

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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February 27, 2024

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HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH  
FLOOR

B E F O R E: Carmen N. De La Rosa, Chairperson

COUNCIL MEMBERS:

Tiffany Cabán  
Oswald Feliz  
Julie Menin  
Francisco P. Moya  
Yusef Salaam

A P P E A R A N C E S

Katrina Porter, Chief Human Capital Officer and Deputy Commissioner at Department of Citywide Administrative Services

Sanford Cohen, General Counsel at Department of Citywide Administrative Services

Robert Alexander, Assistant Commissioner Bureau of Exams at Department of Citywide Administrative Services

Kadian Outar, Executive Director of Citywide Equity and Inclusion at Department of Citywide Administrative Services

Ronald Topping, President of Resident Council

Michael Tracey, Fire Department of New York Captain and Recording Secretary on the Uniformed Fire Officers Board

Christopher Leon Johnson, Self

Dennis Sweeney, Battalion Chief with the Fire Department of New York

Brandon Coons, Uniformed Fire Officers Association

2 SERGEANT-AT-ARMS: Check one, two. This is  
3 a prerecorded sound test for the Committee on Civil  
4 Service and Labor. It is being recorded by Michael  
5 Leonardo in the 16th Floor Hearing Room alongside  
6 Walter Lewis. Today's date is February 27, 2024.  
7 Weather is slightly overcast with some fog, but it's  
8 a good day.

9 SERGEANT-AT-ARMS: Good afternoon and  
10 welcome to today's New York City Council hearing for  
11 the Committee on Civil Service and Labor.

12 At this time, we ask that you silence all  
13 cell phones and electronic devices to minimize  
14 disruptions throughout the hearing.

15 If you have testimony you wish to submit  
16 for the record, you may do so via email at  
17 testimony@council.nyc.gov. Once again, that is  
18 testimony@council.nyc.gov.

19 At any time throughout the hearing,  
20 please do not approach the dais.

21 We thank you for your cooperation.

22 Chair, we are ready to begin.

23 CHAIRPERSON DE LA ROSA: [GAVEL] Good  
24 afternoon, I am Council Member Carmen De La Rosa,  
25 Chair of the Committee on Civil Service and Labor.

2 Thank you for joining today's Oversight Hearing to  
3 explore strategies to optimize the Municipal Service  
4 Exam System. We will be hearing a Preconsidered  
5 Resolution sponsored by Majority Leader Farías  
6 calling on the Commissioner of Citywide  
7 Administrative Services to implement a band scoring  
8 method for establishing eligible lists for  
9 competitive civil service titles.

10 Today's hearing will center on how the  
11 City can improve the administration of civil service  
12 exams to optimize the functioning of the system. New  
13 York City has been a leader in developing a merit-  
14 based civil service, and yet there is a disconnect  
15 between ideal and practice. While the exam system  
16 should operate to safeguard the integrity of the  
17 civil service system, there are numerous  
18 opportunities to modernize the process while  
19 prioritizing equity and efficacy. New York City's  
20 Department of Administrative Services, DCAS, is  
21 charged with recruiting examinees, administering  
22 exams, maintaining an eligible list of potential  
23 hires, and communicating with candidates about their  
24 eligibility status. However, the long period from  
25 exam administration to exam results contributes to

1 the city's inability to build, maintain, and quickly  
2 replenish its workforce. In the 2024 Fiscal Year,  
3 DCAS took a median number of 169 days from exam  
4 administration to exam results, a decrease from 222  
5 days median in the prior year. This discourages  
6 applicants who must find other, more immediately  
7 available work to support themselves, which in turn  
8 deprives the municipal workforce of skilled  
9 employees. Additionally, as our City agencies face  
10 budget cuts, they rely heavily on effective retention  
11 and promotion of current employees who are well-  
12 qualified to move upward within their agencies and  
13 keep the civil service running effectively.

14  
15           There are also opportunities to make the  
16 exam system more accessible to New Yorkers looking to  
17 enter the municipal workforce. The current system  
18 excludes applicants who may not have time, freedom of  
19 mobility, or digital access to visit a testing site  
20 in person or through a reliable internet connection.  
21 Additionally, the exam fees can pose a financial  
22 barrier to many potential applicants who do not have  
23 flexibility in their budget to apply for exams or  
24 indeed a bank account from which applicants can cut a  
25 check to cover their application fee. Applications

2 who face financial hurdles are also disadvantaged  
3 when compared to other applicants who are able to  
4 afford prep courses and study materials to take the  
5 same exam.

6 Today, the Committee hopes to learn from  
7 DCAS what they are doing to address some of these  
8 challenges so we can work towards eliminating  
9 barriers to entering civil service.

10 I'd like to thank the Committee Staff for  
11 their hard work in preparing for this hearing, Policy  
12 Analyst Elizabeth Arzt and Legislative Counsel Rie  
13 Ogasawara. I'd also like to thank my Staff, Chief-of-  
14 Staff James Burke, Legislative Director Kiana Diaz,  
15 and Communications Director Fray Familia.

16 I would like to note that written  
17 testimony, which will be reviewed in full by the  
18 Committee Staff, may be submitted to the record up to  
19 72 hours after the close of hearing by emailing it to  
20 testimony@council.nyc.gov.

21 We ask that all witnesses who are  
22 testifying today abide by the three-minute time  
23 allowance and that they speak only on topics related  
24 to this hearing.

2 Please note that public witnesses are not  
3 permitted to film themselves as they testify nor are  
4 they permitted to show prerecorded video as part of  
5 their testimony. Thank you so much.

6 Now I'll turn it to the Counsel to swear  
7 in the Administration.

8 COMMITTEE COUNSEL OGASAWARA: We will now  
9 hear from the administration. Before we begin, I will  
10 administer the affirmation. Panelists, please raise  
11 your right hand, and I will read the affirmation once  
12 and then call on each of you individually to respond.

13 Do you affirm to tell the truth, the  
14 whole truth, and nothing but the truth before this  
15 Committee, and to respond honestly to Council Member  
16 questions?

17 DEPUTY COMMISSIONER PORTER: I do.

18 GENERAL COUNSEL COHEN: I do.

19 ASSISTANT COMMISSIONER ALEXANDER: I do.

20 EXECUTIVE DIRECTOR OUTAR: I do.

21 COMMITTEE COUNSEL OGASAWARA: Thank you.

22 CHAIRPERSON DE LA ROSA: Thank you. Before  
23 we begin, I also want to acknowledge that Council  
24 Member Moya has joined us virtually, and I know that  
25 many of my Colleagues are going to be in and out. We

2 have some competition today with Dem Conference as  
3 well as other hearings happening so thank you for  
4 being here.

5 DEPUTY COMMISSIONER PORTER: Good  
6 afternoon, Chair De La Rosa and Members of the  
7 Committee on Civil Service and Labor. My name is  
8 Katrina Porter, and I am the Chief Human Capital  
9 Officer and Deputy Commissioner at the Department of  
10 Citywide Administrative Services, or DCAS. I am  
11 joined today by my colleague, Sanford Cohen, DCAS  
12 General Counsel.

13 At DCAS, our commitment to equity,  
14 effectiveness, and sustainability guides our work  
15 providing City agencies with the resources they need  
16 to meet their missions, including offering civil  
17 service examinations so that agencies have qualified  
18 candidates to fill their vacancies. With an emphasis  
19 on modernization and evolution, our agency has been  
20 laying the foundation to innovate, reimagine, and  
21 improve the civil service examinations' process. This  
22 work has been rooted in our core principles about  
23 civil service, building community, and increasing  
24 equity and access. Over the years, we've opened  
25 testing centers in the communities, brought civil

2 service applications online, re-examined credits that  
3 help level the playing field for job seekers  
4 including our nation's veterans, and we have even  
5 examined how we can reduce barriers to municipal  
6 employment through reassessing minimum qualification  
7 requirements for a huge number of job titles  
8 citywide. We recognize these exams are more than a  
9 means to a job but provide New Yorkers from all walks  
10 of life a chance to build a purpose-driven career and  
11 earn a good paying salary, all while serving their  
12 city.

13           Within DCAS, our Bureau of Examinations  
14 manages civil service exams and oversees the  
15 certification of lists used by more than 80 City  
16 agencies. The Bureau also ensures compliance with  
17 civil service rules and regulations regarding  
18 appointments made from those lists. I'm happy to  
19 share that we are currently on target to open 225  
20 exams for filing in Fiscal Year '24. On average over  
21 the last fiscal years, DCAS has administered 160  
22 exams per year to more than 93,000 candidates. We  
23 adapt our exam offerings to meet the hiring needs of  
24 agencies. Much effort is dedicated to provisional  
25 reduction and avoidance, which includes offering

1 exams in titles with high number of provisionals, as  
2 well as titles without provisionals, to ensure that  
3 there is always a pool of qualified candidates. After  
4 many years of working with City agencies and labor  
5 unions, we ended 2023 in substantial compliance with  
6 the State civil service laws regarding provisional  
7 employment. Moreover, we are incredibly proud of the  
8 work to bring our exams into the 21st century where  
9 we have taken tremendous strides in modernizing the  
10 examination process. Gone are the days where civil  
11 service exam takers took tests with paper and pencil  
12 sitting in children's desks at public schools. Thanks  
13 to monumental work from our DCAS team, candidates can  
14 now apply for exams online using the online  
15 application system, OASIS, which as of the last year  
16 is also accessible on mobile phones and tablet  
17 devices. Candidates can also apply in-person at our  
18 computer-based testing and application centers,  
19 commonly known as CTACs, with locations accessible in  
20 all five boroughs, and DCAS continues to implement  
21 technological advances where possible to streamline  
22 the application and exam process to improve the  
23 customer experience.  
24

With that said, let me tell you a bit more about how DCAS is reimagining civil service to support the expanded needs of New Yorkers. We have five principles that guide our modernization efforts, help City agencies fill their vacancies to ensure continuity of operations and services, embrace modern standardized processes to boost quality and flexibility, end costly, inefficient, and ineffective processes, encourage data-enabled decision-making, and out-of-the-box thinking, and promote engagement with City agencies across the city. We have implemented multiple initiatives and continue to work at opportunities to build upon these accomplishments. DCAS has increasingly moved to paperless processes for exams. Multiple choice tests are offered at CTACs six days a week using a computerized testing system. Education and experience exams are completed in the OASIS system. Both multiple choice and education and experience exams provide instant tentative results on screen and by email. Appeals and protests are now submitted and tracked in OASIS. Invitations to exam events, communications, payments, waiver submissions, and notification of results have all been moved to digital access. In addition to these public facing

2 components, we have also automated much of the work  
3 necessary to develop exams, including job analyses  
4 and the process to create and approve notice of  
5 examinations.

6 In addition to these technology  
7 enhancements, DCAS is also looking at creative ways  
8 to streamline exam offerings. With the development of  
9 the New York City Bridge, first piloted in Fiscal  
10 Year '22, candidates can apply for one exam, pay one  
11 application fee, and take a single test that can be  
12 used for multiple titles. We have continued to use  
13 the New York City Bridge exam each fiscal year since  
14 the pilot and the next Bridge exam application period  
15 is scheduled for June 2024.

16 Now, let me give you an overview of the  
17 civil service exam process. The City's civil service  
18 system is based on State constitutional mandates  
19 which require merit and fitness be ascertained by  
20 competitive examination. Merit- and fitness-based  
21 civil service exams have been the gold standard for  
22 good government practices for more than a century.  
23 The City of New York has career opportunities in many  
24 civil service titles. Over 80 percent of our  
25 positions require an examination to be appointed on a

1 permanent basis. These include titles in law  
2 enforcement, social services, administration, and  
3 technology, among others. Exams are used to identify  
4 candidates who demonstrate the necessary knowledge,  
5 skills, and abilities to perform in title work. The  
6 two types of examinations are open competitive exams,  
7 which are available to anyone and include minimum  
8 qualification requirements listed on the notice of  
9 examination, and promotion exams, which are available  
10 only to permanent employees and titles listed as  
11 eligible in the notice of examination. The result of  
12 an examination is the establishment of a civil  
13 service list. This list provides a qualified pool of  
14 candidates for City agencies to utilize and select  
15 from to fill jobs. We are proud to administer New  
16 York City civil service system and the role it plays  
17 in delivering services and providing a pathway to the  
18 middle class.

19  
20 Today, the City's workforce of more than  
21 300,000 is 58 percent female, 64 percent of color,  
22 and receives a median salary of just over 80,000  
23 annually. We are a sought-after employer, receiving  
24 nearly 120,000 applications for exams in Fiscal Year  
25 '23, moving from exam administration to results in

2 219 days, well below the 290-day target in the  
3 Mayor's Management Report and the lowest turnaround  
4 time in the most recent five fiscal years.

5           At DCAS, we are continuously looking for  
6 ways to improve exam-related processes. I'd like to  
7 highlight two areas currently under review. First,  
8 revising minimum qualification requirements, or MQRs.  
9 These are minimum amounts of education or experience  
10 that must be met for a candidate to be considered for  
11 a position. Beginning in the spring of 2023, we have  
12 reviewed 90 entry level titles to determine which  
13 have qualifications that can be revised in order to  
14 expand the pool of eligible candidates and reduce  
15 barriers to employment within City government without  
16 sacrificing quality. In many instances, we are using  
17 relevant work experience to substitute for  
18 educational requirements. To date, revised MQRs for  
19 17 titles have been implemented and we continue to  
20 work with agencies and union partners on others.  
21 Second, increasing the use of education and  
22 experience tests. This format makes sense when  
23 knowledge, skills, and abilities are demonstrated  
24 best through experience, education, or other  
25 credentials. This test format is currently available

1 online and can be completed with desktop, laptops, as  
2 well as mobile phones and tablet devices. In 2022,  
3 DCAS kicked off the computerized testing platform  
4 project, which will allow us to build a modern test  
5 authoring and examination system to replace our  
6 current one, which dates back to 2006. The new system  
7 will give DCAS staff more control over the exam  
8 development process, a more easily navigated system,  
9 and the ability to complete tasks faster. The new  
10 system will also provide our candidates with a more  
11 efficient and intuitive experience. Once completed,  
12 the new system will allow us to begin exploring a  
13 completely online testing platform. However, online  
14 testing requires the sophisticated software to author  
15 and assemble the exam, security features, and live  
16 proctors to augment artificial intelligence scans.  
17 Costs for online testing fluctuate depending on the  
18 exam, its duration, and the security components  
19 needed. On the plus side, consultant, staff, and  
20 space spending to offer these tests would be  
21 alleviated by having such a platform. I hope this  
22 overview has provided you with an understanding of  
23 the City's civil service examination process and our  
24 ongoing efforts to think outside of the box and use  
25

2 technology to create a more effective and modern  
3 system.

4 Thank you again to the Committee and to  
5 the Council for this opportunity to speak today, and  
6 I will be happy to answer any questions you may have.

7 CHAIRPERSON DE LA ROSA: Thank you so  
8 much, Deputy Commissioner. I also want to recognize  
9 we've been joined by my Colleagues, Council Member  
10 Cabán and Council Member Menin.

11 I'm going to start, so I understand that  
12 most of the requirements are imposed by the State  
13 constitution, but over 80 percent of the civil  
14 service positions require a passing exam score to  
15 apply. Is that requirement imposed by DCAS or by the  
16 State? And if it is one imposed by DCAS, what factors  
17 lead you to classify a position and title as one that  
18 does or does not require an exam?

19 DEPUTY COMMISSIONER PORTER: Thank you for  
20 that. Yes, the City's civil service system is  
21 governed by the State constitution, and it mandates  
22 that we use a merit- and fitness-based system. This  
23 system establishes a framework that is fair and  
24 competitive, and it enables the evaluation of job  
25 performance while mitigating bias and reducing

2 discrimination. This standard ensures opportunities  
3 are accessible to qualified candidates, fostering a  
4 culture of equity and fairness for City government.

5 In addition, some titles are designated as non-

6 competitive or exempt, which is only after the City

7 demonstrates to the State Civil Service Commission

8 that competitive testing is impractical for those

9 roles. For example, an agency attorney, that's non-

10 competitive title and pretty much it is designated as

11 non-competitive, it does not require an exam, and the

12 basic competence is determined by the bar admission.

13 Everything that we do is governed by either the State

14 constitution or civil service law.

15 CHAIRPERSON DE LA ROSA: How does DCAS

16 determine if a position should be filled by an open

17 competitive prom promotional or qualified incumbent

18 exam? How do you determine based on the titles?

19 DEPUTY COMMISSIONER PORTER: First, I just

20 want to say that we're no longer administering

21 qualified incumbents' exams because those were tied

22 to our provisional reduction efforts. As I stated, so

23 if there is a specific license or educational

24 requirement of the title, that would be a strong case

25 for us to petition to the State Civil Service

2 Commission to designate it in the non-competitive or  
3 exempt class, and we review these types of situations  
4 on a case-by-case basis. It requires input from the  
5 City agency using the title and the creation of a  
6 proposal that's reviewed by the State so it's a  
7 process that we undertake and requires approval by  
8 the State Civil Service Commission.

9 CHAIRPERSON DE LA ROSA: Are open  
10 competitive promotional exams all given in the  
11 education and experience format? Can you explain the  
12 education and experience format?

13 DEPUTY COMMISSIONER PORTER: An education  
14 and experience exam is conducted through our online  
15 OASIS system, and it requires candidates to answer a  
16 series of questions related to their education and  
17 experience. At the end of that process, they receive  
18 a tentative score, and that concludes the examination  
19 process. For multiple choice tests, the process is a  
20 little bit more comprehensive. It requires us to work  
21 with subject matter experts at the agencies to  
22 identify the key knowledge, skills, and abilities  
23 that are required. We also have the subject matter  
24 experts develop test questions and there's a review

2 process after that so it's a more in-depth process  
3 for multiple choice exams.

4 CHAIRPERSON DE LA ROSA: Can you go into  
5 information on the scoring method for promotional  
6 exams and whether the Department utilizes a curve or  
7 weighted scoring system in formulating eligibility  
8 lists?

9 GENERAL COUNSEL COHEN: Good afternoon.

10 CHAIRPERSON DE LA ROSA: Good afternoon.

11 GENERAL COUNSEL COHEN: The civil service  
12 gods thought to give me laryngitis for today. I hope  
13 you'll bear with me.

14 CHAIRPERSON DE LA ROSA: Try your best,  
15 yes. If not, send it in writing, but try your best.

16 GENERAL COUNSEL COHEN: In promotional  
17 exams, we do typically use..

18 CHAIRPERSON DE LA ROSA: You could take a  
19 sick day, you know that, right? We're a union town,  
20 you could take a sick day, but go ahead.

21 GENERAL COUNSEL COHEN: Promotional exams,  
22 we typically use weighting. A portion of the final  
23 score is allocated to the score on the multiple  
24 choice test, and a portion is allocated to seniority  
25 and for uniform titles, often departmental awards. On

2 our citywide exams, the general rule is that we will  
3 allocate 85 percent of the score to the multiple  
4 choice score and 15 percent to seniority and awards.  
5 The Fire Department and several other agencies are  
6 unique in allocating for their promotional exams  
7 scores on the multiple choice tests at 50 percent and  
8 seniority and departmental awards at 50 percent.

9           You asked about curving. Curving is a  
10 mechanism that we use widely in our scoring of  
11 multiple choice tests. It's standard for the industry  
12 psychometric examinations used for all the  
13 admissions, tests, SATs, GREs, MCATs. What it does is  
14 it essentially grades people in relationship to their  
15 colleagues who've taken the same exam and not on a  
16 fixed scale, and that's after we determine in the  
17 appropriate case whether there's any adverse impact  
18 against a particular racial or ethnic or gender  
19 groups that results from establishing a pass/fail  
20 score at a certain level.

21           CHAIRPERSON DE LA ROSA: How does DCAS  
22 exercise its discretion to grade exams? Are there  
23 laws that, in your view, unnecessarily restrict this  
24 discretion and would DCAS apply a different grading  
25 system if these laws were amended?

2 GENERAL COUNSEL COHEN: The laws are  
3 fairly flexible in allowing DCAS to determine in  
4 conjunction with its agency partners what the scoring  
5 system should be in any particular exam.

6 CHAIRPERSON DE LA ROSA: At this moment,  
7 there aren't any laws that you view restrict you  
8 unnecessarily?

9 GENERAL COUNSEL COHEN: No, but logic and  
10 the demands of a job restrict us, and we try to adapt  
11 our scoring system to what is the appropriate level  
12 of competency that's ascertained through taking a  
13 test.

14 CHAIRPERSON DE LA ROSA: Last week, the  
15 Administration announced that it was lifting the  
16 full-time hiring freeze and moving to a two-for-one  
17 hiring model, allowing one hire for every two  
18 employees that leave the agency. How will these  
19 changes impact the exam system, affect applicants and  
20 prospective applicants, and how they plan their  
21 pathway into the municipal workforce so now that  
22 there is more opportunity for hire, what is the  
23 impact of any on the schedule?

24 DEPUTY COMMISSIONER PORTER: There's no  
25 impact. The hiring freeze hasn't had any impact on

2 the FY-24 examination schedule. The exam schedule is  
3 to support future hiring needs. Most agencies  
4 currently have lists to utilize to meet their hiring  
5 needs in the event that they are able to hire with  
6 the lifting of the hiring freeze.

7 CHAIRPERSON DE LA ROSA: Even through the  
8 hiring freeze, DCAS was administering event exams,  
9 and so there are lists that have been generated for  
10 positions that theoretically were frozen?

11 DEPUTY COMMISSIONER PORTER: Absolutely.  
12 Those lists are active and available for use by City  
13 agencies if they have a hiring need.

14 CHAIRPERSON DE LA ROSA: Has DCAS made any  
15 changes to the open competitive, you said qualified  
16 incumbent exams are no longer applicable, but to the  
17 open competitive system?

18 DEPUTY COMMISSIONER PORTER: No, we have  
19 not.

20 CHAIRPERSON DE LA ROSA: Colleagues, do  
21 you have any questions? No, go ahead.

22 COUNCIL MEMBER MENIN: Okay. Thank you so  
23 much, Chair. I do have a couple questions. I'm  
24 concerned about FDNY firefighters who took the  
25 promotional exam in December of 2022 and botched

2 results that have been reported. Can you speak about  
3 the algorithm that was used to grade those tests?

4 GENERAL COUNSEL COHEN: There was no  
5 algorithm. There was a weighting that was announced  
6 in the notice of examination. As I explained before,  
7 the weighting for the firefighter promotionals is 50  
8 percent multiple choice and 50 percent seniority and  
9 departmental awards. There was an error made by DCAS  
10 in announcing the first publication of those who  
11 would be on the eligible list. It used a weighting of  
12 85 percent for multiple choice and 15 percent for  
13 seniority and departmental awards. The error was  
14 discovered quite quickly and corrected, and the list  
15 was published with the correct weighting last  
16 October. DCAS sent notices to all of the exam takers  
17 explaining what the glitch was in announcing the  
18 first list and ensuring them that it had been  
19 corrected.

20 COUNCIL MEMBER MENIN: In terms of the  
21 error that was made, how does DCAS prevent other  
22 errors from happening moving forward?

23 GENERAL COUNSEL COHEN: I'll turn to the  
24 operational people on that. I'm just the lawyer.

2 DEPUTY COMMISSIONER PORTER: I would like  
3 to mention that the majority of the promotion exams  
4 that are offered by DCAS, they utilize a weight of 85  
5 percent for multiple choice and 15 percent for  
6 seniority so that's standard across the board. There  
7 are a few uniform agencies that use a different  
8 formula. We do recognize that there was an oversight  
9 in using the correct weightage, and so what we're  
10 doing to ensure quality assurance going forward is  
11 the team that handles that particular function, our  
12 Exam Administration Group, we're just making an  
13 effort to review to make sure that the weightage is  
14 proper for promotion exams.

15 COUNCIL MEMBER MENIN: Okay. I want to  
16 move on to the Mayor's Management Report. The MMR  
17 report in Fiscal Year '23 indicates that 736,000  
18 employment applications were received through  
19 JobsNYC. How many resulted in a job offer?

20 DEPUTY COMMISSIONER PORTER: I do not have  
21 that information handy. That's outside of the  
22 examination process, but I will be sure to get that  
23 information to you.

24 COUNCIL MEMBER MENIN: Okay. If you could  
25 please get it through the Committee.

2 DEPUTY COMMISSIONER PORTER: Sure.

3 COUNCIL MEMBER MENIN: Also, last question  
4 before I turn it back over to the Chair, could you  
5 talk about how you're promoting the civil service  
6 exams, specifically in what places are these jobs  
7 being promoted? What mechanisms are you using to make  
8 sure that this information is widely disseminated?

9 DEPUTY COMMISSIONER PORTER: DCAS posts  
10 its annual examination schedule on its website. We  
11 also post a monthly exam schedule for exams that are  
12 opening for filing. We also have an Office of  
13 Citywide Recruitment that recruits for our positions.  
14 I would like to turn it over to Kadian Outar, our  
15 Executive Director of Citywide Equity and Inclusion,  
16 to share more details about the recruitment for  
17 examinations.

18 EXECUTIVE DIRECTOR OUTAR: Thank you. The  
19 Office of Citywide Recruitment was created  
20 specifically to go out into the community to promote  
21 civil service information, specifically to  
22 communities that are underrepresented in city  
23 government, and so we conduct what we call a Civil  
24 Service 101 Information Session that really outlines  
25 the process from beginning to end on what it means to

2 become a civil servant. We know that when we go out,  
3 a lot of folks don't really understand the different  
4 types of jobs that are available in City government  
5 so we do a breakdown of the different careers, the  
6 different paths that are available, and the  
7 application process, which includes applying for open  
8 competitive jobs on our job board, and then applying  
9 for the civil service examinations, and what that  
10 looks like so the before process, what to expect  
11 during the application process, and what to expect  
12 afterwards, and we also really go through the notice  
13 of examination so that they have a better  
14 understanding of what it is that they're looking for.  
15 Since our creation in 2015, we have done over 1,900  
16 events and approximately 120,000 participants.

17 In addition to the Civil Service 101  
18 Information Sessions, we do participate in career  
19 fairs, resources fairs, pretty much anywhere we can  
20 go to speak about the recruitment activities. We do  
21 that and we make sure that we are guided by the civil  
22 service examination schedule and the needs of the  
23 City and the agencies to determine where we go.

24 COUNCIL MEMBER MENIN: Okay, thank you.  
25 Thank you, Chair.

2 Council Member Cabán.

3 COUNCIL MEMBER CABÁN: Thank you. I'm  
4 hoping to build on the questions that Council Member  
5 Menin just asked. Obviously, she asked about like how  
6 are we reaching people, but I'd like to also know how  
7 are we taking steps to remove barriers to access and  
8 some potential changes to the exam system in the  
9 future. I know that, as part of the FY 2024 budget,  
10 the Governor announced the elimination of application  
11 fees for all state civil service exams to lower  
12 barriers to entry for New Yorkers. Is this something  
13 that DCAS would consider enacting?

14 DEPUTY COMMISSIONER PORTER: What I will  
15 say is that we are dedicated to promoting access to  
16 civil service exam applications to reduce barriers to  
17 registration and to create a more efficient and  
18 effective exam process. This includes offering the  
19 New York City Bridge exam where applicants can pay  
20 one fee to take an exam for multiple titles. We  
21 launched this test type back in the Fiscal Year 2022.

22 COUNCIL MEMBER CABÁN: What's the amount  
23 of that fee?

24 DEPUTY COMMISSIONER PORTER: 40 for the  
25 battery of titles. We launched this test site back in

2 Fiscal Year 22, and we plan to build from this model  
3 to create a talent pipeline for the City's safety  
4 titles.

5 I also want to mention that DCAS  
6 previously piloted no-exam fees for uniform titles  
7 such as police officers, school safety agent, and  
8 correction officer, and ultimately, we found them to  
9 be an ineffective means to increase the number of  
10 test takers.

11 COUNCIL MEMBER CABÁN: Can I ask a  
12 question about that? Did you only pilot this for  
13 titled positions in the criminal legal system?

14 DEPUTY COMMISSIONER PORTER: Yes. It was a  
15 pilot.

16 COUNCIL MEMBER CABÁN: Yeah, but I'm  
17 saying like that pilot, did it only apply to  
18 positions in the criminal legal system? Because I  
19 just feel like it injects a variable or a parameter  
20 or appeals to a certain kind of person or like it  
21 just, I don't know, it seems a little odd to me to do  
22 a pilot but that is limited to the criminal legal  
23 system. I have other issues with why are we removing  
24 barriers to access for job titles that specifically  
25 surround punishment and control and not some of the

2 other civil service exams where I'd like to see more  
3 people employed in, but, yeah, I just find that  
4 curious. I don't know. Do you know why that was?

5 CHAIRPERSON DE LA ROSA: It was to support  
6 the agency's recruitment efforts. They had a hiring  
7 need and so...

8 COUNCIL MEMBER CABÁN: They weren't the  
9 only agency with a hiring need, like all of our  
10 agencies right now certainly have a hiring need.

11 DEPUTY COMMISSIONER PORTER: Absolutely,  
12 but this particular effort was to address their  
13 specific need.

14 COUNCIL MEMBER CABÁN: Okay.

15 DEPUTY COMMISSIONER PORTER: What we found  
16 in those instances is that when the application fee  
17 was waived, more than half of the folks who applied  
18 for those exams, they actually did not show up to  
19 take the test, which becomes a resource constraint  
20 for DCAS to administer these exams.

21 Something else that I want to mention is  
22 that DCAS continues to grant hardship waivers for all  
23 test takers with a financial need. This includes  
24 folks who are on Medicaid, public assistance,  
25 unemployment, even veterans and the spouses of

2 veterans are also eligible for fee waivers. On  
3 average, 20 percent of test takers do apply and  
4 receive those hardship waivers, and I'll pause there.

5 COUNCIL MEMBER CABÁN: Thank you. At this  
6 point, my understanding is that DCAS only offers  
7 promotional exams for current employees every few  
8 years so the argument is that the infrequency leads  
9 to career growth uncertainty and promotes turnover  
10 amongst current employees who are wanting to move up  
11 professionally or salary-wise. Why are promotional  
12 exams offered so infrequently and is DCAS open to  
13 offering them more regularly, for example, once per  
14 year per agency?

15 DEPUTY COMMISSIONER PORTER: Thank you for  
16 that question. First, I want to say that civil  
17 service exams, they're active for at least one, but  
18 no more than four years, so we let the data drive our  
19 decision and creation of the examination schedule.  
20 That process starts around this time in anticipation  
21 for the beginning of the fiscal year on July 1st, and  
22 so we look at lists that are scheduled to terminate  
23 or do not have a substantial amount of candidates  
24 remaining, and then that pretty much determines what  
25 promotion exams we offer in the subsequent fiscal

2 year. What we do not want to do is offer a promotion  
3 exam for a title where there's already an active  
4 promotion exam because then the folks who are taking  
5 the newer exam would have a longer wait period so we  
6 absolutely let data drive our decision and we work  
7 collaboratively with City agencies and our union  
8 partners to develop the schedule.

9 COUNCIL MEMBER CABÁN: Thank you.

10 CHAIRPERSON DE LA ROSA: Thank you so  
11 much. I want to recognize we've been joined by  
12 Council Member Salaam.

13 All right, I'm going to ask about the  
14 Hiring Halls. The City Council collaborated with DCAS  
15 on Hiring Halls and hosted across the city. In Fiscal  
16 Year 2023, DCAS held 14 Hiring Halls, which attracted  
17 12,000 attendees and made 2,000 same day job offers.  
18 Will these applicants get first refusal for available  
19 positions now that the City has restarted the hiring?

20 DEPUTY COMMISSIONER PORTER: I'm sorry,  
21 Chair, can you just repeat the last part of your  
22 question?

23 CHAIRPERSON DE LA ROSA: During the Hiring  
24 Halls, you all attracted 12,000 attendees and 2,000  
25 same day offers were made. Will these applicants get

2 first refusal for available positions now that the  
3 City has started to hire again?

4 DEPUTY COMMISSIONER PORTER: The folks who  
5 received a job offers, they should have been  
6 appointed or are working through the hiring process.  
7 I'm not sure if we have any additional data on the  
8 status of the 2,000 folks who received same day job  
9 offers and, if we don't, Chair, we can get that back  
10 to you.

11 CHAIRPERSON DE LA ROSA: Yeah, since there  
12 was a freeze, I imagine there was a delay, did some  
13 of them drop off, was everyone placed? We'd like to  
14 know the status just to see if the Hiring Halls are  
15 indeed successful.

16 CHAIRPERSON DE LA ROSA: We will do our  
17 best to get you that information. I do want to  
18 caution that that information happens at the agency  
19 level so we may have some trouble getting it, but  
20 we'll do our best to get you the numbers.

21 CHAIRPERSON DE LA ROSA: Great. All right.  
22 When we're talking about the Bridge exam, the Bridge  
23 exams often cover the same content for qualifications  
24 for multiple titles. How does DCAS make the  
25 determination of which titles can be tested with the

2 Bridge exam as opposed to related titles that require  
3 applicants to take a specific test?

4 CHAIRPERSON DE LA ROSA: The exam  
5 development process starts with the job analysis so  
6 that's when we take a look at the key knowledge,  
7 skills, and abilities of each title to determine  
8 where there's correlation, and then we use that to  
9 develop test questions, but I do want to hand it over  
10 to the expert, Assistant Commissioner Rob Alexander.  
11 He can give you a deeper dive into the process.

12 ASSISTANT COMMISSIONER ALEXANDER: Thank  
13 you. Hey, folks. Thank you, Chair. As you said, it's  
14 about comparability, right? So the first Bridge in  
15 FY22 to kick it off, we did look at what was similar  
16 already, looked at qualifications that were aligned,  
17 salaries that were aligned, and in the world of  
18 multiple choice testing, we weren't sure what we  
19 would get to so we did a job analysis and all the  
20 titles and developed the test based on what's common  
21 amongst that. It's much easier to find that  
22 commonality when titles are similar. As you see by  
23 '23, we had a little bit more commonality amongst  
24 those titles, and we just keep building amongst that

2 commonality, bringing them in, see what's common, and  
3 then push them out.

4 CHAIRPERSON DE LA ROSA: Okay, and if you  
5 determine that a specific title doesn't fit in that  
6 mix, are you then...

7 ASSISTANT COMMISSIONER ALEXANDER: Then it  
8 would then be pulled out. If it had to be tested  
9 specifically, not every title or every position is  
10 right for a Bridge, so it would be pulled out if it  
11 was too specific to fit within the bridge.

12 CHAIRPERSON DE LA ROSA: Okay, that makes  
13 sense. Okay, thank you for answering that question.

14 I wanted to ask about the delays from-  
15 exam results, and I know that you've made  
16 improvements from 222 days in FY23 to about 169 days,  
17 but it's still a prolonged period of time. What is  
18 DCAS doing to successfully deliver exam results in  
19 less time, and what can they do to continue lowering  
20 exam results completion time so what can we do  
21 together to kind of make sure that trend continues  
22 downward?

23 DEPUTY COMMISSIONER PORTER: Absolutely. I  
24 just want to say, to remain in full compliance with  
25 the law and to ensure the integrity of the civil

2 service process and administration of multiple choice  
3 tests, it requires that certain processes must be  
4 adhered to, and these processes do add time to the  
5 overall cycle time for from-exam administration to  
6 list establishment. These processes are in place to  
7 build transparency for test takers. These processes  
8 provide them with an opportunity to protest  
9 questions, to appeal to DCAS any grievances they may  
10 have, and it also includes what we call the test  
11 validation board which is comprised of members of the  
12 agency that utilizes the title, the union that  
13 represents the title, and a DCAS representative where  
14 they review protests that were submitted by test  
15 takers. I just want to give you an idea of the volume  
16 of protests that we received. We administered an exam  
17 for Sergeant Police, 10,500 plus test takers. We  
18 received over 9,500 protests, and that process  
19 requires us to review each protest individually, and  
20 this process can take some time. I'm trying to give  
21 you an idea of some of the things that we have to do  
22 by law that really does extend the cycle time.

23           One other thing I want to mention is that  
24 some exams require a practical exam after the

2 multiple choice test is administered and that also  
3 adds time.

4 CHAIRPERSON DE LA ROSA: Is there a list  
5 of the types of exams where you see a trend towards  
6 those protests.

7 DEPUTY COMMISSIONER PORTER: Uniform exams  
8 or any time we're seeing a large number of test  
9 takers, they're usually a large number of protests  
10 submitted.

11 What we're planning to do is to continue  
12 to expand our use of education and experience exams  
13 so these exams are fully automated. Candidates can  
14 take them online. They do not need to visit our  
15 computerized testing centers. They receive tentative  
16 results. We've had great success with administering  
17 education and experience exams in under 100 days so  
18 we want to look at our title portfolio to identify  
19 additional titles that may be a good fit for  
20 education and experience. This will require input  
21 from our union partners which will be a conversation,  
22 but we are open to having the conversation and we're  
23 up for the challenge.

24 CHAIRPERSON DE LA ROSA: Does that type of  
25 change require State approval?

2 DEPUTY COMMISSIONER PORTER: It does not.

3 CHAIRPERSON DE LA ROSA: Okay. Great.

4 I want to switch over a little bit to  
5 talk about Selective Certification Process. DCAS  
6 utilizes Selective Certification Process whereby the  
7 announcement of an examination will contain a  
8 specific provision that allows the DCAS Commissioner  
9 or the head of an agency to selectively certify  
10 candidates from an eligible list to fill similar or  
11 related positions which require additional or special  
12 qualifications that are not specifically tested for  
13 in an examination. For example, the NYPD uses  
14 Selective Certification Process to allow young  
15 trainees to take a police officer exam upon the  
16 completion of their cadet corps training which will  
17 count as a promotional exam. Can you describe what  
18 accommodations are made, what does that process look  
19 like, and which titles normally have?

20 DEPUTY COMMISSIONER PORTER: Sure. I just  
21 want to clarify one thing for you, Chair. Police  
22 cadets are eligible to take the promotion exam for  
23 police officer. This is not an example of what a  
24 selective certification is.

25 CHAIRPERSON DE LA ROSA: Okay.

2 DEPUTY COMMISSIONER PORTER: They complete  
3 their service, and then that makes them eligible for  
4 promotion.

5 CHAIRPERSON DE LA ROSA: Got it.

6 DEPUTY COMMISSIONER PORTER: Selective  
7 certification is a process by which applicants who  
8 possess a particular specialized skill and this is  
9 above the minimum qualifications for the title where  
10 an agency may have an immediate need are given  
11 preference to be hired from an eligible list. I'll  
12 give you an example. So administrative staff  
13 analysts, this is a title that is used broadly across  
14 most City agencies in various capacities, and so in  
15 the notice of exam for administrative staff analysts,  
16 we offer a host of selective certifications for folks  
17 who may have budget experience or folks who may have  
18 experience in human resources, and so what this does  
19 is that it allows the agency to request a smaller  
20 list of folks that have that specialized skillset. We  
21 have the comprehensive list with thousands of folks  
22 on it, but then there's a smaller list with folks who  
23 have that specialized experience. They still meet the  
24 minimum qualifications for the title. They just have

2 that experience that the agency needs for a  
3 particular role.

4 CHAIRPERSON DE LA ROSA: Okay. It's a way  
5 of fast tracking to fill that need in a way?

6 DEPUTY COMMISSIONER PORTER: Correct.

7 CHAIRPERSON DE LA ROSA: Okay. At the 2022  
8 hearing on civil service exams, we discussed how the  
9 educational requirements for some civil service jobs  
10 can be an unnecessarily high barrier to entry. Since  
11 then, states across the country, Maryland, Utah,  
12 Pennsylvania have eliminated the four-year degrees  
13 for state civil service job. When was the last time  
14 that DCAS, you answered that question when Council  
15 Member Cabán asked, but when was the last time that  
16 DCAS evaluated those jobs that require four-year  
17 college degrees to determine if they can be  
18 eliminated or reduced.

19 DEPUTY COMMISSIONER PORTER: Yeah, so  
20 we're actively looking at minimum qualification  
21 requirements for entry level titles. Beginning in  
22 spring of 2023, we reviewed 90 entry level titles to  
23 determine which have qualifications that can be  
24 revised or expanded to reduce barriers to employment.  
25 To date, we have successfully revised or expanded

2 MQRs for 17 titles, and we continue to work with  
3 various agencies and our union partners on the  
4 remainder. Once we finish our review of the entry  
5 level titles, we plan to move on to supervisory and  
6 management level position titles as well.

7 CHAIRPERSON DE LA ROSA: Okay, we've been  
8 joined by Council Member Feliz as well. If you have  
9 questions, let me know and we can add you to the  
10 list.

11 Are there other organizations that the  
12 City or DCAS has paired up with to collaborate on the  
13 administration of exams? Are there any ongoing  
14 initiatives that help create pathways for entry to  
15 civil service at this time?

16 DEPUTY COMMISSIONER PORTER: Many  
17 different pathways, but one that I would highlight  
18 that has a direct pathway to civil service is the  
19 Civil Service Pathway Fellowship. This is a  
20 partnership with CUNY. It is a two-year fellowship,  
21 and we focus on three particular tracks where there  
22 is an immediate need for top talent so it's  
23 procurement and finance, data and digital, and  
24 there's one other. Pretty much folks who participate  
25 in this program after one year of successful

2 completion, they're eligible to take civil service  
3 exam for a title that is tied to the work that  
4 they're doing. They also receive specialized training  
5 and hands-on experience at City agencies so this is a  
6 program that we're very proud of. We're actually  
7 working to expand the program, working with the State  
8 Civil Service Commission to double the amount of  
9 positions that we have available and to add two  
10 additional tracks for engineering and architecture  
11 and project management which we've heard from our  
12 City agencies they're interested in attracting top  
13 talent so we're very excited about that.

14 CHAIRPERSON DE LA ROSA: How are the civil  
15 service titles selected to participate in the  
16 fellowship?

17 DEPUTY COMMISSIONER PORTER: The  
18 fellowship title itself is a specialized title. It's  
19 called a public service fellow, and the titles that  
20 they qualify for are directly tied to the track that  
21 they are participating in. For the procurement and  
22 finance track, their participation in that track  
23 would make them eligible for a title like procurement  
24 analyst and so on and so forth.

2 CHAIRPERSON DE LA ROSA: I know last year  
3 we passed here, it was my bill, we passed the Civil  
4 Service Ambassadors Program, and I think Council  
5 Member Ung also passed a bill around Civil Service  
6 Recruitment. Are there any updates as to the  
7 implementation of these laws?

8 DEPUTY COMMISSIONER PORTER: Thank you for  
9 that question. I'm going to turn it over to my  
10 colleague, Kadian Outar.

11 EXECUTIVE DIRECTOR OUTAR: Yes. Thank you  
12 for that question, Chair. We were able to implement  
13 Local Law 2 which requires DCAS to create the Civil  
14 Service Ambassador Program, which lives within the  
15 Office of Citywide Recruitment. Last fiscal year, we  
16 conducted 209 events, 86 of those events were in the  
17 specific civil service pathways such as universities  
18 and colleges, high schools, also working with adults  
19 in workforce development programs to make sure that  
20 we're engaging communities to provide the information  
21 about the civil service process.

22 CHAIRPERSON DE LA ROSA: The other bill, I  
23 just remembered what was the scope, it was a bill  
24 that required for incarcerated people to be allowed  
25

2 to take the civil service exam. Has that been  
3 implemented at this time?

4 EXECUTIVE DIRECTOR OUTAR: That bill  
5 became effective in February so we're actively  
6 communicating with the Department of Corrections and  
7 the Mayor's Office of Criminal Justice to implement  
8 that bill, which a part of it requires DCAS to  
9 conduct civil service one-on-one information sessions  
10 to folks that are currently incarcerated and folks  
11 that are justice-involved and so we're working to hit  
12 the ground running with doing those civil service  
13 one-on-one, and I think for the additional parts of  
14 the bill, which requires us to administer civil  
15 service exams, those are for borough-based jails,  
16 which is in the process of discussion.

17 CHAIRPERSON DE LA ROSA: Okay. We look  
18 forward to discussing more about that. I think we all  
19 recognize the importance of re-entry into society and  
20 being able to provide folks with employment.

21 Any questions, colleagues? Okay.

22 All right. That concludes us for today.  
23 Thank you so much, and we look forward to sharing  
24 some of those numbers. I hope you feel better. Go

2 home, have some hot tea and honey, and we look  
3 forward to seeing you at the next hearing.

4 DEPUTY COMMISSIONER PORTER: Thank you so  
5 much.

6 CHAIRPERSON DE LA ROSA: It's my pleasure.

7 COMMITTEE COUNSEL OGASAWARA: Thank you,  
8 Chair. We will now turn to public testimony.

9 We will be limiting public testimony  
10 today to three minutes each. For in-person panelists,  
11 please come up to the table once your name has been  
12 called, and for virtual panelists, once your name is  
13 called, a Member of our Staff will unmute you and the  
14 Sergeant-at-Arms will set the timer and give you the  
15 go-ahead to begin. Please wait for the Sergeant to  
16 announce that you may begin before delivering your  
17 testimony.

18 For the first panel, could we please have  
19 Ronald Topping, Michael Tracey, and Christopher Leon  
20 Johnson come up to the table?

21 There should be more. I will call your  
22 names again. Mr. Ronald Topping, Michael Tracey, and  
23 Christopher Leon Johnson, if you wish to deliver  
24 testimony, please come up to the table.

2           RONALD TOPPING: Yeah, peace and grace  
3 everyone. I actually was attending another meeting,  
4 but this was quite interesting and I do have  
5 questions. That's why it's always great to be  
6 versatile and not put all your eggs in one basket. My  
7 question would be basically be, and I, first of all,  
8 I want to thank De La Rosa and the Committee Council  
9 for pulling this together and all the other persons  
10 that are here from the City of New York, but what I  
11 wanted to say was directed towards DCAS, to Miss  
12 Porter, if you keep doing the same thing, you're  
13 going to get the same answers. A lot of people learn  
14 from different ways and walks of life. Everybody  
15 cannot always pass an exam because sometimes exams  
16 are not always, they're biased and they're not always  
17 equal in various communities so this is not an excuse  
18 for a person failing the exam or not doing, if you're  
19 not taught something and not have experience with  
20 something or not have hands-on something, you're not  
21 going to know something so it's better to have them  
22 reach out, DCAS reach out to some of the communities  
23 of all ethnic persuasions and races in this city,  
24 this diverse city, and be able to reach into the  
25 schools and the students and reach them where they

2 are and meet them where they are. Look down at things  
3 that are beneath you. Look at people in the eye  
4 because they're your equal. Look only up to your  
5 creator if you believe in that. In closing, I would  
6 say that they can do a better job in helping and then  
7 they probably have to do this through the Mayor, they  
8 would have to be able to reach out to the masses of  
9 people. You have a lot of people here that are  
10 unemployed. I listen to the numbers of the police. I  
11 listen to all those sort of numbers. We can do a  
12 better job in getting people back to work and you  
13 don't have to have a high rate of social security or  
14 workable people or public assistance or anything like  
15 that if they would go out there and provide some type  
16 of training. I'm not saying go to programs. Programs  
17 are for television. That's programming. We're talking  
18 about maybe perhaps afterschool or work hall studies  
19 where they reach the universities, they reach the  
20 community and the high schools and do internships  
21 that are paid. Nobody wants to do anything for free  
22 now because we're getting ready to go into this AI  
23 thing that these wealthy people are pushing on us so  
24 most people know hands-on before technology just took  
25 over so my best solution to them would be to be able

2 to reach the masses of people and be able to get out  
3 to the schools and be able to help promote their  
4 statute of hiring experience process and then also  
5 test taking. Everybody cannot take a test. I'm  
6 looking at people now, I'm public housing resident  
7 council president and a lot of people can't even fill  
8 out the application to have seasonal jobs so those  
9 things are important. What may not be important in  
10 your community is definitely important in mine. I  
11 thank you for your time. I see my time is up and  
12 thank you very much.

13 CHAIRPERSON DE LA ROSA: Thank you so much  
14 for being here.

15 MICHAEL TRACY: Thank you and good  
16 afternoon. My name is Michael Tracey, an FDNY  
17 Captain, and I'm the Recording Secretary on the  
18 Uniformed Fire Officers Board. Thank you for the  
19 opportunity of addressing, and thank you for all the  
20 questions, and DCAS for their testimony. I had  
21 written testimony on the band scoring issue where I  
22 was basically just going to say that band scoring  
23 does not work for life-or-death situations such as  
24 Fire Department promotional exams because of the  
25 differentials in exams, is essentially based on

2 people's preparation and knowledge of very important  
3 material that saves lives, but unfortunately DCAS  
4 raised something in their testimony that I have to  
5 speak aside from the written testimony. They had said  
6 in response to a question from Council Member Menin's  
7 question about whether an incorrect weighting  
8 algorithm was used on the current FDNY lieutenant's  
9 exam that's being promulgated, and the attorney had  
10 said that it was because there was an incorrect  
11 weighting used first and then they addressed it with  
12 notice to all the people who had taken the exam. He  
13 had said previously that using curves and weighted  
14 algorithms was something that was standard use for  
15 DCAS. If there's any record of that used on previous  
16 FDNY promotional exams, we don't know about it. That  
17 hasn't been used, and it's important for me to get on  
18 the record that there is still an issue with how that  
19 exam is being weighted. Many members on the list have  
20 said that there are people who got below a 70 or that  
21 there were questions weighted differently and we have  
22 had no transparency or no insight into how that was  
23 graded at this point so there are many questions  
24 still remain. I have to get that on the record and I  
25 appreciate the time.

2 CHAIRPERSON DE LA ROSA: Thank you. I do  
3 have a question. First of all, please feel free to  
4 reach out offline to talk about the issue and see how  
5 we can help with the transparency.

6 MICHAEL TRACY: Thank you, Chair.

7 CHAIRPERSON DE LA ROSA: I know that my  
8 Colleague, Council Member Ariola, has been really  
9 focused on the issue.

10 MICHAEL TRACY: We appreciate that as  
11 well.

12 CHAIRPERSON DE LA ROSA: I want to give  
13 her a shout out and thank her for the work she's  
14 doing there. When you say that the members that  
15 receive, for example, the 70 score, was that just for  
16 this exam where the error occurred or are you talking  
17 in general?

18 MICHAEL TRACY: Just for this exam.

19 CHAIRPERSON DE LA ROSA: Just for this  
20 exam.

21

22 MICHAEL TRACY: Yeah, the issues that we  
23 have are with this exam specifically.

24

25

2 CHAIRPERSON DE LA ROSA: Okay, can you  
3 describe what the impact was of that error for that  
4 current class?

5 MICHAEL TRACY: Any reduction in  
6 transparency for people who prepare for months and  
7 years, it's important for me to instill how hard  
8 people prepare for these exams, right? I'm taking one  
9 tomorrow, I've studied for six months. People study  
10 for years for these things, and it would have the  
11 effect of reducing the importance of that  
12 preparation. We prepare for a reason. It's because  
13 the information that we are being tested on has  
14 consequences for life safety at fires.

15 CHAIRPERSON DE LA ROSA: Great. Okay. I'm  
16 looking forward to having the conversation offline  
17 and supporting how we can.

18 MICHAEL TRACY: Thank you.

19 CHAIRPERSON DE LA ROSA: And thank you to  
20 all the fire officers who are here. Thank you for  
21 taking the time. You're very important job to be here  
22 and shed light on this. We appreciate your comments.

23 MICHAEL TRACY: Thank you.

24 COMMITTEE COUNSEL OGASAWARA: At this  
25 moment, we will shift to remote testimony. Brandon

2 Coons, if you're online, please feel free to start  
3 when the Sergeant indicates that you may do you may  
4 begin.

5           BRANDON COONS: Yeah, hi. I just wanted to  
6 reiterate what the Captain was just saying. I'm a  
7 member in particular that prepared for three years  
8 for this examination and with an original score of 77  
9 and my seniority weighted plus seven merits of  
10 accolade, my original score had me in the 700 range.  
11 After this new weighting system, which none of us  
12 were aware of, I dropped 120 names to over 800, which  
13 traditionally has been a level that is the cutoff  
14 point for getting promoted to lieutenant. I guess I  
15 just really want to reiterate. I want to thank  
16 everybody involved, Chair and DCAS and everybody  
17 that's involved, but on the NOE, it's clearly states  
18 a 70 is a passing grade so I'm just confused as to  
19 how I sacrificed all that time and energy and effort  
20 for three years to get a passing grade, to get put  
21 into a category to then have DCAS just go with  
22 whatever they feel because they want to have a larger  
23 list, or whatever the reason, we don't even know what  
24 the reason is why they did that so definitely, if you  
25 could provide us with a reason we'd love to hear it,

2 not saying that I would take it as being okay, but  
3 there's just zero communication. It's very  
4 unsettling. So that's really all I have to say.

5 CHAIRPERSON DE LA ROSA: Thank you. I  
6 really appreciate your comments and understand your  
7 frustration, and we're committed to looking into this  
8 issue more offline.

9 BRANDON COONS: Thank you guys so much.

10 COMMITTEE COUNSEL OGASAWARA: Thank you so  
11 much. If anyone else in the Chamber or Zoom wishes to  
12 speak please raise your hand. I know I called Mr.  
13 Christopher Leon Johnson earlier, but he was at a  
14 different hearing and was unable to speak. If anyone  
15 else would like to speak, please raise your hand.

16 Please register to testify with the desk  
17 if you can.

18 DENNIS SWEENEY: Good afternoon. Dennis  
19 Sweeney. I'm a resident of the Upper East Side and a  
20 current Battalion Chief with the FDNY. Thanks to the  
21 Chair and the Committee for listening on this very  
22 important topic and mostly wanted to reiterate and  
23 stress the importance of being clear in the  
24 terminology that we are using when we are discussing  
25 the important exam work that DCAS does. I think it's

2 well-settled that there's different weighting of  
3 seniority for different agencies, and I think I can  
4 speak for most membership we're not even particularly  
5 concerned about the initial mistake using the 85  
6 percent as opposed to the 50 percent, but the  
7 terminology that we are concerned about is curving,  
8 and I would like to offer a distinction from maybe  
9 our previous experience with curving as high school  
10 students and the experience that we have in the FDNY.  
11 We've all been in a scenario when a math teacher  
12 wrote a math test that was just a little too hard.  
13 Most of the class got smoked, and that teacher would  
14 have to curve that exam to get the appropriate number  
15 of people back into a passing range, right? When we  
16 have a multiple choice exam for a promotion, whether  
17 it's Police, Fire, Sanitation, the ranking that is  
18 achieved for that multiple choice section already  
19 accomplishes the ranking purpose that it's designed  
20 for. There's no need to curve to bring people into  
21 the passing range in that analogy to when we got  
22 smoked in high school in a math class. In your  
23 followups with DCAS, I guess I would really ask that  
24 you inquire into the history of the curving, why it  
25 is used, and see if we can get some transparency for

2 everyone who took the test. Then, also, as Captain  
3 Tracy mentioned, just a quick thought on band  
4 scoring. You must be very familiar with these issues  
5 in the new world of ranked choice voting, and the  
6 analogy I would draw there for you as you're  
7 considering this is, let's say there was a 40 percent  
8 cutoff in the final round, right, and then, it's a  
9 toss-up, then we're going to pull straws. 40 percent  
10 indicates that the voting population is roughly happy  
11 with either of these candidates, so it's fine. We'll  
12 just pick one. Back to Captain Tracy's point. Can you  
13 imagine? The years of preparation and then we say the  
14 band from 95 to 100 is about the same. We're just  
15 going to pick at random within that band as to who we  
16 promote and worse the band from 70 to 75 because as  
17 you move further down that list, the chance that you  
18 don't get promoted at all increases if we're just  
19 pulling at random within ranges. So again, thanks to  
20 the Committee for your time.

21 CHAIRPERSON DE LA ROSA: Thank you so much  
22 for your comments.

23 Before we wrap today, I want to pass it  
24 over to Majority Leader Amanda Fariás, who's going to  
25 say a few words on her resolution.

2 MAJORITY LEADER FARIÁS: Thank you so  
3 much, Chair, especially as I am coming in at the tail  
4 end and you're allowing me a few minutes.

5 Thank you for holding this important  
6 hearing and for hearing my Preconsidered Resolution  
7 to implement the band scoring method for competitive  
8 civil service titles.

9 Currently, there are numerous  
10 opportunities in front of us to modernize our civil  
11 service exam process while prioritizing equity and  
12 efficacy. Right now, the exam scoring methodology is  
13 primed for reform. It is the responsibility of New  
14 York City's Commissioner of Citywide Administrative  
15 Services to reform and streamline the exam process to  
16 support a continuous pipeline for qualified workers  
17 into City agencies. Band scoring allows for more  
18 opportunity for candidates who have demonstrated  
19 similar and or equivalent merit and fitness in their  
20 raw examination scores, rather than just focusing on  
21 the current top three. This would grant more  
22 discretion to the hiring manager to identify  
23 candidates who are best suited for the job, not just  
24 to perform the best on the exam. Qualified workers  
25 wait in a long digital line for over a year for their

2 list number to be called for, which is not only  
3 detrimental for our city, but for workers. As someone  
4 who formerly worked in job training especially for  
5 those folks that are on the New York State Department  
6 of Labor's civil service exam list, I understand  
7 firsthand that this is an opportunity for us to  
8 continue looking at different ways that we can  
9 assist, both those that go through our unionized  
10 apprenticeship models or job training models  
11 throughout our city and don't necessarily lose their  
12 talent waiting two years on a list to be called for a  
13 qualified title or position. By changing our scoring  
14 method, we would only be maximizing the pools of  
15 qualified candidates and amplifying the opportunity  
16 for matches between candidates and hiring agencies,  
17 helping New Yorkers access quality and sustainable  
18 jobs, while also addressing our citywide staffing  
19 shortage.

20 I do want to note that the scoring  
21 technique is endorsed by government reform advocates  
22 nationwide and was even suggested back in 2011, way  
23 back when, by the Workforce Reform Task Force  
24 assembled by the former Bloomberg Administration and  
25 were sound and consistent with the City's rules and

2 should adopt and recommended that the City should  
3 adopt band scoring. Since its inception, the civil  
4 service exam has evolved to best serve the City's  
5 interest and to ensure the quality of the City's  
6 civil servants and this is something as a legacy that  
7 my Colleagues and I hope to continue with my  
8 Preconsidered Resolution and through the discussions  
9 at this hearing.

10 I look forward to continuing to speak  
11 with the Administration on this matter, more  
12 specifically our civil service workers, unions, and  
13 advocates on what currently works, what challenges  
14 may be presented, and what may be beneficial by this  
15 change, and working with my Colleagues and the Chair  
16 of this Committee to advance greater reform to ensure  
17 our City agencies are a fair and just workplace for  
18 all New Yorkers.

19 We know it works for some and not for  
20 all, and that's really the goal of this Preconsidered  
21 Resolution to ensure that we keep looking at ways to  
22 keep where it works for some folks but really be able  
23 to benefit for the majority of New Yorkers, so thank  
24 you for the time and I appreciate you, Chair.

2 CHAIRPERSON DE LA ROSA: Thank you. I  
3 guess we have one more.

4 COMMITTEE COUNSEL OGASAWARA: Yes.

5 COMMITTEE COUNSEL OGASAWARA: If there is  
6 anyone in addition to Mr. Christopher Leon Johnson  
7 who wishes to speak, please register and you can feel  
8 free to come up.

9 CHRISTOPHER LEON JOHNSON: All right, can  
10 I go? All right, I know we all want to get out of  
11 here.

12 Thank you, Chair De La Rosa. Thank you,  
13 Majority Leader Fariás. I know you're going to be  
14 Speaker in the next two years.

15 CHAIRPERSON DE LA ROSA: Off topic.

16 CHRISTOPHER LEON JOHNSON: I know, I'm off  
17 topic, but hey, and, Carmen, you'll be Majority  
18 Leader. I'm sorry.

19 I want to talk about this, right? Civil  
20 service, this is the issue, right? We have to stop  
21 the patronage hires. We have to stop the cheating on  
22 points through woke crap such as oh, if you're  
23 military you get more points on your record, if you  
24 have a certain disability you have more points on  
25 your record. It's a bad disadvantage for everybody

2 else. I believe that all tests should be fair. If we  
3 have I think about 20, 25 people in this office right  
4 now. Everybody should have their fair chance. It  
5 shouldn't be because, I'm not military but let's say  
6 hypothetically I'm a veteran, I get more points off  
7 the jump than the regular person or have a disability  
8 I get more points off the jump than another person or  
9 I came from a certain community I get more points off  
10 the record than another person. It's unfair. You got  
11 to get rid of the extra point system and put it back  
12 to the level field. You got to stop this woke. I like  
13 to say it's more affirmative action type hiring.  
14 Instead, say, look, if you get the highest score on  
15 your test, you should be hired. It should be because  
16 you're African American or you're Latino or you're  
17 Asian or you're LGBT, you get pushed on top of the  
18 list. If you suck on the test, you should get the  
19 lowest score on the test. If you are the best on the  
20 test, you should be on the top of the list. It  
21 shouldn't be where it's like if the one guy get the  
22 highest score but the other guy get a low score but  
23 because that person is black or Latino or LGBT, the  
24 person that's LGBT or black or Latino get put on top  
25 of the list because of some affirmative acts of BS.

2 We have to stop this stuff in all City agency testing  
3 because this is what's going on. This is how it  
4 reflects on the New York City Police Department and  
5 the New York City Fire Department. Both EMS and both  
6 Fire Department because there's a lot of woke hiring  
7 because what they do is, let's say you're black and  
8 you get a 55 and you're white, you get a 93. What  
9 they'll do, they'll put the black person like they  
10 got the 93 and they put the white person like they  
11 got the 55. You got to stop this stuff. You got to  
12 stop the woke point system. You gotta stop this  
13 stuff. That's why the City is in disarray with the  
14 City workers because they care about appeasing this  
15 racial group, appeasing this LGBT class, appeasing  
16 these organizations, these non-profits who have this,  
17 I don't know how they do it, the fast track with jobs  
18 like Elmcors and what's the other BS non-profit, Urban  
19 Upbound. They get the advantage of on top of the list  
20 so you got to stop this woke hiring crap and say,  
21 look, go back to the old days. If you suck, bottom of  
22 the list, if you're the best top of the list, no more  
23 woke spending. That's all I got to say. Thank you.

24

25

2 CHAIRPERSON DE LA ROSA: Thank you so  
3 much, and this concludes our hearing for today.  
4 Everybody get home safe.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 3, 2024