



DAVID A. PATERSON
GOVERNOR

STATE OF NEW YORK
CIVIL SERVICE COMMISSION
ALFRED E. SMITH STATE OFFICE BUILDING
ALBANY, NEW YORK 12239

NANCY G. GROENWEGEN
PRESIDENT

CAROLINE W. AHL
COMMISSIONER

J. DENNIS HANRAHAN
COMMISSIONER

STELLA CHEN HARDING
DIRECTOR OF
COMMISSION OPERATIONS

March 11, 2009

Ms. Martha K. Hirst
Commissioner
New York City Department of Citywide
Administrative Services
Room 2100 South
One Centre Street
New York, New York 10007

Dear Commissioner Hirst:

Please be advised that the New York State Civil Service Commission (Commission), at its meeting of February 10, 2009 reviewed the January 15, 2009 Progress Report submitted by DCAS describing the actions taken to implement the Provisional Reduction Plan approved by the Commission with recommended changes on September 22, 2008.

The Commission recognized that DCAS has begun to make progress in reducing provisional appointments by certifying eligible lists to effectuate 2,967 permanent competitive class appointments, which appears to have resulted in a net reduction of 375 provisional appointments in titles during the six months beginning June 1, 2008 and ending November 30, 2008. However, the Commission expressed concern that limited progress was made regarding implementation of recommended changes #2 and #3 upon which Plan approval was conditioned.

With respect to recommended change #2, the Commission noted the DCAS report indicates that no action was taken to:

1. Certify 78 of the 82 mandatory open-competitive eligible lists reported in August 2008 as in existence for titles in which provisional appointees were serving;
2. Certify any of the mandatory promotion eligible lists reported in August 2008 as in existence for titles in which provisional appointees were serving; and
3. Certify any of the eligible lists reported in August 2008 as in existence for "Titles With Three or More Eligibles on Combined Certification of Open-Competitive & Promotion Lists;" and

4. Provide a comprehensive explanation regarding why these eligible lists have not been certified or why provisionals continue to serve in titles for which mandatory eligible lists exist.

With respect to the recommended change #3, the Commission noted the report indicates that provisional appointees continue to serve in titles for which mandatory eligible lists exist.

The Commission also noted some follow-up actions were needed to fully implement several of the other recommended changes.

The Commission has determined that an Interim Report is necessary prior to the next scheduled Progress Report to determine whether additional progress has been made to implement the recommended changes. Accordingly, DCAS is hereby directed to submit a report detailing the actions taken to implement the recommended changes with which DCAS is currently not in full compliance no later than April 15, 2009.

The time period to be covered by the report shall be from November 30, 2008 through March 15, 2009 and shall focus on the actions taken to implement the recommended changes which remain outstanding. This report is to be made using the forms prescribed by the Commission, with additional narrative information submitted if necessary. Any instance in which less than full implementation of any of the recommended changes is indicated must be accompanied by an explanation regarding the circumstances which led to non-compliance, the actions planned to bring DCAS into full compliance, and a timeline for completion of the actions specified.

For your reference, a summary describing each recommended change, its status, and actions needed to fully comply with the conditions set forth in each recommended change is provided.

As previously noted, the Commission recognizes the progress made to date by DCAS in implementing the Provisional Reduction Plan and the recommended changes upon which approval of the Plan was conditioned, and looks forward to receiving the Interim Report no later than April 15, 2009.

Very truly yours,


Stella Chen Harding
Director of Commission Operations

Enclosure

cc: Mr. James Hein, Deputy Commissioner, Division of Citywide Personnel Services

New York City Department of Citywide Administrative Services (DCAS)
Summary of Recommended Changes
And Actions Needed For Full Compliance

In approving the Provisional Reduction Plan submitted by the New York City Department of Citywide Administrative Services (DCAS), the State Civil Service Commission provided DCAS a number of recommended changes to the Plan.¹ Plan approval was conditioned upon acceptance by DCAS of each of the recommended changes. DCAS transmitted acceptance of the State Commission's approval of the Plan with recommended changes in correspondence dated October 22, 2008.²

In order for DCAS to comply with the provisions of the Provisional Reduction Plan as a whole, compliance with each of the recommended changes is required by the deadlines specified.

An analysis of information provided by DCAS in the January 15, 2009 Progress Report was performed, which assessed the level of DCAS compliance with regard to each of the recommended changes as either:

- In Compliance—indicating DCAS has implemented or is taking steps to implement the actions required in the recommended change;
- Not In Compliance—indicating DCAS has not implemented or taken steps to implement the actions required in the recommended change.

Overall, the analysis found that DCAS was in compliance with all but one of the recommended changes during the time period reported, and not in compliance with one of the recommended changes.

A summary of the recommended changes, the status of each recommended change, and a listing of any additional actions needed to fully comply with each recommended change follows.

<u>Recommended Change #1:</u>	<u>Status</u>
Within 30 days of the approval of the Plan:	
▪ DCAS shall confirm the total number of competitive class employees and provisional employees which will be used as a baseline.	In Compliance
▪ DCAS shall adjust the performance targets in the Plan (DCAS Response, page 2) to specify all action to be taken within each of the six-month periods and the number of provisional employees to be resolved by each such action.	In Compliance
▪ DCAS shall provide a complete list of all titles to be examined within one year of the Commission's written decision approving the Plan, in addition to the 20 additional titles per year.	In Compliance

¹ State Civil Service Commission Decision. September 22, 2008..

² Letter from Martha K. Hirst (DCAS) to Nancy G. Groenwegen (DCS). October 22, 2008.

Additional Actions Needed:

No further action is needed, although DCAS should provide a complete listing of all examinations planned for the upcoming year on an annual basis every July.

<u>Recommended Change #2:</u>	<u>Status</u>
No later than January 1, 2009:	
<ul style="list-style-type: none"> ▪ DCAS shall certify any appropriate existing mandatory eligible lists against positions held by provisional employees, and thereafter make permanent competitive appointments as required by CSL section 65(3). 	In Compliance
<ul style="list-style-type: none"> ▪ DCAS shall provide an implementation schedule for the 160 titles for which no action to reduce provisional appointments has been provided (see Appendix E), to the extent practicable. 	In Compliance
<ul style="list-style-type: none"> ▪ DCAS shall establish and certify eligible lists for examinations already completed against appropriate positions occupied by provisional employees, and thereafter make permanent competitive appointments as required by CSL section 65(3). 	In Compliance

Additional Actions Needed:

In order to demonstrate complete implementation of the required actions, DCAS will need to demonstrate that the following actions were taken no later than January 1, 2009:

- Termination of provisional appointments in four titles for which a mandatory eligible list has been certified, but in which provisionals continued to serve;
- Certification of 78 mandatory open-competitive eligible lists in existence for titles in which provisionals are serving regarding which no action has yet been reported;
- Certification of the 13 mandatory promotion eligible lists for titles in which provisionals are serving regarding which no action has yet been reported;
- Certification of any of the eligible lists for “Titles With Three or More Eligibles on Combined Certification of Open-Competitive & Promotion Lists” that are mandatory; and
- Provide an explanation regarding any circumstances which led to non-compliance with any of the above-required actions.

DCAS should submit its plans regarding the actions planned to permanently fill each of the 160 titles in which provisionals are serving, which DCAS indicates now will be addressed in the fifth year of the Plan using a mixture of permanent competitive class appointments and classification actions as the plans for these titles are developed during the course of the Plan.

<u>Recommended Change #3:</u>	<u>Status</u>
In accordance with the process described in the Plan for the publication and establishment of eligible lists for titles examined during the course of the Plan shall be established within 90 days of the completion of the subject examination. Mandatory eligible lists established during the course of the Plan shall be used to replace provisional appointments with permanent competitive appointments in accordance with CSL section 65(3).	Not In Compliance

Additional Actions Needed:

Although DCAS is certifying appropriate mandatory eligible lists to replace provisional appointments, DCAS is not currently in full compliance with this recommended change.

In order to meet the requirements of this recommended change, DCAS must take the following actions:

- Certify all established mandatory eligible lists to replace provisional appointments with permanent appointments until no provisional appointees remain in the titles or until the eligible lists are exhausted.

<u>Recommended Change #4:</u>	<u>Status</u>
Within 90 days of approval of the Plan, DCAS shall confer with the Department of Civil Service to discuss and consider the use of payroll certification pursuant to CSL section 100 as one action to be used to limit the growth in provisional appointments. Within the first year of the Plan, DCAS will establish and enforce a policy that limits the making of future provisional appointments.	In Compliance

Additional Actions Needed:

No further action is needed to comply with this recommended change.

<u>Recommended Change #5:</u>	<u>Status</u>
DCAS shall report to the Commission every six months on its progress to implement the Plan on forms as prescribed by the State Civil Service Commission detailing the targets which were to be met during the reporting period, the progress made to meet the performance targets, contingency actions for the performance targets not met and performance targets to be met during the next reporting period. The first such report shall be submitted to the State Civil Service Commission no later than January 15, 2009. The State Civil Service Commission may require additional reports as necessary.	In Compliance

Additional Actions Needed:

While DCAS has complied with this recommended change by submitting the prescribed form, future reports must provide all information requested on the prescribed forms.

<u>Recommended Change #6:</u>	<u>Status</u>
No later than September 22, 2009, DCAS will report on its progress with regard to the transfer of the TA and TBTA to another jurisdiction.	In Compliance

Additional Actions Needed:

DCAS is in compliance with this recommended change, but additional reports should be submitted detailing the progress made in accomplishing the transfer of civil service administration for the TA and TBTA throughout the course of the Plan.