

Unions Seek 1-in-3 Abolition **City Lists and Provisionals Rise**

By **REUVEN BLAU**

The Bloomberg administration's testing department has released a report showing that while the number of civil service lists established has increased, the overall figures of provisional hirings and promotions swelled by 47 percent to 10,004 in 2006.



JOSEPH P. ADDABBO: 'A lot of work to do.'

"It's promising, yet there is a lot of work to do," said Joseph P. Addabbo, the Chairman of the City Council's Civil Service and Labor Committee.

Union leaders and civil service advocates cited the report in renewing their calls for the city to amend its 1-in-3 rule, which allows agencies to choose from among the three highest-scoring eligibles on a list when making appointments.

Fewer Knocked Off Lists

An addendum to the rule allows agencies to remove candidates from further consideration after they have been considered but not selected (CNS-ed) three consecutive times. Candidates who are knocked off the list by one agency can still be appointed by another.

Notably, the DCAS report revealed that the number of eligibles who had been "CNS-ed" by city agencies under that rule decreased by 6 percent to 1,169 from 1,240 in Fiscal Year 2005. The figure was still higher than the 709 candidates removed from lists in FY 2004.

DCAS officials once again contended the original increase was the result of agencies making greater use of eligible lists last year, which allows candidates to either decline a job or fail to show for an interview.

More Lists, Fewer Hires

Discussing the report at a June 29 Council hearing, DCAS officials noted that the agency established 229 lists, 26 more than in FY 2005. Despite that increase, the number of eligibles appointed dropped to 13,467 in 2006, from 15,026 in 2005.

The annual report also noted that there was a significant increase in the number of provisional appointments and promotions made last year, to 10,004 from 6,808 in 2005. Overall there are roughly 30,000 provisional employees working for the city.

DCAS argued that increase occurred during a time period when the agency established 46 more lists than in 2005. In all, the city established 229 rosters in 2006, up from 183 in 2005.

"These two year-on-year comparisons appear to indicate that an increase or decrease in the number of lists that are established during a year, compared to the previous year, are not immediately reflected in the number of appointments and promotions made during that year," the report's summary noted. "We will continue to monitor these yearly comparisons to determine the impact over time."

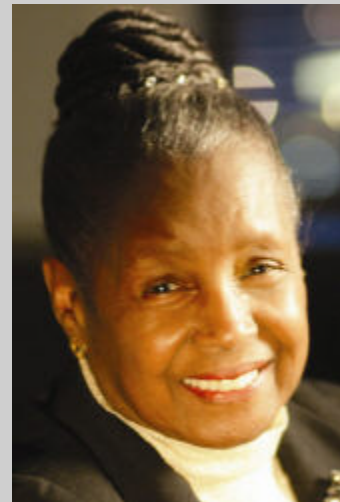
Key Lists Issued

DCAS highlighted that the lists established last year included 59 separate agency rosters for the Administrative Staff Analyst title. In addition, to maintain the security and well-being of city residents, eligible lists were established for Bridge and Tunnel Lieutenant, Captain (Police), Child Welfare Specialist, Supervising Fire Marshal, and Traffic Enforcement Agent.

The report was the result of legislation passed in October 2004 requiring DCAS to each year detail the number of eligible lists established, exams held, and appointments and promotions.

At the Council hearing, Stephen Dobrowsky, DCAS's Director of Certification, said the agency would "explore" working together with the state Civil Service Department to administer exams for city jobs.

"There would be a cost to doing that and the exams would still need to be verified for use



LILLIAN ROBERTS:
Warns of favoritism.

in New York City," a DCAS spokeswoman said after the hearing.

Technological Gains

DCAS is also working on using technology to streamline the testing and hiring process. The department plans to launch its on-line job application system in the next few months, which will allow individuals to apply and pay filing fees via the agency's Web site.

The DCAS program, which has been in the works for several years, will also eventually automatically grade evaluations based on education and experience, agency spokesman Mark Daly said.

Can Speed Up Process

"There are a lot of things that we can do with technology to speed up the process," added a DCAS spokeswoman. "We are fast-tracking some of the things."

DCAS is also "strongly supporting" a bill the State Legislature just passed to amend the Civil Service Law to require jurisdictions to come up with a systemic way to replace provisionals with permanent employees.

The measure, which was backed by District Council 37, is the Legislature's reaction to a ruling by the state's highest court in May that the Civil Service Employees' Association cannot grieve the firings of 12 long-term provisional employees based in Long Beach.

There is no fiscal implication attached to the measure. But if signed into law by Governor Spitzer, it would likely force jurisdictions to hold additional civil service exams, which could be costly.

'A Way to Cut Them'

"It will allow us to come up with a rational plan for exam administration to reduce the number of provisionals," said a DCAS spokeswoman last week.

In submitted testimony, DC 37 Executive Director Lillian Roberts once again urged the Council to look into amending the 1-in-3 rule, which she noted was created by then-Mayor Abraham D. Beame in 1974.

She contended that the statute allows managers to "bypass merit and fitness provisions that are required by law and allows those same managers to apply favoritism among employees." Under the current set-up, she argued, many qualified people who take and pass exams are not given a fair opportunity. "Over the years, we have received many complaints from hard-working members who have taken civil service exams and have been passed over based on what they perceive as a system of discrimination and favoritism," she stated.

Her testimony noted that until the mid-1980s, city employees were not even told that they were removed from civil service lists. Presently, workers are typically not informed why they have been taken off a roster, and they do not have the ability to appeal that decision, she continued.

Limit on Grievances

Ms. Roberts recently met with DCAS Commissioner Martha K. Hirst to discuss the issue. City workers and their unions have complained for decades about the inequity of the rule, which allows agencies to choose from among the three highest-scoring eligibles on a list when making appointments and promotions.

The unions cannot grieve the failure to hire a specific employee unless they allege some form of legal discrimination based on age, race or gender.

Robert Spencer, a representative of the Organization of Staff Analysts, testified at the hearing in support of additional funding for DCAS so the agency can administer additional tests and better oversee eligible lists. He added that the union believes the city should move to either eliminate or restrict the use of the 1-in-3 rule.

"The city argues it needs discretion in appointments," he testified. "We believe it already has many and sufficient safeguards in the probationary process."

The current process, he added, is "unfair" to everybody, including provisionals who are not being afforded the appropriate opportunities to obtain permanent appointments. "And it all allows favoritism, bias and discrimination to creep back into the hiring and promotion process for the public service," he contended.