



**NEW YORK CITY COUNCIL
COMMITTEES ON CIVIL SERVICE & LABOR
AND GOVERNMENTAL OPERATIONS**

**TESTIMONY BY STACEY CUMBERBATCH,
COMMISSIONER AND DAWN M. PINNOCK,
DEPUTY COMMISSIONER, DEPARTMENT OF
CITYWIDE ADMINISTRATIVE SERVICES**

NOVEMBER 19, 2014

Good morning Chair Miller, Chair Kallos, and members of the Civil Service & Labor Committee and the Governmental Operations Committee. I am Stacey Cumberbatch, Commissioner of the Department of Citywide Administrative Services (DCAS) and I am joined today by my colleagues, Suzanne Lynn, General Counsel, Dawn Pinnock, Deputy Commissioner of Human Capital, and Fenimore Fisher, Deputy Commissioner for Citywide Diversity and Equal Employment Opportunity.

Overview

Thank you for this opportunity to discuss DCAS's 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, "We will 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 the people." Under this administration's agenda, equity and inclusion are at the forefront as we administer the civil service system. This is a new DCAS and we are working with agencies, labor unions, as well as the State Civil Service Commission to provide the most critical resources needed to serve our municipal employees – present and future. They are our greatest asset.



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I will provide for you 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 Service is 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 (NYCAPS); **Learning & 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 exams, processes reinstatements to City service and restorations to civil service lists, and maintains the official personnel 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 examinations development and validation.

The work performed within the Bureaus of Examinations and Civil Service Administration to support and comply with civil service law are the focal points of today’s testimony. This work is complemented by DCAS’s Citywide Diversity and Equal Employment Opportunity (CDEEO) Line of Service, which leads our diversity and inclusion initiatives. The two lines of service collaborate



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closely to provide joint guidance to Agency Personnel and EEO Officers in areas such as:
recruitment, personnel development, workforce planning, and workplace leadership training.

CDEEO conducts regular analyses of the City's workforce with a focus on the demographic composition at individual agencies by job group, trends in hiring, promotion, separation, and areas of underutilization relative to available candidate pools.

And now, in order to provide a clearer picture of where the City currently stands with respect to City employees serving provisionally, I'd like to briefly provide some history on the Long Beach decision and its impact on civil service administration.

Long Beach

The May 2007 decision of the New York State Court of Appeals in *City of Long Beach v. Civil Service Employees Association* (most 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 the municipal labor unions, worked with the Governor's Office and State Legislature to amend the Civil Service Law – Section 65(5), allowing the City to come up with a plan to bring the City into substantial compliance with the ruling. The Provisional Reduction Plan



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was approved by the New York State Civil Service Commission and became effective in October 2008.

Provisional Reduction Plan

Over the last six years, the City has dramatically reduced its provisional headcount, from 37,797 to 22,954 as of October 31st. 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 Aide. Today, the total number of provisionals in these clerical titles is *five*. We have had similar successes with social service titles such as Child Protective Specialist, Eligibility Specialist, and Job 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 with the New York State Civil Service Commission (SCSC), drafted in a spirit of collaboration with various external stakeholders.



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The Plan Extension primarily addresses two areas:

1. The administration of an additional 37 exams over the next two years, which increases our annual exam schedule for 2015 to approximately 104 exams. The administration of these exams will provide an opportunity for approximately 7,000 provisional employees to earn permanent status.
2. Possible reclassification of a number of civil service titles, affecting up to 1,600 provisional employees.

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

.....

Thank you Commissioner Cumberbatch. I am Dawn Pinnock, Deputy Commissioner for Human Capital. As Commissioner Cumberbatch testified, our Plan Extension focuses on two key areas.

Plan Extension Strategy #1 – Exams

When devising our examinations 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



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an effort to foster better communication with the agencies, we shared the proposed exam schedule and solicited input. The final 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 Repairer and Riveter.

Additional strategies include the use of selective 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 language(s) fluently. We are also looking to broaden the use of civil service lists to include titles with similar duties and qualifications. Broadening the use of civil service lists creates 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 Exams team, a testing and validation expert will be holding trainings in the coming months. These efforts to develop staff within the Exams 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.



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Plan Extension Strategy #2 – Classification

The second component of the plan, reclassification, provides us with an opportunity to appropriately streamline our title structure to a manageable number of competitive class titles for which we can 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 titles should be competitively tested for, consolidated or 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 our classification strategy. Under the original Provisional Reduction Plan, the last administration submitted significant, wholesale reclassification proposals. With our adoption of a more nuanced business model, and with Commissioner Cumberbatch's support, we've 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.



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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 drive provisional numbers downward.

This month, we began sending Deputy Mayors a report 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 service lists and requiring them to submit plans to address the 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.

Efficiency

First, I'd 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 a 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 credits.



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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 as 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 the 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 (OLEE) scoring program, which allows candidates to complete their test online and receive instant feedback not only on their 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



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complete the examination process more quickly. We have given 25 exams in the OLEE 2.0 format, with a 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 (OASys) 24 hours a day, seven days per week during open filing periods. We recently expanded functionality in this system to allow for scheduling of certain exams, and will continue to broaden this application.

Greater accessibility to civil service exams is also achieved through our operation of two Computerized Testing and Applications Centers (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 the existing locations. A total of 250,739 candidates have been tested at the CTACs since they opened in December 2007.



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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 Agency Personnel Officers that covers all aspects of the examinations 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 communication 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 examinations schedule.

Our biennial 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.



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Conclusion

I'd like to close by thanking the Committees for the opportunity to testify today about DCAS's role in the administration of the City's municipal civil service system.

We believe that DCAS's proposed plan, our ongoing work to reduce provisionals and to improve service delivery 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 Committee members.

Testimony
New York City Council
Joint Hearing of Labor and Civil Service, and Governmental Operations Committees
November 19, 2014

By
Ralph Palladino, DC 37 Local 1549 Clerical-Administrative Employees

This testimony is about the continued erosion of the use of Clerical-Administrative civil service titles by the last city administration. The issues of excessive use of under paid private temps and Welfare Experience Program (WEP) workers who also receive no benefits, the lack of civilianization in all of the uniformed agencies and the city using non-competitive titles to replace civil service ones all threaten the civil service system. It serves to reduce quality of work and service while costing tax payers more.

Some progress has been made in correcting some of these issues by the new administration. Much more needs to be done.

Civil Service System is about, protection, merit and fitness

The Civil Service system was instituted to protect the public. The hallmarks of Civil Service universally are fairness, protection against corruption, and quality of services. Recruitment should be on the basis of merit by open, competitive examinations. Promotion would be on the basis of merit not on the grounds of 'preferment, patronage or purchase'.

New York has a "1 in 3 Rule" whereby management only had to hire one of three candidates for a position. This gives management an opportunity to hire someone who they believe to be the best for a position. Department of City Wide Administrative Services (DCAS) establishes titles, determines job descriptions, qualifications, and pay commensurate with the duties of a title. Except for the strict use of the "1 in 3 Rule" it is all very fair.

Prior administration tried gutting the system

The prior city administration for 12 years was run by people who did not believe in civil service, or job protections for employees. They saw the system as an obstacle to their top down, corporate viewpoint of "do as I say" and "You have no rights that we are bound to respect." They hired high paid consultants and others to perform routine tasks performed by civil service titles earning much less money. It was all under the guise of hiring "professionals" and enhancing productivity.

In fact what it led to is one scandal after another, from City Time to the FDNY/NYPD 911 fiasco, whereby the public's tax dollars were used to line the pockets of privateers and create useless systems. It also led to a layer of highly paid, \$100,000 or more a year, in consultant contracts. This is nothing more than another type of "permanent government" running parallel with the Civil Service System. More often than not these were "friends of friends" in high places. More often than not our members though tell us that these "experts" rarely knew what they were talking about or doing in their positions.

This is about "management's rights" as far as they were concerned. We all agree that, unfortunately, management has a right to mismanage. But when it comes to government it is the tax payers' money that is wasted and services reduced.

The prior administration tried to gut the civil service commission and circumvent work rules by trying to "reform" the system through the state Civil Service Commission. It was rightfully challenged and defeated.

Non-Competitive titles replacing civil service

What they could not get using the legal process though they then began doing under the table. In the clerical-administrative area they began to use more non civil service "non-competitive" titles to perform the work of civil service clerical titles. The vast majority of the time these titles are higher paid though the job duties stayed virtually the same.

They fired thousands of provisionals, nearly 2,000 clerical employees in conforming to the Long Beach Decision. This court decision meant provisional employees could no longer work beyond the six months prescribed by law. Among those provisionals were hundreds who either never bothered to take a civil service test or took tests and failed. Management though decided to keep some by just changing their titles to higher ones without changing their duties. This way they were able to circumvent the Civil Service system and also meant tax payers were paying more for the same work performed as before. Basically this is called a "wasteful government spending" at its worse.

These converted employees were chosen by managers, not the merit system. This a now continuous and dangerous trend in city government.

This also has the effect of allowing thousands of qualified people who played by the rules and took tests to die on civil service lists rather than being called. Those who died on the lists also paid a test fee for the privilege.

Local 1549 as documented what agencies continue to do this practice and the titles they use. These titles either have no clerical duties or very little emphasis on clerical work in their job descriptions. Please see the last page addendum for a listing.

Use of office private contractors and WEP workers subverts civil service

The prior administration was perpetuating the low-wage poverty wage system of employment by expanding the use of the private temporary agency contracts. The contractors line their pockets with profits while the workers receive low pay, no benefits and so the companies that hire them are being subsidized doubly by tax payers. Once on the cost of the contract and sub-contracts. The other thanks to the use of Medicaid. The workers receive next to nothing while performing the same work as regular employees.

One of the worse perpetrators of this low wage system is HHC. There are over 400 private temp workers currently being used at HHC. That is roughly 10% of the workforce performing clerical duties. Some of the individuals have been working for years at the same job. HHC gets around the six month limit by technically firing those workers and then rehiring them the next day.

There are no employees in the title of Interpreter working in city agencies or the HHC. There are people currently on an old list that has yet to moved. Virtually all of the jobs of interpreters are being done by private vendors by use of phone lines or volunteers. Experts say and the New York Immigration Coalition's study confirms that interpreter services are better performed by people sitting face to face. There are more than 20 such contracts with the city.

The King Contract at DOITT is another example of overpaying for less. King performs work other than that for the city using the same employees and equipment when they are should be performing work for the city.

There is very little oversight of the work performed by these agency workers, or WEP workers. How do managers measure the work performance of a WEP and private temp workers or control time and leave problems?

This overused of the WEP and contract system is robbing city neighborhoods of decent paying jobs with benefits. WEP is not real job creation.

These programs just fortify the view of our city as having one of the widest of income gaps in the world. They really don't lead to decent full time jobs.

Civilianization is contrary to Civil Service

The use of higher paid able bodied uniformed personnel performing routine clerical-administrative duties is a continual problem. In the NYPD the number is 750, at the Department of Corrections the numbers vary in estimate from 200 to 300, in Sanitation the number is 59.

These uniformed employees did not take a clerical civil service test, pass and then by hired after an interview. This is not paying employees' salaries commensurate with their duties. It is smacks of cronyism and a patronage system. It is unfair to those New Yorkers who are on civil service lists for those positions and the uniformed employees who are working in title.

Thanking the City Administration

Local 1549 thanks the new city administration for beginning to correct some of the abuses of the civil service system outlined in this testimony. Much more needs to be done.

The recently negotiated collective bargaining agreement between DC 37 and the city allows for a fairer review of appeals of the 1 in 3 rule. The city and city council came to a budget agreement for the civilianization of 200 positions as a starter in the NYPD. The Commissioner of HRA announced the ending of the hiring of private temps in that agency. The city has also proposed extending the period of elimination of provisional employees and to provide more tests. This is welcomed. Since we believe that current provisional employees be provided all the tools necessary in order to become civil service and to keep their jobs. We also welcome the decision to eliminate the job requirement for WEP recipients.

WHAT WE SUGGEST SHOULD BE DONE

- That clerical-administrative work be performed by clerical-administrative civil servants and that the use of non-competitive job titles cease being used to perform this work.
- That civilianization of the NYPD be done expeditiously. There is a current list for clerical titles currently in effect that can be drawn from. We support the hiring of more uniformed officers in the NYPD but believe civilianization should come first.
- That civilianization of the Departments of Correction and Sanitation begin immediately. There is civil service list for Correction Aide currently out.
- That private temporary agency contracting be eliminated except for short term needs as it should be.
- That DCAS issue to all agencies Personnel Service Bulletins that the hiring and use of titles and employees not performing the functions and duties of a particular title, especially civil service title should be discouraged. That all employees in their particular title perform only the duties required in their job descriptions.
- That there be more frequency of civil service testing for Clerical-Administrative titles.

These reforms that we suggest will help to increase the productivity of the workforce, increase employee morale, help end cronyism and favoritism, and will help end waste of government resources and tax payers dollars. We stand ready to work with you on these and other creative ideas to enhance city services and the Civil Service System.

Thank you Chairmen Councilmen Miller and Kallos and Speaker Mark-Viverito for allowing and listening to this testimony.

ADDENDUM

Agencies using Non-Competitive titles to perform Clerical-Administrative Duties.

HHC (most hospitals)
ACS;
Consumer Affairs;
DOHMH;
DOT;
HASA;
MISCA;
HPD;
TLC;
OATH;
OCSE;
DEP;
NYFD;
Department of Aging
Department of Buildings

Non-competitive titles currently being used to perform routine clerical work.

Assistant Coordinating Manager
Community Associates
Community Liaisons
Community Assistants
Community Aides
Healthcare Program Planner Analyst
Clinical Dietetic Technician
Nurse
Bio Medical Equipment Technician
Patient Care Associate
Patient Care Technician
Service Aide



UNIFORMED EMERGENCY MEDICAL SERVICE OFFICERS UNION, FDNY

Local 3621, DC-37, AFSCME, NYSPEC, EMSLA, AFL-CIO

President

Vincent A. Variale

This is the testimony of Vincent Variale before the New York City Council Civil Service and Labor Committee Hearing on November 19, 2014.

Vice President

Michael A. Talletti

Secretary Treasurer

Manny Ramos

Recording Secretary

Bonnie Regan

Good Morning, Committee Chairman Daneek Miller and distinguished members of the New York City Council. My name is Vincent Variale and I am President of Local 3621, The Uniformed EMS Officers Union representing 500 EMS Lieutenants and Captains of the New York City Fire Department. I thank you for this opportunity to testify here today.

Executive Board

Joseph McWilliams

William Rich

Jose Gonzalez

Eric Fay

Frank Borello

The EMS Bureau of the FDNY has an abundance of contingency plans that address many emergency scenarios. However, the ability of the EMS Command to adequately implement these contingencies has historically been severely lacking.

Trustees

John Carrerio

Steven Goldstein

Shari Landsberg

In the past I have testified with regard to the chaos that was the response to Hurricane Sandy. I have also previously testified about the ongoing response to blizzards and heat waves, yet the inherent difficulty in implementing these disaster plans remains ignored and unaltered by the EMS Command.

UEMSOU Delegates

Lawrence Difiore

Michael Kaiser

David Burke

Craig Wing

Shari Landsberg

Gary Miller

Steven Goldstein

Ralph Mustillo

New York City provides civil service agencies such as police department and fire suppression to maintain several officer ranks that require a civil service test for competency. These officers because of their civil service status can manage in ways that provide the most benefit to the community without fear of reprisal.

In EMS the rank of Lieutenant is the first and only civil service rank. All other EMS officer titles such as Captain, Deputy Chief and Division Chief are chosen by the "good old boys club". There is no competency exam or 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 good incentive to maintain the status quo, even if maintaining the status quo endangers the lives of EMS providers and the public.

Administrative Staff

Andy Perez

Alison D'Angelone

Jack Schaefer

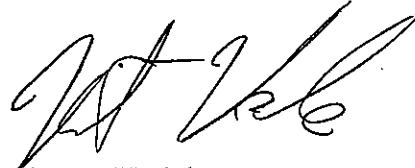
DC-37 Representative

Tracey Ziemba

The resolution to correct the systemic institutionalized command failures is to promulgate civil service testing for all ranks in FDNY EMS. This will insure that only the most qualified personal are promoted to positions of authority and then their decisions can be based on a given situation and not the hope of a promotion.

The promulgation of civil service exam will provide a clearly delineated command structure from incident command scene to overall command operations which will insure a safer city through an efficient and competent EMS Command.

Thank you.

A handwritten signature in black ink, appearing to read 'V. Variale', with a stylized, cursive script.

Vincent Variale



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the New York City Council Committees on
Governmental Operations and Civil Service and Labor
Re: Citizens Union's Historic View on Civil Service Reform and New Opportunities for Reform
November 19, 2014

Good morning, Chair Kallos, Chair Miller, and members of the Governmental Operations and Civil Service and Labor committees. My name is Dick Dadey, and I am the Executive Director of Citizens Union, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. We serve as a civic watchdog, combating corruption and fighting for political reform.

The issue of civil service is one that is very close to Citizens Union's history and mission. Citizens Union was 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 threatened the efficiency and openness of city governance and its ability to meet the needs of citizens. In the early part of the 20th century, we championed a merit based hiring system for city employees. But over time, conflict has grown about the best way to execute the goals of the system, and to balance the needs of 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 were noted in a report from Mayor Bloomberg's Workforce Reform Task Force.¹ While the Task Force's report covered a lot of important issues, it notably did not include the viewpoints of union representatives.

Citizens Union's last examined the civil service system in 2011-2012, when we commissioned an exhaustive report from the NYU Wagner Capstone Program. The resulting report, *"Tensions, Trends and Trade-offs: Recommendations Toward an Equitable, Efficient and Effective New York City Civil Service System"*² (hereafter referred to as "the report") is submitted with this testimony for the record.

The report focused on several important areas of civil service and the city's workforce:

1. governance;
2. hiring and exams;
3. job classifications;
4. workforce management, including performance evaluations and discipline; and
5. teacher performance and layoffs.

¹ Workforce Task Force, Mayor Bloomberg. Report and Recommendations. January 7, 2011. Available at: http://www.nyc.gov/html/om/pdf/2011/pr008-11_report.pdf

² Citizens Union NYU Capstone Report, April 2012. Available at: http://www.citizensunion.org/www/cu/site/hosting/Reports/CU_CapstoneReport_CivilServiceReform.pdf

Citizens Union has not taken on any new positions or updated its point of view on civil service reform to reflect current needs and dynamics, but believes that a needed public discussion should occur with all stakeholders involved – taxpayers, management and city employees.

I will highlight some of the issues raised in the report below for each topic area, following by items for the council to consider in terms of possible reform areas.

1. Governance

The civil service system is a complicated patchwork of players and laws, with checks and balances embedded in. As a result, reform efforts are often stalled by complicated politics, and limited resources has often meant that there are clashes between management and labor as equity and efficiency are attempted to be balanced.

Some potential recommendations and topic areas examined in the report regarding governance were:

- The possible use of Labor-Management Committees, which have been effectively utilized in other jurisdictions, to resolve difficult areas such as job title management, workforce morale, test validation, and arbitration;
- Improving the civil service oversight system to address delays from the state, such as developing a system where the state is notified of changes and can overrule, but is not required to give approval; and
- The ability of the Department of Citywide Administrative Services (DCAS) to pilot new programs, and generally increasing the amount of resources it is provided to perform its duties.

2. Hiring and Exams

Exams are the pathway into civil service competitive positions, and the goal of exams is to ensure the merit-based hiring of the city's employees. Other concerns include ensuring that exams accurately measure skills and aptitudes, and do not disparately impact people of different races or demographic backgrounds.

The efficiency of exams is also of concern: are they given frequently enough? Are their significant delays between the taking of exams, and potential hire dates? The development, administration and scoring of exams is an area worthy of further exploring by the Council.

Some potential recommendations and topic areas examined in the report regarding hiring and exams were:

- The possible use of Labor-Management Committees to revisit the test validation board process;
- Providing more resources to DCAS for exam development;
- Increasing the use of technology to facilitate easier access and administration of exams;
- Implementing band scoring; and
- Possibly continuing the use of Education & Experience exams and increasing the use of Selective Certification.

3. Job Classifications

There are over 1,000 job titles in the system, which makes it difficult to administer exams, and infrequent exams has led to a reduction in the ability for the city to hire talent in a flexible manner. Additionally, the report found that managers often do not have needed clarity regarding their authority to manage those they supervise. Another issue is the large number of provisional employees in positions that could potentially be for current city employees, and the lack of affording provisional employees the opportunity to receive union rights.

Some potential recommendations and topic areas examined in the report regarding job classifications were:

- Increasing the amount of training provided to managers and supervisors
- The possible use of Labor-Management Committees to address broadbanding and the consolidation of titles;
- Developing new criteria regarding overtime pay for “unofficial” managers to reduce expenses;
- Developing education and experience exams for all provisional employees and training managers to encourage provisional employees to take exams; and
- Imposing more rigid rules for outsourcing employees and making temporary appointments.

4. Workforce Management

The efficacy of the city’s performance evaluations are an area of concern, as they are more often linked to discipline than to professional development. Another concern is the inability to test for specialized skills, and the limited number of open competitive exams for mid to senior level managers. Discipline is also an area in need of reform.

Some potential recommendations and topic areas examined in the report regarding workforce management were:

- Changing the culture around evaluations to make them more meaningful, such as conducting an independent survey of managers and non-managers, and making employee appraisals more related to “development” rather than criticism where there is goal setting;
- Considering pay-for-performance only with due diligence;
- Using Assessment Centers for promotions to managerial positions;
- The city establishing objective standards for promotions jointly with unions;
- Increasing the number of open competitive exams;
- Collectively bargaining longer probationary periods;
- Possibly creating a Labor-Management Committee to address streamlining arbitrations; and
- Piloting “mutual matching” for displaced workers to new positions based on managers’ and workers’ choices.

5. Teacher Performance and Layoffs

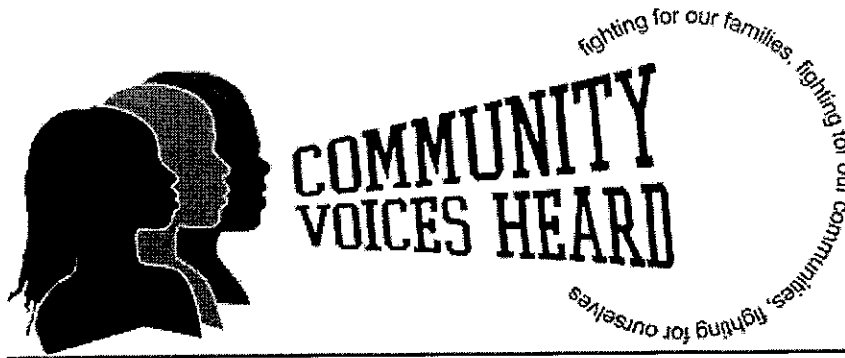
The last area that the report examined separately was teacher performance and layoffs. While the economic climate has changed regarding layoffs, there has been considerable debate regarding teacher evaluations and the tensions between seniority, performance and equity.

Some potential recommendations and topic areas examined in the report regarding teacher performance and layoffs were:

- Possibly reducing the weight of student performance in teacher evaluations;
- Incorporating peer review teams or independent objective educators into the evaluation process;
- Increasing focus on retention within the debate around layoffs by conducting a study of the relationship between retention, morale, job security, and the current pink slip procedures; and
- Possibly emulating recent policies from Los Angeles and San Francisco to shield low-income schools from layoffs.

For all of these important areas, the report found that a citywide dialogue on these issues is important so that there is common ground for all parties to collaborate and make appropriate changes to benefit workers, management, and New York's taxpayers.

I thank you for holding this hearing today regarding the city's civil service system, and welcome any questions you may have.



www.CVHaction.org

**Testimony for Hearing with Civil Service and Labor and Governmental Operations
Committee November 19, 2014**

Good morning. Thank you Council Member Miller and Kallos for holding this hearing today. My name is John Medina and I am a Board member of Community Voices Heard. Council Member Miller, Community Voices Heard appreciated the questions you asked at the October 1st hearing with HRA Commissioner Banks. CVH appreciates the DeBlasio administration HRA Commissioner Banks for announcing the phasing out of Work Experience Program.

The civil service system needs some major work. Trying to balance all the different priorities will be challenging.

CVH 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 and have done WEP in city agencies. Many of the WEP workers want to be hired or have been promised to be hired and many have taken civil service tests.

CVH wants to be sure the WEP workers are given their due credit for the work they have done and that should be taken into account in the determination of hiring.

There are almost 1,000 WEP workers in DCAS alone and a plan for transitional jobs subsidized employment could be a pathway to hiring into the positions formerly done by WEP workers. The Commissioners will soon be sending their proposed budget for next year. It will be important that the phasing out of WEP and hopefully an alternative either full time positions or a transitional job with a pathway to hire will be included.

CVH again is thankful for the transparency into this area and wants to be helpful in determining the new structure or rules and pathways to careers. Everyone deserves a paycheck for work and all job seekers deserve to be treated fairly and with dignity.

New York City (main office)	Westchester County	Orange County	Dutchess County
115 East 106th St., 3rd Floor New York, NY 10029 Tel: 212-860-6001 Fax: 212-996-9481	28 N Broadway, 2nd Floor Yonkers, NY 10701 Tel: 914-751-2641 Fax: 914-751-2642	98 Grand Street Basement Level Newburgh, NY 12550 Tel: 845-562-2020 Fax: 845-562-2030	29 North Hamilton St., Suite L03 Poughkeepsie, NY 12601 Tel: 845-790-5945 Fax: 845-790-5946



www.CVHaction.org

**Testimony for Civil Service and Labor and Governmental Operations Committee
Hearing November 19, 2014**

Good morning Council Member Miller and Kallos. My name is Ann Valdez. I am a leader of Community Voices Heard. Thank you so very much for having this hearing which is a ray of sunshine on the part of this new council and administration. I am here today to speak on an unjust situation which has affected me and tens of thousands of other New Yorkers. It is a practice that has gone on for more than 12 years.

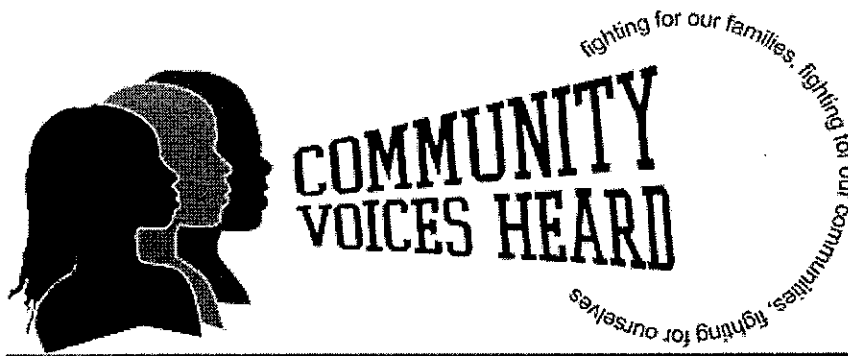
I was on public assistance for many years unable to get a clerical job in this great city. It was not because of my intelligence nor was it due to lack of effort. I applied for many civil service exams. I took the most recent exam in 2008 and remained on a list hoping to be called. For quite a few years 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. The tears were from thinking I had begun on my path out of poverty for my son who happens to have turned 16 yesterday and myself. This was in April which was bittersweet because it was two years since losing my mother. I thought all positive thoughts.

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 be civil service, requiring a test, yet many had taken no test. I was called off of a list after taking a test and was told that my job was lifting boxes weighing an average of forty pounds, deliver files as requested and shipping files downtown to Beaver St. I found it strange that a candidate would have to take a civil service test to do that yet employees handling personal documents belonging to the people applying for T.L.C. licenses didn't require a test. Just simply applying online, coming in for an interview and being hired especially if you already knew someone. I was very disheartened that due to this very strenuous work which made it very hard to move quickly led to my being threatened to be fired then finally forced to resign. That list was only in effect until August. This all happened in July. I've been looking for employment and don't want to go back on public assistance again.

These non-civil service employees were not formerly on assistance. If this had been the case as with many provisionals in the past then maybe this would be understandable with a requirement of a test being taken and passed but this practice was not. This was intentional deception of many people who took tests and waited. This is because the titles were made up such as Community Associate which is non-civil service and the correct civil service title is clerical aide and or clerical associate. Please help to correct this wrong so my brothers and sisters on assistance can have their path out of poverty.

There needs to be fairness and clarity on how to get hired and advancement. Fairness to all who have worked for 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 opening this area of concern to be able to make it more transparent and known to all.



www.CVHaction.org

**Testimony for Civil Service and Labor and Governmental Operations Committee Hearing
November 19, 2014**

Good morning, on behalf of all New Yorkers who are seeking an opportunity to support themselves and their family by making an honest living and contributing to the greater good of society, I want to say thank you for conducting this Hearing.

My name is Joseph Mpa and as a member of the Community Voices Heard Welfare and Workforce Campaign I would like to commend the Committees on Civil Service and Labor and Governmental Operations for the chance to gain insight on the current status of Civil Service employment in the city. We are most interested in the relationship between this and the relationship to the Employment Plan put forth by HRA.

CVH is thankful to the DeBlasio Administration for proposing changes to the HRA Employment system and to the City Council for passing Resolution 257A-2014 supporting the prohibiting of WEP in New York.

Civil Service has been an established gateway to secure employment and access to the middle class. Low income New Yorkers have long cherished the chance to cross this threshold in what was originally designed as a fair and equitable means for all qualified persons without fear of prejudice or discrimination to compete on a level field. The slow almost systematic maneuvers of the previous administrations have left the system in a less than pristine manner. Add to the problem of the City's Workforce the laying off (downsizing) of Union Workers and replacing them with HRA Work Experience Program participants (unpaid labor) and an administration unwilling to sit at the table and negotiate in good faith with Unions, and you have the Bloomberg Stew. This is a meal consisting of no meat, no vegetables, no nutrients and no taste.

DCAS at the present time has over 1,000 WEP workers and will be a key player in bringing the employment practices of the City in line with the wishes of the Council. It is an agency that with HRA helps to set the tone and can go a long way towards helping to change the overall perception of the City's place in the conversation of Income Inequality. As the Civil Service and Labor picture starts to become clearer, we look forward to being able to count on a responsive fair employment environment that breathes hope in to the lungs of the poor and those discouraged by the current job picture. What most people will clearly tell you is "All I want is a fair chance to work hard and provide a better life for my family. Just please give me a chance." We are pleased that this conversation has started and want to be helpful in moving forward to eliminate poverty in New York.

New York City (main office)	Westchester County	Orange County	Dutchess County
115 East 106th St., 3rd Floor New York, NY 10029 Tel: 212-860-6001 Fax: 212-996-9481	28 N Broadway, 2nd Floor Yonkers, NY 10701 Tel: 914-751-2641 Fax: 914-751-2642	98 Grand Street Basement Level Newburgh, NY 12550 Tel: 845-562-2020 Fax: 845-562-2030	29 North Hamilton St., Suite L03 Poughkeepsie, NY 12601 Tel: 845-790-5945 Fax: 845-790-5946

Testimony of Arthur Cheliotas, Chair
Of the
Municipal Labor Committee's
Civil Service Committee

New York City Council Joint Committee Hearing on
"Examining the Diminishment of
The Civil Service System"

November 19, 2014

My name is Arthur Cheliotis, I am the chair of the Municipal Labor Committee's Civil Service Committee. The MLC represents 300,000 New York City workers in 99 unions throughout the City. These hardworking New York City employees work in a wide range of titles doing different jobs in a variety of fields. The MLC has been grappling with how to redirect the destructive trajectory on which the Civil Service System has been traveling.

Previous administrations have ignored important aspects of Civil Service Law and have empowered those in charge to implement their own policies; policies that allowed for favoritism and corruption. Unfortunately some of those policies are still in place today and have yet to be corrected by the new administration. We have great respect for the new administration and are hopeful and confident that they will begin to fix what previous administrations have broken. The way the Civil Service System has been rigged will deprive all New Yorkers of a transparent and accountable process for getting middle class jobs that require skilled and talented people to deliver vital public services. Over a century ago, Theodore Roosevelt championed Civil Service as a way to stop the spoils system and end the political clubhouse hiring of political hacks that corrupted government. Most New Yorkers who want a functioning government know what Teddy Roosevelt knew about human nature and that absolute power corrupts absolutely. These truths are eternal. It is not something that changes with the times or goes out of style. It is the nature of power. One of the purposes of government is to provide checks and balances on that power.

For over 30 years, the city chose to ignore the Civil Service mandate championed by Theodore Roosevelt but a court ruling on provisional appointments known as the Long Beach Decision forced the City to follow the law. Former Mayor Bloomberg and all state and local officials were ordered by New York's highest court to stop their willful defiance of the Civil Service Law. The City asked for and received a five-year grace period from the state legislature to complete the transition of testing and finding qualified candidates to fill provisional appointments and minimize any disruption in services to the public. They received funding from the state legislature to help meet the deadline. As required by the legislation the City submitted a plan in 2008 to the State's Civil Service Commission for approval. City unions opposed many aspects of the City's plan which included the reclassification of many competitive titles and functions to the non-competitive and exempt class and the creation of hundreds of non-competitive executive assistants whose only real qualification was their 'compatibility with the executive'. The New York State Civil Service Commission conducted hearings where testimony was submitted by unions and other interested parties citing legal and constitutional violations in the City's plan. The NYS Civil Service Commission expressed concerns and responded with questions to the City. Some were answered but others remain unanswered because we believe they were and remain indefensible. The Commission's failure to approve the proposal led to further attempts on the part of the Bloomberg administration to remove the City from the Commission's jurisdiction.

The new administration has asked for and received an extension of the grace period from the state legislature to implement the requirements of the Long Beach Decision. The new administration has met with the Chairman of the MLC, Harry Nespoli and I regarding our concerns with their proposed plan, specifically regarding the reclassification of positions from the competitive to the non-competitive and exempt class and the consolidation of titles. We are pleased with the City's plan to address the issue of 8,666 provisionals still serving through exam administration for 7,044 of these provisionals serving. What remains a concern is what will happen with the 1,622 serving in 389 titles the City identified that are currently competitive, but had less than 20 employees serving Citywide. The MLC has strong objections to the reclassification of these competitive class titles to the non-competitive and exempt class. While MLC Chairman Harry Nespoli and I met with the first deputy mayor and commissioners of DCAS and the OLR, we were assured that they would be consulting with unions regarding these reclassifications. As of today a follow up meeting to address these 389 titles has yet to be scheduled. We also made it clear that the City for far too long treats city workers as an expense item in the budget rather than an asset to be invested in. The City must develop a comprehensive personnel management system that follows the Civil Service Law and includes unions, the OLR and DCAS in developing and training the city's workforce to deliver public services and compensate workers fairly.

We believe it is the new administration's legal and moral responsibility to correct the abuses of its predecessors. Democratic government is owned by all of us, every citizen equally based on one person one vote not one dollar one vote. Decisions on hiring and promotions must be made in the interest of everyone according to rules that are transparent and objective. Thanks to Teddy Roosevelt, getting a job in government is based on merit and fitness and determined competitively through examinations. A universal concept we learned as children competing for grades, class ranking and college placement. Civil Service is an example of American exceptionalism, a process that offers everyone a fair chance at the American dream.

Beyond the plan to remove provisional appointments the MLC Civil Service Committee has requested a meeting with the DCAS Commissioner which is scheduled for later this month. In the agenda is affirmation that the examinations that civil servants take are the cornerstone of this system. Ranking candidates based on test scores protects against favoritism and creates an objective list of whom to hire and in which order. Interference with this system leaves the door open for abuse. Examinations that result in groups with the same score and do not produce a ranked list are a back door to band scoring. Band scoring violates the intent of the law of creating ranked lists. We believe the 1 in 3 rule offers too much discretion that can lead to abuse. While it is often ignored by those who oppose ranked lists the final examination of every Civil Service test is the probationary period which finally determines the ability of the candidate to perform the duties required for the position.

After an examination is given, applicants can protest their scores by checking their answers to the exam against the answer key. There are times when the answer keys

are not published. The ability to review the answer key and file a manifest error appeal is severely hampered because of this limitation of access. This complicates the procedure of protesting scores. The answer keys and the scores should be published simultaneously so that protest procedure is protected.

If an applicant fails his/her exam, the City sends out emails notifying applicants that they have failed and are therefore disqualified from promotion. If for whatever reason, the applicant does not see the email, they are then unaware that they have been disqualified and the statute of limitations runs out for contesting the result. A simple remedy to this would be that a letter be sent in addition to the email to ensure that information is received in a timely fashion. We should cover all of our bases when communicating with our applicants.

Seasonal civil service titles face additional obstacles to the exams. There appears to be no uniform criteria regarding when or how seasonal titles mature into permanent status. Some titles start as seasonal until they mature over time into permanent status but it is not done for all titles. Criteria must be created to determine how seasonal titles mature into permanent status.

Additionally, we have reports that DCAS is doing surveys of the work performed by titles such as Gasoline Roller Engineer, Tractor Operator and Motor Grader Operator. Following such surveys, new employees are hired based on the duties found ignoring current job descriptions for these titles. If the job has changed the job description should reflect the change and the union given the opportunity to determine the practical impact and pursue its right under the Collective Bargaining Law.

Previous administrations have prevented the Civil Service System from functioning efficiently in several ways and across sectors. In the building trades, DCAS has created their own job descriptions. For example DCAS created the title Maintenance Person. This position includes duties which must be done by licensed electricians. This position and any other where DCAS creates regarding licensed trades, violate the New York City Building Code.

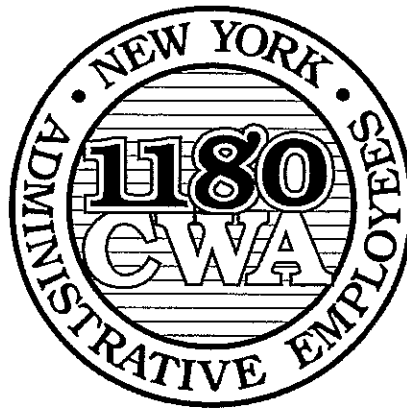
For mechanics, nothing in the duties of supervisor of mechanics or lower mechanics titles currently require a Class A Towing Endorsement and no one currently in the title performs work that would require such a license. Yet in the exam notice, DCAS has created a selective certification for the title in the Department of Transportation for individuals who have a Class A Towing Endorsement. Such an endorsement qualifies individuals to operate a tractor trailer tow truck. There is a problem with this because lower mechanic titles are not required to have a Class A Towing Endorsement and supervisors do not tow. In doing this, DCAS has created a barrier for mechanics by insisting upon an unnecessary requirement.

In order to ensure that Civil Service examinations test for the skills and knowledge required for the position, it has been the long standing practice to utilize permanent incumbents in the title to validate the relevance of the tests to the actual work performed. They help examiners prepare and design the test. This practice started many years ago in response to substantiated claims that some questions used on tests were irrelevant to the job and served as barriers to certain racial and cultural groups by lowering their scores. One example was testing for vocabulary definitions of words that were never used in the work performed but better suited for a college level literature course. It has come to our attention that there is a proposal to end this validation process and prepare the new test question format for the FDNY Captains examination without the historic input from the FDNY Captains who have been doing the work for decades. FDNY is recognized for being on the cutting edge of firefighting techniques in the nation. The diverse nature of New York City ranging from its skyscrapers to mature woodlands makes it a unique firefighting environment where those currently doing the job can best prepare examinations. Therefore not including current FDNY Captains in the process of examining future FDNY Captains renders any examination prepared by others suspect to manipulation and digresses from the standard of testing for merit and fitness mandate of the NY State Constitution.

We also understand that there is a proposal to prepare a new scoring procedure for the FDNY Captains examination where as many as 30 questions can be discarded. This amount of discretion and latitude can easily lead to abuse and corruption. DCAS has never stated what the criteria to discard a question will be. Or what the rights of the candidates are to appeal the decision to reject a question. At the MLC, we believe that if a question is relevant to the duties of an FDNY Captain it should be scored. If a question is not scored, it should not be on the test.

We hope that the DCAS Commissioner and the entire administration will take on the task of rectifying these blatant abuses of the past. Appointing city workers through competitive examinations that measure merit and fitness continues to be as necessary today, as it was in 1894 when the New York State Constitutional merit and fitness mandate was established. In that spirit we are ready to work with DCAS to help correct these broken policies and implement new policies that invest in city workers and offer them the opportunity through the Civil Service System to develop the skills and talents needed to deliver vital public services in the ever-changing world of work.

Testimony of
Arthur Cheliotas, President
New York Administrative Employees
Communications Workers of America, AFL-CIO
Local 1180



New York City Council Joint Committee Hearing on
"Examining the Diminishment of
The Civil Service System"

November 19, 2014

Good morning, my name is Arthur Cheliotis, President of New York Administrative Employees Local 1180 of the Communications Workers of America, AFL-CIO representing over 8,500 hardworking New York City employees. The members of Local 1180 have dedicated their lives serving the people of our city by providing vital public services. Nearly all the members competed through the Civil Service System which found them qualified to hold the positions they have today based on merit and fitness. They aspire through hard work and dedication to move up the ranks by providing high quality services, earning the proper credentials and academic degrees and preparing for promotional examinations to pursue the career path set by the Civil Service System.

Members of Local 1180 who earned the title at the top of their occupational group are called Administrative Managers. They followed the rules, overcame the barriers and earned their status based on merit and fitness. However, instead of the City respecting their hard work and rewarding them accordingly, the City has disregarded and exploited these workers for decades because of a system of institutionalized discrimination and fraud.

In order to understand the predicament 1180's members are in today, a brief history of the Administrative Manager title is needed. This history dates back to 1954, the beginning of the current Career and Salary Plan. The titles Administrative Assistant, Administrative Associate, Senior Administrative Assistant and Administrative Manager replaced Clerks Grade 4 and 5 of the old classification system. Following the reclassification of Clerk Grade 4 & 5 to the titles listed above, the forerunner to CWA Local 1180, the Municipal Management Society was established and sought to be recognized for purposes of collective bargaining. With the help of the Communications Workers of America, Local 1180 was formed in 1965. Although many objected, the city refused to allow Administrative Managers to join the union and placed them in the Managerial Pay Plan (MPP). The Board of Collective Bargaining acknowledged they were not doing managerial work but refused to split up the title as managerial and non-managerial and the OCB decision no. 26-76 kept them all as managerial. In the decision, the M-1 minimum of the MPP would, with the increase due in 1976, start at \$22,243. That minimum when you account for the cost of living would be \$83,865.49 in 2009.

In 1978 broad-banding and consolidation began, it consolidated the Administrative Assistant, Administrative Associate, Senior Administrative Assistant titles into one new title Principal Administrative Associate with three assignment levels. The Principal Administrative Associate title was the equivalent of a the Senior Administrative Assistant and those in the titles of Administrative Assistant and Administrative Associate were required to take a qualifying examination to demonstrate they could do the work of Senior Administrative Assistant now reclassified to Principal Administrative Assistant Level 3 and would therefore be qualified to do the work at any level and take the promotional examination to Administrative Manager. All subsequent examinations for the new PAA title would test for all three levels of the title so someone appointed from the list was qualified to be assigned Level 3 work. The promise of this upheaval was the chance to take an examination that in 1978 offered a substantial 49% increase in pay from \$16,150 to MPP Level -1 paying \$24,000. But a cruel bait and switch was awaiting those PAAs who expected that those who devised the plan had integrity. The promise of fair compensation for following the rules and working hard that was offered was a fraud.

By early 1983 there were hundreds of provisional Administrative Managers and the city engaged in foot dragging as the M-1 level pay rate was frozen at \$24,000 while Local 1180 negotiated substantial wage increases for PAAs. In 1984 Local 1180 petitioned the NY State Supreme Court to hold an AM promotional exam and the Court ordered Juan Ortiz, the City Personnel Director, to hold an Administrative Managers' test no later than October 1985, the Court further ordered that Ortiz remove provisional appointees once the list was established. In 1987 the union sought contempt charges against the City for not following the order of the Court and removing provisional appointees after the list was established.

By 1987 suppressing the M-1 minimum then at \$27,734 had the desired effect as the PAA 3 minimum increased to \$30,321 so taking the promotion could be a pay cut. This was a key element of a deliberate design by the city to discourage minorities and women from becoming Administrative Managers. The City's new Personnel Director Judith Levitt approved the reclassification of scores of Administrative Manager positions held by whites and men into other titles thus slamming the door in the face of aspiring minorities and women. Levitt replaced the glass ceiling with a 12 inch reinforced concrete slab which sent a clear message that women of color need not apply. Any aspirations for minorities and women to earn what white men had as Administrative Managers became an unreachable goal.

The Feerick Commission's Report on Government Integrity documented how the Civil Service System was corrupted by the Koch administration to facilitate patronage out of the basement of City Hall. The chapter titled **'Playing Ball with City Hall.'** described how the patronage mill worked, it was headed by Mayoral aide Joe Di Vincenzo and his assistant James Hines who decades later became the City's Personnel Director. The Commission noted that broad salary ranges and subjective criteria to set salaries of appointees in the MPP left room for mischief and this broad discretion leads to discrimination and corruption.

We are currently in negotiations demanding that the minimum salary for Administrative Manager should compensate those qualified to hold those positions today as it did when the MPP was established in 1978 and white men held these positions.

The Administrative Manager title is at the pinnacle of the occupational group there is no further objective promotional examinations to managerial level's II-X. The duties require a broad scope of judgment and independent decision making that reflects on the substance of the individuals holding these positions. In 1978 the value of the title was acknowledged but over time it was eroded to the point of becoming an insult to those who strove to achieve the top of their grade. When a Senior Administrative Assistant (Sr. AA) was promoted to Administrative Manager (AM) in 1978 their annual salary increased from a minimum of \$16,150 to the MPP minimum of \$24,000, an increase of \$7,850 or 49%.

After a consolidation in 1979 City workers in the new title of Principal Administrative Associate (PAA) are now tested to determine if they are qualified to perform the work of a Senior Administrative Assistant (PAA 3) the highest level. All who passed those tests were qualified without further examination to be assigned and paid as a PAA 3. Following appointment to PAA, at any level, and the completion of the final examination; the probationary period, all PAA's are qualified to take the AM promotional examination and be promoted to AM. If they do well and rank highly and are appointed and again pass the final examination, the probationary period, they can hold the position as a permanent employee.

Long serving AM's and PAA's recently promoted to AM having overcome all the hurdles, defeated all the barriers and met the rigorous standards as their predecessors did, are demoralized. They are denied the same fair compensation as their white male predecessors.

In 1994, Local 1180 filed to represent AMs and in 2009 after 38 days of hearings Local 1180 was certified to represent the title. During the years of hearings the Local's 1st VP Linda Jenkins and CWA's Attorney Tina Norum who heard the direct testimony of the witnesses describing their duties and wages revealed that the wages for duties performed despite greater seniority and duties favored men over women and whites over minorities.

The current Managerial Pay Plan has no foundation in classification and compensation evaluations of the duties and responsibilities performed. Criteria outlined in a memo from the Personnel Director make no mention of a classification and compensation study or audit to determine the proper level of the pay plan for specific duties and responsibilities. It allows wide discretion, which the Feerick Commission noted when it investigated patronage hiring during the Koch administration, led to discrimination and corruption.

While Local 1180 was certified by the OCB to represent Levels 1 and 2, the City unilaterally eliminated Level 2. This action confirmed the subjective and arbitrary nature of the MPP and a persistent capricious attitude of dealing with the MPP after certification since it was done without negotiation. The rationale presented to this union was the MPP levels are not like the PAA levels where the span of supervision, qualitative and quantitative nature of the work, latitude for independent judgment and decision making, experience, education or performance determines the appropriate level. There are no specific criteria. Therefore, all pay levels in the MPP, including the minimum are meaningless since there are no clear job duties associated with the level of pay.

Furthermore, the City's proposed minimum rate of the MPP Level 1 of \$53,373, that the Administrative Managers earn currently, has no rational basis and ignores the initial evaluation and rationale of the 1976 OCB decision that assumed the MPP salary would increase at about the same pace with Collective Bargaining Agreements.

-SEE ATTACHED GRAPHS-

The charts display the following:

- If the original \$24,000 paid in 1978 increased at the same percentage rate as the MPP 1 maximum as is the practice with contractual percentage increases in 1180's CBA's, the MPP maximum which was \$136,198 in 2009, it would raise the minimum to \$108,958 in 2009 nearly double the suppressed minimum of only \$53,373.
- PAAs are qualified to do the work of a PAA3 paying \$56,911 but after passing the test for AM and being appointed; barring contractual promotional guarantees where applicable, they are offered the suppressed minimum of only \$53,373, which is clearly a pay cut .
- If the original \$24,000 paid in 1978 increased at the same rate as CBA increases in the PAA 3 minimum it would be \$85,024 in 2009, but it is the suppressed minimum of only \$53,373.
- If the original \$24,000 paid in 1978 kept pace with the cost of living it would be \$78,971 in 2009, but it is the suppressed minimum of only \$53,373.

Salary.com details a comparison of wages in private sector jobs doing work similar to AMs. The report revealed that as of November 2013 the median salary for people performing the duties of Administrative Manager in New York City was \$85,575. When you factor in education and experience we earn substantially less. When you consider overall compensation about the disparity remains the same. This is further evidence of the suppressed minimum of the Administrative Managers.

In our negotiations we are challenging the suppressed minimum of Administrative Managers on two fronts. The first front is collective bargaining negotiations, which has now moved to mediation. The second front is an Equal Employment Opportunity lawsuit. We demanded that we negotiate a minimum salary that would reflect what the true value of this title is. The previous administration put up many roadblocks to avoid bargaining and then filed an "Improper Labor Practice" against 1180. We in turn filed one against the Bloomberg Administration alleging they were not bargaining in "good faith". In the last months of the Bloomberg administration, the Office of Collective Bargaining dismissed Bloomberg's charge and upheld 1180's bad faith bargaining charge and ordered the Bloomberg administration to resume bargaining in good faith.

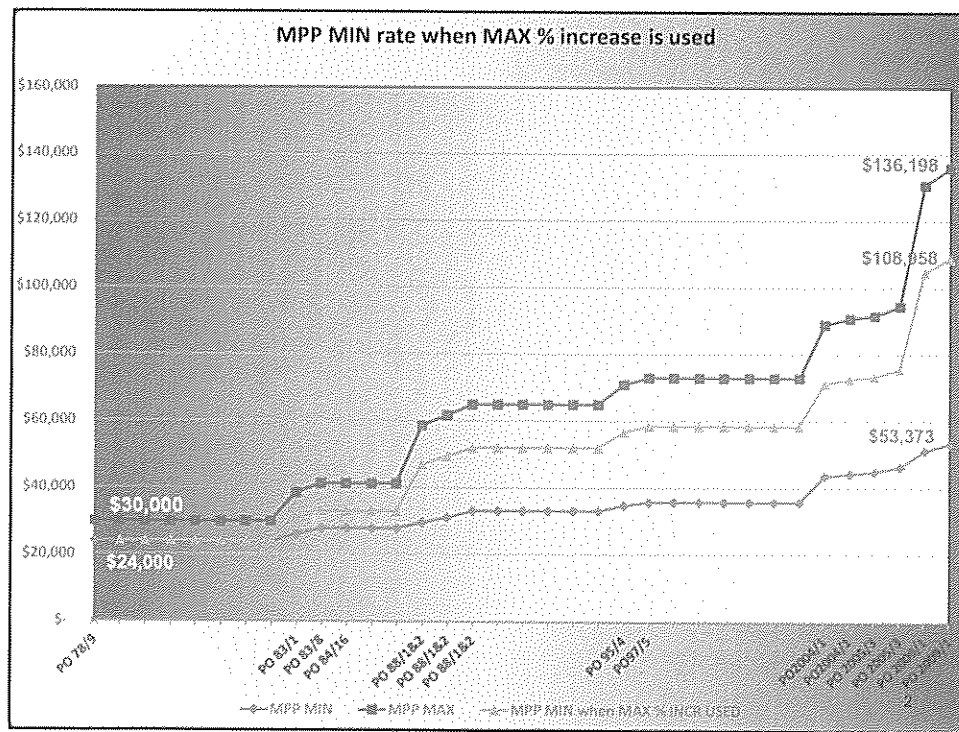
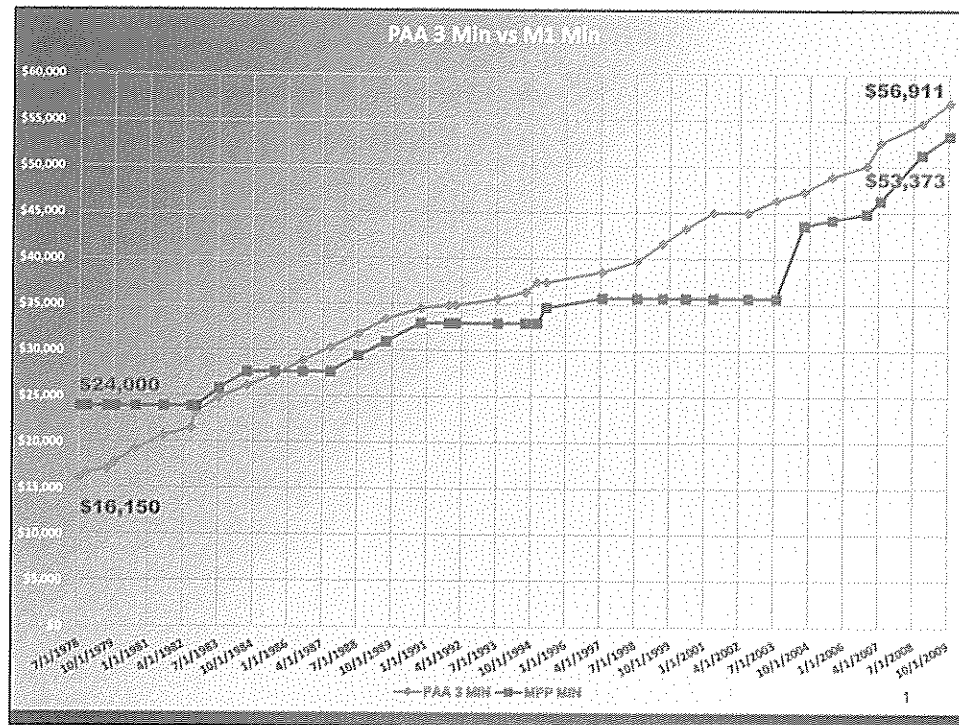
Under the current administration, negotiations resumed but the outlook is bleak. We may soon be in binding arbitration since this administration fails to acknowledge that any discrimination exists. Local 1180 presented three scenarios of three different minimum salaries. The city has not responded with a counter proposal yet.

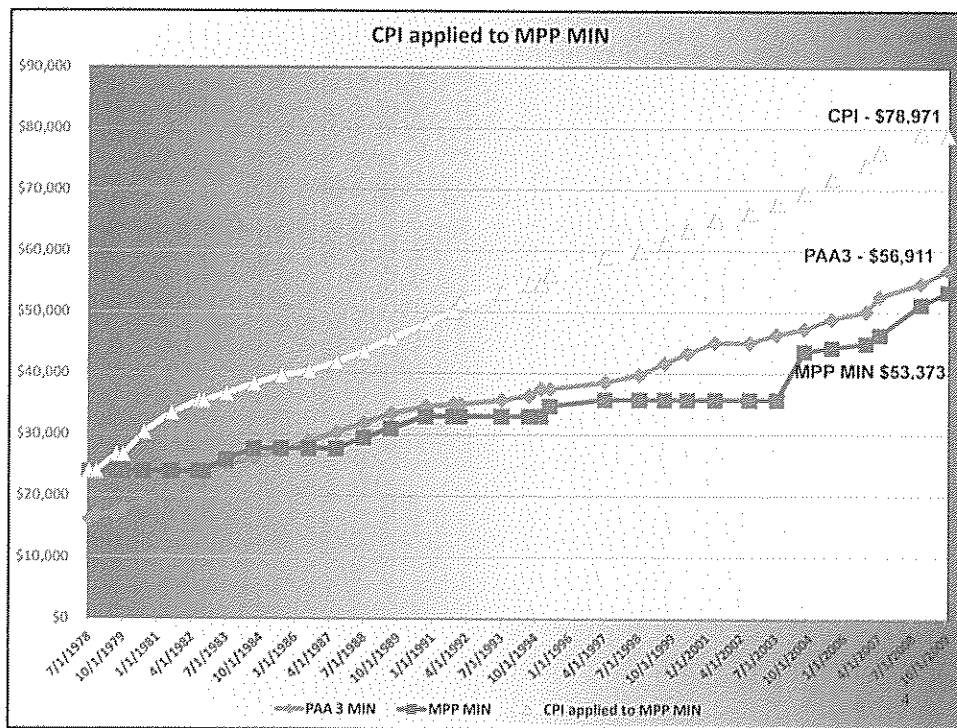
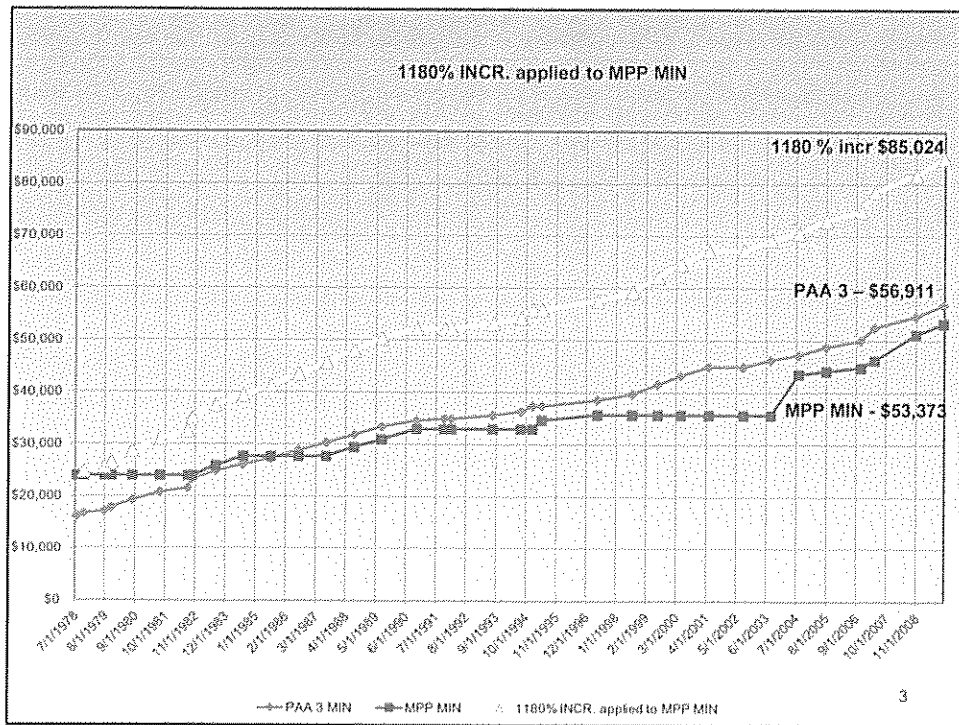
It is bad public policy to perpetuate historic discrimination. The suppressed minimum is the cornerstone of a corrupted system which perpetuates inequality and damages public confidence in our government. The suppressed minimum is the result of a fraud started decades ago to perpetuate inequality. The job description and the qualifications have not changed; neither has the latitude for independent decision-making and judgment. What has changed since 1978 is the gender and race of Administrative Managers who hold these positions today. What has changed since 1978 is now Administrative Managers have collective bargaining rights, now they have a union. Now Administrative Managers can demand an undoing of the injustice they have endured for far too long. What has changed is we have a new administration that recognizes that inequality is reprehensible public policy. What has changed is inequality is now being recognized as a danger to the public welfare. What has changed is that rather than refuse to bargain the new administration has agreed to mediation in an attempt to reach an agreement. Therefore we are prepared to work with this administration and with the help of the mediator to do so. We are determined to meet our mutual goal of serving the public while protecting the rights and the dignity of the employees of New York City who are also citizens of our city.

CWA Local 1180



*We Make New York
Work for All New Yorkers*

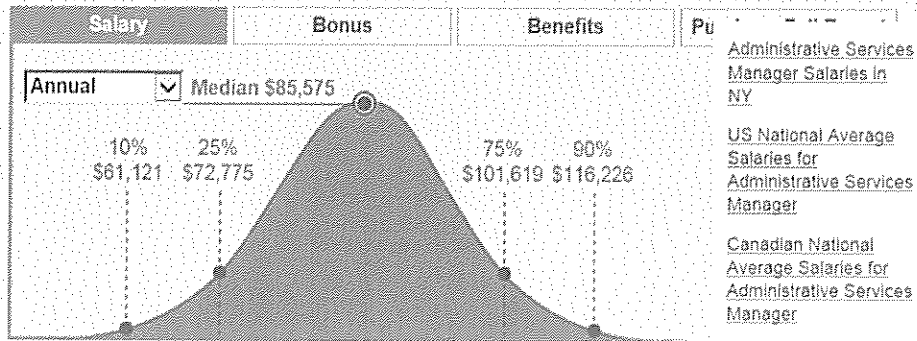




MEDIAN SALARY - ADMINISTRATIVE MANAGER \$85,575 in New York as of November 2013

This chart describes the expected percentage of people who perform the job of **Administrative Services Manager** in New York, NY that make less than that salary. For example 50% of the people who perform the job of **Administrative Services Manager** in New York are expected to make less than the median.

Source: HR Reported data as of November 2013



View Administrative, Support, and Clerical Jobs by Salary Range:

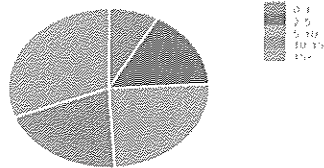
TOTAL COMPENSATION WITH BENEFITS AND PENSION \$128,607

Core Compensation	Median	% of Total	Core Compensation is based on averages for this job and does not reflect personal factors used to determine your projected salary range.
Base Salary	\$85,575	66.5%	
Bonuses	\$7,733	6.0%	
Value of Benefits			
Social Security	\$7,138	5.6%	
401K/403B	\$3,546	2.8%	
Disability	\$653	0.5%	
Healthcare	\$6,507	5.1%	
Pension	\$5,972	4.6%	
Time Off	\$11,484	8.9%	
Total Compensation	\$128,607	100%	Value of Benefits indicates the employer's expected contribution and paid time off. \$ Use the Benefits Calculator to compare your benefits with the industry average.

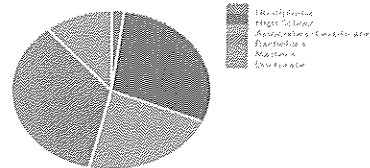
1180 ADMINISTRATIVE MANAGERS HAVE HIGHER LEVELS OF EDUCATION AND GREATER EXPERIENCE

Job Statistics

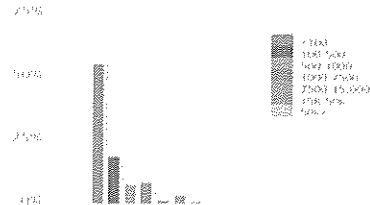
Years of Experience



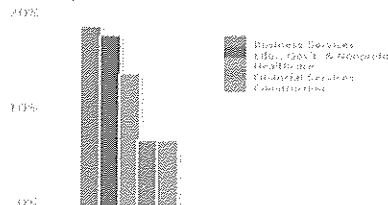
Education Level



Company Size



Industry



EEO - 4 REPORT				MALE				
YEAR	TITLE	TITLE TOTAL	TOTAL	WHITE	BLACK	HISPANIC	ASIAN	NAT. AMER.
1977	ADMIN. MGR.	283	176	163	18	4	1	0
		% OF TITLE TOTAL	69.6%	60.6%	7.1%	1.6%	0.4%	0.0%
EEO - 4 REPORT				FEMALE				
1977	ADMIN. MGR.		77	68	17	2	0	0
		% OF TITLE TOTAL	30.4%	22.9%	6.7%	0.8%	0.0%	0.0%
		% TOTAL	100.0%	83.4%	13.8%	2.4%	0.4%	0.0%
EEO - 4 REPORT				MALE				
YEAR	TITLE	TITLE TOTAL	TOTAL	WHITE	BLACK	HISPANIC	ASIAN	NAT. AMER.
1977	SR. ADMIN. ASS'T.	226	116	100	14	1	1	0
		% OF TITLE TOTAL	51.6%	44.4%	6.2%	0.4%	0.4%	0.0%
EEO - 4 REPORT				FEMALE				
1977	SR. ADMIN. ASS'T.		109	65	40	2	2	0
		% OF TITLE TOTAL	48.4%	28.9%	17.8%	0.9%	0.9%	0.0%
		% TOTAL	100.0%	73.3%	24.0%	1.3%	1.3%	0.0%
EEO - 4 REPORT				MALE				
YEAR	TITLE	TITLE TOTAL	TOTAL	WHITE	BLACK	HISPANIC	ASIAN	NAT. AMER.
1977	CLERK GRADE V	68	44	44	0	0	0	0
		% OF TITLE TOTAL	75.9%	75.9%	0.0%	0.0%	0.0%	0.0%
EEO - 4 REPORT				FEMALE				
1977	CLERK GRADE V		14	14	0	0	0	0
		% OF TITLE TOTAL	24.1%	24.1%	0.0%	0.0%	0.0%	0.0%
		% TOTAL	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: DICK DADLEY (PLEASE PRINT)

Address: _____

I represent: CITIZENS UNION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: ROBERTA E. GROSS (PLEASE PRINT)

Address: _____

I represent: NYC POLICE ADVOCATES

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: BOB CROGHAN (PLEASE PRINT)

Address: 220 E 23RD ST

I represent: ORG. of STAFF ANALYSTS

Address: 220 E 23RD ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11/19/14

Name: Thomas D. Nardo (PLEASE PRINT)

Address: 125 Barclay St

I represent: 98th HPPT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Joe Puleo (PLEASE PRINT)

Address: 125 Barclay Street

I represent: DC 37 Local 983

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11-19-14

Name: Ann Valdez (PLEASE PRINT)

Address: 115 East 106th Street

I represent: Community Voices Heard and self

Address: 115 East 106th Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11/19/2014

(PLEASE PRINT)

Name: Joseph M. Mpa

Address: 266 Audubon Ave N.Y. NY 10033

I represent: Community Voices Heard

Address: 105 East 106th St. N.Y. N.Y.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Vincent Variale

Address: 4709 30th St. LIC, NY 11101

I represent: Uniformed EMS officers, FDNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Marlena Giga

Address: _____

I represent: Local 983

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Ralph Pelladino (PLEASE PRINT)

Address: 125 Barclay Street NY NY 10007

I represent: 2nd VP, Local 1549, DE 37

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11-19-2014

Name: John Medina (PLEASE PRINT)

Address: 115 E. 106th St

I represent: Community Voices Heard

Address: 115 E. 106th St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 11/2/14

Name: John Medina (PLEASE PRINT)

Address: 115 E. 106th St

I represent: 125 Barclay St NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Stacey Cumberbatch, Commissioner

Address: _____

I represent: Dept. Citywide Admin. Svcs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dawn Pinock, Deputy Commissioner

Address: _____

I represent: Dept. Citywide Admin Svcs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Benjamin E. McLaughlin

Address: 10 Clinton St Bklyn

I represent: NYC Housing Authority

Address: 250 Bway NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/2015

(PLEASE PRINT)

Name: HENRI 1912 ARRIV

Address: 56 MANHATTAN AVENUE

I represent: ADMINISTRATION FOR CHILDREN SERVICES

Address: 150 WILLIAM ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Fenimore Fisher, Deputy Commissioner

Address: _____

I represent: Dept. Citywide Admin Svcs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Suzanne Lynn, General Counsel

Address: _____

I represent: Dept. Citywide Admin Svcs

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: James Davis, President (PLEASE PRINT)

Address: _____

I represent: NYC Deputy Sheriff's Assn

Address: 2133 Coney Island av
Brooklyn, NY.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11/19/14

Name: ARTHUR CHELTONES (PLEASE PRINT)

Address: 6 HARRISON ST

I represent: CCU 1180

Address: _____

Please complete this card and return to the Sergeant-at-Arms