

# Memo

**To:** Lillian Roberts,  
**From:** Evelyn Seinfeld *ES*  
**Date:** January 18, 2011  
**Re:** Proposed Changes to Civil Service Law

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Mayor Bloomberg's Work Force Reform Task Force recently released a report that calls for sweeping changes to State Civil Service law that would dramatically change Civil Service law as we know it. They have also prepared legislation to effectuate these changes which we will have to fight in Albany.

The Union has been on record as opposed to almost all of these changes because they eliminate or reduce the rights and protections of our members. Below is a summary of the key changes proposed in the report that affects our members:

1. The Task Force recommends that the State Civil Service law be amended to eliminate State Civil Service Commission oversight authority over the City. The union is opposed to this because it would allow the City to establish as many non-competitive and exempt titles as they choose without consent from the State. The Civil Service Law states that a non-competitive title can be established if it is determined that it is not practicable to determine merit and fitness through competitive exam. In such cases, currently, the City has to prove why it is impracticable to give an exam. If this legislation is enacted it would no longer have to prove to the State Civil Service Commission why it is impracticable; they would only need to prove it to the City's Civil Service Commission which would be headed by the Mayor or Deputy Mayor. In addition, if this legislation is enacted, Personnel Rules of the City could be adopted unilaterally without any approval from the State. The State Civil Service Commission protects the integrity of the civil service system and acts as a buffer against unilateral actions by the City.
2. The Task Force recommends that the Transit Authority and the Triborough Bridge and Tunnel Authority establish their own civil service commission. If this legislation was enacted, DCAS would no longer have authority over TA and TBTAr civil service administration. The union is opposed to this legislation, as we have previously indicated because it would diminish the rights of our members who work in those Authorities. Currently, permanent employees who are laid off in these agencies can replace provisionals in other agencies. If this legislation was enacted, employees would no longer have that right. Moreover, if

this legislation was enacted, the new TAVTBTA commission would be able to establish their own non-competitive titles that parallel current competitive class titles, setting different rates of pay.

3. The Task Force recommends that all competitive titles be reviewed to determine if they should be reclassified into the non-competitive or exempt class. This review would especially apply to senior management and executive titles. The union opposed this because it takes away promotion opportunities. Moreover, if the State Civil Service Commission no longer had authority to determine such reclassifications, the City could do this independently.
4. The Task Force recommends broad-banding and consolidations of existing titles. The union is in general opposed to consolidating titles unless there are clear and objective standards to advance in levels.
5. The Task Force recommends an increase in the use of education and experience exams.
6. The Task Force recommends band scoring methodology. Band scoring means that clusters of scores between, for example 96-100, would constitute a single band and as a result, all candidates who score between those numbers would be equally ranked on a civil service list. This would mean that the one in three rule would apply to all candidates in that band.
7. The Task Force recommends that State Civil Service law be changed to allow agencies to give provisionals of their choosing, credit toward their rankings on civil service lists.
8. The Task Force recommends the increased use of selective certifications in hiring.
9. The Task Force recommends elimination of the Test Validation Board and the answer key publication. Instead the City would develop its own review procedure for challenges by exam takers. The City may have forgotten that the reason for their support in the 1980's for a test validation board was to reduce the number of lawsuits that were filed against them by exam applicants who disputed their exam results.
10. The Task Force recommends the increased use of Rule 6.1.9 to move permanent employees from one competitive class to another.
11. The Task Force recommends that temporary appointments be extended to three years. The union opposes this because it subverts permanent appointments and in effect legalizes provisional appointment for three years.
12. The Task Force recommends that the definition of "managerial and confidential" be expanded. This would require legislation. Expanding the legislation to include any employee who may recommend discipline will impact many of our members who are supervisors. By deeming them managerial or confidential, they would no longer be union eligible.
13. The Task Force recommends merit pay.

14. The Task Force recommends extension of probationary periods.
15. The Task Force recommends legislation that would increase the time that an employee may be suspended without pay from thirty30 days to six (6) months, and if such conduct, if proved, would constitute a crime, the suspension may extend to twelve (12) months. In addition, a reprimand may be issued to any employee without a hearing upon the stated charges.
16. The Task Force recommends that in disciplinary disputes, an agency's determination will be upheld by the arbitrator unless the decision is shown to be arbitrary and capricious.
17. The Task Force recommends that small units within an agency be set up as layoff units, so that layoffs can be made, not agency wide, but within smaller units within the agency. The union opposes this because it eases seniority rules in layoff situations.
18. The Task Force recommends that selective certifications be used as a factor in determining order of layoffs. The union opposes this because it eases seniority rules in layoff situations.
19. The Task Force recommends that the duration of preferred lists and recall lists be reduced from four years to two years.

Cc: Oliver Gray, Henry Garrido, Barbara Edmonds, Wanda Williams, Mary O'Connell, Local Presidents, Division Directors