



Testimony for Senate Standing Committee on Civil Service and Pensions  
October 11, 2023

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My name is Max Prime.

I have the privilege of serving the New York Library Association (NYLA) as their Director of Government Relations and Advocacy. Thank you for providing me with the opportunity to testify today on behalf of our state's libraries, library systems, and the dedicated professionals who operate them.

In New York, employees of municipal, school district, and special district public libraries, as well as public academic and school libraries, are public employees subject to Civil Service law. Expressed quantitatively, that means 388 of New York's 755 public libraries, over 50%, are dependent on the efficiency and efficacy of state, county, and municipal Civil Service in their efforts to recruit new staff and retain existing hires. As such, enduring institutional barriers within current law and practices constitute substantial obstacles to success in those pursuits for a large portion of our state's library community.

While our community sincerely thanks the members of the legislature and Governor Hochul for the improvements to Civil Service law advanced during this year's legislative session, including those articulated in Chapters 55, 356 and 358 of the Laws of 2023, areas for improvement remain. Working with legislative partners and allies at external organizations, we are seeking further amendments to processes and protocols within Civil Service for the field of librarianship. These amendments, also outlined in a 2022 letter to Governor Hochul that NYLA joined with six other impacted organizations, are as follows:

### **1. Continuous Recruitment**

*Building on the expanded permissibility of continuous recruitment outlined in Chapter 55, establishment of continuing eligible lists should be not only permitted where the Civil Service Department or a municipal commission finds it appropriate to do so but required where possible. In instances when continuous recruitment is not possible, exams should be offered no less frequently than every two years regardless of the status of existing lists.*

Irregular exam schedules damage the recruitment efforts of libraries and other employers by reducing the number of potential candidates available for permanent appointment. It results in inaccurate lists, titles without lists, and forces organizations to hire provisionally to maintain necessary levels of staffing.

Provisional appointment, while a useful tool for alleviating the immediate issues created by irregular exam schedules, is by no means a sufficient mechanism for addressing the fundamental issue. It can cause quality candidates to not accept positions due to the inherent uncertainty of provisional status. It can also result in a successful provisional incumbent not scoring well enough to be reachable for permanent hire. This leads to organizational disruptions, loss of obviously qualified candidates, and added expenses related to canvassing, interviewing, and onboarding new staff.

Offering tests on a continuous basis increases test visibility for potential candidates and helps ensure viable lists.

### **2. Standard Grading Metrics**

*A public standard across all counties and municipalities should be established for Civil Service grading metrics. These metrics should be understandable and predictable in order to assist potential applicants to take multiple-choice exams as well as complete training and experience-based exams.*

Candidates frequently take the same exam in multiple jurisdictions. The candidates taking the same exam can receive different scores in different jurisdictions. This is particularly concerning when the scores differ on training and experience exams that have been completed with the same information across multiple jurisdictions. This causes unnecessary confusion among candidates and reduces confidence in test results.

Furthermore, this inconsistency disincentivizes candidate interest in pursuing jobs in multiple regions of the state, a reality with the capacity to disproportionately impact libraries who might already struggle to entice top candidates.

### **3. Modernize Exam Content from the Field**

*Individuals from a given profession should be provided with the opportunity to offer input on the content of experience and multiple-choice exams for titles specific to their industry.*

Test takers and employers in the library field consistently note that the subject matter of multiple-choice exams is outdated and irrelevant for assessing skills needed for the positions. For libraries, this manifests in questions about systems and technology no longer in use, like card catalogs, with little to no applicability for modern librarianship. This is exacerbated in higher level exams as the subject matter becomes increasingly specific. Subject experts from the field should be regularly engaged to increase the relevance of the questions and to assess necessary skills.

### **4. Transitioning from Provisional to Permanent Appointment**

*If a test is not offered within nine months after an individual is provisionally appointed to a position, an employee's appointment should be made permanent. If an exam is offered within nine months, a person in the provision appointment should be scored as pass/fail on that exam.*

As detailed in item one, provisional hiring can create severe complications in the hiring process. Establishing a limit on the maximum timeframe for provisional status would help reduce organizational impacts and job uncertainty for potential candidates. At the same time, it would enhance the ability of libraries to recruit staff and reduce the significant and recurring costs associated with onboarding new hires.

Likewise, allowing provisionally appointed employees with demonstrated success in a position to take a test on a pass/fail basis would help libraries retain quality staff with proven abilities and invaluable institutional knowledge. It can also help avoid situations where such employees are outscored by candidates who lack the experience or soft skills of the provisionally appointed person already in that role.

### **5. Part-Time Positions**

*Part-time positions (i.e., less than 25 hours per week) should be non-competitive by operation of law instead of the local rule.*

Recruitment of part-time staff is essential to libraries, as it is for many industries who by necessity operate outside of traditional 8-hour daytime shifts. Unfortunately, it is also increasingly difficult. Complex testing and hiring procedures can result in potential candidates choosing not to pursue these part-time jobs,

particularly when there are part-time opportunities more readily available in the private sector.

Allowing for noncompetitive appointments for certain part-time titles on a statewide basis would significantly reduce these hiring obstacles.

## **6. Expand Electronic Canvassing**

*Simplify the list canvassing process by allowing for across-the-board email and phone contact in lieu of mailing letters.*

Expanding on Chapter 358's work to improve systems for exam announcements, allowing email or phone canvassing would create a significant reduction in hiring times and reduce the ongoing organizational impacts of unfilled positions. The processes involved in preparing and distributing physical canvas letters are inherently slow and inefficient. Doing so fails to take advantage of the benefits provided by modern modes of communication and, as such, creates needless costs and slows down the hiring process.

## **7. Expand the number of eligible employees for appointment to a Rule of 5**

*The Rule of 3 restricts the number of candidates that are eligible to be canvassed when public employers are seeking employees.*

Under current law, public employers may only canvass for potential applicants that scored within the top 3 on the applicable civil service list that the county civil service agency sends the employer. This unnecessarily limits the number of eligible potential employees and reduces the competitiveness of the position. Expanding the number of employees to the top 5 scorers on the applicable test will assist public employers in better serving their constituencies and potentially help recruit previous library employees who have recently graduated from library school but lack the post-master's experience to score as high as some more established candidates.

Beyond individual reforms to Civil Service, NYLA advocates for the amendment of retirement and social security law to allow participation of free association libraries in the New York State and Local Employees Retirement System. Currently, only a limited number of association libraries are able to participate in the State retirement system, accomplished through individual legislative acts. These libraries are subject to the same rights and responsibilities under education law as municipal, school district, and special district public libraries, but often lack retirement benefits that might attract or retain employees. This leads to attrition of talented library staff who, as they advance in their career, seek opportunities that provide more support for their eventual retirement.

As such, we ask the Committee to advance Sen. Palumbo's S4245, which would accomplish this task.

New York's library community sincerely appreciates this opportunity to share with the Committee about the impact of Civil Service and pensions on the retention and recruitment in the library field. We look forward to the year ahead and working together on this important issue.

Sincerely,

Max Prime  
Director of Government Relations and Advocacy  
New York Library Association