

New York City Amalgamated Professional Employees



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Research Assistant Test: Gaining Civil Service Protections for our Members One Hundred and Seventy Research Assistants Appointed From the List Local 154: a Watchdog for Members' Rights

Local 154 has been strong on demanding Civil Service status for our members. Since 2003, we have managed to get the City to schedule five Civil Service examinations for titles that in some cases had Provisional workers languishing in the system for years, if not decades. In 2003, after suing or threatening to sue the City, DCAS put the Claims Specialist, the Human Rights Specialist and the Public Records Aide test in the calendar of examinations. In 2004, DCAS agreed to include a promotional examination for the title of Associate Human Rights Specialist. In 2005, after a year of pressures, the City agreed to include the Research Assistant test in its calendar. Today we are proud to report that Local 154 has one of the highest proportions of members with Civil Service status. Since 2003, hundreds of Local 154 members have been appointed from the Civil Service test list. During the past month of November alone, during a two-days hiring pool, nearly 100 members were appointed to the title of Research Assistant, for a total of 170 since the establishment of the list in 2006.

During the two days of hiring pool, ten agencies interviewed applicants and hired them on the spot. Local 154's representatives on site included President Juan Fernandez, Chapter Chair Ted Manassis and Council Representative Marianella Santana. They made sure that people received proper information, understood their rights, and interceded for some applicants in front of DCAS. The Research Assistant test list moved up to number 326, reaching half of the people in it. We expect another hiring pool to take effect in February 2008.

Moving the List

As many Research Assistants realized, City agencies did not start appointing applicants as soon as the list was established. Local 154's efforts to move it included contacting City agencies, speaking to DCAS and approaching the New York City Council. As a matter of fact, in July 2007 President Juan Fernandez presented testimony at City Council's Civil Service Committee to complain about the lack of response of some City Agencies and the Board of Education in moving the list. He also spoke about the importance of repealing the rule of one-in-three, which allows City agencies to pick and choose applicants from the test list. Later DCAS informed us that they have set up a data for a hiring pool.

Why a Civil Service Test?

As you know, civil protections is one our basic Union goals. Civil Service status offers job protections for our members. In addition, the Civil Service system creates career opportunities for our members and provides transparency to public service. A Civil Service test implies the difference between merit and patronage. Those people who had passed a Civil Service test had demonstrated in a relatively objective way that they are fit to hold and perform in a certain Civil Service title. On the other hand, as we all well know, the cost of patronage and political appointments is inefficiency, lack of accountability, high cost, low quality services, and low morale.

In the City of New York, DCAS administer the Civil Service rules. The Union's job is to monitor and make sure that the rules are properly applied at every City agency. The City, through DCAS, decides the content of the test and on whether it will be a written examination or an education and experience test. In addition, current Civil Service law includes the one-in-three rule, which allows the City to choose and pick people from the list.

Starting in 2003, Local 154 had moved the City to schedule Civil Service examinations by lobbying or threatening to sue DCAS. We also asked the City to set up an Education and Experience (E&E) examination rather than a written test for the Research Assistant. In 2003, we had obtained E&E examinations for Claim Specialists and Human Rights Specialists. But, since the Civil Service Law gives absolute discretion to the City on this matter, DCAS decided to have a written examination for the Research Assistant test. One the main reasons for this decision was the high number of workers who were in the title but were not performing title functions.

Civil Service protections / Provisional positions lack protections

If you were picked up from the Civil Service list, then you are a competitive class Civil Service worker. After a Probationary period of up to a year (you might be able to account with up to 9-month credit of title service toward your probation) you will be certified in the position as a Civil Servant in you title. Civil Service rights include the right to apply for promotional examinations, the right to seniority, and the right to have due process as described in Section 75 of the Civil Service law. Section 75 includes the right to Union representation, the right to have representation in front of a judge at the Office of Administrative Hearings (OATH) and the right to appeal to the Civil Service Commission.

Provisional workers do not have Civil Service protections. In addition, in May 2007, the State Appeal Court ruled that Provisional workers are not entitled to tenure rights. This decision, also known as the Long Beach decision, was a devastating blow to the rights of workers across the State and created uncertainty among our brothers and sisters in provisional lines. Only in the City of New York, there are 26,000 Provisional workers. It is clear that managers prefer Provisional workers because they don't have rights that

would protect them and their work. For the last twenty years DC37 had made efforts and obtained due process rights for many of our provisional workers through collective bargaining. As recently as 2005, Local 154 participated in negotiations to obtain, for the first time in its history, due process rights for its Provisional workers at the Board of Education. The Long Beach put those rights in jeopardy.