



**Stacey Cumberbatch**  
Commissioner

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June 1, 2014

Hon. Bill de Blasio  
Mayor  
City of New York  
City Hall  
New York, NY 10007

Hon. Letitia James  
Public Advocate  
City of New York  
One Centre Street  
New York, NY 10007

Hon. Scott M. Stringer  
Comptroller  
City of New York  
One Centre Street  
New York, NY 10007

Hon. Melissa Mark-Viverito  
Speaker of the City Council  
City of New York  
City Hall  
New York, NY 10007

Re: LL 50 of 2004 Annual Report

Dear Sirs and Madams:

New York City Administrative Code Section 12-206, added by Local Law 50 of 2004, requires the Commissioner of the New York City Department of Citywide Administrative Services ("DCAS") to report annually by June 1 to the Mayor, Comptroller, Public Advocate and Speaker of the Council of the City of New York on civil service eligible lists established during the previous calendar year and on various information regarding the use of eligible lists by agencies. The four attached reports, "ELIGIBLE LISTS ESTABLISHED IN CALENDAR YEAR 2013", "2013 DISPOSITION ACTIONS FOR CIVIL SERVICE LISTS", "REPORT ON REMOVALS," and "PROVISIONAL APPOINTMENTS AND PROMOTIONS IN THE YEAR 2013," provide the required information. A description of these reports and summary data is presented below. For your convenience, an "Agency Code Table" is included as well. We have also included a supplemental analysis to enhance your reading and understanding of the report.

## **I. "ELIGIBLE LISTS ESTABLISHED IN CALENDAR YEAR 2013"**

This report provides information required by Administrative Code 12-206, subsections (b)(1) and (b)(2). These subsections require information regarding "each eligible list established during the reporting year by [DCAS]" and "the dates such lists were established." During reporting year 2013, 60 open-competitive eligible lists were established, and 115 agency and division promotion lists were established.

Some key explanatory points with respect to information for subsections (b)(1) and (b)(2):

- Eligible lists are referred to by the four-digit number given to the examination which resulted in the eligible list. On the attached report, an eligible list resulting from an open-competitive examination is designated “O/C”; eligible lists resulting from a promotional examination are designated “PROM.”
- The eligible lists on this report are arranged in alphabetical order by title. If more than one eligible list was established for a title in 2013 then the lists for that title are arranged in order of the examination number. For example, two eligible lists were established for Architect, identified as Exam No. 4001 and Exam No. 4506.
- One citywide O/C eligible list is established after the administration of an O/C examination. For example, after the administration of O/C Examination No. 3010 for Auto Body Worker, one citywide O/C eligible list for that title was created in 2013.
- By contrast, one or more promotional eligible lists may be created after the administration of a promotional examination, depending on which agencies had employees who took and passed the examination. For example, after the administration of promotional Examination No. 2506 Supervisor of Mechanics (Mechanical Equipment), ten agency promotion lists for that title were created in 2013. Agency promotion lists are arranged in order of agency code.
- Once established, eligible lists must by State law remain in existence for at least one year and no more than four years.

## **II. “2013 DISPOSITION ACTIONS FOR CIVIL SERVICE LISTS”**

This report provides information required by Administrative Code Section 12-206, subsections (b)(3), (b)(5), and (b)(7).

Subsection (b)(3) requires information regarding “the number of persons appointed or promoted from each eligible list and the agencies to which such appointments or promotions were made.” This information is reflected in the “Appointment Count” column and is reported, first, by eligible list and then, within eligible list, by agency. In 2013, there were a total of 6,795 such appointments and promotions.

Subsection (b)(5) requires information regarding “the number of persons who, during the reporting year, were considered and not selected three times from promotion lists”. This information is reflected in the “CNS Count” column and is reported, first, by eligible list and then, within eligible list, by agency. There were 1,340 persons “considered and not selected” (“CNS’ed”) for a third time in 2013.

Some key explanatory points with respect to information for subsection (b)(5):

- A person may not necessarily be CNS’ed for three vacancies in the course of one reporting year. The CNS’s may occur over the life of the eligible list.
- The third CNS will remove a person from an eligible list. (Although a third CNS will remove a person from an eligible list, an agency may request that the person be restored to the list. In this sense, the removal is not final.)

- For the purposes of this report, a person will only be counted as having been CNS'ed three times from a promotion list if the third of the three CNS's (that is, the CNS which resulted in removal from the list) occurred in the reporting year.

Subsection (b)(7) requires information regarding “the number of persons restored to eligible lists and the number of persons restored to promotion lists after having been removed<sup>1</sup>.” With respect to the number of persons restored at the request of an agency after having been CNS'ed on three occasions, this information is reflected in the “CNS Restored Count” column. With respect to the number of persons restored after all other actions resulting in temporary or permanent removal, this information is reflected in the “Elig Restored Count” column. In 2013, there were 148 instances where individuals who were CNS'ed three times were restored at the request of an agency and there were 4,630 instances where persons removed from lists were subsequently restored at their own request.

Some key explanatory points with respect to information for subsection (b)(7):

- As will also be explained below with respect to “removals”, a person may be restored to a list on more than one occasion in a reporting year. Therefore, the numbers reported in these two columns must be understood to reflect the total number of restoration actions in the reporting year and not the number of persons restored to eligible lists.
- The numbers in these columns reflect restorations made to all eligible lists.
- With respect to a restoration after three CNS's, a particular agency is associated with the restoration since only an agency can request restoration in such instances.
- By contrast, with respect to a restoration after a temporary removal action (or an “offside action”), no agency is associated with the restoration since the request is initiated by the person.

### III. “REPORT ON REMOVALS”

This report provides information required by Administrative Code Section 12-206, subsection (b)(6). This section requires “the number of persons removed from eligible lists and the number of persons removed from promotion lists and the reason reported to [DCAS] by the agency for such removal.” This information is reported, first, by eligible list and then, within eligible list, by agency, for each of 17 reasons for removal. There were 28,913 persons “removed” from eligible lists in 2013.

Some key explanatory points with respect to information for subsection (b)(6).

- For the purposes of this report, a person will be deemed to have been removed from a list if the person has been removed either permanently or temporarily from consideration. A temporary removal is termed an “offside” action.
- There are a variety of reasons why a person would be placed “offside” from a list, including, but not limited to, a failure to report for an interview, a failure to report for a medical or

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<sup>1</sup> This report, “2013 DISPOSITION ACTIONS FOR CIVIL SERVICE LISTS,” contains, among other things, the information required by subsection (b)(7) regarding the restoration of persons to lists after having been removed from those lists. The report entitled “REPORT ON REMOVALS” provides information required by Administrative Code Section 12-206, subsection (b)(6), regarding the removal of persons from lists. Therefore, for the information provided in this report regarding restorations to read in chronological order, it may be useful to refer first to the information provided on removals.

physical test, a declination of an appointment, and a failure to report for work after being appointed. A table of disposition codes is provided at the end of this report.

- A person who is placed “offside” is entitled to a total of three restorations during the life of a list. A fourth “offside” action will remove a person permanently from a list.
- Because “removal” has not been defined for the purposes of this report as a permanent removal action, and because a person can be restored and potentially placed “offside” as many as four times in one reporting year, the number reported in response to this subsection must be understood to reflect a total number of actions, and not the number of persons removed from eligible lists.
- The numbers reflected on this report do not include the number of persons removed from a list because of three CNS’s. That number is reflected in the “CNS Count,” above.

#### **IV. “PROVISIONAL APPOINTMENTS AND PROMOTIONS IN THE YEAR 2013”**

This report provides information required by Administrative Code Section 12-206, subsection (b)(4). That section requires information regarding “the number of persons appointed or promoted on a provisional basis during the reporting year and the agencies to which such appointments or promotions were made.” During 2013 there were 6,910 provisional actions, of which 4,703 were provisional appointments and 2,207 were provisional promotions.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Stacey Cumberbatch

C: Dawn M. Pinnock

Enclosures