

Unions: Mayor's Reform Plan Threat to Civil Service

Mayor's Bid to Uproot Civil-Service Rights Triggers Union Fury

■ Say 'Reforms' Are Threat To Merit System; Will Oppose in Albany

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By DAVID SIMS |

Labor leaders Jan. 7 reacted angrily to a wide-ranging report on workforce practices from the Bloomberg administration that proposes to reduce the number of civil-service exams given each year, free the city from having to honor seniority rights in making layoffs, and re-classify many union members as managers, a broad rewriting of civil-service rules that would need approval by the Governor and State Legislature.

The unions' ire stemmed from both the plan's components and the lack of consultation or information provided by city officials until the report was verbally presented to the Municipal Labor Committee that morning. Union officials were offered no opportunity to examine it beforehand and were not given copies of the report at the meeting, even though its key details had already been published in the New York Times.

'Not How to Deal With Us'

"It's really not how you deal with unions," MLC Chairman Harry Nespole said in a phone interview. "I told them, 'What do you expect to accomplish today?' All they did was read out a bunch of stuff that affects some unions and doesn't affect others...It was poorly put together, it was something I've never seen done between union and management, and it's just a guerrilla tactic."

Uniformed Firefighters Association President Steve Cassidy said he was "disgusted" the city had not given union heads the report prior to the briefing. "It seems clear that the Bloomberg administration has decided that their new tack is to not discuss anything with us. This does not bode well for collaborative efforts in anything—and I mean anything."

Asked about the lack of advance notice, Labor Commissioner James F. Hanley, who conducted the briefing, said only, "It's a good time to be looking at our hiring and firing procedures. Hopefully we'll be able to find some common ground."

New York State AFL-CIO President Denis Hughes said he was disturbed that Mr. Bloomberg and Deputy Mayor Stephen Goldsmith were seeking to do away with much of a system that has stood statewide since the 1880s and was designed to prevent favoritism in personnel practices. "I think in the scheme of things it's a colossal mistake to change the fairness and the openness of the whole concept of public employment," he said in a phone interview.

'Reopens Door to Patronage'

"This system has helped establish the middle class of the City of New York, and it's just outrageous that they want to open the door to the days of patronage," he continued. "There may be parts in the civil-service law that should be looked at, but the idea of eliminating tests in general is outrageous."

The report was the result of a Workforce Reform Task Force chaired by Martha Hirst, the former Commissioner of the Department of Citywide Administrative Services. Several Commissioners and Deputy Commissioners from other city agencies along with some mayoral advisers served on the panel, which had no union representation.

"He convenes a puppet committee to do an inside job and get the results he wanted from the beginning," United Federation of Teachers President Michael Mulgrew said of the Mayor. "Emperor Mike wants complete control of everyone, in their jobs and their life. That's how I read the report."

Most of the panel's 23 suggested reforms require state approval, as they would alter the Taylor Law and other civil-service statutes. Some smaller changes can be enacted at a city level, which Mr. Bloomberg pledged to do immediately.

‘Civil Service Holding Us Back’

“We have the best workforce in the world, but the civil service is so antiquated that it prevents them from performing up to their abilities,” the Mayor said in a statement. “We have identified 23 concrete, achievable reforms that will help modernize the system and strengthen the whole purpose of civil-service reform: conducting hiring and promotion based on merit.”

The changes fall under three broad categories: governance, hiring flexibility and organizational excellence.

The governance reforms largely focus on the burden of the State Civil Service Commission, which the report says provides unnecessary and slow oversight. The city has sent five proposals to the SCSC for examination in the past 18 months but no action has been taken; the report thus recommends eliminating SCSC oversight entirely through amendment of the state civil-service law.

It would also empower New York City Transit and the Triborough Bridge and Tunnel Authority to administer their own civil-service systems without the city having to devise tests for them.

Wants Many Tests Scrapped

The hiring-flexibility proposals look to move many titles out of the Competitive Class, including all senior management titles, making them non-competitive or exempt, outside of the civil-service exam system. Other titles should be broadbanded or consolidated to “reduce the unmanageable number of competitive examinations the city must administer.”

The amount of time temporary workers can stay on the job should be doubled from 18 months to three years, giving agencies more flexibility to hire staff for specific projects, the report also recommends.

The last set of changes focuses on management and highlights the number of Office of Collective Bargaining proceedings that have classified managerial employees as eligible for collective bargaining. Principals, Precinct Commanders, Assistant Commissioners and Deputy Fire Chiefs are among the titles cited that the report said should be classified as managerial.

It decried the conflicts of interest that it said arose from putting these employees in unions, and the high overtime costs that come with such employees working the long hours often necessary in their jobs. “The task force believes it is critical that the Taylor Law be amended to refine the legal presumption that public employees are eligible for collective bargaining, and to re-define the universe of employees who are deemed to be managerial,” the report stated.

Teachers Main Seniority Focus

These organizational changes also include reforms of the disciplinary process, which the task force says is too inflexible and slow-moving; and a repeal of the reverse-seniority layoff provision for Teachers. “Last-in, first out is a quality-blind approach that can force Principals to lay off excellent Teachers while retaining others who are less effective,” the report states.

All other agencies should be able to organize employees into specific “groups,” allowing them to downsize, based on seniority, in specific business areas rather than across the whole agency, preventing epidemics of “bumping,” the report also advises.

“In the late 19th century, it was recognized that for people to have access to these jobs, they shouldn’t have to have political connections, shouldn’t have to know someone; they had to be competent and they had to pass the test,” Mr. Hughes said of the current system of exams.

“That system has held from 1883 to the present, because it dealt with the basic issue of fairness, of openness, way ahead of its time,” he continued. “The result of these kinds of things is to put working men and women further down on the chain and increase the gap between those who have the most and those who have the least.”

Union leaders said they were discouraged by the entire process. “If the changes are for the better, we’re willing to sit down and talk. If it’s something that destroys what civil service is in place for, then we’re going to battle them,” Mr. Nespoli said, having still not seen the report. “All the union members were very angry over this; they felt slighted, and so did I.”

“If you really want to work with people in tough times, then you have to sit down and work with them,” Mr. Mulgrew said. “They convened a secret puppet committee with no input from anyone except management, and then they asked us for cooperation. You can guess their mood

from there.”

Asked about the chances of the changes gaining legislative approval, Mr. Cassidy said, “If they had worked with us, they could have found common ground with us on some things.” Instead, he continued, the administration will be dealing with “a roomful of labor leaders who will do everything in their power to stop this.”

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