

## **Additional Information Needed**

Additional information is needed from DCAS in order to evaluate whether the plan submitted provides a timely and practicable five-year implementation schedule to substantially comply with the time periods in section 65 of the Civil Service Law, and to monitor the progress of the plan should it be approved. The additional information regarding each of the major components of the plan are listed below. All the information described below should be provided electronically.

### **Overall Compliance Measures**

With regard to the dates on which the plan is expected to begin and be completed, (not specified in the plan) to resolve the 36,855 provisional employees known to exist as of December 31, 2007,<sup>1</sup> the following information is needed:

1. A timeline that includes:
  - A date on which the plan will commence, and a date for completion of the plan;
  - Target dates on which each activity specified in the plan is expected to begin and end;
  - A listing of performance targets that will be met at the completion of each six-month interval during the course of the plan.
2. The total number of titles in which provisional employees are currently serving.
3. The number of provisional employees serving in each title.
4. The action, or series of actions, planned to resolve the provisional appointments in each title.
5. Explain the payroll certification process and how it is used to ensure compliance by DCAS employers with the provisions of the Civil Service Law, Personnel Rules and Regulations of New York, and any other applicable guidelines or policies, including the procedures that will be followed to:
  - Monitor the appointments in the DCAS employers covered under the plan;
  - Disapprove provisional appointments made in the face of mandatory eligible lists that are established or in existence; and

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<sup>1</sup>Section 1.3.0, p. 3 and Table 1.3.0, p. 5.

- Penalize employers that willfully disregard DCAS' enforcement actions.

The information requested in item 1 is needed to ascertain the specific time frames within which the provisional reduction plan will be implemented, the specific activities to be undertaken to implement the plan, and the timetable for the plan's completion. The information requested in items 2, 3 and 4 are needed to ascertain the current number of provisional appointments and actions proposed to resolve them, and to provide a baseline for monitoring progress made during plan implementation. The information requested in item 5 is needed to ascertain DCAS' strategy for ensuring compliance of employers covered under the plan.

### **Examinations and Eligible Lists**

With regard to the 18,284 provisional appointments<sup>2</sup> to be resolved by administering competitive examinations<sup>3</sup> and the strategies employed to maximize their effectiveness,<sup>4</sup> the following information is needed:

1. Are there any provisionals currently serving in the face of mandatory eligible lists?
  - If there are provisionals serving in the face of a mandatory eligible list:
    - Set forth the titles in which provisionals are serving in the face of a mandatory eligible list, and the number of provisionals serving in each title;
    - Set forth the steps to be taken to terminate the provisional appointments, and the date by which such provisional appointments will be terminated.
2. A list of any examinations completed, but from which an eligible list has not yet been established, including:
  - The date on which the examination was held;
  - Number of provisional employees serving in each title for which such eligible list will be used;
  - Date by which each eligible list will be established; and
  - Date by which all provisional appointments will be resolved as a result of permanent appointments made from the eligible list.

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<sup>2</sup> Section 1.3.0, p. 3 and Table 1.3.0, p. 5.

<sup>3</sup> Sections 2.1.0 through 2.1.3, p. 6-11.

<sup>4</sup> Section 2.7.0, p. 21-22.

3. A copy of the examination schedule developed for implementation of the plan, which includes:
  - The specific titles for which each examination will be used to make permanent, competitive class appointments;
  - The month and year during which each examination is expected to be held. Examination dates for any examinations expected to be held more than once during the time frame of the plan should also be included; and
  - The number of provisional employees each examination is expected to resolve.
  
4. How are examinations held for positions which exist in more than one agency?
  - For positions which exist in more than one agency or department, are the examinations limited to an agency or department, or are they held on a citywide basis?
  - Are the eligible lists resulting from the examinations used to fill positions on a citywide basis, or are the eligible lists limited to just one agency or department?
  
5. A detailed description of “list publication,”<sup>5</sup> including:
  - The steps taken to publish eligible lists;
  - The time needed to publish the eligible lists, and resolve any issues arising from their publication;
  - An explanation of how this procedure will speed up the process of establishing eligible lists and making permanent appointments; and
  - The number of additional provisional appointments, if any, that will be resolved as a result of this procedure.

The information requested in items 1 and 2 is needed to ascertain whether appropriate measures have been taken to immediately resolve provisional appointments using resources currently existing, and to establish the extent to which these measures will be used to reduce provisional appointments. The information requested in item 3 is needed to ascertain the entire examination plan proposed, and monitor its progress during implementation. The information requested in item 4 is needed to understand the way in which examinations for titles that exist in more than one department or agency are administered, and assess whether they will contribute to the resolution of provisional appointments. The

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<sup>5</sup> Section 2.7.0, p. 23.

information in item 5 is needed to ascertain what list publication is, how it will work, and assess whether this process contributes to the plan as a whole.

### **Position Classification**

With regard to the proposed vertical broadbanding (consolidation) of positions to resolve 421 provisional appointments<sup>6</sup> and the horizontal broadbanding of positions to resolve 33 provisional appointments,<sup>7</sup> the following information is needed:

1. An allocation list specifically identifying all of the titles to be reclassified (including title changes) and the titles into which these positions will be consolidated or broadbanded.
2. The number of provisional employees serving in each title, and the number of provisional appointments, by title, that will be resolved without further action.
3. The subsequent actions that will be taken to resolve any remaining provisional appointments in the new titles.
4. A schedule for conducting and completing reviews of the positions to be reclassified, including:
  - A timetable for reviewing each of the classifications, by title;
  - Dates indicating when the study of positions will begin and end;
  - Dates by which initial classification determinations will be made;
  - Time allotted to accommodate employee appeals of reclassification determinations;
  - Dates to finalize classification determinations appealed by employees; and
  - Dates by which further action resolving the provisional appointments to each of the newly reclassified positions will be completed.
5. Any contingency plans to schedule additional competitive examinations for titles proposed for reclassification that are successfully challenged by employees on appeal or in the courts.

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<sup>6</sup> Section 2.2.1, p. 11.

<sup>7</sup> Section 2.2.2, p. 12.

The information requested in items 1, 2 and 3 is needed to ascertain the specific actions that are contemplated in regard to each title that is to be reviewed, to assess whether the proposed reclassifications will contribute to the resolution of provisional appointments, and to determine the extent to which additional action will be required to resolve provisional appointments in the affected titles. The information requested in item 4 is needed to establish a baseline by which progress may be monitored during implementation. The information requested in item 5 is needed to ascertain what alternative actions will be taken to resolve provisional appointments in positions proposed for reclassification should the reclassification efforts not occur.

### **Jurisdictional Classification**

With regard to the proposed removal of numerous titles from the competitive class to resolve 11,019 provisional appointments,<sup>8</sup> the following additional information is needed:

1. Copies of the following Classification and Compensation Schedules:
  - Schedule E—Exempt Class;
  - Schedule N—Non-competitive Class;
  - Schedule L—Labor Class; and
  - Schedule C—Competitive Class.
2. A list of all titles, including “temporary” titles, for which other than competitive classification will be requested, and the number of provisional employees serving in each title.
3. A schedule of dates for completion of the major steps in the jurisdictional classification process for the titles identified, including:
  - Target dates for the holding of public hearings;
  - Dates by which resolutions will be adopted;
  - Dates by which resolutions will be submitted to the Mayor of the City of New York for approval or disapproval;
  - The time period needed for Mayoral approval or disapproval; and
  - Date of anticipated submission of resolutions to the State Civil Service Commission.

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<sup>8</sup> Table 1.3.0, p. 5 and Sections 2.3.0 through 2.4.3, p. 12-19.

4. Any contingency plans using competitive means to resolve provisional appointments to positions in the titles to be requested, should a resolution be disapproved by either the Mayor of the City of New York or by the State Civil Service Commission.
5. An explanation of the difference between:
  - The rights of employees appointed to New York City competitive class employees, compared to New York City non-competitive class employees;
  - The rights of New York City competitive class employees, compared to New York State competitive class employees; and
  - The rights of New York City non-competitive class employees, compared to New York State non-competitive class employees.

The information requested in item 1 is needed to ascertain the specific titles and number of positions in each title identified by DCAS as currently approved as other than competitive, which are a basis for evaluating requests to remove titles currently examined competitively from the competitive class,<sup>9</sup> resolution of “temporary titles” in which provisionals serve,<sup>10</sup> increasing the number of positions in previously approved titles<sup>11</sup> and other than competitive classification of titles not yet created.<sup>12</sup> The information in item 2 is needed to establish the total number of requests contemplated under the plan, and to monitor progress made in requesting removal of the titles from the competitive class of the titles during the course of the plan. The information in item 3 is needed to ascertain the practicability of the timeline proposed in the plan, and to establish bench marks for monitoring progress of this part of the plan. The information requested in item 4 is needed to ascertain whether, and what, further action will be taken to resolve any provisional appointments should competitive examination of the titles be found practicable. The information requested in item 6 is needed to assist in determining the practicability of the plan.

### **Transfer of the TA and TBTA**

With regard to the proposed transfer of responsibility for administration of the TA and TBTA, which would transfer responsibility for resolving 4,067 provisional appointments to another entity,<sup>13</sup> the following additional information is needed:

1. Whether there are additional MTA entities under DCAS jurisdiction apart from the TA and TBTA to be covered by the plan. If there are other MTA employees under DCAS’ jurisdiction, the following information is needed:

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<sup>9</sup> Sections 2.3.1 through 2.3.4, p. 14-16.

<sup>10</sup> Section 2.3.6, p. 17.

<sup>11</sup> Section 2.4.0, p. 17-18.

<sup>12</sup> Sections 2.4.1 through 2.4.3, p. 18-19.

<sup>13</sup> Table 1.3.0, p. 5 and Section 2.5.0, p. 19-20.

- The number of any provisional employees working for the MTA covered under this plan which are not included in the original provisional count supplied in the plan; and
  - A list of the titles in which these provisionals are serving (if any), and the number of provisionals serving in each title.
2. A copy of the proposed legislation transferring responsibility for administering employments in the TA and TBTA away from DCAS, with an anticipated effective date.
  3. If not specifically provided in the legislation, a specific date for the commencement and completion of the transfer of the TA and TBTA.
  4. The current status of legislation needed to transfer responsibility for merit system administration of the TA and TBTA from DCAS to another entity.
  5. A contingency plan for resolution of the provisional appointments by DCAS in the TA, the TBTA, and any other entities of the MTA covered by the plan, should the legislation proposed fail to be enacted.

The information requested in item 1 is needed to ascertain whether the original count of provisional employees includes all provisional employees covered under the plan and, if not, the number of provisionals not originally included in the plan and the titles in which they serve. The information requested in items 2 and 3 is needed to ascertain the specifics of the proposed divestiture of the TA and TBTA from the jurisdiction of DCAS, and identify key dates for monitoring progress made during implementation. The information requested in item 4 is needed to ascertain the progress currently made in developing and proposing the legislation needed to implement this part of the plan. The information requested in item 5 is needed to ascertain whether, and what, further action will be taken to resolve the provisional appointments in these agencies should enactment of the legislation fail to occur.