



## **Testimony of the New York State School Boards Association**

### **New York State Senate Standing Committee on Civil Service & Pensions**

#### **Public Hearing: To discuss retention and recruitment for civil service jobs in New York State and the New York State pension fund**

**Submitted October 11, 2023**

Good afternoon. My name is Brian Fessler and I am the Director of Governmental Relations for the New York State School Boards Association. I want to thank Senator Jackson and the entire committee for holding this hearing today and inviting us to testify on this important topic. I appreciate the opportunity to offer testimony on behalf of the 670 member school boards we serve.

The past few years have taught us many lessons across every field of public policy. Civil service has been no exception. As the pandemic era and its aftermath have clearly demonstrated, the civil service system is just as sensitive to the dynamics of the labor market as any other component of the workforce. Across New York State, recent years have brought new challenges to public sector employers. Chief among these has been the need to fill key positions and to retain qualified employees over the long term.

Staffing shortages have had an enormous impact on all public sector employers and our school districts and BOCES have been no exception. Most notably for schools, New York is expected to need 180,000 new teachers over the course of the next decade. The shortage of teachers is especially challenging in high-need subjects, in special education, for students of color, and in rural areas. Prioritizing teachers is essential to public school transformation efforts that emphasize access, equity, and innovation.

But staffing challenges exist beyond the instructional classroom roles. We have consistently heard from our members of the need to fill key positions such as bus drivers, school nurses, and other non-instructional staff. This widespread staffing shortage has been set against the backdrop of the growing need to support the well-being of our students as they have returned to the classroom. Perhaps the most pressing example of this is the growing demand for mental health professionals, which has increased exponentially in the wake of the pandemic.

NYSSBA has been supportive of a variety of solutions to address the need for quality staff and to incentivize them to stay in our schools throughout their career. We note the current temporary waiver of the income cap for retired public employees to return to the public workforce. For the past few years, this has allowed recent retirees to fill critical roles within districts. The waiver is currently set to expire June 30, 2024. We have heard from our members that this continues to be an important tool, and we support another one-year extension of the waiver.

We believe that the most effective way to begin addressing the shortage of qualified employees is with the civil service process itself. There can be little doubt that the civil service process is often slow to adapt, inefficient, and laden with burdensome requirements. It would be beneficial to both current and potential public sector employers to adopt several modest changes that would streamline and improve the civil service hiring process. NYSSBA, along with several other statewide organizations, sent a letter to the Governor last year, outlining several of these proposed changes.

NYSSBA was pleased to see some action on these issues included as part of the FY 2023-24 enacted budget, including the allowance of continuous recruitment exams and eliminating the current requirement that there must be an insufficient number of qualified candidates in order to continuously recruit. We were also pleased that the budget made permanent the formerly temporary authority of school districts and BOCES to make conditional appointments for certain positions. These were great first steps toward civil service reform, but there is more to be done.

First, there should be a number of updates made to the exam process. The state should adopt a public standard for civil service grading metrics. These metrics should be understandable and predictable in order to assist potential applicants when taking multiple-choice exams as well as complete training and experience-based exams. In addition, the state should modernize exam content, deriving it from the professionals in the field. These professionals 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.

Next, the provisional appointment process needs reform. If a test is not offered within nine months after an individual is provisionally appointed to a position, an employee should be able to be made permanent. Conversely, if an exam is offered within nine months, a person in the provisional appointment should be scored as pass/fail on that exam. Putting a cap on the maximum timeframe for provisional status would help reduce the organizational impacts and reduce job uncertainty for potential candidates. Allowing a provisional hire who has been successfully working in a position to take a test on a pass/fail basis would increase the chance that the organization could retain an employee successfully working in a position.

Third, part-time positions should be non-competitive by operation of law instead of the local rule. Recruitment of part-time staff is increasingly difficult. Complex testing and hiring procedures can frequently result in potential candidates choosing not to pursue these part-time jobs, particularly when there are ample part-time opportunities in the private sector. Many industries operate outside the traditional Monday-Friday business hour schedules, making part-time staff essential for evening and weekend functions. Allowing for noncompetitive appointments for certain part-time titles on a statewide basis would significantly reduce these hiring obstacles.

Fourth, an electronic canvassing process would simplify the current paper-based canvassing process by allowing for email and phone contact in lieu of mailing letters. Printing, processing, and postage costs are significant whether managed by the local employer or the municipal civil service office. The additional waiting times required to accommodate mailing multiple letters also increases the time needed for the hiring process and slows down operations, leaving positions open longer than necessary.

Finally, we should seek to expand the number of eligible employees for appointments to a list of five rather than three. The present “Rule of 3” restricts the number of candidates that are eligible to be canvassed to those applicants that 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 better serve their constituencies.

Beyond these specific proposed reforms, NYSSBA has also supported proposals aimed at enhancing and embracing diversity of the education workforce. We recognize that both the teaching and non-instructional workforce must continue to diversify so that students are exposed to role models of different races and backgrounds, and district-wide decisions are made with consideration of various viewpoints.

One way to advance this goal is to create a “teacher pipeline” that encourages applicants of diverse backgrounds to explore a career in education. This would include bringing recruitment resources and educational opportunities into secondary schools and historically underrepresented communities. This may take the form of “grow your own” initiatives, which were recently bolstered by a new law signed by Governor Hochul this month. That law, sponsored by Senator Liu and Assemblymember Sayegh, directs SED to create guidance for schools to help develop programs aimed at recruiting underrepresented applicants. NYSSBA was supportive of this law and thanks the sponsors and the governor for bringing it to fruition.

While statutory reforms are important, resources continue to be another critical piece. School districts and BOCES must have adequate resources to attract and retain staff in an increasingly competitive job market. We remain grateful to the legislature and the governor for the commitment to and achievement of full funding of Foundation Aid. Equitable and predictable funding going forward is a must.

Additionally, teaching is a profession and as with licensure for other professions, portability of credentials is an effective recruitment mechanism. To that end, NYSSBA recommends continuing to streamline the teacher certification process for out of state teachers and individuals with previous teaching experience. This will broaden the pool of potential applicants and help bring professionals who already have experience into our schools.

We appreciate your collective attention to these important issues, and we look forward to our continued work together to support our schools in responding to these challenges. Thank you again for the opportunity to speak before you today.