



Department of  
Civil Service

2023



# Effectiveness of Sections 55-b and 55-c of the Civil Service Law Annual Report

Kathy Hochul  
Governor

Timothy R. Hogues  
Commissioner

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Dear Colleagues,

New York State leads the country in making diversity our state's greatest strength. Under Governor Kathy Hochul's leadership, New York has prioritized the creation of employment opportunities and support for New Yorkers with disabilities, launching the state's first ever Annual New York State Disability Rights and Employment Awareness Month (DREAM) Symposium in 2022. As the state's largest employer, New York State is in a unique position to take the lead in creating employment and career opportunities for individuals. The 55-b and 55-c are existing programs through which New York can accomplish the goal of creating employment opportunities for New Yorkers and veterans with disabilities.

The New York State Civil Service Law authorizes the NYS Civil Service Commission to designate positions normally filled through competitive examination to be filled through the appointment of qualified persons with disabilities (55-b) and qualified veterans with disabilities (55-c). The New York State Civil Service Law authorizes the NYS Civil Service Commission to designate up to 1,700 positions for persons with disabilities and 500 for veterans with disabilities. The program is administered by the Department of Civil Service (the Department).

In an effort to better understand the efficacy of the 55-b/c programs, Governor Hochul signed legislation S.6276-A/A.7223 requiring the president of the Civil Service Commission to conduct a comprehensive study on the employment of persons and veterans with disabilities by the state, and make recommendations as to whether the state needs to hire more persons and veterans with disabilities to fill positions created by sections in the civil service law.<sup>1</sup> In 2022, the Civil Service Commission contracted with the Rockefeller Institute of Government to complete an assessment of the 55-b/c programs, producing A Study of the Effectiveness of Sections 55-b and 55-c of the Civil Service Law ("comprehensive study"). What follows is an annual update on key performance measures, partnerships, and recommendations for calendar year 2022.

I look forward to your collective feedback and support in these efforts. Should you have questions or comments regarding this report, please email the Department's Public Information Office at [PIO@cs.ny.gov](mailto:PIO@cs.ny.gov).

Timothy R. Hogue  
Commissioner

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<sup>1</sup> <https://www.governor.ny.gov/news/governor-hochul-signs-package-legislation-help-individuals-disabilities>

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### INTRODUCTION

N.Y. Civ. Serv. Law § 59-C charges the New York State Department of Civil Service with annual reporting to include:

- (a) the number of persons with a letter of eligibility under sections fifty-five-b and fifty-five-c of this title that have received a civil service appointment;
- (b) the number of persons at the time of the report who have received a letter of eligibility from the department certifying they are eligible to be appointed in accordance with sections fifty-five-b and fifty-five-c of this title;
- (c) the number of persons with a physical or mental disability appointed in accordance with sections fifty-five-b and fifty-five-c of this title that have taken a promotional examination including the number of such persons that have taken a promotional examination within the last five years;
- (d) a determination as to whether the state is underutilizing the provisions of such sections based on such findings from the report;
- (e) an assessment of whether the state offers any additional programs run by the state with the mission to increase the employment of people with disabilities, including, but not limited to: Adult Career and Continuing Ed Services (ACCES-VR) within the education department and the office for people with developmental disabilities' supported employment services programs; and
- (f) recommendations based on the findings from the report as to whether the state can take additional action to market or inform the public of state job opportunities for persons and veterans with disabilities and if so, what specific actions should be taken.

***Note: Applicable parts of the legislation are included in each section of the report.***

## 55-B/C APPOINTMENTS, LETTERS OF ELIGIBILITY, AND PROGRAM UTILIZATION

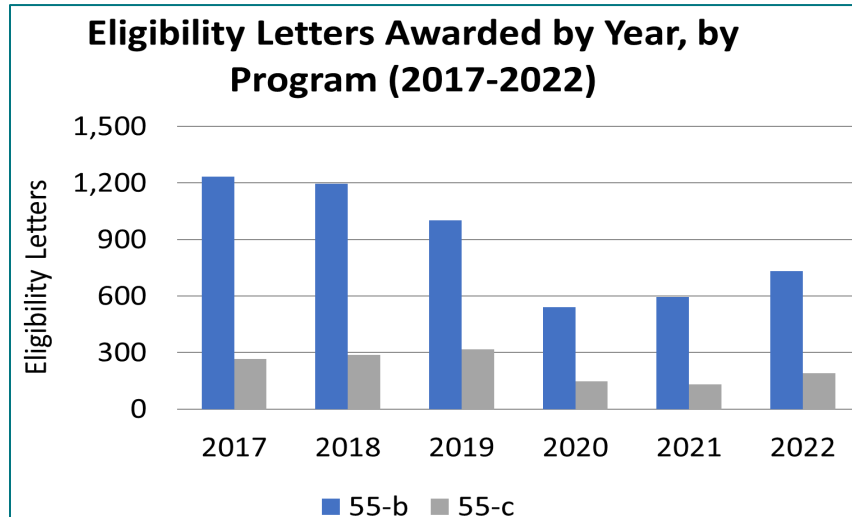
*(a) the number of persons with a letter of eligibility under sections fifty-five-b and fifty-five-c of this title that have received a civil service appointment;*

*(b) the number of persons at the time of the report who have received a letter of eligibility from the department certifying they are eligible to be appointed in accordance with sections fifty-five-b and fifty-five-c of this title;*

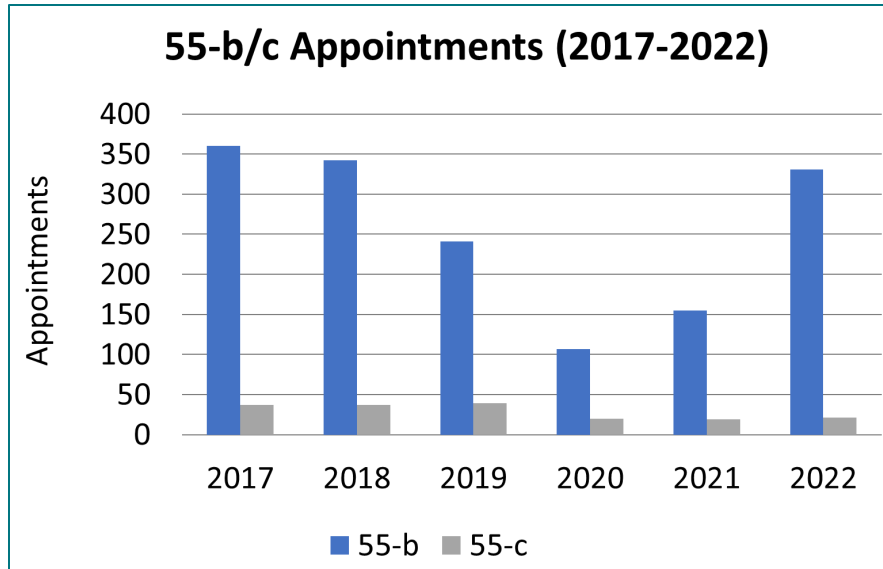
*(d) a determination as to whether the state is underutilizing the provisions of such sections based on such findings from the report;*

Individuals interested in seeking employment through the 55-b/c program must apply and provide documentation of their disability to confirm eligibility. In calendar year 2022, DCS issued 962 letters of eligibility for the 55-b/c programs. The 55-b program issues an average of 883 letters annually and the 55-c program issues an average of 223 letters. While not a guarantee of employment, letters of eligibility mean that individuals are eligible to apply for positions through the 55-b/c program.

Usage of the 55-b/c program can be tracked through the letters of eligibility awarded and the number of 55-b/c appointments. The active letters of eligibility represent the number of individuals who currently hold a letter of eligibility and can apply for positions available through the 55-b/c program. Letters of eligibility are valid for three years from the date of issue.



| Year | 55-b  | 55-c | Unknown | Total |
|------|-------|------|---------|-------|
| 2017 | 1,234 | 267  | 15      | 1,516 |
| 2018 | 1,195 | 287  | 22      | 1,504 |
| 2019 | 1,001 | 318  | 52      | 1,371 |
| 2020 | 541   | 147  | 22      | 710   |
| 2021 | 595   | 130  | 6       | 731   |
| 2022 | 733   | 191  | 38      | 962   |



**Table 7 55-b/c appointments (2017-2022)**

| Year | 55-b | 55-c | Unknown | Total |
|------|------|------|---------|-------|
| 2017 | 360  | 37   | 3       | 400   |
| 2018 | 342  | 37   | 2       | 381   |
| 2019 | 241  | 39   | 15      | 295   |
| 2020 | 107  | 20   | 3       | 130   |
| 2021 | 155  | 19   | 0       | 174   |
| 2022 | 331  | 21   | 4       | 356   |

In calendar year 2022, 356 individuals secured appointments through the 55-b/c programs. The four agencies that made over half of these appointments include, the Department of Taxation and Finance (28.4%), Department of Labor (10.1%), Office of General Services (8.4%), and Department of Education (5.9%). Agencies that account for more than half of the 55-c appointments in 2022 were the Department of Labor (22.6%), Department of Veterans Services (21.4%), and the Office of General Services (21.4%).

Salary grades correspond to different levels required qualifications, job responsibilities, and pay. Among the graded positions, the most common job grades in calendar year 2022 were Salary Grade 6 (25.3%), 11 (11.8%) and 18 (8.5%). One third (30.8%) of appointments were made in non-statutory positions which are not graded. The most common job title groups for 55-b/c appointments were Office Assistant (21.1%) and Taxpayer Service (13.2%). Of the top 25 job titles listed in appointments in 2022, 30.9% were in positions designated as a “trainee”. The most common individual job titles, across both programs combined, for were Office Assistant 1 (13.8%), Administrative Assistant Trainee 1 (7.9%), Taxpayer Services Specialist Trainee 2 (6.5%), Taxpayer Service Representative 1 (4.8%), and Taxpayer Services Specialist 1 (4.5%).

In calendar year 2022, 96.6% of positions designated for the 55-b program were filled while 21.2% of positions designated for the 55-c program were filled. The 55-b utilization in 2022 was based on the former program threshold that authorized the NYS Civil Service

Commission to designate up to 1,200 positions for persons with disabilities. Following the success of the program, and in line with recommendations made as part of the comprehensive study,” the legislature acted to increase the 55-b program threshold by 500 positions, now authorizing the NYS Civil Service Commission to designate up to 1,700 positions for persons with disabilities. Relative to the increase in positions, future utilization numbers may appear to decline.

### OTHER STATE PROGRAMS

*(e) an assessment of whether the state offers any additional programs run by the state with the mission to increase the employment of people with disabilities, including, but not limited to: Adult Career and Continuing Ed Services (ACCES-VR) within the education department and the office for people with developmental disabilities' supported employment services programs;*

In calendar year 2022, there were no significant changes to programs run by the state whose missions are to increase employment of people with disabilities since the comprehensive study was published last year. The Department continues to work with key stakeholders like the Office of the Chief Disability Officer, the Office of Adult Career and Continuing Education Services (ACCES-VR), the New York State Commission for the Blind (NYSCB), and the New York Employment Services System (NYESS) to identify and establish partnerships that focus on promoting and advancing the 55-b/c program as a pathway to increase employment of individuals with disabilities in New York State government.

Notably, in 2022, Executive Order 31<sup>2</sup> was published, naming the Department of Civil Service as a key stakeholder in increasing the participation of people with disabilities in state service and ensuring equal access to opportunities. The Department is actively partnering with the Office of the Chief Disability Officer regarding the implementation of the mandates outlined in the Executive Order.

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<sup>2</sup> [Executive Order 31: Committing New York State to Becoming a Model Employer for People with Disabilities](#)



### RECOMMENDATIONS<sup>3</sup>

*(f) recommendations based on the findings from the report as to whether the state can take additional action to market or inform the public of state job opportunities for persons and veterans with disabilities and if so, what specific actions should be taken.*

Consistent with recommendations in the comprehensive study, in 2023, the NYS legislature approved an increase to the 55-b program threshold for individuals with disabilities. This designation of an additional 500 positions (bringing the 55-b program threshold to 1,700 positions) will allow the Department to ensure that as we continue to promote the 55-b/c program, there are sufficient opportunities to meet the demand.

In line with the comprehensive study's recommendation to try to better understand the pathways into New York State employment utilized by veterans with disabilities, the Department convened a Veteran Engagement Committee which includes veterans throughout the Department, who have been hired through the 55-c program, to discuss opportunities to increase engagement and employment of veterans – including those with disabilities – into the New York State workforce.

The Department is also expanding its capacity to promote opportunities to work in the New York State government through implementation of a marketing campaign and the establishment of the Centers for Careers in Government (CCGs) – two initiatives that were funded as part of Governor Hochul's 2023-2024 Enacted Budget. When fully implemented, not only will these initiatives assist in the development of educational resources, but the regional scope of the CCGs, and the emphasis on increasing access to opportunities for individuals from historically marginalized communities, will help to ensure that the resources are reaching the individuals who would benefit most from the program. The marketing and CCG initiatives are expected to launch in 2024.

The comprehensive study made several recommendations regarding data collection to help understand 55-b/c program usage.<sup>4</sup> Although the Department does not have the capacity to conduct an analysis of subsequent promotions for individuals initially appointed through the 55-b/c programs, the Department will work with Information Technology Services to explore opportunities to begin capturing and reporting on that data. However, in 2023, the Department issued the updated DPM-100 Master Equal Employment Opportunity Data Collection Form ("DPM-100") and streamlining a number of key areas, including data collection for individuals with disabilities. This update, along with ongoing efforts to recanvass the state workforce, and consistent encouragement of self-disclosure of demographic information, will help close gaps in State workforce demographic data and provide more accurate baseline data for employees with

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<sup>3</sup> While the data reported reflects the last full calendar year, 2022, the progress on implementing recommendations from the 2022 report in calendar year 2023 is included. The data reflecting the impact of the implementation will be included in the 2023 report.

<sup>4</sup> *(c) the number of persons with a physical or mental disability appointed in accordance with sections fifty-five-b and fifty-five-c of this title that have taken a promotional examination including the number of such persons that have taken a promotional examination within the last five years;*

disabilities. This will also assist in strategic planning for individuals with disabilities and their engagement with employment opportunities in the New York State government.

It is the policy of the New York State Department of Civil Service to provide reasonable accommodation to ensure effective communication of information to individuals with disabilities. If you need an auxiliary aid or service to make this information available to you, please contact the New York State Department of Civil Service Public Information Office at (518) 457-9375.

Visit the New York State Department of Civil Service web site:

[www.cs.ny.gov](http://www.cs.ny.gov)

New York State Department of Civil Service

Albany, NY 12239