



Edna Wells Handy
Commissioner

January 14, 2011

Wayne A. Rustin
Chief Human Capital Officer
Citywide Personnel
Services

Nancy B. Kiyonaga
Director, Commission Operations & Municipal Assistance
New York State Department of Civil Service
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Dear Ms. Kiyonaga:

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I am pleased to forward to you the DCAS Progress Report on Provisionals. This submission reports on data from the period beginning June 1, 2010 and ending November 30, 2010. This submission includes the following:

- DCAS Progress Report on Provisionals
- A listing of all competitive class titles with the number of provisionals serving at the beginning and end of this reporting period.
- A report that reflects the provisionals serving in each agency, also at the beginning and end of this reporting period.
- A detailed listing of provisionals serving in the face of a list at the Transit Authority (TA).

As you may be aware, by this fifth semi-annual progress report, the City was targeted to reduce 14,357 provisionals. To date, the City has reduced 11,662 provisionals: 63 through Position Classifications and 10,999 through appointments from eligible lists and other various internal provisional reduction actions.

We are behind our Performance Targets because the 14,357 provisionals were intended to be reduced through a combination of classification actions and appointments from eligible lists. As we have discussed with the SCSC previously through our reports as well as our ongoing meetings and discussions, we have forwarded five submissions to the SCSC for approval regarding 61 titles proposed for classification in the exempt or non-competitive class. We have yet to receive any feedback of actions being taken by the SCSC on the pending classification proposals. This delay is causing hardship for DCAS because we cannot proceed in due course on our classification proposals, including future proposals. Classifying titles out of the competitive class will enable us to make continued progress toward our goal of reducing the number of competitive titles requiring examinations. In turn, we will be able to give more frequent examinations for the remaining competitive titles and reduce provisional employees in City government, while enabling agencies to continue to perform the critical operations of their missions and maintain the required level of responsiveness to the public.

As of November 30, 2010, there were 26,135 provisional employees, a decrease of 11,662 from the May 31, 2008 baseline number of 37,797, or 31%. The number of provisionals serving in the face of viable eligible lists, a specific area of focus in our provisional reduction effort, decreased from 12,645 as of May 31, 2008 to 2,571 as of November 30, 2010, a reduction of 80%¹. These 2,571 provisionals include the 1,694 provisionals serving in titles for which lists were established less than four months prior to November 30, 2010 (and, therefore, cannot yet be considered improper provisional appointments).

Of the 2,571 provisionals serving in titles for which lists were established, 877 are serving in titles for which lists were established before July 31, 2010 (that is, at least four months prior to November 30, 2010). With respect to these 877 provisionals:

- ◆ 14 provisionals are in two titles with lists certified to the Transit Authority;
- ◆ 608 provisionals are serving in eligible lists that move from being viable to nonviable regularly due to restorations, such as EMS-Paramedic as discussed below; and
- ◆ We are working with the agencies to resolve the remaining provisionals. Most are still serving due to operational issues and are expected to be resolved shortly. Some of these issues are outlined below.

As explained in earlier correspondence, all efforts towards reducing the number of provisionals must take into account the need for City agencies to continue to provide vital and important services that are operationally critical. In certain cases, agencies have experienced unavoidable delays in addressing their provisionals and in other cases, there are reasonable explanations for the existence of provisionals in the face of a list as noted on the report. Some outstanding issues include:

Citywide Hiring Freeze

Due to budget constrictions, the Office of Management and Budget is not approving new hires, including hires of eligibles from civil service lists to replace provisionals. Until approval is granted, further reduction of provisional employees is delayed.

EMS-EMT and EMS-Paramedic (FDNY)

The list for EMS-EMT was established on November 17, 2010. The candidates on this list are currently being investigated and upon the completion of the investigations, the list will be certified to replace provisionals in this title. A new EMS-EMT class is scheduled for February 2011, after which at least 90 appointments will be made off the EMS-EMT list. Due to the public safety nature of this position, the provisionals in this title will be replaced in groups over the next year ensuring that disruptions to agency operations are minimized. A second open competitive exam for EMS-EMT is expected to be open for filing in January 2011, along with the open competitive and promotion exams for EMS-Paramedic.

¹ As new eligible lists are established throughout the year and existing eligible lists expire or become non-viable, employees serving in the face of an eligible list at two different points in time are not necessarily the same people.

Clerical and Administrative Titles

We are making strides in the entire sector of the clerical and administrative workforce. As of May 31, 2010, there were 690 provisional Clerical Associates and 441 Secretaries citywide. I am pleased to report that there are now only 10 provisional Clerical Associates and 27 Secretaries. We are working with agencies to resolve the remaining provisionals in these two titles.

While the promotion and open competitive lists for Principal Administrative Associate have been made public, due to budgetary constraints as noted above, these lists have yet to be established. The establishment of the eligible lists resulting from the open-competitive and promotion exams for Principal Administrative Associate, administered in June 2009 to 20,484 candidates, will significantly further reduce the number of provisionals.

Transit Authority (TA) Titles

The TA has greatly reduced their provisionals serving in titles with eligible lists. We are hopeful that they will continue to work with us in our efforts to reduce provisionals at the TA and citywide.

With regard to the divestiture issue, we are continuing to work with the TA and Triborough Bridge and Tunnel Authority (TBTA), conducting regular discussions and meetings with the operational, technical, and legal offices of the TA and TBTA; and, together, we are resolving remaining issues relating to an interim delegation of examination responsibilities.

During the last reporting period, we reported on some issues affecting our provisional reduction effort. An update on those issues not previously discussed is detailed below:

- ♦ Laboratory Microbiologist at the Department of Health and Mental Hygiene (DOHMH): On July 31, 2010, there were 26 provisional Laboratory Microbiologists. We are pleased to report that there are now only three provisional Laboratory Microbiologists. We are still working with DOHMH to identify the candidates on the eligible list who possess the appropriate license through a selective certification.
- ♦ Job Opportunity Specialist and Supervisor I (Social Services) at Human Resources Administration (HRA): On May 31, 2010, there were 525 provisional Job Opportunity Specialist and Supervisor I (Social Services); as of November 30, 2010, there were only 163 Job Opportunity Specialist and one Supervisor I (Social Services) at HRA. As replacing provisionals in these titles is especially problematic due to legal mandates in providing social services, we are continuing to work closely with HRA to replace these remaining provisionals.

We are pleased that the number of provisionals has been reduced by 31% in two years, and we expect that this trend will continue for the remaining years of the Plan.

As always, we look forward to continuing to work with you throughout the course of our Five Year Plan. If you have any questions, please call me at 212-669-2244.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Wayne A. Rustin". The signature is written in a cursive style with a large, looping flourish at the end.

Wayne A. Rustin

C: Patricia Hite, New York State Civil Service Commission

Stephen Goldsmith, Deputy Mayor for Operations

Edna Wells Handy, Commissioner, Department of Citywide Administrative Services

Michael A. Cardozo, Corporation Counsel

James F. Hanley, Commissioner of Labor Relations