

## Attachment D: Civil Service Law Changes

The Governor's proposal to "enhance and increase flexibility in the Civil Service Law raises numerous questions - on first review, it appears an attempt to cover in non-competitive class workforce - in favor of new hires - to the detriment of career competitive class employees.

Some specifics:

Part M, Article VII - adds a new §66 for Term Appointments in PS&T or other expert services which allows a 5 year appointment without examination to a PS&T or other position requiring special expertise or qualifications. The appointing authority is to certify that because of the type of services to be rendered or the temporary character of such services, it would not be practicable to hold an examination of any kind.

This appears to leave open the possibility that this section could apply to M/C positions - therefore, our concerns.

In addition, I can't think of any position for which there is not an examination of some kind that would be appropriate and practicable, whether it be an evaluation of training and experience, an oral exam or other screening methodology.

Section 51 of the Civil Service Law - Establishes an open promotion examination which could be used to fill PS&T or administrative positions which would cover many M/C positions. We have concerns about how this new exam and subsequent list would be used.

The language in paragraph four states that, "persons may only participate in either the promotion or open competitive examination."

Will this restrict those current employees to only taking a promotion exam, or will the employee have free choice to decide which exam to take, or do we have to wait for the regulations?

### Section 52, Subsection 6 - Promotion and Transfer to Administrative Positions

This looks like another attempt to cover into competitive positions those who were never tested. It will dilute the value of a competitive class position and disadvantage employees in competitive class positions in the identified "administrative positions."

## Section 60 of the Civil Service Law - Certification Lists from an Open Promotion Exam

We have been told that the use of this new proposed “new promotion” list would allow agencies to choose from either the open competitive or promotion list at the same time; allows an appointing authority to use either an open competitive or promotion exam to fill a vacancy. However, there are no standards or criteria so that the entire promotion list could be bypassed for no reason if the agency chooses only the open competitive list - to the severe detriment of employees already working for the state who have proven their worth.

Section 70, Subsection 1 - Provides that transfers from non competitive to competitive class positions shall be permitted only where non-competitive tests or qualifications include possession of credentials, licenses or certifications granted by appropriate regulatory bodies which are similar to the required essential tests or qualifications of the competitive class position.

Is this an attempt to cover in people who should have taken a competitive exam in the beginning? If at the time an agency wants to transfer a non-competitive class employee to a competitive class position, they decide that the non-competitive qualifications are equal to the competitive qualifications it would indicate there never should have been a non-competitive appointment - the employee should have been competitively tested in the first instance.

## Section 70, subsection 3

This appears to be positive and would protect the rights of permanent employees who are transferred to a new department or agency. We do, however, have a concern that this could be abused in a variety of circumstances.