



Stacey Cumberbatch
Commissioner

FOR IMMEDIATE RELEASE
October 13, 2014

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**THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
(DCAS) FILES PROPOSED PLAN WITH THE STATE CIVIL SERVICE
COMMISSION (SCSC) TO REDUCE PROVISIONAL EMPLOYEES**

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In compliance with the recently passed State law which provides the City with another two years to reduce the number of employees serving provisionally in competitive titles, the City submitted a proposed plan on October 8, 2014 to the NY State Civil Service Commission (SCSC) to further reduce the provisional headcount.

The plan laying out the City's plan to curb provisional employees includes:

- The administration of competitive exams to transition approximately 7,000 provisional employees to permanent status
- Reclassification of civil service titles, affecting approximately 1,600 provisional employees

"Once a plan is approved, DCAS will continue the process of administering civil service exams over the next two years, during which time provisional appointees will have the opportunity to become permanent. The process will take time, and we expect to retain the City's best and brightest," said Stacey Cumberbatch, Commissioner of the Department of Citywide Administrative Services. "We'd like to thank the SCSC for its consideration of the plan, and our partners in labor as we move ahead together."

Any employee who is not appointed to a position in a competitive class title from a civil service list is considered provisional. The title with the largest number of provisional employees is Administrative Staff Analyst, and an exam for this title would be administered in 2015 under the new plan.

Agency employees will be notified of all examination filing periods in several ways. As a standard practice, all Notices of Examination

(NOEs) are posted on the DCAS website, and sent electronically to Agency Personnel Officers (APOs) across the City. These notices are posted at relevant City agencies throughout the duration of the filing period.

The monthly and annual examination schedule is available to all New Yorkers on the DCAS website at nyc.gov/dcas. Applicants should click on the title of the exam and follow the instructions to apply. Interested candidates can also apply for an examination by visiting one of DCAS's Computer Based Testing Centers located in Brooklyn (210 Joralemon Street) and Manhattan (2 Lafayette Street).

Background:

Due to the 2007 court ruling in the Long Beach case, a State law was passed requiring the Department of Citywide Administrative Services (DCAS) to submit a 5-year plan to the SCSC to reduce the number of provisional employees. This law allowed for a one year extension, which was implemented in 2013.

There are over 800 competitive class titles in the City's classified service. While DCAS has administered over 100 exams per year during the course of the plan and made substantial progress (39% reduction) toward the goal, aspects of the original plan could not be fully implemented during the 6-year period and the City sought a limited extension of the State law to continue reducing the number of provisional employees, while preserving the quality and effectiveness of governmental operations.

- At the beginning of the 5-year plan, there were 37,797 provisional employees
- As of 8/31/14, the number had been reduced by 39%, to 22,939
- Additional target reductions under proposed plan: up to 8,666
- The extended law to reduce provisional employees expires on 12/31/16

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October 8, 2014

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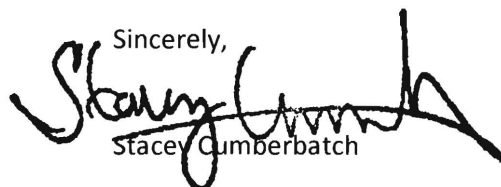
Honorable Jerry Boone
President
New York State Civil Service Commission
Alfred E. Smith State Office Building
Albany, New York 12239

Dear President Boone:

I am pleased to forward to you, on behalf of the DCAS employers, the attached plan in accordance with Section 65(5) of the New York State Civil Service Law, as amended by Chapter 284 of the Laws of 2014.

I confirm that the information contained in this plan is accurate to the best of my knowledge, based on a reasonable inquiry by this agency into the facts set forth therein.

We look forward to working with you, Ms. Kiyonaga, and your staff toward adopting and implementing a final plan.

Sincerely,

Stacey Cumberbatch

c: Nancy B. Kiyonaga, Director of Municipal Services, NYS Dep't of Civil Service
Anthony Shorris, First Deputy Mayor
Zachary Carter, Corporation Counsel
Robert W. Linn, Commissioner of Labor Relations
Sherif Soliman, Director, Office of State Legislative Affairs

Provisional Reduction Plan

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1.0.0 INTRODUCTION

This Plan is being submitted pursuant to New York State Civil Service Law Section 65(5).

1.1.0 THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES (“DCAS”)

1.1.1 Designation as the Municipal Civil Service Commission for the City of New York

Section 811 of the Charter of the City of New York provides that

“The commissioner [of the New York City Department of Citywide Administrative Services (“DCAS”)] shall be responsible for citywide personnel matters, as set forth in this chapter, and shall have all the powers and duties of a municipal commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by this chapter assigned to the mayor, the city civil service commission or the head of the city agencies....”

1.1.2 Entities under the Jurisdiction of DCAS

Pursuant to the City Charter, DCAS administers the civil service system for all New York City agencies, including the offices of elected officials in the City. This system includes certain other agencies, such as the offices of district attorneys, public administrators, and pension systems, that have historically been treated as City agencies for civil service purposes.

Additionally, pursuant to either statute or case law, DCAS administers the civil service system for several other entities, which are not agencies or offices of the City of New York. The following entities have opted into this Plan:

- New York City Department of Education
- New York City Transit Authority
- New York City Triborough Bridge and Tunnel Authority
- New York City Housing Authority
- New York City Municipal Water Finance Authority

Throughout this document, references to “the City” indicate all entities under the jurisdiction of DCAS as described in this section.

1.1.3 Promulgation of Rules

Pursuant to Section 20 of the New York State Civil Service Law, DCAS has promulgated Rules with respect to its administration of the Civil Service Law (known as Personnel Rules and Regulations of the City of New York).

1.1.4 Organization of DCAS' Human Capital Line of Service

The Human Capital (HC) line of service is primarily responsible for maintaining the municipal civil service system for the City of New York. HC is comprised of four bureaus, of which two, the Bureau of Examinations and the Bureau of Civil Service Administration, handle all matters related to civil service. The Bureau of Examinations is responsible for the classification of titles, and for all examination matters, including test development, test administration, and test rating. The Bureau of Civil Service Administration is responsible for the city-wide administration of civil service eligible lists, and maintains the databases that provide most of the personnel information presented in this Plan.

1.2.0 CIVIL SERVICE LAW SECTION 65(5)

Civil service titles fall into one of four jurisdictional classifications: competitive, non-competitive, labor, and exempt. Under the New York State Constitution, competitive titles must be filled by competitive exams, which are used to create lists of eligible candidates for competitive civil service jobs.

Exam administration is a comprehensive process that involves the development of test questions through discussions and interviews with subject matter experts, the administration and scoring of exams, an appeal process for candidates, and the development of a list of qualified candidates ranked in score order.

Often, vacancies arise and must be filled before an exam can be administered to create a new civil service list for a particular title. To address this issue, Section 5.5.1 of the Personnel Rules and Regulations for the City of New York provides for the appointment of “provisional” employees for a period of up to nine months while a new civil service list is promulgated. Currently, 18,871 provisional employees across the City of New York are serving beyond the nine-month provisional service period. Many of the individuals who hold provisional appointments perform essential public services, and it has been established that it would take time for DCAS and its related employers to develop and administer competitive examinations and to make appointments from resulting eligible lists in a manner that ensures the continued quality and effectiveness of governmental operations.

New York State Civil Service Law Section 65(5) was enacted in 2008 to enable the City to address this issue within a reasonable period in a manner that ensures that City operations are not disrupted. The law required DCAS to submit a five- year provisional reduction plan (with the possibility of a one- year extension, which was exercised) subject to approval by the

State Civil Service Commission, under which DCAS and its related employers would reduce the number of provisional appointments. As of the beginning of the plan (October 2008, with a baseline of May 31, 2008), there were 37,797 provisionals in the City's workforce. As of August 31, 2014, there are 22,939 provisionals, a reduction of 14,858 provisionals, or 39%.

Civil Service Law Section 65(5)(c-1) was recently enacted to allow a two-year extension, including a new plan to reduce provisionals, to be implemented by November 1, 2016. The following sections outline DCAS' proposal to reduce provisional appointments over the next two years.

1.3.0 SUMMARY OF KEY ELEMENTS

As of December 31, 2013, the City's workforce under the jurisdiction of DCAS included 184,268 employees serving in competitive class titles. Of those 184,268 competitive class employees, 22,578 employees were serving in their positions provisionally.

1.3.1 Key Elements

The plan presented here includes two key elements which, if fully implemented, DCAS expects to substantially reduce the number of provisional appointments within the two-year period required under §65(5)(c-1). The plan also includes strategies (in Section 2.1.3) that, while not associated with a particular projected reduction in provisional employee numbers, will assist in making the examination system – which is at the core of the plan -- more efficient and accessible:

- (1) **Competitive Examinations:** DCAS will administer examinations for titles with large numbers of provisional appointments (e.g., managerial titles and information technology titles) and titles that have a significant impact on City administration. DCAS also seeks to increase the efficiency and efficacy of exams administration.
- (2) **Targeted Reclassification:** DCAS plans to submit proposals for the classification of titles and positions outside of the competitive class to the State Civil Service Commission for consideration. DCAS has withdrawn past proposals for the wholesale reclassification of titles outside of the competitive class with unlimited positions and will instead conduct a targeted analysis of titles with historically few incumbents and other positions for which competitive testing would be

impracticable. DCAS will seek assistance and input from City agencies and external stakeholders when developing these new proposals.

1.3.2 Provisional Reduction Plan Impact

The plan intends to address as many as 8,666 provisional employees, 7,044 through exam administration and up to another 1,622 through classification actions. The total reduction represented by the classification actions (1,622) can only be determined after DCAS conducts an analysis of the titles. The aggregated number of 8,666 provisional employees represents the maximum reduction that DCAS believes can be accomplished in the next two years, considering fiscal and operational constraints.

2.0.0 PROVISIONAL REDUCTION PLAN

During the two years of the Plan, DCAS plans to continue its targeted approach to scheduling competitive examinations for titles with significant numbers of provisionals and for which there is anticipated agency hiring need. The main objective of the plan is to ensure that DCAS employers achieve a significant reduction in provisional appointments, while also ensuring that critical City operations are maintained.

2.1.0 EXAMINATION ADMINISTRATION

The fundamental component of this Plan is the reduction of provisional appointments through competitive examination.

In choosing how to prioritize its administration of civil service exams over the next two years, DCAS analyzed titles that have a significant impact on city-wide operations, titles that currently employ large numbers of provisional employees, and titles with the greatest risk for attrition through retirement.

2.1.1 Distribution of Provisionals

At the beginning of the original Provisional Reduction Plan on May 31, 2008, there were 25 titles with more than 250 provisionals and 52 titles with 101-250 provisionals. As indicated in the chart below, DCAS has made substantial progress in targeting titles with large numbers of provisionals since 2008.

Table 2.1—1: Distribution of Provisionals in Classified Titles shows the distribution of provisional employees within these competitive titles. As of August 31, 2014, there were 13 competitive

titles that employ at least 250 provisionals, and more than 260 competitive titles that employ 10 or fewer provisionals. Recognizing the substantial resources required to administer an exam, regardless of the number of vacancies to be filled or provisional appointments to be replaced, DCAS will focus on administering exams for titles with significant numbers of provisional employees over the next two years.

Table 2.1—1: Distribution of Provisionals in Classified Titles

Provisionals Appointments	# of Titles	Total # of Provisionals
250+	13	7,921
101-250	18	2,477
51-100	43	2,945
26-50	58	2,078
11-25	124	2,061
1-10	264	1,156

2.1.2 Exam Schedule

Working in collaboration with City agencies, DCAS determined that an additional 37 examinations will be administered under the Plan. These 37 examinations will be in addition to the regular exam schedule and include titles for which DCAS administered exams under the original plan and that now have expiring civil service lists, titles in which there are upcoming agency hiring needs, and titles that currently have a significant number of provisionals serving. Other factors also determined which titles to include on the examination schedule, such as minimizing the impact on critical agency operations and labor relations constraints. DCAS projects that the administration of these exams would result in a decrease of 7,044 provisional appointments, or 31% of the total number of provisional employees serving as of August 31, 2014.

Table 2.1—2: Exams Proposed Under the Plan

Title Code	Title	# of Provisionals
Exams Proposed for Fiscal Year '15		
10025	Administrative Manager	822
10026	Administrative Staff Analyst	2,486
31622	Associate Fire Protection Inspector	34
22427	Associate Project Manager	111
92310	Bridge Repairer and Riveter	25
13650	Computer Programmer Analyst Trainee	32
52450	Congregate Care Specialist	33
90756	Construction Laborer	34
12633	Education Officer	80

91717	Electrician	78
91722	Electrician's Helper	59
90711	Elevator Mechanic's Helper	51
53053	Emergency Medical Specialist- EMT	36
53054	Emergency Medical Specialist-Paramedic	152
81310	Gardener	35
90511	Housing Exterminator	92
21315	Landscape Architect	29
31311	Lead Abatement Worker	30
91556	Mate (Ferry)	32
51221	Occupational Therapist (DOE)	1,202
51222	Physical Therapist (DOE)	617
31215	Public Health Sanitarian	32
Total Provisionals Addressed by FY 15 Exams		6,102

Exams Proposed for Fiscal Year '16		
51190	Assistant Public Health Adviser (Communicable Disease Control)	29
31642	Associate Inspector (Construction)	52
34190	Associate Quality Control Specialist (and specialties)	32
13641	Certified IT Administrator (LAN)	91
13642	Certified IT Administrator (WAN)	66
22122	City Planner	39
13631	Computer Associate (Software)	220
13651	Computer Programmer Analyst	53
31105	Investigator	49
52295	Juvenile Counselor	30
92235	Plasterer	118
22425	Project Manager Intern	35
60440	Recreation Supervisor	66
91314	Supervisor (Watershed Maintenance)	31
12202	Supervisor of Stock Workers	31
Total Provisionals Addressed by FY 16 Exams		942

Total # Provisionals Addressed by Exams Proposed under the Plan:	7,044
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2.1.3 Examination Strategies

In addition to administering more exams, DCAS will continue to implement other measures to reduce the overall number of exams that the City needs to administer to fill anticipated personnel needs, and to increase the frequency and accessibility of the exams it does administer. DCAS will continue to expand upon the following examination strategies:

- a) Selective Certification: Over the course of the previous plan, DCAS provided agencies with lists for titles that included employees with specialized skills to perform the work at their agency through the use of selective certification. DCAS plans to continue this practice consistently and expand its use of selective certification by meeting with agency personnel representatives when developing each Notice of Examination to discuss the specialized skills and qualifications needed for positions at their agency.

- b) Broadening the Use of Civil Service Lists: DCAS is conducting an analysis of its entry level titles in order to extend the use of the open competitive lists resulting from examination to titles with similar knowledge, skill, abilities and qualification requirements. This will reduce the number of exams DCAS needs to develop and will increase the number of positions that can be filled utilizing one list.
- c) Extending Lines of Promotion: DCAS will provide, where appropriate, more opportunities for employees to promote within the competitive class by offering promotion examinations with broader eligible lines of promotion.
- d) Item Banking: An item bank is a set of possible exam questions for a title. The development of an item bank has allowed DCAS to administer exams more frequently for titles in which agencies have a continuous need to hire, and allows agencies to make permanent appointments instead of hiring provisionally. The availability of exam questions enables DCAS to create an examination for a title instantly. For example, it takes an average of three months to develop a multiple-choice exam. Utilizing the item bank, a new exam can be created within minutes.

DCAS has already developed thousands of test items for multiple-choice examinations for 46 titles, enabling DCAS to administer equivalent versions of these exams on a regular basis to lessen the potential for employees to serve more than nine months in the titles being assessed. DCAS is continuing to build upon its current item bank, through the development of additional test items, and by adding titles to the item bank. By the end of this plan DCAS will have the capacity to develop equivalent examinations for 100 titles in the item bank.

- e) Online Education and Experience Exams: OLEE is DCAS' system for administering education and experience exams through an online portal. Through OLEE, test takers are immediately notified of their eligibility and raw score. OLEE has decreased the time it takes to rate and score education and experience exams and has eliminated the possibility for human error when rating test papers. As a result, there have been fewer appeals of ratings and this has led to expedited list establishment. Hand rating the test papers and mailing out the result notices to candidates takes, on average, 54 days. Utilizing OLEE, that process is completed by the last day of examination filing. DCAS is continuing to increase the number of exams available through OLEE and plans to utilize the system for testing some information technology titles.
- f) Computer-based Testing and Application Centers (CTACs): Since 2008, DCAS has established two CTACs, in Manhattan and Brooklyn, which have increased the availability of civil service examinations by permitting exam candidates to walk in to a testing center, file for an exam, take it, and immediately get their test results. From 2008 through July 31st 2014, over 244,000 people have taken a test administered at one of the centers. Recently DCAS has expanded the services provided at the CTACs to allow

applicants to apply for an exam and schedule a test time and date at their convenience. Having CTACs in place has enabled agencies to recruit potential employees, send them to the CTAC to take the civil service exam for the title they are looking to hire, and have a rank-ordered list available for their use when they need to hire. This has reduced the need for agencies to hire provisional employees in titles such as Child Protective Specialist and Juvenile Counselor.

The increased use of the CTACs has also helped to expedite the establishment of civil service lists, and has led to an accelerated reduction in provisional appointments in titles where exams are offered in a computerized format. For example, the use of CTACs to administer the exam for Clerical Associate reduced the amount of time from exam administration to list establishment from two years to four months.

DCAS plans to establish CTACs in all five boroughs and continues to develop additional exams for computerized administration through item banking.

In our efforts to target titles with large numbers of provisionals, DCAS has begun exploring new examination methods to be incorporated into our existing testing model. To date, DCAS has reached out to its colleagues in other municipalities in order to share best practices with respect to test administration and provisional reduction. DCAS is also conducting research to identify training opportunities for the Bureau of Exams in the latest examination methodologies by industry leaders in the field of testing. Once developed, these new strategies will be used to examine for managerial and information technology titles within the plan, as well as other titles in the future.

- a) **Managerial Titles:** DCAS intends to administer exams for managerial titles that will assess the abilities that are required for the successful performance of a number of managerial positions. The resulting lists will be used to fill positions in a number of managerial titles. DCAS intends to pair the examinations with the use of selective certification in order to create lists for employees with specialized skills in specific disciplines.
- b) **Information Technology Titles:** DCAS plans to administer competitive examinations for a number of IT titles over the course of the two- year plan. Examination strategies for IT titles include the use of OLEE for some titles and the use of the CTACs to administer exams for some titles. DCAS is partnering with the City's Department of Information Technology and Telecommunications and DCAS internal information technology professionals in order to revise the position descriptions for the titles that the City utilizes to perform information technology work and to develop valid examinations for the titles. For titles where DCAS has lacked the resources to develop examinations, DCAS will research the examination strategies utilized by other jurisdictions for similar titles and services provided by other testing professionals to develop examinations.

2.2.0 RECLASSIFICATION ACTIONS OUT OF THE COMPETITIVE CLASS

Exam development and administration require a substantial commitment of resources. The investment required to develop an exam for a title with many provisionals serving and for a title with few provisionals serving is the same. In order to meet the targeted reduction numbers set forth in the Plan and to ensure adequate resources are available to prevent future provisional appointments, DCAS must allocate the majority of its resources to develop examinations for titles with large numbers of provisionals. DCAS identified 389 titles that are currently competitive, but for which there are 20 or fewer employees serving Citywide (including a total of 1,622 provisionals).

Competitive examination is not practicable for this large number of titles, viewed in the aggregate. For example, the small population of individuals in these specialized titles makes it difficult to identify a diverse group of individuals with the subject matter expertise necessary to develop examinations and address protests under §50-a of the Civil Service Law. In general, this situation is strikingly similar to that addressed by Civil Service Law §42(2), which recognizes that testing may not be practicable for smaller jurisdictions in the State. While New York City is not such a jurisdiction, the competing demands upon its resources of programs that are required by law and/or policy to further the public safety and welfare, as noted above, similarly highlight the impracticability of administering hundreds of tests for titles with few incumbents. The City is no better situated than any other municipality to divert its scarce resources into hundreds of separate instances to examine potentially hundreds or thousands of people to fill a handful of positions.

As part of this plan, DCAS will reach out to employing agencies and external stakeholders to conduct a targeted analysis of titles with historically small numbers of employees. Upon completion of that analysis, DCAS will prepare classification proposals for the titles for which it is found that broadbanding with other competitive titles, consolidation of titles within a series, or reclassification outside of the competitive class is appropriate. As a matter of both civil service administration and the efficient and appropriate use of scarce municipal resources, DCAS will work with all interested parties to address the proliferation of titles with small numbers of employees.

2.2.1 Information Technology Titles

DCAS withdrew its request to reclassify several Information Technology titles into the non-competitive class that had been described in the original provisional reduction plan. Instead, as noted above, DCAS intends to administer competitive examinations for the City's IT titles. In conjunction with DCAS' Information Technology line of service and the City's

Department of Information Technology and Telecommunications, DCAS will review the information technology needs of the City to determine whether there are specific positions within certain titles for which reclassification to the non-competitive class would be more appropriate given the unique and specialized knowledge, skills, and abilities required to perform the work.

3.0.0 IMPLEMENTATION

Over the last six years, exam administration and the consistent use of lists by agencies has contributed to a dramatic decrease in the number of provisional appointments. In order to ensure that DCAS is realizing the maximum potential of all provisional reduction strategies contained in this plan, a clear implementation plan/strategy, coupled with enforcement mechanisms, must be in place.

3.1.0 EXAM ADMINISTRATION AND LIST ENFORCEMENT

DCAS' implementation of this plan will not be fully successful unless agencies make full use of lists resulting from exams. Civil service lists must be used in the manner set forth in the Civil Service Law.

3.1.1 Transparent Civil Service Processes

In order to make the civil service process more transparent, DCAS Human Capital and IT will work together to develop an online system for civil service information. Candidates will be able to view their civil service list number and status of the list.

3.1.2 Provisional Reduction Analysis

DCAS provides ongoing strategic analysis of the City's provisional reduction efforts and tracks provisional movements. The office sends monthly reports of all provisional employees serving in the face of eligible lists to agencies with such provisionals, and requires agencies to provide a plan to remove the provisionals serving in these titles. Also, agencies are being instructed to avoid changing titles of provisional employees once a list is published for that title.

3.1.3 Hiring Pools

Where appropriate, DCAS hosts hiring pools for titles, which allows agencies to consider large numbers of candidates to fill vacancies and, where provisional appointments exist, to make permanent appointments. DCAS monitors the movement of provisionals in titles to ensure that lists are being used consistently to replace provisionals.

3.1.4 List Publication

DCAS may elect to publish a civil service list sixty (60) days prior to the official establishment of the eligible list. The period between publication and establishment enables DCAS and agencies to analyze how a list might be most effectively used. Where the top scorers on an examination, for example, are already serving provisionally at a particular agency, it allows DCAS to consider certifying that list to that agency first, to afford that agency an opportunity to consider its own provisional employees for permanent appointments.

This also allows the appeal process to begin for those candidates who believe that they have been improperly disqualified or improperly found ineligible or who otherwise believe their scores were miscalculated.

4.0.0 CONCLUSION

As a result of the City's above-proposed actions and based on the number of provisional employees in titles subject to action under this plan, the City projects that the number of provisional appointments in competitive class titles at the end of the plan will be as few as 14,273.