



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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DEPUTY COMPTROLLER FOR AUDIT

BUREAU OF AUDIT

June 27, 2025

By Electronic Mail

Nancy G. Chaffetz
Chair-Commissioner
Civil Service Commission
1 Centre Street, 23rd Floor
New York, NY 10007

Re: Final Audit Letter Report of the Civil Service Practices by the Civil Service Commission, MG25-091A

Dear Chair-Commissioner Chaffetz:

This Final Audit Letter Report concerns the New York City Comptroller's audit of the Civil Service Commission's (CSC) Civil Service Practices. The objective of this audit was to assess the effectiveness of CSC's impact on minimizing vacancies in New York City agencies and improving the quality of the City workforce.

Background

The CSC is an independent, non-mayoral City agency, authorized by section 813 of the New York City Charter, to hear and decide appeals from determinations made by other City agencies.

According to Section 813(d) of the New York City Charter and New York State Civil Service Law Chapter 7 Sections 50, 55(a), 72, 75, and 76, CSC is tasked with adjudicating appeals related mainly to two aspects of civil service employment:

- (1) appeals pursuant to Section 50 of the New York State Civil Service Law (CSL), from applicants who were disqualified by DCAS from taking civil service exams or who were removed by City agencies from civil service titles;¹ and
- (2) appeals pursuant to CSL Sections 72, 75, and 76, from disciplinary determinations made by City agencies due to employee misconduct, incompetence, or the inability to perform their duties.²

When designated, CSC also hears cases involving people with certified disabilities (CSL Section 55[a]) who filed for a Section 55 exemption to obtain employment but did not

¹ Heath and Hospitals and CUNY (quasi agencies that manage their own disqualification hearings) are excluded.

² CSC also decides appeals for DSNY employees following disciplinary proceedings conducted pursuant to Section 16-106 of the New York City Administrative Code.

receive a job, as well as cases involving employees that are allegedly unfit to perform their duties (CSL Section 72).³

CSC is not responsible for establishing examination standards but when appeals are received ensures the following, on a case-by-case basis: (1) compliance with requirements stated in Notices of Examination (NOE), and (2) compliance with civil service laws and procedures.

When reviewing cases, CSC is responsible for accepting an appeal and sending an acknowledgement letter. Once all required documents are received from the agency and the appellant, the Commission reviews each case if both parties provide all the documentation necessary for case review. Cases are not reviewed by the Commission when the agency rescinds, or when the appellant stops responding despite repeated reminders (or withdraws their appeal). If CSC does not receive the necessary documentation from an appellant, the case is dismissed.

Applicants must generally submit appeals within 30 days of an agency's determination, but the rules and regulations do not establish a timeline during which CSC must review cases.⁴ CSC officials stated that the time to complete an appeal (i.e., the length of time between when CSC receives a case and issues a decision) can vary significantly based on case type and the amount of time an agency takes to submit the documentation required for the appeal.⁵ CSC documents and stores case information within each case file on the Law Manager system.

The scope of this audit consisted of 2,051 case numbers that were received by CSC between July 2021 and April 2024. Of the 2,051 cases:

- 133 (6.48%) were not assigned a case type and were not accepted as appeals because there were jurisdictional issues, errors, or duplicates.⁶
- 1,918 (93.52%) case numbers were assigned an appeal type and reviewed by CSC between July 2021 and April 2024.

The audit team reviewed CSC's handling of the 1,918 cases; results are reported below.

Findings and Recommendations

The audit concluded that CSC is fulfilling its statutory requirements to review (hear and decide) Civil Service appeals for disqualified applicants under Section 50 of the Civil Service Law.

³ Disability certification shall be done either by the commission for the blind in the state Office of Children and Family Services as physically disabled by blindness, or by the state education department as otherwise physically or mentally disabled and, qualified to satisfactorily perform the duties of the position.

⁴ Pursuant to its procedural rules, CSC may accept cases submitted by appellants beyond the 30-day requirement period for valid reasons, such as documented proof of mailing issues, proof of not receiving correspondence via emails, or an appellant experiencing death in their family.

⁵ Appeals of psychological disqualifications, for example, require more of an appellant. The CSC therefore affords these appellants longer timeframes to provide documentation in support of their appeal.

⁶ Cases that should not have been brought before CSC (i.e., cases involving quasi agencies, cases that are outside the jurisdiction of New York City, or issues outside the purview of CSC).

The audit team also concluded that CSC is adjudicating civil service appeals in accordance with Section 813(d) of the New York City Charter. Of the 1,918 cases accepted for review by CSC between July 2021 and April 2024, 1,818 cases (95%) were pre-employment cases filed by individuals who disagreed with their disqualifications from Civil Service lists; 95 cases (5%) were discipline cases filed by current civil servants who were disciplined by their agencies; four cases (less than 1%) were Section 55(a) cases for individuals with certified mental or physical disabilities; and one case (less than 1%) was a Section 72 case. Of the 1,918 cases, 1,724 were closed with final decisions prior to April 1, 2024.

The audit team also determined that CSC has not established timeframes for case reviews but generally conducted timely follow-up with the relevant parties in each case to obtain necessary documentation. The auditors conducted an in-depth review of a sample of 248 (13%) of the 1,918 cases reviewed by CSC.⁷ This review found that in 244 (98%) cases, CSC followed up to obtain additional case information as documented in case files.⁸ When appropriate, CSC also granted extensions to agencies to provide agency reports and/or to appellants to provide additional information.

In four of the 248 (less than 2%) cases, CSC acknowledged it did not conduct periodic reviews—instead CSC stated that the delays were identified by case audits, which found that after a review of the cases by the Commission, decisions were not drafted or issued in a timely manner. Prior to 2024, CSC conducted case audits either quarterly or biannually. CSC indicated that it has already readjusted its audit schedule and that it now conducts a case audit every 30 days for every open case. The purpose of these audits is to identify pending action items that still need to be completed by CSC, as well as to identify inconsistencies and irregularities and to avoid any possible delays in case review.

Although CSC has not established a timeframe for sending acknowledgement letters, CSC generally sent the letters within an average of two days (ranging from zero to 54 days) from receipt of the case.⁹ The 54-day maximum was an exception—93% of the cases had acknowledgement letters issued in seven days or less.

Additionally, although CSC has not established a timeline for processing reviews of appeals, as of April 2024, the time from submission to case closing ranged from less than three months to over 15 months for all adjudicated cases.¹⁰ The reasons for the longer timeframes for cases included delays in agencies providing agency reports, and/or appellants providing additional information. In four cases, the delay resulted from inadequate oversight by CSC. It should be noted that the number of appeals received and the length of time CSC takes to adjudicate them

⁷ The 248 cases included 241 pre-employment cases, four disciplinary cases, and three 55(a) cases.

⁸ Based on the follow-up date noted by CSC in case file (Law Manager system). Each case differs greatly in terms of the information that CSC requests. For example, a request for an agency report may result in a follow-up date of 30 days later, whereas in a case when CSC is requesting medical records, the time allotted to obtain the records can be more than 90 days.

⁹ According to CSC, they have no control over how long the agency or the appellant takes to submit documentation, which is why they cannot establish uniform timeframes and why everything is on a case-by-case basis. CSC however provides timeframes for submissions in the form of submission deadlines. Because the lists are open for so long, CSC does not want to open and close cases, and legally, as long as the list is still open, CSC is required to assess if they can accept the case.

¹⁰ The audit reviewed 51 cases that involved DCAS during Calendar Years 2023 and 2024 and found that 45 of the cases required a response from DCAS. It took DCAS an average of 154 days to provide a response. According to CSC, DCAS' delays impact CSC' ability to process cases timely.

does not impact the City's ability to fill vacancies.¹¹

The auditors recommend that CSC:

1. Continue to audit all open cases in Law Manager on a monthly basis to ensure that all cases are processed in a timely and appropriate manner.

CSC Response: CSC agreed with this recommendation.

2. Establish timeframes for reviewing cases to ensure that cases are processed in a timely manner.

CSC Response: CSC agreed with this recommendation.

Recommendations Follow-up

Follow-up will be conducted periodically to determine the implementation status of each recommendation contained in this report. Agency reported status updates are included in the Audit Recommendations Tracker available here: <https://comptroller.nyc.gov/services/for-the-public/audit/audit-recommendations-tracker/>

Scope and Methodology

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS requires that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions within the context of our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was July 2021 through February 2025. The methodology for this audit consisted of the following steps. Specifically, the auditors:

- Conducted interviews with CSC staff to gain an understanding of CSC's responsibilities and processes and had a walkthrough meeting of the system used to collect and maintain case information for appeals filed.
- Reviewed applicable laws, rules, policies, and procedures to identify criteria, including New York City Charter Sections 813(d) and 814, and Civil Service Law Sections 50, 55(a), and 76.
- Obtained and reviewed 1,918 cases from CSC's data from July 2021 through February 2025 to determine whether CSC adjudicated appeals, and to determine the timeline for case review by CSC from when cases were accepted to final outcome, and how long it took CSC to take action on a case based on aspects that are solely CSC's responsibilities and are within its

¹¹ In its response to this letter report, CSC stated that a wide variety of cases determined by CSC prevents the application of a uniform timeframe for case reviews and that it operates with timeframes for each stage of an appeal, which vary depending on the type of appeal. However, CSC has not established timeframes, other than for submissions, and although case types vary this should not prevent CSC from establishing timeframe goals by case type.

control.¹²

The combined results of the analyses and conclusions above, based on the collection of information and interviews with officials, provide sufficient and reliable evidence to support the audit's findings and conclusions.

Preliminary results of this audit were discussed with CSC officials on June 6, 2025. CSC agreed to waive the need for an Exit Conference Summary and an exit conference. On June 9, 2025, a Draft Audit Letter report was submitted to CSC with a request for written comments. Our office received a written response from CSC on June 12, 2025. In its response, CSC agreed with both of the audit's recommendations. The full response is attached to this report as an addendum.

Yours sincerely,



Maura Hayes-Chaffe

c: Jean-Claude Lebec, Director, Mayor's Office of Risk Management
Doug Giuliano, Deputy Director, Mayor's Office of Risk Management
Amanda M. Wismans, Executive Director and General Counsel, CSC

¹² The audit team selected a sample of 248 cases for a more detailed review. The audit team first calculated the number of days that each case was open and judgmentally selected the top ten percent of cases that had been open the longest (210 cases). In addition, the team judgmentally selected 100 percent of the DCAS cases (51 cases) that were opened during Calendar Years 2023 and 2024 and that were closed prior to February 2025. (13 of the cases were in both samples, for a total of 248 sample cases).



**CITY OF NEW YORK
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June 12, 2025

Hon. Maura Hayes-Chaffe
Deputy Comptroller, Office of the NYC Comptroller
One Centre Street
New York, NY 10007

**Re: Civil Service Commission Response to Comptroller's
June 9, 2025 Draft Letter Audit Report, MG25-091A**

Dear Deputy Comptroller Hayes-Chaffe:

Please accept the following in response to the above-referenced Draft Letter Audit Report ("the Report").

The Civil Service Commission ("CSC" or "the Commission") notes that in relation to the audit team's in-depth review of 248 CSC cases, the Report makes note of four cases out of the 248 where CSC "did not conduct periodic reviews." *Report* at 3. In these four cases, there was a delay in a decision being issued. It was the Commission's own periodic audit, however, that first identified these cases. These four cases were not time sensitive in that they upheld the agency's disqualification of an appellant, and decisions were issued once they were found. Although no party was disadvantaged by the delay in these four cases, CSC nonetheless responded by increasing its internal audit frequency to every 30 days.

The Report also notes that "CSC has not established timeframes for case reviews." While the wide variety of cases determined by the CSC prevents the application of a uniform timeframe for case reviews, the CSC closely monitors appeal schedules and considers timekeeping to be a core element of our mission.

CSC does operate with timeframes for each stage of an appeal, and these timeframes vary depending on the type of appeal. Timeframes for submissions—in the form of submission deadlines—are individually set for each appeal. For example, an appeal of a psychological disqualification requires an appellant to retain a psychological expert to review the agency's report of the disqualification and provide a response on the appellant's behalf. In some types of appeals, copies of official documents may be required. In still other types of appeals, a mere written explanation from an appellant may be a sufficient submission.

Finally, the CSC confirms that the Report's two recommendations will be continued and/or implemented.

Sincerely,

Amanda M. Wismans
General Counsel