



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

---

STELLA CHEN HARDING  
DIRECTOR OF  
COMMISSION OPERATIONS

September 22, 2008

Ms. Martha K. Hirst  
Commissioner  
New York City Department of Citywide  
Administrative Services  
One Centre Street, 17<sup>th</sup> Floor  
New York, New York 10007

Dear Commissioner Hirst:

This decision is in reference to the five-year plan to reduce provisional appointments submitted for approval to the New York State Civil Service Commission (“Commission”) by the Department of Citywide Administrative Services (DCAS) on March 28, 2008, pursuant to Section 65 of the New York State Civil Service Law.

Effective January 28, 2008, Civil Service Law (CSL) section 65 was amended to add a new subdivision 5 which addresses excess provisional appointments in New York City. Thereafter, the State Civil Service Commission (Commission) received written notice from New York City agencies authorizing the Department of Citywide Administrative Services (DCAS) to act on their behalf. Subsequently, on March 28, 2008, the Commission received a five-year plan submitted by DCAS (the Plan). On June 10, 2008, the Commission heard presentations on the content of the Plan. After a review of the Plan, and in consideration of comments at the June 10, 2008 meeting, the Commission requested additional supporting documentation and explanation prior to acting on the Plan. On August 8, 2008, the Commission received from DCAS the additional supporting documentation and explanation requested. The information was reviewed and at its September 16, 2008 meeting the Commission heard presentations on the content of the Plan and the additional information. Based upon the foregoing, and after careful review of the presentations and all the information in the record, the State Commission finds that the Plan provides a timely and practicable implementation schedule in furtherance of the purpose of Civil Service Law section 65(5) to achieve substantial compliance with the time periods permitted by Civil Service Law section 65, and approves the Plan with the following recommended changes:

1. Within 30 days of the date of the Commission’s written decision approving the Plan:
  - DCAS shall confirm the total number of competitive class employees and provisional employees, which will be used as a baseline.
  - 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.

- 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.
2. No later than January 1, 2009:
    - 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).
    - 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).
    - 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.
  3. In accordance with the process described in the Plan, 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).
  4. 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.
  5. DCAS shall report to the Commission every six months on its progress to implement the Plan on forms as prescribed by the 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.
  6. No later than September 22, 2009, DCAS will report on its progress with regard to the transfer of the TA and TBTA from its jurisdiction.

Ms. Martha Hirst  
September 22, 2008  
Page 3

Approval of the schedule in this Plan by the Commission as timely and practicable in furtherance of the purpose of Civil Service Law section 65(5) is based upon confirmation by the Commissioner of DCAS that it is accurate as set forth in her letter of March 28, 2008 and consistent with available resources and the need for continuity in public services.

Approval by the Commission of the Plan is not approval of the merits of any of the proposed actions/reclassifications/broadbanding/consolidations or other proposals in the Plan. All proposed actions/reclassifications/broadbanding/ consolidations and other proposals in the Plan shall be processed in accordance with all applicable laws, rules, and regulations including NYC and DCAS statutes, ordinances, rules, regulations and other requirements.

Approval by the Commission of the Plan is not approval of any existing actions, reclassifications, broadbanding, consolidations or other conditions that are not in compliance with the CSL, rules and regulations.

Please feel free to contact Rich Ciprioni, Director, Municipal Services Division at (518) 473-5022 if you have any questions.

Sincerely,

/s/

Stella Chen Harding  
Director of Commission Operations

cc: Ms. Nancy Groenwegen, President, Civil Service Commission  
Ms. Caroline Ahl, Commissioner, Civil Service Commission  
Ms. Judith Ratner, Counsel, Department of Civil Service  
Mr. Richard Ciprioni, Director, Municipal Services Division, Department of  
Civil Service  
Mr. James Hein, Deputy Commissioner, Division of Citywide Personnel Services