



ORGANIZATION OF STAFF ANALYSTS

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Testimony by Robert Croghan
before the DCAS hearing
on three proposed new titles
12/16/2008

My name is Bob Croghan. I am the Chairperson of the Organization of Staff Analysts. OSA is a union founded by career civil servants working as Personnel Examiners for the City of New York. Our founding documents express a strong belief in the value of the civil service and we seek to reaffirm that belief again, here, today.

The three new proposed titles should never have been proposed.

In 1901 a civil service law was passed. The goal was to create a permanent work force dedicated to serving the citizens and taxpayers of the City of New York. The State wished to reduce the cronyism and corruption that had occurred due to political patronage.

We no longer appoint Police Officers based on their party affiliation, nor is their retention or advancement dependent on their doing the bidding of corrupt officials.

The Department of personnel, (now sadly only a division of a larger agency) is responsible for finding qualified candidates for jobs by a system of testing for merit and fitness. In hundreds of thousands of cases, Personnel has been allowed to do its job. Not only Police officers, but Fire, Correction and Sanitation workers are selected through competitive tests, fair and open to all qualified citizens. Surely, this is a wonderful thing.

There are fifty City agencies and public authorities and corporations staffed by civil servants although, not always. Often, the elected or appointed leaders of the City have chosen to circumvent the civil service law or to ignore it entirely.

The Long Beach decision is recent but the offenses against the law corrected by Long Beach have been open scandals throughout my life.

I was offered a political appointments by Sy Posner, my local assemblyman in 1966. I was also offered a job by Jay Golden, my local State Senator that same year. I was grateful for both offers but turned the jobs down because I did not wish to be dependent upon any patron for my job. I earned less money as a Caseworker at the Welfare Department but because I was appointed thru an exam, I was free to do my job conscientiously. I did not need to worry about politics.

By the 1970's I was on released time assignment to the Social Service Employees Union, local 371 of DC 37, AFSCME. I was assigned to organize a new title, the Analysts. Mayor Koch did not want these employees to be allowed to join a union. He claimed that all three thousand of them were either managerial or confidential.

I took the first Civil Service exam they gave for the title in 1978 and came in number 9 on a list of 835 successful candidates for Associate Staff Analyst. I was appointed and began work as one of the first civil service permanent Analysts in October of 1980.

There was nothing managerial about my job. There was nothing confidential about my job. It was all a lie.

My coworkers at 60 Hudson street did not do managerial or confidential work. I soon learned that only one Analyst in a hundred was doing anything that would properly be called managerial or confidential.

It took thousands of hours of hearings before the Office of Collective Bargaining and the State Public Employment Relations Board to establish that Analysts were neither managerial nor confidential employees.

The policy promulgated during the Koch administration delayed union membership and civil service exams for years. It took from 1978 until 1992 to correct this wrong. As a group, we went from 80% provisional at the close of the Koch administration to 80% permanent by the close of the Dinkins administration.

Now, with the proposal before us today, the Division of Personnel is suggesting we should do it all over again. The proposal is for 3,240 untested appointees to be denied any protection other than their bosses favor.

How neat. Three to four thousand such employees were given their jobs in the 70's and ungratefully, those Analysts founded a union and sued to force the City to give exams. In short, they forced the City to obey the law.

Now the Division of Personnel wants to try again with a new group.

The memorandum (11/18/08) from Sherry Schultz, Director of Classification and Compensation to James G. Hein, Deputy Commissioner is very revealing.

Let me quote from her proposal for Confidential Strategy Planner "... it is not practicable to test competitively for the unique knowledge, skills and experience, as well as compatibility with the executive that will be required for each position."

When people marry, compatibility is crucial. In my 41 years of service some bosses have really liked me and others did not. Meanwhile I was judged on my day to day work effort and not on my compatibility with each of my supervisors.

Still, it is clear from this proposal that the intent is to seek a class of employees who will each be pleasing to the executive hiring him or her. It is not clear how this will benefit the public.

To quote further from Ms Shultz's memo "The specific requirements will differ from agency to agency and position to position and are essential to allowing these positions to be filled at the executive's discretion..."

Indeed. This means "anything goes" in term of other requirements so long as the requirement for compatibility is met.

There is a college degree requirement and a job description for this job that is strangely identical to the current competitive class title of Staff Analyst. Therefore the main difference between the two jobs is that Staff Analysts have to pass a competitive test open to any citizen but they don't have to be compatible.

Why would every City agency need a team of "Confidential Strategy Planners" in the first place? What is this horde of secrets that the City plans to keep from the public?

The Executive Program Specialists seem to have almost the same defined requirements as the Confidential Strategy Planner, i.e. none.

The EPS title doesn't even require compatibility, a college degree or even, indeed, literacy. Nonetheless we are assured they will be unique and innovative.

The remarkably strange proposal for a Strategic Initiative Specialist talks about these specialists utilizing their past professional experience but does not define what that was and does not actually require any such experience to get the job.

As an exempt position anyone could be hired, even friends and relatives, but only for four years. Thus if a SIS actually turns out to be a valuable worker dedicated to doing a good job, too bad. After four years the City will fire the experienced SIS and bring on the next one. It does sound like a patronage job. Work hard or don't work at all, you are fired in four years in either case.

Our City faces a fiscal crisis. The Long Beach decision compels the removal of provisional employees. This proposal does not reduce the number of provisional employees by even one person but it does create 3,240 new jobs. If, as we all fear, layoffs may occur in the months to come, we could see competitive class permanent Staff Analysts, Associate and Administrative Analysts laid off and, under this proposal, eventually to be replaced by persons untested and as yet unnamed.

Sherry Schultz said it best.

Compatibility is the issue.

The proposal itself is not compatible with honesty or the Civil Service law. It is a dishonest attempt to circumvent a good law.