

**APPENDIX**

Chair, members of the committee, my name is Seth Hahn and I represent the Communications Workers of America in New Jersey. We represent tens of thousands of public workers at the state, county and local government level, and we represent workers both within the Civil Service system and workers outside of it. Thank you for holding this public hearing on the Administration's job banding proposal at Civil Service.

To start, it is important to point out that this Administration is dead set on violating the clear will of the legislature and the clearly defined authority this legislature has under the New Jersey Constitution. Through numerous public hearings over the course of nearly a year and a half, the legislature has been clear: no job banding. And despite that, and despite legislative action to stop the proposal from going into effect in January of this year, the Civil Service Commission still has the banding proposal on its website as if the rule is in effect. It is now playing what it must consider a cute cat and mouse game, where every time the legislature says it cannot enact its proposal, it makes a minor change to its proposal and says to the legislature, "We're going to ignore what you said your concerns are, and enact this proposal with a minor change." This is an affront to the powers the New Jersey Constitution gives to this legislature, and every member of the legislature should be outraged that the Civil Service Commission holds this body in such low regard.

On the merits of the proposal, let us be clear: At a time when New Jersey citizens want more oversight of government and more checks on abuse and corruption, at a time when it is clear stronger checks are needed to ensure quality, career employees fill the ranks of public workers, this Administration is attempting to obliterate oversight, and destroy the modest checks on the power of political appointees in government that have been in place for more than 100 years. These checks are so important they are enshrined in the New Jersey Constitution, which says promotions in Civil Service shall be completed by competitive examination "as far as practicable." The effect of reducing oversight in Civil Service and granting political appointees more power is seen every day. Just last week, the son of a politically-connected county executive close to the governor was hired at the Department of Education as an education specialist level three, step five. This position was not filled by examination. Had it been a position filled by examination and with respect to qualifications, it is not clear the executive's son would have been qualified in the first place, but he certainly would have started at

level one, step one. The difference for the taxpayers in just this one example is nearly \$30,000 in increased salary alone each year.

While the Commission's proposal would not have stopped this in this specific title because it is a title that falls outside of those in need of competitive examinations, it would make this the common practice for every single job in state service.

Here is what the proposal does: It would allow the Civil Service Commission to take promotional exams currently in place and throw them out the window. Currently, if you are, for example, an auditor 1, and you want to become an auditor 2, you have to meet minimum qualifications that may be more education or experience on the job, and then you have to take an exam. The scores of that exam are publicly listed and then management has what is called the rule of three from which to choose a candidate for promotion. If ten workers score a '90,' eleven score an '89,' and twelve score an '88,' then management can pick from among those 33 people who scored in the top three scores for the promotion. And it is commonplace that management has two dozen or even more candidates from which to pick. The only check on this is that you cannot pass over a veteran with someone who is not a veteran. So in the example above where ten score a '90,' eleven score an '89' and twelve score an '88,' if a veteran is one of those who scores an '89,' then management can only choose from among the 21 workers in the top two scores instead of the 33 in the top three.

This system is why women, people of color, LGBT workers, disabled workers, and many others have received access to promotions in public service in New Jersey. It's because the system requires transparency in promotions and promotions cannot unilaterally be made by checking against a list of campaign contributions.

The proposal would allow the Civil Service Commission to remove the need for a competitive examination, and place the Auditor 1 title and Auditor 2 and even Auditor 3 and other titles into the same "job band." And instead of a promotion with a transparent test that is given to qualified applicants, managers would be allowed to choose who gets the Auditor 2 titles without respect to qualifications or an exam.

To be clear: the Civil Service Commission will tell you this is not changing veterans' preference. That is true. What the Commission isn't telling you is that

this proposal will allow the instances in which veterans' preference is used to be essentially eliminated. And instead of transparency and something a veteran can see in plain words on a piece of paper, this proposal creates an honor system whereby management says to a veteran who didn't get a promotion, "Trust me, I considered your status as a veteran when I passed you over."

This is shameful at a time when so many veterans are in need of a good job. If you can't put it on paper and document veterans' preference exists, you are guaranteeing that it will not exist, pure and simple.

Public service needs, and New Jersey citizens are demanding, stronger protections against political influence and corruption instead of obliterating those meagre protections already in place. Turning titles into mush and allowing managers to promote people up through different titles is something that may be acceptable if you're a business owner and want to spend your own money hiring your incompetent cousin in the private sector, but promotions in public service should be done according to qualifications and objective measurements, or taxpayers will be harmed.

Yes, it is harder for those who aren't able to obtain patronage jobs outside of Civil Service to be promoted if they have to obtain basic qualifications and perform well on tests designed to objectively and transparently measure merit. I have no doubt it can be annoying when a politician's hand-selected employee isn't able to obtain a promotion. It should be hard and annoying to pass over qualified veterans, women, people of color, gay and lesbian, or disabled workers for promotions. The fact that it is hard and annoying is the reason New Jersey has transformed from a largely white male management in the early 1980s to the broad diversity that reflects the diversity of our communities today. And public service managers should reflect the diversity of their communities, not the diversity of the local political machine's campaign contribution list. The Administration is flagrantly flaunting the clear intent of the legislature, and the legislature should take the final steps to tell the Administration this type of behavior will not be tolerated in the strongest possible terms.

## POSITION STATEMENT

### ACR-192

*“Declares that Civil Service Commission's new rule concerning job banding is not consistent with legislative intent.”*

**NJEA supports ACR-192 (Stender, Gusciora, Conaway, Eustace, Benson).** This resolution expresses opposition to a new rule that creates a job banding program within the civil service system. While the new rule only applies to State government workers, it is a fundamental change to our Civil Service System that should be opposed at all levels of government. Even with recent changes made to this newly adopted rule, the minor changes leave much of these contentious new rules in tack.

Under the new regulations, employees of various, similar job titles would be placed into a category or job band. In order to move up or receive a promotion, employees would have to demonstrate competency, as determined by management, rather than the traditional test taking procedures.

The Civil Service system was established to protect public employees from arbitrary and capricious decisions in the hiring, promoting, demoting, and firing of public employees. One of the ways the system works is by allowing objective measures, like promotional exams, to determine an employee's qualifications for advancement. In doing so, it removes personal bias from the decision making process.

The new rules fly in the face of these very principles and will give sole discretion to managers to make unilateral decisions on who is qualified for advanced responsibilities and who is not. While management should have some discretion in delegating employee responsibilities, the job banding program will create a system in which managers can easily maneuver to advance the careers of their friends and stifle, for any reason at all, the careers of others.

**NJEA urges your support of this resolution.**

**GGs/BSB/ies**  
**10/09/2014**