



NEW YORK STATE SENATOR

Diane J. Savino

DCAS Wants 'Transit' to Do Own Civil Service Hiring

DIANE J. SAVINO October 27, 2009

| ISSUE: **MTA (METROPOLITAN TRANSPORTATION AUTHORITY)**



Claims City Provisionals Down 12%

By ARI PAUL

Department of Citywide Administrative Services Commissioner Martha Hirst reported there has been a 12-percent reduction in provisionals working for the city, which she called part of the good news; of the first year of the agency's five-year plan to reduce temporary workers and hold more civil service exams.

The Chief-Leader/Michel Friang

ON THEIR WAY: Department of Citywide Administrative Services Commissioner Martha Hirst reported there has been a 12-percent reduction in provisionals working for the city, which she called part of the 'good news' of the first year of the agency's five-year plan to reduce temporary workers and hold more civil service exams. Department of Citywide Administrative Services Commissioner Martha Hirst told a State Senate Committee Oct. 21 that her agency's five-year plan to reduce provisional employees was moving faster than expected, and asked that the Legislature act to give New York City Transit and the Triborough Bridge and Tunnel Authority independence in civil service hiring.

'Serious About Using Lists'

Speaking to the Senate Committee on Civil Service and Pensions in lower Manhattan, Ms. Hirst said that there has been a 12-percent reduction in provisional workers from 37,797 to 33,174 since the plan took effect in May 2008. She also noted that there has been progress in holding more exams, saying that the Traffic Enforcement Agent exam was conducted ahead of schedule.

The Chief-Leader/Michel Friang

TRYING TO SAVE THE MARRIAGE: State Senate

Committee on Civil Service and Pensions Chair Diane Savino was skeptical of a DCAS plan to “divorce” New York City Transit and the Triborough Bridge and Tunnel Authority from the city’s central hiring agency. In particular, she cited the Metropolitan Transportation Authority’s often-contentious relationship with Transport Workers Union Local 100.

The Chief-Leader/Michel Friang

TRYING TO SAVE THE MARRIAGE: State Senate Committee on Civil Service and Pensions Chair Diane Savino was skeptical of a DCAS plan to ‘divorce’ New York City Transit and the Triborough Bridge and Tunnel Authority from the city’s central hiring agency. In particular, she cited the Metropolitan Transportation Authority’s often-contentious relationship with Transport Workers Union Local 100.

“There were a number of provisionals serving in the face of existing lists,” Commissioner Hirst said. “We really did need all agencies to understand how serious it is and that they would be precluded from hiring anybody that wasn’t on a civil service list, so we began the process of working directly with all the city agencies.”

She noted that DCAS has been successful in its talks with the Office of Labor Relations and the agencies to speed the replacement of provisional workers when there is an existing list.

“As a result of that, a number of lists started moving at a pace that they really should be moving and now that’s the good news,” she said. “Now, when we establish a list, agencies are right there and beginning to hire from the list if they have the opportunity to hire and certainly replace provisionals serving in the face of those lists, and of course it’s our hope sometimes that provisionals serving are on those lists.”

The five-year plan is the result of a mandate from the State Legislature to reduce the number of provisional employees, who technically are only supposed to briefly fill job vacancies but have been found to fill titles for several years without taking a civil service exam or gaining full job-protection rights. The plan involves DCAS holding more civil service exams per year for titles that require them, but would also move certain titles from the Competitive Class to the Non-Competitive Class as well as broadband and consolidate titles in order to reduce the number of exams it would have to offer.

Skeptical of MTA’s Intentions

While DCAS is pushing for legislative action to hand the exam and hiring authority to NYC Transit and the TBTA for jobs at those agencies, committee chair Diane Savino was skeptical of Ms. Hirst’s assertion that the Metropolitan Transportation Authority should do such hiring in-house.

“The MTA does not have the best relationship with its employees,” she said.

Evelyn Seinfeld, deputy director of research and negotiations at District Council 37, expressed the unions' opposition to consolidation and moving Competitive Class titles to the Non-Competitive Class.

She argued against consolidating titles to meet the requirements of the five-year plan, which would mean having a single exam for a title and the jobs above that title that currently require a promotion exam.

"Moving from level to level now becomes at the agency's discretion, which translates most times to agency favoritism," she said. "In the last year or so we have been faced with five or six different consolidations, and when we've met with DCAS and OLR on clarifying how you move from level to level, we've been met with blank stares really."

Fear Loss of Rights

Several unions oppose moving titles into the Non-Competitive Class because they believe workers in those titles have fewer civil service rights.

"Employees who serve in non-comp titles receive due process protections only after five years, not after one year, and Non-Competitive Class employees have no statutory lay-off protections at all," Ms. Seinfeld said. "The union opposes any plan that would take away

rights and benefits we have all fought to achieve.”

She said that a better solution was to allow provisional workers with two years of satisfactory experience to be allowed to sit for a test for a permanent position.

Ms. Seinfeld also reiterated Senator Savino’s fears about moving exams for NYC Transit and TBTA jobs out of DCAS’s jurisdiction. She said that the agencies have already indicated that they would move titles into the Non- Competitive Class.

“Many of the rights that our members enjoy come from the fact that they are under DCAS authority,” she said. “We are concerned that if the TA and, to a lesser degree, the TBTA were allowed to become their own civil service authority, our members would see their rights and benefits diminished.”