

**TESTIMONY OF
ROBERT SPENCER, STAFF REPRESENTATIVE,
ORGANIZATION OF STAFF ANALYSTS
BEFORE THE NY CITY COUNCIL COMMITTEE ON CIVIL SERVICE & LABOR**

Hearing at City Hall, June 29, 2007

Oversight: Review of the Dept. of Citywide Administrative Services' annual report generated pursuant to Local Law 50 of 2004, regarding civil service eligible lists, civil service exams & provisional appointments & promotions.

Thank you Chairman Addabbo and members of the Committee for extending an opportunity for the Organization of Staff Analysts to address the Committee about the City's use of the 1 in 3 rule and related matters. We greatly appreciate the Committee's ongoing oversight of the civil service appointment process.

I'm Rob Spencer and I'm a staff representative at OSA and I'm here today on behalf of OSA's Chair Bob Croghan. He remains extremely concerned with the current approach of the Department of Citywide Administrative Services towards appointments from civil service lists pursuant to the 1 in 3 rule. The overuse of the 1 in 3 rule to bar candidates from appointment from open competitive and promotional lists is a practice that must end.

Last November, OSA's Chair Bob Croghan urged greater funding for DCAS in testimony before this Committee and we continue to recommend that DCAS have the needed funding and staff to ensure that it can fully perform its critical functions in ensuring appropriate civil service process in City agencies.

We strongly believe the City must begin to move in the direction of elimination or more restrictive use of the 1 in 3 rule and more appointments from civil service lists. We fully support DC37's publicly stated position that 100% of all candidates should be appointed in strict list number order.

The City argues it needs discretion in appointments. We believe it already has many and sufficient safeguards in the probationary process. Without violating the spirit and intent of appointments by merit and fitness, it has ample opportunity to deal with employees who, once hired, are subsequently found to be unfit.

We believe the present state of affairs is unfair to all, including provisionals, who are not being afforded the appropriate opportunities to obtain permanent appointments. And it allows favoritism, bias, and discrimination to creep back into the hiring and promotion process for the public service.

In addition, we believe in the need for citywide promotional lists, since those stuck on small lists at small agencies or those remaining at the end of appointments made from larger lists at major agencies may never have a fair opportunity for promotional appointment.

Finally, OSA is grateful for the Council's action through Local Law 50 of 2004 in mandating annual reporting on list movement and appointments. However, we believe the current reporting could be significantly improved by regular updates in a simple format showing how individual lists are moving, shared with the unions representing the affected title.

And, DCAS must make improvements in notifying those on civil service lists during the life of the list – letting them know when they have been considered and not selected, when they have been removed from a list, and how to restore themselves to the list.

Thank you again for your vigilance. OSA looks forward to continuing to work closely with you and the Committee on these issues.