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**THE COUNCIL OF THE CITY OF NEW YORK**

# **BRIEFING PAPER OF THE HUMAN SERVICES Division and the governmental affairs division**

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**COMMITTEE ON CIVIL SERVICE & LABOR**

Hon. Carmen De La Rosa, *Chair*

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

Hon. Sandra Ung, *Chair*

#### October 26, 2022

**Oversight: Optimizing the City Civil Service Exam System**

**Int. No. 645-2022:** The Speaker (Adrienne E. Adams), Farah N. Louis, Gale A. Brewer, Pierina Ana Sanchez, Lincoln Restler, Julie Won

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to civil service exams in department of correction facilities

**Int. No. 658-2022:** Carmen De La Rosa, Farah N. Louis, Lincoln Restler, Rita C. Joseph, Sandra Ung, Pierina Ana Sanchez, Jennifer Gutiérrez

**Title:** A Local Law in relation to requiring the department of citywide administrative services to develop a civil service ambassador program

**Int. No. 698-2022:** Sandra Ung, Althea V. Stevens, Lincoln Restler, Rita C. Joseph, Jennifer Gutiérrez

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a public service corps program

**Res. No. 310-2022:** Carmen De La Rosa, Lincoln Restler, Shahana K. Hanif, Crystal Hudson, Rita C. Joseph, Gale A. Brewer, Pierina Ana Sanchez, Julie Won, Jennifer Gutiérrez, Justin L. Brannan

**Title:** Resolution calling on the State Legislature to pass, and the Governor to sign S.3062C/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation

**Res. No. 311-2022:** Carmen De La Rosa, Farah N. Louis, Lincoln Restler, Crystal Hudson, Rita C. Joseph, Gale A. Brewer, Pierina Ana Sanchez

**Title:** Resolution calling on New York State to offer civil service exams, training materials, and assistance, at all Department of Corrections and Community Supervision (DOCCS) facilities

# **Introduction**

On October 26, 2022, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, jointly with the Committee on Governmental Operations, chaired by Council Member Sandra Ung, will hold an oversight hearing titled “Optimizing the City Civil Service Exam System.” In addition, the Committees will hear the following legislation: Introduction Number 645-2022, a local law to amend the administrative code of the city of New York, in relation to civil service exams in department of correction facilities; Introduction Number 658-2022, a local law in relation to requiring the department of citywide administrative services to develop a civil service ambassador program; Introduction Number 698-2022, a local law to amend the administrative code of the city of New York, in relation to establishing a public service corps program; Resolution Number 310-2022, calling on the State Legislature to pass, and the Governor to sign S.3062C/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation; and Resolution Number 311-2022, calling on New York State to offer civil service exams, training materials, and assistance, at all Department of Corrections and Community Supervision (DOCCS) facilities. Those invited to testify include the Department of Citywide Administrative Services (DCAS), municipal labor unions, and other members of the public.

# **The New York City Civil Service Exam System**

# The New York City (City) civil service exam system (exam system) is the entryway into the large majority of municipal jobs and the benefits of a career in civil service.[[1]](#footnote-2) Candidacy for “[o]ver 80% of city government positions” is subject to exam passage,[[2]](#footnote-3) covering a wide range of disciplines including positions like landscape architect, electrician, and probation officer.[[3]](#footnote-4) Promotions within the civil service are also contingent on examination.[[4]](#footnote-5) As the gate through which most prospective civil servants must pass, the exam system is intended to ensure fairness and equal opportunity,[[5]](#footnote-6) and implemented to produce a municipal workforce that reflects the diversity of the city’s population.[[6]](#footnote-7)

 Although a creature of New York State law,[[7]](#footnote-8) the exam system may be administered locally.[[8]](#footnote-9) In the City, most local administration is entrusted to DCAS, which must follow the applicable State laws and regulations,[[9]](#footnote-10) and overcome thepractical challenges associated with ushering an average number of 110,000 people through the exam process each year.[[10]](#footnote-11) Among the DCAS Commissioner’s Charter-assigned responsibilities are personnel recruitment, scheduling and conducting city civil service exams, and making eligible hire lists, including additional related responsibilities.[[11]](#footnote-12) However, DCAS does not implement the exam system alone: the Charter assigns an independent role to the City’s Civil Service Commission,[[12]](#footnote-13) which primarily reviews DCAS decisions, including challenges to exam results.[[13]](#footnote-14)

 While the exam system is complex, the DCAS website explains the basic process.[[14]](#footnote-15) Persons seeking jobs subject to examination must apply to take multiple choice tests known as open-competitive or qualified incumbent exams.[[15]](#footnote-16) New candidates must take open-competitive exams; provisional employees—people who have been hired and begun work on the condition that they will successfully pass the applicable exam[[16]](#footnote-17)—must take qualified incumbent exams.[[17]](#footnote-18) Applications may be submitted on a computer with internet access or at one of DCAS’ in-person centers, which DCAS recently reopened after the pandemic forced their temporary closure.[[18]](#footnote-19) In-person applications are available by appointment only.[[19]](#footnote-20)

 Examinees must pay a fee that can range from $40 to $101 for each exam.[[20]](#footnote-21) Exam fees are intended to correspond to the minimum salary of the position for which they would make a candidate eligible.[[21]](#footnote-22) Fee waivers are available in a number of circumstances, however.[[22]](#footnote-23) All exam fees collected are required to be paid into the City’s general fund.[[23]](#footnote-24)

 Examinees who complete exams must wait for official results.[[24]](#footnote-25) Tentative results may be immediately available for automated multiple choice tests, but finalizing results can take over eight months.[[25]](#footnote-26) Examinees who disagree with their results can challenge them in a protest review session or with an appeal.[[26]](#footnote-27) After results are final, DCAS prepares a list of successful examinees and shares the list with the relevant agency to identify eligible candidates for open positions.[[27]](#footnote-28) DCAS composes eligible candidate lists in ranking order from the highest score to the lowest.[[28]](#footnote-29) Eligible candidates must await an interview offer from a hiring agency, by which time the exam process ends and the process of interviewing and hiring begins.[[29]](#footnote-30)

 Some exceptions to the general exam system exist for specific groups.[[30]](#footnote-31) Veterans and other specified people are eligible for additional test credit (i.e. points) if they take a civil service exam.[[31]](#footnote-32) Under the 55-a program, people with physical or mental disabilities can pursue an alternative application route altogether for positions that are otherwise competitive and subject to examination.[[32]](#footnote-33) Authorized under State statutes, these exceptions reflect the intent of the State Legislature to create a system for examination that accounts for multiple factors affecting equity and fairness to create opportunities to enter the civil service.[[33]](#footnote-34)

 DCAS’ recruitment efforts are designed to complement administration of the exam system and support the objective of a diverse municipal workforce.[[34]](#footnote-35) According to the Mayor’s Management Report for Fiscal Year 2022 (MMR), minorities comprised “78 percent of new hires at mayoral City agencies, increasing less than one percentage point compared with Fiscal [Year] 2021, but remaining stable over the last five fiscal years.”[[35]](#footnote-36) DCAS attributes levels of minority hires to targeted outreach by the DCAS Office of Citywide Recruitment (OCR), in collaboration with the Mayor’s Office for Persons with Disabilities (MOPD).[[36]](#footnote-37) However, discrepancies in hiring trends exist among minority groups in Fiscal Year 2022, including a sustained downward trend for new black hires.[[37]](#footnote-38)

1. **Opportunities for Optimization**

According to DCAS’ fiscal year 2021 report, equity and effectiveness guide the agency’s work, providing all City agencies with the resources and support needed to recruit, hire, and train employees.[[38]](#footnote-39) However, according to independent civic organizations, administrative inefficiencies harm DCAS’ ability to live up to its own stated values.[[39]](#footnote-40)

The protracted period for exam administration contributes to the City’s inability to build, maintain, and replenish its workforce. According to the 2022 Mayor’s Management Report (MMR), DCAS took a median number of 246 days to administer an exam in fiscal year 2022, a decrease from 318 days in the prior fiscal year and below the 290-day target, but a substantial amount of time nevertheless.[[40]](#footnote-41) Long exam development times, low frequency of exams, and delays between exam dates and hiring, each contribute to the prolonged process.[[41]](#footnote-42) In a February 2022 report, the State Comptroller, Thomas DiNapoli, pointed to the extended civil service hiring process as a factor that has led to local government staffing shortages, cautioning that such shortages could result in operational challenges once demand for City services rebounds post-pandemic.[[42]](#footnote-43) Non-partisan good government groups have long advocated for improved hiring systems to fill civil service positions faster, thereby increasing the number of on-board staff, and perhaps eliminating the slowness that is commonly thought to discourage some from working for the City.[[43]](#footnote-44) These groups have also stressed that expediting the hiring process to fill vacancies in a timely manner is important in the current competitive job market because the City cannot meet its hiring goals if it cannot compete with private sector employers.[[44]](#footnote-45)

Logistical and financial hurdles can be barriers to entry into the civil service and undermine the policy goals of the exam system. The exam requires access to a computer with reliable internet or the ability to visit a testing site in-person with a scheduled appointment,[[45]](#footnote-46) which may be inaccessible for examinees who cannot afford to purchase a home computer, cannot afford or cannot access internet access, or cannot access a testing site location. Exam fees can be costly, especially if an applicant takes multiple exams to apply for multiple titles.[[46]](#footnote-47) Moreover, DCAS does not accept cash as payment for fees, excluding potential candidates who cannot pay fees by another method.[[47]](#footnote-48) As reported in the MMR, the new bridge exam partially mitigates the financial burden of exam fees by allowing qualified examinees to pay a single fee for one exam that can qualify the examinee for multiple civil service titles.[[48]](#footnote-49) However, some examinees pay an additional cost for prep courses to study for the exam in an effort to ensure success and avoid potential multiple, costly exams.[[49]](#footnote-50)

The exam process is also complicated, deterring would-be candidates who do not have the resources or interest to navigate the exam system on their own. DCAS’ extensive frequently asked questions, posted online, attempt to supply answers for a multitude of potential questions—from applying for an exam to the point of hire.[[50]](#footnote-51) However, the multi-step hiring process involves many offices, both within and outside of service-providing agencies, further complicating the arduous process for applicants.[[51]](#footnote-52) While the exam system safeguards the merit-based civil service system, some stakeholders argue that the City could seize numerous opportunities to modernize the process while prioritizing DCAS’ stated goals of equity and efficacy.[[52]](#footnote-53)

1. **Analysis of Legislation**

**Int. No. 645-2022**

 This bill would require the Commissioners of Correction and of Citywide Administrative Services (the Commissioners) to administer civil service exams in City correctional facilities. The Commissioners would be required to offer civil service exams to incarcerated individuals that meet the minimum qualifications required to sit for a civil service exam whenever the exam is offered to the public.

 To support justice-involved individuals’ ability to take civil service exams, this bill would impose a number of additional requirements. It would require the Department of Correction (DOC) to consult with the Department of Citywide Administrative Services (DCAS) to provide exam preparation programming to incarcerated individuals, which would include guided instruction, study materials, practice tests and civil service employment application counseling.

 In addition, this bill would require DCAS to waive the civil service exam fee for any incarcerated individual or any individual enrolled in reentry services or incarceration alternative services provided by an organization contracted with the Office of Criminal Justice (OCJ). This bill would require DCAS to provide written information and conduct presentations regarding civil service exams and the appointment process to all individuals in DOC custody, as well as to provide such written information to OCJ for distribution to organizations under contract with OCJ to provide reentry services or incarceration alternative services, and to coordinate with such organizations to conduct such presentations. In connection with these requirements, this bill would require OCJ to coordinate with DCAS to forward all civil service exam announcements to such organizations.

 Finally, this bill would require DCAS to report annually regarding civil service exams for justice-involved individuals, including the number of incarcerated individuals and individuals enrolled in reentry or incarceration alternative services who participated in City-provided exam preparation programming or took a civil service exam in the prior year.

**Int. No. 658-2022**

 This bill would require DCAS to administer a civil service ambassador program to provide education and outreach at civil service pathways, which the bill would define as high schools, colleges, universities, trade schools, mental health or social work programs, juvenile justice facilities and foster care programs subject to the Administration for Children’s Services, shelters and other facilities subject to the Department of Homeless Services, and any other City agency-managed facilities or programs as determined by the Commissioner of Citywide Administrative Services.

 This bill would impose minimum requirements regarding the substance, frequency and distribution of education and outreach. DCAS would be required to engage current members of the civil service to conduct presentations on a quarterly basis. This bill would require such presentations to include: information regarding the benefits of joining the civil service; instructions, timelines, and advice for taking the civil service exams; and the post-exam process through which offers of employment are made. This bill would require such presentations to be conducted in at least 10 civil service pathways across all City boroughs each quarter.

 In addition, this bill would require DCAS to develop, produce, and update educational materials on the civil service and civil service exam, for distribution to civil service pathways and to be posted online.

 Finally, this bill would require DCAS to report annually on education and outreach performed under the civil service ambassador program, including the number of presentations conducted across civil service pathways, City boroughs, and other appropriate criteria.

**Int. No. 698-2022**

 This bill would codify DCAS’ Public Service Corps program, which provides internship opportunities at City agencies for undergraduate and graduate students. This bill would require DCAS to recruit students from diverse backgrounds and offer internships at a broad range of City agencies.

 In addition, this bill would require DCAS to report annually regarding the public service corps program, including information regarding DCAS’ recruitment efforts, DCAS’ efforts to identify internships in a broad range of City agencies, the number of participating students, their demographic information, and the City agency in which they were placed.

1. **Conclusion**

Optimal functioning of the City’s exam system supports a wide range of Citywide functioning. Administration of the exam system affects the ability of the City to perform legally assigned responsibilities and meet its policy goals, which include fulfilling municipal personnel needs and recruiting a diverse municipal workforce. Recent changes to exam system administration offer tools to streamline exam processing and open access to civil service positions to a wider group of candidates. However, recurring challenges persist, demanding flexibility and creative thinking to continually adapt and refine the exam system—particularly as the City faces ongoing problems associated with the COVID-19 pandemic. Moreover, opportunities exist to reform components of the exam system to better reflect the policy goals that the system is intended to advance. The Committees look forward to hearing more about current innovations in exam system administration, as well as old and new challenges, in an effort to optimize local administration of this critical system.

1. *See* Civil Service Law (CSL) § 44; *Exams*, NYC Dep’t of Admin. Services (DCAS) (2022), https://www1.nyc.gov/site/dcas/agencies/exams.page (DCAS-Exams). [↑](#footnote-ref-2)
2. DCAS-Exams. [↑](#footnote-ref-3)
3. *Exam Schedules*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-can-you-find-upcoming-exams.page. [↑](#footnote-ref-4)
4. CSL § 52; *Exam Process: Apply for an Exam*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-you-can-apply-for-and-take-an-exam.page (DCAS-Exam Process: Apply). [↑](#footnote-ref-5)
5. *See*, *e.g*., CSL § 44; Charter § 812; *Fiscal Year 2021 Annual Report*, DCAS, p. 9, *available at* https://www1.nyc.gov/assets/dcas/downloads/pdf/about/dcas\_annual\_report\_2021.pdf (last accessed Oct. 18, 2022) (FY 2021 Report); *Examination FAQs*, CUNY (2022), https://www.cuny.edu/employment/civil-service/examination-faqs/. [↑](#footnote-ref-6)
6. *E.g*., Charter § 814.1; FY 2021 Report at 9. [↑](#footnote-ref-7)
7. N.Y. Const. art. V, § 6; CSL §§ 1 *et seq*., (especially §§ 50 *et seq*.). [↑](#footnote-ref-8)
8. CSL § 15 (4); *City v. Civil Service Commission*, 60 N.Y.2d 436, 441 (1983). [↑](#footnote-ref-9)
9. *E.g*., CSL § 50 (setting forth general examination administration requirements). [↑](#footnote-ref-10)
10. DCAS-Exams. [↑](#footnote-ref-11)
11. Charter §§ 811, 814 (a)(1), (3), (4)-(5). [↑](#footnote-ref-12)
12. *See generally* Charter § 813. [↑](#footnote-ref-13)
13. Charter § 813 (d). [↑](#footnote-ref-14)
14. *See* DCAS-Exam Process: Apply; *see also Exam Process: Take An Exam*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-do-you-take-an-exam.page (DCAS-Exam Process: Take); *Exam Process: Get Your Results*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/how-do-you-get-your-results.page (DCAS-Exam Process: Results). [↑](#footnote-ref-15)
15. *Id*. [↑](#footnote-ref-16)
16. CSL § 65. [↑](#footnote-ref-17)
17. DCAS-Exam Process: Apply. [↑](#footnote-ref-18)
18. *Id*.; DCAS-Exams. [↑](#footnote-ref-19)
19. *Id*. [↑](#footnote-ref-20)
20. CSL § 50 (5); *Exam Process: Paying the Exam Fee*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/paying-the-exam-application-fee.page (DCAS-Exam Process: Fees). [↑](#footnote-ref-21)
21. CSL § (5)(a). [↑](#footnote-ref-22)
22. CSL § 50 (5)(b); *See* *Online Application System 2.0: FAQ, Fee Waivers*, DCAS (2022) https://a856-exams.nyc.gov/OASysWeb/Home/FAQ (FAQ: Fee Waivers). [↑](#footnote-ref-23)
23. CSL § 50 (5)(d). [↑](#footnote-ref-24)
24. DCAS-Exam Process: Results. [↑](#footnote-ref-25)
25. *The Dynamic Mayor’s Management Report*, DCAS, p. 394, *available at* https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2022/dcas.pdf (MMR) (last accessed Oct. 18, 2022). [↑](#footnote-ref-26)
26. CSL § 50-a; DCAS-Exam Process: Results. [↑](#footnote-ref-27)
27. *Id*. [↑](#footnote-ref-28)
28. CSL § 50 (6); DCAS-Exam Process: Results; Sarah Church, et al., *Tensions, Trends, and Tradeoffs: Recommendations Towards an Equitable, Efficient, and Effective Civil Service System*, Citizens Union, pp. 59-60 (Apr. 23, 2012), *available at* https://citizensunion.org/wp-content/uploads/2016/07/CU\_CapstoneReport\_CivilServiceReform.pdf (Church et al.). [↑](#footnote-ref-29)
29. DCAS-Exam Process: Results. [↑](#footnote-ref-30)
30. CSL §§ 55-a; 85 *et seq*. [↑](#footnote-ref-31)
31. CSL §§ 85 *et seq*. [↑](#footnote-ref-32)
32. CSL § 55-a; *55-a Program*, DCAS (2022), https://www1.nyc.gov/site/dcas/employment/55-a-program.page. [↑](#footnote-ref-33)
33. *See*, *e.g*., *City v. Civil Service Commission*, 60 N.Y.2d 436, 447 (1983). [↑](#footnote-ref-34)
34. MMR at 391. [↑](#footnote-ref-35)
35. *Id*. at 393. [↑](#footnote-ref-36)
36. *Id*. [↑](#footnote-ref-37)
37. *Id*. at 394. [↑](#footnote-ref-38)
38. FY 2021 Report at 4-5. [↑](#footnote-ref-39)
39. Church et al. [↑](#footnote-ref-40)
40. MMR at 394. [↑](#footnote-ref-41)
41. Church et al. [↑](#footnote-ref-42)
42. *Impact of the Pandemic on New York City’s Municipal Workforce*, Office of the State Comptroller, p. 10 (Feb. 2022), *available at* https://www.osc.state.ny.us/files/reports/osdc/pdf/report-18-2022.pdf (State Comptroller). [↑](#footnote-ref-43)
43. Ana Champeny, *18,000 Vacant City Jobs is More Than Enough,* Citizens Budget Commission (Mar. 30, 2022) https://cbcny.org/research/18000-vacant-city-jobs-more-enough#:~:text=The%20City%20Will%20Continue%20to,300,446%20onboard%20full-time%20staff (Champeny). [↑](#footnote-ref-44)
44. *Id.* [↑](#footnote-ref-45)
45. DCAS-Exam Process: Apply; DCAS-Exam Process; Take. [↑](#footnote-ref-46)
46. DCAS-Exam Process: Fees. [↑](#footnote-ref-47)
47. *Id*. [↑](#footnote-ref-48)
48. MMR at 394. [↑](#footnote-ref-49)
49. *E.g*., *8 Challenges to Overcome in a Civil Service Exam*, Civil Service Success, *available at* https://civilservicesuccess.com/8-challenges-to-overcome-in-a-civil-service-exam/ (last accessed Oct. 18, 2022). [↑](#footnote-ref-50)
50. *Online Application System 2.0: FAQ,* DCAS (2022), https://a856-exams.nyc.gov/OASysWeb/Home/FAQ. [↑](#footnote-ref-51)
51. Champeny. [↑](#footnote-ref-52)
52. *See* Church et al. [↑](#footnote-ref-53)