

July 15, 2011

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Commissioner

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

I am forwarding to you the DCAS Progress Report on Provisionals. This submission reports on data from the period beginning December 1, 2010, and ending May 31, 2011. 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 of May 31, 2011, there were 24,463 provisional employees, a decrease of 13,334 from the May 31, 2008 baseline number of 37,797, or 35%. 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 2,889 as of May 31, 2011, a reduction of 77%¹. These 2,889 provisionals include the 1,429 provisionals serving in titles for which lists were established less than four months prior to May 31, 2011 (and, therefore, cannot yet be considered improper provisional appointments).

Of the 2,889 provisionals serving in titles for which lists were established, 1,460 are serving in titles for which lists were established before January 31, 2011 (that is, at least four months prior to May 31, 2011). With respect to these 1,460 provisionals:

- ◆ 65 provisionals are in four titles with lists certified to the Transit Authority;
- ◆ 758 provisionals are serving in eligible lists that move from being viable to nonviable regularly due to restorations, such as EMS-Paramedic; and
- ◆ 637 are unresolved due to operational issues at the agencies.

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.

We are working with the agencies to resolve the remaining provisionals. Most are expected to be resolved shortly. Some delays due to operational issues are outlined below.

I am pleased to announce that the City is currently at its lowest provisional count since 1999. As noted in the Provisional Reduction Plan, by this sixth semi-annual progress report, the City was targeted to reduce 22,003 provisionals. While we did not hit this target, to date, the City has reduced 13,334 provisionals: 162 through Position Classifications and 13,172 through appointments from eligible lists and other internal provisional reduction actions.

We are behind our Performance Targets because the 22,003 provisionals were intended to be reduced through a combination of classification actions and appointments from eligible lists. For example, we expected to reduce 7,288 provisionals by Jurisdictional Classification actions, all of which require SCSC approval (as of 5/31/11, no provisionals were reduced by Jurisdictional Classification). We have forwarded five proposals to the SCSC for approval covering 61 titles proposed for classification in the exempt or non-competitive class. Classifying titles out of the competitive class will enable us to make continued progress toward our goal of reducing the number of competitive exams 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.

In addition, we expected to reduce 14,391 provisionals through appointments from eligible lists and other internal provisional reduction actions. (13,172 provisional appointments were reduced through this manner as of May 31, 2011). Due to the City's budget situation, the routine appointment processes have essentially ground to a halt, unfortunately slowing or stalling even the hiring of eligibles from civil service lists to replace provisionals. This has delayed the reduction of provisional employees. However, we believe that by the end of the next reporting period, this situation will change and agencies will continue to resolve provisionals serving in the face of a civil service list.

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:

EMS-EMT and EMS-Paramedic (FDNY)

The list for EMS-EMT was established on November 17, 2010. Classes took place in February 2011 and May 2011. The next class is expected in September 2011. Due to the public safety nature of this position, the remaining provisionals in this title will be replaced in groups over the next several months ensuring that disruptions to agency operations are minimized. The list for EMS-Paramedic was established after the reporting period and a class is scheduled for July 2011. It is expected that many provisionals will replace themselves at that time.

Job Opportunity Specialist (HRA)

On May 31, 2009, there were 702 provisional Job Opportunity Specialists at HRA; as of May 31, 2011, there were only 100 Job Opportunity Specialists. As replacing provisionals in this title is especially problematic due to legal mandates in providing social services, we are continuing to work closely with HRA to replace these remaining provisionals. A new list for

this title was established after the close of the reporting period.

Clerical and Administrative Titles

We are making strides in the entire sector of the clerical and administrative workforce. As of November 30, 2010, there were 124 provisional Clerical Aides, 10 provisional Clerical Associates, 27 provisional Secretaries, and 1,963 provisional Principal Administrative Associates citywide. I am pleased to report that, as of May 31, 2011, there were only 47 provisional Clerical Aides, 4 provisional Clerical Associates, 9 Secretaries, and 1,303 Principal Administrative Associates (a reduction of 34% citywide using the agency promotional lists for this title). We are working with agencies to resolve the remaining provisionals in these titles.

The open competitive list for Principal Administrative Associate was established after the close of the reporting period. This list will significantly reduce the number of provisionals serving in the City.

Transit Authority (TA) Titles

The TA has greatly reduced their provisionals serving in titles with eligible lists. We expect that they will continue to work with us in our efforts to reduce provisionals at the TA and citywide. As requested, attached is a report of provisionals serving in the face of a list at the Transit Authority.

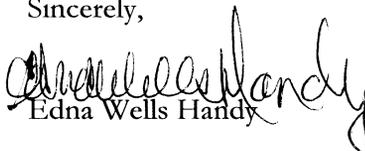
During this reporting period, significant steps were taken toward redefining our relationship with the TA and Triborough Bridge and Tunnel Authority (TBTA). First, draft legislation which will end DCAS' role as the municipal civil service commission for these State authorities was finalized and is currently with the City's Office of State Legislative Affairs in Albany. Second, we have signed a Memorandum of Understanding with the TA authorizing the TA to develop and administer examinations for TA-specific titles. We anticipate that a similar arrangement will be agreed upon with the TBTA during the next reporting period.

We are pleased that the number of provisionals has been reduced by 35% in two and a half years, and we expect to reduce that number even further over 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) 386-0201.

Thank you.

Sincerely,



Edna Wells Hardy

C: Patricia Hite, New York State Civil Service Commission
Stephen Goldsmith, Deputy Mayor for Operations
Michael A. Cardozo, Corporation Counsel
James F. Hanley, Commissioner of Labor Relations
Maria DiPaola, DCAS Associate Commissioner