

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

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

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

November 27, 2018

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

FERNANDO CABRERA
Co-Chair

COUNCIL MEMBERS:

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ANDY L. KING
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A P P E A R A N C E S (CONTINUED)

Dawn Pinnock
Executive Deputy Commissioner at the New York
City Department of Citywide Administrative
Services, DCAS

Barbara Dabbeberg
Deputy Commissioner for Human Capital at the New
York City Department of Citywide Administrative
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[gavel]

CHAIRPERSON MILLER: Good afternoon everyone and for the record we are not tardy, we were here, we, we watched everyone come in and, and kind of the minutiae of, of, of the council, we were voting across the hall and upstairs simultaneously and, and, and now we're back to address this important topic. So, good afternoon, I'm Council Member I. Daneek Miller and the Chair of the Committee on Civil and Labor. I'm glad to be joined by my colleague, Fernando Cabrera, the Chair of the Committee on Governmental Operations. Today we are holding an oversight hearing examining the civil service system with a particular focus on provisional employee reduction plan. In addition to the reduction plan we will examine the length of time it takes for eligible lists to be generated as a, a civil service exam is taken, the ability of DCAS who holds civil service examinations generate eligibility lists and place people into jobs directly related to reducing the number of provisional employees employed by the city of New York. It is also directly related to the city's legal obligation to achieve sustain,

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2 sustainable compliance with the length of provisional
3 appointments permitted by law. The last hearing that
4 we held on this topic was March of, of '16 with
5 previous hearings being held in February of '15 and,
6 and November '14. New York City's civil service
7 system is highly complex and marred with numerous
8 issues specifically regarding provisional employees
9 in general. New York City works like many other
10 municipalities across the country filling its
11 positions through civil service process. To be
12 permanently appointed to one of these positions an
13 applicant must take the test and pass a competitive
14 civil service examination administered by DCAS. If
15 there is no list of potential candidates who have
16 passed the exam, then provisional employees are
17 appointed provisionally fill such vacancies. State
18 law dictates that no provisional employee may serve
19 for a period in excess of nine months. Unfortunately,
20 this has not been the case in New York City or other
21 municipalities across the state and thousands of
22 provisional employees have served for years in these
23 jobs well beyond the nine months envisioned by the
24 state. A court case in 2007 emphasized the importance
25 of municipalities to abide by time limitations

1
2 imposed by the state and the state legislature
3 subsequently passed a law that required all New York
4 State municipalities including New York City to
5 reduce the number of provisional employees employed,
6 first New York City issued in 2008 provisional
7 reduction five year plan, since then the city has
8 received state extensions on its plan to
9 substantially comply with the state law in respect to
10 provisional employees and the Long Beach decision.
11 Although provisional employee reduction plan was to
12 have reduced all provisional employees down by at
13 least five percent by 2013. Still existing by august
14 of 31... August 31st of '18, 17,455 provisional
15 employees within the city's workforce. This marks a
16 substantial reduction of 18... of, of 1,898 within one
17 quarter thus DCAS has made real progress in
18 attempting to reduce the number of provisional
19 employees on the city's payroll and should be
20 commended for the numerous steps it has taken to
21 achieve such a decline but it's not jsut start
22 kissing each other just yet. However, DCAS must
23 continue to... DCAS must continue to work and, and, and
24 more is needed to be done as the city is still not on
25 target to meet its state-imposed deadline.

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2 Recognizing this and, and wanting to provide the city
3 and other municipalities the opportunity to continue
4 to implement their reduction plan while ensuring the
5 continued quality of effect, effectiveness of
6 governmental operations, the state legislature has
7 passed in an assembly bill 11241 and 8837... I'm sorry,
8 11241 is senate and assembly 8837. This bill still
9 awaiting the signature and the governor would allow
10 the city to update the continued implement its
11 provisional plan, permit DCAS to administer an
12 examination to provisional employees in certain
13 titles with specific qualifications and experience
14 and authorize DCAS to submit to the state a revised
15 reduction plan to be implemented by December 31st of
16 2021 to further reduce the number of provisional
17 employees. In addition, D... if DCAS is not in
18 substantial compliance with the new time period
19 granted by the bill and the bill mandate the
20 establishment of an advisory work group for
21 provisional appointments. The city will comprise of
22 members appointed by the government, the Governor,
23 the Mayor which would prepare a recommended plan for
24 compliance to be adopted by... pursuant of state law.
25 Legislation I sponsored and that will be heard at

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2 this hearing, 1235 would require that DCAS submit to
3 the council a copy of its new revised reduction plan
4 to achieve substantial compliance by 2021 that is...
5 must be submitted to the state of New York. At this
6 hearing I would like to hear about what is being done
7 by DCAS in terms of keeping our true provisional
8 reduction plan as well as ways in which they are
9 effectively reducing the number of provisional
10 employees within the city's workforce. Any new and
11 innovative approaches the city is taking to continue
12 to reduce the number of provisional appointments
13 should be also discussed. In addition, I want to
14 receive an update about any new things occurring in
15 the city civil service system such as the new civil
16 service exams, how exams are being administered, how
17 they're being tracked, eligibility lists, length of
18 time that they are taking to post, etcetera. I look
19 forward to hearing this information and hope that we
20 can continue to work together to ensure that the, the
21 plan deadlines are met adequately while we are also
22 working towards the future of the civil service
23 system. I'd like to thank Mr. Joe Goldbloom and
24 Brandon Clark from my office and certainly our
25 Committee Counsel along with Kevin Kendall and the

1 rest of the team and with that I give you my Co-Chair
2 for the day, Council Member Fernando Cabrera.

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4 COUNCIL MEMBER CABRERA: Thank you so
5 much and good afternoon. Welcome to this joint
6 oversight hearing of the Committee on Governmental
7 Operations and Civil Service and Labor that will
8 examine the civil service system and focus on the
9 provisional employee reduction plan. I want to give a
10 special thanks to my Co-Chair, Council Member Miller
11 for his firm commitment on this issue and for your
12 leadership. The provisional employee category exists
13 for a reason, it allows a local government to create
14 new programs and hire quickly to meet immediate staff
15 needs. This ensures that essential agency functions
16 are not disrupted. Ultimately, provisional service
17 titles should be used to add flexibility to the city
18 employee system and maintain agency stability.
19 Unfortunately, for decades the city of New York has
20 relied too heavily on provisional appointments to
21 serve their aforementioned purpose at the expense of
22 transitioning to civil service, service title. As of
23 the last quarterly report the city.. the city still
24 has over 17,000 provisional employees. We have met
25 many times with DCAS Commissioner Camilo and staff to

1 discuss the, the work DCAS is doing to provide more
2 civil service exam, update their civil service lists
3 and improve test taking and result posting timelines.

4 And I am encouraged that while DCAS has not yet
5 reached the level of provisional employees considered
6 to be substantially compliant by the state I have
7 seen their concerted effort to decrease provisional
8 employees and transition provisional employees to
9 civil service titles through offering more testing
10 and improving test taking and test result delivery.

11 As an agency you have demonstrated that you share our
12 commitment to reduce the number of provisional
13 employees for the sake of a robust city workforce and
14 I look forward to hearing through our discussion
15 today how you will continue your good work in an
16 equitable way keeping in mind the various timelines
17 set forth by the state. Thank you to the committee
18 staff for their work on this issue, civil service and
19 labor counsel Malcolm Butehorn; Policy Anylist,
20 Analyst Kevin Katowski; my own Committee Senior
21 Staff, Senior Counsel Brad Reid; Policy Analyst
22 Elizabeth Kronk; Emily Forgione and my Legislative
23 and Communications Direct, Director Claire McLeveighn
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2 and Michael Vane. And with that we will be swearing
3 in the administration.

4 COMMITTEE CLERK: If you could both raise
5 your right hand please. Do you affirm to tell the
6 truth, the whole truth and nothing but truth in your
7 testimony before these Committees and to respond
8 honestly to Council Member questions?

9 DAWN PINNOCK: Yes, I do.

10 COMMITTEE CLERK: I would just ask to
11 make sure the red light is going on the microphone
12 and if you could just state your names and agency for
13 the record? Thank you.

14 DAWN PINNOCK: My name is Dawn Pinnock
15 and I serve as the Executive Deputy Commissioner at
16 the Department for Citywide Administrative Services.

17 BARBARA DANNENBERG: My name is Barbara
18 Dannenberg and I am the Deputy Commissioner for Human
19 Capital for the Department of Citywide Administrative
20 Services.

21 DAWN PINNOCK: Thank you. Good afternoon
22 Chair Miller, Chair Cabrera and members of the
23 Committee on Civil Service and Labor and the
24 Committee on Governmental Operations. I am Dawn
25 Pinnock and I proudly serve as the Executive Deputy

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2 Commissioner of the Department of Citywide
3 Administrative Services, commonly known as DCAS and
4 I'm joined today by Barbara Dannenberg, Deputy
5 Commissioner for Human Capital. Thank you for this
6 opportunity to discuss DCAS's role as it relates to
7 provisional reduction for the City of New York. As a
8 proud civil servant and the daughter of civil
9 servants, I know firsthand the importance that civil
10 service careers have on the lives of New Yorkers.
11 Civil service, a system based on merit and fitness,
12 serves as the foundation on which this city
13 functions. Through the city civil service system,
14 applicants are afforded opportunities to prove their
15 merit and fitness based on an objective assessment of
16 their skills and abilities. It also serves as a
17 pathway to the middle class for underserved and
18 underrepresented communities. It is therefore
19 critical that we operate the civil service system
20 competently, fairly and expeditiously. DCAS will
21 continue to work diligently to introduce system
22 improvements, strengthen collaborative partnerships
23 and reduce the provisional workforce as required, all
24 while keeping New York City running. To that end, I
25 would now like to highlight the successes of our

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2 provisional reduction plan, which we refer to as RP2,
3 which highlights DCAS's commitment to address the
4 city's provisional count. In May of 2008, after
5 decades of neglect, the city's provisional count rose
6 to its highest point, which was 37,797. Nearly ten
7 years later in January of 2017, we launched RP2.
8 Through RP2 we had an aggressive goal of reducing the
9 city's provisional count from 23,296 to 17,311. I am
10 pleased to report that as of November 22nd, of 2018,
11 the city's provisional count has... is now 17,380,
12 which is just 69 actions away from the goal of RP2.
13 Over the next five weeks we will moving forward on
14 various fronts to close the final gap to reach our
15 RP2 goal. This represent the first time in the city's
16 history since it started its provisional reduction
17 work that DCAS has come within striking distance of
18 its provisional reduction goal and substantial
19 compliance with the Civil Service Law by having five
20 percent of our competitive workforce serve
21 provisionally. Since our last meeting in 2016, we
22 received state approval to address the city's
23 longstanding provisional issue from January 1st, 2017
24 through December 31st, of 2018. Over the course of
25 the last two years, DCAS, with the support of its

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2 client agencies and labor partners has made
3 significant progress in improving the city's
4 compliance with civil service law. Through RP2 we
5 focused on four key areas; exam administration,
6 enhanced compliance, automation and staff
7 augmentation. With respect to exam administration, I
8 just want to first start off by providing a
9 definition of a provisional employee. A provisional
10 employee is an employee who has met the minimum
11 qualifications for the title and may be serving
12 satisfactorily in that title. Unfortunately, for some
13 provisional employees, an examination for their
14 respective title may simply not have been offered
15 during their tenure. To that end, the cornerstone of
16 any provisional reduction plan has and will always be
17 competitive examination. Over the last three fiscal
18 years, DCAS has administered a total of 562 exams. In
19 fiscal year '16, we administered 105 exams, fiscal
20 year '17, 183 exams and in fiscal year '18, we
21 administered a record high of 274 exams. Our number
22 of test takers has increased tremendously over these
23 fiscal years as well. Another important examination
24 related component of RP2 was the introduction of a
25 new testing format for the city of New York; the

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2 Qualified Incumbent Examination. On November 28th,
3 2016, New York State passed law to amend Civil
4 Service Law Section 65(5), which authorized DCAS to
5 administer the QIE exams to provisional employees
6 with at least two years of service in specific
7 titles. As of September 30th, 2018, DCAS has
8 administered 187 QIE exams and established eligible
9 lists for 174 titles and has made over 4,200
10 appointments to transition... to transition
11 Provisionals into permanent status. With respect to
12 enhanced compliance; DCAS has conducted a series of
13 compliance meetings since April of 2017 directly with
14 agencies to discuss various civil service issues. To
15 date, we have held over 100 meetings with 73 agencies
16 regarding plans to resolve Provisionals serving in
17 the face of lists, discussing opportunities to roll
18 back individuals to their permanent titles,
19 highlighting the importance of citywide hiring pools
20 and upcoming hiring needs. In conjunction with our
21 compliance meetings, provisional increases are
22 monitored and considered for inclusion in all of our
23 future exam schedules. This allows DCAS the
24 flexibility in responding to the changing demands of
25 the city's workforce while affording every

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2 provisional employee an opportunity to gain permanent
3 status. A recent example is with our partners at the
4 Administration for Children Services. We were
5 informed to their need to appoint a large number of
6 youth development specialists. As a result, we were
7 able to plan with them on a hiring effort as well as
8 add that particular exam to our exam schedule. To add
9 to this, we also monitor Provisionals through the
10 creation of dashboards that we publish weekly... bi-
11 weekly, excuse me, which allows agencies to monitor
12 important provisional metrics such as citywide
13 provisional counts, provisional count by agency and
14 provisional count by title. Another successful tool
15 that we have utilized has been citywide hiring pools.
16 A citywide hiring pool allows an eligible candidate
17 exposure to multiple agencies and multiple job
18 opportunities at one time and it allows us to make
19 permanent appointments more expeditiously. Over the
20 course of RP2, we have conducted 16 citywide hiring
21 pools, we've also involved our labor partners in this
22 endeavor. In addition, we have developed and deployed
23 functionality utilizing the city's automated
24 personnel system to centralize any provisional title
25 changes and to stop agencies from hiring

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2 provisionally in the face of civil service lists.
3 Last and certainly but not least, we've also
4 increased our civil service footprint through
5 training. DCAS has developed and regularly provides
6 what we call civil service 101 information sessions
7 to inform Provisionals of their status but also to
8 highlight the importance of public sector to careers
9 to prospective city workers. Over the last two years,
10 we have conducted 395 civil service 101 sessions for
11 a total of 13,351 attendees. Automation, auto... the
12 automation of the Qualified Incumbent Exam process is
13 really the only fully end to end automation exam of
14 its type today for the city of New York. Through this
15 new and innovative approach, we have been able to
16 establish eligible lists for QIE titles in a record
17 time of three months compared to up to a year for
18 other types of competitive exams. In our continued
19 efforts to improve service delivery to our current
20 and prospective employees and to reduce the cycle
21 time associated with list establishment, DCAS is
22 currently developing new systems working on other
23 test formats that will be unveiled in 2019 and 2020.
24 We are also proud to share that in January of 2019,
25 we will be rolling out an improved online application

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2 system. This new system will provide transparency to
3 applicants for exams and it takes a user-friendly
4 approach to allowing our customers to self-manage
5 their account profiles and sharing applicant
6 dashboard information including exam application
7 history, test results and notifications concerning
8 scores for exams and admission notices. Future
9 upgrades are also planned for 2020 which will enable
10 DCAS to deploy the new Education and Experience Exam
11 via an automated format. To further our shared
12 commitment to transparency and enhanced customer
13 service, DCAS has also opened a Queens Computerized
14 Testing Center in June of 2017. We are grateful for
15 the support that this Committee and Council Member
16 Miller in particular provided as it related to the
17 promotion and opening of this center. In addition, we
18 opened another CTAC in December of 2017 in Staten
19 Island. Finally, we will complete this footprint as
20 it relates to testing in the Bronx when we open a
21 testing center on 1932 Arthur Avenue this winter,
22 which provides us additional seating for computerized
23 testing. As it relates to soft... staffing and staffing
24 augmentation, in December of 2016, the Bureau of
25 Exams received approval for 15 additional positions

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2 to increase our testing capacity. The additional
3 staff who serve as test and measurement specialists,
4 handle all exam related functions which helps to
5 expedite and augment our ability to maintain an
6 aggressive examination schedule. As a result of
7 having the additional staff, we were able to
8 administer a record high of 274 exams in fiscal year
9 '18. It has also allowed DCAS to increase our
10 reliance on in house exams and to limit the use of
11 consultants to provide testing services. In
12 conclusion, I would like to thank the Council for the
13 opportunity to testify today and for their support
14 over these last few years. Our successes would not
15 have been achieved without the council and
16 particularly Council Member Miller's continued
17 support and guidance. We look forward to continuing
18 to work with you as partners and to the new state
19 legislation, Intro A11241 and S8837A, that will allow
20 DCAS to continue its work towards provisional
21 reduction. Finally, we are looking forward to working
22 with the Committee as it relates to Intro 1235, which
23 would allow for greater transparency in requiring
24 DCAS to post publicly its provisional reduction plans
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2 on its website and sharing it with the Council. We're
3 now more than happy to respond to your questions.

4 CHAIRPERSON MILLER: Thank you so much.
5 We've been joined by Council Members Adams, Yeger,
6 Dromm and, and Maisel has his roller skates on today
7 so I... he went past me in the parking lot and he's now
8 back. So, as usual your testimony was, was, was quite
9 thorough and anticipating... and in anticipation of
10 what we might ask here but we've doing this now
11 together for about five years so I, I really don't...
12 there's a lot of questions here and, and for some of
13 the members who may not have been a part of the, the
14 last hearing in 2016 that really, you know to a
15 certain degree I, I want to be able to indulge them
16 in a little more detail about this... about the
17 provisional employee and, and kind of the need based
18 on the... not just based on the, the Long Beach
19 decision but, but based on its impact on the
20 workforce and, and what that means and so why we have
21 such a charge to get it right and make sure that we
22 have permanent civil service employees as opposed to
23 these provisional employees and so we want to be able
24 to drill down on that but I, I also want to kind of
25 do it chronologically and, and not drop... jump back

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2 and forth but I do want to talk about at, at the
3 current time... the current timeline for the
4 provisional reduction in order to achieve compliance
5 with the state law and obviously with 11241 and 8837
6 which requires a revised plan so what would you be
7 doing differently obviously... you know would you look
8 to enhance some of the things that, that you've
9 already done and or are you looking to do some things
10 that are totally different from what we've seen in
11 order to achieve compliance?

12 DAWN PINNOCK: Well as you mentioned our
13 current provisional reduction plan is scheduled to
14 sunset on December 1st... excuse me, December 31st of
15 2018 and we've actually begun, I'm drafting our new
16 pre-provisional reduction plan in hopes that we will
17 receive additional time and so we intend to follow a
18 hybrid approach. We certainly look to capitalize on
19 the successes that we've had specifically relating to
20 the Qualified Incumbent Exam because as mentioned it
21 is the one fully automated end to end automated
22 system that we currently have around testing and so
23 to see a civil service list be able to be promulgated
24 in a matter of three months compared to the 12 months
25 that we historically have contended with is certainly

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2 a win for the city. And in anticipation of that we've
3 worked directly with our labor partners to have them
4 take a look at all of the titles that we believe were
5 appropriate for this kind of testing and we've
6 received their feedback. Additionally, we've created
7 our examination schedule, we've also projected hiring
8 needs that have been shared with us by the agencies
9 to ensure that we're tapping into the right titles,
10 but we are also continuing to push as it relates to
11 automation. So, while we satisfied the requirement of
12 creating a system for the QIE exam, our next step is
13 to focus on the education and experience exams, which
14 is another manual exam that we have. So, we've been
15 actively working with our IT group in order to
16 automate that as well. So, so we really intend to
17 capitalize on our successes following, you know
18 aggressive examinations but also continue along the
19 path of making sure that we're addressing titles that
20 the city has not historically handled for many years.

21 CHAIRPERSON MILLER: What makes the, the
22 QI exam aside from the automation different from the
23 other exams that had been traditionally administered
24 and has that made a real difference, contributed to
25 the difference that we've seen aside from the

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2 automation in, in reducing the number of, of
3 Provisionals?

4 DAWN PINNOCK: I would say the primary
5 difference is that we first needed legal
6 authorization to administer these exams and the
7 reason why we did was because the exams are only made
8 eligible to individuals who've already served the
9 city for at least two years in a specified title. The
10 reason why we wanted to focus on those long-standing
11 Provisionals was first supposed to come into greater
12 compliance with civil service law but generally
13 someone's probation period would not extend beyond a
14 two-year period, so we wanted to ensure that we
15 targeted Provisionals who had already served the city
16 satisfactorily. So, based on that we needed law...
17 legal authorization to not open up these particular
18 exams to the public so we were dealing with a smaller
19 group and so I would say that those are more the
20 distinct differences and where we actually see the
21 gains relating to going from provisional to
22 permanent.

23 CHAIRPERSON MILLER: So, so, so you're
24 saying to, to a certain degree that those individuals

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2 were in danger if there was more of an open
3 competitive exam, they'd be in... [cross-talk]

4 DAWN PINNOCK: Exactly... [cross-talk]

5 CHAIRPERSON MILLER: ...danger of losing
6 their jobs?

7 DAWN PINNOCK: Yes, we wanted to make
8 sure that the, the competition pool so to speak was
9 restricted to individuals who were actually
10 performing the work. We certainly saw that as a way
11 to strengthen our current workforce and also to
12 acknowledge the fact that the only reason why these
13 individuals had not received permanent status is
14 because we had not had the capacity to test for their
15 particular titles.

16 CHAIRPERSON MILLER: So, that is only in
17 titles where tests were never given or had not been
18 given during the, the time that the, the reduction
19 plan had been implemented?

20 DAWN PINNOCK: A combination. So, titles
21 for which there were no lists in existence, no exams
22 in progress or titles where they had initially been
23 created to just have very few incumbents which means
24 that if you have... we always use the example of
25 puppeteer so we have these wonderful folks who serve

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2 as puppeteers who work for the Department of Parks,
3 it is not likely that we're going to have hundreds of
4 puppeteers working for the city of New York however,
5 however it is a competitive exam and so in light of
6 that, you know these folks have provided viable and
7 valuable services to the city it's just we had not
8 had the capacity to test for the three to five
9 individuals serving so all of that contributed to the
10 list of titles that we identified for the Qualified
11 Incumbent Exam.

12 CHAIRPERSON MILLER: And you did mention
13 that you worked with some of the labor partners in,
14 in terms of that, working with them, partnering with
15 them and working collaboratively with which, which
16 one was it, did you... [cross-talk]

17 DAWN PINNOCK: All of the above, they
18 actually conducted a line by line review of every
19 title that we included in the legislation. There was
20 not a title that they had not agreed to including and
21 we followed the same process as it relates to the new
22 plan that we're drafting.

23 CHAIRPERSON MILLER: Great, so what,
24 what, what is the number of provisional employees
25 serving in excess of the authorized time frames?

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DAWN PINNOCK: The nine-month time frame?

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CHAIRPERSON MILLER: Yeah.

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DAWN PINNOCK: 13,000.

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CHAIRPERSON MILLER: What is our realistic number in, in... for 2021?

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DAWN PINNOCK: For 2021, we'll we're certainly going to meet the goal for December 31st of 2018 which will bring us to 17,311. We are actively trying to calculate what we think is a realistic number because based on the last two years we've been able to transition approximately 3,000 Provisionals each year so we'd follow along the same path, we're hopeful that we will achieve similar gains which would potentially be another 6,000, 6,000 Provisionals transitioned over a two year period, hopefully if we get more time than two years it allows us to make greater gains.

CHAIRPERSON MILLER: So, if, if, if we continue along the path that would bring us to 6,000 over the next two then we would need a... another, another extension in order to meet our goal?

DAWN PINNOCK: Yes... [cross-talk]

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2 CHAIRPERSON MILLER: Could you explain
3 for those that... is, is the goal zero, is the goal
4 five percent, is the goal... is there a target number?

5 DAWN PINNOCK: So, none of these
6 questions are ever easy so the goal is not zero for a
7 few reasons and I think that, that Chair, Chair
8 Cabrera really frames it well because there is a need
9 given a city of this size and scale, there is a need
10 for provisional employment and so civil service law
11 does provide for potentially a small percentage of
12 Provisionals to serve the city of New York. With that
13 being said our goal is to reduce the number of
14 Provisionals serving so we are in substantial
15 compliance with the... with the law and to decrease the
16 duration of the time in which they are serving.

17 CHAIRPERSON MILLER: Is, is, is there a...
18 is it a... is there a timeline from the date of
19 appointment in a provisional title to... for, for a
20 person to be... for exam to be administered, for a
21 person to, to take an exam and or if there... is there
22 a time frame for an exam for a title... provisional
23 title that has been created? I know it was a lot.

24 DAWN PINNOCK: Yeah, so that's why I
25 wrote it down to make sure I'm keeping pace. Okay, so

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2 in terms of the timeframe, at the time that someone
3 is appointed I would say it could depend. So, if you
4 are hired into a title for which there is an exam
5 that is upcoming and part of that examination
6 schedule then yes, you were notified of that
7 timeframe at the time of hire. However, if the title
8 for which you have been appointed is not on that
9 fiscal year's exam schedule that notification
10 regarding your provisional status happens at the time
11 of hire but notification relating to the availability
12 of that particular exam might happen later on in
13 someone's career when that exam is made available
14 notwithstanding the HR departments across the city
15 reach out to individuals serving provisionally
16 routinely to inform them of other exams for which
17 they may qualify to help them gain permanent status.
18 And the second part of your question in terms of
19 provisional titles, so provisional is considered to
20 be a status whereby someone is hired, and they serve
21 in a competitive title, so they are essentially just
22 someone who is awaiting testing. The titles that we
23 have created have been competitive titles and as a
24 result we have then placed examinations on the
25 schedule to address the Provisionals who've been

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2 hired. An example would be the Youth Development
3 Specialists, there was a need at the Administration
4 for Children Services to provide more support within
5 their detention facilities, we created that title but
6 on a parallel track, we also added that particular
7 exam to the examination schedule. So, we're working
8 with them to staff up and thank you very much for,
9 you know getting the word out regarding that
10 opportunity but we specifically add it to the
11 schedule to ensure that those Provisionals are not
12 serving for a significant period of time, we're not...
13 we're, we're trying to change history, we're, we're
14 trying to make sure we get ahead of that.

15 [off mic dialogue]

16 CHAIRPERSON MILLER: ...in civil service...
17 okay, so, so one may think that, that there are...
18 there had been exams and titles in the past that had
19 been required, that, that had been created to, to
20 circumvent civil service titles and status, how have
21 we dealt with that in, in terms of whether or not
22 there was positions that were created that sort of
23 duplicated the work that had already been... were being
24 done by permanent civil servants and created
25 provisional titles that weren't competitive to do

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2 similar work maybe at a higher level and for whatever
3 reason, how, how, how do we... and, and certainly we
4 didn't get into that in the introduction on your... in
5 your, yours nor mine in, in kind of, of the merit of
6 the civil based... civil service system and, and, and
7 certainly that would have an impact on that, we had
8 seen that in the past, it also contributed to the
9 numbers of, of Provisionals that we see and, and
10 could you speak specifically to what we are doing to
11 ensure that that does not happen again in the future?

12 DAWN PINNOCK: And so, I'll start off and
13 then, you know I will turn it over to Barbara because
14 she is definitely a title guru. So, specifically as
15 it relates to our creation of titles there are a few
16 things that we've done. The first is that we really
17 took a hard line with agencies as it related to the
18 justification they needed to provide as it relates to
19 the creation of titles. So, we proudly sit here today
20 to say that over the last two years we've created
21 only five titles of which three we've administered
22 exams and two on our examination schedule. So, if you
23 know a little bit about our history that really is
24 unprecedented for, for DCAS but separate and apart
25 from that we work actively with our agencies if there

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2 is a solid justification for a new title, if they are
3 seeking not to have this title serve... be part of the
4 competitive class then they need to follow the path
5 as it relates to our work with the state civil
6 service commission.

7 [off mic dialogue]

8 BARBARA DANNENBERG: Sure, so if you
9 wanted me to talk a little bit about creating titles
10 outside of the competitive class so DCAS has the
11 authority to create titles in the competitive class
12 which is where Provisionals would reside if we didn't
13 administer an examination. In order to create titles
14 outside of the competitive class so that would be
15 titles that don't require a competitive examination,
16 DCAS would need to hold a public hearing in
17 conjunction with the agency that would like to use
18 the title provide a justification for creation of the
19 title but also provide a justification for why the
20 title would not reside in the competitive class and
21 why DCAS would not develop and administer a
22 competitive examination in order to fill these roles.
23 So, once we hold that public hearing, we then send
24 the proposal up to the state civil service commission
25 who has the ultimate authority to either approve or

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2 deny our request for the creation of a new title
3 outside the competitive class.

4 CHAIRPERSON MILLER: And, and how many
5 such requests and in the hearings or... hearings were
6 granted over the past three years?

7 BARBARA DANNENBERG: So, we've been
8 holding public hearings about once a month over the
9 last... over the course of the plan so I, I don't want
10 to say it was 24 but definitely something along those
11 lines and also most of those titles are for executive
12 level positions with very few position, one position,
13 two positions or they are positions in titles that
14 are very specific with very specific skills that are
15 required to do the work. For example, some very
16 specific technology titles had been proposed to
17 reside outside of the competitive class.

18 CHAIRPERSON MILLER: Okay, I would like
19 to hear from my colleague, Council Member Cabrera.

20 COUNCIL MEMBER CABRERA: Thank you so
21 much to my Co-Chair. I just have a few questions, you
22 know it would have been nice if you would have gotten
23 to 69 by today, you know you would of... it's just like
24 almost... [cross-talk]

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2 BARBARA DANNENBERG: Yeah, we're right
3 there...

4 COUNCIL MEMBER CABRERA: But that goal is
5 for the end of the year, right?

6 BARBARA DANNENBERG: It is...

7 COUNCIL MEMBER CABRERA: So, you're on
8 track, I, I mean you're going to finish... [cross-talk]

9 BARBARA DANNENBERG: Yes, we're going to
10 finish strong.

11 COUNCIL MEMBER CABRERA: That's good,
12 that'd be good news. So, I, I, I commend you because
13 you were not given... let me rephrase that, you, you,
14 you were given... you were put in a position that it
15 literally carried... that was there for, for many, many
16 years and to get it to where its at today, I know it
17 took a lot of work but having said that, don't you
18 hate those but, you know you did so good but... no,
19 here's my concern, my concern is that the numbers
20 that we had was the easy picking fruit, there were...
21 the, the easiest, I'm assuming and I know assumption
22 is the form... lowest form of knowledge but let me... let
23 me start at that level that, that these were the
24 fastest, the, the... you know the, the exams that you
25 gave were for the biggest groups I'm assuming so you

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2 could get to this point now to keep that momentum,
3 that traction what are you going to do different
4 because if you keep going at the speed that you were
5 going with the same emphasis you were going I don't
6 see you reaching the same outcome because it's going
7 to be harder now to bring these numbers down, I... is
8 my assumption correct?

9 BARBARA DANNENBERG: It, it is correct
10 and actually these last two years were probably the
11 most difficult two years but we're very happy to say
12 that over the ten years that the city has focused on
13 provisional reduction we've reduced 14,000
14 provisional appointments and in the last two years
15 we've, we've reduced almost 6,000 so that's a very
16 large portion of the total that we've been able to
17 reduce just recently. So... [cross-talk]

18 COUNCIL MEMBER CABRERA: So, to get those
19 numbers... you see what I mean? So, now to... [cross-
20 talk]

21 BARBARA DANNENBERG: Yes... [cross-talk]

22 COUNCIL MEMBER CABRERA: ...get another
23 6,000, another... you know 3,000 here... what... like for
24 example who... where's the biggest group of workers
25 right now, employees in a provisional title that,

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2 that we could give an exam and we'll be... say hey, we
3 got 500 here and so forth, I don't even know what the
4 number would be?

5 BARBARA DANNENBERG: Right, so there are
6 very few titles like that but... that exist anymore
7 with hundreds and hundreds of Provisionals however we
8 can say that probably the titles that have the most
9 hiring would be those entry level, entry into the
10 city titles so... you know certainly a new plan would
11 focus on giving more examinations targeting those
12 individual... [cross-talk]

13 COUNCIL MEMBER CABRERA: Can you give an
14 example of those because I'm not... [cross-talk]

15 BARBARA DANNENBERG: Sure, so as, as Dawn
16 said earlier we've been partnering with the agencies
17 over the last few years which is something else
18 that's been unique to this plan in talking about
19 their hiring needs and when they think that they'll
20 be hiring or if they're going to need... you know if
21 their mission is shifting so an example of that, that
22 Dawn already spoke about is the Youth Development
23 Specialist so we've partnered very closely with the
24 Administration for Children Services in creating the
25 new title but also in their recruitment efforts and

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2

the timing of the exam in relation to their

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recruitment efforts so that employees would be

4

brought on board, spoken to about the examination,

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they would understand the process and then be able to

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take that examination... [cross-talk]

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COUNCIL MEMBER CABRARA: But that's a...

8

[cross-talk]

9

DAWN PINNOCK: ...and become permanent...

10

[cross-talk]

11

COUNCIL MEMBER CABRERA: ...new title,

12

right, that's a brand new... [cross-talk]

13

DAWN PINNOCK: Correct... [cross-talk]

14

COUNCIL MEMBER CABRERA: ...title because...

15

[cross-talk]

16

DAWN PINNOCK: Correct... [cross-talk]

17

COUNCIL MEMBER CABRERA: ...I know... I used

18

to be the Chair of Juvenile Justice, I'm very

19

familiar with... you know this new group of hire but

20

what's you're your next biggest outside of the

21

newbies that we have right now, do you have another

22

group that has 200, 300?

23

DAWN PINNOCK: So, as part of our current

24

provisional reduction plan, we did factor that in.

25

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2 So, when you mentioned about easy picking fruit, none
3 of its been easy.

4

COUNCIL MEMBER CABRERA: But it's going
5 to be harder, that's... [cross-talk]

6

DAWN PINNOCK: Right... [cross-talk]

7

COUNCIL MEMBER CABRERA: ...my point...

8

[cross-talk]

9

DAWN PINNOCK: Right and so... [cross-talk]

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COUNCIL MEMBER CABRERA: ...and I'm

11

worried, I'm really... [cross-talk]

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DAWN PINNOCK: ...and that's... [cross-talk]

13

COUNCIL MEMBER CABRERA: ...worried...

14

[cross-talk]

15

DAWN PINNOCK: ...and that's in part of our

16

analysis. So, to your point initially... and, and this

17

is certainly in our ongoing relationship with the

18

state, we've had to identify those heavy hitters,

19

right, so a computer systems manager where you have a

20

few hundred individuals serving and so in those cases

21

where we could offer qualified incumbent exams to

22

address long standing Provisionals we would then add

23

a separate exam on our exam schedule for the new

24

entrants so we were trying to figure out ways to

25

tackle some of those larger exams through, through

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2 two testing methods but now in looking at what's
3 left, you know within our portfolio that is one
4 reason why we've asked for authorization to utilize
5 the QIE again to tackle some of those exams where we
6 have a lower number of incumbents, we've already
7 vetted that list with labor but also we're working
8 with agencies as it relates to tracking their hires
9 so we can direct individuals to exams that are either
10 on our schedule and that's where the automation
11 becomes really critical in terms of automating
12 another test type just so we can continue turn out
13 the exams.

14 COUNCIL MEMBER CABRERA: Who's been there
15 the longest without taking an exam? Is there a
16 particular... [cross-talk]

17 DAWN PINNOCK: I would say don't quote
18 me but we're going to be on the record so someone's
19 going to quote me, I would say when we reviewed our
20 QIE numbers we saw some length of service as high as
21 maybe 15 years serving provisionally and so while
22 that's, that's a difficult thing to say I'm also
23 proud to say that we were able to address that
24 through a testing method whereby someone who served
25

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2 the city for a significant period of time was able to
3 take that exam and now has permanent status.

4 COUNCIL MEMBER CABRERA: So, for example
5 which agency was that?

6 DAWN PINNOCK: It wasn't a particular
7 agency but it, it would be... [cross-talk]

8 COUNCIL MEMBER CABREFA: What title, what
9 title was it, do you remember?

10 BARBARA DANNENBERG: Might be... maybe
11 trades titles... [cross-talk]

12 DAWN PINNOCK: Right, it could be...

13 BARBARA DANNENBERG: ...that's probably the
14 hardest...

15 DAWN PINNOCK: ...right some of the trades
16 titles where you have few incumbents, I mean I can't
17 think of a specific title off hand but, but it would
18 not... it was not restricted to just one.

19 COUNCIL MEMBER CABRERA: So, this is the
20 part that, you know... I'm not in his wonderful
21 committee so I don't have that context on, on that,
22 I'm going to ask the obvious question, what's the
23 bottleneck, so if, if we have five centers, right,
24 well we're going to have five centers not testing..
25 [cross-talk]

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DAWN PINNOCK: Uh-huh... [cross-talk]

2

3

COUNCIL MEMBER CABRERA: ...centers and we
welcome you in the Bronx, we're always the last one
so I'm going to complain but I'm glad we're having
it, I'm into solutions but what... why does it take... I
mean why for example 15 years, 10, 5, why not just
schedule everyone, you know just, just you know do a...
can you... can you test everybody in one year, do you
have the capacity to test everyone in one year and if
you can't... and if you cannot what's a... what capacity
level do you have and what... now being intentional
about just moving forward and scheduling everybody to
take a test?

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BARBARA DANNENBERG: Right, so the city
has... this, this might be interesting for you, the
city... [cross-talk]

COUNCIL MEMBER CABRERA: Okay... [cross-
talk]

BARBARA DANNENBERG: ...has over 800
competitive titles for which we need to develop an
examination for and administer our... [cross-talk]

COUNCIL MEMBER CABRERA: So, that's the
problem, we don't have the test? So, why don't we

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hire more consultants to write up the tests? Who, who writes this test?

BARBARA DANNENBERG: So, the, the tests are actually developed by human capital staff at DCAS so... [cross-talk]

COUNCIL MEMBER CABRERA: So, why not hire more staff and lets just get this over with, I mean what, what, what will stop us from hiring a few more staff and developing these exams?

BARBARA DANNENBERG: Over the course of the administration we had received additional lines to help to augment examination services... [cross-talk]

COUNCIL MEMBER CABRERA: So, how much more do you need? This is the time of the year we do this. November... we're still in November, yeah we're still in November, how many more do you need, I mean this is... this is simple math, right, if you had this many you could do this many tests because I think I found the bottleneck here and so... and I'm sure the others they knew that but we're at this hearing why, why don't we just hire more people and develop this test and just get everybody to be... not everyone because we're not going to get ultimately there because we're always going to have... [cross-talk]

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BARBARA DANNENBERG: Uh-huh... [cross-talk]

2

3

COUNCIL MEMBER CABRERA: ...new ones but I,
I... you know I commend the agencies, we only have five
new lines, you know I'm curious to know how many were
deleted but why don't we just hire more people and
how many more people would you need to, to accomplish
this goal?

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BARBARA DANNENBERG: So, for example over
the course of the plan we did receive authorization
to hire more staff to develop examinations and... for
15 people and over the, the two years those 15 people
have assisted us in achieving administering our all-
time high number of examinations of 274...

10

11

12

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14

15

COUNCIL MEMBER CABRERA: So, they
developed 274 new ones?

16

17

BARBARA DANNENBERG: That's correct.

18

COUNCIL MEMBER CABRERA: Okay... [cross-
talk]

19

20

BARBARA DANNENBERG: That's correct, so
not just... [cross-talk]

21

22

COUNCIL MEMBER CABRERA: And how many
more tests do we need? I'm glad I don't know... [cross-
talk]

23

24

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BARBARA DANNENBERG: So... [cross-talk]

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2 COUNCIL MEMBER CABRERA: ...anything about
3 this because I get to ask... [cross-talk]

4 BARBARA DANNENBERG: Right... [cross-talk]

5 COUNCIL MEMBER CABRERA: ...the simple
6 questions... [cross-talk]

7 BARBARA DANNENBERG: Right, so... [cross-
8 talk]

9 COUNCIL MEMBER CABRERA: ...but the simple
10 questions are the ones that give us the simple
11 solutions, A to Z, you know A to B.

12 BARBARA DANNENBERG: Right, so there are
13 many factors that determine how many examinations we
14 need, or which titles need to be tested for so of the
15 800 titles they're not... might not be new hires in
16 every single one of those titles.

17 COUNCIL MEMBER CABRERA: But of the ones
18 that we need...

19 BARBARA DANNENBERG: Right, so of the
20 titles where hiring occurs, again it depends on the,
21 the amount of hiring so some titles have turnover,
22 they have... they, they do mass hiring... [cross-talk]

23 COUNCIL MEMBER CABRERA: You know give us
24 a ballpark, what's the... what's the... what, what is it
25 that we need to, you know to get to... [cross-talk]

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2 DAWN PINNOCK: Well based on our
3 projections ideally staying in the range of
4 approximately 250 to 270 exams actually could
5 potentially cover us however I do need to introduce
6 another element, so I hope that I'm not throwing our
7 conversation off... [cross-talk]

8 COUNCIL MEMBER CABRERA: No, go ahead,
9 I'll come back... [cross-talk]

10 DAWN PINNOCK: ...in addition... in addition
11 to addressing Provisionals we have titles where there
12 are no Provisionals serving but we still need to
13 create exams. So, let's for our police officers,
14 correction officers, these are large scale exams that
15 we're required to develop and administer to ensure
16 that we don't have any Provisionals serving. So, the
17 same resources that are utilized for provisional
18 reduction through test administration are the same
19 resources we use for what we call our provisional
20 avoidance titles so those really are our clerical
21 titles, a lot of our direct service positions at our
22 social services agencies and our uniform titles.

23 COUNCIL MEMBER CABRERA: So, let me ask
24 you this question and I'll close with this, I have
25 more but I'll, I'll come back, is there unintended

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2 costs whenever we don't test them and we keep them
3 in, in a provisional status, does it cost us more and
4 when I mean cost I don't mean just monetary, what's
5 the overall cost here and if it is doesn't it... after
6 another day if we were to hire more regardless at
7 whatever level for whatever reason, whether they're
8 there, they're not and so forth just to bring down
9 these numbers, doesn't it make more sense to hire
10 more people because it will cost us more... cost us
11 less hiring them and having this test and, and having
12 a homeostasis point of, you know labor with, with,
13 with... you know provisional versus permanent positions
14 just to... so what are we... are, are we talking about...
15 is, is there a cost, a savings?

16 BARBARA DANNENBERG: So, so provisional
17 employees, competitive class employ, employees other
18 than competitive class employees they're all paid
19 according to the salary... the city's salary guidelines
20 so provisional employees don't make either more or
21 less than a permanent employee, they're... they, they
22 receive the same benefits and they receive the same
23 salary. However, it is certainly in the city's best
24 interest to have a stable workforce working for...
25 working for the city so what we are trying to do,

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what we are speaking of is testing people as they
3 come into city services so that people don't have to
4 wait ten years or, or you know longer in order to
5 take an examination and that they feel that they are
6 a part of the city's workforce, a stable part and
7 that they're eligible to, you know continue their
8 career within the city.

9

COUNCIL MEMBER CABRERA: And job security
10 is the same?

11

DAWN PINNOCK: Correct. Well job...

12

[cross-talk]

13

BARBARA DANNENBERG: Oh, sorry... [cross-

14

talk]

15

DAWN PINNOCK: ...security for a

16

provisional is not the same and so I just... [cross-

17

talk]

18

COUNCIL MEMBER CABRERA: Okay, so that's...

19

[cross-talk]

20

DAWN PINNOCK: ...wanted... [cross-talk]

21

COUNCIL MEMBER CABRERA: ...a big cost, if

22

that's the... [cross-talk]

23

DAWN PINNOCK: Right... [cross-talk]

24

COUNCIL MEMBER CABRERA: That's the...

25

that's... [cross-talk]

COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
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2 DAWN PINNOCK: Right and, and so... [cross-
3 talk]

4 COUNCIL MEMBER CABRERA: That's the
5 bottom line right here, that's safety... [cross-talk]
6 [cross-talk]

7 DAWN PINNOCK: Right, right... [cross-talk]

8 COUNCIL MEMBER CABRERA: ...in job... [cross-
9 talk]

10 DAWN PINNOCK: ...and I was going to add
11 to... [cross-talk]

12 COUNCIL MEMBER CABRERA: Okay... [cross-
13 talk]

14 DAWN PINNOCK: ...to what Barbara said just
15 in terms of the unintended cost I see it, you know
16 directly tied into just kind of strengthening the
17 work force so a provisional employee does not have
18 the same job protections as a permanent employee and
19 so when you're talking about transitioning in a
20 provisional potentially there's a loss of talent that
21 impacts the services we provide to New Yorkers so I
22 would say although we've not quantified that I view
23 that as one of the unintended costs of not being able
24 to address Provisionals quickly.

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2 COUNCIL MEMBER CABRERA: A worker is
3 going to be more vested if they feel secure and
4 safety, hierarchy of needs is most fundamental here
5 because my counseling background but please let's
6 hire more people, I mean to me this is like a no
7 brainer, hire more people, more tests, more faster,
8 let's bring more security, our people deserve it.
9 Thank you so much Mr. Chair, I have more questions
10 but I'll... I... [cross-talk]

11 CHAIRPERSON MILLER: Thank, thank you so
12 much Co-Chair. Just on the issue of unintended
13 consequences, consequences that were mentioned there,
14 could you... could you quantify what the pension
15 implications are if any?

16 DAWN PINNOCK: To... well a provisional
17 would have rights to opt into a pension, if you're a
18 permanent employee you are brought into the pension
19 system but that is not something that have
20 quantified.

21 CHAIRPERSON MILLER: And, and, and
22 before... I see Council Member Dromm, he's, he's got
23 his roller skates on as well, could you... could you...
24 could you just let us know the agencies that have the
25

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2 highest number of Provisionals, I think he'd be
3 interested in it?

4 DAWN PINNOCK: The agencies, these are
5 some of our larger clients so, New York City Transit,
6 New York City Housing Authority, Department of
7 Transportation, Department of Parks and Recreation,
8 Department of Education, DEP, Environmental
9 Protection and Department of Health and Mental
10 Hygiene and a recent addition has been Administration
11 for Children Services primarily because of our recent
12 hiring... [cross-talk]

13 CHAIRPERSON MILLER: Uh-huh... [cross-talk]

14 DAWN PINNOCK: ...of youth development
15 specialists.

16 CHAIRPERSON MILLER: So... and honestly, I,
17 I was... it was kind of... trying to engage my colleague
18 concerning... [cross-talk]

19 DAWN PINNOCK: I tried... [cross-talk]

20 CHAIRPERSON MILLER: ...his thing about...
21 [cross-talk]

22 DAWN PINNOCK: ...to go quickly... [cross-
23 talk]

24 CHAIRPERSON MILLER: ...the nearly 30
25 years... [cross-talk]

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DAWN PINNOCK: ...tried to go quickly
before he... [cross-talk]

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CHAIRPERSON MILLER: ...in... at the DOE...
[cross-talk]

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DAWN PINNOCK: ...he left... [cross-talk]
CHAIRPERSON MILLER: ...but you left...
[cross-talk]

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DAWN PINNOCK: Okay... [cross-talk]
CHAIRPERSON MILLER: ...it at the bottom
and that... and, and honestly that he was more familiar
I know from past hearings that he was able to drill
down on some of the titles and the concerns that we
had over at the DOE and, and a lot of that still... you
know... [cross-talk]

16

17

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DAWN PINNOCK: Right, I remember he had...
[cross-talk]
CHAIRPERSON MILLER: ...that, that culture
kind of... [cross-talk]

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DAWN PINNOCK: ...interest with the...
[cross-talk]
CHAIRPERSON MILLER: ...exist... [cross-talk]
DAWN PINNOCK: ...occupational therapist
and the... [cross-talk]

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2 CHAIRPERSON MILLER: Exactly... [cross-
3 talk]

4 DAWN PINNOCK: ...physical therapist...
5 [cross-talk]

6 CHAIRPERSON MILLER: Uh-huh... [cross-talk]

7 DAWN PINNOCK: Uh-huh.

8 CHAIRPERSON MILLER: And, and the... and,
9 and so forth. So, what is the current New York City
10 workforce headcount?

11 DAWN PINNOCK: We're over 390,000.

12 CHAIRPERSON MILLER: Where is that
13 compared to where we were five years ago in a sense?

14 DAWN PINNOCK: We actually did a ten year
15 look back in anticipation of your question and so ten
16 years ago I believe we were at 376,000 and we're now
17 up to 393,000 so... [cross-talk]

18 CHAIRPERSON MILLER: Where were we five
19 years ago, do you know?

20 DAWN PINNOCK: Hold on one second, sorry...
21 one, two, three... we were... I just have to add the
22 number... 300 and...

23 BARBARA DANNENBERG: 358...

24 DAWN PINNOCK: 358,000 in 2013.
25

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2 CHAIRPERSON MILLER: Uh-huh and now we're
3 at three...

4 DAWN PINNOCK: We're at 393,000.

5 CHAIRPERSON MILLER: So, we're close to
6 about 45,000 over the new hires over the past five
7 years?

8 DAWN PINNOCK: Approximately 40,000.

9 CHAIRPERSON MILLER: For the record
10 because, you know I... at... some may disagree but I
11 think that as, as Council Member... my, my Co-Chair has
12 said here that, that we should hire not just those
13 who hire but our public sector workforce brings real
14 value to our city, people who come here and
15 investigate because it's safe and we have a, a world
16 class police department and health care, education
17 and, and... regardless to what say... folks say
18 transportation as well and so there is an inherent
19 value to these positions and, and you increase the
20 value, the economic value as well to, to the city.
21 When, when... look, we were all there when we had less
22 employees and there were long lines everywhere, right
23 and that undermined the value of the city so I, I
24 think it would behoove us as Council Member Cabrera
25 said that, that we work with agencies to identify...

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2 because look, we're still being... over that last five
3 to ten year period we were operating at a deficit in
4 terms of human capital, right, we were asked... every
5 agency was asked to more with less and that didn't
6 work and, and there were consequences to that. Aside
7 from that these, these public employees, these, these
8 lives that they change by the simplest... the simplest
9 entry level and, and this is coming from someone who
10 is a lifelong... 34 years at, at... as a civil servant
11 now and, and one who represents a community that has
12 the highest number of, of civil servants in the state
13 of New York. There is a difference to those
14 communities particularly communities of color, we
15 have again and as I often state, the highest number
16 of, of civil servants but we also have the highest
17 number of African American homeownership in the
18 entire country. There's a direct correlation between
19 the two so as my colleague said that this absolutely
20 has value why wouldn't we continue to add to that
21 value, why wouldn't we add to the value of New York
22 City's... of New York City by adding to its workforce.
23 There is a difference certainly in, in, in the, the...
24 not just the status but the value of a permanent
25 employee and a, a provisional employee not just from

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2 the standpoint that the court said that you have to
3 reduce this number. In fact, the court agreed that it
4 undermined what that system was and the... and, and the
5 intent of, of the system. So, I, I certainly agree
6 with my colleague that we, we should move forward, in
7 doing so are there specific titles that... and I'm,
8 I'm... this is... this is oversight so this is going to
9 jump outside a little bit of, of provisional, are
10 there specific titles where you see a greater need
11 and obviously that some of these... some, some of the
12 Provisionals then have taken a backseat because of
13 the need to hire some of the essential services as
14 you talked about corrections and, and, and other
15 uniform forces and healthcare and education and so
16 forth, is... are we missing something, is there a
17 place, an agency or a title where there is a great
18 need that you're seeing in your conversations with
19 agencies?

20 DAWN PINNOCK: It really depends as we're
21 talking to agencies and that's why I believe our
22 compliance meetings are so important. A standing
23 agenda item in those meetings is to talk about their
24 hiring needs and so there were certain things that
25 have been identified for us that were directly tied

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2 to legal mandates so there would... there was a mandate
3 that DOT had that required an increased number of
4 engineers to serve so that they could meet a legal
5 mandate. Through those meetings we were informed of
6 ACS's need regarding YDS, through those meetings we
7 were alerted by probation that they actually needed
8 us to administer probation officer exams more often
9 because they were going through these lists so
10 quickly. So, I think that... you know all the agencies,
11 you know whether they're direct service, public
12 safety, if they're tackling a new initiative, some of
13 our agencies handling infrastructure they all have
14 certain needs that are identified and so we really
15 impress upon them the importance of sharing that
16 information with us early and often so we can best
17 prioritize our exam schedule to meet their
18 operational needs.

19 CHAIRPERSON MILLER: How, how much of
20 that information is being shared with this committee
21 or the Council or these Committees specifically even
22 in terms of just some of the, the over 250, 40...
23 whatever it was exams that had been administered in
24 that two year period as you said based on the QIE and
25 other things, how much of that information are you

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2 sharing in that... and, and I know that we've been able
3 to partner on a number of missions... [cross-talk]

4 DAWN PINNOCK: Uh-huh... [cross-talk]

5 CHAIRPERSON MILLER: ...but there are some
6 creative ideas as well as we just saw, how, how do
7 you engage the Council so that we can further partner
8 with you and, and, and decreasing these numbers?

9 DAWN PINNOCK: You do mean... and I just
10 want to clarify the question, do you mean how we
11 engage with you historically or how we'd like to
12 engage you going forward?

13 CHAIRPERSON MILLER: Moving forward.

14 DAWN PINNOCK: Okay, from my perspective
15 we share your view in that there's no reason why you
16 should not see our provisional reduction plan, I mean
17 it is a plan that is comprehensive, it's a plan that
18 speaks to the city's needs and certainly there's some
19 insight that you will have, you know given the needs
20 of each of the council Maddox districts that can help
21 to directly inform our plan and so really any
22 information that we have is helpful, you know we do
23 share our provisional reduction plans with our labor
24 partners because we cannot do this alone and so I'm
25 certainly having the input, you know of your

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2 committee and just the Council in general to flag any
3 potential operational hiring issues that we're
4 unaware of, we'd want to have that directly inform
5 our strategy once we're afforded more time.

6 CHAIRPERSON MILLER: And, and, and
7 further more as... and, and I know it, it came out kind
8 of... but the Council Member was, was absolutely
9 sincere and as we begin to talk about 2019, 2020's
10 budget, you know this is an, an important element
11 that in the past that we were able to include funding
12 in the budget that allowed for the bodies, the
13 additional bodies that were, were helpful in the
14 creation of those additional exams. So, that's really
15 important to us as well as, as being your advocate
16 and, and, and to a certain degree controlling purse
17 strings and being able to negotiate purse strings
18 that's really important and, and we take this plan
19 and, and the city's workforce very seriously and the
20 fact that we can't administer examinations for those
21 small number of reasons that forbid us from hiring at
22 the level that we should or when we should, you know
23 if we're working collaboratively we, we could be able
24 clear some of those hurdles I, I think is what we're
25 trying to say. While we're on that just titles in

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2 general two things, how has contracting services or
3 contracting out services impacted the, the, the
4 permanent workforce and, and in particular how has it
5 impacted provisional... has it had any impact on
6 provisional employees?

7 DAWN PINNOCK: So, in addition to the
8 approval of additional lines we were also provided an
9 opportunity to have a small contract to outsource a
10 number of exams, a very small portion of our
11 portfolio, primarily exams that have taken us very
12 long to, to create and to promulgate those lists we
13 received funding to assist with that. However, we
14 have worked really hard to keep the majority of our
15 examination's development work in house and I, I
16 don't want to assume that you know but DCAS is part
17 of a citywide insourcing committee where we work with
18 our labor partners... [cross-talk]

19 CHAIRPERSON MILLER: Right... [cross-talk]

20 DAWN PINNOCK: ...to identify opportunities
21 to continue to insource work within the city and so..
22 in order to make sure that we are walking the walk
23 and talking the talk we do limit contracting out of
24 the work that we are able to perform in house.

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2 CHAIRPERSON MILLER: So, in terms of..
3 are, are you seeing an increase in permanent titles
4 or even provisional titles based on the, the
5 committee that, that you participate in, in terms of
6 insourcing, are.. is there an opportunity.. has that
7 opportunity manifested itself in the creation of new
8 titles or expansion of traditional titles by not
9 farming out at the same level?

10 DAWN PINNOCK: It.. [cross-talk]

11 CHAIRPERSON MILLER: Or not farming out
12 at all in, in some instances?

13 DAWN PINNOCK: Although I don't have the
14 specific numbers because, because really the process
15 is led, you know by one of our labor partners however
16 it has resulted in a decrease in certain consulting
17 spending and then has resulted in additional
18 individuals working within the city to perform
19 similar work so that really is the goal of the, the
20 insourcing committee looking for those opportunities
21 to bring certain work within the city that can be
22 done by city employees in house.

23 CHAIRPERSON MILLER: PAA's, is, is there..
24 where.. is there a current list?

25 DAWN PINNOCK: Yes.

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BARBARA DANNENBERG: Yes.

CHAIRPERSON MILLER: Are they calling off
the list or are they still using light duty offices?

[off mic dialogue]

DAWN PINNOCK: Oh, we're going to... right,
because we are talking about... [cross-talk]

BARBARA DANNENBERG: Sorry... [cross-talk]

DAWN PINNOCK: ...the title represented by
CWA because there's a PAA on that side as well so
you're referring to the title that you... [cross-talk]

CHAIRPERSON MILLER: Police
administrative aide... [cross-talk]

DAWN PINNOCK: Police...

BARBARA DANNENBERG: Right.

DAWN PINNOCK: I know that we administer
an exam for that, I don't know if... the list is
active... yeah, so the list is active. If you're
referring to any other hiring, we might be unaware of
any hires and, and that's not been on one of the
subjects of the... [cross-talk]

CHAIRPERSON MILLER: So, there was an
agreement... [cross-talk]

DAWN PINNOCK: ...end sort of the
conversation... [cross-talk]

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2 CHAIRPERSON MILLER: ...with the Council
3 and the police department that the... around
4 civilianization and so that there was a title so if,
5 if you are looking at the titles and the movement or
6 lack thereof, of a specific title in this particular
7 instance are we... are we seeing a reduction or lack
8 thereof because those positions are being filled with
9 permanent employees from another title... [cross-talk]

10 DAWN PINNOCK: So... [cross-talk]

11 CHAIRPERSON MILLER: ...on light duty...

12 DAWN PINNOCK: So, we can certainly take
13 a look at the number of appointments being made
14 specifically off of that list... [cross-talk]

15 CHAIRPERSON MILLER: How long has the
16 list been open?

17 [off mic dialogue]

18 DAWN PINNOCK: I think it's fairly new
19 and so once again we would have to... [cross-talk]

20 CHAIRPERSON MILLER: Okay... [cross-talk]

21 DAWN PINNOCK: ...provide that as well.

22 BARBARA DANNENBERG: Right...

23 CHAIRPERSON MILLER: Okay. Okay, so yeah
24 I'm, I'm, I'm pretty much going to wrap because we
25 can do this like forever and ever, I'm, I'm going to

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2 allow my, my, my colleague but I, I just wanted..
3 would you be willing to receive follow up questions
4 from the... from the committee and, and respond, you
5 know appropriately?

6 DAWN PINNOCK: Of course and if there are
7 specific titles where you are asking about movement
8 or usage of those lists, you know certainly... you know
9 we want to make sure that we're providing you with
10 the... as much accurate information as we can so if
11 that's part of your questioning we're more than happy
12 to receive that... [cross-talk]

13 CHAIRPERSON MILLER: Absolutely, we'll,
14 we'll draft a... the committee will draft a letter and,
15 and we'll, we'll send it to you and, and expect a
16 response so... thank you. Council Member Cabrera.

17 COUNCIL MEMBER CABRERA: Thank you so
18 much. Just a quick question regarding the 2018 MMR
19 report, a significant decrease in the time taken for
20 DCAS for release testing results from the time of
21 examination so I think it's plain what factors
22 contributed to this decrease, it seems reasonable to
23 expect that the test results can be made available
24 even faster in 2019 and beyond and how can
25

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2 improvements be made to the examination so that
3 individuals could retake exams more quickly?

4 BARBARA DANNENBERG: Right, so thank you
5 that we've definitely have made an effort to reduce
6 the time that it takes for us to release those exam
7 results after an exam has been administered so that
8 city agencies can hire more quickly. So, there are
9 several factors that actually led to the decrease in
10 that number one of which of course was the additional
11 staffing that we received, they definitely assisted
12 with the processes not just in developing the exam
13 because we're talking about the time after we give
14 the exam and that time period consists of a protest
15 review which I'm not sure if you're familiar with,
16 okay. So, there are several things that happen after
17 an examination is administered that are part of the
18 civil service process and one of those... one of... one
19 of the things that happens afterwards is that people
20 who take a multiple choice test are given the
21 opportunity to protest the questions so they may feel
22 that... you know DCAS says the answer is B but I feel
23 like the answer C is a better answer and here's why..
24 [cross-talk]

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2 COUNCIL MEMBER CABRERA: I didn't get to
3 do that in high school but go ahead...

4 BARBARA DANNENBERG: This is a process
5 that is unique to... [cross-talk]

6 COUNCIL MEMBER CABRERA: I'm just
7 kidding, I... [cross-talk]

8 BARBARA DANNENBERG: ...New York City...
9 [cross-talk]

10 COUNCIL MEMBER CABRERA: ...I'm just, just
11 kidding.

12 BARBARA DANNENBERG: So, that process
13 could take several months because after the exam is
14 administered we give people up to 30 days to submit
15 those protests and then we have a, a, a committee
16 that comes in, they're called the test validation
17 board and that's made up of labor, an agency
18 permanent representative and also a DCAS
19 representative and they will review all of those
20 protests and make a determination. If they make the
21 determination, they agree with the person who said my
22 answer is better every candidate will benefit and
23 DCAS will change the correct answers from not just B
24 but B and C in the example... [cross-talk]

25 CHAIRPERSON MILLER: Okay... [cross-talk]

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2 BARBARA DANNENBERG: ...I just gave so all
3 of that takes some time in the process so having
4 additional staff to help go through all those
5 protests, some exams receive thousands so that's one
6 part of the process. Another part of the process that
7 happens after an exam administration is that when
8 individuals receive their score they have the right
9 to appeal to DCAS so they can say hey I think that my
10 score should be higher and here's why and so that
11 follows another process within DCAS and ultimately if
12 a person... if we agree with you or there was
13 information that wasn't provided that would have been
14 helpful to us earlier on and we approve your appeal
15 that individual will be on the eligible list that
16 results from that exam. So, all of those things
17 happen in the months after an exam is administered so
18 the more people that you have working on those items
19 the quicker the process goes but also... so, in
20 addition to the personnel also the automation of
21 exams. So, during her testimony Dawn mentioned that
22 the qualifying incumbent exam is the first of its
23 kind that it is automated from beginning to end that
24 means that test takers take their examination online,
25 they receive their score right away, they don't have

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2 to wait for DCAS and if they would like to appeal
3 that score they can do that automatically as well
4 online... [cross-talk]

5 COUNCIL MEMBER CABRERA: Uh-huh... [cross-
6 talk]

7 BARBARA DANNENBERG: ...so that now has cut
8 down months and months and months of the time that it
9 takes to establish that eligible list so again, you
10 know in addition to the personnel the automation of
11 the processes has definitely helped decrease that
12 time.

13 COUNCIL MEMBER CABRERA: Well, well thank
14 you for that answer and you, you, you keep confirming
15 what I mentioned earlier, something happens when you
16 hire more people you could expedite, you can move
17 things quicker and that goes to the test takers as
18 well, we can hire more people, we could move, you
19 know things along a lot faster so that's very good.
20 My last question is in regard to the Bronx, you don't
21 have to ask I'm from the Bronx, for your test center
22 what's your capacity going to be there, how many
23 people are going to be able to take tests?

24 BARBARA DANNENBERG: Yeah, so the center
25 will have just over 50 seats... [cross-talk]

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COUNCIL MEMBER CABRERA: 50 seats...

[cross-talk]

BARBARA DANNENBERG: ...for test takers.

COUNCIL MEMBER CABRERA: Are you planning
to open more centers after this?

BARBARA DANNENBERG: That is our
intention to open a larger center in the Bronx, yes.

COUNCIL MEMBER CABRERA: Okay and when
would that be?

BARBARA DANNENBERG: I don't have a date...
a timeline or a date for that but... [cross-talk]

COUNCIL MEMBER CABRERA: It's just an
intention... [cross-talk]

BARBARA DANNENBERG: ...in the meantime...
[cross-talk]

COUNCIL MEMBER CABRERA: ...at this point
or is... [cross-talk]

BARBARA DANNENBERG: Yes... [cross-talk]

COUNCIL MEMBER CABRERA: ...there real
plans?

DAWN PINNOCK: No, this... so, so just to
understand a bit of the history, there had been
another site identified that is a larger site however
in work... we wanted to work on a parallel path to open

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2 up a site utilizing existing city space and so that
3 is the reason why we're utilizing city owned space to
4 open up this site but plans and work is still ongoing
5 in order to open up the larger site that, that we had
6 originally agreed upon opening.

7

COUNCIL MEMBER CABRERA: And how many
8 would that seat, how many chairs would it have?

9

BARBARA DANNENBERG: I believe it was
10 just over 100... [cross-talk]

11

DAWN PINNOCK: Right, we believe... [cross-
12 talk]

13

COUNCIL MEMBER CABRERA: 100... [cross-
14 talk]

15

DAWN PINNOCK: ...it actually doubles the
16 capacity...

17

COUNCIL MEMBER CABRERA: And how many do
18 you have in the other boroughs?

19

DAWN PINNOCK: The other boroughs are
20 larger... [cross-talk]

21

BARBARA DANNENBERG: Yeah, so Brooklyn is
22 the largest.

23

DAWN PINNOCK: Yes, Brooklyn is the
24 largest... [cross-talk]

25

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2 COUNCIL MEMBER CABRERA: Okay, they're
3 the largest borough, okay on that... [cross-talk]

4 DAWN PINNOCK: Yeah... [cross-talk]

5 COUNCIL MEMBER CABRERA: ...okay and then?

6 DAWN PINNOCK: ...second largest... [cross-
7 talk]

8 COUNCIL MEMBER CABRERA: Are we the
9 smallest?

10 DAWN PINNOCK: Today... [cross-talk]

11 BARBARA DANNENBERG: Today, yes.

12 COUNCIL MEMBER CABRERA: It seems..
13 [cross-talk]

14 DAWN PINNOCK: Today.

15 COUNCIL MEMBER CABRERA: I'm becoming a
16 prophet or something...

17 DAWN PINNOCK: But, but, but honestly, we
18 fast tracked this opening, you know, and we really
19 need to... you know pump up the... [cross-talk]

20 COUNCIL MEMBER CABRERA: You, you know
21 why you fast... [cross-talk]

22 DAWN PINNOCK: ...space... [cross-talk]

23 COUNCIL MEMBER CABRERA: ...tracked it
24 because we haven't had any since for years, I mean we
25 got to do something here, I mean we got to... it's just

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2 unbelievable our people in the Bronx, 1,4 million
3 people always got to be tracking every other place,
4 we're always last. The only thing we ever got first,
5 you know what was... what was it frozen meals on wheels
6 for seniors that's the only thing we ever got first
7 in the Bronx that I know of, come on... and so... yeah,
8 let's, let's get that second center going ASAP
9 because, you know we have a lot of people in the
10 Bronx and ensure it takes this test if you could send
11 those, I don't want to take time right now with the
12 breakdown... [cross-talk]

13 DAWN PINNOCK: Yes, we will... [cross-talk]

14 COUNCIL MEMBER CABRERA: ...how many take
15 tests from respective boroughs. Having said all that
16 thank you for all you're doing, you reached a
17 milestone that since I've been here for nine years, I
18 have never seen anybody reach so you get a happy
19 face... [cross-talk]

20 DAWN PINNOCK: Thank you...

21 BARBARA DANNENBERG: Wow...

22 COUNCIL MEMBER CABRERA: ...today, give my
23 regards to the Commissioner, good.. [cross-talk]

24 BARBARA DANNENBERG: Thank you so much...
25 [cross-talk]

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COUNCIL MEMBER CABRERA: ...job... good job.

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DAWN PINNOCK: Thank you.

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[applause]

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CHAIRPERSON MILLER: Wow, listen there's really nothing I can say after that, I, I'm sure that you guys would like to leave on that note, right?

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DAWN PINNOCK: But...

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CHAIRPERSON MILLER: So, I'm going to allow that to... so, I'm, I'm, I'm really going to allow that to happen because this has been a, a, a five year relationship that... partnership really that we've been able to accomplish some things in, in spite of the government that we have... and, and no matter what folks have said and, and full disclosure the Deputy Commissioner and I in our past lives worked together on these issues and, and so we came here knowing that it could be done and so I'm not going to accept anything less, right and, and so when, when we kind of get to push back we, we push each other and so I'm, I'm thankful for that and, and proud to say that despite what we go through on a day to day that there are some positive things happening and, and it is a... it is a positive when we're able to reduce this number and know the late person sitting

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2 on the outside thinks that a job is a job but we... I
3 think that we'd identified the difference in the
4 values of a permanent and a provisional employee and,
5 and what provisional employees do to kind of
6 undermine the whole civil service system and how
7 important that is to, to the city that we love and
8 that we serve and that serves so many others that we
9 have to have committed permanent employees in... you
10 know so we are on our way to doing so, so I thank you
11 very much for the work that DCAS is doing. While I
12 have you, the online portal could you talk about
13 that, we can close with that, we can close with
14 talking about the portal and its value of the portal
15 and that... and, and I think I remember that we were
16 promised a tour Mr. Chair which is upcoming and we
17 could... [cross-talk]

18 DAWN PINNOCK: December 13th... [cross-talk]

19 CHAIRPERSON MILLER: ...close on that.
20 December... [cross-talk]

21 DAWN PINNOCK: December 13th... [cross-talk]

22 CHAIRPERSON MILLER: ...13th... [cross-talk]

23 DAWN PINNOCK: ...the date that we were
24 able to schedule with you team.

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2 CHAIRPERSON MILLER: Okay, could you talk
3 about the portal and the tour?

4 BARBARA DANNENBERG: Sure, so we're
5 really excited about this portal and again thank you,
6 its definitely one of the initiatives that were
7 brought up by Council Member Miller and the
8 Committee. So, the online portal what it will do for
9 potential applicants for city jobs but also, you know
10 current city employees is that they now are able to
11 go into an account that they can create themselves
12 online and access any exam information that pertains
13 to them specifically. So, currently what people do is
14 they'll either come down to DCAS or go to one of our
15 customer service centers in one of the boroughs and
16 ask, you know hey what's my list number, what's... you
17 know what's happening, did I pass the test, you know
18 so now... or they can call our interactive voice
19 recording message and then they can get that
20 information that way, this way they can log on to
21 their account and they can see their exam results,
22 they can see when they have an upcoming exam, they
23 can see if the list has been established for the test
24 that they took and what their list number is and how
25 many people are on the list and they can also.. moving

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2 forward they can look at, you know what else is
3 happening, I explained that there are some things
4 that happen after you take an exam like the protest
5 review period and the appeal period and so that
6 information will also be made available in their
7 portal.

8 [off mic dialogue]

9 CHAIRPERSON MILLER: Can you... will, will
10 you be able to see all of the exams that you had
11 taken... will you be able to see previous exams that
12 were taken that, that... you're not necessarily looking
13 at a specific exam but you created your own portfolio
14 of the exams you've taken, where you are on the list,
15 if the lists are open and, and, and most importantly
16 if you move, right? Million times people have said
17 I've moved, and I moved and I've... and I've never
18 heard anything, what happens then?

19 BARBARA DANNENBERG: So, absolutely
20 people will be able to see their exam history going
21 back a certain number of years, it, it won't go all
22 the way back, you know until 1980 or something but
23 they will be able to see exams that they have taken
24 in the past and thank you for mentioning that, a key
25 feature will also be that people can update their

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2 address and where they receive official city mail
3 through their portal so they won't have to, again, go
4 to their agency's human resources and then come to
5 DCAS because the two systems were never combined now
6 they can just do that for their examinations in their
7 own portal. Another thing I failed to mention was
8 people can now update their own password in their
9 account which in the past has, has been problematic
10 for people especially if... I know nobody would do that
11 but people who apply for exams at the last minute and
12 don't remember their password and they can't get into
13 their account and they miss the filing period now
14 they can change their password, they'll get the... you
15 know they'll be able to do that themselves and they
16 don't need to rely on, you know somebody being in the
17 office in order to do that for them.

18 CHAIRPERSON MILLER: Okay, so again I, I
19 want to thank you for coming out, thank you for your
20 testimony, I especially want to thank the, the
21 members of the Committee for being here and
22 participating, its been a, a very busy day for all
23 the members around here, to my Co-Chair. I don't want
24 to play poker or pool with you because he, he, he
25 played like you go ahead you take the lead I don't

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2 know anything about this stuff here alright and then
3 he, he's zinging, right, so, so thank you so very
4 much for your input Council Member and certainly to
5 committee staff, Council and, and your team, thank
6 you so very much and to my staff and, and of course
7 the great Joe Goldbloom who has been residing back
8 there, thank you for your work on this particular
9 hearing. With that the hearing is adjourned.

10 DAWN PINNOCK: Thank you so much...

11 BARBARA DANNENBERG: Thank you.

12 [gavel]

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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

December 10, 2018