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The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

It has become abundantly clear that all sectors of our economy are presently struggling to find employees. Public sector employers are not immune from the national labor shortage and in many ways are more constrained to hire given the additional restraints on who they can hire and how they can be hired. The statutory framework and the civil service rules and regulations pose many unnecessary burdens to hire qualified employees to do the work of the people.

The proposals below will alleviate some of these pressures without diminishing the quality of the public sector workforce. We ask that you consider the following for inclusion in the 2023 Executive Budget:

1. 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.

Provisional status 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 a 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 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.

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. Transitioning from Provisional to Permanent Appointments

If a test is not offered within nine months after an individual is provisionally appointed to a position, an employee becomes permanent.

If an exam is offered within nine months, a person in the provision appointment is scored as pass/fail on that exam.

As described in item one, provisional hires create chaos in the hiring process. Putting a cap on the maximum timeframe for provisional status would help reduce the organizational impacts and reduce job uncertainty for potential candidates. This would result in an increased ability to recruit staff and reduce the significant and recurring costs of onboarding new staff.

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.

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 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 9:00-5:00 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.

6. Allow for An Electronic Canvassing Process

Simplify the list 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.

Allowing email or phone canvassing would create a significant reduction in hiring times and reduce the ongoing organizational impacts of unfilled positions.

7. Expand number of eligible employees for appointments 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 better serve their constituencies.

We ask that you consider including this package of changes in your 2023 Executive Budget for consideration by the Legislature. Each is necessary for the industries and fields that rely on the civil service process to function efficiently in the 21st century.

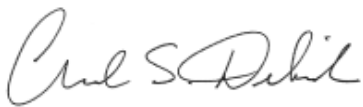
Sincerely,



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Executive Director
New York State Association of Counties



Peter A. Baynes
Executive Director
New York State Conference of Mayors



Charles S. Dedrick, Ed.D.
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