

The County Perspective

Civil Service Workforce & Pension Fund

Comments submitted by the
New York State Association of Counties



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

to the

Senate Civil Service and Pensions Committee

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Hon. Daniel P. McCoy, President
Stephen J. Acquario, Executive Director

Introduction

On behalf of the 62 counties of the State of New York, thank you for the opportunity to submit written testimony on the retention and recruitment for civil service jobs in New York, the New York State Pension Fund, pensions, and civil service benefits.

County government employees are the on-the-ground service providers for almost every State program in New York. This includes administering social services and safety net programs, providing public protection and criminal defense, building and maintaining infrastructure, promoting public health, and assisting aging New Yorkers. It takes an army of dedicated public sector employees to provide these vital services, the vast majority of which are hired and retained under the umbrella of New York State's Civil Service laws.

Prior to the COVID pandemic, and coming off the 2007-09 recession, we had to learn how to do more with less staff. State and local funding cuts resulted in a 4.5% workforce reduction between 2010 and 2020. We have continued to lose public servants since 2020, consistent with a disturbing national trend. According to the Bureau of Labor Statistics, the number of private sector jobs nationwide has surpassed pre-pandemic levels. However, in the public sector, there are still 664,000 fewer people employed than there were before the pandemic.

As public employees have left for private sector jobs, county governments have struggled to fill vacancies. This has put more stress on our ability to provide services in all areas. NYSAC is requesting state action to address the shrinking pool of public employees and hard-to-recruit specialized workers. The following testimony includes proposals to address public sector workforce challenges, including comprehensive civil service reform to address the antiquated process for hiring public sector employees.

Addressing Public Sector Workforce Challenges

Investing in Diversity

For too long, women and minority groups have been underrepresented in the public sector workforce. Finding ways to recruit and retain more minority candidates will both increase the pool of qualified applicants and bring fresh ideas and perspectives that will help to improve government services.

Counties have recently implemented multiple programs to create a more diverse workforce. Three examples of successful programs come from Tompkins, Monroe, and Albany counties:

- **Tompkins County:** The Diversity Consortium of Tompkins County, Inc. (DCTC) is a joint effort of local employers and leaders dedicated to promoting diversity and inclusion in Tompkins County.
- **Monroe County:** Monroe County's Department of Diversity, Equity, and Inclusion works across all Monroe County departments to support the recruitment, retention, promotion, and development of people from diverse backgrounds. The Department's work oversees the cultivation of a diverse,

equitable, and inclusive culture that is intentional about access and opportunity for marginalized populations. Since its implementation, the Department has assisted county leaders in ensuring that processes, procedures, and services performed by Monroe County are equitable for all.

- **Albany County:** Albany County's Human Resource Affirmative Action Division proactively recruits qualified women, minorities, disabled individuals, and veterans for current and future job vacancies. The County encourages employees to enroll in the division's Employment Referral Program by submitting resumes and employment applications to the division. The county encourages employees to enroll in the division's Employment Referral Program by submitting resumes and employment applications to the division. Upon receipt of resumes and applications for employment, the Division conducts a prescreening interview, and the candidate's information is added to a resume database. This database is used to select qualified individuals for referral to county departments and authorities whenever vacancies occur.

While these county programs have seen success, state assistance is needed to increase our public sector candidate pool through training and outreach. This should include additional funding and media campaigns to raise the public's awareness of job openings and the benefits of working in state and local government. Additionally, New York State should use the SUNY system to encourage, incentivize, and train students to pursue careers in government.

Fiscally Responsible Incentives

to join and stay in the public sector. In the aftermath of the Great Recession, the State and local governments were charged with providing more services with less funding. This resulted in a decade of shrinkage in the public sector workforce. Today, it is not uncommon to see a local government with an aging workforce and a significant gap in employees who are trained and ready to advance to the next level within a department.

County governments have worked with local unions to address recruitment and retention challenges. They negotiated significant pay increases, some of which have approached 20 percent annual increases, to attract and retain workers. Counties have also continued to provide generous family healthcare benefits to employees and their families. Additionally, they have offered more flexible schedules, allowing for more flexible hours and remote or hybrid work.

If New York State does elect to repeal or reform Tier 5 and Tier 6, we request that the State meets all additional costs of this action in order to prevent significant property tax increases for local taxpayers.

Reforming the Existing Civil Service System

. Civil Service laws and regulations are bedrocks of the public employment system. Their purpose is twofold: to ensure the most qualified candidates are hired and to provide protection to individuals throughout the hiring and employment process. New York's Civil Service Law and Civil Service Department have done a tremendous job of

accomplishing these goals for decades, but even a good system needs adjustments from time to time.

Counties have all reported that they are losing quality employee candidates to the private sector. This is, in part, due to the civil service testing process, which can take upwards of nine months. As one can imagine, quality candidates are not waiting up to nine months to secure employment. Speeding up the onboarding process will help with recruitment challenges. NYSAC recommends the following seven reforms be implemented to improve civil service hiring process:

1. **Extend Continuous Recruitment:** Continuous recruitment should be required where possible. In instances when continuous recruitment is not possible, exams shall be offered no less frequently than every two years, regardless of the status of existing lists. Irregular exam schedules reduce the number of potential candidates. It results in broken lists and titles for which there are no established lists. This creates the need for organizations to hire provisionally.
2. **Standardize Grading Metrics:** A public standard across all counties 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 and 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.
3. **Modernize Exam Content from the Field:** Individuals from the profession should be given the opportunity to provide input on the content of experience and multiple-choice exams specific to their industry. Test takers and employers frequently comment that the subject matter of multiple-choice exams is quite outdated and has little to do with assessing skills needed for the positions. 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. **Reform the Rule of 3:** 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 who scored within the top three 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 five scorers on the applicable test will assist public employers in better serving their constituencies while at the same time still providing protections that the most qualified person gets the job.
5. **Allow Licensed Occupation Local Approval:** The State should allow local governments to bypass exam or civil service requirements for positions that require already approved and obtained New York-accredited licenses.

6. **Authorize the Transition from Provisional to Permanent Status at Local Option:** If a state test is not offered within nine months of an individual being provisionally appointed to a position, then the State should allow a county government the discretion to grant that employee permanent status.
7. **Reform Residency Requirements:** Amend Public Officers Law § 3 to allow for full home rule authority to determine county employee residency requirements. This will increase the candidate pool for job openings.

Conclusion

Government employers are struggling to hire and retain employees in large part due to constraints within the existing civil service system and government bureaucracy. We appreciate the State Legislature's attention to this issue and thank you for your consideration of the abovementioned recommendations. We look forward to continuing to work with you to address these challenges and bolster our state's ability to hire and retain talented government employees.