

THE WALL STREET JOURNAL.

Cuomo Seeks Civil Service Law Changes

By Jacob Gershman
January 30, 2012

New York Gov. [Andrew Cuomo](#) is quietly seeking more leeway to hire and transfer state employees outside of a competitive process, a move unions say would weaken civil service rules designed to prevent patronage.

Buried in the governor's budget bills are changes to civil service laws that haven't been highlighted in Mr. Cuomo's speeches but together represent a comprehensive attempt to shake up promotion and hiring rules that date back to the 19th century.

Cuomo officials say they are applying necessary dabs of oil to a creaky and cumbersome system that makes it hard to redeploy workers or recruit talent.

But the proposals are being criticized by union officials, who say it would weaken a merit system first crafted into law by a state assemblyman named Theodore Roosevelt as a guard against Tammany Hall cronyism.

"The civil service changes would further erode the use of merit and fitness in filling public employment positions while opening the door to patronage abuse, which was the very reason civil service procedures were established in the first place," said Stephen Madarasz, a spokesman for Civil Service Employees Association, the state's largest union of public workers.

Mr. Cuomo's spokesman, Josh Vlasto, said the legislation gives agencies "increased flexibility with respect to hiring, transferring or redeploying state employees in order to meet

agency missions effectively and increase diversity in state government."

Under the New York State Civil Service Law, most state employees have "competitive" job titles. They compete for positions and promotions based on a competitive examination process that's supposed to be based on "merit and fitness."

One measure would allow the Cuomo administration to hire more than 300 people to five-year posts without requiring a competitive exam. It's an expansion of a pilot program started under former Gov. David Paterson that limited such appointments to IT positions. The Cuomo provision broadens the range of eligible jobs to include "professional," "technical," and "scientific" slots, categories that cover thousands of positions mostly represented by the Public Employees Federation, the state's second-largest union.

Another piece of the Cuomo plan would shake up the rungs of the promotion ladder that favor internal candidates over applicants who don't already work for the state. The measure would give agency heads more leeway to recruit from outside and skip over internal promotion lists.

A third measure would give the Cuomo administration the ability to move state employees who haven't taken a civil service exam into positions that require the exam. About 20,000 state employees fall into the "noncompetitive" class. They have to meet basic qualifications, but their hiring isn't based on an exam.

Such jobs often require specialized skills, like research scientists. But union officials say governors have expanded the ranks of the non-

competitive class to include patronage jobs, like chief information officers and special assistants.

“Teddy Roosevelt would roll over in his grave,” said Tom Cetrino, a research director for the Public Employees Federation.

An administration official said the proposal would still require all but the most skilled candidates to take civil service exams. “None will be political appointees,” the official said.

Mr. Cuomo’s package of proposals follows a similar push by Mayor [Michael Bloomberg](#) for

more hiring flexibility and less civil-service oversight.

“Civil service systems generally are perceived as outdated, and New York’s is often described as among the most hidebound,” said Robert Ward, a state government scholar at the Rockefeller Institute of Government. “We do need to balance concerns about patronage with the goal of management efficiency.”