

***Chair Jackson and other members of the Senate:***

On behalf of approximately 700 school superintendents throughout the state, I want to thank you and the committee for your willingness to hear testimony relating to the civil service system.

The civil service system dates back over 100 years and a key initial goal of the system and the state civil service commission was to end political patronage. Since the late 1800s much about our society has changed, but not enough has been done to modernize the way school employers may utilize the civil service system to make important hiring decisions. We strongly believe any concerns that reforming civil service will lead to patronage are completely unfounded given most school staff (teachers) are not hired from a list, but rather by the superintendents and school board typically after undergoing multiple rounds of interviews with school committees.

Before we lay out specific recommendations, we would urge the committee to recognize that a system of tests is not the best way to make hiring decisions in schools, or frankly, any employer. For years, the legislature at large has urged schools to avoid high stakes standardized tests for at least young students and in high stakes evaluations for educators. Yet, a system of high stakes and determinative tests still exists to simply be gainfully employed in certain positions.

It should be noted that the state constitution does not require tests for civil service positions. The constitution provides that appointments to civil service positions must be made “according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive...” There are alternative methods of “examination” that can be utilized such as a portfolio of prior work that can be used to determine fitness of a position. Bottom line is a different system must be established to help schools find qualified civil service employees.

**1. Provisional Employees:**

Provisional employees may be employed by schools when no reachable potential employees is willing to accept the job assignment. These provisional employees can be hired for a maximum of nine months. Unfortunately, if a test is offered and the provisional employee does not score in the “top three,” the school must terminate that person even if they have provided competent and quality service to the school. This is fundamentally wrong for the employees and school community. If no test is offered within the nine-month provisional employment, the employee should automatically receive a permanent appointment.

**2. Rule of Three:**

The law should be amended to allow school employees to canvass the top five scorers, as opposed to the top three. A test does not tell potential employers everything they need to know and a test certainly doesn’t determine whether someone will be successful in a job. A wider range of candidates should have the opportunity to be interviewed and considered for employment.

### 3. Streamlining Hiring Processes

The Civil Service Commission should establish a workgroup to make concrete legislative and regulatory recommendations to address issues such as modernizing exam content, continuous recruitment issues, and electronic canvassing rules. Addressing these issues would help ease employers' ability to fill vacancies and ensure that the prospective employee is actually able to take on the role more rapidly.

Schools are critical entities to the future success of our students and the economy of New York State. The intent of our proposals is not to weaken labor or harm individual employees. We simply want school leaders to be able to retain the best employees and recruit and hire as efficiently as possible. Thank you for your time.