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State Civil Service Reform:

California's Human Resource Modernization
Project in a Comparative Perspective

A Research Department White Paper
S.E.I.U. Local 1000

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I. Introduction

Civil service reform has been on the agenda of national and state politicians of both major political parties since the 1970's. Whether referred to in the human resource professional literature as "reinvention of government" or "new public management" or "managing for results", important reform goals have remained fairly constant. Three central themes have been:

- the need to engage in strategic planning and goal-setting and the measurement of success in meeting goals (following a private sector model),
- the need to make government employees more answerable to political leaders by reducing the influence of career employees over policy, and
- the need to provide management with greater authority ('flexibility') over personnel, freeing them up to successfully achieve strategic goals.

The last theme – a quest for greater management authority – has led to human resource deregulation and decentralization efforts in many states, with momentum growing in the 1990s and early 2000s. In this paper, we will discuss and evaluate the current California reform model within the context of trends in civil service reform in state governments, as well as the specifics of California's civil service and prior efforts to reform it.

The next two sections of the paper lay out a description of the current civil service system in California's state government and the components of the reform model, termed "Human Resource Modernization", that is currently being developed and presented to the public by the leadership of both the California Department of Personnel Administration and the State Personnel Board. Section IV provides a review of civil service reforms in other state governments over recent decades, while the final two sections provide analysis (VI: The Importance of HR Modernization to State Employees) and recommendations (VII: What Role Should SEIU 1000 Take Toward HR Modernization?).

II. California’s Civil Service System

The essentials of California’s civil service system have changed little since the introduction of the merit system and what changes have occurred have been flawed. In 1913, the newly formed California State Employees Association (CSEA) sponsored an initiative that placed the civil service within the State Constitution and established the State Personnel Board (SPB). Sixty five years later, Governor Jerry Brown asked the Little Hoover Commission to undertake a comprehensive review of the State’s personnel system. Among the commission’s recommendations was the establishment of a cabinet level Department of Personnel Administration, which the governor implemented (Naff, 2002, p.12). Other commission recommendations, however, were not initially acted on: the dissolution of the SPB and the decentralization of hiring, promotions and a performance reward system to departments. In the mid 1980’s, California did accomplish the decentralization of testing and hiring to individual departments. However, this was a decentralization effort that was badly bungled, as it was accompanied by a major downsizing of the SPB that interfered with their ability to manage and oversee the process.¹ This was less a reform than a makeshift response to staffing shortages. A brief history of reform efforts is presented in Section III.

How Does California’s Civil Service System Work?

California’s civil service system is complex in several important ways. It is structurally complex, due to its twin administrative agencies – the Department of Personnel Administration and the State Personnel Board. The division of responsibilities between DPA and SPB is far from clear cut. It is also ruled by a plethora of laws and regulations, some of which will be described in Section VII of the paper.

Administrative Structure

In order to clarify the division of responsibilities between SPB and DPA, as well as other agencies, Katherine Naff created a table of functions, which is reproduced here in abbreviated form (next page).² Naff went on to explain that the division of labor between SPB and DPA does not follow a logical scheme:

“...while the DPA handles appeals of AWOL and voluntary resignation, the SPB is responsible for appeals of rejection during probation and classification appeals. DPA is responsible for drug testing of current employees, while the SPB handles drug testing of new hires. SPB is responsible for part-time employment, while DPA is responsible for the part-time, seasonal and temporary retirement plan. Both have responsibilities with respect to position classification (e.g., creating a new classification or amending an existing one require concurrence of both agencies), upward mobility and employment of the disabled.”³

Such a system makes reform more difficult due to the existence of multiple power bases within a decentralized bureaucracy and legislative hurdles that must be met in order to make even small changes in procedures.

TABLE 1: California State Human Resource Structure and Functions.

AGENCY	RESPONSIBILITY
State Personnel Board	The five-member board, gubernatorially appointed, revises classification plans, develops exam techniques and hears employee appeals of discipline actions.
Department of Personnel Administration	Negotiates salaries, benefits and other employment terms with unions. Administers compensation, evaluation and training programs, and layoff and grievance procedures.
Public Employment Relations Board	Protects the rights of workers to union representation and hears appeals of unfair labor practices.
Office of Administrative Law	Reviews and approves regulations proposed by state agencies, including most personnel management rules.
State Board of Control	Settles employee claims over out-of-class work assignments and unpaid benefits.

Examination and Hiring Process

Presently, only 106 (or 2 percent) of the state's examinations are centrally administered, largely because these classifications are used by numerous departments, are open to the public, and are prohibitively large and costly for any individual department to manage. Sixty other service-wide classes have been delegated to departments for promotional only testing, with little guidance offered on testing methods.⁴

A 2003 study by the SPB found that most departments' examinations are not based on a thorough understanding of what is required for successful job performance (job analysis), are not job-related, use ineffective selection devices and/or scoring criteria, and are not valid (predictive of future job success).⁵ The California Performance Review⁶ charged that departmental managers fail to see value in the examination program and focus instead on having fast and cheap examinations. They assert that "many state departments have gone to single instrument selection procedures such as 15 minute interviews as the sole basis for assessing candidates' qualifications."

Promotions and Upward Mobility

The civil service system places strong emphasis on promotion from within the civil service. With the exception of the lowest entry levels, virtually all examinations are given on a "promotional only" basis that restricts competition to those individuals who are currently working for the state, and often for a specific department (due to the proliferation of department-specific classes).

The decision to give a test open or promotional is delegated to each department for most classifications. The CPR suggests that the reason most departments elect to give promotional examinations above the entry levels, when they could give them on an open basis, is "in deference to the wishes of unions and employees and in consideration of the increased costs."⁷ The CPR does not comment on the frequency of exams; informal reports from employees indicate that many exams are offered so rarely that upward mobility is blocked and employees pressured to perform duties of higher classifications while remaining at lower ones. This is contrary to legislation that requires the creation and implementation of effective Upward Mobility Programs in state agencies and departments with 50 or more state employees concentrated in low-paying occupations.⁸

The CPR reported that many types of non-merit points are added to the final score of individuals in some examinations. Primary among these are two different types of veterans' points, seniority points, and points simply for being a current state employee. These points can result in lists in which extremely high-scoring outside applicants are excluded, according to the CPR authors. Despite this criticism, the use of seniority points on exams can also be understood as a proxy for job and department-specific knowledge, thus serving a rational function in the evaluation process.

Number of classifications

There were 4,462 classifications in the state's civil service as of 2004.⁹ Of this number:

- Thirty-seven percent had five or fewer incumbents;
- Nearly one-fifth are one – or two-person classifications; and
- As of April 23, 2004, there were 1,062 classifications with no incumbents.

After decentralization, departments started making their own "dinky" classifications. If a department has its own little classifications, this allows raises to be feasible, since they will only apply to a small group. This became a way to just give raises to your own people. Now, many departments no longer have a simple Staff Service Analyst (SSA) classification, for example, but a particular kind of SSA.¹⁰

Probation

California's constitution gives the SPB authority to prescribe probationary periods. They are usually six or twelve months. The burden of proof in appealing a probationary rejection is on the employee; however, substantial evidence is required to document a rejection. Despite this burden, it is far easier to reject an employee during probation than it is to do so after probation when the burden of proof shifts to the employer and the legal standard is increased to a preponderance of the evidence. The Government Performance Project 2001 reported that only .35 percent of employees were terminated during probation, compared with 2.5 percent in New York, another heavily unionized state. In FY 2001, 2002, there were over 36,000 new hires, rehires and promotions, and only 269 individuals (0.75 percent) were rejected on probation.¹¹

How Serious Are the Problems?

The Government Performance Project (not to be confused with the California Government Performance Review) is a non-partisan research program connected with the Pew Center that evaluates state governments on their basic management functions and gives them grades. In their most recent evaluation, 2005, California received the lowest grade, C-, of all other states except Alabama, with whom we are tied. Of the four functional categories reviewed, California's budgetary management fares the worst at a D, but personnel management is C-, thanks to persistent human resources problems. Despite these terrible ratings, the following remark is very interesting:

As for personnel management in general, some larger force must be on California's side. The state does minimal workforce planning, and its hiring isn't particularly timely or efficient. And yet, perhaps because of the non-governmental attractions of California as a place to live, it seems able to hold on to a reasonable cadre of competent employees. As one high-ranking human resource official says, "I'm looking for something that would account for what on paper is a seriously dysfunctional system and the fact that we perform as a state at a reasonable level."¹²

The hypothesis that California's desirable climate or beauty somehow account for the state's competent public employees and 'reasonable' productivity seems far-fetched.

A recent article that appeared in 2006 in the Review of Public Personnel Administration, based on the views of hundreds of managers in 10 states surveyed in 1982 and 2000, explored the severity of a range of human resource-related barriers to effective state management.¹³ The three problems considered most serious in 2000 had mean rankings between 1.62 and 1.65, "leaning" toward the Serious Problem category. They were:

1. Salaries too low to attract good employees
2. Difficulty filling key staff vacancies
3. Procedures for recruiting candidates for vacancies

Five other problems were ranked closer to the category of "minor problem", while no problems were ranked as "serious" or "very serious."¹ These survey results seem to mirror the view of the anonymous official quoted in the Government Performance Project – though there are undoubtedly problems, human resources leaders do not see state government as in a state of collapse and in fact, view it as performing reasonably well. This is worth bearing in mind as civil service reforms are undertaken. Where there is no consensus that a problem exists, the benefits of reform may not outweigh the costs of implementation.

¹ Respondents to their survey could rank potential problems as 0=not a problem, 1=minor problem, 2=serious problem or 3=very serious problem. In California eight problems had average rankings that fell between 1 and 2, indicating they were viewed as somewhere between minor and serious; *no problems had average rankings of 2 or above.*

III. The Human Resource Modernization Project

The Human Resources Modernization project is clearly not the first attempt at reforming the state's civil service system. Here, we discuss attempts of the recent past, as well as the current proposal.

Past reform efforts

Many of problems with the existing civil service system are recognized by everyone involved — management, unions, civil service employees – while other supposed problems are highly controversial. The main prior effort to implement reform, in 1995-96, incorporated highly controversial attacks and was beaten back. That effort was under Republican leadership in the Governor's Office (Pete Wilson) and the Legislature. The effort was combined with his agenda to privatize state services by overturning the provision in the State Constitution that limits contracting out state work, and to institute a wide-ranging pay for performance system.

No major recommendations of this era were acted upon. The "broadband" assembly bill failed passage in 1995-96 legislative session, and a bill to eliminate "automatic" salary increases ended in the Assembly Inactive File. Other civil service-related bills were either dropped by the author, died in committee or failed passage. CSEA claimed credit for killing over two dozen bills, beating back this change agenda. Hostility from this fight carried over to four years of no labor agreements. There was a reprieve during the Gray Davis years, with no further attacks or attempts for change. Schwarzenegger went after public employee unions in 2004 and was also beaten back. We have heard of other aborted efforts to "broad-band" but so far lack accounts from SEIU Local 1000 members who were involved.

While often in the position of reacting to (and rejecting) proposals from various administrations, the Union has not been a stalwart of the status quo. Consider the pro-active stance taken on examinations: in 2003, SEIU Local 1000 prodded SPB to evaluate the entire departmental-level testing program (President Jim Hard wrote a letter demanding the end of decentralized testing). SPB concluded, indeed, that the system was working poorly. Their results are found in the SPB Report and Recommendations on the Status of the State's Decentralized Testing Program. The report concluded that there were a number of deficiencies which, if left unchecked, could seriously compromise the quality and effectiveness of the examination processes conducted for the establishment of eligible lists, as well as diminish the integrity of the State's civil service. The major deficiencies identified in the study include the use of examination processes which lack evidence of job-relatedness, a lack of job-related scoring criteria for examination interview processes, and the use of non-job-related pass points for written examinations and examination interview processes.¹⁴ They noted that nearly 73 percent of exam processes were not job-related, and adverse impact occurred in 20% of all exam processes. The authors recommended that the SPB provide more proactive, comprehensive oversight and guidance for the State's decentralized testing program, establishing program standards and guidelines and providing greater expert consultative assistance and hands-on support to departments and agencies. Yet these recommendations were to be carried out utilizing existing staff and resources. By July, 2005, SPB was to have re-evaluated the de-centralized testing after having implemented their recommendations to see whether the problems had been solved. This did not take place.

SEIU 1000 also bargained a joint labor-management committee on discrimination (JLMCD) in three consecutive contracts – 2000, 2002 and 2004. Because the decentralized testing process had discriminatory outcomes, this committee made a number of recommendations that appeared in a 2003 Committee Report for reforming the examination process. Some of these recommendations paralleled those made by SPB in its 2003 report, and some went further, such as, for example, specifying how many individuals needed to be added to the SPB staff in order to monitor and train departmental management in testing procedures, and recommending the creation and populating of an examination specialist classification.¹⁵ This committee never entered an implementation phase.

SPB has also been proactive to a degree. In 2003, the board proposed a new class to fix components of the problematic Staff Service Analyst class. The union, SPB and DPA met to work this out and a new class has passed and is in the review process. The proactive stance taken by SPB in this undertaking may have indicated a new willingness of SPB to exert greater power in classification matters.

While the above example represents problem-solving within the existing system, another project, the IT re-classification effort, represents a model for a more extensive set of changes some of which are, in fact, the very ones that are included in the HR Modernization Project scheme. That set includes the consolidation of classes, the re-definition of classes in terms of competencies/proficiencies, the re-design of the exam process so it will evaluate the extent to which those competencies/ proficiencies are demonstrated; the re-design of job requirement descriptions so they conform to the same set of competencies/proficiencies, and the development of an expedited online application, exam, and interviewee selection process. There were several efforts at IT re-classification — the first in 1999 — that were not completed. But the current effort, which has been underway for around two years, has gone much further and appears headed for completion. Until recently, it was commonly thought that the IT re-classification would serve as the first step in HR Modernization; however, project leaders have instead chosen Scientists as their “Group 1” employees to initiate their project.

In any case, we have seen over the years various attempts at reforming the system – some that Local 1000 fought, some that it instigated, and others that came about as a result of some degree of coordination with SPB and DPA. Since 1996, however, no large-scale change has been attempted until the current undertaking..

Current effort: The Human Resources Modernization Project

The current reform attempt, the Human Resources Modernization project, is actually made up of a variety of innovations, bundled together into one overhaul “package” of the civil service system. The four main elements identified in the mission/goal statement¹⁶ are:

- **Workforce Planning:** An early step is Department assessment and planning to identify likely future gaps in their workforce skill set as anticipated retirements swell in coming years. This will be tied to the implementation schedule for a “competency-based” HR system, with departments with large gaps scheduled for reorganization soonest.
- **Broad-banding:** Another element of this package is the consolidation of classifications into broader occupational groups that share minimum qualifications or competencies (but not department-specific duties – these are more general). These groups will have wide salary ranges.
- **Competencies:** Competency benchmarks will be developed for these occupational groups or families. “Competencies,” while not concretely defined, are amalgams of knowledge, skills, abilities and behaviors necessary to succeed in particular job families. Compensation, recruitment/selection and performance management will all be linked to these benchmarks. Salary advancement will be contingent on demonstrated proficiencies or competencies. Regular staff evaluation will be mandatory and a new performance evaluation system developed. There will be evaluation of both supervisors and represented employees. The adoption of competency benchmarks in the plan is described as key to the entire reform.
- **Recruitment and Hiring:** A continuous on-line application and testing process will be developed to expedite the selection and hiring process; and an aggressive recruitment strategy will be launched to coincide with the launch of the new online process.

Other steps that will support the successful implementation of the plan are:

- An auditing system that will be implemented to ensure that the merit principle is maintained in position allocation, screening of applicants, testing and hiring interviews. The plan proposes that these audits be conducted by trained HR professionals and by control agencies (eg., DPA, SPB, DOF).
- Academies will be developed to train State supervisors, managers and HR professionals.

The only “guide” to reform proposals is a six-page mission and goal statement that appears on the SPB web site.. There remain many questions about the details of how this proposed system would work. Meetings with HR Modernization staff leadership only bolster this ambiguity. SEIU 1000 still lacks specifics on many things, including: the interview/selection process; protections of objectivity and validity; any anticipated changes to probation; what “competencies” would actually entail and how they would be applied in evaluations for salary increases, etc. The timeline over which these reforms are expected to occur was once posted on the site above, but has since been removed. The completion date was targeted as 2011 originally, but more recently is being targeted as 2014.¹⁷ On the other hand, the timeline was described recently as “ten years” by the HR Modernization Director Susan Garrett-Dukes.

SEIU 1000 has yet to decide on its strategy vis-à-vis this large-scale reform project. While we have held back on taking any action, this project has begun moving forward. Although we have received general reassurances from project leaders that they want to work with us, there are at least some indications that they prefer to get a substantial “head start” on the project before having to negotiate with SEIU 1000 over the model’s components. Currently the project’s components are being described before various public audiences as “set”, and as time passes it will be more difficult to modify or challenge them. In particular, once the model has been implemented with the first group of employees we can expect stronger resistance to change. By choosing Scientists, the State has gained a strategic advantage that SEIU 1000 will have to counter in order to modify the model in accordance with our members’ values and priorities. A fuller discussion of the threats and opportunities that will influence our choice of strategy toward HR Modernization appears below in Sections V and VI. First, however, it’s important to learn the history and status of other state civil service reforms.

IV. Civil Service Reform in Other States

Over the past twenty five years, state civil service systems throughout the United States have undergone extensive reform. Although the steps taken by various states within this time period have differed in breadth and depth, a shared vision has led to strong similarities in the new types of management practices that have been widely attempted as replacements for the traditional system's practices. A review of these commonalities provides an understanding of the source of the ideas found in the HR Modernization plan.

The underlying philosophy that has driven civil service reform rests on the belief that the private sector in general performs more efficiently than the public sector. Civil service systems have been condemned for their supposed lack of *accountability* and *efficiency* – characteristics that private corporations supposedly exhibit. The overall shift in American politics to the right during recent decades included the spread of this belief system, with its most extreme expression the belief that “government is the problem”. This philosophy has led to a doctrine that advocates on the one hand the introduction of private sector practices into the public sector and on the other hand the large scale privatization of public services or both.

Predictors of Reform

There is a correlation between political party leadership at the state level and the pursuit of state civil service change. In addition to unified state political leadership, other factors have been identified as contributing to the adoption of certain types of reforms. Hou, Ingraham, Bretschneider, and Selden¹⁸ found that states in which a larger myriad of services are required are more likely to decentralize their human resource authority from a central personnel office to agencies. Thus, political power and ideology are not the sole determinants of the types of reforms adopted; outcomes are also linked to existing characteristics of the system.

Indeed, no one has argued that the traditional civil service systems in place throughout the states were not – and are not – in need of reforms. There are legitimate reasons for reform that have to do with the historical growth in size and diversity of functions of state governments throughout the twentieth century. For example, a classification system with over six thousand classes, each of which has its own unique examination, would strike most people as likely to be slow and cumbersome to administer, no matter what political ideology one embraces. Such massive systems grew incrementally over an extended period of time and were likely never remotely imagined by those who crafted the original civil service systems.

A review of the reforms instituted in state civil service systems, however, does not reveal any one-to-one relationship between the scale of actual problems in place in those systems and the scale of the subsequent reform efforts. Rather, the ascendancy of political parties whose political ideology idealizes the private sector (and castigates the public sector) is the major factor predicting which states have adopted the most aggressive system-wide attacks on civil service.¹⁹ Where there have been political counter-weights to this agenda, conservatives have failed to bring about the complete civil service eradication that they did in Florida and Georgia, for example. Rather, we find examples of reform that include some combination of policy reforms, limited structural changes and improvements in the efficient implementation of the existing system. The cases of New York and Wisconsin fall into this latter category.²⁰ Political counter-weights include split party leadership over the executive and legislative branches, and the strength of public sector unions, both of which lessen the likelihood of reform.

A Review of State Reforms

In reviewing actual reforms undertaken in the states of Florida, Georgia, New York, Washington, and Wisconsin, we will differentiate reforms by their *scope*, that is, the degree that they change (or don't change) systems. We will categorize civil service reforms into four levels: (a) implementation improvements that leave the system unchanged while finding ways to improve its functioning, (b) policy changes that entail the passage of new statutes and /or changes in regulations, (c) structural change that involves shifts in authority and mission among various agencies or departments

within the State bureaucracy, and (d) system change that requires all the other types of change, combined to essentially redefine the system as a whole.

Policy implementation improvements

At a minimum, reforms may simply improve the implementation of the existing civil service system while leaving it more or less intact as a system. On the level of policy implementation, there have been a number of reform steps that brought about dramatic improvement in civil service functioning while leaving the basic system unchanged. The reforms undertaken in the 1990s in the New York civil service system fell into this category for the most part. Over two thousand job classification titles were eliminated,²¹ but this still left around four thousand. This was not a full-fledged job classification compression or broad-banding, but rather the elimination of empty or virtually empty classifications. Technological improvements, another policy implementation improvement, enabled New York to reduce the average time to report exam results from 150 days to 47 days, presumably enabling jobs to be filled more efficiently and with better candidates.²² The application of updated computer technology in civil service recruitment has increased efficiency in many states. In Wisconsin, automated testing and online applications were instituted, as well as online internal lists of qualified applicants for hiring managers to review. In 2000, all states posted job openings online and 45 states provided applications online. Twenty-three states had technology that permitted online application submission; nineteen operated online resume banks and 12 states used virtual job fairs. Clearly, recruiting efforts are being transformed across the United States through greater use of computer technology.²³

New York also streamlined their promotional examination process without policy or regulatory changes (though in other states these changes would undoubtedly require policy change). With a huge backlog of unfilled management positions and outdated tests, they created a general-knowledge test battery that was the same for all manager positions as a way to move the process along. To increase flexibility in hiring and promoting without having to challenge the “rule of three” requirement for choosing candidates for interviews, the New York Civil Service Commissioner found a way around this statute. Ranges of examination scores, say 95 to 100 and so on, were assigned composite numbers and all candidates who scored in the top three ranges were thus defined as having earned among the top three scores.² In this way the interview pool was enlarged and management discretion increased in choosing the new hire. Wisconsin expanded the means by which candidates are evaluated beyond multiple-choice exams to also include skills inventories, resume reviews, and achievement history questionnaires. This didn’t require rule changes because all evaluation methods were designed as content valid, meeting appropriate state validation standards as objective methods for evaluating merit. Unlike New York’s examination reform, this approach broadened the means for evaluating a candidate but did not increase manager flexibility to make choices that might not be merit-based. Wisconsin also improved its recruitment through more aggressive outreach, including off-site interviewing, as a way to better compete with private sector employers for the best qualified new job applicants.

Another civil service innovation that does not require policy or structural change is workforce planning. In 1998, the majority of states did no workforce planning, and only five states had implemented a comprehensive plan. In 2000, this number rose dramatically. Forty-six percent of states developed and used formal workforce plans.²⁴ While workforce planning is not an integral part of civil service reform, it is often coupled with other changes that more directly affect the civil service system.

Policy Change

More extensive reforms require the actual change of personnel policies and regulations and even legislation in those states with highly detailed civil service laws. In states where conservative political power does not have a complete grip on all levels of government, this scope of reform will require a political strategy to bring groups on board who are otherwise likely to oppose reform legislation going forward. This is the ‘policy change’ level.

² Such a change in California would require a change in legislation.

While implementation improvements may accomplish a great deal, it is the policy and structural changes that begin to capture the thrust of ideologically-based reform in the states. The conservative agenda at the very least requires policy level changes that in turn generally necessitate the re-writing of state regulations, policies and/or statues. In California, where the civil service system is deeply imbedded in the constitution and the Government Code, almost any civil service reforms will fall into the policy change category.

In some states, *broad-banding* is a policy change because civil service regulations or statues must be amended, while in others is at the level of implementation. This term refers to the consolidation of existing job classes into broader ones, thus reducing the number of classes and expanding both the range of salary and-jobs included in each class series. As shown in Table 1 below, broad banding is still rare among the classifications affecting rank-and-file employees in state government. Only four states (Idaho, Massachusetts, W. Virginia and Wyoming) indicated in 2000 that they use broad banding for classifying all of their employees, but the state of Washington should be added to this list as of 2007, though not all classes were included in their consolidation effort. About 20 percent of states used broad banding for executives and managers.

TABLE 2: Use of Broad banding, 2000.²⁵

ALL EMPLOYEES	8.2%
Executives	20.4%
Managers	20.4%
Specific agencies	8.2%
Specific classifications/occupations	26.5%
Other	16.3%

Any major re-classification effort, such as broad banding, requires that the content of existing jobs be analyzed regarding the make-up of major duties in their order of importance to success and their frequency. As States have launched re-classification initiatives, they have often linked those initiatives with an overhaul of the examination and promotional system, utilizing newly-updated job analyses. The use of so-called “competencies” as the building block of new examination and promotional systems has spread in recent years and is an integral part of California’s proposed reform model. One definition of competencies taken from Washington state’s online human resource

information is “those measurable or observable knowledge, skills, abilities and other behaviors critical to success in a job role or function”²⁶ Competencies differ from the mastery of particular job duties in that (a) they are more general, and (b) they focus on background abilities that contribute to successful performance of job duties, rather than focusing on duty performance itself. This makes them more applicable to a broad range of jobs, which fits well with a broad banded classification system. However, a shift to this approach is likely to entail a down-grading of job-specific or department-specific knowledge as a basis for evaluation. Because many competencies – for example “ethics and integrity” or “accountability” – are difficult to assess objectively, a competency-based evaluation system also appears to be open to misuse in a way that undermines the principle of merit.

Another reform in this category that has been adopted by a number of states is the shift to a performance-based pay system. Wisconsin, for example, changed their compensation system for some employees³ to a performance-based system in which agencies have discretion to provide individual pay bonuses of up to 12% annually, or more with central approval. Rather than raises being available only by advancing through the classification system, employees may now receive additional raises in the form of bonuses. Georgia instituted a similar system, initially referred to as GeorgiaGain (now called Performance Plus), which was “designed to complete the transformation of the Georgia personnel system from a very traditional governmental model to a very traditional private sector model.”²⁷ Washington²⁸ maintains a step progression system, but progression increases may be accelerated or deferred based on performance or training needs and “recognition” lump sums (bonuses) may also be paid. The 2000 Government Performance Project found that 64 percent of states used individual performance bonuses, and 38 used group bonuses, compared to 14.3 percent and 2.0 percent, respectively in 1998. The same 2000 survey found that 78 percent of states had annual step increases, while 74 percent had pay-for-performance.²⁹ Though it isn’t pointed out, we must conclude that most of these states utilize systems in which a combined system is in place.⁴

3 Most employees are not on this system, in particular the union-represented employees who make up the majority of the state workforce. It appears that the employees’ union has resisted the spread of this system into their ranks.

4 The authors fail to provide clear definitions to distinguish between “pay for performance” and “performance bonuses”.

TABLE 3: Forms of remuneration used, 2000.³⁰

ANNUAL STEP INCREASE	78%
Pay-for-performance	74%
Cost-of-living payments	66%
Individual performance bonuses	64%
Skill pay	54%
Competency pay	42%
Group performance bonuses	38%
Gain sharing	18%

Structural Change

An even broader scope of reform, ‘structural change’, entails changing the lines of authority and possible merging or split of existing departments of state government. This is rarer, as opposition is likely to be quite strong to any change in the existing structure of government. The change in Wisconsin’s compensation scheme referred to in the last section actually combined both a policy and structural change, with the new bonus system requiring a policy change. But in addition a structural change was also implemented, as the location of authority over compensation shifted from their central personnel agency to multiple dispersed state agencies. This was true for Washington as well.

Decentralization is a widespread feature of state civil service structural reform. Speaking of all the human resource functions that have been shifted to departments from central HR agencies in state governments, Hayes and Soya³¹ have described the decentralization trend as “massive” in scope. Among states who decentralize, however, there is substantial variation in the number and types of functions that they choose to retain in their central personnel agency and those they move to the departmental levels. In some states (e.g., Georgia), the central agency shrinks dramatically in size and power, retaining only a consulting function in which training is offered upon request. In others, such as Wisconsin, the central agency gives consulting services but also retains ultimate authority and responsibility to see that agencies follow laws, rules and policies. It not only provides comprehensive training program on staffing but also audits agencies for compliance. Wisconsin agencies now have authority to determine their own approaches to evaluating and examining applicants, to evaluating and ranking candidates, developing lists of qualified applicants, and identifying and interviewing those they deem best qualified. They

must still adhere, however, to methods that can be defended as objective, as described earlier in this paper and are subject to audit by the central personnel agency for complying with this requirement.³²

Georgia provides another example of decentralization. In 1996, all 99 state agencies were given the ability to recruit, screen, hire and fire employees. The Georgia Merit System (the body which once administered the civil service) was supposed to maintain control over the compensation and classification of a number of entry-level positions. However, because agencies now have the power to write their own job titles, they are able to circumvent the state Merit System by creating classes that are not under the system’s purview. Here, then, is an example where structure-level reform creates the opportunity for various agencies to escape oversight.

Results of the 2000 Government Performance Project survey of state governments provided information on the degree of managerial vs. central control over various human resource functions. Survey questions used a scale of 1 to 6 in which 1 indicated complete control by the statewide central agency and 6 indicated complete control by agency/departmental management. Table 4³³ shows the mean scores, averaging across all fifty states. The top six functions in the table, from ‘recommending appointments’ to ‘interviewing’ tend to be in the hands of departmental-level management as shown in their high averages on the scale. At the other extreme, we see that some functions are still widely held by central human resource agencies: developing and conducting classification, and developing, administering and scoring examinations. A comparison of the 1998 and 2000 Government Performance Project human resource results by Selden and Jacobson (2002) showed the states moving to shared responsibility between a central bureaucracy and agencies for human resource management functions. The only function that remains centralized in most states is that of developing the classification system, while the conducting of job classifications and reclassifications is most often shared.

TABLE 4: Degree of decentralization of control of specific human resource functions

FUNCTION	AVERAGE
Recommending appointments	5.4
Establishing performance expectations	5.34
Making appointments	5.26
Administering performance appraisal	4.86
Determining promotions	4.8
Interviewing	4.76
Approval to fill position	3.76
Determining appraisal grading/scoring systems	2.77
Screening candidates	2.59
Ranking candidates	2.55
Developing performance appraisal instruments	2.18
Establishing candidate list	2.12
Developing tests	2.04
Administering tests	2.04
Scoring tests	2.02
Determining compensation	2.00
Developing classification	1.24
Conducting classification	1.94

A trend toward shared responsibility was also evident in the authority for recruiting and testing. In 1998, eight states shared authority for recruiting; two years later, 37 states shared responsibility for developing recruiting plans, and 33 states shared responsibility for implementing them. Testing was conducted by a central authority in 26 states in 1998; however in 2000 only 20 states maintained central control over developing and administering testing. Virtually all states grant complete authority to agencies and their managers to select candidates for open positions, with no change between 1998 and 2000.

When a state chooses to outsource major parts of their human resource functions, the structure of authority over personnel matters has been reconfigured in another more radical way. Such a *structural change* took place in Florida, where Governor Jeb Bush outsourced an array of human resource functions to a private contractor, Convergys. This \$350 million, 9-year contract was the largest project to

date of Governor Bush. However, very few states have contracted out personnel functions.³⁴ Exceptions include the following states:

- Vermont contracted responsibility for job reclassification
- North Carolina used an outside agent to develop performance appraisals.
- Florida, Louisiana, and Nebraska outsourced test development
- Florida and Virginia contracted out administration of selected tests.

System Change

Florida and Georgia provide two well-known examples of reform at the largest scope: system-wide change. System change, the widest scope of reform possible, combines “all of the above” – policy-level reforms and implementation improvements as well as structural change – into an entire system change.

In Florida, Governor Bush (along with a group of influential businesspeople) sought to model the state personnel system after the private sector. “Protection” of state employees’ jobs was seen as a hindrance to “performance.” Reform, which took place in 2001 involved immediately eliminating seniority for almost all employees and converting all state supervisory positions to at-will, thus removing due process rights. Georgia instituted similar reform: all employees hired after July 1, 1996, would be at will. This created a two-tiered system, with previously-hired employees having seniority and formal rights to appeal disciplinary actions, and newer employees not.

Georgia’s two-tiered system provides a good case study because it features both unclassified (at-will) and classified employees. Kellough and Nigro³⁵ surveyed both sets of workers four years after reform and found that both groups held negative views towards the changes to the civil service system. Interestingly, though, those workers who were hired after July 1, 1996 (and thus were at-will employees), held views that were less negative than those of classified employees – even after tenure and age were controlled for.³⁶ This may indicate a shift in expectation of the state personnel system and the rights and benefits that should be afforded its workers. With workforce succession a major concern in many states, this lowered expectation of state employees’ benefits and rights may in turn deter people from applying.

Another State that has enacted change at all levels, though without abolishing the civil service system, is Washington. Their omnibus Personnel System Reform Act of 2002 enacted (a) multi-faceted civil service reform, (b) a re-organization of employment in state departments to allow for “employee business units” that contract with the State to carry out particular projects, and (c) changes in the state’s labor law. Civil service reform covers both structural changes (decentralization and shifts in authority to new boards and Director of Dept. of Personnel)) and numerous policy changes (broad-banding, changes in recruitment and selection process, and changes in compensation, among others).

In addition to HR reform, this law also enables the State to open up competitive bidding for historically state-performed functions. Under this system, State employees get a 90-day notice of intent to contract the work themselves and can offer alternatives within 60 days. A group of managers and rank-and-file may together form employee business units and submit bids. Training on how to do this is supposed to be provided by the Dept. of Personnel. The law provides that if a private bidder wins, the successful bidder is required to “consider” hiring state employees who may be displaced.

Finally, the Personnel System Reform Act changed Washington’s labor law to create a union shop for state employees, provided a majority of the members voted in favor. This vote was taken and a union shop established, much to the dismay of non-members.³⁷ It is difficult not to wonder whether there was some sort of political deal whereby the union, the Washington Federation of State Employees, an AFSCME affiliate, agreed to the other parts of this legislation in return for receiving union shop. If so, it was a risky bargain, as members have a right to re-vote this question each year (provided thirty percent sign a petition), while state employment is now subject to possible dismantling piece by piece.

This review of civil service reforms at the state level enables us to evaluate the California plan in relation to others. It is clear that in almost every regard, California’s model copies what others are already doing. It is not on the cutting edge of right-wing efforts to do away with civil service, but rather conforms to mainstream ideas in the human resource profession about how workers should best be managed. Those ideas are in the process of being adopted by public employers throughout the United States. We see from the 1998 vs. 2000 data³⁸ that there is movement toward greater adoption of many of the HR Modernization components: broad-banding, performance pay, decentralization and competency-based selection and promotion. While we can take some comfort that we are not facing an all-out attack on civil service as we know it, there are still potential threats in the current HR Modernization Plan, to which we now turn.

V. The Importance of the HR Modernization Effort to State Employees

What state government employment will look like twenty years from now is in the process of being determined as civil service reforms go forward. The kinds of changes made now will establish the quality of employment relations for the next generation of state workers. This is as true here in California as it has been in other states.

Threat: Decentralization and political influence

Many, if not most, state civil service reforms in recent years entail increases in management authority.⁵ One of the most widespread means for accomplishing this is de-centralization. As human resource functions are delegated to departmental management, the residual authority of a central human resource agency often is reduced to the point that oversight is minimal. This leaves management with a freer hand to hire, promote, and reward performance as they see fit. In addition, re-classification and performance pay schemes, reforms that have also been adopted in many states, can also increase management prerogatives if classes are redefined very broadly and pay increases are based primarily on management judgment. The HR Modernization model includes a number of elements that will act together to enhance management authority: the establishment of job qualifications that are defined in more general terms (“competencies”) than is currently the practice; enhanced management hiring choice among qualified applicants; and greater power to set pay increases based on individual performance evaluations (using loosely-defined “competencies”).

California state employees must evaluate the extent to which enhanced management authority in this Modernization is likely to be used inappropriately. There is a danger that these reforms may contribute to the re-emergence of a system that is more easily corrupted by political pressures and patronage. More immediately, enhanced managerial authority may be misused to degrade the quality of work and opportunity for state employees

While proponents of civil service reform believe that management can make state government run more efficiently if they’re given more so-called ‘flexibility’, it is equally possible that management will use their newfound ‘flexibility’ to penetrate the ranks of state employment more deeply with politically influenced hires. We certainly see evidence of this in the federal government under the Bush administration. In fact, efforts to politicize the upper echelons of the federal bureaucracy can be traced back to the Reagan presidency.³⁹ In the field of human resource research, among proponents of “Managing for Results”, this politicization is referred to in positive terms as “greater accountability”.⁴⁰

Threat: Decentralization and Favoritism

Enhanced managerial authority may also be misused to degrade the quality of work and opportunity for state employees. California is a good example of this. In the mid 1980’s, testing was shifted from the State Personnel Board (SPB) to departments, but examination specialists were not transferred nor training provided to management at the departmental level. Subsequently, the SPB was reduced substantially in size. In 2003, the SPB issued a report of the State’s decentralized testing program, finding that “the magnitude of the deficiencies noted in many departmental testing processes and practices jeopardizes the overall value of the State’s testing program.”⁴¹ Testing processes lacked job-relatedness, with most “testing” entailing simply an interview with no adherence to recognized assessment standards and principles. The administration of fifteen of the testing processes was found to result in adverse impact.⁴² Thus, the increased power of managers over examinations and hiring, combined with no training, oversight, or accountability, has led to a hiring and promotional system rife with favoritism and likely discrimination as well. Another 2003 report⁴³ by the Joint Labor Management Committee on Discrimination, also found that most Upward Mobility Plans — also developed at the departmental level to ensure that employees in low-paying classifications have an opportunity to develop and advance to their highest potential — were inadequate. California State employees will need to assure themselves that any additional civil service reforms address these problems. The existing HR Modernization plan

⁵ First and foremost among changes that shift power to management is de-classification (also called “uncovering”), where classifications are completely removed from the civil service system and employees become at-will (Hayes and Sowa, 2006). This is not a threat in the HR Modernization .

implicitly recognizes management's shortfalls by including increased management training and accountability in the model. However, these elements are placed late in the implementation timeline, when they probably should be introduced at the front-end of the reform process to ensure that reforms will actually be implemented in a fair and professional manner.

Threat: Adverse Changes in Pensions

Though cost-cutting is nowhere mentioned as a component of HR Modernization, there is some evidence of a connection. Two cost-cutting agendas that may help explain the timing of this HR reform effort are: another effort to reduce or eliminate defined benefit pension plans, and an effort to limit overall growth in state employment. The Governor's 2007 Budget contains the following sentence in its description of the HR Reform:

"In order to ensure that there are sufficient numbers of qualified people to replace the retiring employees, the state will need to provide a salary and benefit package that appeals to the next generation of California workers. The same salary and benefits that attracted the baby boomers may not be as attractive to a generation which may not consider a job as the start of a career."

Mac Taylor, Deputy of the Legislative Analysts Office, suggested at the September 21 meeting of the Public Employee Post-Employment Benefit Commission meeting that defined benefit pension plans may not be the best form of compensation to attract new state workers, and a more flexible approach to deferred compensation should be considered, referencing the HR Modernization Project in his comments. This testimony was coupled with that of Michael Genest, Director of the Dept. of Finance, who called for cost containment in employee retirement benefits. The combined presentation of the two panelists' testimony suggested a close connection in their points of view.

Threat: Long Term Workforce Reduction

Another way in which this initiative might entail a cost-cutting agenda is if a centralized workforce plan deliberately sets about growing state employment at a slower pace. In other words, the workforce planning process may not only have a goal of identifying priorities regarding what kinds of workers need to be recruited and hired, but may also may have a goal of reducing

state employment as retirees depart over the next five years. The California Performance Review, in describing the first step of developing a workforce plan, stated, "It is at this step the employer must decide *what services should be discontinued or outsourced*, what functions should be consolidated, what process reengineering or staff retraining will be required, and what technological improvements will be implemented."⁴⁴

Threat: Undervaluing Experience in Competency-based Open Examinations

By updating state exams so they will tap the actual competencies required in current jobs, and making the process of applying for a state job quicker and smoother, the state will be able to move forward more quickly with expanded hiring – something that is an important goal for SEIU 1000. We should be supportive of reform in this area but should also be concerned that new examinations do not undervalue the in-depth, detailed knowledge of state laws, regulations, processes and methods that take years of state employment to learn. As new 'competency based' examinations are developed, and potentially made open to new applicants along with current employees, general competencies must be balanced with specific experience-based knowledge so as to choose the best-qualified applicant. Otherwise, current employees may be placed at a disadvantage in moving up and the state will end up with lesser-qualified employees in its upper-level classifications. If the new model eliminates "promotion only" examinations, alternative means must be found to adequately reward institutional knowledge and provide channels for upward mobility to current employees.

Opportunities for Positive Outcomes

Certain components of the HR Modernization model have the potential of improving the working conditions of California state employees in important ways. While there are numerous threats to be guarded against, we shouldn't overlook the positive potentialities. Some of the major components we see as offering the greatest potential benefits are:

- **Classification reforms:** There are real problems with the existing system – too many classifications, too minutely defined; classification specifications and examinations that are outdated and no longer describe actual duties; and a lack of upward mobility in the system. A re-vamped system has much to offer.

- **Recruitment reforms:** In the current system, going to work for the state is extremely difficult. If we want to bring work back to the state and reduce outsourcing, we need a better, more efficient system for hiring into state service. We should recognize the urgency of this as increased numbers of current employees reach retirement age in the coming decade.
- **Management training and performance evaluation:** State employees will benefit, we believe, if management is trained in the proper, fair and objective methods for evaluating applicants and workers. If, furthermore, management is held accountable for carrying out their evaluation duties according to standards of objectivity and timeliness, dissatisfaction of state employees with their supervisors may be reduced.
- **Competitive salaries to encourage recruitment:** The HR Modernization goals include making state employment more attractive, which will require salary increases in many cases, in order to be competitive with the private sector. While the “HR Modernization” model may couple this with dropping defined benefit pension plans, something we are unlikely to embrace, we can agree on the need for more competitive salaries.
- **Leadership in civil service reform nationally:** The overall opportunity of participating in this project is to move into a strong leadership role defining crucial future conditions of employment for state workers. We may have an opportunity to craft a much-improved civil service system that will provide higher quality service to the State of California and better quality jobs to its employees. By taking the lead in civil service reform, we can potentially set an example for other states and public sector unions on how civil service should be reformed. Ours can be a model of reform outcomes as well as a model of collaboration between labor and management in achieving those outcomes.

Affirming the Underlying Values We Believe In

There are some common bedrock values that underlie both the civil service system and labor unions. As we consider reforms in either or both of these institutions, we need to remember what those values are. Both institutions were born during the early twentieth century at a time of enormous economic injustice, inequality and political corruption. While an important part of the early labor movement embraced revolutionary ideals, the part that ultimately prevailed sought a system of workplace justice governed by agreed-upon rules: wages that were based on jobs rather than unfair manipulation of piece rates; promotions and layoffs based on seniority and competency rather than managerial favoritism and discrimination. This was a way of introducing civil rights into industry, that is, of requiring that management be conducted by rule rather than by arbitrary decision.

During this same era, reformers sought to remove corruption, political patronage and favoritism from our system of government. Out of that struggle arose the civil service systems in state governments across the country and the federal level, designed to establish merit as the basis for government employment and remove political influence from government work. It is easy to see the common values of merit and fairness that underlie both these institutions – values that are still extremely important to Americans today.

Public sector unions are in a unique position to recognize and defend those values, since public sector workers are potentially victims of both external (political) and internal (management) pressures and injustices. That is why SEIU Local 1000, as a public sector union, should be both an ardent defender of labor rights *and* civil service protections.

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