

# NEW JERSEY STATE AFL-CIO

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October 18, 2010

Dear Members of the Assembly State Government Committee:

### Re: Civil Service Issues

Thank you for the opportunity to present our views regarding civil service, and in particular, the posting of job openings, the creation and duration of lists, and employee discipline procedures.

In a very broad context, there is a remedy for addressing concerns with these issues and others in civil service to the benefit of management, labor and taxpayers. The New Jersey State AFL-CIO has recommended that these issues, and others such as leave time and transfers for example, should be able to be bargained at the local level. Right now, that is not the case, except for very specific issues such as the maintenance of lists. All substantive issues are currently not negotiable.

We are constantly hearing from local government managers and elected officials that they need flexibility in civil service. That the system is too ridged or overly bureaucratic. We recognize this, but must state that the specific issues that may be of concern within civil service vary drastically from town to town. What we often hear is that, for example, one administration may want to change the discipline procedures because they have specific personnel that are "impossible to fire." Another town may not have any concerns with discipline, but desires flexibility with transfers. These types of scenarios must be addressed on a case by case basis – there is not a "one size fits all" remedy for every particular situation in every particular jurisdiction.

Therefore, we recommend that these issues be allowed to be bargained. Expand the scope of negotiations to include various civil service issues that currently cannot be bargained. Expanding the scope of bargaining has tremendous potential – including for alternatives to layoffs – which currently officially cannot be bargained. By expanding the scope of bargaining, employers are empowered to have a greater ability to freeze or defer wage increases, reduce overtime, and address other economic issues that will save tax dollars. This is a win-win for workers and management as well.

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Specific to the posting of job openings and the creation and duration of lists, to be frank, we have not heard many complaints on these issues, or perhaps other civil service issues, such as discipline, have been the priority focus and overshadowed these issues. Most often the primary complaint specific to job openings is that they are filled without posting them at all. A second issue that could benefit from our scope of negotiation recommendation, has a specific benefit to management to grant them flexibility. It could result in addressing the classic complaint of managers that "I can't promote who I want to promote." By bargaining flexibility on this issue, a manager could simply post the job opening internally, which would expedite the promotion of an existing employee, or they could post it externally, to recruit a new employee for that position.

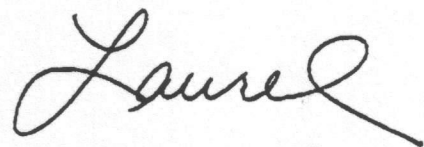
Finally, the New Jersey State AFL-CIO has a very specific proposal regarding discipline that is currently working at the state level. It has received praise from both labor and management. A streamlined executive branch disciplinary model was negotiated and implemented at the state level in 2007, which included a compacted timeframe for appeals and included a mandatory mediation process. This has led to a significant reduction in arbitration cases. A reduction in these cases translates into cost reductions and faster administration. We believe this option should be available through negotiations at the local government level as well.

In closing, we recognize that improvements can be made in the civil service system and believe that many of the concerns from management could be addressed through these recommendations, without having to resort to the very destructive proposal of "opt-out" which has no little to no identifiable cost savings.

Sincerely,



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President



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CW:LB:jn  
OPEIU:153