

Pennsylvania War Veterans Council
Testimony before Senate State Government Committee
Subject: SB 1037 - Civil Service Reforms
Date: 16 April 2018

Thank you for providing us this opportunity to testify before you over our concerns with Senate Bill 1037 as written.

You have also been provided with a Pennsylvania War Veterans Council's Legislative Committee review (dated 10 April) which goes into much greater depth on this issue.

The Council's main position is as follows:

Despite assurances to the contrary, we believe the bill in its present form threatens, rather than improves the hiring situation for veterans. As written, it will not better meet the needs of our veterans, as the Co-Sponsorship Memorandum states. The bill will reopen the door to the patronage, cronyism and nepotism which once prevailed in state government employment ... and unfortunately still endures in parts of it.

Two different viewpoints of civil service already prevail in this state government, causing tension. While this bill purports to be about streamlining the hiring process through reorganization, it really is about civil service reform, for it would take the one true guarantor of merit service in this state and relegate it to the sidelines. I speak of the State Civil Service Commission, which over the years has already been "streamlined" – to include being stripped of its personnel management functions. If you are going reform the merit service system, address that issue upfront, not under the cover of reorganization.

Together with Acts 69 and 167 of 2016, the current Senate Bill 1037 would effectively complete action on a series of the most important recommendations found in the Legislative Budget and Finance Committee's 1998 "Study on Civil Service Reform." In layman's terms, it would rob the Commission of its testing, certification, and compliance and enforcement functions – making it a weakened merit service appeals board only.

Upfront, we lean on the side of the Civil Service Commission as structured because we know our history and we know that veterans' preference would be dead in state government without them.

We know that not everyone understands the value of hiring veterans.

We know the laws you have passed regarding veterans' preference seem unreasonable to managers and have developed antipathy to giving veterans a chance.

We know that veterans get jobs by chance because managers play with lists, whether civil service or non-civil service, trying to exclude them.

We know the Governor and Assembly recognized this situation, as a result of an Auditor General Report, and in 2011 passed a law to make one of the Commissioners a veteran to put more attention to the problem.

We know that in the process of implementing NEOGOV, the new enterprise software system for personnel management, the Office of Administration had to be reminded by the Commission that veterans preference also applies to non-civil service hirings – without exception.

We know the Civil Service Commission dutifully applies the laws others have given them, only to be disliked for doing so ... yet laws mean nothing without the ability to enforce, an essential American legislative principle.

We strongly suspect the Office of Administration is bent on eliminating testing requirements in the mistaken belief that resumes are sufficient in each and every case and testing slows the hiring process unduly. Tests of various forms are often needed where credentialing systems do not already exist, as in the lower skill positions. They are not barriers to employment. They allow the common person to compete fairly and equally for positions on the basis of their own knowledge and abilities – to include our veterans - who already have difficulty in obtaining credit for their skills acquired during service, as you already must know (you have passed some laws on the subject). Therefore, it is a bedrock of the merit service system, unlike in our non-civil service. It opens doors to public service. It opens doors to our veterans.

We are also extremely concerned the Office of Administration will be given the power to develop temporary regulations good for three years without IRRC review, or any review whatsoever. It already controls classifications and the hiring process from start to finish. Such a power gives it *carte blanche* authority to affect implementation of existing laws and to change policies. We know the implementation of veterans' preference is at risk based on history, despite assurances to the contrary to gain our support. Saying veterans' preference will not change is not the same as saying it will be enforced.

The streamlining argument, therefore, does not wash with us. There is only one personnel management system in the first place, not two as is sometimes implied. In 2008, then Secretary Michael Masch, when studying the time-to-hire and quality of employees hired, found more fault with his own Office of Administration and Budget and agency managers than with the Civil Service Commission. It is the Office of Administration, especially as it has now centralized all human resource functions of the various agencies, which controls the speed of hiring and who is hired, not the Commission. Therefore, if there are to be changes, it should be about the Office of Administration cleaning up its own processes, not adding additional organization to them.

Consequently, we are alarmed at the “fuzzy logic” being applied. We think more probative examination of the situation is required before proceeding. To repeat, all we see is the need to improve processes ...not organization ... and consequently, no overarching need for such a major reorganization as proposed in this bill, considering its consequences. “If it ain't broke ... make it better, not worse.”

But if you do insist upon civil service reform through a reorganization, then be upfront about it and consider this: about 70 percent of the state government employees under the Governor's control are civil service employees. Would not a logical person who truly believed in merit service want to return control of all personnel management to the Civil Service Commission instead? New Jersey and Michigan have done it. It would result in one merit system for all – incidentally a recommendation that LBFC study also made. It indeed would allow for the “streamlining” truly needed, for it would ensure all have access to fair hiring and promotion practices and are properly managed.

Some of us have not only fought to defend our liberties but also to ensure the American rule of fair play: that any man or woman can advance themselves if provided fair opportunity. That is what makes the American way of life attractive to others. Prove you believe that. We ask that you labor on the side of fairness for all ... for us veterans. Senate Bill 1037 as written is not the way.

Thank you.