

Interview of
NYC Department of Transportation-Human Resources Personnel

In attendance:

Marlene Hochstadt-Asst. Commissioner of Human Resources
Gordon Goldberg-Director of Labor Relations,
Jean Frankowski-Director of Personnel, and
Ann Taylor-Legal Counsel

Two (2) pages total including this cover

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At the time of the accident both Captain Gansas was acting as a captain in a “provisional” appointment. The only way to achieve permanent status in the civil service is to take the appropriate civil service test that DCAS, the New York City personnel department established for that position, and to be on the civil service list for that position. Provisional employees have no rights to appeal during the first two years of their employment. After that they are entitled to a hearing.

The DCAS medical requirements are, in effect, the requirements established by the relevant agency, which, in the case of Staten Island Ferry, is the Coast Guard. Similarly, other city personnel follow the appropriate medical requirements for their position, such as truck drivers. The Coast Guard established five types of drug screens for those in safety sensitive positions. These include random testing in which 50% of the population is tested every year for drugs and 10% for alcohol. If a test comes up positive, that person must have a negative result on a return to duty test, and he or she will be randomly tested afterwards. Others include pre-employment screening, periodic testing, post-accident testing and reasonable cause testing, where two personnel in a higher position than the person in question have reasonable cause to test that person.

The city DCAS administers a test for each competitive position title. Every crewmember on the ferry must pass the test appropriate for their position title. Tests for captain are administered, first a “Technical Oral Test” is administered; this covers a range of job requirements. If the applicant passes that, they must take a “Qualifying Practical Test,” in which they must operate the vessel on a run, from departure to docking.

The last time the test was administered for Captain was in September 1991. The last time the test was administered for Assistant Captain was August 1999. The “Promotion Test” is only open to those who are already employed in positions lower than the title for which the test is given. Thus, for Captain only those who are Assistant Captains, Mates, or Deckhands can take the test. For Assistant Captains, only Mates or Deckhands can do so. That is, the Mates, Deckhands and Assistant Captains must be filling those positions permanently or be on a “preferred list,” which contains those who have been laid off and are thus given preference for openings in similar jobs. Those in a lower level position can take a test in that lower level in order to become “permanent” in the lower level position.

The captain and assistant captain at the time of the accident both hold permanent positions in the New York Civil Service. If there is a vacancy on any one day qualified personnel, i.e., those who hold the proper license and are approved by their supervisors, can serve in the higher position. On the day of the accident the Captain, who was permanently in a lower position, was serving as captain because there was a vacancy. One of the captains was out.