

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR
JOINTLY WITH THE COMMITTEE ON
GOVERNMENTAL OPERATIONS

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November 19, 2014
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HELD AT: Committee Room - City Hall

B E F O R E: I. DANEEK MILLER
Chairperson

BEN KALLOS
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley
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A P P E A R A N C E S (CONTINUED)

Stacey Cumberbatch, Commissioner
Department of Citywide Administrative Services
(DCAS)

Suzanne Lynn, General Counsel
Department of Citywide Administrative Services
(DCAS)

Dawn Pinnock, Deputy Commissioner
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Vincent Variale, President

Local 3621, Uniform EMS Officers Union

Marlena Giga, Representative
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Benjamin McCloud, Shop Steward
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Executive Board Member, Local 983

Henry Irizary, Shop Steward
Executive Board Member, Local 983

Dick Dadey, Executive Director
Citizens Union

Geoffrey Croft, President
New York City Park Advocates

Ann Valdez
Community Voices Heard

John Medina, Board Member
Community Voices Heard

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[sound check]

CHAIRPERSON MILLER: This is what I miss most from my old life. [gavel] And all you union folks can appreciate that, right? So, I have the floor. Okay. Good morning. I'm Council Member I. Daneek Miller. I'm the Chair of the Committee on Civil Service and Labor. First of all, I would like to thank my colleague Council Member Kallos for the opportunity to be holding this joint hearing with the Committee on Government Operations. Today's title of the hearing is Oversight - Examining the Civil Service System Part 1.

This meeting will serve to open up public conversation about the State system and take a look at the Department Citywide Administrative Services, and in particular the Human Capital Division. The primary function of the division is to act as the local Civil Service Commission for New York City. As such, it derives its mandate from the New York State Civil Service Commission. Throughout the course of the hearing, we will be talking with the Commission of DCAS, Stacey Cumberbatch, as well as some unions and governments groups, and other interested people

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regarding the workforce, which Human Capital
oversees.

We will explore the resources available
to the division as it strives to maintain and grow,
and in some facets restore the strength of the City's
Civil Service System. This notably includes the
following updating: Implementing the Provisional
Employee Reduction Plan. But, before we go any
further, I would like to take a moment to note the
significance of the Civil Service System in our great
city. New Yorkers have a proud tradition in this
field. In fact, we were the first municipal
citizenry in the nation to establish a Civil Service
System more than 130 years ago. It was forged from
the idea of merits and fitness. And used as a tool
to combat corruption and influence of Tammany Hall
and his players like Boss Tweed, who sought to
promote cronyism and connections, over competence and
qualifications.

Because of these reasons, the system was
championed by many throughout our history. Many of
New York's icons, those such as Governor Al Smith and
Mayor La Guardia, through the administration of
exams, this system continues to protect against

corruption. And has, in fact, in recent decades also helped to promote diversity in the workforce. Today, entire communities in our city such as the one that I represent in Southeast Queens have been built through the inclusiveness of this system, the public availability of public accepted jobs. City workers are the backbone of the middle-class, and they are vital to keeping our local economy strong, and our local government moving forward. That's why we recognize, as leaders and pioneers in the Civil Service System. This history is a proud part of our city's legacy. And the strength, which is all the more reason why today's hearing is significant.

Today, we expect to discuss a newly submitted updated Provisional Reduction Plan that was sent to DCAS last month for the State's approval. We will also expect to discuss the One in Three Rule for selecting appointments of civil service provisions. And the reason why it takes 441 days for DCAS to go from administering its civil service exam to producing an eligible hiring list.

Regarding the Provisional Plan, however, it is worth noting that the original Five-Year Plan was approved by the State on October 22, 2008, which

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1 was six years ago. We are currently in year six of
2 the original five-year plan, and are looking at a
3 two-year extension. Most people here today already
4 know what a provisional employee is, but for the
5 record-- In fact, I'm going to-- We're going to
6 spend a lot of time speaking about that. So I'll
7 just pass on that, and we'll talk about. And we'll
8 actually let the Administration talk about what
9 exactly a provisional employee is and the merits of
10 that. And we'll have an opportunity to kind of
11 follow up on that.
12

13 So with that being said, I'd like to
14 begin by thanking the members of the Civil Service
15 and Labor Committee that are present and it happens
16 to be Cost Constantinides. I thank you for coming
17 out, and I would also like to thank-- Actually, our
18 Counsel put all this together Matt Carlin is ill this
19 morning. We probably worked him too hard so we would
20 like to thank Matt and Gafar Zaaloff for sitting in
21 and all of his help, and Chris Eshleman as well. So
22 I would especially I like to thank Ali Rasoulinejad,
23 my Legislative Director and Joe Goldbloom for all the
24 help that they've done. And now, I'm sure that my
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colleague Ben Kallos has a few words to say. Thank
you.

CHAIRPERSON KALLOS: Good morning.

Welcome to this joint hearing of the Committee on
Governmental Operations and Civil Service and Labor.

I'm Ben Kallos I'm a Union Side Labor Employment
Attorney, and I actually wish to become Gov Ops Chair
in large part because its oversight responsibilities
with the Department of Citywide Administrative
Services, which I think is one of my 13 favorite
agencies that I have oversight over. And they stand
far and above all the other agencies in this city.

You can Tweet me. I'd be remiss if I
didn't say that at Ben Kallos, and I'm pleased today
to join with the Chair of the Committee on Civil
Service and Labor, Daneek Miller. I'd also like to
recognize my committee member Council Member Steve
Matteo. And I would also like to give a warm welcome
to Commissioner Stacey Cumberbatch. In our short
time together we have had a lot of opportunity to do
a lot of great things. We've had a chance to already
pass a new law relating to the City record to make
sure that that which was already online will be
online in computer readable format. While still

supporting the City, and those workers who are
working on that. We will be able to make sure that
people can get an electronic notice about what's
going on in their city.

And I thank her for her support on that
and making that a reality so quickly after she came
into office. Also, throughout our budget hearings
the Commissioner showed a demonstrated commitment to
any sourcing, and making sure that any job being done
by a private contractor had a timeline to bring them
on and source on the government payroll saving our
city millions if not more. And also to her
commitment to improving the Civil Service System.
It's amazing when we have a progressive
administration, and a progressive Commissioner.
Because we're all speaking the same language, and we
all have similar goals. So I'm looking forward to
this strong ongoing partnership for that. I also
want to welcome my brothers and sisters in labor.
Politicians come and go, but the Civil Service keeps
this city running.

Today's hearing concerns the City's Civil
Service System administered by the Human Capital
Division of the Department of Citywide Administrative

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Services. It builds on work that the Committee on Service and Labor has done over the years on oversight of this division in particular its treatment of civil service exams and provisional workers. In particular, I hope today to learn about the Administration's plan to address the lengthy delay from when an exam is administered to when the list that comes from the exam is established. In Fiscal Year 2013, this process took nearly 344 days, something that we discussed at length during the budget hearings earlier this year. And now in Fiscal Year 2014, according to most recent Mayor's Management Report, it's actually increased to 441 days. That being said, Fiscal Year 2014 most of it was not necessarily this administration. So we've got some more ground to cover based on the previous administrations. Requiring exam takers to wait this long before being placed on a list is perplexing particularly given the high numbers of provisional workers still employed at agencies around the city. I look forward to hearing today's testimony from the department, affected labor unions and others on how we can work together to make the Civil Service System run as effectively as possible.

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I would like to take a moment to thank my
Legislative Director Paul Westrick; Committee Counsel
David Seitzer; our Committee Finance Analyst, John
Russell; and our new Community Engagement Liaison
Esteban Duran.

Now we have a practice of swearing in our
testimony. So if I could ask all four of you to
raise your hand affirm, and so the-- I know, you're
fine. So it's just-- Do you affirm to tell the
truth, the whole truth, and nothing but the truth in
your testimony before this committee, and to respond
honestly to Council Member questions?

PANEL MEMBERS: [off mic]

CHAIRPERSON KALLOS: Thank you very much
and without further ado we would love to hear your
testimony today.

CHAIRPERSON MILLER: I'm sorry. So the
first panel is from the DCAS Commission, and we have
Commissioners Stacey Cumberbatch; Fenimore Fisher,
Deputy Commissioner; Deputy Commissioner Dawn
Pinnock; and General Counsel, Suzanne Lynn. Thank
you. You can begin when you like. Please identify
yourself before testimony.

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COMMISSIONER CUMBERBATCH: Good morning
Chairman Miller, Chair Kallos and Members of the
Civil Service and Labor Committee and the
Governmental Operations Committee. I'm Stacey
Cumberbatch, Commissioner of the Department of
Citywide Administrative Services, and I'm joined here
today by my colleague Suzanne Lynn, General Counsel;
Dawn Pinnock Deputy Commissioner of Human Capital;
and Fenimore Fisher, Deputy Commissioner for Citywide
Diversity and Equal Employment Opportunities. Thank
you for this opportunity to discuss DCAS' role in the
administration of Civil Service for the City of New
York. DCAS as an agency serves as the backbone of
the City of New York by ensuring that City agencies
have the critical resources and support needed to
provide the best possible services to the public. As
Mayor de Blasio has said and I quote, "We work as one
city serving the needs of our dynamic and diverse
communities. Our city does not belong to any
individual or set of individuals. It belongs to all
people." End quote.

Under this Administration's agenda,
equity and inclusion are at the forefront as we
administer the Civil Service System. This is a new

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DCAS, and we are working with agencies, labor unions, as well as the State Civil Service Commission to provide the most critical resources to serve our municipal employees present and future. They are our greatest asset. I will provide you with an overview and then transition to Deputy Commissioner Pinnock whose testimony will address in greater detail our current work and strategies in place.

The Human Capital line of services responsible for maintaining the municipal Civil Service System and providing personnel related services for city agencies. Human Capital is comprised of four bureaus:

NYCAPS Central, which serves as the City's shared services hub and oversees the expansion and maintenance of the New York City Automated Personnel System.

Learning and Development, which manages a training portfolio of over 1,300 courses and on an annual basis provides training and professional development opportunities to 17,000 members of the city's workforce.

Civil Service Administration, which manages Civil Service lists, investigates candidates

for city employment, calculates seniority on promotional exam, processes reinstatements to city service and restorations to Civil Service lists, and maintains the official personal histories of City employees.

And Examinations, which administers over 100 exams, tests 100,000 candidates annually, and manages all aspects of title reclassification and Civil Service examination's development and validation.

The work performed within the Bureau of Examinations in Civil Service Administration to support and comply with Civil Service law is the focal point of today's testimony. This work is complemented by DCAS's citywide diversity and equal opportunity line of service, which leads our diversity and including initiatives. The two lines or service collaborate closely to provide joint guidance to agency personnel and EEO officers in areas such as recruitment, personal development, workforce planning, and workplace leadership training.

CDEO [sic] conducts regular analysis of the City's workforce with a focus on the demographic

composition of individual agencies by job group,
trends in hiring, promotion, separation, and areas of
under-utilization relative to the available candidate
pools. Now, in order to provide a clear picture of
where the City currently stands with respect to city
employees serving provisionally, I would like to
briefly provide some history on the Long Beach
decision and its impact on Civil Service
Administration.

The May 2007, decision of the *New York
State Court of Appeals in the City of Long Beach
versus Civil Service Employees Association* was
commonly referred to as the Long Beach Decision held
that: To fulfill the merit and fitness requirement
of the State Constitution, municipalities must comply
with the nine month limitation imposed on provisional
appointments under the Civil Service Law. In
response, the City together with municipal labor
unions worked with the Governor's Office at the time
and the State Legislature to amend the Civil Service
Law Section 65 subsection 5, allowing the City to
come up with a plan to bring the City into
substantial compliance with the ruling. The
Provisional Reduction Plan was approved by the New

York State Civil Service Commission and became effective in October 2008.

Over the last six years the City has dramatically reduced its provisional headcount from 37,997 to 22,954 as of October 31. The reduction was primarily achieved through the administration of 67 exams specifically targeted at reducing provisionals under the plan. DCAS not only tackled individual titles, but groups of titles in the same category. For example, in 2008, we had 4,353 provisionals in the titles of Principal Administrative Associate, Clerical Associate, and Clerical Aid. Today, the total number of provisionals in these clerical titles is five. We had similar successes with Social Services titles such as Child Protective Specialist, Eligibility Specialist and Opportunity Specialist. Provisionals in these titles have been reduced from 2,673 to zero.

The two-year extension of the plan. This brings us to the present. With the impending expiration of the Provisional Reduction Plan in August 2014, the State Legislature approved a two-year extension to further reduce provisionals. In October 2014, we filed our proposed plan extension

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with the New York State Civil Service Commission,
draft in a spirit of collaboration with various
external stakeholders. The plan extension primarily
addresses two areas: The administration of an
additional 37 exams over the next two years, which
increase our annual exam scheduled for 2015 to
approximately 104 exams. The administration of the
exams will provide an opportunity for approximately
7,000 provisional employees to earn permanent status.
Possible reclassification of a number of other Civil
Service titles affecting up to 1,600 provisional
employees

I would now like to turn over it over to
Dawn Pinnock, our Deputy Commissioner for Human
Capital to further delve into DCAS' proposed plan
extension strategies to reduce provisionals while
increasing efficiency, accessibility, and
transparency.

DEPUTY COMMISSIONER PINNOCK: Thank you,
Commissioner Cumberbatch. I'm Dawn Pinnock, Deputy
Commissioner for Human Capital. As Commissioner
Cumberbatch testified, our Plan Extension focuses on
two key areas. The first area is exams. When
devising our examination's plan, we followed a

strategic approach. We targeted titles with significant numbers of provisional appointees, titles for which current Civil Service lists were close to or at expiration, and titles for which the City has consistent hiring needs. Also, for the first time we used workforce data to identify recruitment and retention needs at the agency level by title.

In an effort to foster better communication with agencies, we shared the proposed examination schedule and solicited input. The final examination schedule reflects our commitment to meet the needs of the agencies while further reducing provisional appointments. In doing so, we are tackling exams that have not been administered in over 20 years, such as Education Officer and Bridge Repair or Riveter. Additional strategies include the use of selected certifications to assist agencies in reaching individuals with the specialized skills needed to perform work specific to their agency mission. Examples of skills that are selectively certified include: Licenses and certifications needed to perform certain jobs, and the ability to speak other languages fluently.

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We are currently looking to broaden the use of Civil Service lists to include titles with similar duties and qualifications. Broadening the use of Civil Service lists create new career and promotional tracks for candidates, and fosters greater agency commitment to list-based hiring because of the availability of a larger pool of qualified candidates. To further hone the skills and build upon the knowledge of the examination's team, a testing and validation expert will be holding trainings in the coming months. The efforts to develop staff within the exam's group will position us to apply more effective testing methods when developing exams that have presented challenges for DCAS historically such as the City's IT titles.

The second component of the plan, Declassification, provides us with an opportunity to appropriately streamline our title structure to a manageable number of competitive class titles for which we can't administer regular exams. The City's current title structure consists of over 800 competitive class titles, too many for DCAS to competitively test for on a regular basis. Additionally, we have identified 389 titles that have

fewer than 20 employees. We need to determine whether the title should be competitively tested for, consolidated, broad banded into another title, earmarked for present incumbents only and deleted when vacant, or classified to the non-competitive class.

These strategies highlight a conscious shift in the DCAS' classification strategy. Under the original Provisional Reduction Plan, we submitted significant-- I'm sorry. I need to start this sentence again. Under the original Provisional Reduction Plan and under the last administration, a significant wholesale reclassification proposal was submitted. With our adoption of a more nuanced business model, with Commissioner Cumberbatch's support, we have withdrawn our previous reclassification proposal for IT titles, and established a working group to review the City's current IT titles to determine how best to utilize them. For a limited number of positions that require specialized skills and unique qualifications, we are looking to create new, non-competitive title proposals. This working group will develop and share

its proposals with agency partners, oversight agencies, and the unions in the coming months.

Enforcement. We believe these changes represent more realistic and appropriate strategies to reduce the number of provisionals in the city. Together with increased enforcement, we will continue to driver provisional numbers downward. This month, we began sending Deputy Mayors of the Port of Provisionals in their agencies serving in titles with existing Civil Service lists. We have also been sending agencies monthly reports of their provisionals serving in the face of Civil Lists, and requiring them to submit plans to adjust this situation.

Efficiency, Accessibility and Transparency. In the spirit of continuous improvement, we are introducing new approaches to foster greater transparency, efficiency, and accessibility in the Civil Service administration process. First, I would like to talk about efficiency. After an exam is developed, it currently takes on average five to eight months from the time an exam is administered to when the list is published. Many steps are needed from test date to

list establishment for the typical exam including rating the education and experience test papers. Conducting a protest review process, hearing appeals, and calculating Veterans, residency and seniority credit.

Lists are typically published for 60 days before establishment in order to allow agencies time to plan for provisional replacement or list movement. The time it takes to establish Civil Service hiring lists depends on factors like the existence of prior active lists, available vacancies, and the schedule of appointments for unique titles. Additionally, if there is no provisional serving in a title, and there is no vacancy, the list is not established, and there is no need to start the four-year clock on the list. For titles like these, we need to have lists ready at all times to meet the hiring needs of agencies.

Many of the steps outlined are mandated by law. For example, we are required to have the one-month protest review session, and the one-month protest period. Nonetheless, we are critically evaluating each phase of the examination process to identify opportunities for greater efficiency and the elimination of redundancies. Our goal is to achieve

a 25% reduction of time in the examination process once the process improvements are implemented. To increase efficiency in the area of exam administration, we have also developed an Online Education and Experience scoring program commonly known as OLEE. OLEE allows candidates to complete their test online and receive instant feedback not only on a test score, but about whether they are deemed qualified or not qualified. OLEE's scoring formula gives all candidates a breakdown of their scores, and removes the subjectivity of manually rated exams. This instantaneous scoring also allows us to complete the examination process more quickly. We have given 25 exams in the OLEE format with the simplified scoring formula in the last two years. We hope to give 33 exams in this format during the plan extension.

Accessibility. As part of building a strong and diverse workforce, we are continuing to leverage technology to broaden our outreach to candidates. All of our notices of examination are posted online, and candidates can register through the online application system 24 hours a day, 7 days a week during open filing periods. We recently

expanded this functionality in the system to allow for scheduling of certain exams, and will continue to broaden its application.

Greater accessibility to Civil Service exams is also achieved through operation of two Computerized Testing Application Centers, or commonly known as CTACs in Manhattan and Brooklyn. The CTACs have significantly expanded our testing capacity allowing us to administer exams morning, noon, and night six days a week. Plans are underway to add more CTACs in the Bronx, Queens, and Staten Island and to expand the number of test taking stations at each of the existing locations. A total of 250,739 candidates have tested at the CTACs since their opening in December of 2007.

Transparency. We are also seeking increased collaboration with partner agencies through improved communication and transparency. The active participation of agency subject matter experts is key to producing valid exams that yield high caliber talent needed at the agency level. To that end, we're currently developing a mandatory information session for all agency personnel officers that covers all the aspects of the examination's process with

associated timeframes. We will also improve the manner in which DCAS works with agencies as engaged stakeholders through the release of exam project plans and consistent communications with examiners.

Last year, DCAS also worked extensively with agency partners to create a detailed workforce profile report, which is available on our website. We hope to continue this project in the coming years. With the availability of this data, we are able to incorporate workforce analytics into planning our examination schedule. Our biannual EEO-4 Reports to the Equal Employment Opportunity Commission are also available online. As detailed in our 2013 EEO-4 filing, the majority of the City's workforce is comprised of minorities. With 39% Caucasian women and men; 35% African-American women and men; 19% Hispanic women and men; and 7% Asian women and men. We recognize that such diversity must not only be maintained, but also enhanced by establishing a pipeline directly to our management ranks.

I would like to close by thanking the committees for the opportunity to testify today about DCAS' role in the administration of the City's Municipal Civil Service System. We believe that

DCAS' proposed plan, our ongoing work to reduce provisionals, and to improve service deliver to the City is forward thinking, transparent, and above all, fair. At the same time, it helps to ensure that the City of New York has in place the workforce it needs to get its work done. We remain firmly committed to the Civil Service System, and will continue to work with all of our external partners to strengthen it. At this time, we will answer any questions from the committee members.

[Pause]

CHAIRPERSON MILLER: Thank you so much, Commissioner and Deputy Commissioner for your testimony, and we do have a few brief questions. I want to kind of try to establish a plan, but I think the big issue here is actually the Provisional Plan. And I'm just going to simply ask. And I know that you mentioned a few things specifically about that. Let me first acknowledge-- Hey, Helen. Council Member Helen Rosenthal here who has joined us. But, we want to talk specifically about what is different from the Five-Year Plan for your plan, two-year-- For the upcoming Two-Year Plan specifically that it will allow you to reduce the amount of provisional workers

at a greater rate. It is my understanding by the numbers that you have produced that you don't anticipate achieving that 5% goal in the next two years. But we would like to have a realistic assessment as to where we think we can get, and how we plan to get there.

DEPUTY COMMISSIONER PINNOCK: I think the word you used "realistic" is pretty much what sums up our plan. I would say one primary difference is that we wanted to demonstrate and highlight what we could do with the two years that have been granted. And that's specifically the reason why we focused on two key areas. The first being competitive exams. So the new DCAS we are tacking exams that have not been given in quite some time. Like our managerial exams that have not been given in over ten years, and we currently have a significant number of provisionals currently sitting as Administrative Staff Analysts and Administrative Managers to name a few. We are also going to be tackling the exams for our IT titles, which have also not been conducted in many years. The 7,000 figure that we reported in our plan directly ties to the number of provisionals currently serving in those titles for which we plan to deliver

1 exams over the two years. The 1,600 plus ties
2 directly to reclassification. And so, I would say a
3 second difference that's important to note is-- And
4 I mentioned this in the testimony. We made the
5 decision to withdraw proposals that had been
6 submitted to the State under the last administration
7 because they represented wholesale classifications.
8 Meaning that anyone who served in the same title you
9 were seeking to reclassify that title into non-
10 competitive class. We have withdrawn that proposal
11 for IT titles, and we're actually working with agency
12 partners currently. We're working with both DOIT and
13 FISA working with IT professionals to really
14 determine with IT titles are more appropriate for
15 testing. Which skills we can appropriately test for,
16 and which positions we should seek to reclassify. So
17 I would definitely say that is a significant
18 difference from the last plan that was submitted.
19 Also, and you mentioned this, we did not state that
20 we would have zero provisionals at the end of the two
21 years. In walking into this position, and trying to
22 seek support for another five years, it was very
23 clear that there was a credibility issue at play.
24 And so, when we were granted the two years, we made
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the decision to develop a plan that we could stand
behind, and that we thought was more realistic.

COMMISSIONER CUMBERBATCH: So let me just
add to that. At the end of the day, we do not get to
5% in two years under this plan because we are being
very realistic, and prudent, and strategic because we
want to meet our word of reducing provisionals by I
think it's by 8,000 or 7,000 plus.

DEPUTY COMMISSIONER PINNOCK: It's 8,600.

COMMISSIONER CUMBERBATCH: 8,600 by
mostly administering those competitive exams that our
Deputy Commissioner Pinnock talked about, as well as
doing the work of looking at those 1,600 titles where
there are either few incumbents existing or we might
seek reclassification, or we might re-test. So we
want to be thoughtful in that analysis so we achieve
the right balance of where competitive testing makes
sense and where maybe it doesn't.

CHAIRPERSON MILLER: Okay. Let me just
say we have also been joined by Council Members
Crowley, Levin, Greenfield, and anybody else? I'm
sorry, Levine. Yes. And that's it. On your plan,
you mentioned two titles specifically, managerial and
IT. Is there a reason why you've done that. Are

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there a greater number of provisionals that exist
there, or is it that you-- How do you prioritize
what you will be tackling given the most resources?

DEPUTY COMMISSIONER PINNOCK: Definitely
the number of provisionals serving in those titles
was the primary driver. We wanted to make sure that
we dedicated our resources to the best of our ability
to make sure that we could administer those exams and
to establish those lists.

CHAIRPERSON MILLER: So the answer is
that they do have the most provisional workers in
those titles?

DEPUTY COMMISSIONER PINNOCK: Yes.

CHAIRPERSON MILLER: Those two titles
there, and specifically let me ask you about the IT,
the IT supervisors. What are the numbers
specifically? DO you know.

DEPUTY COMMISSIONER PINNOCK: I don't
know that.

COMMISSIONER CUMBERBATCH: I don't think
we off hand, but we can get back to you specifically
on supervisors. I want to say supervisors are--
You're talking about computer manager specialists I
guess that's what they are.

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DEPUTY COMMISSIONER PINNOCK: Computer
Systems Managers and Computer Specialists.

CHAIRPERSON MILLER: Exactly

COMMISSIONER CUMBERBATCH: Computer
Managers--

DEPUTY COMMISSIONER PINNOCK:
[interposing] That's where we have the highest number
of provisionals, but I can get you the exact figures.

COMMISSIONER CUMBERBATCH: Right.

CHAIRPERSON MILLER: When was the last
exam given for that title?

[Pause]

DEPUTY COMMISSIONER PINNOCK: I don't
have that information, but I can definitely supply
that.

CHAIRPERSON MILLER: Has there ever been
an exam given for that title?

COMMISSIONER CUMBERBATCH: Do you know?

DEPUTY COMMISSIONER PINNOCK: I know that
there was. I mean an exam given some time ago, and
there were some issues with that particular exam.

CHAIRPERSON MILLER: Okay. So it was
never certified that you know if there was a problem.

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DEPUTY COMMISSIONER PINNOCK: It was
certified. Yes.

CHAIRPERSON MILLER: Okay.

COMMISSIONER CUMBERBATCH: Yeah.

CHAIRPERSON MILLER: So, as it pertains
to-- and I just want to as a matter of clarity before
we move onto anything else. I want to make sure that
we exhaust it and everyone has a full understanding
of what we intend. And how you guys intend to fully
tackle this provisional issue, and where we end up in
addressing that 5% after the two-year period. As the
Deputy mentioned, how do we address that credibility
issue, and know that you are genuine in moving
forward? Let me just say that-- You know, I have
some other questions around the provisional, and I
come from somewhere we specifically did not have that
problem. But as a matter of research, someone who is
not included here, the MTA for obvious reasons. But
they did obviously have the second highest number of
provisionals around. In our bargaining union we were
able to address, we didn't have that problem, but we
were able to address it. But I do want to talk
specifically about titles beyond the two that you
mentioned, and how do we do address that in moving

1 forward? Also, you talked about broadbanding titles.
2
3 Could you expand on that. And before you do that,
4 you mentioned some of the partners you had in putting
5 together exams around that. But I didn't hear you
6 mention that any of those partners would include the
7 representing bargaining units. Is that not the case?

8 DEPUTY COMMISSIONER PINNOCK: When I
9 referred to the working group, I specifically was
10 referring to an IT working group that we established.
11 And so, in terms of data preliminary analysis, we are
12 working directly with FISA and DOIT across the city.
13 They generally used the most number of IT titles from
14 the entry level to the managerial levels. So we
15 thought to have a smaller working group to devise a
16 plan around how to either test for IT titles, or to
17 reclassify certain IT titles. We thought they were t
18 he most appropriate starting point. But there was
19 also that analysis that will certainly be shared with
20 our external partners.

21 COMMISSIONER CUMBERBATCH: But that was
22 our intent initially as a new administration to bring
23 together the expertise to look at those IT titles.
24 And then whatever proposal we come out, which is our
25 best thinking it, we will share with our partners in

labor. We will share it with you to go through what we think is a proposal, and then we'll take it from there. We're clearly open for discussion, but our working group is really our first attempt as a new administration with our agencies to figure out okay what do we have? What are all these titles? Which ones might be better tested? Where are we going to have need going forward in the future for certain types of IT titles and professionals, et cetera.

CHAIRPERSON MILLER: And as you spoke of-- I'm sorry. We have many members here so I know that. But as you spoke about preparation and preparing new exams for some of the other titles, or the some of the exams that have not been given in a number of years. Do you intend to create new exams entirely for those titles?

COMMISSIONER CUMBERBATCH: I'm not sure I understand your question, but let me just-- The broad-brush approach is as follows, and may be a little different from the old DCAS. The new DCAS seeks to use some of our workforce for analytics. Some information that may be didn't inform decisions in the past. So a couple of things we're looking at. In determining an exam schedule for the next year for

the 2015, what Human Capital did was a couple of things. They looked at the workforce analytics to see where are titles where there is a potential for the greatest attrition based on the time and eligibility for example. That many people didn't necessarily retire, but they could. So maybe that's an area we want to-- We'll give priority to in testing. We looked at what lists are expiring or are about to expire with respect to that title where an agency might have a need to hire going forward, and a list doesn't exist. So all of those factors went into informing what should priority exams be for the next fiscal year and going forward. And then we shared that with the agencies to get their feedback. Because at the end of the day, it's their business operations, and we're trying to inform them here is what our data shows. Here is what we know about what lists exist, and what lists are set to expire. And here is what we think should be the priority, and then we look for their input as well. So I mean that's the methodology that we've used. And this is the methodology for the first time from what I understand has been used to set an exam schedule.

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CHAIRPERSON MILLER: Okay. So, I wasn't specifically talking about the exam schedule. I was talking more specifically about the exams, and the exams that have not been given. That the past exam may have been antiquated. For example--

COMMISSIONER CUMBERBATCH: [interposing]
Right.

CHAIRPERSON MILLER: We don't expect school secretaries to know shorthand, right?

COMMISSIONER CUMBERBATCH: You've got to say it one more time for me.

CHAIRPERSON MILLER: We don't expect school secretaries to be examined on shorthand, correct?

DEPUTY COMMISSIONER PINNOCK: No.
[laughs] What--

COMMISSIONER CUMBERBATCH: [interposing]
You sure?

DEPUTY COMMISSIONER PINNOCK: Right. So if we're talking about exams that have not been developed or administered in 20 years, a key component to making sure you have a valid exam is to really start from scratch, and to develop a job analysis around the current duties that are performed

by individuals today. And so, when we're developing exams, we definitely reach out to SMEs who either perform that work currently--

CHAIRPERSON MILLER: An SME?

DEPUTY COMMISSIONER PINNOCK: I'm sorry. Subject Matter Experts who currently perform the work, or have formerly performed that work to make sure that we are developing a job analysis questionnaire that reflects what somebody would be expected to do in that job day one. So, I'm hoping that that answers your question. We would not be dusting off a former exam that was administered. We would be starting from scratch developing the job analysis questionnaire. And then seeking to develop the appropriate testing format in order to yield the caliber of talent we'd need for the agencies.

CHAIRPERSON MILLER: Thank you. That is exactly what I was saying. I was hoping that we didn't continue the practice of testing for antiquated skill sets, which has been done in the past. And folks show up and don't know what shorthand is, and they don't pass the exam, does not necessitate the need for provisionals right? So we

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want to get away from that. And I appreciate your
answer.

COMMISSIONER CUMBERBATCH: Well, we agree
because at the end of the day if we continued that
approach, we wouldn't be producing the work force
that meets the needs of the agency operation. So I
think we're all on the same page.

CHAIRPERSON MILLER: Thank you much, and
with that, I'll turn it over to my Co-Chair Kallos.

CHAIRPERSON KALLOS: Good morning. Thank
you for the great testimony. I'm impressed to find
that in certain locations we've gotten the
provisionals down to five and zero, down from 4,353
and 3,673. As most of the folks know, if it wasn't
already foreshadowed by my Tweet me at comment on All
About Technology, and I'm particularly impressed by
the OLEE and other goals, as well as the CTACs. So I
just want to start off by saying, thank you for all
of your amazing and hard work.

I would like to open by just talking a
little bit about the exams. So in the testimony, you
stated that it takes on average five to eight months
from the time an exam is administered to when a list
is published. However, the number that we're not

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seeing is not 240 days, but actually 441 days. If we
can just identify the discrepancies just so that we
can both, we can compare apples to apples.

DEPUTY COMMISSIONER PINNOCK: The key
discrepancy is that we're talking about the time that
it takes for us to administer the exam, and then
publish the results. Meaning that the test is
administered. We grade it. We go through a protest
period, and we come up with the final score, and then
we come up with that information to inform folks of
where they are ranked on that particular list. The
metric in the NMR [sic] actually refers to when a
list is established. Meaning that the four-year
clock starts ticking, and then we certify that list
to an agency for use. So if I can just go back a bit
jut to explain why that number appears to be so high.

CHAIRPERSON KALLOS: No, worries, and
just so you know, I'll be doing a follow-up question
asking you to just walk us through--

DEPUTY COMMISSIONER PINNOCK:
[interposing] Right.

CHAIRPERSON KALLOS: --each step, and how
long that step takes. So that I can gain a better
understanding. So far in your testimony, you

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provided one month for protest review session; one
month for protest period.

COMMISSIONER CUMBERBATCH: Right.

CHAIRPERSON KALLOS: And so, we're
council members. We're doing our best to become
experts, we lack the expertise that you have.

DEPUTY COMMISSIONER PINNOCK: Okay. So
when I was first appointed several months ago, one of
my first tasks was to review from end to end all of
the processes that are underway within the
examinations area. And so, a key thing that was
revealed was that DCAS had a historical practice of
developing exams solely at the request of an agency.
And while that may not have been the most efficient
approach, the intention at the time was to ensure
that there were lists always readily available to
meet the higher needs of agencies. Unfortunately,
what's resulted is that we have several lists for
several titles that have been published. And they
have out-paced the higher needs of some of our
agencies. And those lists that are pending
establishment are what's driving the median higher.
Which means that-- I'll give you an example. Some
of our Social Services titles.

There was at a time a push to constantly develop tests for an Eligibility Specialist or for a Child Protection Specialist. Because there was a high turnover rate, it was anticipated that since it was a direct service position we are always going to need viable candidates. But at a certain point, we continued to develop exams, publish the results, but those hiring needs no longer existed. And we actually referred to those titles in our testimony because currently we have zero provisionals serving in those titles. However, we have lists that are pending establishment. And so, those are just two of the examples of the titles for which there are lists that are pending establishments, and then that drives our number upwards.

CHAIRPERSON KALLOS: I forgive you. So pending establishments. So in your five to eight-month timeline, the exam is administered and published. At the end of five to eight months can an agency hire off that list?

COMMISSIONER CUMBERBATCH: [off mic] No offense, sir, but that's the distinction. [sic]

DEPUTY COMMISSIONER PINNOCK: Right. When a list is published that means the test takers are

1 informed of their results. The agency personnel
2 officers are aware of the ranking and scoring of that
3 list. But as mentioned, we generally give agencies
4 another 60 days to plan around how they are either
5 going to replace provisionals or on how they are
6 going move the list to vacancies. When a list is
7 certified to an agency after those 60 days is when
8 that list is available for use to hire.

10 CHAIRPERSON KALLOS: So that gets us to
11 about 210 days to 300 days.

12 DEPUTY COMMISSIONER PINNOCK: And just to
13 be clear, certified and established that means the
14 same. And so that's part of the metric that you're
15 referring to in an NMR. If a list is established,
16 that means it's made available for the agency to use
17 to appoint individuals who pass the exam.

18 CHAIRPERSON KALLOS: So let's just go
19 through the calendar. So January 2 right after New
20 Years you deal with that hangover going to take your
21 Civil Service exam. How many days after you take
22 your Civil Service exam what is the next step? So
23 you take the Civil Service exam on January 2. What
24 happens next?

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DEPUTY COMMISSIONER PINNOCK: You would
be advised of your score via mail.

CHAIRPERSON KALLOS: What day would that
go out, and how many days like--

COMMISSIONER CUMBERBATCH: [off mic] An
average or-- We don't have an average of that.

DEPUTY COMMISSIONER PINNOCK: I would
have to provide you with on the specific cycle time
because in some cases it varies depending on the
scale of the exam.

CHAIRPERSON KALLOS: Okay.

DEPUTY COMMISSIONER PINNOCK: Let's say
if we're testing for 30,000 candidates as opposed to
3,000 candidates, the number is going to vary because
of--

CHAIRPERSON KALLOS: [interposing] So
what is the scale? So it's from immediately to a
year or what is the-- What is the span for the two
items between that?

DEPUTY COMMISSIONER PINNOCK: I would say
five months for a smaller scale exam, especially if
it's an exam that we're administering online or
administering regularly via as CTACs. But for a
larger scale exam would be about eight months.

CHAIRPERSON KALLOS: So anywhere between five and eight months. Any outliers or anything that's faster than eight months, or anything that usually takes longer than eight months?

DEPUTY COMMISSIONER PINNOCK: Definitely Sanitation would be an outlier. We are going to be testing about 94,000 candidates. And so the protest review period with that addition of the final scoring of that exam that's going to take us longer. So that would be toward the higher end, which would be eight months.

CHAIRPERSON KALLOS: So, I'm just-- If you can hear me, I'm trying to drill down to like the exam gets submitted, and then DCAS grades it. How long does the grading take, and then what are the different steps? What's the workflow. Someone said some then five months later the list is published. So what happens in between those later steps? Where are the places that are taking the time? It has a lot of time to have graders go through it. I sat for the Bar exam in July and I had to wait until November 15 to get my results. The reason is because they have to hire thousands of attorneys to sit there and

1 go through every single bar exam question and grade
2 it individually because it's all essays.

3
4 So if you can help me understand what the
5 different pieces are. If there is an MBRE piece,
6 it's a multiple choice that actually happens almost
7 immediately. So before the bar examiners look at it,
8 they know what it is. And then there are some people
9 who believe that if you get a high enough score on
10 multiple choice because you can't possibly fail, they
11 don't even bother grading your exam. So just helping
12 me to understand the workflow and steps. I see the
13 Commissioner nodding along because she knows what I'm
14 getting at. [laughs]

15 DEPUTY COMMISSIONER PINNOCK: Okay, so
16 I'm trying to do just this the best as I can, but I
17 can't really go-- You sound more specific. So,
18 after the exam is administered, there's a review of
19 every test item to review for adverse impact, and
20 that generally takes about a week. So we have our
21 examiners who go question-by-question, line by line
22 to see how each question actually performs with the
23 population that took the exam. So an example would
24 be did it appear that more African-American women
25 answered correctly in question? Did it appear that

Asian men did not score as well on that question? So we actually go through that line-by-line. And that's the role of the examiner. So that's about a week.

And then we host a protest review, which is one month where test takers are allowed to submit protests, and we go through the process of reviewing them in preparation for the actual protest period, which is another month. And so, that particular meeting there are individuals who come. They openly protest on test items, and we go through a process of review all those protests that are submitted.

We then convene a Test Validation Board, and that process takes about two weeks. The Test Validation Board reviews some of the protests that have been submitted, and then makes the final determination as to what that final answer key should be. After that's done, scores are adjusted accordingly based on the results of the protest. And there's another review of the final test after the TVB does its work, which is another week. In terms of rating the actual education and experience papers, which is sometimes used as qualifiers that generally would take one to two months. It depends on how that particular type of qualifier is delivered. There is

another candidate appeals process where if an individual is determined to not be qualified to serve in that title-- I'm sorry.

CHAIRPERSON KALLOS: How long did you say for the grading?

DEPUTY COMMISSIONER PINNOCK: Oh, for the grading, the grading of the E&E, that's one to two months depending on the scale of the exam. The candidate's appeal takes another month, and in those cases that's when an individual who is actually appealing our determination as to whether they are qualified or not qualified for that particular title. That process can also take a month. The review of those appeals depending on the scale of the exam can range between two to four weeks, and if it's a promotional exam there may be another month associated with determining someone's eligibility to being promoted to that next level. And lastly, it takes us about two weeks as we are calculating seniority, rating scoring, to produce a final list, in order to ensure that our scores are correct. And we will be calling individuals in the appropriate order. And that brings us to the range of about five to eight months.

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[Pause]

CHAIRPERSON KALLOS: And then cap on 60
days on that for the agency review at which point it
becomes established or certified, and then they can
be hired?

COMMISSIONER CUMBERBATCH: [off mic] But
it may not become established or certified.

DEPUTY COMMISSIONER PINNOCK: It can
become established or certified at that point, but if
there is no hiring need at the agency level--

COMMISSIONER CUMBERBATCH: [interposing]
Then it wouldn't.

DEPUTY COMMISSIONER PINNOCK: --then it
wouldn't.

COMMISSIONER CUMBERBATCH: [off mic]
Because typically it wouldn't. [sic]

DEPUTY COMMISSIONER PINNOCK: Right,
because if we immediately establish that list after
the 60 days, then your four-year clock starts to
tick. And if an agency does not have a vacancy or
any provisional servicing, we are essentially
limiting the opportunities for someone who has taken
the exam.

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COMMISSIONER CUMBERBATCH: So

theoretically, if we went and automatically certified it to 60 days after it was published with the agency, it was certified, and the agency let's say had no hiring need for the next two years, the clock would start running and no one would be hired off that list for two years. Or we could go for four years, and the list would expire having no one ever hired off it. Meaning that we had that test, and went through that whole process for naught. So the practice with agencies in the city--it's a balance--has been that if the test was given. The list was published and they had no immediate hiring need--

DEPUTY COMMISSIONER PINNOCK:

[interposing] [off mic] And published. [sic]

COMMISSIONER CUMBERBATCH: Yeah,

published, the list may not be established meaning certified meaning certified being able to use it, the clock start. We're hoping, and the way we're trying to do more planning on the front end going forward in terms of when I talked about workforce analytics about what tests were given, is that we're going to give exams with a little more intel up front. So that either we think the list is, that is certified

1 is expiring soon, or there are many people in a
2 particular title that might be eligible. But there
3 will actually be some evidence of a hiring need
4 coming up so that the list could be certified sooner
5 and used sooner. That's the analytics we're trying
6 to use to streamline the process.

8 CHAIRPERSON KALLOS: So this is--

9 COMMISSIONER CUMBERBATCH: [interposing]
10 But this is a new way.

11 CHAIRPERSON KALLOS: Yes.

12 COMMISSIONER CUMBERBATCH: I mean this is
13 really a new way of doing business as opposed to just
14 giving an exam because an agency requested it and
15 the-- But then there are needs that an agency might
16 have because they may say we're the eligibility
17 specialists, for example, in the Human Services area
18 where they know there is a high rate of turnover,
19 right? So even though they might not have a need
20 today, they want to know that they have a list
21 available going forward. If they do have a need,
22 they're going to have to hire quickly. They can't
23 wait for our process to do an exam and establish a
24 list. So that's kind of the balance.

CHAIRPERSON KALLOS: SO this is enlightening. So I used to work in finance running a bunch of companies, and they used to say you get what you measure. So it seems like is it possible to update NMR to include your internal? So on each examine showing this is what's happening. It's taken us five months to do it internally, and then we are sitting there waiting two years for the agency to certify the results. And the reason is because the agency-- And then along with that, saying this is how many provisionals the agency has in this class. And is there an opportunity perhaps for us as a Council to say by law an agency cannot refuse to certify if they're sitting there with a thousand provisionals or even five provisionals?

COMMISSIONER CUMBERBATCH: Okay. Yes, the current metrics as it's reported if you just looking at it on a surface level, it really does not explain what's going on, right.

CHAIRPERSON KALLOS: Yeah.

COMMISSIONER CUMBERBATCH: For instance, it's an aggregate number, and it doesn't explain the reality of what I just talked to you about, right?

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CHAIRPERSON KALLOS: So, let's do an NMR
that explains it.

COMMISSIONER CUMBERBATCH: Oh, a little
more nuanced, but remember there's a history. We
have lists that we-- It's not like we're starting
with a clean slate where we came in as a new
administration. We have what we have. So we have
lists that are published. Exams that were given
before we were here that are published where those
lists have not been certified yet, frankly. But
there may not be a hiring need today. So they're not
certified. So we have that reality. So that means
that that metric continues, right because those are
just lists out there in the world, right? And then
we have a new way of trying to calibrate what exams
we're going to give in 2015, which is our first
fiscal year that we think more readily reflects where
the need is going to be, and that these agencies
actually will have that hiring need. And we'll go
through our process, the protest, et cetera, the
pipeline we went through. And those lists will, in
fact, be certified and people will be hired off of
them.

So we're dealing with the future, which is where we think started with a metric. And we will, you know, measure. We will try to bring down that timeline from the time we give the exam to the lists that are certified by 25%. But we don't know what this is yet because we're starting that process. And then we have all the lists that we are currently administering, and that we are currently the holders of to work with agencies around when they are ready to certify them and hire off of them. So those are the two things that are at play.

CHAIRPERSON KALLOS: So I will go back and review the transcript, but Deputy Commissioner Pinnock, if you do not mind, the timeline that you just gave us off the top of your head, if you don't mind just formalizing that and providing that to us.

DEPUTY COMMISSIONER PINNOCK:
[interposing] Certainly.

CHAIRPERSON KALLOS: Because while you were a great sport and gave us things off the top of your head, I would love to just be able to have it. I'll be honest, I tried to write down as much as you said, but I could not. I need to take that shorthand exam. [laughter]

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COMMISSIONER CUMBERBATCH: Right, and I
think what is also important-- But it is also
important to understand--

CHAIRPERSON KALLOS: [interposing] Yes.

COMMISSIONER CUMBERBATCH: --all exams
are not the same, right.

CHAIRPERSON KALLOS: Right.

COMMISSIONER CUMBERBATCH: So even
though, you know, we've given kind of an overview of
what-- You know, between five and eight months there
are outliers, and then obviously there are exams
where there are a few test takers. It's quicker for
us. So we can also give you-- to try to give you
some examples. Because I don't necessarily think
that sometimes the numbers really reflect--

CHAIRPERSON KALLOS: [interposing] Right.

COMMISSIONER CUMBERBATCH: You can't
aggregate all of these numbers because all these
exams are not the same.

CHAIRPERSON KALLOS: Well, as I said,
that is going to be my follow-up request. I'm a big
person on open data, and just the proof is in the
pudding. We would love it if in the interest of
transparency you could share as the exams happen what

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is going on, and what the average numbers are. So we can look at it, and get an idea of okay this what's happening here. 93,000 people took the exam. This is how long each piece of the thing took. This is how many appeals happened, and then this is how long the Department of Sanitation waited to certify.

COMMISSIONER CUMBERBATCH: Right.

CHAIRPERSON KALLOS: So I think helping that will change what happens from-- It will help the public go from it's, Oh 443 days to being like, Oh, I took an exam, but there are no jobs. So the reason they're certifying me-- not certifying is because it's a favor to me, and not because of any other dispersions they might make. So I have waited more than-- longer than I should have to explore this with you. And I'm really glad to have a partnership where we can have an open and honest conversation around it.

One concern I had from the testimony is I try to avoid setting myself up for failure with anyone I work with. So in 2015, you're planning to have 104 exams, and that is hoping to take on moving 7,000 provisional employees to earn permanent status along with working on titles that will affect about

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1,600 provisional employees. Will those 1,600
provisional employees also become permanent, taking
the overall number for 2015 and a goal to 8,600? Or
is it just 7,000?

DEPUTY COMMISSIONER PINNOCK: No, the
1,600 incumbents, they are directly tied to titles
that we are either seeking to reclassify. And so,
since our classification proposals must be reviewed
and approved by the State, that's really just the
projection. So in some cases we may have to host
competitive exams for some of those titles. Or,
hopefully we'll some of our non-competitive proposals
approved.

CHAIRPERSON KALLOS: So, I guess my
concern is if we're only doing 7,000-- If the goal
is only to bring 7,000 provisionals into the Civil
Service, that still leaves us with 15,000 outstanding
provisionals, and then we have two years. So the 5%
number, what is the 5% goal we must reach in the next
two years?

COMMISSIONER CUMBERBATCH: [off mic] I'll
ask Suzanne to answer that.

SUZANNE LYNN: Suzanne Lynn, General
Counsel. The original Long Beach Plan Legislation

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1 did call for an achievement of a 5% goal. However,
2 in the current extension that the Legislature passed,
3 there is no reference to a specific numerical. And,
4 we specifically didn't ask for that because as has
5 been stated before, we are trying to be realistic in
6 our projections. And, we did not think that it would
7 be credible to claim that we could reach 5% within
8 two years.
9

10 CHAIRPERSON KALLOS: What is 5%. What
11 would the 5% number be?

12 SUZANNE LYNN: Five percent was
13 considered to be 5% of the City's competitive
14 workforce--

15 COMMISSIONER CUMBERBATCH: [off mic]
16 [interposing] 9,200 employees.

17 SUZANNE LYNN: --or 9,200 employees. In
18 other words, the original goal under the original
19 plan was for the City to reach about 9,200 employees
20 being provisional, which is about 5% of the
21 competitive workforce. That was considered to be
22 substantial compliance. But we don't-- We are not
23 working with that as a goal under the Plan Extension.
24
25

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CHAIRPERSON KALLOS: But believe it or
not, if you did 7,000 in 2015 and another 7,000 in
2016, you would actually fall below the 9,200?

SUZANNE LYNN: But the 7,000 is for the
two years, not for one year.

COMMISSIONER CUMBERBATCH: [interposing]
Not for 2016. Not each year.

CHAIRPERSON KALLOS: Oh, is that right?

COMMISSIONER CUMBERBATCH: Because
remember at the same time they're--

CHAIRPERSON KALLOS: [interposing] Okay.
So is it possible to try to?

COMMISSIONER CUMBERBATCH: So let me
just-- So a couple of things. One is that at the
same time we're putting forth a plan over the next
two years to reduce provisionals by the 8,600, 7,000
of which would be through competitive exams, remember
we still give exams for all the other competitive
titles. So we're still doing the-- We continue to do
that ongoing work with the existing exams that we
give, existing exam schedules. Because if we don't
keep up that as well, we run into the same problem
where the list doesn't exist, and then arguably an
agency would have a provisional. So we're doing two

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things, right? We're continuing to give the exams we have. What we've been giving on a regular basis, and we're tackling, reducing provisionals as well. So we're doing those two things. So when we talk about the 104 exams for Fiscal Year 2015, it's inclusive of all the exams we're giving, not just those exams focused on managerial and IT. Well, the IT titles we we're going to test for. It's all the other exams we normally give.

DEPUTY COMMISSIONER PINNOCK: But in our plan we specifically mention that we're giving 37 exams over and above our regular schedule in order to assure the reduction of provisionals. While at the same time, making sure that we have lists available for agencies--

COMMISSIONER CUMBERBATCH: [interposing]
On an ongoing basis.

DEPUTY COMMISSIONER PINNOCK: On an ongoing basis.

CHAIRPERSON KALLOS: So I'm going to try to run through the last of my questions so that-- So I do not need as long as deep answers, but I just want to make sure I get to the questions. Is DCAS

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planning on or currently contracting the
responsibilities for creating the exams?

DEPUTY COMMISSIONER PINNOCK: On a very
limited basis, we are considering using a consultant
for the managerial exam primarily because the exam
has not been administered in quite some time. And
because many individuals across the city agencies
will be taking that exam. So we thought that it was
important to have a third party take on that very
discrete project. On a limited basis, as I
mentioned, we also work with consultants to develop
Fire Captain and other exams for some of the
uniformed services. But the overwhelming majority of
the exams that we administer annually are done by our
in-house staff.

CHAIRPERSON KALLOS: Well, to the extent
that consultants are being retained if it's possible
to keep our committees apprised as well as work with
us and to consult them on which consultants that
would be appreciated. Similarly, this is something
you may not be used to. But is DCAS growing in terms
of the number of employees necessary to administer so
many exams. If you're not growing or whatnot, is
there something we as a Council can do to advocate so

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that you have the necessary staff to administer the number of exams and shorten the timelines and meet all these goals.

COMMISSIONER CUMBERBATCH: So we are currently working with OMB on what our new needs giving the task at hand. And so, that's both in complying with the two-year reduction plan and what mandates of Long Beach as well as the new ay that DCAS is going to do business in terms of wanting a more proactive workforce recruitment. Really using data analytics to kind of derive what exams were given. I mean this is a whole new way of doing business. So we are working with OMB. Yes, we have a new needs request in. We are very optimistic. The reality is, is that we need those additional resources to really, you know, to meet the two-year commitment we made. As well as just to re-engineer the way we administer Civil Service so it's clear, it's more transparent. You know, we're giving exams that really speak to what the needs of agencies are going forward. And we need that flexibility as well. I mean at the end of the day this is a hiring process conditioned to change. You think one year you're going to give an exam because you're going to have a

1 need next year, and conditions may change and you may
2 not have that hiring need. Or, you may have that
3 hiring need, and then we have to be able in short
4 order to get in gear to give an exam that we may have
5 not anticipated giving.
6

7 DEPUTY COMMISSIONER PINNOCK: And also,
8 as part of that request we're working with OMB to
9 increase staff in our IT area. Specifically, to
10 expand upon on our online on capacity in terms of
11 testing. And to bring certain work that had been
12 contracted previously in house in order to support
13 our examination system.

14 CHAIRPERSON KALLOS: All right. Your
15 answers especially using analytics are music to my
16 ears. I'd like to yield a follow-up question to my
17 Co-Chair.

18 CHAIRPERSON MILLER: Thank you, Chair
19 Kallos. So just on what you were just speaking about
20 on the human capital side, how many of these folks in
21 your Division of Human Capital are actually
22 provisional or operating in some non-Civil Service
23 capacity?

24 DEPUTY COMMISSIONER PINNOCK:
25 Specifically in Human Capital or the same--

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COMMISSIONER CUMBERBATCH: [interposing]
In Human Capital.

CHAIRPERSON MILLER: [off mic]

DEPUTY COMMISSIONER PINNOCK: Oh, okay.
Well, specifically in our advanced area there are 94
employees there. However, 29 of those members of
staff work on exam development.

CHAIRPERSON MILLER: [off mic] How many
again?

DEPUTY COMMISSIONER PINNOCK: Twenty-nine
of the exam staff work on exam development. So we
have 29 examiners.

CHAIRPERSON MILLER: [off mic]

COMMISSIONER CUMBERBATCH: We'll have to
go back.

DEPUTY COMMISSIONER PINNOCK: I will have
to go back and provide that. I know that there is
one title in particular, our Test and Measurement
Specialist. Those individuals are serving
provisionally, and that exam has not been
administered in some time.

CHAIRPERSON MILLER: Okay.

COMMISSIONER CUMBERBATCH: We'll go back.
We'll provide the information to you in detail.

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CHAIRPERSON MILLER: Okay.

COMMISSIONER CUMBERBATCH: So there are
250 employees in Human Capital, and we'll break down
by unit of the four units who is provisional and who
is not.

CHAIRPERSON MILLER: [off mic]

COMMISSIONER CUMBERBATCH: Wait. Could
you please ask me the question again?

CHAIRPERSON MILLER: [off mic]

DEPUTY COMMISSIONER PINNOCK: I mean if
you are referring to per diems?

CHAIRPERSON MILLER: Correct.

DEPUTY COMMISSIONER PINNOCK: No, they
are not per diems. There are no per diems on staff.

CHAIRPERSON KALLOS: I have one last
question. I will defer to my colleagues so that they
can get some questions in, and then we'll do some
clean up. I already tipped my hand a little bit
about my focus on data. Is the underlying data used
by DCAS to report on provisional employees not public
accessible that we're aware of? Is the Department
willing in the same in the name of transparency and
accountability to post the underlying data in an
accessible machine-readable format on its website.

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And will also post data in that format on the City's
Open Data Portal?

COMMISSIONER CUMBERBATCH: So we're
looking at historically the data that is drawn on for
workforce comes from the Non-Cap and its personnel
data. We certainly will look at what is possible to
make available on a public platform. And obviously,
we'll do that with advice and Counsel from the Law
Department because you are dealing with people-- to
the extent you can provide aggregate data is one
thing, but to the extent that people can then
manipulate the data and find out individual identity
there are some privacy issues. So, you know, we want
to be thoughtful on it. We want to make data
available, but we also want to protect the integrity
of individual City employees who might not want the
public to know that this particular person or
individual can be identified. There are some
personal privacy issues connected with this, but
we're looking at it.

CHAIRPERSON KALLOS: I would like to
acknowledge Council Member Danny Dromm, and I have to
ask one last question on the CTACs. I'm really
excited to hear that you did a quarter million exams

1 from December 20, 2007. And I hear that you've
2 planned Bronx, Queens, and State Island, but we are a
3 five-borough city and unified. What dates, what
4 years are you planning to open those? Five years
5 out, ten years out, next year? Any ballpark?

7 COMMISSIONER CUMBERBATCH: I mean right
8 now we're looking at sites because it's complicated,
9 right? It's locating sites that are accessible
10 transportation wise. It's not just about which exams
11 get automated. It's finding the right location. So
12 we are looking to try to identify sites in those
13 three boroughs. Obviously, then there are, you know,
14 what condition? Is this a city-owned building with
15 lease space, capital leads? I mean it's a little
16 complicated. I can't sit here and say, you know,
17 next year we will have a CTAC up in operating all
18 three boroughs, but certainly as we develop plans and
19 look at sites and locate them, we will come back to
20 you with some more concrete information. But we are
21 definitely looking at locations in those three
22 boroughs. But certainly, as we develop plans and
23 look at sites and locate them, we will come back to
24 you with some more concrete information. But we are
25 definitely looking locations in those three boroughs

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to figure out where we could site them. But then there's a process, right, to either lease or build out city-owned space to make it ready for computers, et cetera, et cetera. The procurement process is a lengthy one. The leasing and procurement process is a lengthy one, or the capital construction is a lengthy one--

CHAIRPERSON KALLOS: [interposing] Yes.

COMMISSIONER CUMBERBATCH: --in the City of New York.

CHAIRPERSON KALLOS: So I would like to thank you for answering all these questions. I would like to reserve, and pass it back to my Co-Chair and my colleagues. I would like to thank our colleagues who have remained, and indulged us in going through all of these very important questions.

CHAIRPERSON MILLER: So I would like to turn it over to Council Member Crowley for her question.

COUNCIL MEMBER CROWLEY: Thank you to both our Co-Chairs, Council Member Miller and Council Member Kallos. I have a question as it relates to our New York City uniformed EMTs. Now, the EMTs are a part of the Fire Department. I chair the Fire and

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Criminal Justice Committee, and they work hand-in-hand with our firefighters, fire officers. Now, if you are a firefighter, you have an opportunity to take a number of Civil Service exams to become a lieutenant, then to become a captain, to become a deputy chief. But the same is not so for EMTs, and, in fact, there is one promotional exam. It's only to lieutenant. And then all other promotions are by merit or the discretion of higher chiefs, the chief of the department. Now, is now Civil Service protection for them. My question to you is did you realize this? Do we have plans as a city to implement more testing. Because of that, it puts us in a very vulnerable public safety situation. When we look at our last most serious storm, Super Storm Sandy, we had, you know, a City Incident Management Plan for our firefighters. We don't have the same type of plan for our EMTs, and they do not have the same span of control the number of supervisors for rank and file. They're out of compliance with Federal Guidelines, and I believe a lot of that has to do with us not having the property Civil Service exams.

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COMMISSIONER CUMBERBATCH: So, I wasn't aware with that specificity about the Fire Department. I certainly have met with Commissioner Nigro, of the Fire Department, the Fire Commissioner. And certainly it's an area that we are open to having a conversation with him. I don't know all the specifics. I don't know all the history, the operational needs, et cetera. But, you know, it's an area that we will certainly look at.

COUNCIL MEMBER MEALY: Because a lot of times if you're a city worker, you're afraid. You could be afraid especially in dangerous situations to take your own initiative unless you're protected by your badge, so to say. Emergency workers have their badge, and they're a civil servant type. And it is the Commissioner of the Fire Department or the Chief of EMS can demote chiefs and captains. But they cannot do that in the Fire Department and, therefore, there are protections with their civil service exam protects them. And it gives them the opportunity when they're making critical decisions in the field in this dangerous field. So I cannot implore you more, and I will work with you as the Committee

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Chairperson to make these exams available on this
protection because it is so sorely needed.

COMMISSIONER CUMBERBATCH: So you're
saying there is nothing comparable for EMTs in terms
of both a promotional Civil Service line that there
is comparable for the fire officer side of the house?

COUNCIL MEMBER MEALY: Right. You should
look at the firefighters and fire officers as an
example because they're responding to the same type
of emergencies. And they have a very good span of
control. So when you look at a firehouse, you have
an engine company or a truck company. You have four
or five firefighters to every one Lieutenant. And
then you have a captain on top of that. When you
look at our EMTs, there are often 22 of them before
you have one officer. And, when you have critical
emergency situations, the Homeland Security Incident
Management asks cities such as New York City to
decrease a span of control, to have an officer for
every three.

COMMISSIONER CUMBERBATCH: For every how
many?

COUNCIL MEMBER MEALY: For every three
uniforms, and it increases when you look at emergency

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situations, and we certainly didn't have that during
Super Storm Sandy.

COMMISSIONER CUMBERBATCH: [interposing]
Right.

COUNCIL MEMBER MEALY: You had EMTs
risking their lives in dangerous flood zone areas,
but they didn't have a plan to go to higher ground.
Some EMTs were standing on top of their bus, their
ambulance so that they didn't drown. And even the
Chief, the Division Chief in Manhattan had to be
rescued from her command center by firefighters. It
was a huge problem. The problem still exists. We
live in a city where we're still the number one
target for terrorism. We don't know if God forbid
there could be a mass shooting that we're sending
EMTs into rescue people who need emergency medical
care. We have to make sure that they have that span
of control. And I believe the way to do that is by
first giving these title exams. So that nobody can
demote an EMT officer, and that we will work with
City, and the City Council will work with the Mayor
to make sure that we have the adequate number of
supervisors within this department. So we need to
work together for the safety of New York. Thank you.

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CHAIRPERSON MILLER: Okay. Council Member
Rosenthal.

COUNCIL MEMBER ROSENTHAL: Thank you
Chair. Commissioner, it's so nice to meet you. It's
good to see you. Welcome, and Chairs, thank you for
holding this hearing. I wanted to talk about two
things. I wanted to talk about the exams for
firefighters, and I would like to talk about NYCAPS.
So I chair the Contracts Committee, and in some ways
both issues have something to do with contracts.
Let's start with the exam for the firefighters. So
there are two parts of the DCAS exam, right. There's
a written and physical?

COMMISSIONER CUMBERBATCH: Uh-huh.

COUNCIL MEMBER ROSENTHAL: I want you to
know that-- I'm going to start by saying I stand
behind your exams. I think from everything I've
learned about them they are exactly the right way
figure out who is ready to get trained to be a
firefighter. And I'm just wondering if you guys, if
you've examined the exams recently, and if you feel
confident and stand behind the exams as well?

COMMISSIONER CUMBERBATCH: Specifically
about the firefighters exam?

COUNCIL MEMBER ROSENTHAL: Yes.

[background discussion]

SUZANNE LYNN: All right, Suzanne Lynn, General Counsel. As you probably know, we are under a court order with regard to our firefighter exams and our hiring and promotion practices. So we are under a lot of scrutiny, and we have to make sure that the exams that we come up with are not only valid predictors of success on the job, but they also don't have disparate impact racially or gender wise. So, there is, you know, we always take care of our exams, but on the firefighter exams in particular we are going to be very careful.

COUNCIL MEMBER ROSENTHAL: Have you--
Sorry. Go ahead, please. Have you contemplated hiring an outside consultant to validate your exams?

SUZANNE LYNN: Actually, we do. We will be working with an outside consultant to create the--
To do a job analysis, and to create the new entry-level firefighter exam.

COUNCIL MEMBER ROSENTHAL: Who is the consultant? Have you led an RFP yet?

SUZANNE LYNN: We are working with a consultant. We've been working with a consultant

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over the years, and we anticipate being able to
continue with that consultants. It's a company
called PSI.

COUNCIL MEMBER ROSENTHAL: And do they
have-- Could I get a copy of the contract that you
have with PSI?

SUZANNE LYNN: Well, we're in the middle
of negotiating a contract.

COUNCIL MEMBER ROSENTHAL: A new
contract?

SUZANNE LYNN: Yes.

COUNCIL MEMBER ROSENTHAL: And could I
have a copy of the old contract?

SUZANNE LYNN: A copy of the old
contract? Yes, certainly.

COUNCIL MEMBER ROSENTHAL: Okay, can I
ask that we put that on the list. When do you expect
to have a copy of the new contract?

SUZANNE LYNN: We have to first finish
the negotiations.

COUNCIL MEMBER ROSENTHAL: When do you
contemplate being finished with the negotiations?

SUZANNE LYNN: Soon.

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COUNCIL MEMBER ROSENTHAL: Before the end
of December, before March?

SUZANNE LYNN: You know, I would
anticipate over the next few weeks that we will be
able to, but I don't want to be--

COUNCIL MEMBER ROSENTHAL: [interposing]
I'm not going to hold you to anything, but why don't
we say by February 1st, do you contemplate being able
to send--

SUZANNE LYNN: [interposing] Oh,
absolutely.

COUNCIL MEMBER ROSENTHAL: --to the City
Council the new contract?

SUZANNE LYNN: I would hope to be able to
do that.

COUNCIL MEMBER ROSENTHAL: Could we also
please add to the list? Do you have-- I want to
weight the two things that I just heard. One that
you're working with a consultant to look at the tests
again, and the fact that you're feeling comfortable
about the test you have. And let me tell you exactly
why I'm asking. I'm really concerned that men and
women, particularly women, are being approved or
passing your tests to go to the Training Academy and

1 then women in particular when they get to the
2 Training Academy are not making it through. They're
3 not making it through because of primarily, really
4 only because of a physical exam that is, I would
5 argue, geared toward the success of men. And I find
6 it disconcerting to think that you would be possibly
7 rejiggering your, or looking again at your physical
8 test with the same organization that is validating
9 the-- with the same outside consultant that is
10 validating the test at the Fire Department Academy.

12 They were brought in several months ago.
13 Within a week, PSI within a week of getting their
14 contract said informally that they believe that the
15 physical test was fine for the Fire Department. It's
16 a test that, as you know, includes a heavy emphasis
17 on speed for long amounts of times. Something that
18 women simple are not anatomically prepared to do as
19 well at as men. However, none of the components of
20 that test as compared to the ones that you do, the
21 CPAT test have anything to do with being a successful
22 firefighter. Any firefighter would tell you that
23 being able to do a four-minute mile has nothing to do
24 with their job. So I'm wondering if as you are
25 renegotiating the contract now with PSI, the same

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consultant that is saying that the test that the Fire Academy does, which emphasizes speed, is one that you'll be working with to reassess your physical exam.

[Pause]

SUZANNE LYNN: [off mic] We'll have to look at it. Right.

COMMISSIONER CUMBERBATCH: I think given the contract, we'll have to look at it.

SUZANNE LYNN: I think rather than trying to answer this very serious set of concerns here--

COUNCIL MEMBER ROSENTHAL: I'm sorry. Can you start again. I apologize.

SUZANNE LYNN: Yes, sure. I think you've raised some very important issues that we would like to take a look at. And rather than try to answer those questions here off the cuff, I'd rather us be able to go back, take a look at those--

COUNCIL MEMBER ROSENTHAL: [interposing]
Sure.

SUZANNE LYNN: --talk to our consultant, talk to the Fire Department, and, you know, see if we can get to the bottom of all of this.

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COUNCIL MEMBER ROSENTHAL: Sure. My
overall point is just to be clear is this. You guys
are saying that, you guys are, women are passing your
test. The written.

COMMISSIONER CUMBERBATCH: No.

COUNCIL MEMBER ROSENTHAL: Your written
and your physical test, our CPAT test.

COMMISSIONER CUMBERBATCH: Right, okay.

COUNCIL MEMBER ROSENTHAL: Your physical
test.

COMMISSIONER CUMBERBATCH: But you're
saying once they're in the Fire Department Training
Academy?

COUNCIL MEMBER ROSENTHAL: No.

COMMISSIONER CUMBERBATCH: No.

COUNCIL MEMBER ROSENTHAL: The DCAS test
which is a CPAT test--

COMMISSIONER CUMBERBATCH: [interposing
Yes.

COUNCIL MEMBER ROSENTHAL: --which is a
physical exam, they are passing?

COMMISSIONER CUMBERBATCH: Yes.

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COUNCIL MEMBER ROSENTHAL: In other words, DCAS is saying you are fit to go to the Academy to train to be a firefighter.

COMMISSIONER CUMBERBATCH: Yes.

COUNCIL MEMBER ROSENTHAL: They are not passing the physical exam when they are in the Training Academy.

COMMISSIONER CUMBERBATCH: Which is the Fire Department, is it not?

COUNCIL MEMBER ROSENTHAL: Which is the Fire Department.

COMMISSIONER CUMBERBATCH: Right. Okay.

COUNCIL MEMBER ROSENTHAL: I firmly believe that they physical exam is not performance, job performance rated that the Fire Academy does. I fully believe that the physical exam that you guys perform, which has been approved by the Department of Justice--

COMMISSIONER CUMBERBATCH: [interposing]
Uh-huh.

COUNCIL MEMBER ROSENTHAL: --as being appropriate for firefighters is now not being considered to the same degree as the Fire Academy

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where at least 50% of the women are not making it
through because of the physical exam.

COMMISSIONER CUMBERBATCH: So we
understand the issue as you framed it, and Counsel
has suggested we want to go back. We want to be able
to talk to the Fire Department, and we understand
what the issue is, and to be able to get back to you.

COUNCIL MEMBER ROSENTHAL: Right, I
nervous because I really feel-- I just want to say
again that who you're talking to, PSI, comes in with
a bias that has been publicly articulated that is
they not believe that they do not endorse using the
CPAT exam at the Fire Academy. They endorse using an
exam that is not performance job related for these
women. And it makes me nervous that you are using
the same consultant.

SUZANNE LYNN: We'll have to-- As I
said, we'll have to look into this and get back to
you. I think that at this point--

COUNCIL MEMBER ROSENTHAL: [interposing]
Okay.

SUZANNE LYNN: --we can answer that.

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COUNCIL MEMBER ROSENTHAL: Thank you. Do
you have an idea of-- Do you want to have a follow-
up meeting that we schedule together?

SUZANNE LYNN: That would be helpful.

COUNCIL MEMBER ROSENTHAL: Is that
something we can arrange?

CHAIRPERSON MILLER: We certainly can.

COUNCIL MEMBER ROSENTHAL: Great. I have
one other question, and that is about NYCAPS. So as
chair of the Contracts Committee, but as the new
chair, I read that in 2011 there was a report that
came out that said that initial contract with
Accenture was set to be \$66 million. And over a
period of I think seven years it ballooned to \$363
million. This was with a contractor, Accenture, that
the City has had historically a number of major
contracts, an IT contract with. I'm wondering is
NYCAPS, is your IT system complete. Do you still
have an outside consultant working on it. Is it
something that when you're rejiggering it, do you do
that in-house or do you still have a contract with
Accenture or another IT company?

COMMISSIONER CUMBERBATCH: So as you
know, DCAS we're the owner of the system because it's

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the City's official personnel automated system. The maintenance and upgrade of this system is administered by the City's back office IT shop, which is FISA, Financial Information Services Agency.

COUNCIL MEMBER ROSENTHAL: Thank you.

COMMISSIONER CUMBERBATCH: Yes, Financial Information Services Agency, which oversees-- Think of them as a tech, the City's technology shop, and obviously they're overseeing NYCAPS personnel. The payroll side of--

COUNCIL MEMBER ROSENTHAL: [interposing]
FISA does.

COMMISSIONER CUMBERBATCH: FISA, the payroll system, which is PMS, the Financial Management System, the Pension System, and they also oversee NYCAPS. And when I say oversee, I mean oversee like do the technological, the maintenance, the technological upgrades based on requests that we might make.

COUNCIL MEMBER ROSENTHAL: I was just going to ask and thank you. And who does FISA report to? What position are they in?

COMMISSIONER CUMBERBATCH: So Financial Information Services Agency is a charter agencies

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that does report to the City Controller and the
Mayor.

COUNCIL MEMBER ROSENTHAL: Right. That's
a whole other hearing.

COMMISSIONER CUMBERBATCH: It's a whole
other area, as is the Office of Payroll
Administration. They're sister agencies. They have
currently a person serving as an active director.
And I used to work there.

COUNCIL MEMBER ROSENTHAL: That's another
hearing.

COMMISSIONER CUMBERBATCH: I used to work
there. So it's a combination. FISA has obviously
in-house technical staff and on an as-needed basis
they will use consultants. If, for example, there's
a particular project, an upgrade to something over a
short period of time, they might utilize a technical
person to do some aspect of that. Right now, our
NYCAPS system has-- It's built. It's operating.
There are other modules within it that we could
activate to do other things, provide other
functionality for personnel officers. For example, I
think we were looking at-- I'm trying to think.
ePerformance, which is another module within it,

1 which those are the valuations. So automating the
2 whole evaluation system similar to the eHire that's
3 out there now as a portal. So there are other pieces
4 of functionality that over the long term we are going
5 to look to probably activate within NYCAPS. It
6 doesn't necessarily require from scratch building
7 something because the system is basically there. The
8 platform is there. So I hope that answers the
9 question.
10

11 COUNCIL MEMBER ROSENTHAL: Do you have
12 people in-house who can help you do that?

13 COMMISSIONER CUMBERBATCH: So here at
14 FISA we have an IT shop. Our Deputy Commissioner
15 Nitin Patel actually is a former Deputy at FISA who
16 helped build and implement NYCAPS. That's why I
17 thought he was a great asset to our team at DCAS. He
18 is creating our in-house IT Shop that can do a lot
19 more of that kind of work in conjunction with FISA.
20 Because remember FISA is still responsible for--
21 They house the application, et cetera. But our in-
22 house IT shop is the coming real position and
23 knowledgeable about. When we have new requirements
24 that we want to see that functionality put in place.
25 There is a lot of what we can do in-house in terms of

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the business requirements. In terms of working with
FISA. And then we have other systems besides NYCAPS
in-house that we use in the Human Capital side to
track certain activity, which we all bring in-house.

CHAIRPERSON MILLER: Thank you,
Commissioner for you insightful--

COUNCIL MEMBER ROSENTHAL: [interposing]
Oh, can I just--

CHAIRPERSON MILLER: --response. Do you
have something else?

COUNCIL MEMBER ROSENTHAL: Council Member
can I just-- Just the last question. You need to
wrap it up. Thank you.

COUNCIL MEMBER ROSENTHAL: Okay. No
problem. SO do you still-- Do you know if FISA
still has a contract with Accenture?

COMMISSIONER CUMBERBATCH: I don't know.
I personally don't know.

COUNCIL MEMBER ROSENTHAL: Because you
wouldn't-- Your office would not be managing it? It
would be the FISA [sic].

COMMISSIONER CUMBERBATCH: No, no.
They're the technical owner and we're the business
owner.

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COUNCIL MEMBER ROSENTHAL: okay. So the last thing is we're going to have the contracts, and the committee that oversees the Fire Department is going to have a hearing on December 4th, about the contract with PSI, and about the exams for women compared to men. And I'm hoping that you can join us at that hearing.

CHAIRPERSON MILLER: I would like to acknowledge Council Member Cornergy for his presence. Thank you for coming out. Any questions, Dan? A lifelong civil servant like you? Okay. I just have before we allow the panel here-- Thank you so much for your time. I know you are very busy implementing this plan among other things, but we do have a few questions. Let me just say that this hearing today it seeks in these two committees it seeks to gather some information most about certainly the Provisional Plan. But we also want to talk about the exam, administration and some other things. And just again developing a segue to two and three, which talks about job development, promotions, reclassifications, and all that other stuff. But we want to really get to what this system is, what it is about. How do we bring it back to its prominence and allow it serve

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the communities as it has in the past. But we don't want to obviously have too much concern about the Provisional Plan. And we spent a little time on that. But we do want to move forward and talk about some other things, particularly as it pertains to promotions. And then we want to get onto the next panel. But very quickly could you break down your head count for also the employees?

COMMISSIONER CUMBERBATCH: Thank you.

That is fine.

DEPUTY COMMISSIONER PINNOCK: So currently we have 152,807 employees with service--

CHAIRPERSON MILLER: [off mic] Could you say that again?

DEPUTY COMMISSIONER PINNOCK: I'm sorry.

CHAIRPERSON MILLER: [off mic] Could you say that again?

DEPUTY COMMISSIONER PINNOCK: It's 152,807 employees in the competitive class. Just so that I can kind of qualify that I can kind of quality what I'm giving you. These are the mayoral agencies. They are agencies that we consider as NYCAPS agencies meaning that they're information is maintained within our NYCAPS system. So it would not include teachers

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at DOE. It wouldn't include individuals HHC. It
wouldn't include transit or bridges and tunnels.

COMMISSIONER CUMBERBATCH: Because they
are not in the NYCAPS that automated personnel
system.

CHAIRPERSON MILLER: [off mic] DOE has--
Correct me. Are they the one out there, you said
with the largest number of provisions?

COMMISSIONER CUMBERBATCH: So in our
NYCAPS, the Automated Personnel System, non-
pedagogicals at included at DOE are included in that
number. Pedagogicals are not included in that
number.

DEPUTY COMMISSIONER PINNOCK: Right. And
that specifically said teachers. Teachers are not
included within that number.

[background conversation]

CHAIRPERSON MILLER: Where is the total
number of the City? What is the total number of the
City headcount?

COMMISSIONER CUMBERBATCH: Period?

CHAIRPERSON MILLER: Period.

COMMISSIONER CUMBERBATCH: Regardless of
NYCAPS--

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CHAIRPERSON MILLER: [interposing] That
is correct.

COMMISSIONER CUMBERBATCH: --or any. So
what is it 300 and--?

DEPUTY COMMISSIONER PINNOCK: It's
estimated as over 300,000 municipal workers.

CHAIRPERSON MILLER: All right, that just
have taken competitive exams to achieve that status?
Do you know?

[background discussion]

DEPUTY COMMISSIONER PINNOCK: Right. So
we don't have jurisdiction over the entire 300,000.
As we just mentioned--

CHAIRPERSON MILLER: [interposing] Right.

DEPUTY COMMISSIONER PINNOCK: --teachers
would not be included in this-- the figures. So
within our system we have 186,317 persons working
within the City of New York. 152,807 are serving in
a competitive class.

CHAIRPERSON MILLER: Okay.

DEPUTY COMMISSIONER PINNOCK: So outside
of the competitive class, we have another 23,330 that
are serving with non-competitive titles. We have
5,762 that are in labor class titles. 2,809 that are

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serving as exempt titles, and 1,609 serving in the
unclassified service.

[Pause]

CHAIRPERSON MILLER: Could you explain
what labor class title?

DEPUTY COMMISSIONER PINNOCK: Labor class
title. I'll give you an example. It would be let's
say with the Housing Authority a caretaker. Someone
who has earned certain rights. However, they're not
subject to an examination to perform their duties.
There is no test to test their merit and fitness to
perform the work.

CHAIRPERSON MILLER: But they are
permanent Civil Service employees?

DEPUTY COMMISSIONER PINNOCK: They're not
considered provisional, and they do have certain
rights such as due process rights. But generally
when we use the term "permanent" that's directly tied
to someone serving in a competitive title that has
taken an exam and passed it. But labor class, folks
serving in labor class titles effectively are all
their rights. [sic]

CHAIRPERSON MILLER: That specific title
that you mentioned in NYCHA or whatever, had that

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historically been a-- Was it ever a competitive
examination?

DEPUTY COMMISSIONER PINNOCK: Not that
I'm aware of. I mean I can do some digging, but not
that I'm aware of. I actually worked at NYCHA for
quite some time, and for the entire 11 years that I
worked there, it had been a labor class title.

CHAIRPERSON MILLER: Are there any labor
class titles that you know of that was once
competitive?

COMMISSIONER CUMBERBATCH: Ever? We
would have to do research to find that out. Off the
top of-- Unless you know off the top of your head.

DEPUTY COMMISSIONER PINNOCK: No.

COMMISSIONER CUMBERBATCH: Off the top of
our heads we don't know, but we can find out. We can
find out. Unless you have specific titles you know
that were once competitive and now are labor, that
would be helpful.

DEPUTY COMMISSIONER PINNOCK: Because I'm
inclined to say--

COMMISSIONER CUMBERBATCH: Well, that's--
[laughs]

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DEPUTY COMMISSIONER PINNOCK: Because I'm inclined to say transit cleaner. I'm inclined to say transit cleaner, but I just want to confirm when that change happened. Transit cleaner 1.

COMMISSIONER CUMBERBATCH: Okay. Uh-huh.

CHAIRPERSON MILLER: Mr. Kallos.

[background conversation]

CHAIRPERSON KALLOS: I think the Council is lucky to have a labor leader, and somebody with so much expertise as the Chair of our Civil Service and Labor Committee. I think we as a city will be benefitting from that. I want to thank you for continuing to be completely professional, and working with us through this hearing. And despite how any of our colleagues may behave at any given moment. So I just want to thank you for that. I want to ask a question on behalf of Council Member Greenfield. I'm going to do the best of my ability. He had to get to his next committee meeting. But the questions is: When provisional employees take an exam are the scores integrated with everyone who takes the exam or do they merely need to be considered qualified in order to retain their position?

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COMMISSIONER CUMBERBATCH: They are like everyone else. They take the exam. There is no special consideration given to them because they are provisional.

CHAIRPERSON KALLOS: Okay. And then we have about 13 folks waiting to give testimony. I want to thank all of them for waiting. So I would like to get the next couple of questions. I'm going to ask five questions if we can try to get them asked and answered in five minutes, we'll try to run through them. And I just wanted to thank you for spending an hour and 45 minutes so far with us answering questions. Are there clear criteria for managerial paid plan that determines levels in salary grades? When is the last time a comprehensive classification and compensation study was done to determine the appropriate salaries for each of the levels in the MPP?

DEPUTY COMMISSIONER PINNOCK: The last time that evaluation was done was more than ten years. But the current pay plan that's out there does outline specific pay grades and levels.

CHAIRPERSON KALLOS: And when is the next time you plan to look at the MPP?

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DEPUTY COMMISSIONER PINNOCK: We've not
given the other priorities. We have not set a
timeframe, but I can definitely follow up on that.

CHAIRPERSON KALLOS: Thank you. Of the
over 300 titles with only 20 people serving them has
DCAS considered broadbanding and consolidating the
titles rather than reclassifying them to non-
competitive and exempt? And have they met with the
unions that cover those titles to discuss this?

COMMISSIONER CUMBERBATCH: Say the last
part. I'm sorry.

CHAIRPERSON KALLOS: I got the first
part.

DEPUTY COMMISSIONER PINNOCK: Something
about the unions.

COMMISSIONER CUMBERBATCH: I got the
first part. So the bottom--

CHAIRPERSON KALLOS: [interposing]
Consolidating the titles rather than reclassifying
them to non-competitive and exempt, and have you met
with the applicable unions to discuss?

COMMISSIONER CUMBERBATCH: So as we
stated in our testimony, there are approximately
1,600 people, right?

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DEPUTY COMMISSIONER PINNOCK: [off mic]

We have 389 people with fewer than 20 incumbents.

COMMISSIONER CUMBERBATCH: Right 389

people with fewer than 20 incumbents, and we want to

look at-- It's impractical to provide, you know,

give 389 exams for all those titles. We want to look

at those titles and do an analysis. Broadbanding

could be one of them. I think we mentioned in the

testimony reclassification could be one of them.

Whatever we come up with we want to look. We don't

want to look at it and say we're doing X for all the

titles. We want to look at these titles and really

what they are, what the functions are, and make an

intelligent decision about a proposal and

reclassification. What are the items that could be

considered? And include whatever proposal we come up

with we would share with our labor collaborators.

You know labor friends as well as you to go through

similar with what we've done, or intend to do with

the City IT titles as well.

CHAIRPERSON KALLOS: Thank you. Can DCAS

set up a system that automatically publishes answer

keys along with exam scores, and ties that to open

data and all of the rest of the fun stuff?

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DEPUTY COMMISSIONER PINNOCK: We can
certainly look into it.

COMMISSIONER CUMBERBATCH: Right.

DEPUTY COMMISSIONER PINNOCK: It is
something that we've had on the table and we were
just going through figuring out how to do that. But
we definitely are exploring that.

CHAIRPERSON KALLOS: Believe it or not,
as much as I'm a big proponent of technology, I also
try to make sure we stay grounded and with
physicality. Would DCAS consider sending postal mail
in addition to emails for notification of failed
exams along with their rights on appeal and protest?

COMMISSIONER CUMBERBATCH: I think we did
that already.

DEPUTY COMMISSIONER PINNOCK: We did
that. We do that.

CHAIRPERSON KALLOS: Perfect. We may
follow up because there was a reason I asked that
question so we'll get back in touch. And is it true
that the title maintenance person do work that must
be done solely by licensed electricians?

DEPUTY COMMISSIONER PINNOCK: Maintenance
persons?

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COMMISSIONER CUMBERBATCH: [off mic] I
don't know maintenance person.

CHAIRPERSON KALLOS: The title
maintenance person does work that should be done by
licensed electricians?

DEPUTY COMMISSIONER PINNOCK: No. The
title is actually maintenance worker, and no there is
nothing in the job spec that says that the work has
to be performed by licensed electricians?

CHAIRPERSON KALLOS: So, we are running
short on time. So we may forward additional question
late. I want to acknowledge that we've been joined
by Council Member Ritchie Torres, and I would like to
yield to Robert Cornergy to ask some quick questions.
Just so everybody knows, there is another hearing at
1 o'clock. So we are just trying to wrap up and get
through 13 people to testify.

COUNCIL MEMBER CORNEGY: I just actually
have one question while we're on the test question.
What happens if numerous people take the test and get
the same score, how do you determine the list
priority?

DEPUTY COMMISSIONER PINNOCK: Well, in
that case they are considered to be a tie. They will

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all be certified as part of the same list. But for administrative purpose, we actually look at the fifth digit in someone's Social Security number to determine that ranking. So if my fifth digit is 8 and if you fifth digit is 2, while our score appears the same on that certified list, you may appear to be number 4 and I may be number 5 on that particular list. We are all part of that certified list that is sent to the agency for consideration.

COMMISSIONER CUMBERBATCH: [off mic] But individuals with the same scores are considered.

DEPUTY COMMISSIONER PINNOCK: Yes, but individuals with the same score in Fire-- Individuals with the same score they are all considered. Fire is actually a very good example of that. So if a group of individuals all have 94, and they passed a written exam with a 94, they are all invited for the next days of the examination. So it's not as if you would be provided the opportunity to continue on in the process and I would not.

COUNCIL MEMBER CORNEGY: You said I've only got a few minutes, so I'm not going to go any further with that. Obviously, that could be

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determined as a little bit problematic just that kind
of grading system.

DEPUTY COMMISSIONER PINNOCK: Just to
clarify, the grade is still the same, and you are
part of the same certified list that's considered by
the agency for appointment. So while there is a
ranked list, it's 100 for you and it still appears
100 for me so we would still be given the same
consideration by the agency.

COUNCIL MEMBER CORNERGY: You know,
somebody has got to go first.

COMMISSIONER CUMBERBATCH: [off mic] I'm
just saying they're brought in as a pool.

DEPUTY COMMISSIONER PINNOCK: Right,
they're brought in as a pool.

COMMISSIONER CUMBERBATCH: I don't think
they understand that.

DEPUTY COMMISSIONER PINNOCK: Okay.

COMMISSIONER CUMBERBATCH: Okay, go
ahead.

DEPUTY COMMISSIONER PINNOCK: They're
brought in as a pool, and so that pool is then
evaluated to determine who gets the-- Meets the
needs of that agency. It's not as though I don't

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receive the same consideration that you do. Where we
would, in fact, receive the same grade.

COUNCIL MEMBER CORNEGY: I'm so sorry.
I thought this was going to be an easy answer. I
don't mean to-- But I don't understand how-- So if
we all have the same score--

DEPUTY COMMISSIONER PINNOCK:
[interposing] Right.

COUNCIL MEMBER CORNEGY: --there has to
be some determination now who gets the first call on
that list. I believe everybody can move together--

DEPUTY COMMISSIONER PINNOCK:
[interposing] Right.

COUNCIL MEMBER CORNEGY: --to a different
phase in the list, but then somebody ultimately has
to be called first. And if we're all equal, what's
the determining factor of who gets the first call?

DEPUTY COMMISSIONER PINNOCK: You're all
called in at the same time. So let's say if there is
a hiring pool for-- I just can't think of a title.
Staff analyst. I received a 94 and you received a
94. So at the time when individuals are called for
consideration into an agency, I'm called in at the
same time you are. There is a hiring pool there.

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You go through it and so you passed us, and then the agency then determines that whether or not you're the best candidate for the position or I am. So we are invited to the same--

COUNCIL MEMBER CORNEGY: [interposing] So the determination for who gets the role is determined by the agency at that point?

DEPUTY COMMISSIONER PINNOCK: Yes. Because we are all a part of that certified list that goes to the agency for consideration.

COUNCIL MEMBER CORNEGY: Okay. Thank you. I just wanted to know who is responsibility it was to then differentiate between the candidates and you're saying that the final say, and the agency will ultimately make that determine based on their needs?

DEPUTY COMMISSIONER PINNOCK: The final appointments are made at the agency level yes.

COUNCIL MEMBER CORNEGY: Okay. Thank you.

COMMISSIONER CUMBERBATCH: But I think we were trying to just address the point of people having the same score on the list. And the fact is that if you have the same score even if the fifth digit of your Social Security is different from mine,

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doesn't mean you're going to be called and then I'm
not. We're all going to be called in as part of that
hiring pool to that agency that will then--

COUNCIL MEMBER CORNEGY: [interposing]

Well, now I've got to ask then why did you bring up
the whole Social Security number if that has no
determining factor?

COMMISSIONER CUMBERBATCH: Because we
still have to provide under the law a rank order in
the list.

DEPUTY COMMISSIONER PINNOCK: And that's
covered under our personnel rules where the fifth
digit is used just for the purposes of--

COMMISSIONER CUMBERBATCH: [interposing]
Ranking.

DEPUTY COMMISSIONER PINNOCK: --ranking.

COUNCIL MEMBER CORNEGY: Okay, I thank
you.

DEPUTY COMMISSIONER PINNOCK: But it
doesn't tie into consideration.

COUNCIL MEMBER CORNEGY: Okay.

CHAIRPERSON MILLER: See, we learn
something everyday, right.

COMMISSIONER CUMBERBATCH: Right.

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CHAIRPERSON MILLER: So let me just ask a couple of questions. I want to talk about promotional exams and I want to talk about consistency with the route agencies specifically on that. But I want to talk about-- I want to ask about the One in Three, and not just as a matter of promotion, but just as a hiring process. So, I'm sure Council--

COMMISSIONER CUMBERBATCH: But what's the question?

COUNCIL MEMBER CORNEGY: It's about the One in Three.

COMMISSIONER CUMBERBATCH: And?

CHAIRPERSON MILLER: And we want to talk about it not just in terms of its usage, in terms of promotional, but just as competitive--

COMMISSIONER CUMBERBATCH: [interposing]
You mean entry level.

CHAIRPERSON MILLER: Yes, entry level.
Yes.

COMMISSIONER CUMBERBATCH: Entry level.
Yes. But is the question how it works or--

CHAIRPERSON MILLER: How it is-- Here's what I know. I know that agencies use it

1 differently, and then they use it more perhaps on
2 promotional exams than entry level. But we just
3 wanted to-- What we want to talk about is usage in
4 general from a DCAS perspective.
5

6 [background discussion]

7 COMMISSIONER CUMBERBATCH: So I guess.
8 I'm just sorry. We can go through how it works, and
9 how we intend to monitor the use of it going forward
10 with agencies. And how they're utilizing the list
11 when they utilize One in Three because we are an
12 oversight. So why don't we do that, and then we can
13 address any other issues afterwards.

14 DEPUTY COMMISSIONER PINNOCK: So
15 essentially in terms of the mechanics of One in
16 Three. Let's just start with any list, and that
17 means the first three individuals are considered for
18 that one slot. And so, what the One in Three allows
19 you to do is select at a minimum one of those three
20 candidates that is being considered. As you
21 mentioned, there are some cases where the job is
22 entry level, and if all three folks come in. If
23 there are three vacancies, the agency may decide to
24 appoint all three. But the One in Three requires
25 that of ever three individuals being considered for a

position that at least one will be selected. Those individuals who are not selected in that cluster are then considered not selected. But then, they are considered in the next cluster of three. In terms of making sure that agencies are applying One in Three consistently, our team and I actually adapted some guidelines and some expectations around how agencies should run hiring pools. Once again, to not take for granted that agency personnel officers, especially with the change in administration, that they are well aware of how the hiring pool should be conducted. So we drafted some guidelines specifically around that to really make clear what the expectation is around when someone is either considered or not selected, and how the disposition of our Civil Service list should be handled.

[Pause]

CHAIRPERSON MILLER: Some of the recommendations that you guys are using now or some of the guidelines that you have been presenting to those agencies that may differentiate from what you perceive to have been done in the past?

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COMMISSIONER CUMBERBATCH: No. I think what we can do is when those guidelines are finalized, we will certainly share a copy.

CHAIRPERSON MILLER: Okay, great. So in terms of consistency, there are agencies that may have an exam. Let's talk about a particular promotional exam, and they may fully exhaust that list. Historically, it has been done within some certain agencies, and in other agencies, they may go through a quarter of their list historically before they re-exam. What is your take? And do you have any impact, or is it exclusively up to the agency?

COMMISSIONER CUMBERBATCH: So remember, and we were talking about this earlier, whether it's an entry level or promotional the way a list is going to move is somewhat dependent on that agency's hiring need at the time. So even if a list is created-- Not created. Even if a list is certified, a promotional list is certified, unless the agency has those vacancies that opportunities to promote, it doesn't necessarily mean they're going to move through the whole promotional list. So that's the first cut. So I think it's nuanced depending on the agency what that list is, that promotional list what

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1 current vacancies exist to promote. And then we
2 would take it from there. I think what we're trying
3 to do going forward is play a more proactive-- It is
4 up to the agency's discretion in how they use the
5 list to hire and promote. But we as an oversight
6 want to make sure that they are administering and
7 utilizing that list fairly and in compliance with the
8 law.
9

10 CHAIRPERSON MILLER: So here's what I'm
11 saying--

12 COMMISSIONER CUMBERBATCH: [interposing]
13 Right.

14 CHAIRPERSON MILLER: --very specifically.
15 I know that there are agencies that may go through
16 all 450 folks, and they have done it consistently.
17 And if they don't make 450 on the list, they make
18 420. Then I know there are other agencies that go
19 historically through about a quarter of the list.
20 Perhaps they want to get the cream of the crop that
21 they perceive or whatever it is. But we're looking
22 for consistency. We are also looking for opportunity
23 to maintain the opportunity at the Civil Service.
24 And this particular process of checks and balances
25 that create opportunity remain in place that people

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1 take an exam, they qualify and that they have an
2 opportunity to be hired. But consistently throughout
3 the agencies across the board. So you're saying the
4 discretion is up to the agencies--

5
6 COMMISSIONER CUMBERBATCH: [interposing]
7 Right.

8 CHAIRPERSON MILLER: But at the end of
9 the day, is there some oversight that we look at them
10 and say why are you doing this? Why is there such a
11 difference, such a discrepancy between one agency and
12 the other?

13 COMMISSIONER CUMBERBATCH: You're saying
14 from the same promotional list or--?

15 CHAIRPERSON MILLER: [interposing] No,
16 no, not from the same promotional list. It's simply
17 for promotions in general.

18 COMMISSIONER CUMBERBATCH: So I mean, I
19 guess what I'm trying to get at, and let's just cut
20 to the chase. What I'm trying to get to is that an
21 agency may have-- Each agency may have a different
22 operational need, right, at a certain time, even
23 though they both have a promotional list. So there
24 might be a reason why one agency more quickly
25 exhausts a promotional list than another agency. And

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we have to look behind what those operational reasons are. But that's a separate question, I think, from whether or not an agency in some way is not complying with the law in terms of how they are utilizing the promotional list and utilizing the One in Three. So when I talk about our oversight, yes we want to look at how is that-- How did that promotional list move? Was the One in Three complied with? Were the people brought in considered not selected? Did they move the people that were not considered for the next cluster, et cetera, et cetera? And, if there is something behind them not moving the list quickly, or going through it, then that's the issue of well are there vacancies for promotions? Are they not promoting? Do they not need 30 people to promote in a particular time period because their operational needs don't dictate that? So I guess I'm trying to understand. I don't know if there could ever be consistency in terms of exhausting a promotional list across agencies just based on plain different operational needs. But, what I will say is we want to make sure that agencies in administering civil service and exercising their discretion on a list are complying with the law, being fair in the way they

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consider period. And we can do oversight because we have that analytics to look at on a regular basis what's going on with the list whether it's an entry level, or whether it's honestly a promotion.

CHAIRPERSON MILLER: [interposing] SO I can appreciate that. So now we have to kind of ensure that everyone is familiar with what that process is so that we can kind of go back and ensure that we have that oversight. Because what I would say to you-- Let me just finish this. Is that in the past in my other hat, I've seen it, and I would get questions all the time from varying agencies. And what I find is that there really is no consistency. Even to go back to what you said about provisionals and the need--

COMMISSIONER CUMBERBATCH: [interposing]
Right.

CHAIRPERSON MILLER: --for it, and basically, obviously it's always on a need base, right? You're not just going to create an exam for the sake of creating an exam. But now we have, for example, in the agency that gives an exam, that exhaust the exam before the exam expires. The current exam before it has been exhausted. One-third

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of it has been exhausted, and now they are currently
hiring from an exam that they're creating
provisionals because they haven't been certified?

COMMISSIONER CUMBERBATCH: Because they
didn't have a list in place.

CHAIRPERSON MILLER: There is no list in
place.

COMMISSIONER CUMBERBATCH: Right.

CHAIRPERSON MILLER: And they had a list
that was only one-third full, and they do that.

COMMISSIONER CUMBERBATCH: But it expired
with the-- because it was four-- it was the four-
year bracket.

CHAIRPERSON MILLER: That's right, that's
right.

COMMISSIONER CUMBERBATCH: That was part
of-- Well, we kind of are going full circle back to
the beginning of the conversation about trying to
forecast in a more realistic way what, really what
exams we should be giving, and where agencies are
really going to have a need to actually hire. So
that we're not just giving exams or certifying a list
and then a list could--

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CHAIRPERSON MILLER: [interposing] So if-

-

COMMISSIONER CUMBERBATCH: --expire

before many people are called off of it, et cetera.

I mean it's-- Some of it is science and going to be
driven by data. Some of it is going to be driven by
agencies, their business processes. They've got to
forecast more realistically.

CHAIRPERSON MILLER: So, I don't want to
belabor this, but there are unintended consequences
to this right?

COMMISSIONER CUMBERBATCH: [interposing]
Yeah.

CHAIRPERSON MILLER: People take exams
and, you know, they have certain commitments. They
expect them to enhance their quality of life--

COMMISSIONER CUMBERBATCH: [interposing]
Right.

CHAIRPERSON MILLER: --and then this
happens, right. And in some cases, you know, I've
had people come into this office, and they have been
disqualified from an exam, right. And upon appeal,
they have been put back onto the list, right. And

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then that list had been killed. And so this person
is just out of a job--

COMMISSIONER CUMBERBATCH: [interposing]
Right.

CHAIRPERSON MILLER: --and they should
have been promoted the first time around. And that
same agency are now hiring provisionals, and they had
plenty of opportunity to extend the list. And so,
when I talk about agency coordination, when I talk
about oversight, these are the type of things they
listen. You know, sometimes somebody's parents have
to watch the store because it is what it is. And I
understand that sometimes the resources are
unavailable to do that, but collectively with our
partners in labor and the Administration--

COMMISSIONER CUMBERBATCH: [interposing]
Right.

CHAIRPERSON MILLER: --and folks on all
sides of the table, we should be looking at these
things to ensure that people are able to avail
themselves of the opportunity. That they set that
yours and mine and all of our vision for what this
Civil Service System is about to ensure that it's
working in the way that it was intended to.

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COMMISSIONER CUMBERBATCH: Right. Well,
we wholeheartedly agree, and that is our intent.
That is what we, you know, plan for, and what we
intend to do. We want to make sure this system, the
Civil Service System is fair, and that when people
take an exam that there is some-- Obviously, there
is always some expectation. There should be an
expectation that look it's a fair process. A list
will be certified. I might be called of that list to
be hired by the City. So, you know, that is the goal
we're striving for. We are coming in with a history
of-- We have 800 Civil Service titles in the City.
We have to keep up with the need of the agencies.
We're trying to manage all of that while having
oversight. And really delving into the businesses of
all of our sister agencies that we provide support
to, to make sure that they are administering the
system fairly.

CHAIRPERSON MILLER: So, I just-- You
have so much to do. I just want to really, really
thank you guys for coming out, and taking time to
come in, and explain quite extensively. And some
might think not extensively enough. But I will
assure you that there is going to be further

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opportunity for the leadership in the room, along
with the leadership of DCAS to kind of get together,
and ensure that the system works, and works
appropriately to-- And I just want to again thank
you for coming out--

COMMISSIONER CUMBERBATCH: [interposing]

Thank you.

CHAIRPERSON MILLER: --and holding on
this panel, and you guys have been great. We look
forward to working with you in the future.

CHAIRPERSON KALLOS: Thank you as well.

COMMISSIONER CUMBERBATCH: Thank you.

CHAIRPERSON MILLER: The next panel.

Arthur Cheliotas from Local 1180 and also from the
Municipal Labor Council. From DC37, 375 Michelle
Keller, and Ralph Palladino from DC 37, and Joe Puleo
also from DC37.

[Pause]

CHAIRPERSON MILLER: Panel, just so that
you know, there is because of the time restraint,
there will be a clock. Do we have the number of time
on this.

MALE SPEAKER: [off mic]

CHAIRPERSON MILLER: Oh, two minutes.

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[Pause]

CHAIRPERSON MILLER: When you begin,
please identify yourself, and begin when you can.
You can start from left to right, whichever way you
want to start.

MALE SPEAKER: Let's start with Arthur.

ARTHUR CHELIOTES: Good morning. My name
is Arthur Cheliotas. I'm Chairman of the MLC Civil
Service Committee, and I have lengthy testimony,
which I will distribute. I will distribute it to
you, but I don't think time permits me to go through
it all. Let me just say in hearing the testimony,
the lengthy testimony that was given earlier and your
questions, one of the key parts we all need to
remember about the Civil Service System, is that it
is DCAS' responsibility to provide a pool of
qualified candidates for City agencies who need to
hire people to perform certain functions. This works
well in the uniform forces.

There are always pools of qualified
police officers to be hired, qualified firefighters,
correction officers and so on because there is an
emphasis put on holding regular examinations. This
does not seem to apply as well the civilian workforce

because there is a dearth of examinations.

Historically, there has been a dearth of examinations. Now, whether that's by design or just an economic issue, I think it requires historic perspective. I would just commend to this committee to read the Field [sic] Commission Report and the chapter on the chapter on Playing Ball with City Hall. That chapter deals with an operation went out of the basement of this very building by Joseph Di Vincenzo for the Cox Administration. It was a patronage mill where because there were so many provisions in the Cox Administration, they could appoint people based on political patronage, and not on fact merits, not on people being on ranked lists.

[bell] The solution that was offered in 1894 by Theodore Roosevelt, when Civil Service was established in New York State, was to deal with the corrupt political system that allowed for appointments based on political connections not merit and fitness. And what we see today is this Administration is making an attempt to try to correct that. But, a lot more needs to be done starting with the appointment of provisionals. The Commissioner spoke about the fact that it would hold an exam, and

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1 by the time that list is certified-- Or they would
2 hold an exam because of the provisional service. But
3 by the time that list is certified there are no
4 provisionals in those titles. It's because of what's
5 called the provisional merry-go-round. A certain
6 function exists in an agency. Let's say someone is a
7 supervisor of an operational unit, and he appointed
8 provisionally as a principal administrative
9 associate. Should a list appear, all of a sudden
10 that person in the same job is reclassified as a
11 community associate non-competitive. And, therefore,
12 the opportunity for a promotion for someone offered
13 the principal administrative associate vanishes. And
14 so what one sees is whatever lists are established,
15 wholesale reclassifications are going on in certain
16 agencies to evade using those lists. Another part of
17 what DCAS needs to do is to review when those
18 provisional appointments are made to make sure that
19 the classification for the function is appropriate.
20 And then hold them to it when an exam is issued.

22 CHAIRPERSON MILLER: Arthur, could you
23 wrap up, and then we'll go into--

24 ARTHUR CHELIOTES: [interposing] Okay.

25 CHAIRPERSON MILLER: --questions as well.

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ARTHUR CHELIOTES: The other thing that is important is that we have to know Deputy Mayor and the DCAS Commissioner are. [sic] If in that meeting there is a commitment for us to consult and to meet to discuss broader-- the Civil Service issues. We have yet to have those meetings. One is coming up later this month, but what I've heard so far from the Commissioner is that they have completed doing their work, and asked for us to review what they've done. If they want this to work, we've got to be in there at the development stage. So that the needs workers are known are dealt with, and that we go through the process jointly together to resolve broader issues. And those are some of the things that I think are paramount here, and I apologize for taking longer than I expected. But I have further testimony on unique issues to Local 1180, but I'm wearing my MLC hat right now. So I'll leave it at that. Thank you very much.

CHAIRPERSON MILLER: You have that opportunity have that opportunity as well.

JOE PULEO: Thank you. Good afternoon. My name Joe Puleo. I'm President of Local 983. I represent approximate 3,000 City workers in ten

1 different titles. Since I've been in office and
2 while I was in my prior position as Vice President, I
3 noticed a decline within the last 15 years of Civil
4 Service. I've seen the number of members we have
5 declined rapidly. Although I represent ten titles,
6 I've seen dramatic changes in the Urban Park Ranger
7 and Associate Urban Park Ranger. Most of these
8 people that are Urban Park Rangers due to attrition
9 are provisional employees. Although the tests come
10 out, they do not have the ability to call off the
11 list. The Motor Vehicle operators we've had four
12 examinations, four open exams out there, and they
13 still haven't called. They still haven't called
14 people off those lists. So the point I'm trying to
15 make is we do not have the amount of people that we
16 need to fill these vacancies, but we still keep
17 having these examinations over and over again.

18
19 I liked your presentation, Chair Miller,
20 when you talked about Civil Service and how things
21 were over 150 years ago, Tammany Hall when corruption
22 was widespread. And actually Civil Service goes back
23 2,000 years before that in China, and they had a
24 similar situation. You know, rampant corruption,
25 cronyism, nepotism, and this is what happens when you

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1 don't enforce Civil Service Law. You know, they
2 creep in. You get these private contractors doing
3 the work that civil servants are supposed to do.
4 [bell] People get positions because of who they know
5 as opposed to how well they could score on the
6 examination.
7

8 CHAIRPERSON MILLER: Thank you, Joe.

9 MICHELLE KELLER: Good afternoon. My
10 name is Michelle Keller. I'm the First Vice
11 President of Local 375 here at DC 37. We are the
12 Civil Service Technical Guild. Greetings from Claude
13 Fort, President. We are 7,000 engineers, architects,
14 professional and scientific titles with
15 certifications, licensure, and advanced degrees.
16 Good afternoon, Chairman Miller and Chairman Kallos.
17 Thank you so much for having us. To the DCAS
18 Commissioner, who is here with all her officials and
19 to our community stakeholders. Clean up of this over
20 300-year-old Civil Service System couldn't come at a
21 better time. I mean hopeful. There is a dignity in
22 work. This system must be transparent, user-
23 friendly, efficient, expedient, and fair. Our
24 members pay good money between promotional and open
25 competitive exams for a process that they believe in.

Examinations must be thought out, relevant and processed swiftly. The delay of fair, timely, and translucent examinations breeds skepticism, doubt and distrust. On the shop floor, members chew up each other competitively giving up protective rights just to be in the good grace of management. If you are favored, you rise up. If you are disfavored, you are thrown out. More often than not, management isn't even knowledgeable of the system itself.

In another brilliant move, the City decided to consolidate titles to eliminate examinations. While on the face of things it sounds great, it merely buys you into an occupational group at a step one entry, and then you die. Why? Discretion has been given to management to promote to the level 2 or the level 3 or the level 4 positioning. But what ensures that the manager works fair and equitably? Records show that our members across the city in level 1 positions are pooling. That's our women. That our minorities. That's the bottom positions. Not even using or minimum to maximum salary scales to reward good work. [bell]

Coming into the system at level 1 and retiring at the same place. Where is our progress?

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1 What is Civil Service really about? At the same
2 time, managers come and go. Privatization allows for
3 a shadow government doing our work, and for
4 provisionals who sit forever in a space specifically
5 designated for our Civil Service tested and
6 approved.
7

8 Be careful on the non-competitive quick
9 fix. No written examinations where you have
10 credentials. But it's very important that our
11 current workers be grandfathered in, offered the
12 respect of their internal knowledge. This has a
13 value and alert. Subject matter experts must include
14 union partners. We do the work. We service
15 community safely and physically responsibly. Our
16 tradition of Civil Service is sacred. It's precious
17 and it ensures the diversity and inclusiveness. We
18 will fight hard to keep it, reserving it for our
19 young workers now and well into the future. Thank
20 you for letting me speak to you today. Thanks for
21 the attention. I remain hopeful.

22 CHAIRPERSON MILLER: Thank you, Madam
23 Vice President.

24 RALPH PALLADINO: Good day. I'm Ralph
25 Palladino, Clerical Administrative Union Local 1549,

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1 and Council 37. Eddie Rodriguez is our President. I
2 would like to thank both Council Members Miller and
3 Kallos for holding these hearings as well as the
4 Speaker Mark-Viverito. What was described in what
5 you just heard is pretty much what is going on with
6 the Clerical Administrative employees. I will tell
7 you that the former administration had a managed top-
8 down corporate management viewpoint of how to do
9 things. Do as I say, and that's exactly what they
10 want to do. That's what they wanted to do, and they
11 followed through with do as I say. No cooperation
12 with the unions at all or any of the employees. So
13 the Provisional Plan that they had was very simple:
14 Get rid of the provisionals, okay, and what you do is
15 you hire office temps from private agencies making
16 practically nothing with no benefits.

17
18 And it's a perpetuation of wage slavery
19 that the City should never do. And that includes the
20 Health and Hospitals Corporation, which for some
21 reason with all the public money they have, there is
22 no oversight. There is no oversight or control of
23 HHC anywhere that we can find. They said they have
24 made contracts with the State Controller. So, with
25 that is we have 400, over 400 temps doing our work in

1 HIC, for instance. And it is something that should
2 not happen. And what they do is they fire them after
3 six months. Then they hire them again. It's a shell
4 game. In other agencies and HHC we have the same
5 problem with non-competitive titles being used to
6 shelter friends who are provisional, who are
7 clerical, administrative people. Or, maybe some
8 people who are really good, or people who didn't
9 bother to take a test, and it numbers into the
10 thousands.
11

12 And that goes hand-in-hand with the issue
13 of civilization. Because even though [bell] there
14 are civil servants, civilization is about replacing
15 people that are supposed to be doing the work that
16 other people are supposed to be doing including civil
17 service. And all of that also is a waste of money
18 because most of these titles are higher paid, and
19 civilization is the worst part of it. Sanitation
20 where we have that kind of thing. Collections. None
21 of that is being corrected In the Police Department,
22 they're starting it. Thank you, City Council for
23 that. More needs to be done, and the recommendations
24 are there on the Addendum I have there are also the
25

titles and agencies. And we want to meet with you more.

CHAIRPERSON MILLER: Thank you so much.

Let me just say that in the interest of time, we're going to move the panels along. But for those who remain in the room, we're going to get you here. And for my colleagues that are here, obviously no one values the leadership that sits at this table now that-- No one values the system more than I do. Obviously, I'm a product of the system, and I've had some real opportunities that allowed me to be here. And I'm honored to chair this Committee of Civil Service and Labor. And that being said, we need this voice. We need your voices to ensure that this system remains vibrant, that it continues to provide the opportunities to young people and community that sustain this city. It is so, so important.

We are going to get to the bottom of this. This is only one of three, right. And so we talked about the Provisional. We spent a lot of time on that, but the real Human Capital jobs-- You know, when I came in, I could not believe the demise of the system because in the MTA we dealt with the State. We didn't deal with that past administration. We

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1 looked at the numbers, and those are jobs. Those are
2 communities that are impacted. And so collective
3 with the folks at DCAS sitting down at the table,
4 we're going to figure out how do we bring this one
5 back into prominence to provide the goods and
6 services and the jobs that we all deserve. Arthur,
7 you had something to say. Yep.

9 ARTHUR CHELIOTES: We also need to
10 understand that the Civil Service isn't there to
11 protect the workers. It's there to ensure that the
12 government gets qualified people to do the work, and
13 to instill confidence in the people that the
14 government is functioning on their behalf. And give
15 everyone the opportunity to hold a government job
16 based on what they know and not who they know. And
17 that's the key, and if that's lost, then it becomes
18 just a big corrupt political system.

19 CHAIRPERSON MILLER: Thank you.

20 CHAIRPERSON KALLOS: I would like to just
21 echo that. I think that at this table you've got two
22 of the Chairs who care most about this. I'm after
23 corruption anywhere I can find it. We're after
24 patronage anywhere we can find it. We've spent the
25 past couple of months reading [sic] up on any agency

1 where we're finding it. And any place we can find
2 more civil services and more merit-based selection
3 the better. It shouldn't be about who you know. It
4 should be about what you know. And my only quick
5 question is *On the Merits*, can we watch this online?
6 Or, how can people who are watching this online or
7 reading the transcript learn about *On the Merits*,
8 *Patronage and Politics and Civil Service in New York*
9 City narrated by Ed Asner?
10

11 ARTHUR CHELIOTES: Right. That was a
12 video we put together when we fought to have the
13 largest group of minority women promoted into
14 managerial ranks in City government. That was
15 against the Cox Administration, and the corruption
16 that was going on in the basement of City Hall
17 blocked their opportunities. And we had to go to
18 court to force them to do it. That's a half hour
19 video that explains that, and it's available at our
20 website, cwa1180.org.

21 CHAIRPERSON KALLOS: And I would love to
22 host this screening with my Co-Chair of this for
23 anyone who is--

24 ARTHUR CHELIOTES: [interposing] We've
25 done it a few times.

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CHAIRPERSON KALLOS: --interested in
watching it.

ARTHUR CHELIOTES: We'd be happy to do it
again.

CHAIRPERSON KALLOS: Thank you.

ARTHUR CHELIOTES: And please share that
with the other council members.

CHAIRPERSON MILLER: Thank you to the
members of the panel, and we'll call our next panel.
Thank you so much for coming. Bob Grogan.

MALE SPEAKER: [off mic]

CHAIRPERSON MILLER: Tom DiGiorno,
Marlena Giga, and Vincent Variale and I butchered any
names, forgive me.

[Pause]

CHAIRPERSON MILLER: When you start your
testimony, please start by giving your name.

[Pause]

VINCENT VARIALE: Good afternoon,
Committee Chairman Daneek Miller and distinguished
members of the New York City Council. My name is
Vincent Variale, and I'm President of Local 3621,
Uniform EMS Officers Union representing 500 EMS
lieutenants and captains of the New York City Fire

1 Department. I thank you for this opportunity to
2 testify here today. EMS Bureau of the FDNY has an
3 abundance of contingency plans that address many
4 emergency scenarios. However, the ability of the EMS
5 command to adequately implement these contingencies
6 have historically been severely lacking. In the
7 past, I have testified with regard to the chaos that
8 was in response to Hurricane Sandy. I have also
9 previously testified about the ongoing response to
10 blizzards and heat waves, yet the inherent difficulty
11 in implementing these disaster plans remains ignored
12 and unaltered by the EMS Command.

14 New York City provides Civil Service
15 agencies such as the Police Department and Fire
16 Suppression to maintain several officer ranks that
17 require a civil service test for competency. These
18 officers because of the Civil Service status can
19 manage in ways that provide the most benefit to the
20 community without fear of reprisal. In EMS, the rank
21 of lieutenant is the first and only Civil Service
22 rank. All other EMS officer titles such as Captain,
23 Deputy Chief, and Division Chief are chose by the
24 good old boys club. There is no competency exam or
25 Civil Service protection for these titles.

Therefore, these officers have their decision-making ability impaired by fear of reprisal or retaliation. The constant trepidation is a good incentive to maintain the status quo, even if maintaining the status quo endangers the lives of EMS and the public.

The resolution to correct the systemic institutionalized command failures is to promulgate Civil Service testing for all ranks in the FDNY EMS. This will ensure that only the most qualified personnel are promoted to positions of authority, and then the decisions can be based on a given situation, and not the hope of a promotion. The promulgation of a Civil Service exam will provide a clearly [bell] delineated command structure from Incident Command C to Overall Command Operations, which will ensure a safer city with an efficient and competent EMS command. I thank you, and we are available for any questions you may have.

CHAIRPERSON KALLOS: Thank you. Next.

MARLENA GIGA: My name is Marlena Giga, and I represent Local 983 members. In my prior title with the City I was a Park Enforcement Officer. And I had the opportunity to actually go out with one of the DCAS representative to establish a Civil Service

1 exam for the officers. Although I believe all
2 personnel deserve to be Civil Serviced, there are
3 flaws in the system. I have seen good employees lose
4 their job, and also not get promoted based on the One
5 in Three Rule. Also, many people feel that Civil
6 Service exams are just moneymakers for the City.
7 There are ways that many titles in the Local that I
8 represent, Local 983, that have not had a Civil
9 Service exam in over five years. Also, in my title
10 as an AUPR, there was no promotional Civil Service
11 exam. It is a dead end. We need restructuring of
12 many titles for supervisors. I also believe that
13 candidates off an eligible list should be informed of
14 how many positions are available once the list is
15 established. This data should be relayed to DCAS
16 because you can have 300 people take a test, and
17 there are only five positions available. It should
18 be ideal to know ahead of time because if the person
19 feels they don't have a chance, they don't have to
20 waste their money taking the exam. Thank you.

21
22 CHAIRPERSON KALLOS: Thank you for your
23 great testimony. Next.

24 BENJAMIN MCCLOUD: Good afternoon. I'm
25 Benjamin McCloud. I'm a Shop Steward and Executive

1 Board Member at the Local 983. I work for the New
2 York City Housing Authority, and I do remember a few
3 things about the-- What do they call it? Shorthand.
4 Okay. [laughs] Now, when I came to the Housing
5 Authority, there were 26 motor vehicle operators.
6 Right now, we are operating the same task with ten.
7 It's impossible to do the same job. They're not
8 hiring and they're-- Oh, I should have brought my
9 notes, huh? I'm just stuttering here. I'm a little
10 bit nervous. Forgive me. But they're not hiring us,
11 and we're being scrutinized constantly because we
12 cannot perform the same task that we did ten years
13 ago. Someone has to look into this. Okay. So this
14 is why I am here. Please look into this situation.
15 I know that the Housing Authority is not a Merrill
16 [sic] Agency, and we do not fall up under the
17 citywide contract. We fall under an agreement. Yet,
18 still we are still under DCAS. We are hired from
19 DCAS, and right now they are farming out our work to
20 caretakers who did not take that test. So we're
21 being deleted as I speak. Thank you.

23 CHAIRPERSON KALLOS: Thank you for
24 joining us. We would love to, myself and the Civil
25 Service Chair and perhaps the Public Housing Chair we

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would love to meet with you and your brothers and sisters to dig deeper into the issues. Understand what's going on, and work with you to get to the bottom of it.

HENRY IRIZARY: Hi, my name is Henry Irizary. I'm a 983 Board Member. Also a Shop Steward. I've been fighting to try to get us some help. Since 2009, we've lost 21 people. We're down to 18 people. I work for the Administration of Children Services. Now, we have so many different tasks I mean from driving Deputy Commissioners, from doing this. Everything but the kids, and we can't handle it all. It's just too much. We've been trying to get some Civil Service workers. The lists come out. Three lists have come out. The supervisors list has come out. They've hired one person. Now, they have other people working. They hired a car service, Zipcar and all these other things, but we have to go to the Federal, the State and the City with fingerprints and everything else because we carry kids that are raped, kids that are hurt. Parents we go with the police. You know, we really get into some dangerous situations. And they hire a car service to do the same job we have. And

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1 we're wondering-- I don't know how many guys they
2 have, maybe 50 guys, and those are Civil Service
3 jobs, you know. And no one is looking into it. They
4 keep cutting. Even our phones were cut. We have
5 radios now. You know, it's just cut, cut, cut and we
6 don't know what else to do. We need help, and we do
7 the five boroughs. We do ships. We go to the jails.
8 We go to you name it. We're all over the place,
9 there are only 18 of us left. So, I'm hoping that--
10 And thank you guys for being here because it's
11 wonderful to hear about a Committee for DCAS because
12 we need help. And we've gone to meetings, we've
13 spoken to Commissioners, we've spoken to them and it
14 just goes in one ear, and the next day it's forgotten
15 about. Maybe with you guys we can get some help.
16 [bell] Thank you very much.

18 CHAIRPERSON KALLOS: Thank you.

19 VINCENT VARIALE: We would just like to
20 add in response to what Councilwoman Crowley who
21 testified earlier or actually asked the question
22 earlier about what occurred during Hurricane Sandy.
23 This is really a public emergency. During Hurricane
24 Sandy we had a station on fire, and the station was
25 on fire on the dock by South Street Seaport. We have

1 a station there. I don't know why it wasn't
2 evacuated. But the chief that was there was afraid
3 to make a decision because if she would have made a
4 decision that didn't agree with the man in the Ivory
5 Tower--
6

7 CHAIRPERSON KALLOS: [interposing] Right.

8 VINCENT VARIALE: --she would no longer
9 be a chief. She would be demoted. It took the
10 Lieutenants who were there-- The station was on
11 fire, and it was taking on water from the East River.
12 The Lieutenants who were there grabbed her, tied her
13 down to a chair, carried her out of the station and
14 evacuated the building and everybody else in there
15 and carried them out. Because they are the only
16 Civil Service protected rank, and told the Chief, I'm
17 defying your orders. We're going to die here. We're
18 leaving. And this is very serious. It happens
19 everyday in the streets where the Lieutenant has to
20 take on the slack because he knows he's got some
21 protection to where he can plead his case if he's
22 found that he didn't follow orders directly. But
23 Chiefs, Deputy Chiefs, Captains and Chiefs, they
24 don't have that same protection. And it has happened
25 where a Chief making-- I don't know what the

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salaries are, \$80,000 a year, gets demoted and loses half his salary because he didn't agree with what was being ordered to him on the front line. This is a very serious situation and it endangers the lives of a lot of New Yorkers. I think you for your time.

CHAIRPERSON MILLER: We thank you and to speak to some of this. We've got to move on. We've got to call the next panel, but that's the purpose of the hearing. And a lot of things that we talked about are going to be in hearing two and three. What is the reason for the demise, right? What is the reason for the diminishing workforce, the privatization and all that. We're going to ask all those questions. That's why you guys are here, and I thank you so much.

So I would like to call Dick Dadey from Citizens Union; Jeffrey Croft, New York City Parks Advocate; and Henry Kazballas. [sic]

[background conversation]

CHAIRPERSON MILLER: Henry are you her? Okay. John Medina, Joseph Mipa [sic] and Ann Valdez.

CHAIRPERSON KALLOS: Is there anyone else waiting to give testimony that has not submitted a car or is not already called?

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[background conversation]

CHAIRPERSON KALLOS: I want to just
welcome Citizens Union. It would not be a Gov Ops
sharing without Citizens Union. They are literally
at every single hearing we've had. So, Dick if you
don't mind opening for us, it would be great.

DICK DADEY: Sure. All right. Well,
Good afternoon, Chair Kallos and Chair Miller and
members of the Governmental Operations and Civil
Service and Labor Committees. My name is Dick Dadey,
I'm the Executive Director Citizens Union, a non-
partisan good governance dedicated to making
Democracy work for all New Yorkers. The issue of
Civil Service is one that is very close to Citizens
Union's history and mission. We were founded in 1897
in response to the corruption, and nepotism in
Tammany Hall promoting Civil Service reform and good
governance. As a result of the work of Citizens
Union and many other stakeholders, the New York City
Civil Service System was developed to overcome
patronage and corruption that threaten the efficiency
and openness of city government and its ability to
meet the needs of its City employees.

But over time, conflict has grown about the best way to execute the goals of the system and to balance of the needs of the stakeholders.

Citizens Union in 1976 released a report that made recommendations about how to improve and update the Civil Service System. Looking forward to today, many of the issues to be addressed cited by the 1976 report remain, and in noting the report for Mayor Bloomberg back in 2010.

Citizens Union last exam in the Civil Service System in 2011 and 2012 when we commissioned an exhausted report from the NYU Capstone Program. The report focused on several important areas of Civil Service and the City's workforce, governance, hiring and exams, job classifications, workforce management, and teacher performance and layoffs. And in the testimony we lay out some of our summary subjects as well as the recommendations that are in this report. They do not yet represent any recommendations forming from Citizens Union, but really are issues to be discussed. And it's great that this committee is taking this on.

In terms of governance, the Civil Service System is a complicated patchwork of players and laws

with checks and balances embedded in. In terms of hiring and exams, exams are the pathway in to Civil Service competitive positions. And the goal of the exams is to ensure the merit-based hiring of the City's employees. Concerns include ensuring that the exams accurately measure scales and aptitudes and do not disparately impact people of different races or demographic backgrounds. [bell]

You will see in 3, 4, and 5 some of our other observations and recommendations, but I think that that's a good start. We also have copies of the report that we issued back in 2012 that lay out many of these issues in great detail. And some of the issues that should be considered, and recommendations to be made. Thank you.

[Pause]

GEOFFREY CROFT: Good afternoon. My name is Geoffrey Croft, President of New York City Park Advocates. Today, I would like to direct my comments on this very important subject to one area of Civil Service. Parks. Perhaps there is no greater example of the diminishment of the Civil Service System than in the Parks Department. Once comprised of literally tens of thousands of employees, the rank within the

1 agency have been reduced to a skeleton sized
2 workforce. The impacts have obviously been
3 tremendous across a broad spectrum of services. Over
4 the last 40 years no other City agency has lost a
5 great percentage of its workforce that the Parks
6 Department. The City continues to try to advocate
7 its responsibilities by entering into public-private
8 agreements that officials are not only allowing, but
9 actively encouraging.
10

11 They are increasingly resorting to these
12 pay-to-play funding schemes. This welfare mentality
13 has to stop. Perhaps one of the more disturbing
14 results of this misguided policy is that these deals
15 hand over enormous power and decision-making
16 authority to these groups with little transparency
17 and accountability on what is supposed to be public
18 land. The City now routinely contracts services out
19 in the form of business improvement districts and so-
20 called public-private partnerships. The maintenance
21 and security of many of our parks is now increasingly
22 being done by non-City workers. But it doesn't just
23 end there. The City is allowing entire parks to be
24 managed by private citizens and in what has become
25 the norm, the hiring of outside consultants for a

variety of park work such as construction engineers and architects, which, by the way, costs the city taxpayers more. Make no mistake. This has had a tremendous impact not only on a number of City workers but on morale. The City has taken outsourcing to an entirely different level when it comes to managing our public parks and open spaces. The temporary budgets now do not allow for the permanent filling in long vacant positions. Instead, they hire provisionals. Thereby, circumventing the Civil Service System. These deals weaken communities and make it easy for the next encroachment. But they also allow the very people whose job it is to properly fund and protect our public spaces off the hook. The City has also allowed certain politically connected so-called public-private partnerships to illegally divert concession money from the City's general fund. We're talking about hundreds of millions of dollars, and the impacts don't just end there. [bell] The policy of allowing public parks in more affluent areas to be funded by private donations while most other languish due to a lack of public funds has further compounded the equity problem. It has created a widely disparate park system marked by

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1 separate and decidedly unequal facilities. As most
2 people are acutely aware, our park system is vastly
3 under-funded. And although these are citywide
4 problems that affect virtually every segment of the
5 population, it is no secret that the poorest most
6 under-served communities count a disproportionate
7 number of those most severe issues. Each year--

9 CHAIRPERSON KALLOS: I'd like you to wrap
10 it up, please.

11 GEOFFREY CROFT: Sure. Each year our
12 elected officials allocated approximately one-third
13 of the funds required to properly operate our public
14 parks. One-third. [bell] In closing, we need our
15 elected officials set to allocate the proper
16 resources for our parks. It's what the public pays
17 for. And, until communities and elected officials
18 begin to stand together and demand more
19 accountability, the public can expect more of the
20 same. Our public workforce being further depleted
21 with little accountability while the public suffers.
22 Thank you.

23 CHAIRPERSON KALLOS: Thank you for your
24 testimony. I want to take a moment to welcome
25 Annabel Des from Community Voices Heard. I still

1 remember my interview there during the 2013 cycle,
2 and she was one of the toughest interviewers where I
3 learned a lot. And I'm looking forward to learning
4 even more right now.
5

6 [Pause]

7 ANN VALDEZ: Thank you very much. It was
8 a pleasure to meet you as well, and I like putting
9 people on the hot seat. Okay, my testimony
10 originally says good morning, but now it's good
11 afternoon. Good afternoon Council Members Miller and
12 Kallos. My name is Ann Valdez. I'm a leader at
13 Community Voices Heard. Thank you so very much for
14 having this hearing. [crying] This is a ray of
15 sunshine on the path of this Administration and
16 Council. I am here today to speak on an unjust
17 situation, which has affected me and tens of
18 thousands of other New Yorkers. It is a practice
19 that has gone on for more than 12 years. I was on
20 public assistance for many years.

21 I am able to get a clerical job with this
22 great city. It was not because of my intelligence,
23 nor was it due to my lack of effort. I applied for
24 many Civil Service exams. I took the most recent
25 exam. I think it was in 2008, and remained on a list

hoping to be called. For quite a few years that list did not move in our last administration. When I received not one but two notices to interview, I was ecstatic and began to cry. [crying] The tears were from thinking I begun my path out of poverty for my son who had turned 16 yesterday and myself. This was in April, which was bittersweet because it also was two years since losing my mother. I thought all positive thoughts. [bell]

I was hired in the Taxi and Limousine Commission. While working there for a brief three months, I came across a puzzling fact. There were employees who were there for many years working in positions that should have been Civil Service requiring a test, but many had taken no test. I was called off of a list, and after taking a test and was told that my job was lifting boxes weighing an average of 40 pounds to the room files as requested, and shipping files downtown to be Beaver Street. I found it strange that a candidate would have to take a Civil Service test to do that. Yet, employees handing personal documents belonging to the people applying for TLC licenses didn't require a test. Just simply applying online, coming in for an

1 interview and being hired especially if you already
2 knew someone.

3
4 I was very disheartened, but due to this
5 very strenuous work, which made it very hard to move
6 quickly led to me being threatened to be fired. Then
7 finally forced to resign. That list was only in
8 effect until August. This all happened in July.

9 I've been looking for employment, and don't want to
10 go back on public assistance again. These non-Civil
11 Service employees were not formerly on assistance.
12 If they had been, the case as with many provisionals
13 in thee past, then maybe it would be understanding
14 with the requirement of a test being taken and
15 passed, but this practice was not. This was an
16 intentional deception of many people who took tests
17 and waited.

18 This is because the titles were made up
19 such as Community Associate, which is a non-Civil
20 Service. And the correct Civil Service title is
21 Clerical Aid and/or Community Associate. Please help
22 to correct this role so my brothers and sisters on
23 assistance can have their path out of poverty. There
24 needs to be fairness and clarity on how to get hired
25 and advancement. Fairness to all who have worked for

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many years, and for those who have been waiting for a
call from a list are important. As well as WEP
workers who have been working and being promised to
be hired. Thank you for you opening this area of
concern to be able to make it more transparent and
know to all.

CHAIRPERSON KALLOS: Thank you for
sharing you story, and your passionate testimony and
leadership.

JOSEPH MIPA: Yes, my name is Joseph Mipa
[sic], and I'm also from Community Voices Heard, the
Welfare Workforce Campaign. My testimony is
submitted so I'm going to make this brief. The
redressing of the abuses of the previous
administration are many and varied. Thank you so
much for beginning a process, which you have begun
today. One of the things that I would like to put
out to DCAS who was here earlier, is that at the
present time over 1,000 WEP workers are employed by
DCAS. I'm not employed in a position with these
guys, with DCAS. And one of the things I was worried
about Chairman Miller at the previous meeting of the
Employment Commission--

When HRA Commissioner Steven Banks presented his plan, and when he was pressed in reference to a timetable was what is going to be done with these workers? One of the things that has been coming up in terms of DCAS and other City organizations have to begin to modify their budgets. Or, look at how it is they're going to use their workforce in order to comply with the Resolution, which the City Council passed. And so, I thank you for beginning this process, and this is an extension of that. And we see, and we are willing to-- we are willing and we are able and want to sit up at the table with the different commissioners in terms of a plan that effectively resolves this problem. Thank you.

[Pause]

JOHN MEDINA: Good afternoon Council Members Miller and Kallos for holding this hearing. My name is John Medina. I'm a board member of Community Voices Heard. We appreciate the questions you asked at the first hearing with the HRA Commissioner Banks. Community Voices Heard appreciates the de Blasio Administration, HRA Commissioner Banks for announcing the phasing out of

the Work Experience Program. The Civil Service System needs some major work. Trying to balance all of the different priorities would be challenging. Community Voice Heard appreciates the Council's support of ending unpaid labor of the Work Experience Program.

We want to be sure that WEP is replaced with jobs with a paycheck and access to education and training. DCAS has a role in that because thousands of people are doing or have done Work Experience Program in the City agencies. Many of the WEP workers want to be hired, but have been promised to be hired and many have taken Civil Service tests. We want to be sure that WEP workers are getting their due credit for the work they have done, and that should be taken into account in the determination of hiring. The Commissioners will soon be sending their proposed budget for next year. They've been informed to phase out WEP, and hopefully an alternative either full-time positions or a transitional job with a Work to Hire would be included.

Community Voices Heard again is thankful for the transparency into this area that you, Council Miller and Kallos. And wants to be helpful in

determining the new structure of rules and pathways to careers. Everyone deserves a paycheck for work, and all job seekers deserve to be treated fairly and with dignity. And in this particular area, I would like to mention to you, Council Member Miller that [bell] I am concerned because I'm a Vet of the Wounded Project. I've got a lot of men and women who are coming back home from Afghanistan soon. We do not want to be lost in getting represented as has myself. Rather than taking the Civil Service Test, which many don't want to be taking, and not be stuck in the position or never being called. Thank you.

CHAIRPERSON KALLOS: Thank you.

CHAIRPERSON MILLER: Thank you to the members of the panel for your testimony and the advocates, and let me say again that this was the first of a series of hearings that examine the Civil Service System, the viability and its diminishment. And as we seek to bring it back to its full prominence. So I thank everyone for coming out. We are very short on time. The next hearing is set to begin a few moments ago. So with that, I am going to thank everyone for coming out. I look forward to you participating in part two. So thank you, and I--

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CHAIRPERSON KALLOS: I just want to say
thank you, and a special acknowledgement to Community
Voices Heard for participatory budgeting and for
steering \$23 million into hands of community members
throughout the city.

CHAIRPERSON MILLER: Thank you, and for
all those who participated thank you once again, and
this hearing is now adjourned. [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 22, 2014