



The Enforcer

A PEF Newsletter Devoted to Civil Service Issues

The Jeff Satz Civil Service Enforcement Quarterly Newsletter

Volume 3, Number 2 - Convention Issue (Fall 2004)



The State of Civil Service in America Today

How soon we forget – especially if you are a politician. Back after the American Revolution, government officials and employees got their jobs in return for favors done for the politicians in power. That’s the way it worked in New York for more than a hundred years. It didn’t matter if the appointees were qualified, hard workers – or even showed up on the job at all. While this system worked well for the political hacks reaping the spoils of the system, the taxpayers weren’t happy about rampant incompetence.

The beginning of the end came in 1881 when President James A. Garfield was shot dead by a disappointed job seeker. (His killer was a lawyer named Charles Guiteau who was enraged when his effort to be U. S. ambassador to France was nixed.) Nothing seems to focus politicians’ minds as quickly as a loaded gun.

So, in 1883, the federal government put a civil service system in place. It was a good idea, and not just for politicians who wanted to avoid being shot by angry people looking for work. It was a good idea for honest taxpayers who wanted good services and the honest workers

who wanted to be good public servants. The law required that people be chosen for jobs based on competitive examinations and ensured that workers would not be subject to political coercion.

The same year that Congress passed the federal civil service system, 1883, New York became the first state to enact a civil service system, and in 1884 New York enacted a law that required city employees, as well, to be covered by civil service law.

New York needed the law badly. Martin Van Buren – also known as “The Red Fox” – had built the first political machine – the Albany

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Regency, which awarded both federal and state jobs in the state. Among the worst New York abusers of political patronage were Thurlow Weed, and U.S. Senators Roscoe Conkling – known for his unyielding

opposition to civil service reform; and Thomas C. Platt. (In 1881 Platt became a senator, but, following his mentor, Conkling, in a dispute with Garfield over patronage, quit almost immediately, earning the infamous nickname “Me Too” Platt.)

And it was the New York Civil Service Reform Association that helped to break up the notorious Boss William Marcy Tweed Ring in New York City. Tweed’s place in history is ensured through the work of Cartoonist Thomas Nast of *Harper’s Weekly* who drew caricatures of Tweed, one depicted a large thumb crushing Manhattan.

In 1894, the merit principle was made a part of the State Constitution. “Holding examinations and seeing that appointments are made according to the law were two of the first functions of the Civil Service Commission,” according to the official history of the Commission.

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When going to the polls **Tuesday, November 2**, please keep in mind the following:

In the presidential race, "PEF and most U.S. labor unions have endorsed **John Kerry** for president and **John Edwards** for vice president because they offer the best hope for reversing the damage George W. Bush has done to this country, both at home and abroad," said PEF President Roger Benson. In voting to endorse Kerry, PEF Executive Board members focused primarily on the things that make the biggest day-to-day differences in the lives of PEF members. For more information on how the candidates stack up, please refer to the October 2004 *Communicator* which provides an in-depth look at where the candidates stand on various issues.

In addition, PEF urges members to reelect **Senator Robach** and **Assemblyman Abbate**. State Senators Joseph Robach of Monroe County and Assemblyman Peter Abbate of Kings County have distinguished themselves as **strong advocates for the civil service merit system**.

As Chairs of the Senate Civil Service and Pensions Committee and the Assembly Governmental Employees Committee, Senator Robach and Assemblyman Abbate have been the lead sponsors and advocates for the passage of legislation that would require that reassignments of state employees be based on seniority, restrict employee transfers in the face of an eligible list, and curtail the use of shadow agencies.

Other legislators who have sponsored all three bills include **Senator Leibell** and **Assemblymembers Aubry, Cymbrowitz, Clark, Lafayette, Lavelle, Pheffer, Seddio, and Weisenberg**.

For a complete list of all PEF endorsed candidates go to the PEF website. Remember to vote for the State legislators who defend PEF members' interests.▲

Update: Pre-list Review Lawsuit

The PEF Legal Department filed papers on May 27, 2004, challenging the Department of Civil Service's decision to deny test takers the opportunity for pre-list review of any part of the Promotion Test Battery (PTB) that was held in March of 2004. Oral arguments were made on August 27th before Albany County Supreme Court Judge Brenza. The Legal Department expects a decision on this case by the end of October. Please watch this space for updates.▲

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For general questions, comments, or suggestions, please e-mail EnforcerNews@pef.org, or write to: The Enforcer, c/o PEF Civil Service Enforcement/Research Dept., P.O. Box 12414, Albany, New York 12212-2414. Questions specific to individuals or particular situations should be referred to your PEF Field Representative or your PEF Executive Board member.

The information in this newsletter represents general civil service guidelines; readers should be aware that some exceptions to these guidelines may exist.



"If you don't think your vote counts... just count the number of jobs this country has lost."

[Cartoon ©2004 Carol*Simpson Productions.Reprinted with permission.]



**Governing Magazine
Tackles
“Privatization” Issue**

PEF Vice President Joe Fox Quoted

While ensuring that Civil Service Law is enforced is a top priority for PEF, fighting privatization – or the outsourcing of public sector jobs – is crucial to ensure that we continue to have state jobs to protect.

For nearly 20 years, anti-government groups have attacked the integrity of public sector employees and have successfully sold the taxpayers a counterfeit bill of goods. That counterfeit bill says that taxpayers’ dollars are better spent by expensive consultants and businesses that charge the cost of doing work, and add on top handsome profits.

And the trend is worsening. Earlier this year *Governing* magazine had a cover article, by Jonathan Walters, in which it said that the “push to privatize is expanding beyond service delivery into the areas of policy making and program design.”

We are seeing this here at the New York State Department of Transportation, which outsourced the design of its new so-called “transformation” plan to a consulting company in Minnesota. So, rather than using the talents and knowledge of New Yorkers, DOT chose to send three million in tax dollars to out of state consultants. And some see the “transformation” plan is just another scheme to interject more private consultants into the work of DOT.

**The Jeff Satz
Civil Service
Enforcement Committee**



The Committee consists of PEF Vice President & Committee Chair Joe Fox and the following members: George Buldrini (DOH), Edith Cooper (DOL), Jeff Janiszewski (DED), Bernie Kahn (SIF), Ron Manuli (DOCS), Nancy Sweeney (T&F), Bob Varano (DOL) & Bill Wurster (DEC).



**Test Your
Civil Service IQ**

True / False 1. If I qualify to take both the promotion and open-competitive examinations for a title, I can apply for both of them.

True / False 2. If I have served provisionally in a position for a few years, I am entitled to have that service count in a promotion examination.

True / False 3. There are some positions for which continuing eligible lists are established.

(Answers on page 4)

Why? Well, one reason could be that consultants are often generous givers to political campaigns and political action committees. From 1999-2003, just those companies that do *consulting work for DOT alone* contributed more than \$1 million to office holders and PACs. As the private stake in public sector business gets larger, don’t be surprised to see that \$1 million-plus pot of cash growing larger as well.

To find an articulate opponent to outsourcing state jobs, *Governing* turned to PEF Vice President Joe Fox, who said that New York State government is paying more for a wide range of government work and getting less in return for the dollars. *Governing* mentioned PEF calculations showing that New York could save \$160 million a year if it brought nursing, pharmaceutical, psychiatric, computer and engineering work back in-house.

The magazine points to a State Comptroller letter to DOT that said, “It is generally less expensive for the department to design and inspect projects in-house, rather than use consultants.”

Joe Fox explained that privatizing is just a game. “Politically, it looks good to say, ‘I don’t have this huge workforce,’” he said, “but it’s smoke and mirrors.” ▲

-J. Waggoner

The State of Civil Service (Cont'd from page 1)
in America Today

It was only during Gov. Alfred E. Smith's administration in the 1920s that the Department of Civil Service was established. Ironically, Smith started his career in politics as a benefactor of Tammany Hall patronage, but he ended it as a progressive. As governor, he worked to make government more efficient and effective in meeting taxpayers' needs.

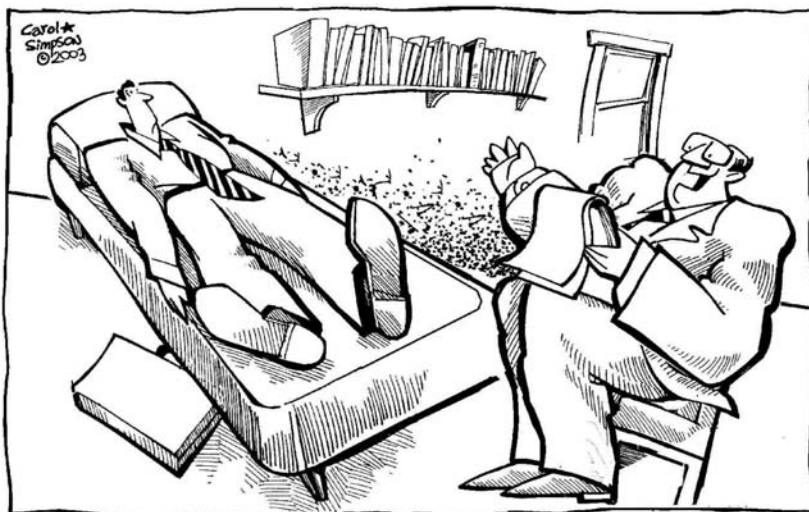
Today, both the New York Civil Service Commission and the Department are charged with "finding, developing and retaining the people best qualified to do the work of New York State's government."

Unfortunately, more than 100 years after the Commission was established, elected officials are undermining this milestone of "good government" through efforts at "privatization," the latest form of dispensing work to political supporters. Apparently, many politicians have forgotten or never learned their New York history. The history of "The Red Fox," Thurlow Weed, Roscoe Conkling, Boss Tweed and Tammany Hall.

It will be up to a new generation of civil service employees to remind our leaders of the dangers of rolling back reform.

More on this in the next issue of the Enforcer. ▲

-J. Waggoner



"OK, you're self-employed and you hate your boss. Go on..."

[Cartoon ©2003 Carol*Simpson Productions. Reprinted with permission.]

Test Your CS IQ — Answers

1. **False** - According to Civil Service Rule 3.4, an employee who is a candidate in a promotion examination shall not be eligible for an open competitive examination held at the same time for the same title.
2. **False** - No credit is given in a promotion examination to an employee for any time served as a provisional in the position to which promotion is sought.
3. **True** - Civil Service Law provides for "continuing" eligible lists, to which names of eligibles are added as applicants are tested on a periodic basis. This is also referred to as "continuous recruitment." Continuing eligible lists may be utilized when the Department of Civil Service finds that there are inadequate numbers of well qualified persons available for recruitment. The periodic tests administered are designed to be equivalent in content and difficulty. The name of any candidate who passes the test is placed or interfiled on the list in rank order according to their final rating, and eligibility continues for a period fixed by the Department of Civil Service.

<http://www.pef.org>



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