for the Blind and the New York State School for the Deaf, requiring the performance of educational functions, which positions shall be determined by the commissioner of education and certified by him to the civil service commission.