

OFFICE OF THE NASSAU COUNTY COMPTROLLER



Hiring Practices and Related Parties in Nassau County Government

Nepotism – Part III

**Nassau County Civil Service
Commission**

December 9, 2021

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OFFICE OF THE NASSAU COUNTY COMPTROLLER NASSAU COUNTY CIVIL SERVICE COMMISSION

REPORT SUMMARY

WHY WE DID THIS REPORT

This audit was conducted as part of a series of audits designed to identify and strengthen the processes, policies and practices embedded within the County which prevent favoritism in hiring. *Nepotism* is the practice among those with power or influence of favoring relatives or friends, especially by providing jobs.

The Nassau County Civil Service Commission's purpose is to administer New York State Civil Service Law to ensure County taxpayers a qualified public workforce, pursuant to the principles of selection according to merit and fitness. The Commission operates in accordance with the New York State Constitution, New York State Civil Service Law and the Nassau County Civil Service Commission Rules.

In reviewing the various functions of the Civil Service Commission and identifying and reviewing their role in the County hiring process, the objective of this audit was to identify and strengthen the processes, policies and practices embedded within the County which prevent favoritism in hiring and to identify those which fail to prevent nepotism in hiring. In addition, the objective was also to review whether adequate internal controls are in place to avoid improper hiring and to make recommendations for the implementation of best practices. The Civil Service Commission services all County departments, the Towns of North Hempstead and Oyster Bay, and multiple school districts, libraries, villages, and special districts. The audit also included a review of the Civil Service Commission's role in increasing diversity in the recruitment and hiring of Nassau County Police Officers.

WHAT WE FOUND

The major findings of this report include the following:

- A transparent website is a key tool in informing the public as to employment opportunities with the County and ensuring that all interested qualified people in the County are aware of such opportunities. Auditors found that the website of the Civil Service Commission lacked pertinent information that would be helpful for the public, including meeting agendas, helpful and informative links, and Resolutions. Auditors noted that during the course of the audit numerous improvements had been made to this website. Although the Nassau County Civil Service Commission has updated their website, it still lacks pertinent information for public review, such as a Civil Service Commission Meeting Schedule, Civil Service Commission Meeting Minutes prior to 2021, eligible lists for graded Civil Service examinations, and training and educational documents for tested positions.
- Inaccuracies were noted in some of the statistical data used for County performance measures and reported to New York State.
- The Civil Service Commission needs to authorize changes to job qualifications uniformly to expand recruitment efforts, such as allowing college students to take a Civil Service exam before graduating from college.
- Internal controls over the process for creating and updating job specifications were insufficient, resulting in approval conflicts and/or an insufficient audit trail. Many County job titles and salary ranges have not been surveyed and updated in over 24 years. Uniformity in these processes is a key tool in ensuring fair and equitable hiring and promotion.
- The Civil Service Commission granted extended leaves of absence to certain exempt County and Town employees without justification, giving the appearance of favoritism/nepotism.
- Meeting Minutes need to be reviewed to accurately reflect the Commissioners being present at meetings and voting on Resolutions.



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NASSAU COUNTY CIVIL SERVICE COMMISSION
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WHAT WE FOUND (CONTINUED)

- The Civil Service Commission is not adequately monitoring provisional employees, resulting in untested individuals employed in tested positions and incorrect statistical information being reported to New York State in the annual report.
- The work performed by the Civil Service Commission with regard to the recruitment and hiring for the Nassau County Police Department was found to be professional and was conducted in accordance with New York State Civil Service Law.

WHAT WE RECOMMENDED

Major recommendations of the report included the following:

- The Nassau County Civil Service Commission should update their website to include features present on the New York State Civil Service website such as Eligible Lists, Internship availability and test guides.
- The Nassau County Civil Service Commission should contact all County Departments to determine if a qualification modification would improve recruitment for any other positions.
- Job specification revisions or additions should be properly documented as to the reason why the specification is being changed; job specifications should not be created or modified to accommodate an individual or group of individuals.
- The Civil Service Commission and the Executive Director should consider proposing a revision to the County's Civil Service Commission Rules regarding the granting of leaves of absence.
- Civil Service Board minutes should be revised so that they accurately reflect which Commissioner is making the motion and issuing the second of the motion.
- The Civil Service Commission should develop procedures which identify the source of all data being reported to New York State and implement a tracking report to monitor all provisional employees and update the report when any employee is hired provisionally.

WHAT WAS THE RESPONSE?

The Nassau County Civil Service Commission has agreed in part to the recommendations and appears to be in the process of undertaking appropriate corrective actions. Specifically, the Civil Service website has been updated and is more transparent with the addition of meeting agendas and meeting minutes. The Commission stated that it adheres to the New York State Constitution, New York State Civil Service Law, Nassau County laws and the Nassau County Civil Service Rule Book in all of its procedures and resolutions.

WHY IS THIS REPORT IMPORTANT?

The purpose of the civil service system was to have a government service composed of well-qualified people chosen for their fitness for the job. The system was put in place to reform the "spoils system" which developed early in the history of New York State when officials and employees had to be appointed to carry on the functions of the government. People who had done favors for the party in power were given the jobs. The point was to reward the faithful; nobody paid much attention to whether appointees were qualified. Over time, the citizenry reacted as incompetence in government became rampant and a reform movement gathered strength driven by two State elected officials who both would also become a United States President, Grover Cleveland and Theodore Roosevelt. This reform culminated in the institution of the "Merit System" which was eventually embodied in the State Constitution and in our present State Department of Civil Service.



OFFICE OF THE NASSAU COUNTY COMPTROLLER
NASSAU COUNTY CIVIL SERVICE COMMISSION
REPORT SUMMARY

WHY IS THIS REPORT IMPORTANT (CONTINUED)?

Holding examinations, seeing that appointments are made according to the law and finding, developing and retaining the people best qualified to do the work of government are the major functions of the Civil Service System.

This audit was performed to ensure the County taxpayers are served by a qualified public workforce that has been selected according to merit.

Undertaking an audit of Related Parties and Nepotism as guided by the auditing standards of the Government Accountability Office (GAO) provides both County policymakers and residents with an objective and independent review of this important issue. Our Office could find no instance of this type of audit being conducted by any other municipality and hopes that the hard work undertaken by our Audit staff during this unique audit series on Related Parties and Nepotism is used as a template for other municipalities to conduct such audits.

Executive Summary

Purpose

The purpose of the review was to:

- Analyze the role of the Nassau Civil Service Commission for impartiality, fairness, equity and uniformity in the hiring process;
- Ensure that the Civil Service Commission is operating in accordance with New York State Civil Service Law;
- Ensure the Civil Service Commission is fulfilling its mission of providing quality service to municipal agencies by helping them fulfill their public sector employment needs; and
- Review the role of the Civil Service Commission in assisting with increasing diversity in the recruitment and hiring of police officers.

Introduction:

In 2018, the Office of the Nassau County Comptroller initiated the first ever audit on Nepotism in Nassau County, after a series of corruption allegations arose culminating in the indictments and convictions of officials related to Nassau County government and reports surfaced of numerous “friends and families” of political figures working in taxpayer funded jobs.

This multi-part Anti-Nepotism review began with the issuance of the Limited Review of Hiring Practices and Related Parties, *Nepotism*, Part 1, the Nassau County Board of Ethics, on April 10, 2019. The intent of this multi-part audit is to identify and strengthen the processes, policies and practices embedded within the County which prevent favoritism in hiring. In addition, the intent was to identify the processes, policies and procedures which fail to prevent nepotism in hiring.

In addition to this review of the Nassau County Civil Service Commission, two additional segments of the Anti-Nepotism audit are underway, including reviews of the Nassau County Office of Human Resources and Nassau Community College.

The Summary of Findings and Recommendations as a result of this audit, can be found on the next page.

Executive Summary

Summary of Audit Findings and Recommendations		
#	Audit Finding	Audit Recommendation(s)
1	Although the Nassau County Civil Service Commission Has Updated Their Website It Still Lacks Pertinent Information for Public Review	We recommend the Nassau County Civil Service Commission update their website to include features present on the New York State Civil Service website such as Eligible Lists, Internship availability and test guides.
2	The Civil Service Commission is Not Meeting the Requirements of the New York State Open Meetings Law by failing to Post Meeting Agendas, Meeting Links and/or Resolutions on their Website	We recommend that: a) The Civil Service Commission prepare and post a meeting agenda at least 24 hours prior to the meeting on their website; b) Meeting minutes be posted on the Civil Service Commission's website within the specified timeframes of the Open Meeting Law; and c) The Civil Service Commission utilize an audio video screen sharing teleconference system, to ensure a better access for the public and livestream.
3	Many Nassau County Job Titles and Salary Ranges have not been Surveyed and Updated in Over 24 Years	We recommend that the Nassau County Civil Service Commission consider performing a Title Classification and Compensation study.
4	The Civil Service Commission Needs to Authorize Changes to Job Qualifications Uniformly to Expand Recruitment Efforts, such as Allowing College Students to Take a Civil Service Exam Before Graduating College	We recommend the Nassau County Civil Service Commission contact all County Departments to determine if a qualification modification would improve recruitment for any other positions.
5	Internal Controls over the Process for Creating and Updating Job Specifications were Insufficient, Resulting in Approval Conflicts and/or an Insufficient Audit Trail	We recommend that: a) The Civil Service Commission only approve job specification revisions or additions at Commission meetings so that the public has access to this information; b) To avoid the potential for favoritism and/or nepotism, ensure that no one individual can unilaterally approve all job specifications (segregation of duties); and c) Job specification revisions or additions be properly documented as to the reason why the specification is being changed; job specifications should not be created or modified to accommodate an individual or group of individuals.
6	The Civil Service Commission Needs to Establish Competitive/Tested Titles Which Exist in Other Counties for Various Positions Throughout Nassau County	We recommend that County Officials work with the Civil Service Commission to establish appropriate competitive titles for positions within departments currently made up of all Ordinance employees, such as the Office of Management & Budget, the Office of Human Resources and the Office of Housing.
7	The Civil Service Commission Granted Extended Leaves of Absence to Certain Exempt County and Town Employees Without Justification, Giving the Appearance of Nepotism	We recommend that: a) The Civil Service Commission and the Executive Director of the Civil Service Commission consult with colleagues from other counties at the New York State Association of Personnel and Civil Service Officers regarding "best practices" in dealing with extended leaves of absence; and b) The Civil Service Commission and the Executive Director consider if proposing a revision to the County's Civil Service Commission Rules regarding the granting of leave of absence.
8	The Civil Service Commission's Rules Should be Updated and Submitted to the New York State Department of Civil Service for Approval	We recommend that the Commission submit revised and updated rules for approval by the New York State Department of Civil Service.

Executive Summary

Summary of Audit Findings and Recommendations		
#	Audit Finding	Audit Recommendation(s)
9	The Civil Service Commission is not Publicly Electing One of its Members as Chairman Annually as required by Civil Service Commission Rule II	We recommend the Civil Service Commission adhere to the Rules by electing at the first Board meeting of the year, a Chairman of the Commission.
10	Meeting Minutes were not Accurate as Minutes Indicated Commissioners were Voting on Resolutions when they were not in Attendance	We recommend that minutes be revised, and they accurately reflect which Commissioner making the motion and issuing the second of the motion
11	The Civil Service Commission is Not Adequately Monitoring Provisional Employees, Resulting in Untested Individuals Employed in Tested Positions and Incorrect Statistical Information being Reported to New York State in the Annual Report	We recommend that: a) The Civil Service Commission develop procedures which identify the source of all data being reported to New York State; and b) Implement a tracking report to monitor all provisional employees and update the report when any employee is hired provisionally.
12	Out-of-Title Grievances have not Always been Followed-up and Resolved by the Civil Service Commission in a Timely Manner	We recommend that the Civil Service Commission: a) Resolve the outstanding 2019 and 2020 out-of-title complaints; and b) Update LOTUS notes contemporaneously with each decision rendered.
13	Statistical Data Submitted to New York State and the Nassau County Office of Management and Budget Contained Discrepancies and Lacked Adequate Support	The Civil Service Commission should: a) Establish written procedures for compiling and reconciling statistical information, especially if it is maintained by multiple separate units; and b) Prepare and maintain detailed supporting schedules (i.e., by employee, job title, and department) for each category that supports what is being reported in the Annual Report and the annual OMB Summary books.
14	County Residency Requirement Limits Available Candidates, Appears Outdated, and Seems to have been Applied Inconsistently	We recommend that: a) The Civil Service Commission request that Section 13.1 of the Nassau County Administrative Code expand residency requirements to include residents of Suffolk County and New York City to expand the County pool for the most qualified candidates; b) The Civil Service Commission ensure residency waiver approvals are voted on and reflected in the Civil Service Commission meeting minutes for all competitive (tested) positions; and c) The Civil Service Commission not approve any residency waivers where there are no or insufficient reasons given as to why the residency waiver is needed.

Executive Summary

The matters covered in this report have been discussed with the officials of the Civil Service Commission. On November 4, 2021 we submitted a draft report to the Civil Service Commission for their review. The Civil Service Commission provided their response on November 17, 2021. Their response and our follow up to their response are included at the end of this report.

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Introduction

Background

Nepotism is the practice among those with power or influence of favoring relatives or friends, especially by providing jobs. This practice can have a negative impact on the morale of current County employees and undermine County residents' faith in government.

Nepotism may have many negative effects in the workplace including:

- Creates an unhealthy work environment where other employees may feel undervalued;
- Reduces employee morale which can result in a lack of loyalty and dedication to the job at hand;
- Contributes to decreased productivity, errors or a poorly paced work environment because a family member may hold a position for which he/she does not have the necessary qualifications and experience to perform; and
- Increases employee turnover rates, which can limit the ability to retain good, hard working employees.

Establishing rules for the hiring of public sector “civil service” employees is a key tool for combating such negative impacts. Article XIII of the Nassau County Charter established the Nassau County Civil Service Commission (“Civil Service Commission”) in accordance with provisions in New York State Civil Service Law and the New York State Constitution. The purpose of the Nassau County Civil Service Commission is to administer New York State Civil Service Law and to ensure Nassau County taxpayers a qualified public workforce (or “Civil Service”) pursuant to the principles of selection according to merit and fitness.¹ The Civil Service Commission seeks to provide a fair hiring system wherein the County makes job appointments pursuant to equitably applied processes and rules, such as:

- the appointment of “competitive class” positions from eligible lists composed of individuals meeting the established qualifications as determined by civil service examinations and tests; and
- the application of Nassau County Civil Service Rule XXX, “Prohibition Against Questions Eliciting Information Concerning Political Affiliations” which set forth that, “No questions in any examination or application or other proceeding by the Commission or their examiners shall be so framed as to elicit information concerning, nor shall any other attempt be made to ascertain the political opinions or affiliations of any applicant, competitor or eligible, and all disclosures thereof shall be discountenanced by the Commission and its examiners. No discrimination shall be exercised, threatened or promised against or in favor of any applicant, competitor or eligible because of his political opinions or affiliations.”

¹ The mission statement of the Nassau County Civil Service Commission and the 2021 NIFA Approved Budget Summary.

Introduction

The Civil Service Commission is subject to supervision and control by the New York Civil Service Commission, which includes the obligations to adhere to various reporting and other requirements.

On an annual basis, the Civil Service Commission provides an Annual Report to the New York State Department of Civil Service on their merit system activities, as required by Section 26 (1) of the New York State Civil Service Law. This report is due to the State by March 31st.

The Civil Service Commission services all County departments as well as more than 200 municipal agencies that include the Towns of North Hempstead and Oyster Bay and Nassau County's school districts, libraries, villages and special districts. (Note: The Town of Hempstead and the cities of Glen Cove and Long Beach have their own Civil Service Commissions.)

The Civil Service Commission is comprised of three Commissioners appointed for a six-year term by the Nassau County Executive with the approval of the Nassau County Legislature. Pursuant to Section 1302 of the Nassau County Charter, the Civil Service Commission shall annually elect one of its members as Chairman and appoint a Secretary and Chief Examiner. The Commissioners serve part-time, with the Chairman receiving approximately \$29,000 annually and the other Commissioners receiving \$20,000 annually for their service.

The Civil Service Commission is separated into specialized units. These units are: Recruitment, Classification, Qualifications, Placement, and Transactions.

The **Recruitment** Unit is responsible for administering all Civil Service exams, preparing examination announcements and reconciling examination results from the NYS Civil Service Commission, prior to establishing eligible lists.

The **Classification** Unit defines all positions and revises job specifications, according to the duties to be performed by applicants and incumbents of those positions. They are also responsible for training and experience requirements of the positions and maintaining job specifications. Classification also reviews out-of-title complaints. Examinations is sub-division of Classification: it plans, organizes and supervises special and standard testing programs.

The **Qualifications** Unit reviews all applications for both examination and employment.

The **Placement** Unit establishes, maintains and certifies eligible lists. It is also responsible for verifying that competitive class appointments are made in accordance with Civil Service Law.

The **Transactions** Unit is responsible for serving as liaison between the Commission, the County Departments and municipal agencies. It reviews all appointments of Nassau County and municipal employees prior to employment to ensure that all legal requirements have been met.

Other functions performed by the Civil Service Commission include fingerprinting certain candidates in accordance with Local Law 14-2003; verification of education and experience of applicants; conducting psychological examinations when applicable; coordinating criminal and residency investigations and assisting departments in achieving and maintaining properly classified positions. Auditors noted that there has been a decline in the number of employees working in the Civil Service Commission over the past ten years.

Introduction

As of 2019, approximately 94% of revenues for the Civil Service Commission were derived from examination fees, and salaries were 95% of the expenses for the department.

Civil Service is divided into the **unclassified and classified service**.

- **Unclassified** service comprises:
 - Elective officers – County Executive, County Comptroller, County Clerk and the District Attorney;
 - Election officers – the Commissioner of the Board of Elections and all officers and employees therein;
 - The head or heads of any department – Commissioner of Emergency Management, Commissioner of Health, Commissioner of Human Services, Commissioner of Information Services, Commissioner of Police, Commissioner of Public Works, Commissioner of Shared Services, the County Assessor, the County Attorney, Clerk to the Court, County Treasurer and Director of Purchasing;
 - The Legislature (formerly known as the Board of Supervisors) and all officers and employees therein;
 - members of all boards or commissions; and
 - all other officers or positions specifically mentioned in Section 35 of the Civil Service Law – all positions in Nassau Community College certified by the Board of Trustees.

Note: all offices and positions not included in the unclassified service shall be included in the classified service.

- **Classified** service is divided into four classes designated as Competitive, Non-Competitive, Labor Class and Exempt.
 - The Competitive Class shall include positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations. There are job specifications for these positions.
 - The Non-Competitive Class includes all positions that are not in the exempt class or the Labor Class and for which it is found by the Commission to be not practicable to ascertain the merit and fitness of applicants by the New York State competitive examination. There are job specifications for these positions.
 - The Labor Class includes unskilled laborers. For these positions, it has been determined that competitive tests are impracticable because of the unskilled nature of the duties. A position in the Labor Class may be filled by the appointment of any person selected by the appointing officer of the agency where a vacancy exists, and the Commission may require applicants for employment in the Labor Class to qualify in such tests of their fitness for employment as may be deemed practicable.

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- The Exempt Class:
 - Are often comprised of individuals that elected officials have chosen to fill positions within their organization.
 - These individuals are not required to meet any written job specifications or have any specific job qualifications.
 - These employees serve “at the pleasure of” the elected official who hired them and generally cannot expect to be retained when there is a change in Administration.
 - Ordinance employees are generally included in the Exempt Class. Almost every department has several “Ordinance” employees that serve at the will of the County Executive or the elected appointing authority. Ordinance employees are responsible for making hiring decisions and disciplinary action concerning collective bargaining unit employees.

Exhibit I below shows a breakdown of the Nassau County Employees by Classification as reported to New York State each year.

Exhibit I

Nassau County Employee Breakdown by Classification Reported to NYS														
Year	Competitive Class Employees					Non-Competitive Class				Exempt		Labor		Total Classified
	Non-Permanent Employees			Total Competitive		Section 42*	Section 55-A**	Total Non-Competitive						
	Provisional	Temporary	All Non-Perm.											
	Employee Count	Employee Count	Employee Count	Employee Count	% of Classified	Employee Count	Employee Count	Employee Count	% of Classified	Employee Count	% of Classified	Employee Count	% of Classified	
2016	309	4	313	14,240	32.6%	20,475	52	20,527	46.9%	948	2.2%	8,006	18.3%	43,721
2017	236	3	239	14,082	31.7%	21,052	46	21,098	47.5%	914	2.1%	8,277	18.7%	44,371
2018	292	3	295	14,139	32.4%	20,200	54	20,254	46.4%	967	2.2%	8,288	19.0%	43,648
2019	406	11	417	13,821	30.8%	21,573	51	21,624	48.1%	984	2.2%	8,496	18.9%	44,925

*Section 42 = Non-Competitive Employees
 **Section 55-A = Employment of persons with disabilities
 Source: NYS Civil Service Annual Reports

Civil Service Competitive Class Process

Announcements

Pursuant to Nassau County Civil Service Commission Rule X, the public announcement of an examination shall specify the fee, title, salary or salary range, duties of the position, minimum qualifications required, final date for filing applications, the subject or scope of the examination. Public notice of open competitive examinations shall be made at least twenty-five days before the date of the examination and must be conspicuously posted in a public place for fifteen days. The last day for filing an application shall be at least ten days before the date of the examination.

Introduction

Applications

Pursuant to Nassau County Civil Service Commission Rule X, every applicant for competitive examination other than a police officer exam, must be a resident of Nassau County for at least one year immediately preceding the date of the examination. Residency requirements may be suspended or reduced by the Commission in cases where the Commission determines that recruitment difficulty make such requirements disadvantageous to the public. An applicant applying for competitive employment need not be a citizen of the United States unless applying for a position as a Public Officer².

Pursuant to Nassau County Civil Service Commission Rule XI, applicants for competitive examination shall be given notice of the disposition of their application at least four days before the examination by mail to the address indicated on the application.

All announcements of an examination, including promotional exams, shall specify the application fee, the title or salary range of the position, the duties of the position, the minimum qualifications required, the final date for filing applications, the subjects or scope of the examination. Public notice of open-competitive examinations should be made at least twenty-five days before the date of the examination and must be conspicuously posted in public places for fifteen days. The last day for filing applications shall be at least ten days before the date of the examination. Every applicant for competitive examination must be a resident of Nassau County for at least one year prior to the date of the examination.

Examinations

Pursuant to Nassau County Civil Service Commission Rule XIII, every candidate who attains a passing grade (70 or higher) on an examination is eligible to be placed on a list in the order of ranking. Eligible lists remain in effect for a period of not less than one year and not more than four years. When an eligible list has been in existence for less than one year and contains the names of less than three eligible individuals willing to accept appointment, and a new list for the same position or group of positions is established, the names of the eligible candidates remaining on the old list have preference in certification over the new list until the old list is one year old.

Canvassing is the process of contacting a candidate for an interview and possible appointment for a position. Eligible candidates are canvassed generally by mail. If the Commission receives more than two “no responses” to canvass letters, the candidate’s name will be removed from the list. If a canvas letter is declined, a candidate’s name will remain on the list if the reason for declination is:

- Insufficiency of compensation offered when below minimum of grade of the position for which the examination was held;
- Location of employment; or

² A public officer is a person either elected or appointed to a governmental position with the following general characteristics: The State or local enactment creating the position refers to it as an “office”. The position has a fixed or definite term. The person holding the position files an oath of office.

Introduction

- Temporary inability, physical or otherwise, which must be explained in writing.

Certification and Appointments

Appointments are to be made in accordance with the “Rule of Three” as set forth pursuant to Nassau County Civil Service Commission Rule XVI and New York State Civil Service Law Section 61. This “rule” sets forth that appointment to a position shall be made by selecting the candidate whose final rating in the examination is equal to or higher than the rating of the third highest ranking individual on the list that was willing to accept appointment. According to New York State Civil Service Law Section 61, the Rule of Three is used to select candidates. Selection must be made from among the three highest standing candidates on the eligible list willing to accept appointment.

Layoffs and The Preferred List

Pursuant to Civil Service Commission Rule XXVI, as employees are laid off, their names are placed on a preferred list. Employees are placed on the preferred list in accordance with their seniority. New York State Civil Service Law provides that a preferred list must be used to fill vacancies before any other list is used.³ There are two exceptions to this general rule:

- A special eligible list is created when an employee who has been in military service returns to civilian life. This list is certified first, even before the preferred list; and
- The exception to the first use of a preferred list occurs when a position is reclassified. If the use of the preferred list would cause the layoff of the reclassified employee, then the preferred list has no priority in the filling of the reclassified position.⁴ Individuals on a preferred list have a four-year period of eligibility.

Civil Service Commission Operations Under COVID-19

The Civil Service Commission was forced to operate under difficult circumstances as a result of the COVID-19 Pandemic.

- The Civil Service Commission was tasked with processing additional police medics, Health Department staff and other relevant first responder positions within the Police Department.
- The Civil Service Commission had a limited physical presence at its headquarters at 40 Main Street in Hempstead. They had to provide essential services such as fingerprinting and performing medical examinations for certain positions that have these requirements.
- Some of the staff deemed essential were required to work from home for a period of time, using a VPN⁵ and their personal computers.

³ New York State Civil Service Law, Section 81.

⁴ New York State Civil Service Law, Section 121, Sub-division 4.

⁵ Virtual Private Network

Introduction

- The number of examinations scheduled and held was significantly reduced due to social distancing limitations with testing facilities.
- The number of Commission meetings was also significantly reduced during 2020. Those meetings that did take place were held via a live stream link with two of the three Commissioners attending remotely.

Other Recent Activities of the Civil Service Commission

Recently, the Civil Service Commission has been focusing on revising job specifications for outdated titles and standardizing qualifications for those positions where the job specifications exist in other jurisdictions. For example, changes were made in the Department of Public Works to implement two different tracks for positions in the department: one track for Engineering type positions where professional licenses may be required and another track for the Project Manager series.

The Civil Service Commission has begun to expand their website, making it more user friendly. The website now includes a “Draft” version of the Civil Service Commission Rules Book, “Draft” version of the Rule Book Appendix, Job Interest/Job Description in addition to upcoming Open Competitive and Promotional Examination announcements, meeting agendas and meeting minutes.

The Civil Service Commission is one of several County Departments that has seen a significant reduction in staff. From 2010 to 2019, the Civil Service Commission has experienced a 16% decrease in staff from a high of 58 full-time employees in 2010 to the 2019 low of 49 full-time employees. See Exhibit II below for details by department.

Introduction

Exhibit II

Full Time Employee Head Count by Department					
Department	2010	2014	2018	2019	% Change from 2010 to 2019
Public Works Department	897	677	492	488	-46%
County Attorney	141	92	78	88	-38%
Assessment	222	147	113	141	-36%
Health Department	301	238	202	207	-31%
Housing & Intergovernmental Affairs	68	65	49	47	-31%
County Executive	17	15	14	12	-29%
Purchasing Department	17	11	12	12	-29%
Human Services	149	106	111	110	-26%
County Treasurer	39	26	26	29	-26%
Information Technology	129	77	86	96	-26%
Constituent Affairs	46	37	37	35	-24%
Correctional Center	1238	1040	947	969	-22%
County Clerk	100	82	79	80	-20%
Social Services	885	766	729	709	-20%
Consumer Affairs	32	25	30	26	-19%
Probation	215	192	174	180	-16%
Civil Service	58	53	46	49	-16%
Fire Commission	105	90	84	93	-11%
Records Management	12	12	10	11	-8%
County Comptroller	78	74	71	72	-8%
Police Department	3299	2949	3135	3168	-4%
Office of Mgmt & Budget	26	24	19	26	0%
Legislature	86	86	86	91	6%
Parks & Recreation	148	157	145	161	9%
District Attorney	370	379	394	408	10%
Traffic Violations Bureau	42	47	46	47	12%
Assessment Review	45	28	33	53	18%
Board of Elections	120	167	153	151	26%
Medical Examiner	48	69	72	76	58%
Emergency Management	2	10	12	18	800%
Total	8983	7786	7525	7696	-14%

Source: Nassau County Payroll Files of September of each year
 Red = Departments that lost over 25% of their staff from 2010 to 2019
 Green = Departments that gained staff from 2010 to 2019
 Note: Auditors did not include Departments with 10 or fewer employees in this data but they are included in the total. These Departments include Criminal Justice, Human Rights, Labor Relations, Minority Affairs, Public Administrator, Office of Human Resources, Office of Spanish Americans, & Veterans Services Agency.

Introduction

Audit Scope and Methodology

Nepotism is the practice among those with power or influence of favoring relatives or friends, especially by providing jobs. This practice has a negative impact on the morale of current County employees and residents, who deserve a well-qualified workforce. The broad objective of this audit was to review the various functions of the Civil Service Commission in order to:

- Obtain an understanding of the role of the Civil Service Commission in the hiring process. Evaluate the internal controls in place to avoid improper hiring, ensure impartiality and identify potential conflicts of interest;
- Review NYS and Nassau County Civil Service laws and regulations covering hiring, conflicts of interest and anti-nepotism;
- Analyze current hiring practices, including anti-nepotism policies and procedures, followed by the Civil Service Commission, for completeness and adequacy; and
- Review the role of the Civil Service Commission in assisting with the recruitment and hiring of police officers.

The time period covered by our review was January 1, 2017 through the date of this report.

We believe our review provides a reasonable basis for the findings and recommendations contained herein.

Review of the Civil Service Commission Role of Ensuring Diversity in the Recruitment and Hiring of Police Officers

On June 12, 2020, the New York State Governor issued Executive Order No. 203, concerning police reform, which called on local government policing entities to perform a review of their police force deployment, strategies, policies, procedures and practices to mitigate racially biased law enforcement; with such a review to include key questions such as, are you recruiting a diversified workforce?

As a result of this, auditors conducted a review of the role that the Civil Service Commission plays in recruiting and hiring police officers.

The Civil Service Commission has a limited but crucial role in the recruitment of police officers.

AON Consulting Inc. Contract & the Written Examination Requirements

In 2016, the County entered into a contractual agreement with AON Consulting Inc. to prepare and administer a written examination to incoming police officers and sergeants consistent with a 1982 Federal Consent Decree. This Consent Decree was the result of a Federal Civil Rights Action brought by the United States against Nassau County alleging, amongst other things, that Nassau County was then engaged in a pattern or practice of employment discrimination against people of color and females with respect to job opportunities in the Nassau County Police Department. The purpose of the Decree was to: (1) ensure people of color and women are considered for employment with the NCPD on an equal basis as white males and (2) correct effects of prior discriminatory practices on people of color and women. Pursuant to the Decree, Nassau County was required to:

- Seek to develop qualification and selection criteria (including for recruitment, promotions and assignments) that have no discriminatory impact;
- Give the US Government notice of all changes to the qualifications or selection criteria and such changes must not have a discriminatory impact or must be validated as a qualification under Title VII of the Civil Right Act;
- Adopt and implement an active and continuing recruitment program directed toward people of color and women; and
- The County should make efforts, without creating quotas, to have recruitment be proportional to the relevant labor market.

The contract required AON to prepare and administer a written examination consistent with the Consent Decree. It covered the period May 1, 2016 through July 10, 2018 and was later extended to July 10, 2020.

Both the Nassau County Police Department and the Civil Service Commission are parties to the contract, with funding and payments for the services coming from the Police Department

Police Recruitment & Diversity Review

Headquarters (PDH) Fund. The Police Department reviews and approves the claim vouchers and supporting documentation submitted to the County by AON for their services.

Process of Recruitment After Written Exam

1. Physical Agility Test

There are three components to the physical agility test. They are the push-ups, sit-ups and a one and a-half mile run. Candidates must pass all three components to continue with the process.

- Candidates who do not appear for this test are disqualified.
- Candidates who fail this portion of the process are not permitted to retake this test again
- The physical agility testing is set by the NYS Police Training standards.
- A detailed instructional video is on the Nassau County Civil Service Commission website.

Note: Some Counties allow candidates to retake the physical agility test. This could be changed going forward for the next test, but changes must be adopted before and used consistently for everyone in that test group.

2. Background Checks

- Candidates that pass the Physical Agility test undergo a background investigation, conducted by the Nassau County Police Department's Applicant Investigation Unit. The Civil Service Commission is not involved with conducting the background check.

3. Civil Service Commission Reviews the Background Reports

- The Civil Service Commissioners will review the detailed background reports completed by the Police Department.
- Background investigations include arrests and convictions (if any), employment records, credit histories and motor vehicle records (accidents and moving violations).
- The investigation and the report are in accordance with NYS Civil Service Law.
- If you are a sworn police officer applying, the background investigation includes any complaints filed against you while on duty, as well as the result of the complaint.
- Commissioners are not aware of the applicant's race when reviewing the background reports.

Police Recruitment & Diversity Review

- Commissioners are aware of the gender of the applicant through the use of pronouns throughout the report.
4. **Civil Service Commissioners are authorized to disqualify a candidate or to permit a candidate to continue processing.** Resolutions on this issue are voted on during Executive Session.
 5. **Polygraph, Psychological Exam & Physical Exam.**
 - When a candidate is permitted to continue processing, he or she is scheduled for
 - the polygraph,
 - psychological exam and
 - the physical exam.
 - Each candidate is scheduled for the same set of exams.

The Civil Service Commission's Role

The Civil Service Commission administers the physical fitness screening test for law enforcement positions in Nassau County. There are several instructional videos for applicants on the Civil Service Commission website explaining the physical fitness screening test and showing exactly how each test is to be performed. These videos demonstrate the required protocols to be followed to successfully complete this portion of the screening process. The test consists of push-ups, sit-ups and a one-and-a-half mile run. An applicant must pass all three components of the test.

It is important to police recruitment that the tests are administered in a way that is free of subjectivity and unconscious bias in order to avoid inequitable results.

Along with physical fitness requirements, some civil service police exams currently focus on reading comprehension, writing and arithmetic cognitive skills⁶. The Nassau County Police Department currently requires graduation from high school and successful completion of 32 college credits, which equates to one year of college. Comparatively: (1) New York City requires successful completion of 60 college credits (approximately two years of college) with at least a 2.0 cumulative grade point average, or two years of active military service in U.S. Armed Forces and (2) only one other county in New York State requires more than the 32 college credits required by Nassau County.

Additionally, along with physical fitness and the cognitive skills noted above, most police departments review applicants for character and integrity.

It appears that these background tests place little emphasis on emotional intelligence, empathy and communication skills. Recent events have made it clear that police officers must also have interpersonal skills and the skills to manage their own emotions and recognize emotions in other

⁶www.governing.com/mag

Police Recruitment & Diversity Review

people. Some larger cities, such as Baltimore and Washington D.C.⁷, are testing for interpersonal skills early in the recruitment process. Such testing can have a major effect on police reform.

Pursuant to NYS Executive Order 203, the Nassau County Police Department submitted a plan for police reform and reinvention to New York State on March 23, 2021. This plan proposes sixteen recommendations for reform to increase diversity in the police department through the recruitment and hiring process. Seven of the sixteen recommendations require interaction with the Civil Service Commission, with many of them requiring an amendment to NYS Civil Service Law. Some of the recommendations include:

- Awarding extra points for language proficiency;
- Awarding extra points for auxiliary officer experience;
- Eliminating the polygraph exam; and
- Hiring an outside consulting company to manage the entire applicant processing process.

Exhibit III below contains the Office of the Nassau County Executive and the Nassau County Police Departments' sixteen recommendations to reform and diversify the staffing and recruitment process. As indicated in this report, the exhibit also contains Civil Service's response to the recommendations.

⁷ Ibid

Police Recruitment & Diversity Review

Exhibit III

Police Reform Executive Order 203 Submitted to Governor's Office March 2021					
Reform to Diversity in Department Staffing and Recruitment					
#	Recommendation	Details	NCPD Response	Civil Service Involvement	Civil Service Response
1	Mentoring Program	Upon enrollment or pre-registration for the Nassau County Police Officer test, applicants will receive a mentorship letter. This letter lists fraternal organizations participating in the mentorship program. Applicants can contact them to provide guidance in the application process.	Accepted and Implemented	No	N/A
2	Creation of Diversity Team	The Department has instituted a Diversity and Recruitment Team	Accepted and Implemented	No	N/A
3	Civil Service points awarded on police exam for proficiency in another language	NCPD has no authority to implement changes to Civil Service	Considered and under review	Yes	Awarding points is governed by NYS Civil Service Law which would require being amended by NYS Legislature. In any event, this could not be awarded under 2018 Police Exam.
4	Recruitment Cadet Program	NCPD does not have authority to reform Police Exam grading	Considered with modifications	Yes	This would require amending NYS Civil Service law. This could not be awarded under 2018 Police Exam.
5	Police Exam early on line registration QR code	A Quick Response code has been added to recruitment informational pamphlets distributed in the community.	Accepted and Implemented	No	N/A
6	Have "police specialists", designated officers specialize in specific areas of policing	The Department has officers and detectives that specialize in particular areas of policing.	Already implemented	No	N/A
7	NCPD has to diversify their officers (specifically people of color, Hispanic, Latinos, people who are bilingual and females)	The NCPD has implemented several modifications and modernizations to the recruitment process in their endeavor to create a more diverse Department	Accepted and Implemented	No	N/A
8	Application and exam fees should be waived for low income community member who may not be able to afford the fees	A waiver of fee application will be allowed if you are unemployed and primarily responsible for the support of a household. In addition if you are receiving Medicaid, SSI payments or public assistance a waiver of fee application will be allowed.	Already implemented	No	N/A
9	There should be an auxillary program that leads to full employment	Members of the NCPD Auxillary police program are encouraged to take the police exam. Currently auxillary officers are not offered any additional points on the police exam.	Accepted and under review	Yes	Awarding points for auxillary officer experience would require amending NYS Civil Service law. This could not be awarded under 2018 Police Exam.
10	Police should inform the communities of color about all the special units and details so young people understand the opportunities	The NCPD informs the public of Specialized Department Units and details through programs such as Citizens Police Academy, NCPD Open House and the Police Youth Academy.	Accepted and implemented	No	N/A

Police Recruitment & Diversity Review

Police Reform Executive Order 203 Submitted to Governor's Office March 2021					
Reform to Diversity in Department Staffing and Recruitment					
#	Recommendation	Details	NCPD Response	Civil Service Involvement	Civil Service Response
11	Utilize BOCES to expose Latinos and African Americans to policing as a career and implement a BOCES police officer introductory course and use as points towards police exam	Community Affairs reaches out to BOCES during recruitment efforts. Any recommendations regarding points on police exam will be forwarded to Civil Service.	Considered and modified	Yes	Awarding extra points would require amending NYS Civil Service law.
12	Add a language proficiency to the PD application to allow numerous bilingual officers to be hired	Changes to the Police Department applications and examinations must be implemented by Civil Service.	Considered and referred	Yes	Under current New York State law and case law, criteria including language proficiency must be included in an examination announcement (Bilingual Examination)
13	Hiring bilingual staff must be a priority both in civilian aspects and police officers	This has been referred to Civil Service.	Considered and referred	Yes	Under current New York State law and case law, criteria including language proficiency must be included in an examination announcement (Bilingual Examination)
14	An outside consulting company should handle the entire applicant processing procedure	Exams are administered by Civil Service and hiring processes is done collaboratively with the NCPD.	Considered for discussion with NCPD and Civil Service	Yes	Different counties / cities do use outside consultants for aspects of candidate process (e.g., psychological testing). A change to use of an outside consultant would not be made during the processing of the 2018 Police Exam.
15	Creation of a joint criminal justice associate degree that includes civilian police training to encourage local students to apply to be a police officer	NCPD is working with Nassau Community College towards creating this type of program. NCPD and NCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.	Considered and under review	No	N/A
16	Discontinue the use of polygraph during hiring process	The issuance of a polygraph during the hiring process is a matter of Civil Service.	Considered and referred	Yes	Similarly, the decision to eliminate polygraphs would not be made during the processing of the 2018 Police Exam for the reasons we have discussed. Every candidate must be evaluated under the same sequence, which does currently include a polygraph
<p>Summary: The Office of the Nassau County Executive and the Nassau County Police Department submitted a police reform and reinvention plan to the Governor's Office pursuant to NYS Executive Order 203. The County Executive established the Police and Community Trust Initiative (PACT) and the Community Collaborative Task Force (CCT) to have a collaborative effort with community stakeholders to develop a plan for police reform. The chart above is a compilation of suggestions for reforming diversity in Department staffing and recruitment. Seven of the sixteen recommendations were referred to Civil Service. Audit team met with Martha Krisel, Executive Director of Civil Service to discuss these recommendations. The chart has been updated to reflect the necessary steps Civil Service would have to take to implement these recommendations.</p>					

Police Recruitment & Diversity Review

According to a press release by the County Executive, a diversity committee has been established to review and make recommendations for improvement to the hiring process. The County, working with the Civil Service Commission, is developing a plan for enhanced diversity and inclusion in the recruitment of applicants, which may require amendments to Civil Service law and rules.

With respect to diversity and inclusion in recruitment, data was provided to the auditors by the Civil Service Commission. The information below is from the 2012 and 2018 Nassau County Police Officer Exams and indicates by demographics where in the process individuals were eliminated from the hiring process, preventing them from attending the Police Academy.

Exhibit IV

Stages to be Completed to Progress to the Police Academy																				
2012 Exam (2014 Police Officer Eligible List)																				
Demographic	Total Applicants Sitting for Exam	Written Exam - Failed		Process Started After Passing Exam	Physical Fitness - Failed to Appear		Physical Fitness - Failed		Investigation- Failed to Appear		Investigation - Failed		Medical - Failed		Psychological - Failed		Total Failed		Total Candidates Hired	
		By #	By %		By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %
Asian or Pacific Islander	589	237	40%	143	60	42%	33	23%	2	1%	7	5%	3	2%	2	1%	107	75%	23	16%
Black	1845	560	30%	518	196	38%	163	31%	5	1%	79	15%	2	0%	6	1%	451	87%	44	8%
Hispanic	2757	894	32%	849	374	44%	160	19%	7	1%	76	9%	7	1%	4	0%	628	74%	127	15%
American Indian or Alaska Native	31	6	19%	10	5	50%	1	10%	0	0%	1	10%	0	0%	0	0%	7	70%	2	20%
Other	292	91	31%	92	34	37%	27	29%	1	1%	8	9%	0	0%	0	0%	70	76%	15	16%
Unknown	1683	466	28%	634	264	42%	83	13%	3	0%	57	9%	2	0%	2	0%	411	65%	138	22%
White	9893	2868	29%	3232	1230	38%	472	15%	41	1%	291	9%	31	1%	30	1%	2095	65%	782	24%
Total	17090	5122	30%	5478	2163	39%	939	17%	59	1%	519	9%	45	1%	44	1%	3769	69%	1131	21%

Source: Documents Supplied by Nassau County Civil Service Commission

Note: Auditors highlighted in Grey the five tests that have to be passed in order to enter the Police Academy

Exhibit V

Stages to be Completed to Progress to the Police Academy																				
2018 Exam (2019 Police Officer Eligible List)																				
Information current through July 2021																				
Demographic	Total Applicants Sitting for Exam	Written Exam - Failed		Process Started After Passing Exam	Physical Fitness - Failed to Appear		Physical Fitness - Failed		Investigation- Failed to Appear		Investigation - Failed		Medical - Failed		Psychological - Failed		Total Failed		Total Candidates Hired	
		By #	By %		By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %	By #	By %
Asian or Pacific Islander	614	279	45%	105	34	32%	9	9%	1	1%	7	7%	0	0%	0	0%	51	49%	16	15%
Black	1105	460	42%	267	88	33%	37	14%	4	1%	20	7%	1	0%	1	0%	151	57%	24	9%
Hispanic	2841	1147	40%	686	234	34%	78	11%	8	1%	40	6%	1	0%	2	0%	363	53%	64	9%
American Indian or Alaska Native	45	21	47%	9	1	11%	0	0%	0	0%	1	11%	0	0%	0	0%	2	22%	2	22%
Other	272	110	40%	56	22	39%	6	11%	1	2%	1	2%	0	0%	0	0%	30	54%	6	11%
Prefer Not to Answer	452	162	36%	133	45	34%	10	8%	0	0%	8	6%	0	0%	0	0%	63	47%	13	10%
Unknown	151	67	44%	52	9	17%	2	4%	0	0%	5	10%	0	0%	0	0%	16	31%	14	27%
White	10258	3790	37%	2367	735	31%	184	8%	32	1%	86	4%	0	0%	6	0%	1043	44%	377	16%
Total	15738	6036	38%	3675	1168	32%	326	9%	46	1%	168	5%	2	0%	9	0%	1719	47%	516	14%

Source: Documents Supplied by Nassau County Civil Service Commission

Note: Auditors highlighted in Grey the five tests that have to be passed in order to enter the Police Academy

Conclusion of Police Diversity in Recruitment and Hiring

The Auditors conclude that the work done by the Civil Service Commission with regards to the recruitment and hiring for the Nassau County Police Department has been professional and conducted in accordance with NYS Civil Service Law. The diversity committee established by the County Executive's Office should be able to provide guidance in implementing the suggested changes that have been proposed by the Nassau County Police Department.

Findings and Recommendations

AUDIT FINDING (1)

(1) Although the Nassau County Civil Service Commission Has Updated Their Website, It Still Lacks Pertinent Information for Public Review

Certain pertinent data for the public that is available on the New York State Civil Service website and two neighboring County websites is not available on the Nassau County Civil Service Commission website.

The Nassau County Civil Service Commission is subject to the rules of the New York State Civil Service Commission. Auditors reviewed New York State's Civil Service webpage and identified eleven important elements that should be found on all local Civil Service Commission webpages which can be viewed by the public. Auditors then conducted an analysis of three other Counties.

In comparison to the New York State Civil Service Website, the Nassau County Civil Service Commission website lacks the following elements:

- Civil Service Commission Meeting Minutes;
- Civil Service Commission Meeting Schedule;
- Explanation of Health Benefits;
- Information for Retirees;
- Language Assistant (this allows individuals to receive information or documents in multiple different languages. NYS offers this in English, Spanish, Russian, Korean, Bengali, Chinese, & Haitian-Creole)⁸;
- Summary of the Civil Service Commission Law;
- Training & Educational documents for tested positions;
- Eligible Lists; and
- Workforce Management Annual Report.

⁸ Nassau County's Civil Service Commission's website does have "Google Translate" on their webpage for several languages but does not offer language assistance in these languages. New York State's website offers a phone number for individuals to call to speak with someone in one of the seven languages displayed.

Findings and Recommendations

Exhibit VI - Civil Service Commission Website Comparison as of May 2020

Comparative Review of Civil Service Websites					
Website Attributes	New York State	Nassau County	Westchester County	Monroe County	Ulster County
Civil Service Commission Meeting Minutes/Video of Meetings	✓	✗	✗	✗	✗
Civil Service Commission Meeting Schedule	✓	✗	✗	✓	✗
Civil Service Law	✓	✓	✓	✓	✓
Explanation of Health Benefits	✓	✗	✓	✓	✓
Information for Retirees	✓	✗	✓	✗	✓
Job Titles & Descriptions	✓	✓	✓	✓	✗
Language Assistant	✓	✗	✗	✗	✗
Summary of Civil Service Law	✓	✗	✗	✗	✗
Training & Educational Documents for Positions	✓	✗	✓	✓	✓
Workforce Management Annual Report	✓	✗	✗	✗	✗
Contact Information for Civil Service	✓	✓	✓	✓	✓
Eligible Lists	✓	✗	✗	✓	⊙
Total Checkmarks	12	3	6	7	5

Source: Civil Service Websites

✓ = Attribute was found

✗ = Attribute was not found

⊙ = The Lists were found but no candidates were listed

New York State Civil Service Webpage

The NYS On-Line Services section allows individuals to submit an application for examination on-line, pay the application processing fee, and apply for a fee waiver. Another tab in this section is Eligible Lists. The Eligible List Management System (ELMS) allows an individual to view eligible lists, score notices and canvass letters. This feature allows individuals to view eligible lists that have been established by either job posting number, applicant name or job title.

The NYS Job Seekers tab contains state and local exams open to the public as well as continuous recruitment positions. Test guides published by the New York State Civil Service Commission are available on-line as a resource for potential exam applicants. This section also contains valuable information for programs available that hire individuals and veterans with disabilities. Program eligibility requirements as well as instructions on how to apply for these programs is provided. This tab also contains featured programs including student internship programs and temporary hiring programs that are available.

Findings and Recommendations

The Civil Service Commission tab of the NYS website contains all Civil Service Commission meeting dates, meeting webcasts for a period of two years, meeting dates for appeals, procedures for filing an appeal and diversity data. Although Nassau County posts a notice on their website for all Commission Hearings, if you cannot attend the hearing, there is no way to view or listen to a meeting that took place.

Nassau County Civil Service Commission Webpage

Until mid-year 2018, the Nassau County Civil Service Commission did not have its Rules on-line. This was recently corrected, and Auditors commend the Nassau County Civil Service Commission for posting their Draft Rule Book and Draft Rule Book Appendix on-line. In addition, Auditors acknowledge that the Civil Service Commission has updated their website to include some pertinent information such as meeting agendas and minutes, and current eligible lists by title and job interest/ job descriptions.

Audit Recommendation:

We recommend the Nassau County Civil Service Commission update their website to include features present on the New York State Civil Service website such as Eligible Lists, Internship availability and test guides.

Findings and Recommendations

AUDIT FINDING (2)

(2) The Civil Service Commission is Not Meeting the Requirements of the New York State Open Meetings Law by Failing to Post Meeting Agendas, Meeting Links and/or Resolutions on their Website

Conducting open meetings and operating in a transparent manner is a crucial component to ensuring fairness, equity and uniformity in application of the Civil Service Commission rules and processes and minimizing the appearance of favoritism and nepotism.

During the Covid-19 pandemic, the Civil Service Commission held their meetings via a teleconference meeting broadcast, in compliance with Executive Orders issued by New York State and with the review and approval of the Office of the Nassau County Attorney . Generally, two of the three Commissioners attend the conference remotely, while one Commissioner attends in person. The Civil Service Commission Executive Director, the Deputy Executive Director and an Administrative Officer III also attend in person. The Auditors also attended the meetings via the broadcast during the period of July 2020 through July 2021.

The following issues regarding the meetings were noted:

Teleconference Meetings

The Auditors found it was difficult to hear the individuals who were speaking at these meetings. A member of the public expressed concern over not being able to hear resolutions being proposed. At the meeting of January 7, 2021, auditors noted the audio feed was not functioning properly and the majority of the meeting could not be heard by the public. Auditors advised the Executive Director of the Civil Service Commission who was unaware there was a problem. To address this situation, at the next general meeting the Executive Director reread the resolutions addressed at the previous meeting.

Commissioners who participate in the meetings without being physically present, were not joining the meeting using a widely used video teleconferencing software. In contrast, Auditors observed that other agencies and boards have their attendees join the meeting separately through an audio video screen sharing application. Having each meeting attendee join separately makes it easier to understand them when they are speaking and to verify their attendance.

Meeting Agendas

The Civil Service Commission was not posting their meeting agendas on their website for the public to see prior to holding their meetings. They began posting their meeting agendas as of January 7, 2021. According to Section 103 of the NYS Open Meetings Law, “Agency records available to the public pursuant to Article Six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting, shall be made available ...prior to or at the meeting during which the records will be discussed.” It is essential that public business be performed in an open and public manner and the public can attend and listen to discussions that go into the making of a public policy. If the agency maintains a regularly and routinely updated website and utilizes a highspeed internet connection, such records shall be posted on the website.

Findings and Recommendations

Auditors repeatedly asked for the meeting agendas at least one day prior to the regularly scheduled Commission meetings, but on at least three occasions did not receive an agenda. When requested, auditors were often told by the Executive Director, that the agenda can change right up until the time of the meeting and that is why there is not always an agenda available.

Meeting Minutes

According to the NYS Open Meetings Law Section 106, minutes shall be taken at all open meetings of a public body, which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon. Minutes of all general meetings shall be available within two weeks of the date of the meeting and minutes of all executive session meetings shall be available within one week from the date of the executive session. Meeting minutes were not available on the Civil Service website. The Auditors discussed this with the Executive Director of the Civil Service Commission and as of February 2021, the Civil Service began putting meeting agendas and meeting minutes on their website, but only from January 2021 forward.

Findings and Recommendations

Exhibit VII

3/9/2021

Nassau County Civil Service Commission

NASSAU COUNTY
CIVIL SERVICE COMMISSION



Commission Meeting Minutes

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[February 8, 2021 Nassau County Civil Service Commission Meeting](#)
[January 21, 2021 Nassau County Civil Service Commission Meeting](#)
[January 7, 2021 Nassau County Civil Service Commission Meeting](#)

[NG Civil Service Home](#)
[Nassau County Executive](#)
[Executive Director](#)
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Notice of Meetings

Meetings were being held approximately every two weeks. According to the NYS Open meetings Law Section 104, public notice of the time and location of the meeting shall be posted electronically at least seventy-two hours before such meeting. Auditors observed that this was not always done.

A meeting was scheduled for February 1, 2021, however, due to a snow storm, the meeting was rescheduled to February 8, 2021 at 2:00PM. Notice of the meeting and the livestream link was not posted on the website until the morning of February 5th, contrary to the provisions of the Law.

Citizens Complaint Concerning Executive Session

Auditors received a complaint from an individual citing a potential violation of the NYS Open Meetings Law with respect to posting Executive Session minutes.

Findings and Recommendations

Under the Open Meetings Law, a public body may hold an executive session when it is dealing with one of eight subject area exemptions found in NYS Public Office Law §105. The eight exemptions are for meetings that involve:

- *matters which would imperil the public safety if disclosed;*
- *any matter which may disclose the identity of a law enforcement agent or informer;*
- *information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;*
- *discussions regarding proposed, pending or current litigation;*
- *collective negotiations pursuant to article fourteen of the civil service law;*
- *the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;*
- *the preparation, grading or administration of examinations; and*
- *the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the public body, but only when publicity would substantially affect the value of the real property or securities.*

In order to close a general meeting and go into executive session, the following three steps must be followed:

- *A member must make a motion during a general meeting to go into executive session;*
- *The motion must identify generally the subject or subjects to be considered; and*
- *A majority of the total membership of the public body must vote to enter into executive session.*

If action is taken in the Executive Session, then the action taken must be recorded in the minutes of the meeting.

Auditors found that for every Civil Service Commission General meeting that they observed during the audit period, the Civil Service Commission complied with these requirements.

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission prepare and post a meeting agenda at least 24 hours prior to the meeting on their website;

Findings and Recommendations

- b) Meeting minutes be posted on the Civil Service Commission's website within the specified timeframes of the Open Meeting Law; and
- c) The Civil Service Commission utilize an audio video screen sharing teleconference system, to ensure a better access for the public and livestream.

AUDIT FINDING (3)

(3) Many Nassau County Job Titles and Salary Ranges Have Not Been Surveyed and Updated in Over 24 Years

The skills and abilities of the County's workforce should be in line with modern processes and new technologies. Similarly, the salaries offered to employees should be in line with the skills needed to perform their jobs.

Presently most of the current Nassau County Civil Service Commission classification of jobs (titles, duties and pay grade) is based on a 1967 survey conducted by the firm of Cresap, McCormick and Paget (the Cresap survey). This survey was a comprehensive job and salary evaluation process and provided a rational classification of County job titles and established equitable and competitive salaries.⁹

Subsequently, a national Compensation and Human Resources Specialist firm, Fox Lawson Associates, was hired by the County in 2006, with the objectives to:

- **Classify the work that is being performed** currently by County employees in various titles;
- **Streamline the number of Class titles-** Fox Lawson Associates worked with the former NYS Compensation and Classification Specialist Director as Nassau County had 1,600 titles, while Fox Lawson Associates surveyed municipalities had 970;
- **Identify which classification title** county employees should be allocated to;
- **Collect market data** compensation data was collected from other cities and counties in the region and compared to Nassau County salary ranges; and
- **Recommend new and/or modified salary ranges.**

This firm reviewed the Nassau County Civil Service Commission titles and developed recommendations to reduce the number of County titles.

Fox Lawson Associates also found that in 2007, the County's salary range minimums were 24% below the market median salary range minimums, and salary range maximums were 20% above the market median salary range maximums.

⁹ Per *Justia*, *AFSCME v. County of Nassau*, 799 F. Supp. 1370 (E.D.N.Y. 1992).

Findings and Recommendations

These below market ranges make it difficult to fill certain job titles. Auditors have observed certain job openings are unfilled for long periods of time and the Human Resources website has an unusually long list of open positions. As of October 13, 2021, the audit team noted 46 positions are posted for hiring, while in 2018 there were 23 open positions. Exhibit VIII below shows all the open positions as of October 13, 2021.

Exhibit VIII

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NASSAU COUNTY  **NEW YORK**

EMPLOYMENT OPPORTUNITIES

View the following resources of available positions in Nassau County:

- [AR Assistant County Assessor \(PDF\)](#)
- [AS Assistant County Assessor \(PDF\)](#)
- [Assistant County Assessor Trainee \(PDF\)](#)
- [Bridge Operator](#)
- [Case Worker 1 - Part Time](#)
- [Certified Assistant County Assessor](#)
- [Chief Civil Engineer \(PDF\)](#)
- [Chief Stationary Engineer \(PDF\)](#)
- [Crime Victims Advocate Bilingual Spanish](#)
- [Crossing Guard](#)
- [Deputy Chief Procurement Officer](#)
- [Deputy Commissioner for Capital Programs](#)
- [Deputy Director of Probation](#)
- [Deputy Director of Probation \(PDF\)](#)
- [Deputy Undersheriff](#)
- [DPW Construction Inspector Trainee](#)
- [DPW Licensed Engineers](#)
- [Equipment Operator II \(PDF\)](#)
- [FORENSIC MEDICAL INVESTIGATOR I](#)
- [SEASONAL v2 FORENSIC](#)
- [PATHOLOGIST ASSISTANT I SEASONAL](#)
- [v2 High School Student Worker \(PDF\)](#)
- [HR Manager \(PDF\)](#)
- [HS Medical Director Methadone](#)
- [Maintenance Services](#)
- [HS Psychiatric Social Worker I - Opioid](#)
- [HS Psychiatric Social Worker I - Substance Abuse](#)
- [HS Registered Nurse I](#)
- [IT Deputy Commissioner](#)
- [IT Project Manager](#)
- [JDC Assistant Director](#)
- [JDC Custodial Worker I](#)
- [JDC Food Service Worker I](#)
- [JDC Registered Nurse I](#)
- [JDC Youth Group Supervisor](#)
- [JDC Youth Group Worker Aide I](#)
- [LABORER I, SEASONAL](#)
- [Lifeguard \(PDF\)](#)
- [Maintenance Welder \(PDF\)](#)
- [Mosquito Control Insp I \(PDF\)](#)
- [NCOIG Investigative Counsel](#)
- [NCOIG Oversight Specialist](#)
- [NCPD Police Medic \(PDF\)](#)
- [PeopleSoft Software Developer \(PDF\)](#)
- [Registered Nurse IV \(PDF\)](#)
- [Snow Remover \(PDF\)](#)
- [Statistician Trainee](#)
- [Undersheriff](#)

Findings and Recommendations

Below market salary ranges may also affect retention. The Office of the Nassau County Comptroller received 168 complaints from Nassau County employees alleging they were not being paid the County Living Wage Rate. Auditors performed an investigation of the complaints and a report was given to the Office of Human Resources. Countywide, 266 employees received a salary adjustment and back pay to bring them to the County Living Wage Rate. These employees were underpaid while they were at the two starting pay steps for various positions.

Exhibit IX below indicates that Grade 10 contains the highest number of employees, which has a starting salary of \$32,855 and a salary of \$74,978 at year 12 (Top Step).

Exhibit IX



Note: Employees in the Competitive class take a written graded examination and placed on a list for possible employment

Source: Nassau County Payroll File May 3, 2021

Exhibit X below is a breakdown of the various salary grades on the current CSEA salary plan that have employees, and the start and end step for each grade. The CSEA Schedule D¹⁰ salary plan put into effect for new employees hired after April 1, 2014, has lower start steps than the salary chart previously in effect for employees hired after January 1, 1997 as was negotiated by the CSEA. The top pay step for all salary grades is the same under both salary plans.

¹⁰ CSEA Salary Plan D covers all annual employees hired on or after April 1, 2014. The effective period is July 1, 2017-December 31, 2017.

Findings and Recommendations

Exhibit X

CSEA Positions by Grade/Salary		
Grade	Start Step	12th Year
2	\$ 21,447	\$ 45,674
3	\$ 22,303	\$ 48,140
4	\$ 23,157	\$ 50,734
5	\$ 24,224	\$ 53,780
6	\$ 25,293	\$ 57,016
7	\$ 26,650	\$ 60,551
8	\$ 28,417	\$ 64,604
9	\$ 30,500	\$ 69,268
10	\$ 32,855	\$ 74,978
11	\$ 35,501	\$ 81,174
12	\$ 38,479	\$ 87,892
13	\$ 41,936	\$ 95,290
14	\$ 45,900	\$ 103,743
15	\$ 50,261	\$ 113,240
16	\$ 54,929	\$ 123,227
17	\$ 59,906	\$ 133,634
18	\$ 65,242	\$ 144,423
19	\$ 70,565	\$ 150,270
20	\$ 76,401	\$ 161,784
21	\$ 79,915	\$ 173,652
22	\$ 85,785	\$ 186,091

Note: Auditors used the latest CSEA salary chart - "Plan D's Salary Schedule".

As of May 3, 2021 Grade 10 contains the highest number of CSEA employees

Auditors note between grades 2 through 7, there is little variation in the starting salaries.

Audit Recommendation:

We recommend that the Nassau County Civil Service Commission consider performing a Title Classification and Compensation study.

Findings and Recommendations

AUDIT FINDING (4)

(4) The Civil Service Commission Needs to Authorize Changes to Job Qualifications Uniformly to Expand Recruitment Efforts, Such as Allowing College Students to Take a Civil Service Exam Before Graduating College

The County is having difficulty recruiting workers into Civil Service for certain positions.

In April 2020, the Civil Service Commission issued an exam announcement for a Civil Engineer I, which states applicants can apply for the exam prior to finishing their education. This updated qualification was issued by adding the appropriate wording to the job announcement. This is the only position within Nassau County Civil Service that currently has this updated provision as of January 2021.

Auditors attended a meeting with a County Department in September of 2018, where this recruitment concern was first raised. The Department stated the change was implemented to allow college students to be eligible to sit for the Civil Engineer I exam one year prior to receiving a degree and thereby allow students to be hired directly out of college once they receive their degree. This change was made to improve the recruitment process so that the Department does not lose applicants to the private sector.

The Civil Service Commission implemented this change in 2020, but only did so for this one position, and did not make this modification for any other positions or departments. Some examples of Nassau County positions which could benefit and improve the recruitment process from this provision are: Accountant I and Case Worker I. An Accountant I position is currently utilized in 10 different Nassau County departments as of May 2021.

Audit Recommendation(s):

We recommend the Nassau County Civil Service Commission contact all County Departments to determine if a qualification modification would improve recruitment for any other positions.

AUDIT FINDING (5)

(5) Internal Controls Over the Process for Creating and Updating Job Specifications Were Insufficient, Resulting in Approval Conflicts and/or an Insufficient Audit Trail

In accordance with NYS Civil Service Law Section 22, each municipal civil service agency, like the Nassau County Civil Service Commission, has the authority to classify and reclassify positions under their jurisdiction. In the Nassau County Civil Service Commission this is performed by the Classification Unit with the approval of the Commissioners.

The Classification Unit of the Civil Service Commission defines all positions and maintains official job specifications, including training and experience requirements. They assist departments with creating new job specifications or revising current job specifications when typical duties of the job, qualifications for the position or training and experience requirements

Findings and Recommendations

change. It is important that new job specifications or changes are made based upon the need for specific skills and not to accommodate a specific individual or group of individuals.

Auditors sampled 21 new and revised job specifications out of a total of 246 revisions that took place during the period 2018-2020. Auditors noted the following issues with seven out of the twenty-one job specifications reviewed.

- Two job specifications were revised for positions within the Civil Service Commission. In both instances, the revised specification was prepared by the Deputy Executive Director and approved by the same person.
- In one instance the Auditors found that the Commissioners approved a job specification revision in an email rather approving it at a Commission meeting. Job specifications should be approved by Commissioners at Commission meetings in order to ensure fairness, equity, uniformity and transparency.
- In another instance a job specification revision was performed whereby the position was down-graded from Manager to Specialist less than two months after the Manager title was created. When questioned, the Civil Service Commission agreed that the paper trail on this was not good and it does not seem that the revision was done correctly. This lends the appearance that the person the organization had in mind for the job did not meet the managerial/supervisory qualifications as initially set forth, so the job specification was revised.
- In another instance, the job specification for a competitive position within a village was revised to standardize the qualifications to mirror the same position in the County. Auditors found on the Specification Revision Checkoff list maintained by the Civil Service Commission a notation that an exempt position must be filled before this competitive job can be filled. When the auditors questioned this practice, they were told this should not have been a requirement.
- A newly created job specification did not state the reason for the position being created. The specification for the new job was copied directly from a similar position in Suffolk County. Several emails were observed between the Civil Service Commission, Office of Human Resources and the Department requesting the new job specification creation, however, none of the documentation stated the reason for the new position being created.
- Minimum qualifications for a job specification were revised to remove the requirement of “Security Experience” from a non-competitive job title. No explanation was given for removing these qualifications. This gives the appearance that the position was revised in order to accommodate a specific individual who did not have the proper experience for the job.

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission only approve job specification revisions or additions at Commission meetings so that the public has access to this information;

Findings and Recommendations

- b) To avoid the potential for favoritism and/or nepotism, ensure that no one individual can unilaterally approve all job specifications (segregation of duties); and
- c) Job specification revisions or additions be properly documented as to the reason why the specification is being changed; job specifications should not be created or modified to accommodate an individual or group of individuals.

AUDIT FINDING (6)

(6) The Civil Service Commission Needs to Establish Competitive/Tested Titles Which Exist in Other Counties for Various Positions Throughout Nassau County

Per the New York State Civil Service Commission, the laws, regulations and rules of the New York State Civil Service Commission¹¹ are to be followed by all civil service agencies in NYS as follows:

The Civil Service Law and the Rules and Regulations promulgated thereunder, implement **the mandate of the State Constitution, Article V**, section 6, which provides that:

“Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive...”

Auditors noted several departments in Nassau County have only Ordinance employees, such as the Office of Management & Budget, Office of Human Resources and Office of Housing. Ordinance employees serve at the pleasure of the County Executive and can be removed or replaced at any time. As administrations change, there can be a significant departure of staff in these Ordinance positions.

Having permanent competitively tested employees in these Department, rather than only appointed Ordinance staff, could provide important continuity.

Office of Management & Budget

As of December 31, 2018, the County’s Office of Management & Budget was comprised of 21 full-time employees and one part-time employee, who all have ordinance status, while other counties’ budget offices are consistently comprised of civil service employees.

¹¹ New York State Department of Civil Service, <https://www.cs.ny.gov/businesssuite/Civil-Service-Law/> and New York Codes, Rules and Regulations, 4 CRR-NY

Findings and Recommendations

During their review of the Civil Service Commission's annual certification of the County payroll¹², the Audit Team noted a significant reduction in Office of Management & Budget staffing in January 2018, following a change in the County's Administration as well as a high turnover rate:

- 2009-2010: 41% staff reduction (41 to 27 employees)
- 2017-2018: 52% staff reduction (27 to 13 employees)

An Office of Management & Budget staffed at least partially with Civil Service employees would assure continuity of qualified personnel.

The mission of the Office of Management & Budget is:

to establish and maintain the County's financial reputation as a soundly operating municipal government that delivers needed services cost-effectively to the people of the County and to ensure the County's operating budget is in balance.

The Nassau County titles of Program Coordinator, Performance Measurement Coordinator, Budget Examiner, Senior Budget Examiner, Budget Research Analyst, Deputy Director of Budget, and Director of Management & Budget Fiscal Administrator are all ordinance positions.

In comparison, Budget Analyst positions in other counties are competitive positions requiring a bachelor's degree in Public Administration, Business Administration, Finance, Accounting or a related field, and one (1) year of experience in budgetary review and preparation.

Having a number of permanent employees would provide important continuity during the annual budget preparation and approval process.

The New York State written test for these competitive positions used by other Counties covers skills, and/or abilities in such areas as:

- Budgeting;
- Evaluating conclusions in lights of known facts;
- Preparing written material;
- Understanding and interpreting tabular material; and
- Understanding and interpreting written material.

A comparison of two other counties in New York State revealed the following:

- **Suffolk County-** a review of Suffolk County's job titles revealed the titles of **Budget Examiner, Senior Budget Examiner, Principal Budget Examiner and Chief Budget**

¹² Rule XXVIII of the Nassau County Civil Service Commission Rules provides for the Civil Service Commission to review payroll rosters and certifications submitted by each County department or agency. This is done using the first complete annual payroll in each fiscal year.

Findings and Recommendations

Examiner are all civil service competitive (tested) positions with educational as well as experience requirements.

- **Westchester County- a review of the Westchester County Civil Service Job Class Specifications identified seven different budget related positions, all as civil service competitive (tested) positions.**

Office of Housing

The Office of Housing administers grants from the Federal and New York State government and functions as an administrator for New York State on Section 8 housing and other programs.¹³ Continuity is important in administering these programs that affect the lives of many County residents. Auditors noted that New York State, Suffolk County and Westchester County have housing positions as follows:

- **New York State** – a review of New York State’s job titles revealed the titles of Housing Specialist, Housing Rental Inspector and Housing Management Assistants, are all competitive positions.
- **Suffolk County** – a review of Suffolk County’s job titles revealed the titles of Housing Inspector, Housing Program Supervisor, Housing Rehabilitation Manager, are all competitive positions.
- **Westchester County** – a review of Westchester County’s job titles revealed the titles of Housing Inspector, Housing Project Manager, Assistant Director of the Housing Authority, and Resident Initiatives Coordinator are all competitive positions.

Audit Recommendation:

We recommend that County Officials work with the Civil Service Commission to establish appropriate competitive titles for positions within departments currently made up of all Ordinance employees, such as the Office of Management & Budget, the Office of Human Resources and the Office of Housing.

¹³ Section 8 of the Housing Act of 1937 authorizes the payment of rental housing assistance to private landlords on behalf of low-income households.

Findings and Recommendations

AUDIT FINDING (7)

(7) The Civil Service Commission Granted Extended Leaves of Absence to Certain Exempt County and Town Employees Without Justification, Giving the Appearance of Nepotism

The Civil Service Commissioners are responsible for approving requests to grant or extend an employee's leave of absence from their competitive job title. According to Nassau County Civil Service Rule XXIV (4):

“a permanent competitive, non-competitive or labor class employee may be granted a leave of absence not to exceed two years to serve in an exempt or non-competitive class position. Such leave of absence shall expire at the end of his employment in such exempt or non-competitive position provided such service shall not continue more than two years. The Commission, in its discretion, may waive the time limitation in cases where it finds such a waiver to be in the public interest.”

A department may request the Civil Service Commission extend a leave of absence where such extension is in the public interest. The Executive Director informed the Auditors that the Civil Service Rules do not address limits on extensions of leaves of absence.

Auditors observed Commissioners authorized extensions of leave of absences without articulated justification for the extension and without clearly noting the reason in the Commission meeting minutes. The Executive Director stated that the Commissioners do not like to decline any requests which might make their decision appear to be arbitrary and capricious.

Auditors analysis showed a total of 67 individuals received a leave of absence ranging from two months to twenty-two years during the audit period. Forty-one leave of absences were granted to County employees while 26 leave of absences were granted to various town employees. Thirty-five of the 67 leave of absences or 52% exceeded the two-year provision.

Auditors selected a sample of 22 employees from the County, the Town of North Hempstead and the Town of Oyster Bay, that had leave of absences in progress during the period 2018-2020. A review of the 22 leave of absences revealed:

- Proper Authorization from the Civil Service Commissioners was lacking for ten of the twenty-two leave of absences reviewed or 45%, Auditors did not see evidence in the Board minutes of the Commissioners approving the original leave of absence. Auditors reviewed both the General meeting minutes and Executive Session minutes.
- Ten of the twenty-two leaves of absence, or 46% (3 County employees, 7 Town employees) received a leave of absence from a position unrelated to the position they are going to. Auditors were told by the Executive Director of the Civil Service Commission that since these are exempt positions, there are no job specifications for the position, and they may not necessarily have the qualifications for the position. For example, in one instance a Multi Keyboard Operator II became a Town Deputy Commissioner of Highways. There are no minimum qualifications for these positions.

Findings and Recommendations

- **Of the twenty-two absences reviewed, auditors noted that seventeen were granted for more than the customary two years. Four of the leaves were for more than eleven years (2 County employees, 2 Town employees) and one had a leave in excess of nineteen years.** One of these employees has continuously received a leave of absence from his position as a Labor Supervisor I since 2001 and has been in three different Deputy Commissioner positions in three different departments over the course of 20 years. **This Town of Oyster Bay employee received a leave from a Civil Service position to an exempt position for a period of eleven years and continued to receive leave extensions without any justification.**
- **Four of the twenty-two employees tested that received leaves of absence were Town of Oyster Bay employees who are listed as “Leaders” of a geographic area on a political party website. One of the twenty-two employees tested that received a leave of absence was a Town of Oyster Bay employee who is listed as an area club president on a political party website. One additional Town of Oyster Bay employee also held a paid position on a Board in the County.**
- **A Town of Oyster Bay employee with a leave of absence for more than ten years, went from a clerical position to three different exempt positions.**

Auditors compared Nassau County’s leave of absence policy with two other comparable counties located in New York State, and found that these counties do not extend leaves past the two-year period without a justification in writing from the department requesting the extension.

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission and the Executive Director of the Civil Service Commission consult with colleagues from other counties at the New York State Association of Personnel and Civil Service Officers regarding “best practices” in dealing with extended leaves of absence; and
- b) The Civil Service Commission and the Executive Director consider if proposing a revision to the County’s Civil Service Commission Rules regarding the granting of leave of absence.

Findings and Recommendations

AUDIT FINDING (8)

(8) The Civil Service Commission's Rules Should be Updated and Submitted to the New York State Department of Civil Service for Approval

The majority of the provisions pertaining to civil service procedures and requirements in the State Civil Service are contained in the Civil Service Law, the Rules for the Classified Service, the Regulations of the State Civil Service Commission (Commission's Regulations) and the Regulations of the Department of Civil Service (President's Regulations). The Rules and Regulations implement the Law and provide procedures for carrying out the principles expressed in the Constitution and Law. The Rules and Regulations must be consistent with the Law.

The principal rules governing the recruitment of personnel and personnel changes, including examinations, appointments, promotions, transfers and reinstatements, are contained in the Rules for the Classified Service. The Rules for Classified Service are subject to the approval of the Governor and take effect when filed with the Department of State. These Rules apply to all employment under the jurisdiction of the State Department of Civil Service.

The Nassau County Civil Service Commission's **Rule Book** details the Rules followed by the department, including classifications, descriptions of the exempt, labor and non-competitive classes, recruitment, examinations, and eligible lists, for the information of County employees and residents.

At the start of the audit, the Rules were not posted on the website. They have subsequently been posted. The Auditors reviewed the Rules and found the following issues:

- The Commission's Rules are posted on their website with the following disclaimer: "The following document is currently under review and may contain inaccuracies. Please be aware that this information is informal and advisory. Thank you." The Executive Director advised the Audit Team that the Rules could only be revised with the approval of the New York State Department of Civil Service. Rules should be a resource for all applicant, human resource representatives and members of the public.
- The Rules covering the organization of the Commission lack key information regarding Commission meetings. Auditors noted that the Rules do not designate the number of meetings to be held during the year.
- The Rules have not been updated for several years; for example, they refer to the Board of Supervisors, which was succeeded by the Nassau County Legislature on January 1, 1996.

Audit Recommendation:

We recommend that the Commission submit revised and updated rules for approval by the New York State Department of Civil Service.

Findings and Recommendations

AUDIT FINDING (9)

(9) The Civil Service Commission is Not Publicly Electing One of its Members as Chairperson Annually as Required by Civil Service Commission Rule II

Civil Service Commission Rule II, “Organization of the Commission”, states that:

“The Commission shall annually elect one of its members as Chairman.”

During the first meeting of the year in three consecutive years, there was no mention of the Civil Service Commissioners electing one of the members as Chairperson.

Auditors reviewed Board Minutes maintained by the Civil Service Commission for the period January 2017-December 2019. All minutes began with listing those Commissioners in attendance. For all meeting minutes reviewed, auditors noted there was a quorum in attendance.

However, in all three years during the first meeting of the year, or any meeting thereafter, the Board minutes did not reflect one of the members being elected as Chairperson.

There are three Civil Service Commissioners with each member having a six-year term. The Commissioners earn \$20,000 a year, with the chairperson receiving additional compensation, earning approximately \$29,000 per year.

As of March 2021, the Civil Service Commission has two new Commissioners and they have elected a Chairperson.

Audit Recommendation:

We recommend the Civil Service Commission adhere to the Rules by electing at the first Board meeting of the year, a Chairperson of the Commission.

AUDIT FINDING (10)

(10) Meeting Minutes Were Not Accurate as Minutes Indicated Commissioners Were Voting on Resolutions When They Were Not in Attendance

According to Civil Service Commission Rule II, the Commission shall keep true and accurate minutes of all its meetings and proceedings, which shall be open to public inspection.

Auditors reviewed Board minutes for the period 2018-2020 and noted that on three separate occasions, there was evidence of a Board Commissioner being excused from a meeting yet, according to the approved minutes that same Commissioner either made a motion or made a second on a resolution.

- In the meeting minutes of February 7, 2019, it was stated that a Commissioner was excused from the meeting. The minutes reflect that this Commissioner either made a motion or second a motion for 8 of 13 resolutions presented to the Board at its General meeting.

Findings and Recommendations

- In the meeting minutes of February 21, 2019, a Commissioner approved the minutes of the prior meeting (February 7, 2019) from which he was absent without stating that he was not at that meeting and could not have approved the 8 of 13 resolutions.
- In the meeting minutes of January 9, 2020, it was noted that a Commissioner was not in attendance at this meeting. The minutes reflect that this Commissioner either made a motion or seconded a motion for 21 of 31 resolutions presented to the Board at the General meeting.
- At the January 23, 2020 meeting, the minutes were approved unanimously, although one of the Commissioners was not present at the prior meeting in January and approved 21 of 31 resolutions.

The Auditors brought these matters to the attention of the Executive Director and the Executive Director's Administrative Officer III. They indicated that it is very rare that a meeting is held without all three of the Commissioners in attendance. They stated that the above discrepancies were human error in the preparation of the minutes (a template is used to record the minutes).

Additionally, Auditors observed that the Commissioners generally did not make or second a motion; instead, the Deputy Executive Director announced that "the Chair makes a motion" or "the Chair seconds a motion".

Audit Recommendation:

We recommend that minutes be revised, and they accurately reflect which Commissioner making the motion and issuing the second of the motion.

AUDIT FINDING (11)

(11) The Civil Service Commission is Not Adequately Monitoring Provisional Employees, Resulting in Untested Individuals Employed in Tested Positions and Incorrect Statistical Information Being Reported to New York State in the Annual Report

The Nassau County Civil Service Commission is responsible for monitoring provisional employees and ensuring that they are given the timely opportunity to become permanent employees. The Civil Service Commission is also responsible for requesting from New York State that a competitive exam be given within 30 days of provisional appointment.

Provisional appointments are reported in a required Annual Report to the New York State Civil Service Commission. The State prepares a Summary of Annual Reports, using this data, in order to provide a comparative year-by-year summary of all NYS counties. Therefore, it is imperative that the data provided by each County be complete and accurate.

Auditors were unable to reconcile the counts of provisional employees reported on a required Annual Report to the state with the schedule of provisional appointments provided to the audit team. The Annual Report for 2019 indicated there were 406 provisional employees while the

Findings and Recommendations

supporting documentation provided to the Auditors by the Civil Service Commission indicated there were 225 provisional employees. When discussed with the Civil Service Commission, Auditors were told that two units within the Civil Service Commission perform a portion of tracking provisional employees and therefore were unable to validate the numbers provided. There appears to be a lack of communication between the units regarding provisional employees. There are also no written procedures regarding the gathering of data to be reported to New York State.

Auditors were not able to reconcile the Civil Service Commission's listing of provisional employees to individual departmental provisional employee listings.

Auditors requested a current listing of all provisional employees from the Civil Service Commission and received a report dated December 17, 2020 generated in Excel format. Auditors then contacted six different departments throughout the County, requesting a listing of their provisional employees. Auditors were unable to reconcile the listings received from the individual departments to the Civil Service Commission listing provided.

Auditors noted three employees that were not on the Civil Service Commission listing but appeared on a department's records as being a provisional employee. Auditors brought this to the attention of the Deputy Executive Director who indicated that their report is generated at a point in time and is not updated on a routine basis.

Auditors requested an updated tracking report of provisional appointees from the Civil Service Commission and received the same report on February 22, 2021. This report included two of the three provisional employees missing from the prior report. One employee with a provisional appointment since 2018, was still not on the February 22, 2021 Civil Service Commission listing.

Without these employees appearing on the Civil Service Commission listing, we have no assurance that the Civil Service Commission is adequately monitoring provisional employees. These employees have the advantage of remaining in a title and accruing service time as well as receiving step increases without ever having passed an exam for a competitive position.

Auditor testing of 27 provisionally appointed employees also revealed the following inconsistencies:

- For three of the 27 employees, the Civil Service Commission did not request NYS give an exam within the thirty days stipulated in their procedures. In one instance it was more than eleven months before the exam was requested.
- Two of the 27 employees did not have any notation of an exam being requested on the original Civil Service Commission Tracking Report or the revised Tracking Report.
- Eight of 20 additional employees did not have an indication that an exam was requested on the original tracking report.

Findings and Recommendations

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission develop procedures which identify the source of all data being reported to New York State; and
- b) Implement a tracking report to monitor all provisional employees and update the report when any employee is hired provisionally.

AUDIT FINDING (12)

(12) Out-of-Title Grievances Have Not Always Been Followed-Up and Resolved by the Civil Service Commission in a Timely Manner

New York State Civil Service Law prohibits out-of-title work.¹⁴ The Executive Director of the Civil Service Commission noted that one of the key missions of the Commission is to prevent out-of-title work.

On occasion, an employee may believe that the work they are doing is outside their job specifications (out of title work). If an employee believes this is so, they can address the issue within their own department with their Supervisor and/or Department Head. This is often done with the assistance of their union, if they are covered by a Collective Bargaining Agreement.

If the issue/question cannot be resolved in this manner, the employee can file a Form CS-5, Application for Change in Title, with the Civil Service Commission. This allows the employee to report that they believe their department is requiring them to work out of their title.¹⁵

The Civil Service Commission records each CS-5 in LOTUS Notes. Civil Service Commission staff enter updates into Lotus Notes as a review of the request takes place, for example, if additional information is requested from the employee's supervisor.

The Out-of-Title grievance is resolved by arbitration. In most instances, the Executive Director of the Civil Service Commission acts as the arbitrator as this is generally preferred by County departments, and the municipalities, special districts, and localities served by the Civil Service Commission, as well as their unions.

The Out-of-Title process works as follows:

- The employee completes the Form CS-5 (electronically) and they, or their union, files it with the Civil Service Commission;
- The employee's supervisor and their department head respond to the employee's grievance;

¹⁴ New York State Civil Service Law, Section 61, Appointment and Promotion.

¹⁵ The County has the right to require employees to work below their title, as long as the work is in the promotional line for the employee's title.

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- The Civil Service Commission performs a review, requesting additional information if needed from the employee, their union and/or their department;
- The arbitrator, generally the Civil Service Commission Executive Director, reviews the documentation and issues a determination. If needed, the employee's department is advised to cease and desist having the employee perform work outside of their job specifications; and/or
- The arbitrator may determine that the employee should receive out-of-title compensation for the period when they performed duties that were not part of their job specifications.

The outcomes of an out-of-title grievance may be:

- The Civil Service Commission agrees the employee is working out-of-title and awards the employee compensation for the difference between their actual title and the title that most closely represents the work the employee is doing (the Civil Service Commission tracks this as an approval);
- The Civil Service Commission sends a "cease and desist" order to the employee's department, which will prevent them from assigning the employee the out-of-title work, going forward (the Civil Service Commission tracks this as an approval); or
- The Civil Service Commission denies the grievance. If an employee loses a grievance, they have 20 days to file an appeal. The final decision of the Civil Service Commission after the appeal is binding, and the employee and/or their union cannot challenge the determination (the Civil Service Commission tracks this as a denial).

During the period 2016 through 2020, the Civil Service Commission received 102 working-out-of-title grievance complaints from County employees, reported on Form CS-5. Over a five-year period, approximately one-third of the complaints received and researched by the Civil Service Commission resulted in a decision in favor of the employee filing the complaint. Exhibit XI below summarizes these 102 grievances and their outcomes to date:

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Exhibit XI

Nassau County Civil Service Commission								
Summary of Working Out of Title Complaints								
Status of CS-5 Documents: Counts by Year								
Year	Approved	Incomplete	Submitted	No Action Required	Denied	Appeal Denied	Other	Total
2016	7	0	0	0	3	3	1	14
2017	17	0	0	0	7	2	0	26
2018	10	17	2	1	0	0	1	31
2019	0	16	0	0	1	0	1	18
2020	0	13	0	0	0	0	0	13
Total	34	46	2	1	11	5	3	102
Percentage	33%	45%	2%	1%	11%	5%	3%	100%

Notes:
 Form CS-5 is an Application for Change in Title.
 "Other" instance in 2016 is for a withdrawn submission. "Other" instance in 2018 is for an "inappropriate vehicle", 2019 instance is for an incomplete appeal.

Auditors noted that 45% of the complaints filed were classified as incomplete, meaning more information is required from the individual, their supervisor and/or department head.

The Audit Team performed a review of 12 of the 102 complaints (approximately 12%). Five of the employees (or 42%) of the grievances filed were approved; two were denied, five are currently in progress or incomplete.

Of the 12 out-of-title grievances examined, three were noted to have exceptions or to need additional follow-up by the Civil Service Commission as follows:

- In two instances, grievances have been outstanding since August 2019 and February 2020, respectively. The Deputy Executive Director advised that a second “follow-up” effort by the Civil Service Commission with each employee’s Supervisor and/or Department Head was needed, in order to obtain additional information. In one of these two instances, a change in the position’s jurisdictional class must also be put on the calendar for approval by the Civil Service Commission at a public meeting. The Deputy Executive Director noted that the Commissioners were approximately one year behind in addressing changes in jurisdictional class.
- In one instance the employee’s grievance, which was filed in August 2018, had been resolved, however, this was not noted in the LOTUS Notes system where the grievances are recorded and tracked. The grievance is still listed as “incomplete”. The Deputy Executive Director advised the Auditors that a note indicating that the complaint has been resolved needs to be added to LOTUS Notes. The employee received a promotion from Accountant II to Accountant III in 2019, which resulted in the employee’s Grade increasing from Grade 13 to 15, and their salary increasing by \$4,626.

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While out-of-title grievances can take considerable time to research and resolve, the CSEA has noted that the process takes about a year once it is initiated. Even by Civil Service internal measure, these instances have substantially exceeded this one-year timeframe.

Audit Recommendation(s):

We recommend that the Civil Service Commission:

- a) Resolve the outstanding 2019 and 2020 out-of-title complaints; and
- b) Update LOTUS notes contemporaneously with each decision rendered.

AUDIT FINDING (13)

(13) Statistical Data Submitted to New York State and the Nassau County Office of Management and Budget Contained Discrepancies and Lacked Adequate Support

On an annual basis, the Civil Service Commission provides an Annual Report to the New York State Department of Civil Service on their merit system activities, as required by Section 26 (1) of the New York State Civil Service Law. This report is due to the State by March 31st. The State compiles the information from multiple municipalities into a Summary of Annual Reports, which is published on the State's website. The Summary of Annual Reports allows readers to view comparative data assembled into charts and graphs from 56 counties, as well as from cities, towns, special districts and commissions.

The Civil Service Commission also provides statistical information to the Nassau County Office of Management & Budget ("OMB"), which is included in annual Summary Budget Books, in order to identify and track key performance measures for each County department and agency.

Information provided to State agencies and data used for County performance measures should be accurate and verifiable.

The Civil Service Commission uses a variety of computer systems and manual records. Systems in use include PeopleSoft¹⁶, NeoGov,¹⁷ APIDS¹⁸ and LOTUS¹⁹ Notes. During the audit, the Audit team requested various reports and listings of individual transactions and personnel actions, in order to make selections for testing.

Auditors attempted to verify Civil Service Commission data. The Civil Service Commission was unable to provide detailed information (by employee, job title, department, etc.) that agreed with the yearly counts listed in the statistical information provided to the New York State Department of Civil Service and/or the Nassau County Office of Management & Budget ("OMB").

¹⁶ Peoplesoft is the personnel and payroll system for the County which was implemented in September 2020.

¹⁷ NeoGov is an HR software that automates the entire hiring process.

¹⁸ APIDS is the Automated Personnel Information Display System which was the record keeping system used to maintain roster records for employees which has been replaced by Peoplesoft.

¹⁹ Lotus Notes HCL Notes (formerly IBM Notes and Lotus Notes) HCL acquired the product in July 2019.

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This includes the following performance measures:

- Provisional Appointments;
- State and Local Examinations Scheduled;
- Applications Reviewed; and
- New and Revised Job Specifications.

The supporting data provided by the Civil Service Commission did not match the original data that was used to compile the statistics given to NYS and/or the Nassau County Office of Management & Budget. These performance measures are important because they provide the means for residents to evaluate how the department is performing their key responsibilities over time and in comparison to comparable counties.

Discrepancies and Variances were noted in the following performance measures:

Provisional Appointments

Each county provides the State with a count of provisional employees in competitive class positions. This information is published in the Civil Service Commission's Annual Report and in the State's Summary of Annual Reports. The Nassau County Civil Service Commission reported 292 provisional employees for 2018 and 406 for 2019. Auditors were unable to verify the accuracy of the provisional employee count reported to New York State for 2019 since the Civil Service Commission unable to supply Auditors with the supporting documentation to corroborate the employee headcount. The Audit Team was provided with a log of provisional employees as of February 22, 2021, but it was unable to be reconciled to the counts provided to the State.

The Auditors were advised by the Civil Service Commission that the count of provisional employees has multiple components, as follows:

- The Placement unit records the appointment, and that a yearly summation of these appointments makes up the data used to calculate the total number of provisional employees;
- Data from previous years is reviewed to identify provisional appointments for which the State has not yet scheduled an examination; and
- The Classification unit maintains the number of positions which are pending jurisdictional classification. The final provisional counts total these various data sources.

State and Local Examinations Held

The State and local examinations by the Nassau County Civil Service Commission are compiled by the State and published in their Summary of Annual Reports. Exhibit XI below details the State and Local examinations held for 2018 and 2019.

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Exhibit XI

Nassau County Civil Service Commission Local & State Examinations Held			
Year	State Examinations (1)	Local Examinations (2)	Decentralized Examinations (3)
2018	146	14	8
2019	190	14	8

Source: NYS Civil Service Summary Annual Report 2018 and 2019

(1) A State examination is an examination prepared and rated by the NYS Department of Civil Service.

(2) A local examination is an examination prepared and rated by the local jurisdiction (i.e., county or city).

(3) A decentralized examination is an exam program prepared by the NYS Department of Civil Service and used by the local jurisdiction to schedule and rate.

This statistical information was published in the County’s Office of Management & Budget’s (“OMB”) Annual Approved Budget Summary as one of the key measures of the work performed by the Civil Service Commission.

Civil Service Commission senior staff advised the Auditors that NeoGov counts examinations with the same title as one exam, while in the Budget Summary the examinations are counted individually. Without reports dating from March of each year, when the information is compiled for the Annual Report, **the Auditors could not verify the accuracy of the counts provided to the State.**

Applications Reviewed

As the Civil Service Commission handles over 200 municipal agencies, they reported to OMB that 14,821 applications were examined in 2018, while 16,016 were reviewed in 2019. However, senior staff informed the Audit Team that while the statistics provided to OMB list approved applications, NeoGov counts applications received. Without detailed reports from NeoGov for the periods the statistics were provided to OMB, **the Audit Team could not verify the accuracy of the counts provided to OMB.**

New and Revised Job Specifications

New and revised job specifications are key statistical measures for the Civil Service Commission, as their development is an essential part of the department’s mission. This information is published yearly in the County OMB’s Annual Approved Budget Summary as one of the key measures of the work performed by the Civil Service Commission. The Civil Service Commission stated the

Findings and Recommendations

difference was due to an updated method of accumulating the data. Initially statistics were documented by recording updates in their internal Lotus system. The information provided to the Auditors was accumulated by reviewing Civil Service Commission minutes from the previous three years.

Exhibit XI below shows the differences noted between the 2018 and 2019 number of reviews of new and revised job specifications that the Civil Service Commission reported to OMB, versus the counts identified in the schedule that the Civil Service Commission submitted to the Audit Team:

Exhibit XI

Nassau County Civil Service Commission New and Revised Job Specifications			
	Per Civil		
	Per OMB Summary	Service Schedule	
Year	Book (1)	(2)	Variance
2018	93	100	-7
2019	87	94	-7
	180	194	-14

Notes & Sources:
Villages, the NHCC and Special Districts.
(1) Class Specs Reviewed/Revised per OMB are from the 2021 NIFA Approved Budget Summary.
(2) New and revised job specifications are per a chart provided by Civil Service on 4/12/2021.

Audit Recommendation(s):

The Civil Service Commission should:

- a) Establish written procedures for compiling and reconciling statistical information, especially if it is maintained by multiple separate units; and
- b) Prepare and maintain detailed supporting schedules (i.e., by employee, job title, and department) for each category that supports what is being reported in the Annual Report and the annual OMB Summary books.

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AUDIT FINDING (14)

(14) County Residency Requirement Limits Available Candidates, Appears Outdated, and Seems to Have Been Applied Inconsistently

The residency waiver clause of the Nassau County Administrative Code as it is currently written does not allow the most qualified individual to be selected for a position if they are not a resident of Nassau County without obtaining a residency waiver.

According to Section 13.1 of the County's Administration Code:

“An office or position, compensation for which is payable solely or in part from funds of the County, shall be filled only by a person who is a citizen and a bona fide resident and dweller of the County for at least one year.”

There are two exceptions for this rule and those are listed below:

1. That the service or work to be performed cannot be properly performed by any available citizen and resident of the County; or
2. That the non-resident person, proposed to be appointed, is generally recognized as one possessing such exceptional qualifications in a high degree.

Residency Rules in Other Jurisdictions

State Civil Service Laws allow selection from a civil jurisdiction contiguous to the appointing jurisdictions. This increases the ability to obtain the most qualified candidates. Auditors investigated both the Suffolk and NYC residency requirements and found that our contiguous neighbors have enhanced their pools of qualified candidates:

- Suffolk County's residency requirements state “any Suffolk County officer or employee whose position is in Bargaining Unit 21 and in the unclassified service, the exempt class, or the noncompetitive class excluded from protection, shall be required to be a resident of either the County of Suffolk or the County of Nassau”.
- New York City's residency's requirements state “Employees who have completed two continuous years of City service shall be deemed in compliance with the City residency requirements if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland, or Putnam counties (the six designated NYS counties)”.

Auditors received a listing from the Civil Service Commission of all County employees who were approved for a residency waiver for years 2018 and 2019.

According to this listing 33 employees received a residency waiver in 2018 (4 Competitive, 26 Non-Competitive, 2 Exempt & 1 PJC²⁰). In addition, 51 employees received a residency waiver in 2019 (16 Competitive, 32 Non-Competitive, 2 Exempt & 1 PJC).

²⁰ PJC – Pending Jurisdiction Classification. A request has been submitted to NYS Civil Service to change the Classification status for the position.

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There are two scenarios where a residency waiver is needed. Either the County cannot find a resident to fulfill the position or the position requires such exceptional qualifications that an outside resident is the only one who can serve this title. The department seeking to fulfill the position, would send a residency waiver request to the County Executive's office for approval, detailing the reason why it is necessary.

Auditors selected a sample of 28 employees from this listing to perform testing.

Competitive Positions

Eight of the 28 titles selected for review were competitive (tested) positions, which require the residency waiver to be approved by the Civil Service Commission. Auditors conducted a review of the Civil Service Commission meeting minutes and concluded that four of the eight were found in the meeting minutes, with an approval from the Civil Service Commission. Auditor's inquired about the other four employees, and the Civil Service Commission provided the approvals, however, it was not noted in the public meeting minutes.

Three of the eight waivers reviewed did not contain a detailed explanation why these individuals were given a residency waiver and ultimately a Nassau County resident was not chosen for these positions.

Non-Competitive Positions

The other eighteen titles in the Auditor's sample were Non-Competitive (untested) Titles but still required approval of the Civil Service Commission.

Auditors found two instances where a residency waiver was approved in the Civil Service Commission meeting minutes but were not found on the listing provided to the Auditors from the Civil Service Commission of all individuals who received a residency waiver. Auditors noted issues with 10 of the 18 residency waivers reviewed.

- Two residency waivers had no reason as to why the residency waiver was requested.
- Two residency waiver forms stated the applicant received a "Consent Award"²¹ but did not state what the Consent Award had to do with requesting a residency waiver.
- Six residency waivers contain explanations as to why these individuals were given a residency waiver that likely did not describe sufficiently the detail necessary to meet the requirements of Section 13.1 of the County's Administration Code.

Some examples of these are noted below:

- District Attorney Law Assistant– The waiver request from the department states "It is tradition of this office to hire the most highly qualified candidates based on merit. For this

²¹ A Union Grievance was filed by the employee to receive a promotion, through the arbitrator's ruling the employee was awarded the promotion.

Findings and Recommendations

reason, consideration of candidates cannot be limited to only those who reside in Nassau County for one year prior to start date”.

- Maintenance Mechanic I – The waiver request from the department indicates (1) this employee was currently filling the position of Custodial Worker I, (2) the position of Maintenance Mechanic I is non-competitive in nature and requires unique specifications for this building in dealing with Toxicology Lab and the Morgue and (3) this employee demonstrated the unique skill and experience to fill this position.
- Technical Developer, Temp – the waiver request from the department indicates this employee doesn’t fill the residency requirement but this position requires peculiar and exceptional qualifications. It also states the service of work to be performed cannot be performed by any available citizen and resident of the County.
- System Programmer II - the waiver request from the department indicates this position requires exceptional qualifications, and the department believes they should be hiring the employee with the highest level of qualifications and not be limited to those who only reside in Nassau County.

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission request that Section 13.1 of the Nassau County Administrative Code expand residency requirements to include residents of Suffolk County and New York City to expand the County pool for the most qualified candidates;
- b) The Civil Service Commission ensure residency waiver approvals are voted on and reflected in the Civil Service Commission meeting minutes for all competitive (tested) positions; and
- c) The Civil Service Commission not approve any residency waivers where there are no or insufficient reasons given as to why the residency waiver is needed.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

Appendix A contains an analysis of the Nassau County Civil Service Commission's responses to the Draft Audit report and the Auditors' follow up comments to the Nassau County Civil Service Commission's responses. Nassau County Civil Service Commission's full response letter as submitted is included in Appendix B.

AUDIT FINDING (1)

(1) Although the Nassau County Civil Service Commission Has Updated Their Website, It Still Lacks Pertinent Information for Public Review

Audit Recommendation:

We recommend the Nassau County Civil Service Commission update their website to include features present on the New York State Civil Service website such as Eligible Lists, Internship availability and test guides.

Nassau County Civil Service Commission's Response to Recommendation 1:

"Eligible Lists, as well as extensive information about the entire Civil Service system in Nassau County and New York State, are posted and will continue to be posted on the Nassau County Civil Service website.

"The Office of the County Executive has a longstanding county-wide internship program; the NCCSC Executive Director participates every summer."

"<https://www.nassaucountyny.gov/4541/Internship-Program>"

"Test guides are already available on the NCCSC website. See "Examination Announcements," which states, "for useful information, including a 'Quick Reference' guide on "How to Take a Written Test", you may wish to visit the New York State Department of Civil Service web-site by clicking here." In addition, job announcements have links to NYS Civil Service's website, where study material can be found."

"<https://www.cs.ny.gov/testing/testguides.cfm>"

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 1

We commend the Nassau County Civil Service Commission for updating their website to include eligible lists. We reiterate that the NYS Civil Service website includes features which the County Civil Service Commission should also include on their website.

Although County Wide Internships are posted on the County Executive's website and some test guides are available on the NYS website, we reiterate the need for these components to be on the Nassau County Civil Service Commission's website or a link be posted on their website.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

AUDIT FINDING (2)

(2) The Civil Service Commission is Not Meeting the Requirements of the New York State Open Meetings Law by Failing to Post Meeting Agendas, Meeting Links and/or Resolutions on their Website

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission prepare and post a meeting agenda at least 24 hours prior to the meeting on their website;
- b) Meeting minutes be posted on the Civil Service Commission's website within the specified timeframes of the Open Meeting Law; and
- c) The Civil Service Commission utilize an audio video screen sharing teleconference system, to ensure a better access for the public and livestream.

Nassau County Civil Service Commission's Response to Recommendation 2

- "1. Draft NCCSC's agendas are posted at least 24 hours prior to each meeting on the website. "Draft" simply alerts the public to the possibility of last-minute additions to or deletions from the agenda. This practice will continue."*
- "2. Meeting minutes are already posted in accordance with the Open Meetings law. This practice will continue, with adherence to the 11/8/21 amendment to the New York State Open Meetings Law."*
- "3. Video conferencing utilized during COVID was in accordance with the New York State Open Meetings Law as modified by New York State Executive Orders and approved by the Office of the Nassau County Attorney. When not present in person, NCCSC Commissioners and staff were clearly identified by name by the Executive Director. The videoconferencing platform was selected and implemented by Nassau County's IT Department in accordance with its policies and resources."*

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 2

- a) We are pleased the Nassau County Civil Service Commission began posting their meeting agendas regularly as of February 2021.
- b) We are pleased the Nassau County Civil Service Commission started to post meeting minutes in a timely fashion.
- c) Although the video conference platform used during COVID was selected and implemented by the Nassau County IT department, Auditors noted on several occasions that there were technical issues and sound quality deficiencies, including a lack of sound at one Commission meeting.

AUDIT FINDING (3)

(3) Many Nassau County Job Titles and Salary Ranges Have Not Been Surveyed and Updated in Over 24 Years

Audit Recommendation:

We recommend that the Nassau County Civil Service Commission consider performing a Title Classification and Compensation study.

Nassau County Civil Service Commission's Response to Recommendation 3

"The NCCSC will continue its consistent and ongoing efforts to obtain administration / budgetary approval to initiate a formal RFP and bidding process to perform appropriate studies."

"Note: Salaries are not set by Civil Service."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 3

Auditors acknowledge that the Civil Service Commission does not set the salaries, however, we reiterate the need to obtain a Title Classification and Compensation study in order ensure salaries and job specifications are properly restructured and brought up to date.

AUDIT FINDING (4)

(4) The Civil Service Commission Needs to Authorize Changes to Job Qualifications Uniformly to Expand Recruitment Efforts, Such as Allowing College Students to Take a Civil Service Exam Before Graduating College

Audit Recommendation(s):

We recommend the Nassau County Civil Service Commission contact all County Departments to determine if a qualification modification would improve recruitment for any other positions.

Nassau County Civil Service Commission's Response to Recommendation 4

"The NCCSC Classification Division will continue to work collaboratively with County departments and municipalities on all aspects of new and revised specifications, including the qualifications. NCCSC will continue its requests for budgetary approval to increase staff to accomplish these tasks."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 4

We reiterate our recommendation that the Civil Service Commission uniformly expand recruitment efforts across all County departments and municipalities.

AUDIT FINDING (5)

(5) Internal Controls Over the Process for Creating and Updating Job Specifications Were Insufficient, Resulting in Approval Conflicts and/or an Insufficient Audit Trail

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission only approve job specification revisions or additions at Commission meetings so that the public has access to this information;
- b) To avoid the potential for favoritism and/or nepotism, ensure that no one individual can unilaterally approve all job specifications (segregation of duties); and
- c) Job specification revisions or additions be properly documented as to the reason why the specification is being changed; job specifications should not be created or modified to accommodate an individual or group of individuals.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

Nassau County Civil Service Commission's Response to Recommendation 5

a) *"The NCCSC will continue its practice of approving new and revised job specifications at its regularly scheduled Commission meetings. The public is permitted to attend the General Calendar portion of the public meeting and specifications are available in advance of each meeting."*

b) *"The NCCSC will continue its practice of drafting new and revised job specifications, which generally begins with a request from an appointing authority and development of a new or draft specification by Classification. No one individual unilaterally approves a job specification.*

Classification drafts new or revised specifications, which are then reviewed by the Executive Director. If approved, they are placed on an NCCSC calendar for review and resolution (approve, recommend modification, disapprove). Only the Commissioners approve new/revised job specifications."

c) *"The NCCSC will continue its practice of working collaboratively with ALL appointing authorities to draft new and revised specifications and will create an intra-agency log documenting the process (for example, requests, discussions, and drafts) by January of 2022."*

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 5

a) We reiterate our recommendation to approve job specification revisions or additions only at Nassau County Civil Service Commission meetings rather than submitting approvals through E-mail.

b) Although the Civil Service Commission indicated that no one individual unilaterally approves a job specification, the documentation reviewed by the Auditors for a job specification revision appeared to be requested and approved by the same individual.

c) Auditors are pleased with the Civil Service Commission's decision to create an intra-agency log documenting the process for drafting new and revised job specifications.

AUDIT FINDING (6)

(6) The Civil Service Commission Needs to Establish Competitive/Tested Titles Which Exist in Other Counties for Various Positions Throughout Nassau County

Audit Recommendation:

We recommend that County Officials work with the Civil Service Commission to establish appropriate competitive titles for positions within departments currently made up of all Ordinance employees, such as the Office of Management & Budget, the Office of Human Resources and the Office of Housing.

Nassau County Civil Service Commission's Response to Recommendation 6

"Amendments to the Civil Service structure are under the purview of the New York State Legislature.

The NCCSC will continue to adhere to New York State Civil Service Law, which (as expressly noted in the audit report) states that "The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination." The NCCSC will continue to adhere to New York State Civil Service Law as implemented by the New York State Civil Service Commission and include unclassified titles in Appendix C of the Civil Service Rule Book.

The NCCSC will continue to adhere to Section 1304 of the Nassau County Charter, which establishes that employees in the office of the County Executive are not members of the classified service."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 6

We reiterate our recommendation that the Civil Service Commission work collaboratively with the Administration to consider changes to department staffing currently comprised of all Ordinance employees. The Auditors acknowledge that this may require changes to the Rules.

Auditors noted that other Counties in NYS have successfully implemented competitive titles within their Administrations, such as the Office of Management & Budget, the Office of Human Resources, and the Office of Housing.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

AUDIT FINDING (7)

(7) The Civil Service Commission Granted Extended Leaves of Absence to Certain Exempt County and Town Employees Without Justification, Giving the Appearance of Nepotism

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission and the Executive Director of the Civil Service Commission consult with colleagues from other counties at the New York State Association of Personnel and Civil Service Officers regarding "best practices" in dealing with extended leaves of absence; and
- b) The Civil Service Commission and the Executive Director consider if proposing a revision to the County's Civil Service Commission Rules regarding the granting of leave of absence.

Nassau County Civil Service Commission's Response to Recommendation 7

"Although the NCCSC is in full compliance with its Rule Book, which does not limit the number of two-year leaves of absences that can be granted, the Executive Director is in dialogue with Civil Service Commissions and Personnel Officers throughout New York State about provisions in their Rule Books."

"Note: The audit references only CSC Rule 24.4. However, under Rule 24.1 requests for leaves of absence do not go to the Commission for approval."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 7

- a) We reiterate our recommendation that the Nassau County Civil Service Commission implement best practices in dealing with extended leaves of absences to ensure fairness, equity and uniformity in the application of its Rules.
- b) Although the Civil Service Commission Rules do not prohibit extending leave of absences beyond two years, consistently granting extended leaves without sufficient justification gives the appearance of inequitable treatment of similar situated individuals (favoritism).

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

AUDIT FINDING (8)

(8) The Civil Service Commission's Rules Should be Updated and Submitted to the New York State Department of Civil Service for Approval

Audit Recommendation:

We recommend that the Commission submit revised and updated rules for approval by the New York State Department of Civil Service.

Nassau County Civil Service Commission's Response to Recommendation 8

"The NCCSC submitted requests for revised and updated rules for approval by the New York State Department of Civil Service at its December 2019 public hearing and will submit its next collection of requests for revised and updated rules for approval by the New York State Department of Civil Service at the conclusion of its December 2021 public hearing.

In addition, the New York State Department of Civil Service has recently committed to making its best efforts with rapid responses to Rule Book amendments; the NCCSC has determined to increase its usage of this strategy, effective January 2022."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 8

We reiterate the need for the Civil Service Commission to include the revisions specified by the Auditors in the request for Rule updates.

AUDIT FINDING (9)

(9) The Civil Service Commission is Not Publicly Electing One of its Members as Chairperson Annually as Required by Civil Service Commission Rule II

Audit Recommendation:

We recommend the Civil Service Commission adhere to the Rules by electing at the first Board meeting of the year, a Chairperson of the Commission.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

Nassau County Civil Service Commission's Response to Recommendation 9

“Chair Carnell Foskey was elected in March of 2021.”

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 9

We are pleased the Civil Service Commission elected a Chairperson this year and encourage this practice to continue annually.

AUDIT FINDING (10)

(10) Meeting Minutes Were Not Accurate as Minutes Indicated Commissioners Were Voting on Resolutions When They Were Not in Attendance

Audit Recommendation:

We recommend that minutes be revised, and they accurately reflect which Commissioner making the motion and issuing the second of the motion.

Nassau County Civil Service Commission's Response to Recommendation 10

“As explained to Comptroller staff during audit meetings, the two instances in which a non-attending Commissioner is recorded in the minutes as having motioned or voted were based upon a clerical error and those minutes have been corrected.

Minutes will continue to be reviewed by staff prior to presentation to the Commission for ratification.”

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 10

Although the Civil Service Commission stated this was a clerical error and meeting minutes have been corrected, we reiterate that meeting minutes should be reviewed by Executive Staff for accuracy.

AUDIT FINDING (11)

(11) The Civil Service Commission is Not Adequately Monitoring Provisional Employees, Resulting in Untested Individuals Employed in Tested Positions and Incorrect Statistical Information Being Reported to New York State in the Annual Report

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission develop procedures which identify the source of all data being reported to New York State; and
- b) Implement a tracking report to monitor all provisional employees and update the report when any employee is hired provisionally.

Nassau County Civil Service Commission's Response to Recommendation 11

“As explained to Comptroller staff during audit meetings, provisional appointments are tracked through a system that ensures that requests for exams are transmitted to New York State Civil Service Commission within 30 days of the provisional appointment, in accordance with law. The NCCSC will continue to work with NC IT to improve all tracking systems as its moves into January of 2022.”

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 11

- a) Although the Civil Service Commission stated provisional appointments are tracked through a system that ensures requests for exams are transmitted to NYS within 30 days of the provisional appointment, we reiterate our recommendation that the source of all data being reported to NYS be identifiable and that a proper audit trail be maintained.
- b) We are pleased that the Civil Service Commission has agreed to work with Nassau County IT to improve all tracking systems, and that these records be updated upon an employee's provisional appointment.

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

AUDIT FINDING (12)

(12) Out-of-Title Grievances Have Not Always Been Followed-Up and Resolved by the Civil Service Commission in a Timely Manner

Audit Recommendation(s):

We recommend that the Civil Service Commission:

- a) Resolve the outstanding 2019 and 2020 out-of-title complaints; and
- b) Update LOTUS notes contemporaneously with each decision rendered.

Nassau County Civil Service Commission's Response to Recommendation 12

"The NCCSC will continue its efforts to obtain administration and budget approval to increase its Classification staff to a) reduce its turn-around time for "out-of-title" complaints and b) update all records including LOTUS contemporaneously. As the Audit notes, the staff of the NCCSC has been consistently reduced over the years."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 12

- a) We are pleased that the Nassau Civil Service Commission has agreed to reduce its turnaround time for resolving out of title complaints.
- b) We commend the Nassau County Civil Service Commission for their plan to update all records including LOTUS contemporaneously.

AUDIT FINDING (13)

(13) Statistical Data Submitted to New York State and the Nassau County Office of Management and Budget Contained Discrepancies and Lacked Adequate Support

Audit Recommendation(s):

The Civil Service Commission should:

- a) Establish written procedures for compiling and reconciling statistical information, especially if it is maintained by multiple separate units; and

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

- b) Prepare and maintain detailed supporting schedules (i.e., by employee, job title, and department) for each category that supports what is being reported in the Annual Report and the annual OMB Summary books.

Nassau County Civil Service Commission's Response to Recommendation 13

"The statistics for each individual Division of the NCCSC is maintained on a single spreadsheet. This spreadsheet is updated monthly. Effective immediately, backup material from each Division will be maintained by Civil Service administration rather than solely at the Division level.

Requests for statistics are "snapshots" at the time of the request and as a result can vary based on date requested."

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 13

- a) The accuracy of performance management data is important, and we reiterate the need for written procedures for compiling and reconciling statistical information. Auditors agree that Civil Service Administration must maintain and review back-up material from each division.
- b) Auditors stress the importance of ensuring that statistical information provided to NYS and OMB is supported and maintained on file.

AUDIT FINDING (14)

(14) County Residency Requirement Limits Available Candidates, Appears Outdated, and Seems to Have Been Applied Inconsistently

Audit Recommendation(s):

We recommend that:

- a) The Civil Service Commission request that Section 13.1 of the Nassau County Administrative Code expand residency requirements to include residents of Suffolk County and New York City to expand the County pool for the most qualified candidates;
- b) The Civil Service Commission ensure residency waiver approvals are voted on and reflected in the Civil Service Commission meeting minutes for all competitive (tested) positions; and

Appendix A - Auditors' Follow Up Comments on the Civil Service Commission's Response

- c) The Civil Service Commission not approve any residency waivers where there are no or insufficient reasons given as to why the residency waiver is needed.

Nassau County Civil Service Commission's Response to Recommendation 14

- a) *“Although this recommendation requires legislative action, the Executive Director will bring this suggestion to the attention of the Commissioners at its January 2022 session and to the administration as well.”*
- b) *“The NCCSC will continue to include all Commission resolutions on residency waivers for competitively tested positions in its minutes.”*
- c) *“The NCCSC will continue to review each request for a residency waiver, commencing documentation with increased specificity the grounds for the waiver.”*

Auditors' Follow Up Comments to Nassau County Civil Service Commission's Response to Recommendation 14

- a) We are pleased that the Executive Director has agreed with our recommendation to expand residency requirements and will bring this suggestion to the attention of the Commissioners at its January 2022 session and to the Administration.
- b) We reiterate our recommendation to include all Commission resolutions on residency waivers for competitively tested positions in its minutes.
- c) We are pleased that the Commission has agreed to review each request for a residency waiver and to document the specific grounds for the waiver.

Appendix B - Nassau County Civil Service Commission Response

Email Response from Executive Director Martha Krisel to Nassau County Comptroller:

“Honorable Jack Schnirman:

Attached is the Nassau County Civil Service Commission’s Response to Comptroller’s November 4, 2021 Draft of the Hiring Practices and Related Parties in Nassau County Government: Nepotism – Part III Report.

The Nassau County Civil Service Commission is proud that the Report’s Findings and Recommendations do not cite a single instance of nepotism. The Commission adheres to the New York State Constitution, New York State Civil Service Law, Nassau County laws and the Nassau County Civil Service Rule Book in all of its procedures and resolutions.

Martha Krisel, Esq.

Executive Director, Nassau County Civil Service Commission”

Appendix B - Nassau County Civil Service Commission Response

Comptroller Recommendations	Nassau County Civil Service Commission (NCCSC) Response
<p>#1 Page 18</p> <p>“We recommend the Nassau County Civil Service Commission update their website to include features present on the New York State Civil Service website such as Eligible Lists, Internship availability and test guides.”</p>	<p>Eligible Lists, as well as extensive information about the entire Civil Service system in Nassau County and New York State, are posted and will continue to be posted on the Nassau County Civil Service website.</p> <p>The Office of the County Executive has a longstanding county-wide internship program; the NCCSC Executive Director participates every summer.</p> <p>https://www.nassaucountyny.gov/4541/Internship-Program</p> <p>Test guides are already available on the NCCSC website. See “Examination Announcements,” which states, “for useful information, including a ‘Quick Reference’ guide on “How to Take a Written Test”, you may wish to visit the New York State Department of Civil Service web-site by clicking here.” In addition, job announcements have links to NYS Civil Service’s website, where study material can be found.</p> <p>https://www.cs.ny.gov/testing/testguides.cfm</p>
<p>#2 Page 21</p> <p>“We recommend that:</p> <ol style="list-style-type: none"> 1. The Civil Service Commission prepare and post a meeting agenda at least 24 hours prior to the meeting on their website. 2. Meeting minutes be posted on the Civil Service Commission’s website within the specified timeframes of the Open Meeting Law; and 3. The Civil Service Commission utilize an audio video screen sharing teleconference system, to ensure a 	<ol style="list-style-type: none"> 1. Draft NCCSC’s agendas <u>are</u> posted at least 24 hours prior to each meeting on the website. “Draft” simply alerts the public to the possibility of last-minute additions to or deletions from the agenda. This practice will continue. 2. Meeting minutes are already posted in accordance with the Open Meetings law. This practice will continue, with adherence to the 11/8/21 amendment to the New York State Open Meetings Law. 3. Video conferencing utilized during COVID was in accordance with the New York State Open Meetings Law as modified by New York State Executive Orders and approved by the Office of the Nassau County Attorney. When not present in person,

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<p>better access for the public and livestream.”</p>	<p>NCCSC Commissioners and staff were clearly identified by name by the Executive Director. The videoconferencing platform was selected and implemented by Nassau County’s IT Department in accordance with its policies and resources.</p>
<p>#3 Page 25 “We recommend that the Nassau County Civil Service Commission consider performing a Title Classification and Compensation study.”</p>	<p>The NCCSC will continue its consistent and ongoing efforts to obtain administration / budgetary approval to initiate a formal RFP and bidding process to perform appropriate studies.</p> <p>Note: Salaries are not set by Civil Service.</p>
<p>#4 Page 29 “We recommend the Nassau County Civil Service Commission contact all County Departments to determine if a qualification modification would improve recruitment for any other positions.”</p>	<p>The NCCSC Classification Division will continue to work collaboratively with County departments and <u>municipalities</u> on all aspects of new and revised specifications, including the qualifications. NCCSC will continue its requests for budgetary approval to increase staff to accomplish these tasks.</p>
<p>#5 Page 30 “We recommend that:</p> <ul style="list-style-type: none"> a) The Civil Service Commission only approve job specification revisions or additions at Commission meetings so that the public has access to this information. b) To avoid the potential for favoritism and/or nepotism, ensure that no one individual can unilaterally approve all job specifications (segregation of duties); and c) Job specification revisions or additions be properly documented as to the reason why the specification is being changed; job specifications should not be created or modified to accommodate an individual or group of individuals.” 	<ul style="list-style-type: none"> a) The NCCSC will continue its practice of approving new and revised job specifications at its regularly scheduled Commission meetings. The public is permitted to attend the General Calendar portion of the public meeting and specifications are available in advance of each meeting. b) The NCCSC will continue its practice of drafting new and revised job specifications, which generally begins with a request from an appointing authority and development of a new or draft specification by Classification. No one individual unilaterally approves a job specification. Classification drafts new or revised specifications, which are then reviewed by the Executive Director. If approved, they are placed on an NCCSC calendar for review and resolution (approve, recommend modification, disapprove). Only the Commissioners approve new/revised job specifications.

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	<p>c) The NCCSC <u>will</u> continue its practice of working collaboratively with ALL appointing authorities to draft new and revised specifications and will create an intra-agency log documenting the process (for example, requests, discussions, and drafts) by January of 2022.</p>
<p>#6 Page 32 "We recommend that County Officials work with the Civil Service Commission to establish appropriate competitive titles for positions within departments currently made up of all Ordinance employees, such as the Office of Management & Budget, the Office of Human Resources and the Office of Housing."</p>	<p>Amendments to the Civil Service structure are under the purview of the New York State Legislature. The NCCSC will continue to adhere to New York State Civil Service Law, which (as expressly noted in the audit report) states that "The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination." The NCCSC will continue to adhere to New York State Civil Service Law as implemented by the New York State Civil Service Commission and include unclassified titles in Appendix C of the Civil Service Rule Book. The NCCSC will continue to adhere to Section 1304 of the Nassau County Charter, which establishes that employees in the office of the County Executive are <u>not</u> members of the classified service.</p>
<p>#7 Page 35 "We recommend that:</p> <p>a) The Civil Service Commission and the Executive Director of the Civil Service Commission consult with colleagues from other counties at the New York State Association of Personnel and Civil Service Officers regarding "best practices" in dealing with extended leaves of absence; and</p> <p>b) The Civil Service Commission and the Executive Director consider if proposing a revision to the County's Civil Service Commission Rules regarding the granting of leave of absence."</p>	<p>Although the NCCSC is in full compliance with its Rule Book, which does not limit the number of two-year leaves of absences that can be granted, the Executive Director is in dialogue with Civil Service Commissions and Personnel Officers throughout New York State about provisions in their Rule Books.</p> <p>Note: The audit references only CSC Rule 24.4. However, under Rule 24.1 requests for leaves of absence do <u>not</u> go to the Commission for approval.</p>

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<p>#8 Page 37 "We recommend that the Commission submit revised and updated rules for approval by the New York State Department of Civil Service."</p>	<p>The NCCSC submitted requests for revised and updated rules for approval by the New York State Department of Civil Service at its December 2019 public hearing and will submit its next collection of requests for revised and updated rules for approval by the New York State Department of Civil Service at the conclusion of its December 2021 public hearing.</p> <p>In addition, the New York State Department of Civil Service has recently committed to making its best efforts with rapid responses to Rule Book amendments; the NCCSC has determined to increase its usage of this strategy, effective January 2022.</p>
<p>#9 Page 38 "We recommend the Civil Service Commission adhere to the Rules by electing at the first Board meeting of the year, a Chairman of the Commission."</p>	<p>Chair Carnell Foskey was elected in March of 2021.</p>
<p>#10 Page 39 "We recommend that minutes be revised, and they accurately reflect which Commissioner making the motion and issuing the second of the motion".</p>	<p>As explained to Comptroller staff during audit meetings, the two instances in which a non-attending Commissioner is recorded in the minutes as having motioned or voted were based upon a clerical error and those minutes have been corrected.</p> <p>Minutes will continue to be reviewed by staff prior to presentation to the Commission for ratification.</p>
<p>#11 Page 40 "We recommend that:</p> <p>a) The Civil Service Commission develop procedures which identify the source of all data being reported to New York State; and</p> <p>b) Implement a tracking report to monitor all provisional employees and update the report when any employee is hired provisionally."</p>	<p>As explained to Comptroller staff during audit meetings, provisional appointments are tracked through a system that ensures that requests for exams are transmitted to New York State Civil Service Commission within 30 days of the provisional appointment, in accordance with law. The NCCSC will continue to work with NC IT to improve all tracking systems as its moves into January of 2022.</p>

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<p>#12 Page 42 "We recommend that the Civil Service Commission:</p> <p>a) Resolve the outstanding 2019 and 2020 out-of-title complaints; and</p> <p>b) Update LOTUS notes contemporaneously with each decision rendered."</p>	<p>The NCCSC will continue its efforts to obtain administration and budget approval to increase its Classification staff to a) reduce its turn-around time for "out-of-title" complaints and b) update all records including LOTUS contemporaneously. As the Audit notes, the staff of the NCCSC has been consistently reduced over the years.</p>
<p>#13 Page 45 "The Civil Service Commission should</p> <p>Establish written procedures for compiling and reconciling statistical information, especially if it is maintained by multiple separate units; and</p> <p>Prepare and maintain detailed supporting schedules (i.e., by employee, job title, and department) for each category that supports what is being reported in the Annual Report and the annual OMB Summary books."</p>	<p>The statistics for each individual Division of the NCCSC is maintained on a single spreadsheet. This spreadsheet is updated monthly. Effective immediately, backup material from each Division will be maintained by Civil Service administration rather than solely at the Division level.</p> <p>Requests for statistics are "snapshots" at the time of the request and as a result can vary based on date requested.</p>
<p>#14 Page 49 "The Civil Service Commission request that Section 13.1 of the Nassau County Administrative Code expand residency requirements to include residents of Suffolk County and New York City to expand the County pool for the most qualified candidates.</p>	<p>a) Although this recommendation requires legislative action, the Executive Director will bring this suggestion to the attention of the Commissioners at its January 2022 session and to the administration as well.</p> <p>b) The NCCSC will continue to include all Commission resolutions on residency waivers for competitively tested positions in its minutes.</p> <p>c) The NCCSC will continue to review each request for a residency waiver, commencing documentation with</p>

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<p>The Civil Service Commission ensure residency waiver approvals are voted on and reflected in the Civil Service Commission meeting minutes for all competitive (tested) positions; and</p> <p>The Civil Service Commission does not approve any residency waivers where there are no or insufficient reasons given as to why the residency waiver is needed.”</p>	<p>increased specificity the grounds for the waiver.</p>
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End of the Report

