



Legislation Details (With Text)

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Title: Resolution calling upon the Department of Citywide Administrative Services to restore candidates to the Associate Staff Analyst promotional list created as a result of the administration of exam number 509.

Sponsors: Joseph P. Addabbo, Jr., Helen D. Foster, James F. Gennaro, Allan W. Jennings, Jr., Bill Perkins

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Res. No. 911

Resolution calling upon the Department of Citywide Administrative Services to restore candidates to the Associate Staff Analyst promotional list created as a result of the administration of exam number 509.

By Council Members Addabbo, Jr., Foster, Gennaro, Jennings, and Perkins

Whereas, Associate Staff Analyst (ASA) promotional exam number 509 was administered by the Department of Citywide Administrative Services (DCAS) in June 2001; and

Whereas, According to the Organization of Staff Analysts (OSA), while most exams are scored and promotional lists are published almost a year after the administration of a test, ASA promotional exam number 509 was scored and published in October 2001, only four months after the administration of the exam; and

Whereas, According to OSA, the Vacancy Control Board, which was made obsolete by the Bloomberg Administration, was required, at that time to approve the budgets for all agency vacancies, but had not given such approvals when agencies were given the ASA promotional list from the administration of exam 509; and

Whereas, Pursuant to New York State Civil Service Law (CVS) §61 (1), promotion from an eligible list to a position in the competitive class is made by the selection of one of the three persons certified as standing highest on a list, a procedure known as the one-in-three rule; and

Whereas, In addition to the laws outlined in the New York State CVS, Rule IV of the Personnel Rules and Regulations of the City of New York (Rule IV) states that when an eligible person is considered for appointment or promotion and not selected three times, that person will be removed from a list; and

Whereas, OSA contends that agencies used the one-in-three rule and Rule IV to “run through” the ASA promotional list, making very few promotions, in order to be able to hire provisional employees to fill vacancies, rather than candidates who had taken exam 509; and

Whereas, As a result of the expedited fashion in which the ASA promotional lists were published and then exhausted by agencies before December 2001, there is concern that agencies used the CVS and Rule IV in a manner that did not properly consider merit and fitness in the promotion or hiring of associate staff analysts through the civil service system; and

Whereas, Rule IV also gives an agency the discretionary authority to request the Commissioner of DCAS to restore a removed person to the list in order to be certified for consideration for appointment or promotion; and

Whereas, According to OSA, many agencies, pursuant to Rule IV, requested restoration of those persons who were considered and not selected, and “called the list” a second time, giving the opportunity for another interview to fill ASA vacancies; and

Whereas, According to OSA, where agency lists were exhausted or not viable pursuant to the CVS, or where there were no positions available because of provisional employee hires, candidates were not restored; and

Whereas, According to OSA, the Law Department did not restore four candidates, the Department of Health and Mental Hygiene did not restore six candidates, the Department of Design and Construction did not

restore seven candidates nor call nine candidates remaining on their list, the Department of Finance did not restore five candidates and the Department of Transportation did not restore twenty-one candidates; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Citywide Administrative Services to restore candidates to the Associate Staff Analyst promotional list created as a result of the administration of exam number 509.

THC - 4/7/05
LS #2621