



**Department of
Education**

Dennis M. Walcott, Chancellor

**Division of Human Resources and Talent
Frequently Asked Questions – Long Beach Decision
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1. What is the Long Beach Decision and who does it affect?

The Long Beach Decision is an outcome of a New York State Court of Appeals decision based on a grievance filed by Civil Service Employee’s Association on behalf of employees in Long Beach, Long Island. A key provision of the decision requires Long Beach (and other municipalities throughout the State of New York) to comply with applicable civil service law that limits the amount of time an individual may serve in what is known as a “provisional” capacity in a competitive class title.

2. What has the State done to make sure it complies with the Long Beach Decision?

The State Legislature enacted legislation that resulted in the State Civil Service Commission requiring that each local municipality submit for adoption a compliance plan. This includes the Department of Education as well as all other City of New York agencies.

3. So, what exactly is the City of New York doing to enforce the court decision?

The City of New York, as part of its compliance plan adopted by the State Civil Service Commission, has put in place what is now commonly referred to as a Five-Year Plan to significantly reduce the number of provisional employees serving in competitive class titles. It’s a rolling plan that will not end after five years and may continue indefinitely until the number of provisional employees serving at any particular time is significantly reduced. The plan is being devised and administered by the Department of Citywide Administrative Services (DCAS), the City’s civil service oversight agency. It includes:



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- A requirement for all City agencies to remove provisional employees from competitive class titles on an immediate basis once a civil service list is established.
- Increase in the number of open competitive and promotional examinations administered every year by nearly 17%, from 120 to 140, with an emphasis on titles with the greatest number of provisionals.
- New competitive examination formats that will enable the frequent administration of examinations on a large scale.
- Expansion of Walk-In Examination Centers at locations throughout the City, meaning examinations can be offered for select titles on a continuous basis.
- Plans to implement a number of classification and reclassification strategies – including consolidating titles within the same title series and broad-banding titles in different title series.
- A requirement that all City agencies submit updates of progress in order to monitor and ensure DOE compliance in reducing provisional staff.

[Click here for more information.](#)

4. Overall, what exactly are the different types of civil service classifications and which ones are affected by the Long Beach Decision?

The Classified Service, as defined by civil service law, includes four types of classifications - competitive, non-competitive, exempt and labor. In most cases, titles in the competitive class are categorized into what are known as occupational groups. This is a grouping together of common titles that are substantially similar in character, scope of duties, responsibilities and qualification requirements.

Regardless of type, each title has a salary range associated with a job specification that defines examples of typical tasks, levels, type of supervision and lines of promotions. Long Beach primarily impacts titles in the competitive class and a limited number of titles in the labor class.

- **Competitive Class** – Titles where, based on job duties and responsibilities, it is practicable to develop examinations where qualified applicants, after passing an examination, are eligible for permanent appointment from a rank order list. These examinations can be **open-competitive**, meaning they are open to anyone who meets the experience requirements, or **promotional**, meaning that individuals need to be permanent in an eligible title in order to qualify.
- **Non-Competitive Class** – Titles where it has been determined that, based on job duties and responsibilities or unique qualification requirements, it is not practicable to develop an examination. For example, Agency Attorney is non-competitive based on the need to be admitted to the New York State Bar in order to qualify.
- **Exempt** – Similar to non-competitive class in that there is no examination requirement. In addition there are no formal education or experience requirements. This category is limited to jobs at an extremely high organizational level where appointment is usually made by a duly elected or appointed public official.
- **Labor Class** – Includes unskilled laborers except those whose positions can be examined for competitively. A position in the labor class may be filled by the appointment of any person selected by the appointing authority. Some labor class positions may require applicants to qualify in such tests of fitness for employment as may be deemed practicable.



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5. What does it mean to be serving as a “provisional” in a competitive class title, especially in light of the Long Beach Decision?

Provisional appointments are non-permanent assignments to competitive class positions. Generally, a provisional appointment is made when there is no civil service list for a particular title. A provisional hire should be viewed as an interim method of filling a position pending permanent appointment from a subsequent civil service list. Someone can serve provisionally in a competitive class title until a list is established. Accordingly, it is very important for anyone serving provisionally to file to take the test when the examination is announced by DCAS on what is commonly known as a Notice of Examination.

6. What is a civil service list and how are appointments made to become a permanent employee?

Every candidate who meets the education and experience requirements in the Notice of Examination and attains a passing mark on the test is eligible for consideration for appointment from the resulting civil service list for the title. This is commonly referred to as a rank order list. Consideration for appointments from lists must be made in list number order.

In general, every appointment or promotion from a civil service list within the competitive class has a probationary term of not more than one year. Employee performance is monitored for satisfactory performance during this time period. The services of the probationary employee may be terminated during this time period based on documented unsatisfactory performance. Upon satisfactory completion of the probationary period the employee becomes permanent.

Please note: This information is derived in part from the DCAS and New York State Civil Service websites.

7. How can I find out if I’m in a “Provisional”, “Permanent”, or “Non-Competitive” title currently?

Contact HR Connect at (718) 935-4000 or your office or school Human Resources Partner. If you don’t know who your Human Resources Partner is, a customer service representative at HR Connect will inform you.

8. How do I obtain a permanent civil service position with the New York City Department of Education?

Keep close track of the City’s examination schedule. To find out about upcoming civil service exams, call (212) 669-1357 or regularly check the [exams](#) page on the DCAS website. Look to take examinations not only for your provisional title but other titles in your job family. Doing so will afford greater opportunity to take other examinations down the road that can facilitate other career opportunities and advancement in City service not only at the DOE but in other City agencies.

DCAS also coordinates [internships and fellowships](#) such as the Urban Fellows Program and the Government Scholars Program. For more information, check out the City Internships and Fellowships page.

9. I’m a permanent employee serving provisionally in a different title. Will the Long Beach Decision affect me?

Serving in an alternate title is generally referred to as a “step-up provisional” frequently with a higher rate of pay. While you will continue to have permanent status in the title you are on leave from, it is in your best interest to take the exam in the title you are serving in provisionally.



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Taking the exam for your provisional title can protect that higher title status. If you choose not to, you may be bumped back to your permanent title, with a potential loss of pay.

10. What does all of this really mean for provisional NYC Department of Education employees and why is it so important that they take civil service examinations?

While an employee can serve provisionally in a competitive class title for a period of time, DCAS will eventually offer an examination and create a civil service list. Therefore, it is extremely important for provisionals to file for civil service examinations. So again, filing for an examination should not be limited to just a person's provisional title. Provisional employees are strongly encouraged to file for examinations offered for other titles in their job family or other titles that fit their position or career objectives. Provisional employees will need to be reached for selection on the civil service list (if they are on it), otherwise, they risk being returned to their underlying permanent title, if any, with a potential loss of salary, or be replaced by an individual from the list.

If you are not currently on a civil service list, you will need to take an exam in your title, or a similar one, once it is offered. To see the complete listing of exams for the DCAS 5-Year Plan based on the Long Beach Decision, see "Examinations" below, or [visit the DCAS website](#).

11. What is the impact of Long Beach on school-based personnel?

School-based instructional staff, including teachers, assistant principals, principals and school secretaries, are in the unclassified service and not affected by the Long Beach Decision. Other school-based administrative employees who serve in non-competitive titles (see question #4 for definition) are not subject to examination and therefore not impacted by the Long Beach Decision. This includes: Family Worker, School Aide, Educational Paraprofessional, Parent Coordinator, Community Coordinator, Community Associate, Community Assistant, and Staff Nurse. ***Please note: Competitive school-based titles that are affected by the Long Beach Decision include computer titles such as Computer Aide, Computer Service Technician, Supervising Computer Service Technician, Computer Associate and Clerical/Administrative titles generally assigned to a School-Based Support Team.***

If you are unsure of your classification, you are strongly urged to consult your schools' Human Resources Partner or HR Connect at (718) 935-4000.

12. What is the impact of the Long Beach Decision on School Food Service School-Based personnel?

School-Based school food service personnel, with the exception of School Food Service Managers, are in the non-competitive titles and are not impacted by the Long Beach Decision. These non-competitive titles include: Hourly School Lunch Helper, Hourly Senior School Lunch Helper, School Lunch Aide, Senior School Lunch Aide, Senior School Lunch Aide/Cook, School Lunch Assistant, School Lunch Assistant/Cook. Please note that the School Food Service Manager title is in the competitive class. Therefore, it is important for provisional employees in this title to file for and take the civil service exam when it is offered.



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13. What does this mean for specific central DOE offices and managers that employ administrative personnel?

The ultimate goal of the City's Five-Year Plan is to significantly reduce the number of provisionals in all City agencies. As more examinations are offered for competitive class titles on a regular basis, especially titles where tests can be offered in the Walk-In Examination Centers, there will be less need to rely on provisional hires. This means that hiring managers will be directed to civil service lists to fill vacancies.

When a vacancy occurs, if a civil service list exists for the title or a similar one as the positions open, hires must be made from the civil service list. Hiring Managers should encourage every employee to take civil service exams for other titles in their job family or those closely related titles, especially if they are pure provisionals or serving as step-up provisionals from lower civil service titles. Doing so will help minimize disruption to the organization and foster a stable work environment for employees. However, in some cases disruption will be unavoidable.

Possible options include:

- Reassign provisional employees to other appropriate civil service title.
- Return step-up provisional employees to their permanent civil service title.
- Reach provisional employees on lists for permanent appointment.
- Replace provisional employees using civil service lists.

14. What are the Minimum Civil Service Qualifications for civil service titles?

Minimum civil service qualifications are the education, training, and/or experience requirements established to give reasonable assurance that all candidates can satisfactorily perform the essential duties of the position. This must be done prior to the commencement of service. These requirements are part of the class specification for the underlying civil service title used to fill the position.

15. FAQs about Civil Service Examinations

Examinations

I took a multiple-choice test and the answer keys have been posted. Why haven't I gotten my score yet? The answer keys that are posted are not the final answer keys. The Test Validation Board (TVB) reviews protests to answer keys and, where justified, may make modifications to the keys. The TVB process needs to be completed before the scores are finalized. In addition, for open-competitive candidates, the experience papers need to be reviewed to make certain that candidates meet the minimum requirements. For promotion candidates, eligibility and seniority have to be evaluated. It generally takes a minimum of several months for this process to be completed, and the list to be established. Candidates are notified of their scores as soon as the list is established.

When is the next exam for...? If you wish to find out about examinations open for filing, you may call (212) 669-1357, or check the [DCAS website](#) for updates, or refer to the *Chief/Leader* (the Civil Service newspaper).

Where can I get a study guide for the next exam? DCAS does not prepare study guides when an examination is scheduled. You may want to check with your union or local bookstore. DCAS does not endorse any one preparatory class



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or study guide over any other. Class and study guide material are prepared independently of DCAS. However, DCAS lists the test areas on the Notice of Examination.

I sent a foreign education evaluation report along with my application. I received a disqualification notice indicating that a foreign education evaluation is required. How can this be? A foreign education evaluation must be submitted directly by an approved evaluation service to DCAS. You submitted your own personal copy of your foreign education evaluation. This is not acceptable.

I received a failing score on my multiple-choice test. However, if seniority and veteran's credits were applied, I would have passed. Why wasn't this done? Seniority and veteran's credits are applied to passing scores only.

When is the test date? The test date can be found on the first page of the Notice of Examination (NOE), which was included in your application package.

Where can I get the Notice of Examination (NOE)? By mail: Send your request for the NOE, along with a stamped, self-addressed envelope to: DCAS - Application Section 1 Centre Street, 14th Floor South, New York, NY, 10007.

In person: DCAS - Application Section 1 Centre Street (located at the end of Chambers Street) 14th Floor South (The office is open Monday through Friday from 9 a.m. to 5 p.m.) See current [Notices of Examination](#).

What exam did I apply for? Please contact the Examining Services Section at (212) 669-7240 - Monday through Friday from 9 a.m. to 5 p.m.

I did not receive my admission card. How do I obtain it? If you did not receive your admission card, please contact the Examining Services Section at (212) 669-7240 - Monday through Friday from 9 a.m. to 5 p.m. You may also appear in person and must bring proof of ID, your Social Security card and a copy of your application fee receipt.

What do I do if I change my address? If you have already received an admission card for your exam, you can fill out a Change of Address form at the test site on the day of your exam, or you can contact the DCAS Examining Services Section at (212) 669-7269.

When is the next exam open for filing? You may check the [DCAS website](#) for a schedule. The tentative schedule lists exams being held during the fiscal year or exams that are to be opened for filing during any given month. You may access our Civil Service Interactive Voice Response (IVR) System at (212) 669-1357, the first Wednesday to the fourth Tuesday of each month to obtain a list of Civil Service exams that are open for filing for the month. This information is also published in "The Chief" newspaper.

What do I do if I haven't received my results? Contact Examining Services at (212) 669-7266 to determine if the Eligible List has been established. If it has been established, you will need to contact the Record Room at (212) 669-7229. If it has not been established, it normally takes six months to one year after the multiple test date for the Eligible List to be established.

What is my List Number? Contact the Certification Unit at (212) 669-2457 for this information.

What number have I reached on the List? Contact the Certification Unit at (212) 669-2457 for this information.



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My score is incorrect. What should I do? Follow the instructions on the back of your Notice of Results in order to file an appeal.

What happened to my appeal? Contact Examining Services at (212) 669-7259 or 7258 for this information.

Why haven't I received the results of my license exam? Contact Examining Services at (212) 669-7246 for this information.

What are the requirements and fees for a license exam? Contact Examining Services at (212) 669-7246 for this information.

Where can I obtain an Alternate Date (Sabbath Observer, Make-Up, Special Accommodations, etc.) for an examination? Contact Examining Services at (212) 669-7261 for this information.

Have you received my Foreign Education Evaluation form? You should contact (212) 669-7261 for this information.

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