

Employee Groups Applaud Mayor's Plan to Cut Provisional Workforce

By MARK TOOR | Posted: Monday, October 27, 2014 5:45 pm

While expressing sympathy for managers who may not score high enough on civil-service tests to keep their jobs, leaders of public-employee labor groups last week praised Mayor de Blasio for moving to replace more provisional workers in competitive jobs with those who pass such tests.

"We're glad the de Blasio administration is making civil service a priority and is going about diversity in the right way," said Stu Eber, president of the New York City Managerial Employees Association, which advocates for managerial and confidential employees on matters from pay raises to promotion exams.

'Serious About Civil Service'

"Unlike Bloomberg, that guy's serious" about civil service, said Robert J. Croghan, chairperson of the Organization of Staff Analysts, which represents Analyst titles in more than 50 agencies as well as other municipal employees. Referring to the previous Mayor, he said, "Bloomberg was not serious at all...This administration is following the law to a much greater extent and that's a very good thing."

"This is not just about unions," Mr. Eber said. "It's about the civil-service merit system, and it's about diversity."

He said the provisionals issue was "the legacy of 20 years of neglect" by Michael Bloomberg and former Mayor Rudy Giuliani, who depended heavily on provisionals. He declined to discuss possible reasons why.

Cited Special Skills

Mr. Bloomberg and his deputies argued that people brought in from outside could often do a better job than those who had been in an agency for a long time and were versed in departmental minutiae but not management skills. Civil-service unions contended that what he was really after was people without civil-service job protections who would bend the rules to please their bosses.



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STU EBER: 'Glad he's made it a priority.'

“If you’re a provisional not doing what the guy who hired you wants you to do, they’ll fire you,” said Arthur Cheliotas, president since 1979 of Local 1180 of the Communications Workers of America, which represents more than 8,500 workers in mayoral agencies and others including the Transit and Housing authorities, the Health and Hospitals Corporation and the Unified Court System.

In contrast, a civil-service employee gets some job protections, he said, “and they’re a lot more comfortable pointing out problems.”

Mr. Croghan said that provisional titles were given to managers “just to avoid civil service.” Mr. Bloomberg wanted to keep patronage, he said.

‘Imbalance of White Males’

Mr. Eber said the current thinking—which the de Blasio administration shares—is that the government workplace should reflect the people being served, and the managerial ranks should reflect the people being managed. “There’s an imbalance of white males in many agencies,” he said.

The pool of candidates who pass civil-service tests is more likely to include people of color than the pool from which provisionals are selected, he said, adding, “Slowly and surely, we’ll achieve the diversity Mayor de Blasio wants.”

The city recently submitted a plan to the State Civil Service Commission to give additional civil-service tests with the aim of replacing more than 8,500 provisional employees in fiscal years 2015-16. The effort began in 2009 after a Court of Appeals decision involving the city of Long Beach reinforced the nine-month limit on how long provisionals could keep their jobs. Before that, provisional employees had often worked in the same jobs for several years. Mr. Eber said there are some managers who have served provisionally in civil-service titles for 15 years.

Wary of Reclassification

The plan raises the possibility of reclassifying competitive jobs with few incumbents—as many as 1,600 provisionals in 300-odd titles—as noncompetitive to avoid the expense of preparing civil-service tests.

Mr. Cheliotas said that the city has to be cautious about that. “We don’t think that would be appropriate for boutique-type jobs such as Assistant Commissioners and Executive Secretaries,” he said. Before reclassifying jobs, he said, the city should consult with the unions involved.

The new plan extends a five-year program that recently expired. Most of the jobs would be filled from new civil-service rosters; about 1,000 would be reclassified.

Social Service Employees Union Local 371 of District Council 37, which represents Caseworkers and Social Workers, said in an announcement on its website that news reports of the plan, “especially in the Daily News and the Post, only told part of the story, and unfortunately panicked

many. There is no plan to terminate provisionals wholesale.”

Some Can Drop Back

Many provisionals have underlying civil-service titles that they can revert to if they don't score high enough to keep their jobs, Mr. Croghan said. If agencies want to help such employees, he said, they can bring the workers back at the maximum salary for the underlying title.

“You have people who have been managers for years, and one day they could wake up and a subordinate will have their job,” Mr. Eber said.

He agrees with the Department of Citywide Administrative Services that provisionals who have been doing a particular job for years will have a leg up on achieving a high score on a civil-service test for it. But, he noted, some otherwise-competent people have problems passing exams.

“If tests had been given when they should have been given, you wouldn't have this situation,” he said.

Bumping's Disruptions

A provisional worker with an underlying title would bump a provisional from that title, or, if there were no provisionals, would displace a civil-service worker. That worker would either lose his or her job entirely or move to a previous civil-service title, leaving open the possibility of disruptions within agencies.

Mr. Eber said agencies that could be affected include the Department of Environmental Protection, where he said the vast majority of Engineers are provisionals, and the Human Resources Administration, which could conceivably have to bump 1,000 people.

Mr. Croghan said the disruptions could be minimized if the new workers were phased in—a few hundred every couple of months. He criticized Mr. Bloomberg for laying off all provisionals in a title once a civil-service test had been given. “We don't expect that to happen this time,” he said.