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**THE COUNCIL OF THE CITY OF NEW YORK**

# **COMMITTEE REPORT OF THE HUMAN SERVICES Division**

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**COMMITTEE ON CIVIL SERVICE & LABOR**

Hon. Carmen De La Rosa, *Chair*

#### December 7, 2022

**Legislation:**

**Int. No. 658-A:** Council Members De La Rosa, Louis, Restler, Joseph, Ung, Sanchez, Gutiérrez, Hanif, Farías, Narcisse, Hudson and Nurse

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to establish a civil service ambassador program

**Res. No. 310-A:** Council Members De La Rosa, Restler, Hanif, Hudson, Joseph, Brewer, Sanchez, Won, Gutiérrez, Brannan, Farías, Louis, Narcisse, Avilés and Cabán

**Title:** Resolution calling on the State Legislature to pass, and the Governor to sign S.3062C/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity

# **Introduction**

On December 7, 2022, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, held a hearing and vote on the following legislation: Introduction Number 658-A, a local law to amend the administrative code of the city of New York, in relation to requiring the Department of Citywide Administrative Services (DCAS) to establish a civil service ambassador program; and Resolution Number 310-A, calling on the State Legislature to pass, and the Governor to sign S.3062C/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity. The aforementioned legislation was previously heard by the Committee in a joint hearing with the Committee on Governmental Operations, chaired by Council Member Sandra Ung, on October 26, 2022, at which the Committees heard testimony from DCAS and interested stakeholders. On December 7, 2022, the Committee passed this legislation by a vote of nine in the affirmative, zero in the negative, with zero abstentions.

# **The New York City Civil Service Exam System**

# The New York City (City) civil service exam system (exam system) is the entryway into the large majority of municipal jobs and the benefits of a career in civil service.[[1]](#footnote-2) Candidacy for “[o]ver 80% of city government positions” is subject to exam passage,[[2]](#footnote-3) covering a wide range of disciplines including positions like landscape architect, electrician, and probation officer.[[3]](#footnote-4) Promotions within the civil service are also contingent on examination.[[4]](#footnote-5) As the gate through which most prospective civil servants must pass, the exam system is intended to ensure fairness and equal opportunity,[[5]](#footnote-6) and implemented to produce a municipal workforce that reflects the diversity of the city’s population.[[6]](#footnote-7)

 Although a creature of New York State law,[[7]](#footnote-8) the exam system may be administered locally.[[8]](#footnote-9) In the City, most local administration is entrusted to DCAS, which must follow the applicable State laws and regulations,[[9]](#footnote-10) and overcome thepractical challenges associated with ushering an average number of 110,000 people through the exam process each year.[[10]](#footnote-11) Among the DCAS Commissioner’s Charter-assigned responsibilities are personnel recruitment, scheduling and conducting city civil service exams, and making eligible hire lists, including additional related responsibilities.[[11]](#footnote-12) However, DCAS does not implement the exam system alone: the Charter assigns an independent role to the City’s Civil Service Commission,[[12]](#footnote-13) which primarily reviews DCAS decisions, including challenges to exam results.[[13]](#footnote-14)

 While the exam system is complex, the DCAS website explains the basic process.[[14]](#footnote-15) Persons seeking jobs subject to examination must apply to take multiple choice tests known as open-competitive or qualified incumbent exams.[[15]](#footnote-16) New candidates must take open-competitive exams; provisional employees—people who have been hired and begun work on the condition that they will successfully pass the applicable exam[[16]](#footnote-17)—must take qualified incumbent exams.[[17]](#footnote-18) Applications may be submitted on a computer with internet access or at one of DCAS’ in-person centers, which DCAS recently reopened after the pandemic forced their temporary closure.[[18]](#footnote-19) In-person applications are available by appointment only.[[19]](#footnote-20)

 Examinees must pay a fee that can range from $40 to $101 for each exam.[[20]](#footnote-21) Exam fees are intended to correspond to the minimum salary of the position for which they would make a candidate eligible.[[21]](#footnote-22) Fee waivers are available in a number of circumstances, however.[[22]](#footnote-23) All exam fees collected are required to be paid into the City’s general fund.[[23]](#footnote-24)

 Examinees who complete exams must wait for official results.[[24]](#footnote-25) Tentative results may be immediately available for automated multiple choice tests, but finalizing results can take over eight months.[[25]](#footnote-26) Examinees who disagree with their results can challenge them in a protest review session or with an appeal.[[26]](#footnote-27) After results are final, DCAS prepares a list of successful examinees and shares the list with the relevant agency to identify eligible candidates for open positions.[[27]](#footnote-28) DCAS composes eligible candidate lists in ranking order from the highest score to the lowest.[[28]](#footnote-29) Eligible candidates must await an interview offer from a hiring agency, by which time the exam process ends and the process of interviewing and hiring begins.[[29]](#footnote-30)

 Some exceptions to the general exam system exist for specific groups.[[30]](#footnote-31) Veterans and other specified people are eligible for additional test credit (i.e. points) if they take a civil service exam.[[31]](#footnote-32) Under the 55-a program, people with physical or mental disabilities can pursue an alternative application route altogether for positions that are otherwise competitive and subject to examination.[[32]](#footnote-33) Authorized under State statutes, these exceptions reflect the intent of the State Legislature to create a system for examination that accounts for multiple factors affecting equity and fairness to create opportunities to enter the civil service.[[33]](#footnote-34)

 DCAS’ recruitment efforts are designed to complement administration of the exam system and support the objective of a diverse municipal workforce.[[34]](#footnote-35) According to the Mayor’s Management Report for Fiscal Year 2022 (MMR), minorities comprised “78 percent of new hires at mayoral City agencies, increasing less than one percentage point compared with Fiscal [Year] 2021, but remaining stable over the last five fiscal years.”[[35]](#footnote-36) DCAS attributes levels of minority hires to targeted outreach by the DCAS Office of Citywide Recruitment (OCR), in collaboration with the Mayor’s Office for Persons with Disabilities (MOPD).[[36]](#footnote-37) However, discrepancies in hiring trends exist among minority groups in Fiscal Year 2022, including a sustained downward trend for new black hires.[[37]](#footnote-38)

1. **Opportunities for Optimization**

According to DCAS’ fiscal year 2021 report, equity and effectiveness guide the agency’s work, providing all City agencies with the resources and support needed to recruit, hire, and train employees.[[38]](#footnote-39) However, according to independent civic organizations, administrative inefficiencies harm DCAS’ ability to live up to its own stated values.[[39]](#footnote-40)

The protracted period for exam administration contributes to the City’s inability to build, maintain, and replenish its workforce. According to the 2022 Mayor’s Management Report (MMR), DCAS took a median number of 246 days to administer an exam in fiscal year 2022, a decrease from 318 days in the prior fiscal year and below the 290-day target, but a substantial amount of time nevertheless.[[40]](#footnote-41) Long exam development times, low frequency of exams, and delays between exam dates and hiring, each contribute to the prolonged process.[[41]](#footnote-42) In a February 2022 report, the State Comptroller, Thomas DiNapoli, pointed to the extended civil service hiring process as a factor that has led to local government staffing shortages, cautioning that such shortages could result in operational challenges once demand for City services rebounds post-pandemic.[[42]](#footnote-43) Non-partisan good government groups have long advocated for improved hiring systems to fill civil service positions faster, thereby increasing the number of on-board staff, and perhaps eliminating the slowness that is commonly thought to discourage some from working for the City.[[43]](#footnote-44) These groups have also stressed that expediting the hiring process to fill vacancies in a timely manner is important in the current competitive job market because the City cannot meet its hiring goals if it cannot compete with private sector employers.[[44]](#footnote-45)

Logistical and financial hurdles can be barriers to entry into the civil service and undermine the policy goals of the exam system. The exam requires access to a computer with reliable internet or the ability to visit a testing site in-person with a scheduled appointment,[[45]](#footnote-46) which may be inaccessible for examinees who cannot afford to purchase a home computer, cannot afford or cannot access internet access, or cannot access a testing site location. Exam fees can be costly, especially if an applicant takes multiple exams to apply for multiple titles.[[46]](#footnote-47) Moreover, DCAS does not accept cash as payment for fees, excluding potential candidates who cannot pay fees by another method.[[47]](#footnote-48) As reported in the MMR, the new bridge exam partially mitigates the financial burden of exam fees by allowing qualified examinees to pay a single fee for one exam that can qualify the examinee for multiple civil service titles.[[48]](#footnote-49) However, some examinees pay an additional cost for prep courses to study for the exam in an effort to ensure success and avoid potential multiple, costly exams.[[49]](#footnote-50)

The exam process is also complicated, deterring would-be candidates who do not have the resources or interest to navigate the exam system on their own. DCAS’ extensive frequently asked questions, posted online, attempt to supply answers for a multitude of potential questions—from applying for an exam to the point of hire.[[50]](#footnote-51) However, the multi-step hiring process involves many offices, both within and outside of service-providing agencies, further complicating the arduous process for applicants.[[51]](#footnote-52) While the exam system safeguards the merit-based civil service system, some stakeholders argue that the City could seize numerous opportunities to modernize the process while prioritizing DCAS’ stated goals of equity and efficacy.[[52]](#footnote-53)

1. **Analysis of Legislation**

**Int. No. 658-A**

 This bill would require DCAS to administer a civil service ambassador program to provide education and outreach at civil service pathways, which the bill would define as a facility or program operated, funded, or contracted by the city that serves a population that the commissioner determines could benefit from access to information regarding the civil service system and civil service examinations.

 This bill would impose minimum requirements regarding the substance, frequency and distribution of education and outreach. DCAS would be required to engage current and former members of the civil service to conduct presentations on a quarterly basis. This bill would require such presentations to include: information regarding the benefits of joining the civil service; instructions, timelines, and advice for taking the civil service exams; and the post-exam process through which offers of employment are made. This bill would require such presentations to be conducted in at least 10 civil service pathways across all City boroughs each quarter.

 In addition, this bill would require DCAS to develop, produce, and update educational materials on the civil service and civil service exam, for distribution to civil service pathways and to be posted online.

 Finally, this bill would require DCAS to report annually on education and outreach performed under the civil service ambassador program, including the number of presentations conducted across civil service pathways, City boroughs, and other appropriate criteria.

 Since being heard, the bill was amended to clarify the definition of the term “civil service pathway,” and received technical edits.

Int. No. 658-A

By Council Members De La Rosa, Louis, Restler, Joseph, Ung, Sanchez, Gutiérrez, Hanif, Farías, Narcisse, Hudson and Nurse

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to establish a civil service ambassador program

..Body

Be it enacted by the Council as follows:

 Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-204 to read as follows:

§ 12-204 Civil service ambassador program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Civil service. The term “civil service” means all positions in the competitive class of the city’s classified service.

Civil service examination. The term “civil service examination” means a competitive examination administered in accordance with the civil service law to determine the merit and fitness of applicants for the civil service.

Civil service pathway. The term “civil service pathway” means any facility or program operated, funded, or contracted by the city that serves a population that the commissioner determines could benefit from access to information regarding the civil service system and civil service examinations, and includes, but is not limited to, high schools, colleges, universities, trade schools, mental health programs, social work programs, juvenile justice facilities, foster care programs, shelters, and drop-in centers.

Commissioner. The term “commissioner” means the commissioner of citywide administrative services.

Department. The term “department” means the department of citywide administrative services.

b. The department shall establish and implement a civil service ambassador program to provide education and outreach at civil service pathways. Such education and outreach shall include, but need not be limited to, presentations conducted by current or former appointees to the civil service, and distribution of educational materials. Such education and outreach shall provide the following information, and any additional information that the commissioner determines is appropriate:

1. The benefits of joining the civil service system;

2. Requirements, instructions, and timelines applicable to civil service examinations, including examination fees and fee waivers; and

3. The post-civil service examination process, including opportunities to seek review of civil service examination results, certification of eligible candidates, interviews, and employment offers.

c. The department shall conduct the presentations required by subdivision b of this section in no fewer than 10 different civil service pathways each quarter. At least 1 such presentation shall be conducted in each borough each quarter.

d. The department shall make best efforts to distribute the educational materials required by subdivision b of this section to as many civil service pathways as practicable. Such materials shall be posted on the department’s website. The commissioner shall review such materials on an annual basis and make updates as the commissioner deems necessary.

e. No later than December 31, 2023, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council a report on the education and outreach performed pursuant to this section during the preceding fiscal year. Such report shall include, but need not be limited to, the number of presentations conducted, disaggregated by the type of civil service pathway and borough where each such presentation was conducted, and a description of any other education and outreach performed.

§ 2. This local law takes effect immediately.

Session 12

XC/NC

LS #8886

11/14/2022 2:58pm

Res No. 310-A

Resolution calling on the State Legislature to pass, and the Governor to sign S.3062D/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity

By Council Members De La Rosa, Lincoln Restler, Shahana K. Hanif, Crystal Hudson, Rita C. Joseph, Gale A. Brewer, Pierina Ana Sanchez, Julie Won, Jennifer Gutiérrez, Justin L. Brannan, Amanda Farías, Farah N. Louis, Mercedes Narcisse, Alexa Avilés and Tiffany Cabán

Whereas, Beginning in 2012, the nationwide Fight for Fifteen movement publicized the inadequacy of the minimum wage, and played a role in leading former-Governor Cuomo to pass an Executive Order gradually increasing the minimum wage from $7.25 an hour, at the end of 2013, to $15.00 at the end of 2018; and

Whereas, However, According to the Bureau of Labor Statistics, the rate of inflation has remained at 7% or higher since December of 2021, decreasing the value of the minimum wage and reducing workers' purchasing power, leading to hardship for many; and

Whereas, Adjusted for consumer price inflation from the fourth quarter of 2018 through the first quarter of 2022, the purchasing power of New York City's $15 minimum wage has declined by 13.6% and is now worth just $12.96; and

Whereas, Each year that inflation increases and wages remain stagnant, workers in the lowest-paying sectors including food service, retail, and customer service, struggle with the rising cost of necessities; and

Whereas, According to estimates by the Economic Policy Institute, tying minimum wage to the rate of inflation, a practice known as indexing, would deliver raises to over 2 million workers, including 1.4 million workers of color and 1.1 million women, populations that also face significant barriers to advancement; and

 Whereas, Dozens of high-cost cities are already raising their minimum wages above $15, and many are reaching or exceeding $17 in 2022; and

Whereas, By joining eighteen other states that have indexed their minimum wages, workers in New York State can maintain their purchasing power without yearly legislative action; and

Whereas, New York State Senate Bill S.3062D, sponsored by Senator Jessica Ramos, and Assembly Bill A.7503, sponsored by Assemblywoman Latoya Joyner, amends Labor Law Section 652, requiring the Commissioner of Labor to publish a new, increased minimum wage on or before October first of each year; and

Whereas, According to the bill, the new wage would be the current minimum wage increased by the June through June rate of inflation and labor productivity as measured by the consumer price index for all urban consumers (CPI-U) and would take effect on December 31 of each year; and

Whereas, The bill requires all New York City employers to pay their employees $17.25 on and after January 1, 2024, $19.25 on and after January 1, 2025, and $21.25 on and after January 1, 2026; and

Whereas, With prices rising at the fastest pace in 40 years, New Yorkers need livable wages and can no longer afford to wait; now therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign S.3062D/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity.

EA

LS #9362

12/7/22

1. *See* Civil Service Law (CSL) § 44; *Exams*, NYC Dep’t of Admin. Services (DCAS) (2022), https://www1.nyc.gov/site/dcas/agencies/exams.page (DCAS-Exams). [↑](#footnote-ref-2)
2. DCAS-Exams. [↑](#footnote-ref-3)
3. *Exam Schedules*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-can-you-find-upcoming-exams.page. [↑](#footnote-ref-4)
4. CSL § 52; *Exam Process: Apply for an Exam*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-you-can-apply-for-and-take-an-exam.page (DCAS-Exam Process: Apply). [↑](#footnote-ref-5)
5. *See*, *e.g*., CSL § 44; Charter § 812; *Fiscal Year 2021 Annual Report*, DCAS, p. 9, *available at* https://www1.nyc.gov/assets/dcas/downloads/pdf/about/dcas\_annual\_report\_2021.pdf (last accessed Oct. 18, 2022) (FY 2021 Report); *Examination FAQs*, CUNY (2022), https://www.cuny.edu/employment/civil-service/examination-faqs/. [↑](#footnote-ref-6)
6. *E.g*., Charter § 814.1; FY 2021 Report at 9. [↑](#footnote-ref-7)
7. N.Y. Const. art. V, § 6; CSL §§ 1 *et seq*., (especially §§ 50 *et seq*.). [↑](#footnote-ref-8)
8. CSL § 15 (4); *City v. Civil Service Commission*, 60 N.Y.2d 436, 441 (1983). [↑](#footnote-ref-9)
9. *E.g*., CSL § 50 (setting forth general examination administration requirements). [↑](#footnote-ref-10)
10. DCAS-Exams. [↑](#footnote-ref-11)
11. Charter §§ 811, 814 (a)(1), (3), (4)-(5). [↑](#footnote-ref-12)
12. *See generally* Charter § 813. [↑](#footnote-ref-13)
13. Charter § 813 (d). [↑](#footnote-ref-14)
14. *See* DCAS-Exam Process: Apply; *see also Exam Process: Take An Exam*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-do-you-take-an-exam.page (DCAS-Exam Process: Take); *Exam Process: Get Your Results*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-do-you-get-your-results.page (DCAS-Exam Process: Results). [↑](#footnote-ref-15)
15. *Id*. [↑](#footnote-ref-16)
16. CSL § 65. [↑](#footnote-ref-17)
17. DCAS-Exam Process: Apply. [↑](#footnote-ref-18)
18. *Id*.; DCAS-Exams. [↑](#footnote-ref-19)
19. *Id*. [↑](#footnote-ref-20)
20. CSL § 50 (5); *Exam Process: Paying the Exam Fee*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/paying-the-exam-application-fee.page (DCAS-Exam Process: Fees). [↑](#footnote-ref-21)
21. CSL § (5)(a). [↑](#footnote-ref-22)
22. CSL § 50 (5)(b); *See* *Online Application System 2.0: FAQ, Fee Waivers*, DCAS (2022) https://a856-exams.nyc.gov/OASysWeb/Home/FAQ (FAQ: Fee Waivers). [↑](#footnote-ref-23)
23. CSL § 50 (5)(d). [↑](#footnote-ref-24)
24. DCAS-Exam Process: Results. [↑](#footnote-ref-25)
25. *The Dynamic Mayor’s Management Report*, DCAS, p. 394, *available at* https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2022/dcas.pdf (MMR) (last accessed Oct. 18, 2022). [↑](#footnote-ref-26)
26. CSL § 50-a; DCAS-Exam Process: Results. [↑](#footnote-ref-27)
27. *Id*. [↑](#footnote-ref-28)
28. CSL § 50 (6); DCAS-Exam Process: Results; Sarah Church, et al., *Tensions, Trends, and Tradeoffs: Recommendations Towards an Equitable, Efficient, and Effective Civil Service System*, Citizens Union, pp. 59-60 (Apr. 23, 2012), *available at* https://citizensunion.org/wp-content/uploads/2016/07/CU\_CapstoneReport\_CivilServiceReform.pdf (Church et al.). [↑](#footnote-ref-29)
29. DCAS-Exam Process: Results. [↑](#footnote-ref-30)
30. CSL §§ 55-a; 85 *et seq*. [↑](#footnote-ref-31)
31. CSL §§ 85 *et seq*. [↑](#footnote-ref-32)
32. CSL § 55-a; *55-a Program*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/55-a-program.page. [↑](#footnote-ref-33)
33. *See*, *e.g*., *City v. Civil Service Commission*, 60 N.Y.2d 436, 447 (1983). [↑](#footnote-ref-34)
34. MMR at 391. [↑](#footnote-ref-35)
35. *Id*. at 393. [↑](#footnote-ref-36)
36. *Id*. [↑](#footnote-ref-37)
37. *Id*. at 394. [↑](#footnote-ref-38)
38. FY 2021 Report at 4-5. [↑](#footnote-ref-39)
39. Church et al. [↑](#footnote-ref-40)
40. MMR at 394. [↑](#footnote-ref-41)
41. Church et al. [↑](#footnote-ref-42)
42. *Impact of the Pandemic on New York City’s Municipal Workforce*, Office of the State Comptroller, p. 10 (Feb. 2022), *available at* https://www.osc.state.ny.us/files/reports/osdc/pdf/report-18-2022.pdf (State Comptroller). [↑](#footnote-ref-43)
43. Ana Champeny, *18,000 Vacant City Jobs is More Than Enough,* Citizens Budget Commission (Mar. 30, 2022) https://cbcny.org/research/18000-vacant-city-jobs-more-enough#:~:text=The%20City%20Will%20Continue%20to,300,446%20onboard%20full-time%20staff (Champeny). [↑](#footnote-ref-44)
44. *Id.* [↑](#footnote-ref-45)
45. DCAS-Exam Process: Apply; DCAS-Exam Process; Take. [↑](#footnote-ref-46)
46. DCAS-Exam Process: Fees. [↑](#footnote-ref-47)
47. *Id*. [↑](#footnote-ref-48)
48. MMR at 394. [↑](#footnote-ref-49)
49. *E.g*., *8 Challenges to Overcome in a Civil Service Exam*, Civil Service Success, *available at* https://civilservicesuccess.com/8-challenges-to-overcome-in-a-civil-service-exam/ (last accessed Oct. 18, 2022). [↑](#footnote-ref-50)
50. *Online Application System 2.0: FAQ,* DCAS (2022), https://a856-exams.nyc.gov/OASysWeb/Home/FAQ. [↑](#footnote-ref-51)
51. Champeny. [↑](#footnote-ref-52)
52. *See* Church et al. [↑](#footnote-ref-53)