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## **Governor Christie's Tool Kit Reforms are in the Public Interest**

**By Robert M. Czech, Chair/CEO NJ Civil Service Commission**

Article 7, § 1, Par. 2 of the New Jersey State Constitution establishes the constitutional basis for Civil Service in New Jersey. However, the most important requirement of that constitutional provision is that: "Appointments and promotions in the Civil Service of the State, and of such political subdivisions as may be provided by law shall be made according to merit and fitness..."

This constitutional requirement must be juxtaposed with what should be the primary mission of a government entity, i.e. the provision of the required government service to the tax paying public in a cost effective manner. It is this perspective that should serve as the foundation to our policy. However, over the years I think we have moved from a merit-based system to a predominant process laden system and from focusing on the public interest to a focus on the special interest.

Governor Christie's "toolkit" reforms are an attempt to swing back the pendulum toward merit and the public interest.

In order to illustrate this point, recently there were newspaper reports about increased criminal activity in cities like Newark with the implication being that it corresponded to the

permanent layoff of Police Officers. As we all know there have been layoffs of public safety personnel throughout the state both in our urban and suburban municipalities. Based on the realities of our financial condition I believe it would be a safe bet that the residents of Newark and every other town that has or is laying off police officers would support Governor Christie's proposed reform legislation to allow for staggered individual temporary layoffs (furloughs). If the Governor's proposal was in place there would be less permanent police officer layoffs and therefore more police on the street while still saving taxpayer dollars. Is the current system an example of putting the special interest ahead of the public interest?

In 2008 there were 36 layoff plans received by Civil Service, 2009-108 were received, 2010-290 layoff plans and through March/April of 2011 there were at least 83 layoff plans submitted from local government. The layoffs include the unskilled and skilled as well as police, fire and civilian technical and professional positions. It is not uncommon for an appointing authority to be faced with the dilemma because of seniority requirements, i.e. last in/first out, that a more essential employee needed for operational continuity and business necessity must be laid off regardless of the impact and effect on service delivery to the public and government operations. To avoid this, appointing authorities may end up reducing personnel in other areas where they are needed to compensate for the negative effect of seniority requirements in a layoff. Is this a merit-based result? Is this result in the public interest or a special interest? If Governor Christie's reform proposal was in place appointing authorities would be able to certify that a less senior employee was more essential for operational continuity and business

necessity thereby mitigating the effect of a layoff on services while maintaining productivity and still saving taxpayer money.

Current shared services legislation passed in 2007 ( L. 2007, c. 63). However this legislation has actually created impediments to forming shared services between municipalities for civilian and Police and Fire services. Requirements of terminal leave pay; expanded special re-employment lists for those laid off that will encompass every town in the county regardless of existing lists in those towns; retention of seniority rights in title for police officers who may go to the providing municipality regardless of what lists and structure may exist in the providing town; and the statutory provision that the employee movements between sending and providing towns are subject to both collective bargaining agreements and therefore require integration of the separate labor agreements. These statutory requirements have resulted in agreements not being reached. Is this result in the public interest or in the special interest? Governor Christie's reform proposals will address these impediments and thereby encourage more voluntary agreements between municipalities. Less procedural requirements mean greater productivity and taxpayer savings.

Other reform efforts by the governor include changing the disciplinary process to allow for the appointing authorities to treat everything up to a 30 day suspension as minor discipline resulting in the use of existing minor disciplinary processes that are less formal and more finite in less time. This will greatly reduce the cost, time and inefficiency of the existing system where a six day suspension gets at least two hearings, review by the Civil Service Commission and then the right to appeal to the appellate division and Supreme Court. Is this costly and time

consuming system in the public interest or the special interest? Governor Christie's reform proposal reduces process and costs thereby saving taxpayer dollars while still allowing for disciplinary review procedures.

Governor Christie's reform proposals will also allow for appointing authorities to hire seasonal employees for up to nine months and increase the working test period for local governments from three months to at least four and up to six if warranted just as it is in the state. Currently temporary employment is restricted to six months or the appointing authority must put someone on as a regular employee with benefits even though the need is seasonal.

As to the working test period, since the prospective employee will end up with tenure why shouldn't the appointing authority get additional time to insure the individual warrants permanency. Is the current system in the public interest or the special interest? Governor Christie's reform proposal enhances productivity, merit and saves taxpayer money.

The Governor has proposed that local governments be able to choose whether or not to opt out of civil service. This is an effort to allow local government policy makers and managers the flexibility to determine how best to manage their workforce. How is it not in the public interest to allow the public who voted in civil service to opt out of civil service if they believe that it will make their local government operations more cost effective?

Finally the Governor's reform proposals for pension and health benefit reform are an attempt to address fiscal realities. Is an unfunded liability of over \$50 billion for pensions and over \$60 billion for health benefits in the public's interest or the special interests? The changes

proposed by the Governor increasing the retirement age, reducing the rate of growth in individual pension benefits and increasing employee contributions are efforts to retain system solvency so that the tax paying public is not left with a bill in the future they could never afford.

The same holds for the health benefit changes that will introduce more consumer choice, increase employee contributions while retaining a more solvent health benefit plan that will benefit the tax payer and the employee.

All in all these “tool kit” Governor Christie reforms are meant to be in the public’s interest as opposed to the special interests.