

MAYOR MARVIN'S COLUMN

Until I joined Village government, I did not have an understanding of the complexities of hiring public employees. The system, in my view, is esoteric at best and by no means mirrors corporate hiring practices because a vast majority of public sector hiring is governed by the New York State Civil Service System.

The Civil Service System was created in the late 19th Century as a way to eliminate the “spoils system” of using government jobs as a reward for political favors. Civil service is designed to be a “merit system” where trained individuals are evaluated for a given position by their success on a standardized test. In addition to the merit component, jobs were then no longer tied to a politician’s power or tenure of office.

Some cities, including Mount Vernon and Yonkers, have their own Civil Service Commissions. Most Westchester Towns and Villages, including Bronxville, adhere to the Westchester County Civil Service rules on the creation and deletion of jobs, testing and hiring qualifications.

Nearly all Village jobs are under the Civil Service umbrella and considered “competitive” save for the Court Clerk, seasonal part-time employees and a Personal Secretary. “Competitive” means a test is required and a designated passing grade is needed for a place on a particular job position “list”.

When the Village has a job vacancy, we must petition Westchester County Civil Service for the list of eligible candidates. We are allowed to select from the three top scorers on the test.

A salary range, as determined by the local government, must be identified before the Commission releases the list so there is little room for negotiating.

Only after the top three scorers have accepted jobs or formally declined offers of employment from a municipality, can a community go deeper into the list.

An individual’s character, personality or ability to deal with the public is not factored into the equation. The test score is the only indicity of competence. Since the average list has a shelf life of as long as 4 years, it is not uncommon for communities to leave jobs open for months at a time hoping the three top scorers are employed elsewhere or that the list expires.

Some exams have a built-in preference for certain groups such as veterans. Towns and Villages can also ask the County Civil Service Commission to give preference to a community’s residents.

Once the list has been “canvassed” and an eligible candidate is chosen, a prescribed period of probation time attaches to each position. If the employee does not meet expectations, the probationary employee can be dismissed and the list then re-canvassed. Should a position be eliminated due to budgetary constraints, the individual holding that

position at the time of elimination has the right of first refusal for four years hence should the position be reinstated.

In addition to a base salary, the municipal employer must also provide funding for paid holidays, longevity, Medicare, Social Security, hospitalization, dental and eye care, life insurance, Worker's Compensation and retirement benefits. In the case of uniformed employees, including police and firemen, there are additional costs for uniforms, equipment, mandated annual training and overtime. And in the past few months, a new MTA payroll tax on all municipal employers was enacted by the State legislature.

By way of illustration, a non-uniform employee with a base salary of approximately \$83,000 actually costs the Village \$106,000 when all benefits are tallied.

A uniformed employee with a salary of \$91,000 costs the Village \$139,000 per year not including possible overtime.

Most employees are represented by a union so a municipality also incurs the costs associated with contract negotiations as well as the administrative costs required to manage benefits and withhold union dues.

An employee retained beyond the probationary period cannot be fired without cause. If fired, an administrative process is triggered, quite often ending in arbitration and/or eventual lawsuits. Female employees, African Americans and Hispanics are some of the groups afforded added protection due to their designations as a protected class.

Funding for a position can always be removed for budgetary reasons by act of the legislative body and seniority rules would apply if there is an actual layoff.

Much of the management of local government in New York State is directly tied to rules and regulations established at the State level. Personnel is the largest portion of any municipal budget and almost all personnel management controls are dictated by the State.