

January 13, 2012

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Commissioner

Maria DiPaola
Chief Human Capital Officer

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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 June 1, 2011, and ending November 30, 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 November 30, 2011, there were 23,108 provisional employees, a decrease of 14,689 from the May 31, 2008 baseline number of 37,797, or 39%. 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 2,735 as of November 30, 2011, a reduction of 78%¹. These 2,735 provisionals include the 720 provisionals serving in titles for which lists were established less than four months prior to November 30, 2011 (and, therefore, cannot yet be considered improper provisional appointments).

Of the 2,735 provisionals serving in titles for which lists were established, 2,015 are serving in titles for which lists were established before July 31, 2011 (that is, at least four months prior to November 30, 2011). With respect to these 2,015 provisionals:

- 30 provisionals are in six titles with lists certified to the Transit Authority;
- 354 provisionals are serving in three titles where the eligible lists move from being viable to nonviable regularly due to restorations, and
- 1,631 are unresolved due to a citywide hiring freeze and 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. Delays due to operational issues will be outlined later in this letter.

I am pleased to announce that the City is currently at its lowest provisional count since provisional reporting began, in 1990. As noted in the Provisional Reduction Plan, by this seventh semi-annual progress report, the City was targeted to reduce 22,581 provisionals. While we did not hit this target, to date, the City has reduced 14,689 provisionals: 629 through Position Classifications and 14,057 through appointments from eligible lists and other internal provisional reduction actions.

The 22,581 provisionals were intended to be reduced through a combination of classification actions and appointments from eligible lists. For example, we expected to reduce 7,866 provisionals by Jurisdictional Classification actions, all of which would require SCSC approval. Prior to this reporting period, we had forwarded five proposals to the SCSC for approval covering 61 titles proposed for classification in the exempt or non-competitive class. During this reporting period, we have forwarded one new proposal to the SCSC for approval covering 12 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 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.

In addition, we expected to reduce 14,391 provisionals through appointments from eligible lists and other internal provisional reduction actions. 14,057 provisional appointments were reduced through this manner as of November 30, 2011. Due to the City's budget situation, the routine appointment processes have slowed to the point that even the hiring of eligibles from civil service lists to replace provisionals has been affected. However, this has recently changed and now agencies have started to resolve provisionals serving in the face of a civil service list again.

As previously discussed 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 lists for EMS-EMT and EMS-Paramedic were established on November 17, 2010 and June 1, 2011, respectively. Since then, the number of provisional EMTs has dropped from 745 to 117 and the number of provisional Paramedics has dropped from 354 to 122. That the FDNY maintains EMT and Paramedic provisionals in the face of a civil service list is, essentially, a public safety issue. EMTs and Paramedics are required to have an EMT or Paramedic/REMAC certification for consideration, they must successfully complete a physical agility test, an Investigation Before Appointment (IBA) process, and a medical and psychological exam before appointment. These steps require a lengthy timeline. Often, there are barely enough qualified list candidates to fill a class, let alone replace provisionals. Upon appointment, EMTs and Paramedics must attend and successfully pass an intensive training

program before they are assigned to an ambulance. FDNY generally conducts EMT classes three to four times per year and Paramedic classes once a year. As classes are conducted, we expect the number of provisionals in these two titles to continue to decrease.

Job Opportunity Specialist (HRA)

On May 31, 2009, there were 702 provisional Job Opportunity Specialists (JOS) at the NYC Human Resources Administration (HRA); as of November 30, 2011, there were only 88 provisionals in that title. A new list for this title was established on June 1, 2011 and HRA is using this list to further reduce the provisional employees in this title. HRA has been affected by several factors that have resulted in a critical need to keep JOS provisional staff on board. These issues include: severe overcrowding in the citywide field offices because of the increase in applications for ongoing assistance and emergency payments to prevent evictions and utility turn-offs; an increase in staff shortages due to the City-wide hiring freeze; and work backlogs due to inadequate staffing levels that can affect timeliness and accuracy, which can make the City vulnerable to sanctions from its oversight agencies. We expect that the number of JOS provisionals will decrease by the next reporting period after the completion of a 15 week training period for new employees appointed from the civil service list for this title.

Principal Administrative Associate

Principal Administrative Associate is a title used throughout the City to conduct clerical-administrative work. As of May 31, 2011, there were 1,303 provisional Principal Administrative Associates citywide. I am pleased to report that, as of November 30, 2011, we have reduced that number to 649 Principal Administrative Associates. We are working with agencies to resolve the remaining provisionals in this title and expect to have resolved most by the next reporting period.

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.

On December 1, 2011, DCAS signed a Memorandum of Understanding with the Triborough Bridge and Tunnel Authority (TBTA) authorizing the TBTA to develop and administer examinations for TBTA-specific titles. Draft legislation to end DCAS's role as the municipal civil service commission for these State authorities has been finalized, and we expect the bill to be introduced in the upcoming State legislative session. We expect to have more to report regarding this matter after the next reporting period.

We are pleased that the number of provisionals has been reduced by 39% in three years, and we expect to reduce that number even further over the remaining years of the Plan. We acknowledge our need to reassess and reevaluate our performance targets. An area of specific concern is the process by which our classification proposals are being considered by the State. We look forward to being in touch with you over the next few months regarding these issues.

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,



Maria DiPaola

C: Edna Wells Handy, Commissioner of DCAS
Patricia Hite, New York State Civil Service Commission
Caswell F. Holloway, Deputy Mayor for Operations
Michael A. Cardozo, Corporation Counsel
James F. Hanley, Commissioner of Labor Relations