

July 13, 2012

Edna Wells Handy
Commissioner

Maria DiPaola
Chief Human Capital Officer

Nancy B. Kiyonaga
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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, 2011, and ending May 31, 2012. 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, 2012, there were 21,794 provisional employees, a decrease of 16,003 from the May 31, 2008 baseline number of 37,797, or 42%. 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 2,505 as of May 31, 2012, a reduction of 80%¹. These 2,505 provisionals include the 1,128 provisionals serving in titles for which lists were established less than four months prior to May 31, 2012.

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 eighth semi-annual progress report, the City was targeted to reduce 25,694 provisionals. While we did not hit this target, to date, the City has reduced 16,003 provisionals: 15,365 through appointments from eligible lists and other internal provisional reduction actions, 635 through Position Classifications, and three from Jurisdictional Classifications.

Provisional Appointees in the Department of Education

Your letter dated April 11, 2012 raised specific concerns about the number of provisional appointments within the Department of Education. During Fiscal

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.

Year 2013 we intend to conduct online Education and Experience (E&E) exams for four Occupational Therapist and Physical Therapist titles, which will be administered through OLEE, our web-based software application which conducts and rates E&E examinations. The resulting civil service lists will address more than 1,500 provisional appointments in the Department of Education, approximately 43% of the total number of provisional employees in the agency.

Divestiture of the Transit Authority and Triboro Bridge and Tunnel Authority

Draft legislation to end DCAS's role as the municipal civil service commission for these State authorities has been finalized for introduction. The legislation, A10029, was introduced by Assembly Governmental Employees Chair Peter Abbate. The same-as bill, S7211, was introduced by Senate Civil Service & Pensions Chair Martin Golden. On May 2, 2012, A10029 was referred to the Assembly Corporations, Authorities & Commissions Committee and S7211 was referred to the Senate Transportation Committee.

Modification of the Five Year Plan and Request for Extension

We acknowledge the need to reassess our performance targets and the means by which we intend to meet them. The difficult fiscal climate and the need for continuity in both agency operations and the provision of vital public services have slowed our progress, but the greatest discrepancy between our provisional reduction goals and the measurable impact of our efforts to date can be attributed to the fact that our reclassification proposals have not met with much success. As we discussed at our meeting on June 20, 2012, DCAS will be developing a revised provisional reduction plan and requesting a one-year extension of the five-year timeframe for compliance. A specific focus of this effort is a reevaluation of our current, pending, and planned reclassification proposals. As an example, we have determined that conducting competitive examinations for the Occupational Therapist and Physical Therapist titles mentioned above was more appropriate than seeking non-competitive classification.

We are pleased that the number of provisionals has been reduced by 42% in three and a half years and we are making every effort to continue this downward trajectory. We appreciate the level of support you and your staff have given us and look forward to continuing to work with you over the remainder of the 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
Jerry Boone, Commissioner and President, 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