



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
August 20, 2008

**DOT Establishes Extra Training To Meet
Civil Service Requirements**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General's Office (Inspector General) determined that the New York State Department of Transportation's (DOT) Office of Information Services and the DOT Personnel Department may have violated the Civil Service Law by failing to notify eligible applicants of a job opening. In addition, DOT failed to maintain accurate records related to the hiring. The Inspector General recommends that DOT ensure that only appropriately-trained personnel engage in hiring Civil Service employees. In addition the Inspector General recommends that DOT conduct training to ensure that all Civil Service requirements are met when personnel are hired to fill Civil Service positions.

ALLEGATION

In July 2007, the Inspector General received a referral of a complaint from the DOT Investigations Section, alleging that DOT violated the Civil Service Law when it hired an Information Technology Specialist 2 in November 2006.

SUMMARY OF INVESTIGATION

I. Background

The Office of Information Services manages DOT's statewide computer network. It is responsible for all hardware and software maintenance and implementation. New entry-level employees frequently enter the unit under the Civil Service title Information Technology Specialist 2, a position paying approximately \$44,000 per year.

In most cases, individuals are hired by state agencies from lists provided to the agencies by Department of Civil Service. For certain types of positions, including the

Information Technology Specialist 2 position in question, an eligibility list is created based on the qualifications of applicants who have submitted their resumes for consideration for a state position. The Department of Civil Service assigns scores to eligible candidates and forwards a list of ranked applicants to the agency. The process begins by notifying the most qualified candidates on the Civil Service List of an open position. This notification is known as a canvass. The agency must provide documentation to Civil Service that the list was canvassed, including eligible candidates' responses.

II. Investigation into the Hiring Process

The Inspector General reviewed the files related to the Information Technology Specialist 2 position filled in November 2006 that was the subject of the allegation, as well as the files related to the hiring of two other employees for the same level position earlier that year. The Inspector General also interviewed several DOT employees involved in the hiring process.

For most hiring within DOT, the agency's Personnel Department performs the canvass to notify eligible candidates identified by the Department of Civil Service of the opening. However, the Personnel Department has allowed Office of Information Services to perform this task for openings within its own departments, with a Personnel Department administrator assigned to monitor the process.

For the Information Technology Specialist 2 positions reviewed in this investigation, the canvasses were conducted by the secretary assigned to the Director of Information Services. The secretary told the Inspector General that the canvass is typically done by letter, although candidates may be contacted by telephone and sent a follow-up letter. If candidates do not reply in a timely manner or are not interested in the position, their names are disregarded.

The secretary stated that she followed all established procedures when canvassing employees regarding the November 2006 position. The secretary claimed that she sent letters to all the candidates on the list with a higher Civil Service score than the candidate who was hired. She stated that the candidates had 10 days to respond with a resume or be disregarded as potential candidates. She advised the Inspector General that her files should contain a copy of the list, with canvass results and a copy of the canvass letters.

However, a review of the secretary's file indicated that, contrary to her assertion, she had not followed the correct procedures. The documents suggest that candidates who had been canvassed previously regarding an opening in June 2006 had not been contacted again regarding the November opening, even though they were assigned a higher score by the Department of Civil Service than the individual who was ultimately hired. The secretary could not explain this oversight. She surmised that since she uses a form letter to notify candidates of openings, she might have mistakenly re-sent copies of an older letter without making necessary modifications.

Investigators interviewed the Personnel Department's personnel administrator assigned to monitor the hiring process of the Information Technology Specialist 2 in November 2006. The personnel administrator said that all the candidates with the highest scores should have been canvassed. She added that, during that time, the Office of Information Services was hiring many new employees. She conceded that she might have permitted the secretary to not re-canvass names from old list because they previously had not responded, had declined, or were non-selectable for the exact same job.

The Inspector General attempted to contact 11 individuals who should have been considered for both the November and June positions, and was able to speak to three. Two of the three individuals contacted could recall receiving only one letter from DOT regarding an open position. The third recalled receiving two letters and a phone call.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation revealed that DOT staff might have violated the Civil Service Law. Records suggest that staff failed to fully canvass all eligible candidates when filling an Information Technology Specialist 2 position in November 2006.

The Inspector General recommends that DOT's Personnel Department conduct all canvasses. The Personnel Department has its own "lists unit" which was established to serve this function and its employees have the relevant experience. The Inspector General further recommends that DOT provide training for the Personnel Department that will emphasize the importance of adhering to proper procedures during the Civil Service hiring process.

DOT has advised the Inspector General that both recommendations are being implemented.

The Inspector General also provided these findings to the Department of Civil Service for its review.