



ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK

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Civil Service Workforce and Pension Fund

To discuss retention and recruitment for civil service jobs in New York State and the
New York State pension fund

before the

THE NEW YORK STATE SENATE STANDING COMMITTEES ON CIVIL SERVICE

Comments Submitted by the Association of Towns of the State of New York

October 13, 2023

Thank you for inviting the Association of Towns of the State of New York (AOT) to offer our thoughts on retaining and recruiting for civil service jobs in New York. The 933 towns in New York State serving 9 million residents – about half the state’s population – maintain a sizeable public workforce to provide essential services like highway maintenance, water and sewer services, and programs to enrich the community. However, the well-documented changes to the post-pandemic labor market, which includes a significant rise in available jobs that remain vacant, imperils the delivery of these necessary services. Municipalities and private companies have always competed for talent; however, in a job market where applicants have a plethora of opportunities, certain aspects of the civil service process place municipalities at a disadvantage compared with their private counterparts. We have heard time and time again from our members about how civil services rules hinder the hiring process. At the request of our member towns, AOT included making amendments to civil service as part of our legislative priorities for 2023. We anticipate that a similar request will be made for 2024.

Last year, AOT and other statewide organizations suggested ways that civil service rules could change that would help municipalities attract and retain employees without undermining the important protections offered by civil service. We were pleased to see some of these changes, such as allowing for continuous recruitment, included in the FY 2023-2024 New York State Budget. However, we believe the suggestions outlined here should also be made to the civil service process, and that they will facilitate local governments’ ability to hire and maintain a workforce qualified to provide essential services. We look forward to working with the Senate and Assembly on this important issue.

1. Amend the exam process by creating statewide standard grading metrics and updating exam content after consulting with experts from the field.

First, making some changes to civil service exams and the way they are scored will foster confidence in the process and better assess a candidate’s abilities to do the job. Specifically, AOT recommends that the state implement standardized grading

metrics and modernize certain exams to include more practical questions. With respect to standardized grading, imagine taking the same exam twice, once in Erie County and once in Monroe County, inputting the exact same information, like your educational and professional experience, and somehow getting different scores. As nonsensical as this seems, it is a reality under the current system – candidates will take the same exam in multiple jurisdictions, and with all things being equal, score higher on one exam. Understandably, this confuses candidates, makes them wonder about the validity of the test-taking process, and may even deter candidates from applying in the first place. Creating standardized grading metrics for civil service exams eliminates this issue.

Additionally, test takers and employers frequently comment on the outdated subject matter of multiple-choice exams that has little to do with the actual skills necessary for the position. The schism between practical knowledge and ivory tower theoretical is exacerbated in higher level exams as the subject matter becomes increasingly specific. This is problematic for a few reasons. First, it gives the test taker the impression that the municipal employer has no clue what it's doing or the reality of the job. Second, it undermines the purpose of the civil service exam, which is to evaluate whether an individual has the skill set necessary to successfully perform a job. Finally, it potentially creates a pool of candidates who sound good on paper but lack execution skills while keeping those with working, applicable knowledge out. AOT recommends regularly consulting with experts who have field experience on what questions to ask in an exam and asking them to review current questions in order to avoid this issue.

2. Reform the process to transition from a provisional to a permanent appointment.

The way provisional status works under civil service, a municipality may provisionally appoint an individual to a competitive class position if a list of eligible candidates does not exist. The list may not exist because the exam hasn't been administered recently and there is no other appropriate, comparable civil service list available to fill that vacancy on a permanent basis. All provisional appointees must pass a competitive examination and be reachable on the list.

The inherent uncertainty involved in provisional status appointments can scare off excellent candidates from accepting an employment offer. Although trial periods are common in the private sector, the requirement that provisional appointments take an exam and be eligible on the civil service list are significant hurdles that place municipalities at a disadvantage when it comes to attracting and keeping qualified employees. Someone could very successfully be performing all the tasks of a job, fit in well with the work culture, and suddenly have to leave because they did not place at the top of the civil service exam list. This causes organizational disruptions, the loss of obviously qualified and competent individuals, and adds expenses related to finding, interviewing, and hiring new staff.

AOT proposes two solutions to these issues with provisional appointments. First, there should be a cap on how long someone can be considered provisional. For example, after a certain amount of time, between six months and 12 months, if a provisional appointment has successfully been doing their job and the necessary exam still hasn't been offered, they should automatically become permanent. This eliminates the concern that people will not want to accept provisional appointments out of fear that they will be left in perpetual employment limbo. Second, should an exam take place in a reasonable amount of time, a provisional appointment performing well in a position should be scored on a pass/fail basis on the civil service exam rather than have to score among the top. A pass/fail option is far less daunting than having to receive a top score, which makes accepting a provisional appointment more palatable to employees, and it allows municipalities to keep good employees without having to go through the rigmarole of starting the interview and hiring process all over again.

3. Certain part-time positions should be classified as non-competitive on a statewide basis.

Part-time staff is essential to successfully execute municipal services, particularly on weekends and evenings. However, it may not be worth it for someone looking for part-time employment to go through the process of taking a civil service exam, particularly when there is a lot of opportunity available in the private sector. To mitigate the deterring impact competitive examinations have on candidates, we suggest having

the state classify certain part-time positions as non-competitive, thus removing the exam obstacle for potential employees and making it easier for municipalities to hire part-time help.

4. *Allow for electronic canvassing instead of traditional mail.*

Under current rules, physical copies of letters must be mailed to canvas and communicate with candidates about things like examinations and results. This does not comport with the reality of today's society or the preferred method of communication, particularly among younger generations. In addition to dissuading people from applying for open jobs and completely missing out on an entire pool of candidates, printing and postage adds significant costs for municipalities and local civil service departments. It also creates unnecessary delays in the hiring process as mail takes several days to reach its final destination, whereas email offers immediate communication. Allowing email or phone canvassing would significantly reduce the amount of time it takes to hire an individual, cut costs, and align with current cultural practices.

5. *Expand the number of eligible employees for appointments.*

For positions classified as competitive, a municipality may only consider the top three candidates on the applicable civil service list created by the county civil service department based on exam scores. A competitive job market means that employers must cast a wide net, but the rule of three significantly limits a municipality's hiring options. Additionally, limiting the availability of jobs to the top three scorers may prevent people from taking the exam in the first place as being the very best on paper, not in skill, may seem like a Herculean task that also fails to consider that some people's talent does not lie with test taking. Nonetheless, they have the ability and skill to successfully do whatever job is required of them. Expanding the number of eligible employee candidates beyond the top three scorers will broaden the pool of candidates for municipalities and encourage people to take civil service exams.