

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE  
AND LABOR JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL  
OPERATIONS

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February 27, 2015  
Start: 10:53 a.m.  
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HELD AT: 250 Broadway - Committee Room  
14th Floor

B E F O R E: I. DANEEK MILLER  
BEN KALLOS  
Chairpersons

COUNCIL MEMBERS:  
Elizabeth S. Crowley  
Daniel Dromm  
Costa G. Constantinides  
Robert E. Cornegy, Jr.  
David G. Greenfield  
Mark Levine  
Ritchie J. Torres  
Steven Matteo

## A P P E A R A N C E S (CONTINUED)

Stacey Cumberbatch  
Commissioner  
Department of Citywide Administrative Services, DCAS

Dawn Pinnock  
Deputy Commissioner of Human Capital  
Department of Citywide Administrative Services, DCAS

Suzanne Lynn  
General Counsel  
Department of Citywide Administrative Services, DCAS

Joe Brown  
Second Vice President  
CWA Local 1180

Michelle Keller  
First Vice President  
Local 375

Joe Puleo,  
President  
Local 983

Tiffany McCall [sic]  
Urban Park Ranger  
Parks Enforcement Control

Ann Valdez  
Community Voices Heard

Bill Busk  
Welfare Workforce Campaign  
Community Voices Heard

2 [sound check, pause]

3 CHAIRPERSON MILLER: On the great Island  
4 of Staten, the County of Richmond.

5 MALE SPEAKER: [off mic] Correct. Hit  
6 the hammer first.

7 CHAIRPERSON MILLER: Ah, the hammer is  
8 hit.

9 [gavel]

10 MALE SPEAKER: [off mic] Good idea..  
11 [sic]

12 CHAIRPERSON MILLER: So efficient. Now,  
13 I would like to acknowledge my colleague from Staten  
14 Island, Council Member Matteo, and I would like to  
15 proceed. Good morning, ladies and gentlemen and  
16 folks, and again, forgive my tardiness. I'm  
17 Councilman I. Daneek Miller and I am the Chair of the  
18 Committee on Civil Service and Labor. First of all,  
19 I would like to thank my colleague, Mr. Ben Kallos,  
20 here for agreeing to jointly host this hearing with  
21 the Committee on Government Operation. Today's  
22 titled hearing is Oversight - Examining the Civil  
23 Service System Part II. This meeting will serve to  
24 continue to--continue public conversation about the  
25 state of the system, and take a--[coughs]--excuse me.

1  
2 Take a look at the Department of Civil Service and  
3 Administrative Services, better known as DCAS, and in  
4 particular the Human Capital Division as such.

5 Within that, we began partnering of the hearing back  
6 in November of 2014. As we discussed in Part I, the  
7 primary function the Human Capital Division is to act  
8 as the local Civil Service Commission here in the  
9 City of New York. Such as it derives from its  
10 mandate--it derives its mandate from New York State  
11 Civil Service Commission.

12 This morning we will continue our  
13 conversation with Commissioner Cumberbatch and her  
14 team, as well as unions and good government groups,  
15 and other interested individuals regarding the  
16 workforce, which Human Capital oversees. We will  
17 follow up some issues Human Capital that was left on  
18 the table from the last hearing such as the  
19 introduction of 664 sponsored by myself and Council  
20 Member Kallos. The city charter in relation to using  
21 a machine-readable format for the Department of  
22 Citywide Administrative Services Quarterly  
23 Provisional Employee Report.

24 Since Part I, DCAS has provided the  
25 Council with regularly scheduled quarterly reports on

1  
2 provisionals. These reports stated that the number  
3 of provisionals listed at three--36,855 in 2007  
4 continues to decrease last quarter. There are 22,939  
5 provisions within the workforce. This is still far  
6 short of the 9,500, which was originally required by  
7 the State law and Provisional Reduction Plan. As we  
8 were informed in Part I, however, the two-year  
9 extension no longer includes the goal to reduce the  
10 number of provisionals to 5% of the Civil Service  
11 workforce.

12           Some of the issues we expect to discuss  
13 with DCAS this morning are: The potential to make  
14 machine-readable and disclose past quarterly reports  
15 in machine-readable data format. Continue to discuss  
16 the top provisionally employed titles and strategies  
17 for reduction in moving forward; a headcount of  
18 current provisionally employed--provisionals employed  
19 workforce; headcount of net number reduced since the  
20 plan began; and the total net headcount of  
21 replacements appointed to those positions.

22           We would also like to discuss jobs and  
23 descriptions and whether reforms are occurring in  
24 these areas. If so, in which positions? We also  
25 anticipate discussing underrepresentation disparities

1  
2 for compensation for various managerial titles. And  
3 potentially making civil service exam results  
4 available online.

5 Before we begin, I would also like to  
6 acknowledge--[laughter]--my staff that has made--help  
7 make this possible, my staff Mr. Joseph Goldbloom,  
8 Mr. Ali Wasaminajad [sp?], Gafar Zaaloff, our Policy  
9 Analyst, and, of course, Mr. Matt Carlin, our  
10 Counsel. That being said, I'd like to turn it over  
11 to my colleague, Mr. Ben Kallos.

12 CHAIRPERSON KALLOS: Thank you Chair  
13 Miller. I am Council Member Ben Kallos. I am Chair  
14 of the Governmental Operations Committee. I grant  
15 you may not use your cell phones for anything other  
16 than Tweeting, and you may Tweet me at Ben Kallos.  
17 [laughter] I'd like to thank the members of this  
18 committee for joining us. I'd like to thank Council  
19 Member Matteo for having joined us. I'm sorry that  
20 we did start late, and that he was not able to  
21 continue with us. I'd also like to thank our  
22 Committee Council David Seitzer, who is enjoying a  
23 well-deserved vacation somewhere warm. And just let  
24 the record reflect that we--next time he takes a  
25 vacation, we would like him to bring all of us with

1  
2 him. I also want to thank our Principal Financial  
3 Analyst John Russell, as well as I would like to  
4 welcome our Policy Analyst Laurie Wenn, and thank her  
5 for all of her hard work towards making today's  
6 hearing possible. This is not her first Governmental  
7 Operations Committee meeting. In fact, she's been  
8 coming to them quite frequently. But this is her  
9 first time as our Analyst here, and I just want to  
10 thank her, and thank her for handling the large  
11 volume of work that our committee does.

12           Three months ago, these committees held a  
13 joint hearing to begin a public discussions on our  
14 City's Civil Service system. A functioning merit-  
15 based civil service system is a fundamental component  
16 of good governance, and the City of New York should  
17 take great pride in the system we have. In fact, we  
18 had Citizens Union testifying before us, and the  
19 original good government fight was against Tweed and  
20 the patronage. And civil service is the answer to  
21 that patronage, and for those on the Gove Ops  
22 Committee, we know that that is one of the things we  
23 are working to root out be it anywhere in government  
24 or especially at the Board of Elections. However,  
25 with all systems there is always improvement that



1 must be made. One such improvement is reduction in  
2 the number of provisional employees appointed to  
3 civil service positions. Currently, we have over  
4 21,000 individuals classified as provisional  
5 employees of the City of New York. This number must  
6 be brought down. The good news is that we've seen a  
7 substantial drop in the number of provisional  
8 employees over the last seven years.

10 A crucial step in achieving this  
11 reduction is to hold more civil service exams around  
12 a pool of qualified applicants. I'm so pleased then  
13 to see robust exam schedules DCAS has planned for  
14 this year. While this process will certainly take  
15 years to bring the number of provisional employees  
16 down, the transition of those positions into  
17 permanent status it appears we are heading in the  
18 right direction. I'd also like to thank DCAS. We  
19 asked a number of questions including a very detailed  
20 history of exactly how the exam process works, and  
21 they've given us that timeline. And so, I will--I'm  
22 asking on the record that that the MMR and the PMMR  
23 be updated to reflect DCAS' role in the exam process,  
24 and separate out where DCAS is holding the exams and-  
25 -versus when agencies are certifying the list.

1  
2 And I will now just conduct the oath, if  
3 you do not mind? So, do you affirm to tell the  
4 truth, the whole truth, and nothing but the truth in  
5 your testimony before this committee, and to respond  
6 honestly to council member questions?

7 COMMISSIONER CUMBERBATCH: I do. We do.

8 FEMALE SPEAKER: We do.

9 COMMISSIONER CUMBERBATCH: We do.

10 CHAIRPERSON KALLOS: And the last person?

11 COUNSEL SUZANNE LYNN: Yes.

12 CHAIRPERSON KALLOS: Thank you very much,  
13 [laughter] and if you could please share your  
14 remarks.

15 [coughs] Good morning.

16 CHAIRPERSON MILLER: [interposing] I'm  
17 sorry. So, I'm gong to call the first panel who is  
18 already seated obviously. And that is Commissioner  
19 Stacey Cumberbatch; Counsel Suzanne Lynn, and Deputy  
20 Commissioner Dawn Pinnock. You may begin your  
21 testimony.

22 COMMISSIONER CUMBERBATCH: Thank you.

23 Good morning, Chairs Miller and Kallos and Members--  
24 well, there's no members here from the Civil Service  
25 and Labor Committee. I'm Stacey Cumberbatch,

1 Commissioner of the Department of Citywide  
2 Administration--Administrative Services, DCAS. I'm  
3 joined here today with my colleagues, Dawn Pinnock,  
4 Deputy Commissioner of Human Capital; Suzanne Lynn,  
5 General Counsel. Thank you for the opportunity to  
6 continue our discussion on DCAS' role in the  
7 administration of Civil Service for the City of New  
8 York. As you know, DCAS serves the agencies of the  
9 City of New York by ensuring that we have critical  
10 resources and support needed to provide the best  
11 possible services to the public. Under the new  
12 Administration, we are collaborating with agencies,  
13 labor unions, and the City Council as we move forward  
14 with an aggressive agenda to strengthen the Civil  
15 Service system. Our core belief is that we can  
16 provide world-class services to our constituents in  
17 atmosphere of equity, inclusion, and increased  
18 opportunity for professional growth.

19  
20 At our last hearing, our last hearing  
21 focused on newly submitted Two-Year Provisional  
22 Reduction Plan Extension, the Plan Extension or the  
23 Plan, and I would like to take this opportunity to  
24 provide you with an update. As you'll recall, under  
25 the Plan Extension, DCAS will address up to 8,600

1  
2 provisional appointments over the next two years by  
3 administering 37 exams in addition to our regular  
4 exam schedule. And evaluating titles with 20 or  
5 fewer incumbents for potential reclassification  
6 actions. Two weeks after our testimony, DCAS was  
7 invited to present its plan to the State Civil  
8 Service Commission on December 2nd, 2014. In a  
9 follow-up letter, dated December 8th, the State  
10 Commission commented that the City presented a  
11 realistic and achievable goal given available  
12 resources and a statutory two-year timeframe for  
13 completion. We are pleased to be able to work in  
14 continued collaboration with the State Civil Service  
15 Commission on this endeavor. At this time, I'd like  
16 to introduce Dawn, and she will continue with the  
17 testimony.

18 DEPUTY COMMISSIONER PINNOCK: Thank you,  
19 Commissioner and thank you Council Members Miller and  
20 Kallos for inviting us back. I am Dawn Pinnock,  
21 Deputy Commissioner for Human Capital. As  
22 Commissioner Cumberbatch just testified, the Plan  
23 Extension was well received by the State Civil  
24 Service Commission. Along with their acknowledgement  
25 of the plan, they required us to provide regular

1 reports beginning with a baseline report reflecting  
2 provisional data as of October 31, 2014, and with  
3 progress reports every four months thereafter. The  
4 Baseline Report was submitted on January 30th of this  
5 year, and includes a total classified service under  
6 DCAS' jurisdiction; a breakdown of the number of  
7 provisional employees by several factors such as the  
8 length of provisional service and total counts by  
9 agency and by title. A comprehensive enumeration of  
10 the civil service lists, and the number of  
11 competitive appointments made from each list. And, a  
12 list of all exams on the schedule for future  
13 administration and exams already held in pending list  
14 establishment.

16 Our first progress report will be  
17 submitted to the State Civil Service Commission on  
18 April 30th of 2015, and will cover the reporting  
19 period between November 1st of 2014 and February 28th  
20 of this year. Each subsequent report will be  
21 submitted every four months. In addition to the data  
22 points provided in the baseline report, we will be  
23 reporting on provisional appointments and  
24 replacements by agency and title in these progress  
25 reports.

1  
2 On the enforcement front, we have  
3 continued sending deputy mayors and agency leaders  
4 monthly reports of provisionals serving in the face  
5 of Civil Service lists. Agencies have been providing  
6 us timeframes within which they expect to remove or  
7 replace provisionals in these titles. Also, DCAS has  
8 stepped up its efforts to advertise upcoming exams by  
9 attending job fairs, sending email blasts to elected  
10 officials so they can get the message out to their  
11 constituents, and adding a link to our--for our exams  
12 on our Employee Self-Service Portal for current  
13 incumbents. Now, more than ever, agencies, perhaps  
14 more importantly employees are aware of the  
15 importance of taking tests for their titles. We have  
16 made it clear through a number of channels that  
17 provisional employee reduction is a priority.

18 That being said, we recognize that  
19 reducing the current number of provisionals is just  
20 one of the challenges we face as administrators of  
21 the largest municipal civil service system in the  
22 country. In addition to administering examinations  
23 and titles for which many provisional employees are  
24 serving and to decrease the proliferation of  
25 provisional appointments, we remain responsible for

1 ongoing testing for titles that do not have  
2 provisionals, but are critical for public safety and  
3 agency operations such as police officer and school  
4 safety agent. To that end, it has become  
5 increasingly important for DCAS to maximize the use  
6 of its limited resources and to explore opportunities  
7 to increase productivity and efficiency within our  
8 testing operation.  
9

10           Examinations: The work performed with  
11 the Bureau of Examinations, which is responsible for  
12 Civil Service examination development, administration  
13 and validation as well as the classification of  
14 titles in the classified service will be the focal  
15 point of today's testimony. In a typical year, DCAS  
16 administers more than 100 civil service exams to  
17 approximately 100,000 candidates. The number of  
18 candidates will significantly be higher this year  
19 primarily due to the administration of several large-  
20 scale exams.

21           Over the weekend of February 7th and 8th  
22 of 2015, DCAS tested approximately 75,000 candidates  
23 for sanitation worker. This was the largest  
24 administration of an exam for one title in over 25  
25 years. We utilize 14 different test sites across all

1  
2 five boroughs during a two-day period. More than 200  
3 DCAS employees, or approximately 15% of our agency's  
4 total headcount worked a minimum of 16 hours per day  
5 conducting three test sessions each day. Many of the  
6 300 DCAS staffers worked both days. In addition to  
7 the actual test administration, preparing for such a  
8 large exam required a significant amount of  
9 resources, strategic planning, and detailed execution  
10 plans. Coordinating this exam included securing  
11 facilities with enough capacity to host candidates  
12 arranging for the printing and distribution of  
13 hundreds of thousands of pages of test booklets,  
14 answer sheets, fingerprint cards, candidate rosters,  
15 log sheets and exam reporting forms. The mail--the  
16 mailing of admission notices to candidates and the  
17 recruitment of 1,500 people to serve as exam  
18 proctors.

19 We want to thank the Council for their  
20 support in spreading the word about our recruitment  
21 efforts. Without your support and direct contact  
22 with the communities you serve, we would certainly  
23 have fallen short of our recruitment goal. This  
24 month we opened filing for three other large-scale  
25 examinations: Administrator Manager, Administrative



1  
2 Staff Analyst, and the entire analyst series of  
3 titles, Staff and Associate Staff Analysts and  
4 Education and Associate Education Analyst. In an  
5 attempt to reach more candidates, exams for titles  
6 that have typically been offered only as promotion  
7 for existing permanent employees in the lower title  
8 have been opened to all who qualify. We received  
9 more than 10,000 applications for Administrative  
10 Manager. Over 8,000 applied to take the  
11 Administrative Staff Analyst exam, and nearly 10,000  
12 applied to take exams in the analyst series. These  
13 exams represent three separate test administrations,  
14 all requiring the same type of large-scale  
15 coordination and planning as required by the  
16 sanitation worker test. As we discuss these large-  
17 scale tests, we should bear in mind that even though  
18 the administrative burden is eased for small-scale  
19 tests, the resource commitment to develop exams for  
20 titles with 75,000 applicants is the same amount as  
21 the development of exams for titles with far fewer  
22 incumbents and applicants. This is the reason why  
23 the second strategy outlined in our plan is the  
24 reclassification of certain titles.

Title Reclassification: The second component of the plan, reclassification, provides us with an opportunity to appropriately streamline our title structure to a manageable number of competitive class titles. Before implementation of the original Provisional Reduction Plan began in 2008, our classification system included over 1,000 competitive titles. The City's current title structure now consists of 850 competitive class titles, a significant move in the right direction towards a manage--a more manageable number of titles for DCAS to competitively test for on a regular basis.

We have completed a preliminary analysis of the 389 titles with fewer than 20 employees identified in the plan extension. The titles have been subdivided into groups indicating the recommended course of action to be taken. For example, whether to competitively test, consolidate or broadband; earmark for present incumbents only and delete when vacant; or classify outside of the competitive class. An IT titles working group consisting of members of staff from DCAS, DOITT and FISA began meeting bi-weekly in the fall of 2014. The mission of this group is to review the City's

1  
2 existing competitive class title structure for IT  
3 titles and look for areas of improvement such as  
4 updating job descriptions, consolidating and/or  
5 broadbanding titles, and creating new titles for work  
6 that is not described in the current title structure.

7           The working group is also tasked with  
8 possibly creating new titles and/or positions outside  
9 of the competitive class for highly specialized, very  
10 skilled work. For these proposed titles, the group  
11 has drafted job descriptions, and is expected to  
12 finalize these drafts and share with agencies for  
13 feedback this month with expected responses in March.  
14 As of today, the group has reviewed and shared  
15 proposals for revision of nine competitive class  
16 titles including the broadbanding of two titles into  
17 one new one. These proposals are currently being  
18 reviewed by user agencies, and fellow oversight  
19 agencies such as OMB and OLR.

20           Experimental Efficiencies - Collateralize  
21 a Promotion and Selective Certification: We have  
22 often talked about how we need to adopt new  
23 approaches and strategies for exams development, and  
24 administration. And also for how we establish and  
25 certify Civil Service lists. Our efforts at

1  
2 streamlining are being developed with an overarching  
3 goal in mind, creating career pathways that hadn't  
4 previously existed and increasing opportunities for  
5 career growth. One way we can achieve both  
6 efficiencies and increase opportunities for career  
7 advancement is by expanding the eligibility for  
8 promotion exams. In an effort to provide permanent  
9 promotion opportunities to a larger number of  
10 employees without having to develop and administer  
11 different exams, the list of titles that are eligible  
12 for promotion to Administrative Manager and  
13 Administrative Staff Analyst was expanded. We  
14 conducted job analyses of these two titles, met with  
15 subject matter experts, our colleagues at OLR, and  
16 our partners in the labor community to determine  
17 which titles would be appropriate for a promotion to  
18 these managerial titles.

19 For Administrative Managers the titles  
20 eligible for promotion will include permanent  
21 incumbents serving as Education Officers, Associate  
22 Contract Specialists, Procurement Analysts, and  
23 Resident Building Superintendents. For  
24 Administrative Staff Analyst, the titles eligible for  
25 promotion will include Associate Education Analysts,

1 Associate Public Information Specialist, Early  
2 Childhood Education Consultants and City Research  
3 Scientist. The addition of these eight titles to the  
4 promotion eligibility for these exams results in an  
5 additional 881 employees eligible to take the  
6 Administrative Manager Promotion Examination, and an  
7 additional 851 employees who are eligible to take the  
8 Administrative Staff Analyst Promotion Exam.  
9

10 Collateralizing promotion opportunities  
11 will result in Civil Service lists comprising a more  
12 diverse pool of educational backgrounds, work  
13 experience, and skills than would generally--than we  
14 would generally find on a Civil Service list  
15 resulting from a promotional exam. To help ensure  
16 that agencies will be able to fill specific  
17 managerial positions with candidates having the most  
18 relevant skills and experience, we have included a  
19 number of selective certification categories in both  
20 exams.

21 Selective Certification: Selective  
22 Certification adheres to the one in three rule and  
23 maintains the integrity of rank, merit, and fitness  
24 while allowing agencies to consider only those  
25 applicants from the top of the list who indicate that

1  
2 they have relevant experience for a specific  
3 position. Civil Service Law allows for Selective  
4 Certification specifically for this purpose. For  
5 example, agencies can request a certification for  
6 candidates with contract management experience, or  
7 experience in budget administration or organizational  
8 research. The Selective Certification categories  
9 will allow agencies to be more dynamic in how they  
10 approach filling vacancies, and replacing  
11 provisionals. By allowing for more targeted use of  
12 the list, we are increasing the chances of a like-  
13 for-like replacement, which is a pro for me [sic] for  
14 operational continuity.

15           Critical Enhancements: DCAS recently  
16 received budget approval for expanding the Computer-  
17 Based Testing and Application Centers, know as CTACs  
18 in Manhattan and Brooklyn, which will nearly double  
19 our double-seated capacity from 2,000--from 213 to  
20 386. The construction on these expanded sites sill  
21 commence in July 2015. DCAS also received budget  
22 approval for seven support positions that allowed us  
23 to assign seven Test and Measurement Specialists exam  
24 development duties, which increases our ability to  
25 create more exams. These positions are crucial

1 because DCAS can utilize the exiting seven Test  
2 Measurement Specialists to develop Civil Service  
3 exams, while continuing to operate the two CTACs.  
4 The seven Test Measurement Specialists will be  
5 trained and begin to develop examinations for Fiscal  
6 Year 2016--for the Fiscal Year 2016 examination  
7 schedule. Finally, DCAS is developing plans to open  
8 CTACs at Staten Island, Queens and the Bronx.

10 We also continue to expand the  
11 capabilities of our online testing systems, and have  
12 received approval for two additional IT staff on our  
13 online systems. The Online Application System  
14 otherwise known as OASIS, allows applicants to file  
15 for exams online and is integrated with the online  
16 education and experience testing system only. So  
17 that candidates can apply for and take rated  
18 education and experience exams online. Enhancements  
19 to these systems will make the online components of  
20 all of our exams easier to navigate, add more exams  
21 to our test bank, and administer some exams more  
22 frequently.

23 In Fiscal Year 2015, DCAS expects to  
24 administer exams for 26 titles at our CTACs, of which  
25 19 titles will be administered for the very first

1  
2 time. DCAS routinely reviews its testing plan to  
3 determine which additional exams are appropriate for  
4 automation that we could administer at the CTACs.

5 All the activities mentioned this morning are  
6 actively contributing to a more transparent, fair and  
7 official Civil Service system. Despite the  
8 challenges posed and the need to reduce provisionals  
9 in a relatively short timeframe, the city has still  
10 maintained a relatively stable workforce.

11 Looking at the agencies under DCAS's  
12 jurisdiction since 2010, the total classified service  
13 has actually grown by about a half percent. The  
14 number of employees in the competitive class shrank  
15 by 3,000 in the fiscal years 2010 and 2011, but since  
16 have increased and is almost back to the pre-hiring  
17 freeze level. Through our consistent and expeditious  
18 administration of exam and timely establishment of  
19 lists, DCAS is working diligently to ensure that the  
20 City of New York has in place the workforce it needs  
21 to get its work done. We remain firmly committed to  
22 the Civil Service system, and will continue to work  
23 with our partners to strengthen it.

24 Finally, I would like to use this  
25 opportunity comment on Intro 664. As we stated



1  
2 earlier in the testimony, the State Civil Service  
3 Commission requires DCAS to submit similar  
4 information to them every four months. The first  
5 report that was sent to them in January was made  
6 available to you, and to other members of the  
7 Council. The report is also available on the DCAS  
8 website. DCAS embraces the goals of transparency and  
9 believe that our recent efforts to share reporting  
10 data reflects our commitment to an open and honest  
11 dialogue with key stakeholders. We look forward to  
12 working with you, and other members of the Council as  
13 you finalize the bill. At this time, we will answer  
14 any questions from committee members.

15 CHAIRPERSON MILLER: Thank you very much,  
16 Commissioner. I'd like to acknowledge my colleague  
17 who just arrived, Liz Crowley from the great borough  
18 of Queens. So, I'd like to start off with Intro 664.  
19 I know that I reached--and let me just preface it by  
20 just saying that I think that this team that has been  
21 a symbol with the Commissioner here has been pretty  
22 outstanding in a very short period of time. And that  
23 for me is saying a lot. But, I appreciate the fact  
24 that we can pick up the phone, and that we can get  
25 answers, and we can work collaboratively on a lot of

1 things. And the fact of the matter is that I did  
2 call in advance of introducing 664 to see if that--if  
3 we could, in fact, get some input. And it was  
4 relayed that-- Well, most of the things that you're  
5 asking are currently being done, but we were very  
6 specific about some of the things that we wanted done  
7 such as changing the format that would permit more or  
8 maybe the transparency and access. And so that we  
9 can transform this data simply to the members of the  
10 public as well as the Council. And we didn't receive  
11 our normal push back. And I'm sure you have enough  
12 folks over there specifically because you have some  
13 extra resources that have been allocated. And,  
14 hopefully, we can use that towards upgrading the  
15 system that would serve.

17 COMMISSIONER CUMBERBATCH: Well, thank  
18 you very much on behalf of my team for the  
19 compliment, and we try to work in collaboration. In  
20 terms of data, we're absolutely open to providing  
21 data in more a user-friendly readable format because  
22 right now it is posted in a PDF format on our  
23 website, and we understand. I mean that's, you know.  
24 So, that's all doable. We'll talk to our IT folks.  
25 We'll figure out how to make that data more available

1  
2 probably through the City's Open Data Portal, because  
3 that's what that was constructed for. And that's  
4 something that we can certainly work on.

5 CHAIRPERSON MILLER: Great. So I'm sure  
6 my colleague will have some questions on that.

7 [laughter] But, again, you know, I'm just really  
8 glad to hear that--that we're ready to move forward  
9 in being able to provide this information--

10 COMMISSIONER CUMBERBATCH: [interposing]  
11 Sure.

12 CHAIRPERSON MILLER: --which has been so  
13 helpful. But, so I want to now talk about the  
14 outstanding provisional headcount, and where we are  
15 and what steps are being made to continue to reduce  
16 that. I know that we've had some conversations it  
17 and an update about what has been--specifically been  
18 done. But, if you can express that to the members of  
19 the committee, and a little further if you can.

20 COMMISSIONER CUMBERBATCH: [off mic]  
21 Dawn, if you can talk in terms of today. [sic]

22 DEPUTY COMMISSIONER PINNOCK: In terms of  
23 today, we're still around approximately 21,000  
24 provisional employees across the City of New York.  
25 And just to reiterate some of what I mentioned in the

1 testimony, really it's about enforcement. We, you  
2 know, reach out to agencies directly. We send a  
3 monthly provisional reduction report to the agencies  
4 where it indicates line-by-line the actual  
5 provisional employees who are on board; the title in  
6 which they're currently serving in; the fact--the  
7 timeframe in terms of the use of that list. And an  
8 expectation of what the agency will then provide us  
9 with a timeframe by which that provisional employee  
10 would either be removed from that position and  
11 replaced with someone else, or just separated from  
12 that provisional appointment. So, we do that on a  
13 monthly basis. In addition, we've conducted a very  
14 large-scale agency personnel officer meeting with all  
15 of the agency personnel offices across the city and  
16 the liaisons. So once again, we reiterate the  
17 importance of strengthening Civil Service. And also,  
18 we shared with them the progress reports that were  
19 required to submit to the State. And, you know,  
20 really challenged them to, you know, step up to the  
21 plate and work with us in collaboration to ensure  
22 that our provisional headcounts are kept at a  
23 minimum.  
24

1  
2 In addition, we're hosting-- I'm really  
3 happy to say we're launching a training session to go  
4 over the examinations process because part of the  
5 challenge with creating exams as quickly as we would  
6 like was the fact that I think some of the agencies  
7 didn't realize how valuable the subject matter  
8 experts are to the process of us developing valid  
9 exams. And starting on Monday we have--we're hosting  
10 a mandatory training for all agency personnel  
11 officers, and their liaisons to go through every  
12 aspect of the examinations process; outline those  
13 timeframes. And to once again just emphasize the  
14 importance of the partnership we need at the agency  
15 level.

16 COMMISSIONER CUMBERBATCH: And just to  
17 underscore that at the Commissioner level, I sent out  
18 a memo to all my colleagues regarding the Provisional  
19 Reduction Plan some months ago to reinforce the same  
20 communication that was going out to their agency  
21 personnel officers. So that they understand as  
22 relatively new commissioners what this all means, and  
23 that there is a commitment to reducing provisionals,  
24 and thus, you know, their agency personnel officers  
25 will be working on lists that are going to be

1  
2 generated. There will be more exams given, et  
3 cetera. So we've been trying to work on both levels  
4 within agencies and on both fronts.

5 CHAIRPERSON MILLER: So, are you  
6 satisfied that your mandate is being adhered to?

7 COMMISSIONER CUMBERBATCH: I think it's--  
8 in terms of enforcement, it's a little early to--

9 DEPUTY COMMISSIONER PINNOCK:  
10 [interposing] It's a little early to tell.

11 COMMISSIONER CUMBERBATCH: It's a little  
12 early to tell because folks are given a timeframe  
13 right because they can't--there's the need for  
14 continuity of operation. And as I see in your  
15 opening, there was this question about a brain drain  
16 if folks-- So, yes, they--they're given a little  
17 opportunity to look at it. So it's not the list  
18 comes out and day one, you know, they replace a  
19 person that might have been there for years. But  
20 they're given some time period to do that. Not an  
21 extended time period. So I think it's a little  
22 early. It's February. I think in the next couple of  
23 months--

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DEPUTY COMMISSIONER PINNOCK:

[interposing] At the end of this month we'll have it.

COMMISSIONER CUMBERBATCH: --we'll kind of have a better sense whether agencies are really complying with the request to move the list or not. And at that point, we'll take it from there. And whether it's a particular individual agency we'll do appropriate follow up. Whether it's a commission or commissioner, whether it's, you know, obviously starting with the agency personnel office, and find out what's happening. So, it's too early to tell. All I can say is that I think the content--the context has been set. We've been very clear and firm about what our commitment to reducing provisionals, and to adhering to the Civil Service system. And that message has gone out across agency. So folks know what is expected of them. So now, we'll see.

CHAIRPERSON MILLER: That was great, and I am excited to hear that you will be holding this mandatory training.

COMMISSIONER CUMBERBATCH: [interposing]  
Oh, yeah.

1  
2 CHAIRPERSON MILLER: And I certainly  
3 understand the value in that training, and what will  
4 occur from that. So, in terms of the provisional  
5 reduction that has occurred thus far, and I know, and  
6 I--I want to hold off on this one in three. But in  
7 terms of the folks that have been--the number of  
8 provisional headcount that has been reduced, have  
9 they been replaced one to one? Has every--

10 COMMISSIONER CUMBERBATCH: [interposing]  
11 Are you talking in the history of the program? [sic]

12 CHAIRPERSON MILLER: No, I'm talking  
13 about each individual. Well, I'm talking about in  
14 the last--since you've been here?

15 DEPUTY COMMISSIONER PINNOCK: Well, we  
16 wouldn't really have a line of sight into that  
17 because the replacement is really based on an  
18 agency's ability to hire. So, in some cases agencies  
19 may have received authorization to hire someone, and  
20 in that case they could replace that provisional. In  
21 other cases--

22 COMMISSIONER CUMBERBATCH: [sneezes]

23 CHAIRPERSON MILLER: Bless you.

24 DEPUTY COMMISSIONER PINNOCK: Bless you.

25 And in other cases--bless you. In other cases line



1  
2 may have been targeted as part of our peg [sic],  
3 which means that that line essentially could have  
4 been eliminated. So, I couldn't speak for whether  
5 every agency was able, you know, to replace someone  
6 who separated with someone else on the list.

7 COMMISSIONER CUMBERBATCH: But despite  
8 provisional reduction, that would always be the case.  
9 In other words, agencies determine what their  
10 staffing needs are. DCAS doesn't, right. So we  
11 administer the--we provide the candidates through  
12 administering the tests. We provide training, but we  
13 don't determine their specific staffing needs, or  
14 their staffing structure.

15 CHAIRPERSON MILLER: [interposing] No,  
16 yeah.

17 COMMISSIONER CUMBERBATCH: Right.

18 CHAIRPERSON MILLER: I get that.

19 COMMISSIONER CUMBERBATCH: So--so I mean  
20 that's where the distinction, correct.

21 CHAIRPERSON MILLER: But there is kind  
22 of-- So, if--if you have the provisional, a non-  
23 permanent employee, which essentially you could get  
24 rid of them any time if you didn't need them to--  
25

1  
2 COMMISSIONER CUMBERBATCH: [interposing]  
3 Right.

4 CHAIRPERSON MILLER: But one would think  
5 that you would have gotten rid of them a long time  
6 ago if you were paying them to do nothing, right.  
7 So, I--I--

8 DEPUTY COMMISSIONER PINNOCK: But, I--  
9 Okay.

10 CHAIRPERSON MILLER: So, and I guess  
11 that's not--

12 DEPUTY COMMISSIONER PINNOCK:  
13 [interposing] And I don't--

14 CHAIRPERSON MILLER: That's an individual  
15 agency question, but as we look at that.

16 DEPUTY COMMISSIONER PINNOCK: Right, but  
17 a provisional does not necessarily suggest that  
18 provisional is not hardworking. But from a  
19 compliance perspective, you know, they should not  
20 serve past that time. [sic]

21 CHAIRPERSON MILLER: [interposing] No, I  
22 get that, but I was saying I was kind of referring to  
23 what the Commissioner was saying in that whether or  
24 not that job was going to continue to exist after--  
25 Just because you've--you've ended that position--

1  
2 provisional position didn't necessarily mean that you  
3 were going to replace them with a permanent employee?  
4 Is that--am I correct?

5 COMMISSIONER CUMBERBATCH: It's based on-  
6 - It's based on what the agency decides to do in  
7 terms of new staffing. They have to say yes, right?  
8 [sic]

9 CHAIRPERSON MILLER: So, that's what I  
10 was saying if that--

11 COMMISSIONER CUMBERBATCH:  
12 [interposing] And what OMB allows them to do in terms  
13 of what provides --

14 COMMISSIONER CUMBERBATCH: Aligns for it.

15 COMMISSIONER CUMBERBATCH: --aligns for  
16 whatever that function is.

17 CHAIRPERSON MILLER: So, I mean--

18 COMMISSIONER CUMBERBATCH: [interposing]  
19 Right, so it's both, right?

20 CHAIRPERSON MILLER: Right, and I get  
21 that. It's more or less relies on the agency, but  
22 there has to be some oversight in doing so. And  
23 that's what we're trying to get to, and so how do we-

24 -

25

1  
2 COMMISSIONER CUMBERBATCH: [interposing]

3 Well, so--

4 CHAIRPERSON MILLER: Excuse me. How we  
5 have gotten to such a diminishment of the headcount,  
6 and roll, and whether or not through attrition,  
7 through eliminating of the provisional headcount, and  
8 folks not being replaced. And then, you know, that's  
9 another question for another hearing and other folks,  
10 but we want to ask your portion of it, you know, that  
11 you can address.

12 COMMISSIONER CUMBERBATCH: Right. So one  
13 of the things that Deputy Commissioner Pinnock  
14 pointed in her testimony is that in terms of the  
15 number of competitive titles will back up to--

16 DEPUTY COMMISSIONER PINNOCK:  
17 [interposing] We're close to a pre-hiring freeze so  
18 in 2000-- I think 2010, our competitive employees  
19 stood at I think 191,000 serving in the competitive  
20 class. And today, we're a little over 190,000. So  
21 we're actually very close to pre-hiring freeze.

22 COMMISSIONER CUMBERBATCH: So, while it  
23 doesn't give us a line of sight into the agency on  
24 whether there was a one-to-one as you're asking.  
25 What the--the numbers show is that we're not down in

1  
2 terms of competitive titles. We're back up. So one  
3 could assume that people are hiring off the list, but  
4 whether or not a particular agency there's a one-for-  
5 one, we don't have a line of sight into that. And we  
6 wouldn't because our role we want to make sure we  
7 provide the candidates, we provide the lists, and  
8 that they're adhering to Civil Service in terms of  
9 going through that list one and three. Whether or not  
10 they make a decision at some point in their operation  
11 that I'm not going to utilize the list because I  
12 don't want to hire people from--in that title because  
13 I either haven't the structure or I have enough  
14 people. That's the agency's decision.

15 CHAIRPERSON MILLER: Right.

16 COMMISSIONER CUMBERBATCH: Right.

17 CHAIRPERSON MILLER: So, do your numbers  
18 reflect and identify the total Civil Service  
19 headcount, and not necessarily reflective of in any  
20 form of what the provisional headcount was. In other  
21 words, agencies that didn't have provisionals may  
22 have been hiring, or may have been hiring in titles  
23 other than where provisionals existed are included  
24 and captured in that 190,000, correct?  
25

1  
2 DEPUTY COMMISSIONER PINNOCK: Right. The  
3 190,000 would include folks who were actually  
4 permanent in the competitive titles they serve as  
5 well as provisionals who are currently in competitive  
6 titles.

7 COMMISSIONER CUMBERBATCH: Right.

8 DEPUTY COMMISSIONER PINNOCK: Because we  
9 still have jurisdiction on how those particular  
10 titles.

11 CHAIRPERSON MILLER: Oh.

12 COMMISSIONER CUMBERBATCH: Right.

13 DEPUTY COMMISSIONER PINNOCK: Because we  
14 still have jurisdiction on how those particular  
15 titles are managed. And so that's why once again,  
16 with getting these exams out that have not been  
17 administered in over a decade, and helps us then  
18 whittle down the number of provisionals that are in  
19 competitive titles. So that number would include  
20 both.

21 CHAIRPERSON MILLER: But it's still--  
22 we're still not learning. It's not telling us  
23 whether not these are new hirees or whether or not  
24 they replaced provisionals?

1  
2 COMMISSIONER CUMBERBATCH: Okay, I'm  
3 confused.

4 DEPUTY COMMISSIONER PINNOCK: I don't--  
5 can you just restate the question so I understand?

6 COUNSEL SUZANNE LYNN: I--what I hear you  
7 asking is whether the total count of people in  
8 competitive titles combines the number of people who  
9 have been taken off lists, and replaced provisionals  
10 and people who have been hired provisionally? Is  
11 that what you're asking.

12 DEPUTY COMMISSIONER PINNOCK: It would be  
13 inclusive of all of them, yes. It would inclusive of  
14 any appointment made from a list where somebody is  
15 gaining permanent status or anyone who is  
16 provisional. Meaning, they have not taken an exam or  
17 they're, you know-- Or, maybe they've taken it and  
18 they've just not been picked up. So they combine all  
19 those groups, yes.

20 CHAIRPERSON MILLER: There actually is a  
21 way to capture whether or not the provisional had  
22 been replaced by a permanent employee?

23 DEPUTY COMMISSIONER PINNOCK: Not--okay,  
24 it's difficult for me to explain to you. So, our  
25 announcements would show whether appointments had

1  
2 been made. Let's say if we administer a line, and  
3 we, you know, potentially look at NYCAPS and we were  
4 to pull how many appointments were made within a  
5 staff analyst title for this snapshot in time. We'd  
6 have some idea in terms of newly appointed people,  
7 but then we'd have to also line that up against when  
8 list calls, you know, take place at every agency.  
9 Because a list call can happen, you know, daily  
10 depending on that agency's hiring need. So, I don't  
11 know if it actually gets to whether or not-- We would  
12 never be able to say this was definitely a one-for-  
13 one replacement. And I think that that's what you  
14 want us to be able to answer because at the end of  
15 the day, it goes back to--it goes back to an agency's  
16 ability to hire, their budgetary structure, and  
17 whether they're consolidating a group, or  
18 consolidating a line with another.

19 CHAIRPERSON MILLER: So--

20 DEPUTY COMMISSIONER PINNOCK:

21 [interposing] Right, so-- But appointment data, we  
22 can provide that, but we would probably have to talk  
23 in a bit more detail to figure out how that lines up  
24 with the other question.  
25



1  
2 CHAIRPERSON MILLER: Okay. So, we have  
3 some other questions beyond this provisional stuff,  
4 but I'm going to pass it on to my colleague here, and  
5 for him to ask the question and then-- My colleague,  
6 Mr. Kallos.

7 [background conversation]

8 CHAIRPERSON KALLOS: Thank you very much  
9 for your testimony. Thank you again for being so  
10 responsive. I want to welcome my colleague and co-  
11 chair for this Committee hearing Daneek Miller to the  
12 open data bandwagon. And the more the merrier, and  
13 the more we can get out there in computer readable  
14 format the better. So, I think in my opening remarks  
15 I made reference to it, but I guess while in question  
16 and answer will DCAS begin sharing that list with the  
17 MMR or if not for the-- Sorry, for the MMR. Can you  
18 share for the MMR the exam timelines per exam  
19 without--in addition to providing the length between  
20 when an exam is offered and certification? So we can  
21 get away from that 400 something day number.

22 COMMISSIONER CUMBERBATCH: Right. Well,  
23 that's something that we're looking at certainly.

24 CHAIRPERSON KALLOS: In the event that  
25 the MMR still remains the same, will you provide us

1 with the average times per exam? Following the same-

3 -

4 COMMISSIONER CUMBERBATCH: Right.

5 CHAIRPERSON KALLOS: --one for the  
6 previous year?

7 DEPUTY COMMISSIONER PINNOCK: Yeah, we  
8 definitely can.

9 CHAIRPERSON KALLOS: Thank you very much,  
10 and if you can do that publicly and on open data  
11 format, that would be amazing. So I'm going to ask a  
12 whole bunch of technical finance type questions,  
13 which is: The Department recently shared the data  
14 from its latest Provisional Employee Reduction Plan.  
15 Progress reports specifically that the department  
16 shared the data for the first time in Microsoft Excel  
17 format. Data from the reports had previously only  
18 been available in PDF format. The decision to share  
19 this data in standard machine-readable format is a  
20 positive step. It matches some of the steps made  
21 over the past decade by the Department and the  
22 previous administrations. More broadly, the City  
23 makes a swatch of public data available to public  
24 access and use. Will DCAS be making the data from  
25 the progress reporting including data from previous

1 progress reports available to public and standard  
2 machine-readable formats?

3  
4 COMMISSIONER CUMBERBATCH: Yeah, we can  
5 definitely do that.

6 CHAIRPERSON KALLOS: Thank you very much.  
7 The Department has been sharing bi-annual progress  
8 reports on the Five-Year Provisional Reduction Plan  
9 since 2009. The reports include breakdowns of  
10 provisional employees by job title and title code.  
11 The Excel spreadsheet DCAS provided only includes  
12 data by agency. Does the Department also plan to  
13 share the job specific data for prior and current  
14 years in a usable format? If so, when?

15 COMMISSIONER CUMBERBATCH: Okay. you've  
16 got to repeat the last part. [laughs]

17 CHAIRPERSON KALLOS: Oh, repeat. These  
18 are--these are slightly long questions so for the  
19 sake of time I was trying to go quickly.

20 COMMISSIONER CUMBERBATCH: [interposing]

21 So--

22 CHAIRPERSON KALLOS: The Excel  
23 spreadsheet DCAS provided--

24 COMMISSIONER CUMBERBATCH: [interposing]  
25 Provided.

1  
2 CHAIRPERSON KALLOS: --only includes data  
3 by agency.

4 COMMISSIONER CUMBERBATCH: Uh-huh.

5 CHAIRPERSON KALLOS: Does the Department  
6 also plan to share the jobs specific data for prior  
7 and current years in a usable format just aggregated?

8 DEPUTY COMMISSIONER PINNOCK: When you  
9 say "job specific," do you mean by title and by  
10 agency or--

11 CHAIRPERSON KALLOS: [interposing] Yes.

12 DEPUTY COMMISSIONER PINNOCK: Okay.

13 CHAIRPERSON KALLOS: So I think we  
14 already have title and agency, and I think we are  
15 looking--we are just looking for being able to look  
16 at all titles.

17 DEPUTY COMMISSIONER PINNOCK: Okay.  
18 Right.

19 [background comment]

20 CHAIRPERSON KALLOS: Okay, and--

21 COMMISSIONER CUMBERBATCH: Yeah, we're  
22 going to have to just get back to you.

23 CHAIRPERSON KALLOS: No worries.  
24  
25

1  
2 COMMISSIONER CUMBERBATCH: And just cut  
3 it down--you want it all--you want it down to the  
4 level of title and agency?

5 CHAIRPERSON KALLOS: Yeah.

6 DEPUTY COMMISSIONER PINNOCK: Right.

7 COMMISSIONER CUMBERBATCH: So, we'll get  
8 back to you.

9 CHAIRPERSON KALLOS: The Bi-Annual Report  
10 has been accessible through the State Department of  
11 Civil Services website, and the most recent report  
12 that is available is the October 2014. On your  
13 website, and in your testimony, you were making  
14 reference to the most recent report. Does DCAS plan  
15 to make this important report available on its own  
16 site, and if so when on it's website? Where on it's  
17 website can it be found, and will the data be  
18 provided in the format that is usable?

19 [background comments]

20 COMMISSIONER CUMBERBATCH: It is on our  
21 website.

22 CHAIRPERSON KALLOS: Okay, perfect. And  
23 then some quick questions on the stuff on your  
24 website.

25 COMMISSIONER CUMBERBATCH: Okay.

1  
2 CHAIRPERSON KALLOS: So I noticed that  
3 under the Civil Service list especially again as of  
4 October 31, 2014, there are 97 titles in the year 20-  
5 -97 titles for the year 2015, and it says-- There are  
6 two columns. One is CERT and one APP. What's the  
7 difference between the two?

8 DEPUTY COMMISSIONER PINNOCK: CERT and  
9 APP? I don't know.

10 COMMISSIONER CUMBERBATCH: Hold on for  
11 one second. Maybe one of my team knows.

12 CHAIRPERSON KALLOS: I can show you this  
13 spreadsheet if it helps.

14 COMMISSIONER CUMBERBATCH: Do you guys  
15 know?

16 CHAIRPERSON KALLOS: It's on the Civil  
17 Service List Excel sheet. So what I have under CERT  
18 is about 30,505, and so it appears according to this  
19 spreadsheet--

20 COMMISSIONER CUMBERBATCH: [interposing]  
21 Uh-huh.

22 CHAIRPERSON KALLOS: --that there are  
23 30,505 people who have been certified, 97 different  
24 titles and all of those certifications will be  
25 expiring at the end of 2015.

1  
2 COMMISSIONER CUMBERBATCH: Okay, I think--  
3 - Does anyone over here know what he's referring to?

4 DEPUTY COMMISSIONER PINNOCK: Right.

5 COMMISSIONER CUMBERBATCH: We're going to  
6 definitely have to get back--

7 DEPUTY COMMISSIONER PINNOCK: Yes.

8 COMMISSIONER CUMBERBATCH: --to you on  
9 that one.

10 CHAIRPERSON KALLOS: So I guess my  
11 question-- Let me ask it more open-ended.

12 COMMISSIONER CUMBERBATCH: Okay.

13 CHAIRPERSON KALLOS: How many--

14 [background comments]

15 CHAIRPERSON KALLOS: How many people have  
16 sat for Civil Service exams and are--have been  
17 certified and are waiting to be called off their  
18 lists? And how many of the people on those [buzzer]  
19 lists will see those lists expiring in 2015?

20 COMMISSIONER CUMBERBATCH: As of today?

21 CHAIRPERSON KALLOS: Or October 31, 2014?

22 COMMISSIONER CUMBERBATCH: Okay, again,  
23 that's a number we'll have to--

24 DEPUTY COMMISSIONER PINNOCK:

25 [interposing] Right.

COMMISSIONER CUMBERBATCH: --get back to  
back to you on.

DEPUTY COMMISSIONER PINNOCK:  
[interposing] Right, we can get back to you.

COMMISSIONER CUMBERBATCH: We can provide  
the number. We just don't have it.

CHAIRPERSON KALLOS: Okay. So, I've been  
playing with these spreadsheets. The other item I  
noticed is Exam No. 6063, Sanitation Workers--

COMMISSIONER CUMBERBATCH: [interposing]  
Uh-huh.

CHAIRPERSON KALLOS: --according to one  
of your spreadsheets was administered February 20,  
2008, and it is slated to expire on February 20,  
2016.

COMMISSIONER CUMBERBATCH: Correct.

CHAIRPERSON KALLOS: Under that it has a  
CERT number of 23,084. And so I guess my question  
just for understanding how this works so we're about  
to administer or we have administered--

COMMISSIONER CUMBERBATCH: [interposing]  
We have administered it.

DEPUTY COMMISSIONER PINNOCK: Yes.



1  
2 CHAIRPERSON KALLOS: --the Sanitation--  
3 another Sanitation exam.

4 COMMISSIONER CUMBERBATCH: Yes, the first  
5 one since 2008.

6 DEPUTY COMMISSIONER PINNOCK: Uh-huh.

7 COMMISSIONER CUMBERBATCH: And we just--

8 CHAIRPERSON KALLOS: [interposing] So  
9 what happened to original 23,000? Do those people  
10 get calls until 2016 and then the new exam shows up,  
11 or what happens?

12 DEPUTY COMMISSIONER PINNOCK: The list  
13 will expire. The list will expire. Generally--  
14 generally, the life of a list is four years. And  
15 because there were--there were some issues in terms  
16 of there being a hiring freeze where Sanitation  
17 workers were not being appointed from the list. We  
18 then made the decision to extend the list for a few  
19 more years. And so at this point we're at the point  
20 where the list would be expiring. And that's--

21 CHAIRPERSON KALLOS: [interposing] Is  
22 there

23 DEPUTY COMMISSIONER PINNOCK: I'm sorry.

24 CHAIRPERSON KALLOS: Is there a number or  
25 a John Q.--John or Jane Q. Public who has taken the

1  
2 Sanitation exam in February 20, 2008 and waited eight  
3 years to be called up for the Sanitation exam and my  
4 not-- Do they need to take the new exam? Can they  
5 still be called off the previous exam?

6 COMMISSIONER CUMBERBATCH: Well, when  
7 that list expires, they will not be called off that  
8 list.

9 CHAIRPERSON KALLOS: Okay.

10 COMMISSIONER CUMBERBATCH: If they've  
11 taken the test that we've just administered, and  
12 they're high up on the list, they would then be  
13 eligible to be called.

14 CHAIRPERSON KALLOS: When will that  
15 Sanitation list be certified? The newest exam?

16 [background comments]

17 CHAIRPERSON KALLOS: When?

18 DEPUTY COMMISSIONER PINNOCK: During the  
19 fall of this year that list will be ready.

20 CHAIRPERSON KALLOS: And which list gets  
21 preference? So Commissioner Garcia says I want to  
22 now hire. She has--

23 COMMISSIONER CUMBERBATCH: [interposing]  
24 So she's going to use--  
25

1  
2 CHAIRPERSON KALLOS: --she now has two  
3 Civil Service lists.

4 COMMISSIONER CUMBERBATCH: When the new  
5 list comes out, the old one has expired. It's gone.

6 CHAIRPERSON KALLOS: Okay, and so were  
7 all 23,084 people who took the previous exam said--

8 COMMISSIONER CUMBERBATCH: [interposing]  
9 That's right, that's correct.

10 CHAIRPERSON KALLOS: Okay, and is it the  
11 intention whether the number is 30,505 or some other  
12 number of people who have taken previous exams be  
13 notified that hey your exam is about to expire  
14 because we're administering a new test. Please take  
15 it?

16 DEPUTY COMMISSIONER PINNOCK: In terms of  
17 direct outreach to those individuals. But we  
18 definitely cast a very wide net in making sure that  
19 individuals knew that the exams were--they get  
20 administered.

21 CHAIRPERSON KALLOS: I would be willing  
22 to support--I would ask that DCAS ask in the budget  
23 to make sure that you receive sufficient funding for  
24 mailing and for reaching out to anyone who's taken a  
25 previous exam as well as, if possible, waiving fees

1  
2 because if you sat for the 2008 exam and now we're  
3 going to-- Yeah.

4 COMMISSIONER CUMBERBATCH: That we would  
5 have to think about because that really changes the  
6 nature of our whole testing and Civil Service in many  
7 ways.

8 CHAIRPERSON KALLOS: [interposing] Right.

9 COMMISSIONER CUMBERBATCH: So we just  
10 administered, as you said, a Sanitation exam. I  
11 think we had something like--

12 DEPUTY COMMISSIONER PINNOCK:  
13 [interposing] 75,000.

14 COMMISSIONER CUMBERBATCH: We had 93,000  
15 applicants, but actually 75,000 sat and took the  
16 exam. As we said, the list will be certified  
17 probably in the fall, and typically a list lasts for  
18 four years. So will Sanitation hire 75,000 people  
19 off that list in four years? No.

20 CHAIRPERSON KALLOS: [interposing] Okay.

21 COMMISSIONER CUMBERBATCH: Right. So when  
22 that list expires in--in four years or five years,  
23 and the City gives yet another Sanitation exam, then  
24 I guess you would be suggesting that we should reach  
25 out to I don't know how many--like thousands of

1  
2 people a specific outreach, though. A specific  
3 outreach to let them know, as opposed to our general  
4 outreach and explanation as to this is the way Civil-  
5 -you know, the list exists for four years. The list  
6 will expire. A new exam and we do our typical  
7 outreach that we typically do. And we think that's  
8 effective. I mean I hear what you're saying.

9 CHAIRPERSON KALLOS: I can tell you the  
10 way I get people to vote for me is I send a letter to  
11 every single person who's registered vote who's voted  
12 before. And so, that tends to--it could work better.  
13 I mean we should definitely be targeting everybody  
14 but at least that way we're able to turn out at least  
15 24% of the registered voters.

16 And the other item I wanted to touch on  
17 is just is there an audit that exists of where you're  
18 auditing the exiting-- It seems like you're doing  
19 the things with the audits. I actually did want to  
20 compliment--comment on the IT Working Group. It  
21 sounds like a lot of fun. I'd love to hear more.  
22 I'm a software developer in addition to being--turn  
23 Council Member. So this is incredibly fascinating.  
24 And we've got DCAS and then we have got DOITT and we  
25 have FISA, which I also have oversight over. And so,

1  
2 I'm just--I would love to be forwarded copies of  
3 their non-competitive class titles. And I was also  
4 curious members of DCAS do it in FISA. Is this  
5 managerial members? Are the affected unions  
6 represented within the working group?

7 DEPUTY COMMISSIONER PINNOCK: Within the  
8 working group unions are not there. However, our  
9 commitment was to share the recommendations imposed  
10 by the group with our legal partners. Really, the  
11 working group it's-- You know we're going over title  
12 specs where people are expected to do day one. So we  
13 wanted to just have the group of individuals who  
14 perform the work today. So in addition to sharing  
15 that information with CIOs across the city, we will  
16 be sharing that with the unions.

17 CHAIRPERSON KALLOS: Okay. I--I would  
18 appreciate it if the--my brothers and sisters in the  
19 labor--

20 DEPUTY COMMISSIONER PINNOCK:  
21 [interposing] Absolutely.

22 CHAIRPERSON KALLOS: --and also the union  
23 side labor lawyers fill in and would love to make  
24 sure that they are shared--

2 COMMISSIONER CUMBERBATCH: [interposing]

3 Oh, absolutely.

4 CHAIRPERSON KALLOS: --in the decision-  
5 making--

6 COMMISSIONER CUMBERBATCH: [interposing]

7 Absolutely.

8 CHAIRPERSON KALLOS: Not be just, here's-  
9 -here's how it is and yeah.

10 COMMISSIONER CUMBERBATCH: No, I mean  
11 we've--we've--we've done a preliminary. You know,  
12 the working group the intent was to, you know, take a  
13 hard look at these titles. You know, we've shared  
14 with the union partners that we were actually doing  
15 this process--

16 CHAIRPERSON KALLOS: [interposing] Uh-  
17 huh.

18 COMMISSIONER CUMBERBATCH: --and that we  
19 would share what we found, and sit down and talk.

20 DEPUTY COMMISSIONER PINNOCK:  
21 [interposing] That's always been our commitment.

22 DEPUTY COMMISSIONER PINNOCK: And that's  
23 always been our commitment, and that's basically the  
24 way we do business.

25

1  
2 CHAIRPERSON KALLOS: Thank you very much.  
3 I'd like to reserve my questions and pass. I'll  
4 recognize--I'll pass it onto my co-chair to-- Sorry,  
5 no this is--Sorry, I'd like to recognize that we've  
6 been joined by Governmental Operations Committee  
7 member the Honorable Ritchie Torres from the Bronx,  
8 and I will pass it back to my co-chair unless Mr.  
9 Torres has any questions?

10 COUNCIL MEMBER TORRES: [off mic] Not at  
11 the moment.

12 CHAIRPERSON KALLOS: Thank you.

13 CHAIRPERSON MILLER: Thank you, Mr.  
14 Chair. So I have a question. When it comes to the  
15 managerial positions, can you provide a headcount  
16 based on gender and race? And did that come up in  
17 the last hearing?

18 DEPUTY COMMISSIONER PINNOCK: I believe  
19 that it did, and I believe that we shared it maybe in  
20 our first meeting, but we can definitely refresh the  
21 data and get something back to you.

22 CHAIRPERSON MILLER: Okay, is it accurate  
23 that approximately 75% of the administrative and  
24 managers including staff managers and analysts are?

25



1  
2 COMMISSIONER CUMBERBATCH: So a couple of  
3 things is the city back in December of 2013 put out a  
4 workforce demographic report.

5 CHAIRPERSON MILLER: [interposing] Uh-  
6 huh.

7 COMMISSIONER CUMBERBATCH: We're in the  
8 process of refreshing that report and that data, and  
9 I think we're going to have it done by-- What's our  
10 goal? In the summer, right, which--and what that  
11 report does is it breaks down by agency, by title,  
12 race, gender. I think it has age, right.

13 DEPUTY COMMISSIONER PINNOCK: Attrition.

14 COMMISSIONER CUMBERBATCH: Attrition  
15 rates. It's very comprehensive so we're refreshing  
16 that. That's a big endeavor or our part, but in the  
17 interim we can certainly-- Before that report comes  
18 out, we can certainly provide updated demographics,  
19 as of today new, you know--

20 CHAIRPERSON MILLER: [interposing] So,  
21 how did you use that information once you--

22 COMMISSIONER CUMBERBATCH: So that  
23 information is used in a lot of different ways.  
24 First of all, the 2013 report just is on our website.  
25 And what it is, it's a very good report to help

1  
2 agencies plan in terms of workforce development. So  
3 it gives you an idea of where you might see a high  
4 percentage of attrition to retirement, and particular  
5 titles. So you have a line of sight into that, and  
6 that gives us-- That helps inform us as an agency  
7 well, should we be giving more exams for that  
8 particular title because we're expecting in the next  
9 three years, four years, five years a lot of people  
10 retiring. It gives the agency line of sight into  
11 diversity, and where they might be lacking or  
12 underutilizing certain gender and ethnic and race  
13 folks in a particular title. So it's a rich--it  
14 helps inform us on a number of fronts in terms of  
15 just decision-making. And it also gives the public,  
16 you and I, a window into who is working in City  
17 government. Not individually but, you know,  
18 generally where you see trends and particular titles  
19 is do we need to do more training? You know,  
20 partnering with CUNY, with-- You know what I'm  
21 saying? In terms of creating the pipeline for people  
22 to get into these positions by taking these exams.

23 CHAIRPERSON MILLER: I certainly agree  
24 that those are real relevant uses. Would it also be  
25 useful in identifying a particular group that may be

1  
2 under or over-compensated in comparison to their  
3 colleagues? Because these are citywide titles,  
4 right?

5 COMMISSIONER CUMBERBATCH: Right. So  
6 this--so the workforce--the workforce data does not  
7 include salaries, right. That's not--the report  
8 doesn't include that information on salaries. So  
9 that is part of either, you know, OLR, et cetera, but  
10 it does not include any information on salaries or do  
11 an analysis with respect to salaries. It only looks  
12 at titles. You know, it looks at what DCAS has in  
13 terms of our data, in terms of, you know, title,  
14 race, ethnicity, gender, age, et cetera.

15 CHAIRPERSON MILLER: So these are city--  
16 because they are citywide titles--

17 [background comments]

18 COMMISSIONER CUMBERBATCH: Okay, so  
19 correction. I was just--it doesn't include average  
20 salary for the title, right?

21 DEPUTY COMMISSIONER PINNOCK: Right, it  
22 includes average salaries by title and so once again  
23 just to underscore what the Commissioner said, this  
24 information really serves to inform the conversation  
25 that she has with agencies heads, and that I have

1  
2 with my counterparts about areas where they may want  
3 to concentrate. So whether we advertise, we report  
4 it in certain titles that it appears under this  
5 particular title less than average for the city.  
6 That's part of the conversation where, you know, just  
7 to kind of highlights that that information is  
8 available. So average salary is included.

9 CHAIRPERSON MILLER: So highs and lows  
10 unlike--

11 COMMISSIONER CUMBERBATCH: So average and  
12 that's correct to say average.

13 DEPUTY COMMISSIONER PINNOCK: No, we--we  
14 understand.

15 COMMISSIONER CUMBERBATCH: Right, right.

16 CHAIRPERSON MILLER: So unlike in a  
17 competitive or a represented title where there may be  
18 wage progression, there's no wage progression here.  
19 How do we kind of differentiate in the compensation  
20 that is being distributed to--to the same title  
21 throughout? The same agency or multiple agencies.

22 COMMISSIONER CUMBERBATCH: Sorry, I'm not  
23 quite getting the question.

24 CHAIRPERSON MILLER: People are earning  
25 different salaries.

1  
2 COMMISSIONER CUMBERBATCH: That are in  
3 the same title.

4 CHAIRPERSON MILLER: That are in the same  
5 title. How do we--

6 COMMISSIONER CUMBERBATCH: [interposing]  
7 Well, there are salary--

8 CHAIRPERSON MILLER: --determine.

9 COMMISSIONER CUMBERBATCH: --plans that  
10 are put out by OLR.

11 DEPUTY COMMISSIONER PINNOCK: Yes.

12 COMMISSIONER CUMBERBATCH: And there are  
13 levels within that salary plan that different salary  
14 levels for a particular title. Is that what you're  
15 asking?

16 DEPUTY COMMISSIONER PINNOCK: Right,  
17 because DCAS does not establish salary ranges nor do  
18 we negotiate the salaries. But there are salary  
19 ranges for every title. And so, it's within the  
20 agency's discretion to utilize those salary ranges as  
21 it's choosing to compensate individuals.

22 COMMISSIONER CUMBERBATCH: So, it you're  
23 asking can someone--can two people be in the same  
24 title, and the same agency and make different--a

1  
2 different salary? The answer is yes because under  
3 the salary plan there was a range of salaries--

4 DEPUTY COMMISSIONER PINNOCK:

5 [interposing] There's a range.

6 COMMISSIONER CUMBERBATCH: --for that  
7 particular title.

8 DEPUTY COMMISSIONER PINNOCK:

9 [interposing] And in some cases it may be tied to  
10 practice such as previous tenure at another agency  
11 where you're no longer making the minimum salary. It  
12 could tie to your tenure at an existing agency where  
13 maybe the new person coming in is hired at the  
14 minimum. But over time you have received an  
15 increase, but once again there's a range to every  
16 salary that's in our title structure.

17 CHAIRPERSON MILLER: Are there any-- So,  
18 the salary ranges are always determined by the  
19 agencies, correct?

20 COMMISSIONER CUMBERBATCH: Say that one  
21 more time?

22 DEPUTY COMMISSIONER PINNOCK: The salary  
23 range is not determined by the agencies.

24 CHAIRPERSON MILLER: What are they  
25 determined by?

1  
2 DEPUTY COMMISSIONER PINNOCK: The salary  
3 ranges are established by OLR, but the agencies are  
4 required to work within those ranges. Which means  
5 that someone if they're in a particular title, they  
6 should not earn more than the maximum of the range,  
7 nor should they learn less than the minimum of that  
8 range. But the agencies do not establish their own  
9 salary ranges.

10 CHAIRPERSON MILLER: To your knowledge,  
11 when has that been--when-- So OLR is the overseeing  
12 agency on that, right. So when--do we have an update  
13 as to when those salaries or that compensation was  
14 last reviewed?

15 COMMISSIONER CUMBERBATCH: I think that's  
16 a question more appropriately address to OLR because--  
17 - What, but what I--what I would suggest is we can  
18 talk to our city legislative representative. I don't  
19 know. I mean DCAS I don't know when the last time  
20 OLR-- There are different salary plans for different  
21 titles.

22 CHAIRPERSON MILLER: Right.

23 COMMISSIONER CUMBERBATCH: I think some  
24 of this is probably on their website, and I'm almost  
25 sure that the salary plans are dated, you know. So,

1  
2 you know, when we could review and City Ledger could  
3 assist--assist you in getting that information.

4 CHAIRPERSON MILLER: So--

5 COMMISSIONER CUMBERBATCH: [interposing]  
6 But off the top of my head I wouldn't know all the  
7 range and all the--there are a lot of titles.

8 CHAIRPERSON MILLER: [interposing] Yeah,  
9 yeah, I get that.

10 COMMISSIONER CUMBERBATCH: And they, you  
11 know--

12 CHAIRPERSON MILLER: I get that.

13 COMMISSIONER CUMBERBATCH: And I don't--I  
14 don't know the last time they were adjusted.

15 CHAIRPERSON MILLER: But you would  
16 probably know. I know that's your area of expertise.  
17 So I am, you know, so I'll leave that for OLR, but I  
18 am a little concerned at the fact that there is such  
19 disparities in ranges of compensation as well--

20 COMMISSIONER CUMBERBATCH: [interposing]  
21 Within titles?

22 CHAIRPERSON MILLER: Within title as well  
23 as some subordinate titles with great pay  
24 compensation or at least starting pay compensation



1  
2 than their supervisors. So I would be concerned  
3 about that as well.

4 [background comments]

5 COMMISSIONER CUMBERBATCH: Right, it's--  
6 it's--well, but-- I guess at the end of the day  
7 that's not within DCAS' jurisdiction, the salary  
8 plans.

9 CHAIRPERSON MILLER: Okay.

10 COMMISSIONER CUMBERBATCH: Or setting of  
11 compensation.

12 CHAIRPERSON MILLER: Okay. So, to  
13 digress and kind of go back to some of the use of  
14 the--such data and headcount pertaining to gender  
15 base and so forth. Have you thus far been able to  
16 utilize that information so that you can reach out to  
17 a particular demographic or share that with agencies?  
18 Any suggestions as to--how would you thus far utilize  
19 that information?

20 COMMISSIONER CUMBERBATCH: So two things.  
21 Also DCAS administers the citywide EEO Diversity  
22 Inclusion Program. You know, we're responsible. So  
23 that unit who is not here today, but that unit  
24 working with Human Capital, you know, we look at  
25 these titles. We work with the agency personnel

1  
2 offices as well as obviously with their EEO officers.  
3 And look at the tests and the lists that are coming  
4 out. We try to do more outreach in particular ethnic  
5 groups if it looks like there's a particular title  
6 where folks have been unrepresented. But at the end  
7 of the day, people have to take the test. And we  
8 they have to score high on the test, and get on the  
9 list. So, on one level, you know, you want to reach  
10 out broadly to people in order to take the test. So  
11 that, you know, they have the opportunity.

12           So for example like our Sanitation, which  
13 is a great example of an exam. You know, I said we  
14 had 93,000 applicants and 75,000 took it. I would  
15 say, and this is just rough, and we could give you  
16 the exact numbers, but it was basically 30% Latino,  
17 30% Black, about 30% or so White that signed up and  
18 took the test. We didn't have as many women that  
19 have signed up. More than the last test in 2008. I  
20 think it doubled, but it's still not the numbers that  
21 we like to see. And in terms of Asians, I think the  
22 numbers were a little smaller, too, but I think  
23 greater than in the past. So, you know, that's a good  
24 example if you're trying to do like broader outreach.  
25 And we really tried to do a lot of outreach--

1  
2 CHAIRPERSON MILLER: [interposing] That's  
3 fine.

4 COMMISSIONER CUMBERBATCH: --to take the  
5 exam because they've been an historically  
6 underrepresented group in terms of taking the  
7 Sanitation exam or represented within the department.  
8 So just by--that's one example, or with the  
9 managerial series that we just opened up in February.  
10 Obviously, a lot of current city employees were  
11 eligible to apply. And by opening up those  
12 collateral lines of promotion, that was also an  
13 attempt to diversity, you know, potentially diversity  
14 the pool that was eligible to take the exam. If you  
15 only kept it, you know, with certain titles being  
16 able to be promoted up, and you open it up to other  
17 similarly situated titles, then you're also--that's  
18 another mechanism to diversity the pool.

19 DEPUTY COMMISSIONER PINNOCK:  
20 [interposing] You're promoting the same group.

21 CHAIRPERSON MILLER: Uh-huh. I have a  
22 question. On that group and for that promotional--  
23 those promotional exams were they previously--some of  
24 those titles previously held by provisional employees  
25 or is that a new title or just--just the-

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DEPUTY COMMISSIONER PINNOCK:

[interposing] Which title are you referring to, sir?

CHAIRPERSON MILLER: I'm referring to the  
Administrative Manager and Administrative Analyst.

Those are promotional exams, correct?

DEPUTY COMMISSIONER PINNOCK: Right,  
they're promotional exams, but we decided in order to  
address the fact that we have so many provisional  
surveyed, but also to provide a promotional  
opportunity for individuals who have permanent status  
in an underlying title, we made the decision to offer  
both promotional exams for permanent incumbents. You  
know, one for the underlying title and the open  
competitive exams to others who have no--

CHAIRPERSON MILLER: Yeah, I got that but  
what was the previously provisional employees holding  
those positions?

DEPUTY COMMISSIONER PINNOCK: If someone  
served provisionally as Administrative Staff Analyst,  
they would apply to take the open competitive exam.  
They would not be allowed to take the promotional  
exam.

CHAIRPERSON MILLER: No, I understand  
that, but the promotional--

DEPUTY COMMISSIONER PINNOCK:

[interposing] And they would have underlying status.

CHAIRPERSON MILLER: But the promotional portion were there any of--any provisional employees in the position of Administrative Manager? T

DEPUTY COMMISSIONER PINNOCK: They could have been if they--they have rights to that promotion if they serve in an underlying title that promotes to Administrative Manager.

CHAIRPERSON MILLER: No, I'm--I'm saying were they prior to taking the exam or prior to the exam being listed, were there any provisions serving in that title?

DEPUTY COMMISSIONER PINNOCK: We have provisionals serving in both titles today, yes.

CHAIRPERSON MILLER: Okay.

DEPUTY COMMISSIONER PINNOCK: And that's the plan with administrating the exam, then we would be able to move the provisionals.

CHAIRPERSON MILLER: Okay.

DEPUTY COMMISSIONER PINNOCK: After certification of the list.

1  
2 CHAIRPERSON MILLER: Okay. Okay, I want  
3 to acknowledge my colleague, Mr. Robert Cornegy, and  
4 do you want me to--

5 COUNCIL MEMBER TORRES: Yes, sir.

6 CHAIRPERSON MILLER: And I'll hand the  
7 mic over to Mr.-- Okay, Mr. Ritchie Torres.

8 COUNCIL MEMBER TORRES: Thank you. Thank  
9 you.

10 CHAIRPERSON MILLER: Thank you.

11 COUNCIL MEMBER TORRES: I have a question  
12 specifically about the Housing Authority. Do you  
13 know what percentage of employees at the New York  
14 City Housing Authority are provisional?

15 [background conversation]

16 DEPUTY COMMISSIONER PINNOCK: Thank you.  
17 Okay we have 1983 provisional employees at the  
18 Housing Authority.

19 COUNCIL MEMBER TORRES: Do you know what--  
20 what percentage that is?

21 DEPUTY COMMISSIONER PINNOCK: Of their  
22 headcount?

23 COUNCIL MEMBER TORRES: Yeah.

24 DEPUTY COMMISSIONER PINNOCK: I don't  
25 know what their headcount is today. I think they may

1  
2 be moving around either 14,000 or 15,000 at this  
3 point or maybe less. I'm sure percentage of that--of  
4 the headcount this is.

5 COUNCIL MEMBER TORRES: Do you find that--  
6 --how does that fare in comparison to the percentage  
7 of provisionals also in City government?

8 DEPUTY COMMISSIONER PINNOCK: Well, the  
9 way the numbers are distributed, generally our larger  
10 our larger agencies have more provisionals serving.

11 COMMISSIONER CUMBERBATCH: Right.

12 DEPUTY COMMISSIONER PINNOCK: So the  
13 Department of Education, you know, is--

14 COUNCIL MEMBER TORRES: Well,  
15 proportionally, not in absolute terms.

16 DEPUTY COMMISSIONER PINNOCK: I wouldn't  
17 have that.

18 COMMISSIONER CUMBERBATCH: Well, we'd  
19 have to get back to you.

20 COUNCIL MEMBER TORRES: Okay. That would  
21 fine.

22 COMMISSIONER CUMBERBATCH: We'd have to  
23 get back to you. We'd have to get back to you on  
24 that.

1  
2 COUNCIL MEMBER TORRES: And I'd also be  
3 curious to know like what percentage of their  
4 competitive titles are filled by provisionals as  
5 well?

6 DEPUTY COMMISSIONER PINNOCK: That would  
7 be the number of provisionals I just reported, the  
8 1983.

9 COUNCIL MEMBER TORRES: Okay.

10 DEPUTY COMMISSIONER PINNOCK: Right.  
11 Because in order to be provisional, that means you  
12 are in a competitive title.

13 COUNCIL MEMBER TORRES: [interposing]  
14 Okay. And I know-- So, I guess my question is how  
15 provisional is provisional? Does the law impose some  
16 kind of time limit because--because without a time  
17 limit it feels to me that Civil Service Law allows  
18 for about a bypass of the Civil Service.

19 COMMISSIONER CUMBERBATCH: [interposing]  
20 No.

21 COUNCIL MEMBER TORRES: That's how it  
22 feels to me.

23 COMMISSIONER CUMBERBATCH: So the new  
24 law is that they're not to serve in that position  
25 beyond nine months.



1  
2 COUNCIL MEMBER TORRES: Have there been  
3 cases where there's been service beyond nine months?

4 COMMISSIONER CUMBERBATCH: Yes.

5 COUNCIL MEMBER TORRES: Because I know  
6 many provisionals in the Housing Authority.

7 COMMISSIONER CUMBERBATCH: Everybody in  
8 the audience is shaking their heads?

9 COMMISSIONER CUMBERBATCH: Right.

10 DEPUTY COMMISSIONER PINNOCK: Right, so  
11 part of the history, and there's a decision that came  
12 down in 2005. I think it was Long Beach. So, yes,  
13 there were in the City of New York starting in '08 or  
14 before '08 there was at that time 37,000 provisionals  
15 serving in titles beyond nine months. And now we're  
16 saying we're down to 21,000 or so, and part of our  
17 plan is to reduce that further. So, yes, these folks  
18 are serving in positions provisionally beyond the  
19 nine months. So, our plan is to get into compliance  
20 with the law, and to do so. That's why we're giving  
21 exams. We're looking at the whole system.

22 COUNCIL MEMBER TORRES: Okay, and I know  
23 there have been concerns. Obviously, I think you  
24 mentioned you're issuing of a report on the  
25 demographics of the workforce.

1  
2 COMMISSIONER CUMBERBATCH: Right. So the  
3 last time the report was issued was 2013, and it  
4 probably encompasses what, 2012 data. So we're  
5 refreshing that report. We'll have it out by the  
6 summer and it will what encompass 2014 data, and it  
7 gives a real breakdown by agency by title, race,  
8 ethnicity, age, gender.

9 COUNCIL MEMBER TORRES: And I'm not sure  
10 if you have the numbers at the moment, but do you  
11 know what the trends is? Like what is the trend on  
12 African-American not being a representation in City  
13 government.

14 COMMISSIONER CUMBERBATCH: When we have  
15 that report, that will really fine-tune it, and we  
16 can provide that.

17 COUNCIL MEMBER TORRES: Okay, but do you  
18 know if that is up or down? Is it stagnant?

19 COMMISSIONER CUMBERBATCH: At this time I  
20 cannot tell you that.

21 COUNCIL MEMBER TORRES: Okay. That's the  
22 extent of my questions.

23 COMMISSIONER CUMBERBATCH: Okay.

24 COUNCIL MEMBER TORRES: So thank you.

25 CHAIRPERSON MILLER: Mr. Cornegy? [sic]

1  
2 COUNCIL MEMBER CORNEGY: No.

3 CHAIRPERSON MILLER: I just have one more  
4 question. In the--in your total headcount is workers  
5 captioned in there?

6 DEPUTY COMMISSIONER PINNOCK: No.

7 CHAIRPERSON MILLER: No?

8 DEPUTY COMMISSIONER PINNOCK: Nuh-uh.

9 CHAIRPERSON MILLER: So you have no way  
10 of knowing many exist within city agencies.

11 DEPUTY COMMISSIONER PINNOCK: No, I just  
12 know the number that are--that work for DCAS.

13 CHAIRPERSON MILLER: How many?

14 DEPUTY COMMISSIONER PINNOCK: 504.

15 CHAIRPERSON MILLER: Okay. Thank you.

16 Mr. Kallos.

17 CHAIRPERSON KALLOS: Going back to our  
18 previous hearing, we were focused on trying to get  
19 the number of provisionals down as far as possible.

20 DEPUTY COMMISSIONER PINNOCK: Uh-huh.

21 CHAIRPERSON KALLOS: So we started at a  
22 very large number. We're already down to 21,000,  
23 which is outstanding. And so, during that hearing we  
24 felt that, "A 5% goal was not realistic." Quote,

25

1 unquote. What is realistic over the next two years,  
2 ten months and one--

3  
4 COMMISSIONER CUMBERBATCH: [interposing]  
5 We committed to 8,600, and that's our plan and that's  
6 part of our provisional reduction plan for which we  
7 received a two-years extension and the State Civil  
8 Service Commission has, you know, acknowledged  
9 because we realistically think and we've laid out  
10 what titles and what exactly we're doing. One of  
11 those things we already executed and that was opening  
12 up all that managerial series of exams, which just  
13 closed the other day. And that exam will be given--  
14 those exams will be given in July--

15 DEPUTY COMMISSIONER PINNOCK:  
16 [interposing] In June.

17 COMMISSIONER CUMBERBATCH: --in June.  
18 So, that's the plan and at the end of the two years,  
19 we have to go back and get another extension and come  
20 up with another plan to start to chip away further,  
21 But right now we believe we can do the 8,600 in these  
22 two years, in 24 months, rather.

23 CHAIRPERSON KALLOS: Does that include--

24 COMMISSIONER CUMBERBATCH: [interposing]  
25 In addition to continuing to give all of the other

1  
2 Civil Service exams that we have to give to keep, you  
3 know, those other positions competitive, right. So  
4 it's two things we're doing.

5 CHAIRPERSON KALLOS: Is there anything  
6 you're planning to do with the retirement--the 2,615  
7 retirement eligible provisionals in order to bring  
8 the number further down, or is that encompassed in  
9 your 8,600?

10 DEPUTY COMMISSIONER PINNOCK: Okay,  
11 there. Right. The 2,600 I don't think that's  
12 encompassed in that 8,600. No.

13 CHAIRPERSON KALLOS: Okay, and so the  
14 goal would be to hit somewhere around 8% so a matter  
15 of just hitting those other 3%.

16 COMMISSIONER CUMBERBATCH: Okay. I  
17 don't know what percentages you're referring to. So  
18 when I say 8,600, is that you're correlating a  
19 percent to that? I don't--

20 CHAIRPERSON KALLOS: So currently we're  
21 at--based on October 31st--

22 COMMISSIONER CUMBERBATCH: 21.

23 CHAIRPERSON KALLOS: The 22,000 is 12.5%  
24 of the--

25 COMMISSIONER CUMBERBATCH: Okay, got it.

1  
2 CHAIRPERSON KALLOS: So if you drop it  
3 another 8,600--

4 COMMISSIONER CUMBERBATCH: [interposing]  
5 Okay.

6 CHAIRPERSON KALLOS: --that takes us down  
7 to 7.8%. So I guess whatever you can do to support  
8 it, the reality is that we know that the next two  
9 years, ten months and one day are guaranteed. But  
10 anything else in the future can't be taken the  
11 granted. So the more we can do, the better. I'll  
12 turn it back to my co-chair.

13 CHAIRPERSON MILLER: So, finally, Ms.  
14 Pinnock, any of those 504 workers?

15 DEPUTY COMMISSIONER PINNOCK: Yes.

16 CHAIRPERSON MILLER: Have you received  
17 notification from or have you had any conversations  
18 from HRA in terms of elimination of those workers.

19 COMMISSIONER CUMBERBATCH: We have not  
20 had any conversation. The Commissioner spoke to me  
21 to give me a heads up early on that he was looking  
22 at--

23 CHAIRPERSON MILLER: [interposing] Uh-  
24 huh.

1  
2 COMMISSIONER CUMBERBATCH: --the whole  
3 WEP program in HRA, and would be coming out with a  
4 plan. Other than that, we have not had any kind of  
5 specific follow up.

6 CHAIRPERSON MILLER: So based on that,  
7 have you kind of figure out how you would replace  
8 those services are currently being provided.

9 COMMISSIONER CUMBERBATCH: No, we haven't  
10 looked at it yet.

11 CHAIRPERSON MILLER: Is there--is there  
12 thought of permanent employment for those folks?

13 COMMISSIONER CUMBERBATCH: Yes.

14 CHAIRPERSON MILLER: Has that been  
15 considered?

16 COMMISSIONER CUMBERBATCH: That will  
17 always be considered. So when we get to that point,  
18 we'll look at where our needs are whether we have the  
19 budget capacity to absorb all those people is a whole  
20 issue.

21 CHAIRPERSON MILLER: [interposing] Yeah,  
22 yeah.

23 COMMISSIONER CUMBERBATCH: Right?

24 CHAIRPERSON MILLER: Yeah.  
25

1  
2 COMMISSIONER CUMBERBATCH: I mean that's,  
3 you know.

4 CHAIRPERSON MILLER: It's certainly  
5 something that we would--

6 COMMISSIONER CUMBERBATCH: [interposing]  
7 But you know, so--

8 CHAIRPERSON MILLER: love to--

9 COMMISSIONER CUMBERBATCH: [interposing]  
10 Well, absolutely.

11 CHAIRPERSON MILLER: --be a part.

12 COMMISSIONER CUMBERBATCH: And we've have  
13 hired many WEP workers.

14 COMMISSIONER CUMBERBATCH: Yeah.

15 COMMISSIONER CUMBERBATCH: So that's been  
16 our tradition. That's been one of the major--they've  
17 been one of the major sources of recruitment into the  
18 positions that they're holding the custodians and the  
19 maintenance workers in our buildings. So we've hired  
20 a lot of WEP workers into permanent positions.

21 CHAIRPERSON MILLER: Okay. I would love  
22 to see those number.

23 COMMISSIONER CUMBERBATCH: Sure.  
24  
25



1  
2 CHAIRPERSON MILLER: Thank you so much,  
3 and thank you-- Do you have anything? Okay, thank  
4 you so much.

5 COUNCIL MEMBER TORRES: Just one  
6 question.

7 CHAIRPERSON MILLER: Sure.

8 COUNCIL MEMBER TORRES: Just the overall  
9 municipal headcount--

10 COMMISSIONER CUMBERBATCH: [interposing]  
11 Yes.

12 COUNCIL MEMBER TORRES: --of the city  
13 because my impression is that there's been a severe  
14 hemorrhage over the years. Do we have data--

15 DEPUTY COMMISSIONER PINNOCK:  
16 [interposing] Yes, we do.

17 COUNCIL MEMBER TORRES: --as to the  
18 extent?

19 DEPUTY COMMISSIONER PINNOCK: We do.  
20 Currently we're at about at--close to 233,000 across  
21 the city.

22 COMMISSIONER CUMBERBATCH: But that  
23 excludes some agencies, right?

24 DEPUTY COMMISSIONER PINNOCK: Right.  
25 We're talking about the agencies over which DCAS has

1 jurisdiction because the teachers let's say in the  
2 Department of Ed we don't have jurisdiction over that  
3 group.  
4

5 COUNCIL MEMBER TORRES: So what are the  
6 exceptions? I'm just curious. Only the DOE?

7 DEPUTY COMMISSIONER PINNOCK: It would be  
8 DOE but we have transit [sc]information.

9 COMMISSIONER CUMBERBATCH: Okay.

10 DEPUTY COMMISSIONER PINNOCK: So  
11 primarily it would be the teachers at DOE.

12 COMMISSIONER CUMBERBATCH: HHC.

13 DEPUTY COMMISSIONER PINNOCK: HHC because  
14 they're the only Civil Service commission and CUNY  
15 because they're the only Civil Service commission as  
16 well.

17 COMMISSIONER CUMBERBATCH: But we can get  
18 you the breakdown, and we can get you the breakdown  
19 over years.

20 COUNCIL MEMBER TORRES: Right, that would  
21 be good.

22 COMMISSIONER CUMBERBATCH: Right, we'll  
23 do that.

24 DEPUTY COMMISSIONER PINNOCK: How far  
25 back would you want us to go, 2010?

1  
2 COUNCIL MEMBER TORRES: I think five  
3 years is actually good.

4 DEPUTY COMMISSIONER PINNOCK: Okay.

5 CHAIRPERSON KALLOS: As far back in  
6 Bloomberg Era as you can get is appreciated.  
7 [laughter] I like looking at what he did once he got  
8 into office.

9 COUNCIL MEMBER TORRES: We could say 2001  
10 if you want?

11 COMMISSIONER CUMBERBATCH: So do you want  
12 to go back to '02?

13 CHAIRPERSON KALLOS: As much as  
14 reasonable. So I think if you have the next five  
15 years that's great but--

16 COMMISSIONER CUMBERBATCH: [interposing]  
17 If we can go back, we will go back.

18 CHAIRPERSON KALLOS: It's instructive to  
19 see what happened to our city over the past previous  
20 12 years.

21 COMMISSIONER CUMBERBATCH: Okay.

22 COUNCIL MEMBER TORRES: Would it be  
23 possible to do an agency-by-agency breakdown as well?

24 COMMISSIONER CUMBERBATCH: Yeah, we can  
25 do that. [laughs]

[background comments]

CHAIRPERSON MILLER: I believe that's why they're here, and I think that from the outset that we were, from our initial hearing that we did back in November, the initial was titled *Our Civil Service System and its Demise*, and we were told to leave that--or to change that title. But the fact of the matter is that there has been a diminishment of Civil Service. And as we see now, we're at least back pre-freeze levels, right. So things are looking up. And we thank you for coming out and look forward to working with you in the future. Thank you.

COMMISSIONER CUMBERBATCH: Thank you

DEPUTY COMMISSIONER PINNOCK: Thank you very much. Thank you.

[background conversation]

CHAIRPERSON MILLER: I'll call the next panel. Joe Brown from CWA; Joe Puelo from District Council 37.

[background comments]

CHAIRPERSON MILLER: Michelle Keller, District Council 37 and Tiffany McCall [sic]. Did I butcher you name? From District Council 37. That should be four folks right?

2 CHAIRPERSON KALLOS: Okay.

3 CHAIRPERSON MILLER: And you can handle  
4 four, right. Okay. Okay, we can go left to right if  
5 that's easier for the panel. The speakers don't have  
6 to be sworn in. But that would be my left, but it  
7 doesn't matter. Whatever makes you comfortable  
8 there. Okay.

9 JOE BROWN: Are we ready? Okay, on your  
10 left. Good morning, Chairman Miller and Chairman  
11 Kallos and member of the Civil Service and Labor  
12 Committee as well as the Governmental Operations  
13 Committee. My name is Joe Brown, Second Vice  
14 President of CWA Local 1180 representing Arthur  
15 Cheliotis, President of 1180. Thank you for the  
16 opportunity to appear before you today. First, CWA  
17 Local 1180 would like to go on record in support of  
18 the New York City Council's Intro 664. We believe  
19 that transparent regarding such information instills  
20 confidence with city workers and the public. Second,  
21 CWA Local 1180 Comments the Department of Citywide  
22 Administrative Services, DCAS, for conducting exams  
23 Principal Administrative Associate and Administrative  
24 Manager in both promotional and open competitive in  
25 2014. Third, we will to bring to your attention a

1  
2 concern we have regarding the growing youth of non-  
3 competitive titles for positions that should be held  
4 by employees in competitive titles. While this  
5 practice may reduce the number of provisionals, that  
6 is less costly than holding competitive exams. The  
7 New York State Constitutional Mandate for Competitive  
8 Positions has been the law for over a century and  
9 should be retained.

10           Non-competitive classifications avoid  
11 rankless and gives hiring officials broad discretion  
12 to select whomever they want from hundreds of  
13 candidates, which should not happen. Again, it must  
14 be noted that rankless limit the selection of  
15 candidates to one of the top three highest scoring  
16 candidates thus avoiding favortism and cronyism.  
17 Rankless are the key to integrity in the Civil  
18 Service system. The final examination of a candidate  
19 is not, however, the test to be placed on a list.  
20 But the probationary period when they actually  
21 perform the duties. This ranking only gives  
22 candidates the opportunity to show they can do the  
23 work the title requires. Non-competitive titles  
24 defeat the use of rankless. Finally, it is extremely  
25 important that the Civil Service and Labor Committee,

1  
2 as well as the Government Operations Committee  
3 consider legislation that would require DCAS to  
4 review all current non-competitive titles, and  
5 determine if these titles can be put into the  
6 competitive class. This should be followed with a  
7 report to the committees showing where competitive  
8 exams are better suited to avoid discretion which was  
9 the root of the problem stated above for the time  
10 period that I have. I did not read the entire  
11 report, but it is handed out to you today for your  
12 review. So I thank you for the opportunity of  
13 appearing before you, and if you have any questions  
14 of me, I would be happy to answer them.

15 CHAIRPERSON MILLER: Thank you.

16 JOE BROWN: Uh-huh.

17 CHAIRPERSON MILLER: Next, please.

18 MICHELLE KELLER: Check. Good morning.

19 My name is Michelle Keller. I'm the First Vice  
20 President of Local 375. Greetings from Claude Fort,  
21 President, and I'm going to be kind of succinct this  
22 morning with all that I heard. I'm glad for having--  
23 to keep the dialogue going on with these agencies  
24 because we need to hear that and see what's on their  
25 mind. And clearly, we're the ones doing the work.

1  
2 To the honorable chairperson of this hearing, those  
3 partners that are management and, of course, our  
4 labor partners that are sitting here today. We are  
5 definitely aligned for that Intro 664. But let me  
6 say very specifically in this report that I was  
7 reading and I'm listening to, and it was hit right on  
8 the head by the City Council persons. We need to be  
9 a part of that working group. So many times we go to  
10 labor management meetings, and we say this. This is  
11 what we say. We don't want to give you input after  
12 you're already out of the box because you're thinking  
13 one way or the other of us being an obstruction as  
14 being a helpful partner to what's going on. So we  
15 want to be a part of this conversation as it's going  
16 on. To the end of two specific quotes. So on page 4  
17 it said, are dif--it said, Perhaps more importantly,  
18 employees are aware of the importance of taking tests  
19 for their titles. Employees. In all of this there's  
20 a quote. That piece that really out of all of this  
21 that's happening, that's going on and that's being  
22 moved and talked about and changed, we're glad the  
23 agency is saying the employees have got it. That  
24 they have to take examinations.



1  
2           Second quote.  Approximately streamline  
3 our title structure to a more manageable number of  
4 competitive class titles for DCAS to competitive test  
5 on a regular basis.  I think this is backwards.  See  
6 this is part of the conversation.  What they're  
7 looking for is expedience.  I can understand that  
8 because the whole process is so overwhelming and  
9 costly.  But if we're into a discussion, we may not  
10 be cutting our nose to spite our face.  Some of these  
11 titles while right now we have a limited amount of  
12 people in it is because that's the design.  That's  
13 the way it's gotten to be as we said.  These may be--  
14 when we do things right, these may be up and coming  
15 titles.  Now, we've expediently cut down these titles  
16 to make sure that we can get these exams out of the  
17 box and then one day when we wake up again, and we're  
18 again a lot of these folks will never be able to come  
19 back to Civil Service.  So again, my point here is we  
20 don't want to be a part of that discussion.  After  
21 the fact, we want to be in it and a part of what goes  
22 on to kind of restore Civil Service.  Thanks for  
23 listening to me today.

1  
2 CHAIRPERSON MILLER: Thank you. Joe, I'm  
3 sorry, before you go, I'd like to acknowledge our  
4 colleague from Manhattan, Mr. Mark Levine.

5 Thank you, City Council people. My name  
6 is Joe Puleo. I'm President of Local 983. We  
7 represent a wide variety of employees from traffic  
8 agents students to parks enforcement officers and  
9 motor vehicle operators, just to mention a few. Most  
10 of our workers are low wage earners, okay. So the  
11 Civil Service has a deep impact on my membership. A  
12 lot of my members are right out of poverty and right  
13 into a city job that would help them pull them out of  
14 poverty. And unfortunately, the Civil Service System  
15 isn't moving fast enough. A lot of our members are  
16 on multiple numbers of examinations waiting to be  
17 called as a provisionals, and there was like four MBO  
18 examinations. Four. Four tests that, but they're  
19 still not being called with an offer. So they keep  
20 having these examinations, but nobody has called for  
21 them. Our parks enforcement officers, okay, they  
22 take-- they're constantly being replaced due to the  
23 fact that the attrition rate is so high. A lot of  
24 these people want to become Civil Service. When they  
25 first hired for the job they were told that were only

1  
2 going to have a job for 12 months because of the  
3 gratitude of the City Council restoring funding,  
4 which by the way, I thank. But simply that isn't  
5 enough, you know. We had an examination last year  
6 for these individuals, but they still haven't been  
7 called of the list. And every time they keep getting  
8 postponed delayed. And it causes a lot of  
9 uncertainly, and finally, ultimately they get  
10 discouraged and leave and move on elsewhere. And  
11 then the vacancy is started all over again. I'm  
12 going to give most of--donate my time to one of my  
13 members who's is dealing with this right now. Her  
14 name is Tiffany and I'd like for her to explain more  
15 in detail what's happening to her personally. So  
16 that you guys will get a better effect of what's  
17 happening out there. Thank you.

18 [background comments]

19 TIFFANY MCCALL: Thank you. Hello. Good  
20 morning to all. My name is Tiffany. I'm an urban  
21 park ranger part of the Parks Enforcement Control.  
22 My title is an unarmed law enforcement title that has  
23 not made a Civil Service employee in the past seven  
24 years. In February 2012, I was hired by my agency  
25 under multiple false pretenses. My agency has made

1  
2 it a regular practice to hire people under grant-  
3 funded lines. And if we were good little workers,  
4 and waited two years, maybe one day we would become a  
5 provisional employee. The Urban Park Ranger title is  
6 flooded with provisional employees. Eighty percent  
7 of these provisionals are on the job for less than  
8 two years. It is nearly impossible to retain quality  
9 people when the salary starts at \$32,000 and it caps  
10 out at \$37,000, and overtime is only given when an  
11 emergency situation occurs. These grant funded lines  
12 are not earmarked for civil servant positions. We  
13 also vulnerable to be one in three by the agency,  
14 even though some of us have been on the job over six  
15 years. After waiting for over two years, I was  
16 finally able to take the Civil Service Exam for my  
17 title in June 2014. Mind you, the last test given  
18 for this title was possibly in 2008 depending on who  
19 you ask. I had achieved the preliminary score of  
20 95%. To this day, I have still to hear yet anything  
21 from DCAS. I was never sent any type of official  
22 list number or official DCAS score.

23 Council Members, I truly thank you from  
24 the bottom of my heart for taking it upon yourself to  
25 make this committee to look into the citywide Civil

1 Service System. But I urge you to continue your  
2 research. But I urge you to continue to reach out to  
3 your constituents who are City employees, and to  
4 continue to monitor DCAS with the most powerful force  
5 that you can. For too long valuable money has been  
6 wasted. Your constituents especially feel like their  
7 money has been stolen by DCAS and this is citywide.  
8 They feel like their money has been stolen by DCAS  
9 because continuously and continuously they take tests  
10 and they never hear anything. They're lucky if they  
11 get a list number and a score, and then after that,  
12 they don't hear anything else. So time and time  
13 again they don't even this is education. They don't  
14 know what goes on in these meetings. Urge you to  
15 pass along this information to your constituents to  
16 know that test can simply expire on average on four  
17 to seven years. These are jobs that they desperately  
18 need, and obviously, some agencies have been holding  
19 on or hiring provisional positions as a loophole to  
20 make civil servant positions. We are currently ten  
21 years into a five-year plan even with all this  
22 technology that we have today. This is a sad excuse  
23 as to why people cannot get job that they desperately  
24 need even with the civil servant status and security.  
25

1  
2 Thank you for your time, Mark, I hope that you really  
3 enjoyed your birthday.

4 JOE PUELO: I just would like to thank  
5 the City Council people that I attended the DC 37's  
6 breakfast yesterday. It was greatly appreciated.  
7 Thank you.

8 CHAIRPERSON MILLER: Council Member  
9 Levine.

10 COUNCIL MEMBER LEVINE: Thank you, Mr.  
11 Chairman. It's wonderful to see you again Joe and  
12 Tiffany. This is really disturbing information that  
13 you shared with us. My first question is of the  
14 additionally funded Pep Officers that the City  
15 Council fought to include in last year's budget, I  
16 believe it would have been a bump up of about 75.  
17 I'm sure of the exact number.

18 JOE PULEO: Eighty.

19 COUNCIL MEMBER LEVINE: Eighty. Okay.  
20 How many of them--how many of them are on the force  
21 as of today?

22 JOE PULEO: Well, that's a difficult  
23 question to answer because as they come in, they  
24 leave. They're on a lot of other examinations like  
25 the NYPD exam, Sanitation, Fire Department. So

1  
2 they're told. Again this is very discouraging to  
3 these individuals. When I speak to them at the  
4 Academy classes, they're like, I was only told I have  
5 a job for 12 months.

6 COUNCIL MEMBER LEVINE: Okay.

7 JOE PULEO: And then the agency  
8 unfortunately reinforces this instability by telling  
9 them this is just a steppingstone. But what happens  
10 is you don't have the dedicated workforce that you  
11 rightfully need. People are in panic mode because  
12 they feel like they could be let go at any moment's  
13 time. And then when they do take the examination  
14 like Tiffany, they're still waiting without any  
15 results, and they getting these postponements and  
16 relays and we're not sure. I heard a lot of talk  
17 about transparency, you know, but the thing-- You  
18 know, in the efficiency test and I praise them for  
19 the challenges that they have ahead. And I know a  
20 lot of it--some of it was mentioned. This carries  
21 over from the Bloomberg Administration, but we still  
22 haven't seen it trickle down yet to the average  
23 worker. You know, there is still a lot of  
24 uncertainty. You know in an age--in the golden age  
25 of technology, you know, where a lot of data is

1  
2 accessible, we don't have the information, and we  
3 can't make changes unless we have this information.

4 COUNCIL MEMBER LEVINE: So given the  
5 constant flow of people coming in and out with the  
6 high attrition for all of the terrible reasons that  
7 you mentioned, what is the-- Can you tell me what  
8 the total number of PEP Officers on duty today is?

9 JOE PULEO: Based on our data from the  
10 union, and this from the rolls, which might be a  
11 little bit backdated, it's approximately two  
12 something. You know, that's what we have from the--

13 COUNCIL MEMBER LEVINE: [interposing]  
14 Just over 200?

15 JOE PULEO: Yeah and, of course, these  
16 numbers you need to have a significant impact on  
17 crime in the parks. We'd have to dramatically  
18 increase. At one time we had over 450 officers out  
19 there, and the crime goes into comparison to the  
20 amount of officers, if you do the researches. But  
21 the more PEP officers, the less crime. The less PEP  
22 officer, has high spikes in the crime. There's a  
23 recent--I believe it's a Wall Street Journal article--

24 -

25



1  
2 COUNCIL MEMBER LEVINE: [interposing]

3 Yeah.

4 JOE PULEO: --which depicted--I mean some  
5 of the information wasn't factual. The actual two  
6 officers that they used weren't even PEP Officers.  
7 They were city seasonal aids. They were pretty much  
8 contracted or made up from parks officials, which  
9 really didn't identify them. One of the things that  
10 they were quoted as saying is that they report the  
11 crime and then NYPD comes over. Something to that  
12 effect. PEP handled the situation--

13 COUNCIL MEMBER LEVINE: [interposing]

14 Yeah.

15 JOE PULEO: --on their own. They make  
16 arrests on their own. You know, they have to endure  
17 all of the requirements that police officers do on a  
18 day-to-day basis while they're in the line. [sic]  
19 They are the front line. They are the first  
20 responders because they're simply there.

21 COUNCIL MEMBER LEVINE: So true, and so  
22 how many of the 200 or so PEP Officers are  
23 provisional now?

24 JOE PULEO: Probably the vast majority.

25 COUNCIL MEMBER LEVINE: Right.

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JOE PULEO: The vast majority.

COUNCIL MEMBER LEVINE: So this is a problem both for workers who in addition to being underpaid are often told they have no long-term security in their jobs.

JOE PULEO: Exactly.

COUNCIL MEMBER LEVINE: But this also impacts park users. I don't know how my colleagues feel, but I tell you the number one request I hear from park users in my district, and really around the city is can we get more PEP Officers? There is incredible demand from New Yorkers for more PEP Officers. And as we're getting numbers for the first time from the NYPD on crime in parks, we're seeing that we have a serious issue that has to be dealt with here. And honestly having PEP Officers in our parks is going to make that--make it easier to address crime. And the numbers we have now 200 for a park system that is 29,000 acres.

JOE PULEO: [interposing] And then we have to remember that even though with those numbers some are dedicated to specific locations.

COUNCIL MEMBER LEVINE: [interposing]  
Yes. some of them are privately funded.

1  
2 JOE PULEO: So that they cannot response-  
3 -

4 COUNCIL MEMBER LEVINE: [interposing]  
5 Right.

6 JOE PULEO: --beyond the perimeters of  
7 their assigned locations.

8 COUNCIL MEMBER LEVINE: Yes, some of them  
9 are privately funded.

10 JOE PULEO: They cannot respond beyond  
11 the perimeters of their--

12 COUNCIL MEMBER LEVINE: [interposing]  
13 Right.

14 JOE PULEO: --assigned location. Again,  
15 I want to thank you because you guys really did a  
16 tremendous job in getting these PEP Officers on a  
17 year-to-year basis. But they don't have the  
18 stability. You know, they literally need this money  
19 to be earmarked. Then all of a sudden the people  
20 feel like they have stability in what they do. And  
21 you'll get a more focused individual, a better  
22 workforce. And the longer that people work on it,  
23 the more experience that they gain. A lot of the  
24 people never really, quote, unquote made it past, you  
25 know, the rookie phase. Because they're out. You

1 know, police officer they say they're rookies for  
2 five years. Our guys don't even last five years.

3  
4 COUNCIL MEMBER LEVINE: Yeah.

5 JOE PULEO: Yeah.

6 COUNCIL MEMBER LEVINE: So this is not a  
7 Parks Committee hearing.

8 JOE PULEO: I know, I don't want to--

9 COUNCIL MEMBER LEVINE: That starts in  
10 half an hour. So I won't monopolize the time, but I  
11 want you to know you have my commitment to fight for--

12 -

13 JOE PULEO: [interposing] I appreciate  
14 your help.

15 COUNCIL MEMBER LEVINE: --not only more  
16 PEP Officer positions, but more permanence and  
17 security so that you do important work for us. Thank  
18 you, Mr. Chair.

19 CHAIRPERSON KALLOS: Thank you, Council  
20 Member Levine. It's good to have a chance for a  
21 Governmental Operations Committee to have an impact  
22 on improving our parks. I just wanted to ask-- So,  
23 I thank you hears some of my questioning was DCAS  
24 related to the people who have taken the exam. What  
25 can we do better for the hundreds of thousands of

1  
2 people who have taken exam and have had to wait four  
3 years or more to ever have that exam-- To wait years  
4 to have it certified, and then once it's certified  
5 sit on a certified list without even getting a call  
6 on it. What do we need to do to make things right  
7 with those people?

8 MICHELLE KELLER: One thing I think you  
9 can do is you can truncate this probable probationary  
10 period.

11 CHAIRPERSON KALLOS: Please, speak into  
12 the microphone.

13 MICHELLE KELLER: Okay. One thing you  
14 probably should do is truncate this probable  
15 probationary period because you're look at people at  
16 people like you say that are waiting. Finally, it  
17 comes down and in addition to that even if it comes  
18 down they're pointed, they have a--they still have a--  
19 -this something--this probable probationary period.  
20 So I think that would put a little bit of pressure  
21 right there.. You can't have them take an exam.  
22 Wait until your cumbersome non-transparent process.  
23 Finally get there if I'm lucky and this crazy because  
24 I'm spending money. And I said if I'm lucky enough  
25 to be gotten, I still have to wait 12 months to see

1  
2 if you're going to pick me or not. And then it's a  
3 matter of satisfactory or unsatisfactory. And again  
4 that's an insult because a lot of those folks are  
5 sitting there for-- Oh, boy, five, ten, sometimes 20  
6 years before you take an examination. Some of us  
7 could be there, but the fact of the matter is they  
8 could be let go. They could just wait the  
9 probationary period and then go. So my suggestion  
10 would be to truncate that probably probation.

11 CHAIRPERSON KALLOS: Thank you and thank  
12 you, and my question relates to the testing and all  
13 the folks waiting on the results of those tests.

14 JOE BROWN: Commissioner Kallos.

15 CHAIRPERSON KALLOS: I am like both so  
16 you can call me that, too.

17 JOE BROWN: One of the principal problems  
18 we have at CWA Local 1180 when our list is certified,  
19 what the agencies are doing, and for very big gain,  
20 they will consistently change the title that a person  
21 would normally-- They've taken an exam for a  
22 particular title, Administrative Manager. So when  
23 that list come out, agencies across the board will  
24 change titles to something else to avoid having to  
25 make the appointment of that person. And this

1 happens repeatedly, and it happens in too many  
2 agencies. So a person takes the test. They are  
3 interviewed. They're one of the three and they--

4  
5 JOE BROWN: [interposing] No, it never  
6 gets to that point.

7 CHAIRPERSON KALLOS: But the agency says  
8 to DCAS, we want you to test for this. They test for  
9 it and then when they get the results, the agencies  
10 switch titles and the hire provisional?

11 JOE BROWN: Exactly. They change the  
12 function.

13 CHAIRPERSON KALLOS: I believe my--my--I--  
14 -I--on my behalf, and I believe on behalf of my co-  
15 chair. We would love to work with you on legislation  
16 that would limit their ability to come up with new  
17 titles after the fact in order to avoid the exams.

18 JOE BROWN: Exactly. Thank you.

19 JOE PULEO: Okay, one of the things I  
20 would just like to say is the one in three is a big  
21 problem especially when it comes to provisionals. If  
22 you are currently in that job title, and you have a  
23 good record as an employee, when you take that  
24 promotional, you should not be able to be one in  
25 three. You already have the work history behind you.

1  
2 You've already proven yourself. For the agency to  
3 arbitrarily decide just because they don't like you,  
4 you know, is really, really unfair.

5           TIFFANY MCCALL: To go back to your  
6 original question on how to get your constituents  
7 information, coming from the congressional level of  
8 field organization, and constituent research, don't  
9 reinvent the wheel. DCAS has on record address--home  
10 addresses and emails. You guys use the websites, and  
11 you guys also have community board meetings. Believe  
12 the chatter will go through one simple test that it's  
13 cancelled, it's out, there's a delay. Bring that  
14 information. Use emails. Use the address. If it  
15 costs you postal, that's up to your office if they  
16 want to do the expenditure. But also bring it up in  
17 the community board meetings, and post it on your  
18 individual websites. That will be the best way to  
19 get the information out to your constituents.

20           CHAIRPERSON KALLOS: So just to  
21 reiterate, you think that since they do already have  
22 a list of all the people who have ever sat for a  
23 civil service or applied for civil service, you think  
24 it's actually work reaching out to them by email.  
25 And if they don't have the email, by postal?



1  
2           TIFFANY MCCALL: Exactly, and they will  
3 definitely or better know what's going on with DCAS,  
4 and how they practice pulling of their test as well  
5 because you will get feedback from the constituents.

6           CHAIRPERSON KALLOS: We would welcome  
7 your advocacy alongside ours to make that happen.

8           CHAIRPERSON MILLER: So I have a  
9 question, Mr. Brown, based on your testimony. What I  
10 want to do before we get there, I do want to follow  
11 up and say that we have taken the information from  
12 the first hearing that we had in November. And had a  
13 lot of discussion around with DCAS about how we  
14 improve upon the examination process. Obviously, it  
15 was first--our first primary focus was the reduction  
16 of the provisional workers. But the exam process  
17 itself seems to be more oversight or individual  
18 agencies that we have to address. In having done  
19 that, in having been on the other side, and been  
20 relatively successful in identifying titles where  
21 there was a need. And ensuring that it was oversight  
22 that they weren't provisionals, but they were  
23 actually permanent civil service employees in those  
24 positions. We have to get that information out. We  
25 have to communicate so we obviously I think this body

1 here, this committee has a reputation of oversight  
2 within civil service. But we need that information  
3 in advance because we had those individuals who had  
4 answers or should have had answers on the stand. And  
5 so, we should have had that information prior so they  
6 could have been asked those questions. And we--  
7 they're here for answers. Not to kind of tells us,  
8 you know, to buy time or to say how great they are.  
9 But we want specific answers to specific questions.  
10 And some of these questions are given to them in  
11 advance. So that when you show up here, you are able  
12 to provide answers. So those are some of the thing  
13 that we can do better on. If you can get--as union  
14 officers can't get the answers, then this committee  
15 will be able to get the answer for you. So if we can  
16 collaborate on that, I think that we can get to where  
17 you're going. And we can get into those individual  
18 agencies, and start looking at oversight as to, you  
19 know, how are you hiring? Who are you hiring?

21 JOE BROWN: Council Member Miller, I just  
22 want to remind you that in the November hearing with  
23 DCAS, they stated that they were working on a manual  
24 how to run hiring pools for the agencies. To my  
25

1  
2 knowledge, that manual has not been developed yet,  
3 correct?

4 CHAIRPERSON MILLER: [off mic] Correct.  
5 [sic]

6 JOE BROWN: And one of the principal  
7 problems with that-- Part of my responsibility is  
8 monitoring hiring pools and when I go over to HRA,  
9 I've sat there in one agency, and there's been three  
10 different hiring pool supervisors that come in during  
11 my tenure over there. And each one does it  
12 differently in the one agency. So there is a  
13 tremendous need for that manual to be developed. So  
14 that there can be some guidelines because hiring  
15 pools are all over the place.

16 CHAIRPERSON MILLER: Okay, Mr. Brown,  
17 can--I have a question for you, and I think I posed  
18 this question to the Commissioner about discrepancies  
19 in pay, in compensation amongst titles.

20 JOE BROWN: Well, the situation with that  
21 when the DCAS Commissioner mentioned to OLR basically  
22 oversees the selling structure, what I would suggest  
23 the committee does is request a salary listing for  
24 OLR because within each agency, and OLR monitors it  
25 all, there should be a list like all non-uniformed

1 titles in the City of New York. There will be a list  
2 with the minimum and maximum salary for each title.  
3 Now, of course, that will change when the contract  
4 goes into effect as it is right now. But that  
5 listing is what each agency uses to give a salary.  
6 Now, the min--the question that you had in all the  
7 non-uniform titles with the min-max structure, the  
8 max for a title will be more than the next title in  
9 that occupational group. It's basically the way it's  
10 set up. So people come from different places,  
11 different agencies, and they move around. So  
12 currently, it's not a system that secures that a  
13 supervisor will necessarily make more than their  
14 subordinate the way it is in the Police Department.  
15 In the Police Department, a police officer's salary  
16 maxes out just below that of the sergeant, but in the  
17 non-uniform titles that does not happen.

19 CHAIRPERSON MILLER: Okay.

20 MICHELLE KELLER: Okay, when we say the  
21 non-uniforms even if that doesn't happen, I'm not so  
22 sure it doesn't at least from what I see. When a  
23 contract is ratified, it gives this minimum and  
24 maximum to the agencies. If by some chances with  
25 people moving around, like they said different people

1 with different salary histories. You bump up into a  
2 situation where now you have a supervisor. I mean  
3 you have a supervised making more than the  
4 supervisor, they have minimum and maximum rates.  
5 They can adjust that right away. That should not be.  
6 There's a lot that goes on behind that. It may be a  
7 question of whether or not that person can even  
8 supervise that individual. We've got those issues,  
9 too. But certainly for the sake of compensation  
10 there's a liability that that other person carries.  
11 They, whoever does it, they have a means to adjust  
12 that because when we do the contract, we approve that  
13 at the same time. Again, when we go into labor  
14 management meetings, it's like a surprise to them  
15 when you tell them this. But it doesn't happen.  
16 There are liabilities that these folks carry, and yet  
17 you still have that--you still have that imbalance so  
18 you have that violation.

19  
20           JOE PULEO: I think a lot of what we're  
21 talking about is what's known as merit pay. There  
22 are certain titles that have a high range and a low  
23 range. And the way you peak at the high range is at  
24 the discretion of the agency. So the agencies have  
25 this power, the agency themselves. The particular

1  
2 agency that the individual works for has the power to  
3 voluntarily give these individuals the higher rate of  
4 pay. So I don't think it's an OLR issue. I think  
5 it's something that was done contractually years ago,  
6 and there's a high and low range. And because the  
7 agency likes this one particular individual over  
8 another, we'll give them the high rate of pay. And  
9 the same thing probably applies to the supervisor's  
10 salary. They have a high, a low. So the supervisor  
11 may be getting the low rate of pay, and the  
12 subordinate can get the high rate, which might be  
13 more. In addition to other things that were  
14 contractual like recurrent increments of salary  
15 because of the time that they served. So you compile  
16 all of this together, yeah, it could be very well  
17 possible that a subordinate would make more than a  
18 supervisor.

19 CHAIRPERSON MILLER: Are these managers  
20 we're talking about? Are these folks in managerial  
21 titles?

22 JOE BROWN: I believe it's both  
23 managerial and non-managerial titles.  
24  
25

1  
2 CHAIRPERSON MILLER: That's interesting  
3 and are these things that have been collectively  
4 bargained?

5 JOE BROWN: Well, when you talk about min  
6 and max salaries, whenever-whenever there's a  
7 contract the salary will-- Like for instance we're in  
8 contracts now. So when the salary goes up 1%, the  
9 min goes up 1% and the max goes up 1%. If it's 3%,  
10 the min goes up 3% and the max goes up 3%.

11 CHAIRPERSON MILLER: Okay, thank you to  
12 this panel for coming out and sharing your time and  
13 your insight. I look forward to working with each  
14 and every one of you in the future.

15 JOE PULEO: Thank you.

16 CHAIRPERSON MILLER: Okay, we have the  
17 last panel will be from Community Voices Heard Ann  
18 Valdez and Bill Busk.

19 CHAIRPERSON KALLOS: I just want to first  
20 say welcome Ann Valdez from Community Voices Heard.  
21 Thank you for your advocacy, and for all of your  
22 strong and hard work for all the working families in  
23 our city.

24 ANN VALDEZ: Thank you very much and  
25 thank you for caring enough both of you, all of you.

1  
2 Thank you for caring enough to see to it that we are  
3 all treated equally and just. I have to read a  
4 statement, a testimony from another member.

5 Unfortunately, she's working for our great city, not  
6 as civil service, not as--

7 CHAIRPERSON MILLER: [off mic] Per diem.  
8 [sic]

9 ANN VALDEZ: Yeah, per diem. She's--I  
10 mean she is working as per diem. Not as the other  
11 two. She's really struggling and needed this to be  
12 know, but unfortunately she was never having a chance  
13 to have it known. So, now, I have to make it  
14 possible. Just give me one second. The signal here  
15 is very bad. So we're going to make this work as  
16 best as possible.

17 CHAIRPERSON MILLER: Bill, are you ready?

18 BILL BUSK: Yes, and I'm actually going  
19 to be brief. Community--first of all my name is  
20 William Busk. I'm a member of the Welfare Workforce  
21 Campaign with Community Voices Heard. And I'm also  
22 very proud of Ann Valdez, who has been a mentor for  
23 me for the past five years that I've been with CVH,  
24 and have seen what she's done with all of the  
25 community. And not just with CVH, also with Sandy



1  
2 efforts. However, what I'm here to speak about is  
3 that Community Voices Heard had sent to some members  
4 of the community several questions. I did hear one  
5 of the questions being asked. And first of all, I  
6 have an issue with the response that DCAS gave.  
7 There was a question about--- You'll have to forgive  
8 me. I ran out of the house without my reading  
9 glasses. So forgive me. Does DCAS have a plan for  
10 phasing out of WEP at DCAS. The response that I  
11 believe I heard the person from DCAS say was that we  
12 are waiting to hear from HRA. It is our  
13 understanding from talking to the Commissioner's  
14 Office and the Commissioner that actually  
15 Commissioner Banks had told us months ago, correct,  
16 that--Excuse me. I have a speech problem. That HRA  
17 had contacted various agencies including DCAS who  
18 used WEP workers and asked them to come up with a  
19 proposal that would explain how they would handle  
20 their existing WEP workers if HRA moved forward with  
21 the plans to phase out WEP. And how they would deal  
22 with that and how they would deal with those  
23 positions. So for that DCAS person to say we are  
24 waiting, I feel that it's not-- Say that again.

1  
2 ANN VALDEZ: [off mic] [interposing]  
3 It's an excuse.

4 BILL BUSK: Say that again?

5 ANN VALDEZ: It's an excuse.

6 BILL BUSK: Okay. Also, there were three  
7 other questions that CVH had submitted, and I don't  
8 really feel from what I heard that they were asked.  
9 The second was, Would people who WEP be able to  
10 receive points or credits or a higher score because  
11 of their experience doing WEP in the agency when  
12 taking the Civil Serviced Exam. Now, I did hear the  
13 comment said that, Oh, we have re--we have recruited  
14 or hired quite a number of people from--

15 ANN VALDEZ: [interposing] From what?

16 BILL BUSK: --custodial jobs and janitor  
17 jobs from WEP. But she didn't really answer that  
18 directly. What we are hoping for is that just as you  
19 get points for if you live in the city or you get  
20 points for various other things, that the WEP  
21 experience would translated.

22 ANN VALDEZ: The WEP experience would  
23 still be constituted as experience.

24 BILL BUSK: But we want it set as a exact  
25 number of points on the Civil Service Exam. Not an

1  
2 open--as the previous lady had said, not something  
3 that's open to people. Is it doable. I see--

4 ANN VALDEZ: [interposing] It's their  
5 opinion.

6 BILL BUSK: I see you shaking your head.  
7 Is that a possible?

8 LEGAL COUNSEL CARLIN: I'm a counsel for  
9 the committee. Generally, Civil Service isn't  
10 controlled by the State Law so there are limitations  
11 what the Council can do.

12 BILL BUSK: Is it possible for the City  
13 to suggest or make a request that that--

14 ANN VALDEZ: [interposing] And can I--can  
15 I help--

16 CHAIRPERSON KALLOS: We can look into it,  
17 but we don't want to go on record with anything--

18 ANN VALDEZ: Well, it's definitely a yes  
19 or no answer.

20 BILL BUSK: Obviously, but all we do want  
21 is that you know that CVH would like that done.

22 ANN VALDEZ: And to clarify it a little  
23 better, usually when you're taking a test for the  
24 city, a civil service test especially when it's entry  
25 level and the next level it says do you have two

1 years experience or a year of college and a year of  
2 experience or a combination of both? So on and so  
3 forth. The way as it has do you have experience and  
4 college, can you look into seeing if it can be added  
5 on and used as experience? Because whether it's WEP  
6 work you get paid for or don't get paid for, work is  
7 work. You did the job. You should be credited for  
8 it. That's the point.

10 BILL BUSK: And the last two questions  
11 that our organizer had sent in, and I don't recall  
12 hearing brought--brought up in anyway was number 3:  
13 DCAS has been doing more tests, which is great. Are  
14 they or could the be directly advertised to people at  
15 the Workforce 1 and HOA Back to Work Centers or We  
16 Care Center who are unemployed and looking for work.  
17 So they get a direct feed into that. And the last  
18 question that we had sent in I didn't hear asked is:  
19 Is there any issue with the Civil Service Plan if  
20 instead of people on public assistance being assigned  
21 to WEP, could the be able to interview directly to  
22 entry level positions in the city agencies, non-civil  
23 service tests if that's possible. We just want to  
24 get the question in, and I do understand that some  
25 things you cannot make a decision here, but we just

1 wanted to get these questions for the hearing today.

2 Thank you. And has testimony that she's going to  
3 read.  
4

5 ANN VALDEZ: Hello. The testimony I'm  
6 reading is for one of our members, a young lady.  
7 Good morning. My name is Helen Campbell. I'm a  
8 member of Community Voices Heard. One second. I-yi-  
9 yi-yi-yi. Once second. This is going back and  
10 forth. I'm trying to make it as clear as possible.  
11 Oh, shoot. Okay, here we go. A member of Community  
12 Voices Heard. I have been unemployed since 2011 and  
13 going through hell and back unable to find permanent  
14 employment. In December 2012, my unemployment was  
15 coming to an end. I was in my last semester of  
16 college. I had submitted about 40 job applications  
17 with no response, and I had taken a few City job  
18 exams. After about a month and a half I had to make  
19 a decision as to what my next move was going to be.  
20 I had to apply for public assistance. This was an  
21 agonizing decision and humiliating. I was mandated  
22 to a Back to Work program run by Phase [sic] where we  
23 were treated like cattle. I was told that I had to  
24 do WEP, which would be maintenance at the Police  
25 Department or cleaning the street or city parks. I

1  
2 fought to get a job in the office. However, while  
3 working there, I was working harder than the  
4 employees getting a paycheck. I was training those  
5 who had a job and training the summer youth task and  
6 multi-tasking. Yet, I didn't get pay. I got a job  
7 as a claims examiner making \$20 an hour, but it was  
8 temp. Unfortunately, the job just lasted five weeks,  
9 and I was back in the same situation again. This  
10 time I was sent to a school to do my WEP assignment.  
11 I was go to the store, clean classrooms, be an  
12 assistant teacher. People get a paycheck for these  
13 positions. I got called from another temp agency. I  
14 took the job and was eventually called by the City to  
15 do work per diem for HRA where I am currently.

16 BILL BUSK: [interposing] Working today?

17 ANN VALDEZ: Yeah. Well, oh, I'm  
18 currently working today. Still waiting for a  
19 permanent job. In September 2014, I was called for a  
20 position as a clerical associate to a position.  
21 However, the position was not for a permanent  
22 position, but for a per diem temp position. This  
23 means I only work--I only get paid for the days I  
24 work, and believe me there were a lot of days without  
25 pay due to all the holidays in the months of November

1 and December. I am thankful to have a paycheck.  
2  
3 However, my life is still in limbo without having  
4 permanent employment. I have taken 13 City tests  
5 since 2011 in hopes of gaining permanent employment.  
6 Yes, I said 13 City tests. The hiring process to  
7 obtain these positions is not just passing the test,  
8 and a background check, you are subject to every  
9 aspect of your life being investigation, personal--

10 BILL BUSK: [interposing] Psychological.

11 ANN VALDEZ: --psychological and  
12 financial. However, if you have been unemployed your  
13 credit is not the best because you have no money to  
14 pay bills. Once selected, you go to a hiring pool.  
15 There were about 85 people for about 45 temp  
16 positions. I pay union dues yet I am not a permanent  
17 employee. The City keeps giving tests yet they have  
18 only these positions. So many people are ready--  
19 Wait a minute. My mistake. I'm sorry.

20 CHAIRPERSON MILLER: Ann, you have to  
21 wrap up because we have to be out of here in two  
22 minutes.

23 ANN VALDEZ: Yeah, okay.

24 CHAIRPERSON MILLER: And we'd like to ask  
25 a question or two.

1  
2 BILL BUSK: [off mic] The city.

3 ANN VALDEZ: Where?

4 BILL BUSK: [off mic] The second line.

5 ANN VALDEZ: Okay. The City keeps giving  
6 these tests, yet there have so many people already in  
7 temp positions. I see this as another ploy to  
8 generate money. Once in these positions you have  
9 three chances to obtain permanent employment. If you  
10 do not get a position, it is back to taking more city  
11 tests or to take the same test again to get back on  
12 the list. Another sham. I have talked to some  
13 employees who said they were per diem for years  
14 before they were hired. Why does the City continue  
15 to give tests if they are not hiring people in  
16 permanent positions. I have now been working for  
17 about five months at one location and was transferred  
18 to another location. Like myself and other per diem  
19 workers, we all want sustainable, permanent positions  
20 and stable employment. The City wastes a lot of  
21 money on unnecessary programs instead of creating  
22 permanent jobs to get people out of poverty. It  
23 doesn't take a rocket scientist to do the right thing  
24 by the citizens of New York. Create permanent jobs.  
25 And as to that also these jobs that--like I had



1 testified once before where they called them  
2 community assistants and community associates, those  
3 are the ones that are taking the clerical--the  
4 associate clerical assistance, which have civil  
5 service. But those are non-civil service, which are  
6 the same thing. So instead of hiring like that and  
7 per diem and all that. Why if you have positions  
8 that you need staff in your office why are they not  
9 taken off the list?

11 CHAIRPERSON MILLER: Okay, specifically,  
12 the person that you were testifying on their behalf--

13 ANN VALDEZ: [interposing] Yeah.

14 CHAIRPERSON MILLER: --you said they are  
15 working at HRA?

16 ANN VALDEZ: Yeah, per diem.

17 CHAIRPERSON MILLER: Okay. So, there are  
18 a number of agencies that have outsourced or worked  
19 on outside contracts that are expiring. And I was  
20 happy to hear the Mayor in his preliminary budget  
21 when we questioned him about those expiring  
22 contracts. And the potential for permanent  
23 employment within those agencies, and have it done  
24 in-house. The response-- In fact, I spent--I spoke  
25 yesterday to Mr. Brian Lynn [sic] about that same

1  
2 thing. It's something that the Council along with  
3 those bargaining units will be working on as we  
4 speak. So, we're looking forward to that, but it  
5 requires continued advocacy. And we need to hear  
6 those things in advance because I do know that part  
7 of the reduction of the headcount is attributed to  
8 the WEP workers. And so, those workers like every  
9 other worker has value, but we want to make sure that  
10 they are appropriately compensated. So with being  
11 said--

12 BILL BUSK: [interposing] Thank you for  
13 considering the human value of people--

14 CHAIRPERSON MILLER: [interposing] Oh,  
15 absolutely.

16 BILL BUSK: Even though they're WEP  
17 workers.

18 CHAIRPERSON MILLER: Yeah.

19 BILL BUSK: And one thing to understand  
20 when you hear Helena's story that this is a woman  
21 with at least one four-year degree and partial second  
22 degree and numerous certifications with computers.  
23 So if you're talking about a qualified individual--

24 CHAIRPERSON MILLER: [interposing] Yeah.

25

1  
2 BILL BUSK: --you're talking about the  
3 cream of the crop. And if this is the best that HRA  
4 can do, then HRA is--

5 CHAIRPERSON MILLER: [interposing] Well,  
6 I will leave you with this, Dr. Kings says all  
7 labor, which uplifts humanity, has dignity and value.  
8 It should be undertaken with painstaking excellence,  
9 and I'm sure that you do. All right. So with that,  
10 I would like to thank everyone for coming out on  
11 behalf of Civil Service and Labor, and I will pass it  
12 over now to my colleague for his final words.

13 CHAIRPERSON KALLOS: Thank you for  
14 Community Voices Heard for coming out. Thank you to  
15 our Brothers and Sisters in Labor from DC 37 and CWA  
16 1180 and other representatives from the Municipal  
17 Labor Committee, and thank you to my co-chair. It's  
18 always a please to work with Daneek Miller and to be  
19 the strong labor advocates on the board. I would  
20 like to thank all of our staff, and I will turn it  
21 back to our co-chair to adjourn.

22 CHAIRPERSON MILLER: Okay. Right on time,  
23 right. [gavel]

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 12, 2015