



Testimony of BOCES of New York State
Hearing of the Senate Committee on Civil Service
and Pension
On the civil service workforce and pension fund
Submitted by Dan White, District Superintendent
Monroe 1 BOCES
on behalf of the BOCES Educational Consortium
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Good morning, Chairperson Jackson and Members of the Senate. I am here on behalf of BOCES of New York State, the entity representing the 37 Boards of Cooperative Educational Services (BOCES) of New York State. Thank you for inviting us to provide some important information about the current state of New York’s civil service workforce in schools, as well as how recent changes have impacted that workforce and ideas for the future.

Boards of Cooperative Educational Services (BOCES) were created by the Legislature in 1948 “for the purpose of carrying out a program of shared educational services in the schools for the supervisory district and for providing instruction in such special subjects as the commissioner may approve.”

For the past 75 years, local school districts have been able to use BOCES to provide a wide range of programs and services through an organizational structure that is a model of inter-district cooperation. In addition, BOCES is able to leverage the strength of multiple school districts and provide a wide variety of services that individual school

districts, especially small, high-need districts, could not efficiently provide. These include but are not limited to:

- Enrichment programs;
- Special education programs;
- Career and Technical education programs;
- Behavioral health services;
- Technology services (through the Regional Information Centers (RICs));
- Professional Development; and
- Central business offices (CBOs).

The nature of the programs and services that our BOCES provide to our component districts means that we employ a significantly higher percentage of civil service employees than our component districts. That is because our RICs and CBOs are comprised of primarily non-instructional civil service staff. This, in combination with the large number of special education programs we provide, which require a significant number of civil service employees to support the certified staff results in roughly 50% of our employees being hired through the civil service system.

We greatly appreciate some of the changes made to the competitive application process in recent years including the addition of in-person test centers, online testing, improvements to continuous recruitments and waiving of certain test fees. We were especially pleased to see the adoption of the new requirement that school districts and BOCES be given notice of all upcoming exams.

At this point, it is too soon to say what the impact of these changes will be, but the willingness to engage in structural changes to the system is welcome and appreciated.

New York was an early adopter of the state level competitive civil service. Since 1885, shortly after the federal adoption of the Pendleton Act, New York State adopted their own program of competitive, intended to be merit based appointments. About 50 years

later, around the same time BOCES were created, the requirements of that system were extended to local governments, including school districts and BOCES.

Unfortunately, in the subsequent decades, the competitive process has not kept up with the changes to the workforce and New York's increasingly diverse population. In many instances, the test content is out of date; and the system is adequately complex that without a personal connection, those interested in entering public service may have a difficult time applying, navigating, and entering the workforce.

Like other employers, BOCES are grappling with the challenges in the current system. In addition to difficulty accessing and navigating the civil service system, many candidates cannot wait months for test results or accept provisional appointments that could last months or years, only to lose a position in which they have provided exemplary service because they were not among the top three test takers.

BOCES are uniquely suited, and motivated to help increase the pipeline of individuals interested in entering the civil service workforce. BOCES, like all employers, are facing critical workforce shortages across certified and civil service titles. BOCES is also the major provider of high-quality, cost-effective Career and Technical Education (CTE) programs and Adult Education in New York State. Every year, thousands of students, youths and adults, statewide participate in these programs, creating a critical pipeline of future employees for many sectors of our economy. However, it is important to note that as educational institutions we have an obligation to our students and must help them pursue secure options and some existing limitations in the current system may serve as deterrents to entering this type of public service.

BOCES of New York State welcomes the opportunity to partner with the State and with Counties to increase and diversify the public service pipeline. To help accomplish that goal, we offer the following recommendations:

- **Update the Current Testing System:** We recognize that eliminating competitive exams entirely may not be constitutionally permissible. However, to

the extent tests must be used, they should be reviewed to ensure that accurately reflect the knowledge and skills associated with the job title associated with it and that they lack cultural bias. In addition, we encourage the test to maximize the use of training and experience exams whenever possible.

- **Encourage Cooperation and Consistency Across Counties and the State:** Inconsistent practices and policies across different county civil service agencies and state civil service can limit growth, opportunity, and entry to the field. Ensuring better consistency and collaboration in titles and scoring could create security that if opportunities in other parts of the state emerge, there will not be a different set of hiring and promotion rules.
- **Increase Frequency of Testing:** Too often, needed positions go unfilled because the required test is not offered for an extended period of time. Test offerings should be reviewed against vacant positions and adjusted on a rolling basis.
- **Shorten Turn Around Times for Scoring:** When tests are offered, it sometimes takes months for them to be scored and canvas lists provided. This can have a chilling effect on applicants' willingness to accept offers that could, in the end, only be short term positions.
- **Improve Pathways for Provisional Employees:** This could be the most impactful of our recommendations. Whether because tests are not offered in time, because scores are not available, or because no one on a canvas list accepts, there will always be a need for provisional employees to be hired. Once a prospective employee has committed to public service and a public employer has invested the resources in training them, if the employee has performed well, there should be a path to retain this employee without returning to a test score or canvas list, sometimes years later. What better demonstration of merit could there be than successful performance in a role? High-performing, dedicated civil servants should know that their jobs are secure. An alternative pathway for these employees should be established. We tell our students throughout their academic careers that their achievements are more than a single test score – the same should be true in their professional careers.

- **Retention is as Important as Recruitment:** While there is a need to bring new individuals into the workforce, it is also important to keep them once they enter. Reforms to the probationary process could help with that. In addition, de-emphasizing the import of promotion exams while emphasizing performance and commitment could help further stabilize and diversify the civil service workforce.

Thank you again for inviting participate in this conversation today. We hope it will be for first of many. We are happy to take any questions at this time.