Regarding the Use of the I in 3 Rule

A number of unions have been complaining to the City Council regarding apparent abuses of he intent of the civil service law on promotional lists. It seems that some candidates may be denied promotion for reasons unrelated to merit or fitness.

1. When a worker has passed a test for promotion and his or her list number is reached, would you agree that it is only fair to interview the candidate before rejecting the candidate?

2. When a candidate is being considered for promotion, would it be fair to reject the candidate because he or she is a 'cost item' to the agency budget, whereas sitting provisionals in the higher titles are simply confirmed in place since they are not new 'cost items' to the agency budget.

3. We have been told that candidates have been informed they were considered but not selected for promotion in spite of outstanding performance evaluations. The reasons given by agency personnel for neither interviewing the candidates for appointment nor actually promoting the candidates, was that the candidates were not already serving provisionally in the higher title. Is that the proper way the civil service law works? Is prior provisional appointment a good criteria for selection for subsequent permanent appointment?

4. We are reliably informed that many candidates who are considered for promotion but not selected, are dropped from the list after three chances to be promoted.

   If the candidate, for example, is #1 on a list, and #'s 2, 3 and 4 are hired, #1 can be discarded from further consideration when when there are hundreds of lower scoring candidates.

   If, after examination of the facts, it turns out that candidates #2, #3 and #4 were all sitting provisionals at the time of the hiring pool, and were subsequently promoted permanently to continue the work done as provisionals, did #1 ever have a chance to be promoted?

   If #1 had little or no real chance to be promoted versus #2, 3 and 4, is it reasonable to remove candidate #1 from the promotion list.

   Worse yet, suppose the facts show that candidate #1 was discarded because candidates #2, 3 and 4 were political appointments at the Commissioner or Deputy Commissioner level.

Then suppose #2 and 3 and 4 were all given permanent appointments from the list, but were put on leave from their new jobs and returned to other higher level jobs immediately.

In such a case, would not the removal of #1 from the promotion list stink to highest heaven?

5. The law provides that a candidate can be 'passed over' three times for promotion and taken off the promotion list. The law also provides that any such candidate can request restoration to the list.

In some city agencies 'passed over' candidates are in fact allowed to be restored to the list for further consideration.

In other city agencies 'passed over' candidates are denied restoration to list list and, once the list is exhausted, pure provisional appointed are given the job.

We have also been told that a candidate would be restored to the list and promoted if he or she is hired as a provisional after the list is exhausted.

Is it a fair 'calling of the list' for promotion, when candidates are never notified to come to a 'hiring pool", and are just considered and not selected three times and removed from the list, never to be restored. Would you agree it could seem that these candidates took the test for nothing after studying for many hours and paying a fee to the city?

Is it good labor relations to have a civil service work force and then to have some agencies openly flout the law and actively seek to use loopholes to circumvent the intent of the law?

6. Would you agree that a perception of gross unfairness in promotional practice is a recipe for a disgruntled and unhappy work force.

7. The city once upon a time agreed with the unions to experiment with using a citywide promotional list for city wide titles on an experimental test case basis. What were the results of the experience? What titles were involved?

1. Is it a civil service abuse to 1 in 3 a candidate without offering an interview for 3 actual vacancies, as opposed to "interviewing" the candidate for 3 positions that are held by 3 subsequent provisional candidates on the list and then not reinstate the candidate to the list?

2. Is it a civil service abuse to arbitarily run through a list by CNSing candidates to reach higher level Administrators and Commissioners, and then not reinstate those candidates for further opportunity for promotion?

3. Since a candidate on an open competitive list, who may not be restored to a particular agency's list, can be reinstated without prejudice by DCAS to the citywide list at least 3 times, why is an agency allowed to determine that a candidate should not be allowed to be reinstated on a promotional list, thereby never giving the candidate another chance ever at promotion. If the agency does not want to promote that candidate, why isn't the list made citywide so that candidates still have the opportunity to be hired by another agency?

4. Is it is civil service abuse for an agency to tell candidates thty cannot be promoted becasue they are a 'cost time', and when they are CNS'd, and the list is exhaused, the agency immediately hires 'pure' provisionals at full salary or higher?