

Posted: May 15th, 2014

CHRISTIE'S CIVIL SERVICE COMMISSION IGNORES CONSTITUTION & STATE LAW REGARDING PROMOTIONS PROCESS

Putting Patronage, Corruption, Nepotism & Political Abuse Ahead of Protecting Taxpayers & Good Government... Let Alone Following The Law

(TRENTON, NEW JERSEY) – This morning, the New Jersey Civil Service Commission (CSC) voted to enact sweeping changes to the promotional process for non-uniformed state workers. In doing so, the Christie administration is seeking to gut modest taxpayer protections from political patronage. These measures have not only been on the books for over a century, but are so vital to fairness in public service that they're written into the state's Constitution. The changes also allow the Christie Administration to gut veterans' preference in promotions for most positions in State Government.

Today's regressive action comes in spite of a binding resolution passed by the State Legislature in January – which prohibited the Christie Administration from enacting the rules. The CSC is not only ignoring the actions of the legislature, but also ignoring what is enshrined in the State Constitution, as well as what New Jersey Supreme Court says is the law of the land.

"It is inconceivable that the Christie Administration is granting itself permission to promote anyone it wants, while getting rid of oversight and objective standards for fairness," said Seth Hahn, CWA Political and Legislative Director. "Their scheme blocks lanes of promotions for the deserving, while subjecting advancement to the whims of political pressure. This radical change is especially galling given all we know about what's happened on Governor Christie's watch in both various agencies around the state and his own office in the Statehouse. Today's action has the potential to open the entirety of State Government to the abuse we've recently seen at the Port Authority."

The CSC's arrogance and inability to follow the law would expose every single New Jerseyan to higher taxes due to corruption, cronyism, nepotism and patronage....if they were able to get their way This would amount to a wholesale attack on working families, women, LGBT workers, disabled people and people of color. Thankfully, the Christie Administration will not be able to get away with this, as the state constitution says you cannot write regulations contrary to the intent of the statute. And the New Jersey legislature has already agreed and passed two concurrent resolutions.

As passed, today's proposal would allow the CSC to lump workers into "broad bands" of job titles - limiting valuable public oversight of which employees are performing specific tasks. It would then replace promotions for workers based on objective qualifications and done based on a transparent and objective testing process with "advancement" through the employment "bands." The "advancement" would be done solely at the discretion of management. It would not be subject to minimum qualifications requirements or public oversight. And it could allow politically-friendly workers to get ahead, at the expense of those who are deserving.

Furthermore, since the testing process is the only place that veterans' preference exists in New Jersey Civil Service, it replaces a clear commitment to our state's veterans with a "trust me" system. Management would merely be directed to weigh veterans status in their own minds when making decisions about advancement.

Today's action comes despite a binding legislative resolution that was passed in January that prohibits the Governor from adopting the proposal. The legislature used a little-known provision of the State Constitution, enacted by voters in 1992, that allows the legislature to prohibit or invalidate regulations or rules proposed or enacted by the Executive. The procedure required two votes of the legislature, and an open public hearing.

Not only is today's adoption of the rule likely illegal, it most likely runs afoul of the State Constitution. Article VII, Section 1, paragraph 2 requires that state promotions shall be made and

veterans' preference shall be protected by an open and competitive testing process, "as far as practicable."

This morning's CSC vote comes despite widespread condemnation from Civil Rights organizations, veterans, people with disabilities, women's organizations and public watchdogs. It also comes after more than a year of the Christie Administration refusing public input. Last year, they held a single public hearing in Trenton at 3 pm on a workday in the middle of the week – in a room that could only seat thirty people. Even worse, not a single Civil Service Commissioner attended this meeting to discuss 96 pages of new rules marking the most radical changes since the inception of civil service. Since then, Christie's Commission has steadfastly refused requests from thousands of people for additional hearings. They've stonewalled, even though previous Administrations – both Republicans and Democrats – have granted more hearings for changes far less sweeping. The state legislature held two oversight hearings and requested someone from Civil Service attend. Both times the invitations were denied.

It's no surprise the Christie Administration has failed to be transparent on this issue. Because Christie's latest scheme will create more patronage and corruption at all levels of government. It undermines promotions for the deserving and subjects promotions to the whims of political pressure. Simply put, Christie's proposal hands power over to politicians and backroom players, at the expense of both good government and New Jersey's taxpayers. However, their attempts to do so will be moribund as it is simply against the law to make these radical changes.

UPDATE

On May 14th, Senate President Steve Sweeney and Assembly Speaker Vincent Prieto sent a letter to Governor Christie and CSC Chair Robert Czech stating the Legislature's intent to go into court to enforce its resolutions invalidating the rule. Their letter makes clear that the Legislature views the adoption by CSC as illegal. CWA is also prepared to join any legal action if it comes to that.

[Click here](#) to read the letter

UPDATE: May 26, 2014

The Legislature is still prepared to go into court to enforce the resolutions passed earlier this year, but they are doing another round of concurrent resolutions as an added precaution. To initiate that process, on Monday, May 19th, the Senate Budget Committee passed a resolution nullifying the job banding rule adopted by the Civil Service Commission. More updates will be provided as the resolution moves through the Legislature.