



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

Raised Bill No. 1049
An Act Concerning Collective Bargaining of the Merit System

Testimony of Martin Anderson, Ph. D
Before the Labor & Public Employees Committee
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Good afternoon, Senator Prague, Representative Ryan and Members of the Committee on Labor and Public Employees. My name is Dr. Martin Anderson and I am the Director of Administration at the Department of Administrative Services. For many years I was Chief Personnel Psychologist at DAS, overseeing all aspects of the merit employment examinations used to create employment lists for state jobs. Before that, I was the Director of Personnel Assessment for the state of Oklahoma.

I am here today to speak in opposition to Raised Bill No. 1049 – An Act Concerning Collective Bargaining of the Merit System. I would like to describe briefly the strengths and values of Connecticut's existing merit system and the **unintended consequences** likely to arise if it becomes subject to collective bargaining.

All hiring and promotional systems (public and private) are inherently subject to complaints because it is natural for people to be disappointed if they do not get a job or promotion they want. Raised Bill 1049, however, constitutes an extreme response to a false perception that the merit system is fundamentally flawed. Nothing could be further from the truth.

To the contrary, Connecticut's merit system is governed by – and exemplifies – four core values:

- Personnel decisions should be based on an **objective evaluation of qualifications, open competition and competence;**
- All employees and applicants should be treated **fairly and consistently;**
- Employees should be **protected against arbitrary actions;** and
- The workforce should be employed efficiently and effectively.

Opening the merit system to collective bargaining undermines each of these values.

DAS conducts approximately 400 – 600 examinations each year, assessing the qualifications of thousands upon thousands of applicants annually. Admission into – and success in – an examination is governed by an individual's qualifications and abilities: "What you know," *not* "Who you know."

This Bill Undermines Uniformity and Fairness in State Job Exams

One of the most important aspects of the merit system is that it is **clear, consistent and uniform**. One set of rules applies to everyone. As a result, agencies, employees and applicants know what to expect and can prepare accordingly. Opening the system to collective bargaining could result in different rules for unionized state employees, non-unionized state employees and citizens who simply hope to work for the state. Keep in mind that most examinations are taken by individuals from of each of these groups. Not only would such disparities cause confusion and inconsistent treatment, but also, it would cause **delays and increased costs** for the agencies trying to staff their programs.

In addition, permitting collective bargaining over examinations would **undermine the integrity of the examination process** itself. An exam cannot be fairly administered if some of the applicants have advance knowledge about the questions that will be asked. The negotiation process is antithetical to maintaining the confidentiality of exams.

Negotiating the Merit System Will Expose the State to Legal Liability and Undermine Equal Opportunity Hiring

Even more crucial is the fact that examinations must comply with state and federal anti-discrimination laws, as well as other professional standards, which mandate that exams must be job-related and consistent with business necessity. A collectively bargained exam would potentially be influenced by other considerations, exposing the state to legal liability.

Similarly, the hiring process itself is subject to a host of legal requirements, including but not limited to, affirmative action goals. Historically, unions have placed a high premium on seniority-based hiring, a stance which is frequently **inconsistent with affirmative action and equal opportunity hiring**.

This Bill Provides Special Treatment to Interested Parties in What Should Be an Objective Process

With the existing merit system, exams are developed and hiring and promotional decisions are based on the application of professionally sound and job-related assessment tools, and not on the applicants' union affiliations. Because Human Resources professionals have no stake in the outcomes, the process is objective and the outcomes are fair. Allowing unions to bargain over the merit system creates an **insurmountable conflict** because they have a **direct interest in the outcome** – benefiting their own members at the expense of others competing for the same jobs.

Any Problems Can Be – and Have Been – Corrected Within the Existing Merit System

Finally, we acknowledge that Connecticut's merit system is not perfect. Any system that processes tens of thousands of exams and administers hundreds of job specifications is bound to run into a few stumbling blocks along the way. Within the existing system, however, corrections and improvements can be – and have been – made without jeopardizing its core values.

To ensure that agencies are hiring and promoting according to the rules of the merit system, and not according to favoritism or other illegal or improper factors, DAS has taken several measures:

- Conducting statewide human resources and managerial training to help agency personnel to better understand the rules governing the merit system.
- Issuing procedures clarifying when promotions by reclassification and temporary service in a higher class are, and are not, appropriate.
- Centralizing authority over non-standard appointment procedures, such as provisional appointments, promotions by reclassification and temporary service in a higher class, in order to ensure that these mechanisms are not abused.
- Auditing agency personnel activities to ensure compliance with state rules.
- Promptly investigating and responding to any and all specific allegations of favoritism or other problems when given details of the claim.

In conclusion, we cannot lose sight of the fact that jobs within state government exist not for the benefit of the agencies nor for the employees, but for the public. **The citizens of Connecticut have a right to be served by a government that values competence and is impartially administered.**