

Government merit systems assignment



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Elimination of Merit Systems For many reasons, merit based civil service systems have come under assault and yet at the same time have been hailed. Merit systems do however attempt and achieve many important objectives including ensuring that an effective workforce is attracted and maintained by providing protections against arbitrary termination and by attempting to avert politically influenced hiring and promotions.

Notwithstanding, the way merit systems go about attracting a workforce and the varied protections against termination are the cause of antipathy.

Many would agree that a better civil service system is needed. This better civil service system should reward good service and punish bad or mediocre service with dismissal or no promotion. Equally important, this new system has to have a process to hire quality employees quickly. However, this better system needs to have all the mechanisms that are in the current merit systems to protect against corruption. This paper argues in favor of eliminating both merit system protections and merit in hiring and promotions, while at the same time evaluating the various arguments against merit systems.

In public administration literature, it is argued that in order for the bureaucracy to be both efficient and effective, it has to be staffed by tenured bureaucrats who feel relatively secure in their positions and receive adequate compensation. The bureaucracy attains its power from the experience of its workforce. Indeed, the bureaucracy is made up of “seasoned and knowledgeable ‘old hands’” who have molded relations with organizations and government itself (Kaufman 2001, 8-42).

Therefore, if returning to a spoils system results in arbitrary terminations the bureaucracy would be robbed of the most experienced administrators who bestow effectiveness within an agency. An important point regarding the removal of protections against arbitrary terminations is made by Charles T. Goodsell who argues that removing protections causes an “ Am I Next? ” mindset to occur where employees agonize over the threat of termination and which in itself can result in diminished effectiveness (1998, 653-660).

In a related way to the “ Am I Next? ” syndrome is a breakdown of the “ politics administration dichotomy” where administrators fearing termination would only perform those duties to please the administration (Durant 1998, 643-653). Accordingly, a break down in the “ politics administration dichotomy” would seem to some to signal an increase in corruption and overall unethical behavior. Corruption is one of the big factors for the creation and continuance of a merit system.

Those opposed to removing merit factors cite the abuses that occurred in the nineteenth century prior to the Pendleton Act. Also, tenured civil servants are necessary to assure that political appointees obey the law” (Maranto 1998, 623-643). Speaking about this was a Washington journalist, who argued that it was tenured civil servants of the Central Intelligence Agency and the Federal Bureau of Investigation who blew the whistle during the Watergate scandal and for this purpose tenured civil servant are needed to serve alongside appointees (Maranto 1998, 623-643).

However, Robert Maranto who is a proponent of a alternative systems, points out several occurrences where tenured civil servants and political appointees

worked together, such as in the Department of Housing and Urban Development scandals during the Regan administration. Specifically, Maranto argues that when any organization, private or public is under investigation “ it reacts by closing ranks to outsiders and shunning suspected whistle-blowers” (1998, 623-643).

Using this rationale, it could appear that having no tenure protections is the same as having tenure protections with regard to whistle-blowing. Maranto furthers the argument of corruption stating that “ regular rotation of some political officials as ‘ in-and-outers’ helps uncover scandals because incoming appointees are not tied to existing corrupt practices, can claim credit for ending them, are not as protective of organization reputation, and have sufficient political pull outside the organization to weather attacks of those within” (1998, 623-643).

Indeed, as pointed out by Maranto, the scandals of Andrew Jackson’s administration had actually begun under the previous administration and were uncovered by Jackson appointees. Another argument offered by Murray was that to cite the difficulties presidents Clinton, Bush (1st), Regan and Carter had in filling executive branch positions that required presidential appointments. His argument is that if an administration is unable to fill important political positions than it is doubtful an administration “ will put much urgency in finding a nominee for positions currently filled by career bureaucrats” (1998, 70-677). His argument was meant to conclude that if there is a weak administration many positions will go unfilled and result in diminished effectiveness. Nonetheless, his argument against a spoils system citing a weak presidency is apt in arguing that there will not be a massive

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partisan termination following elections. Moreover, there have been several Supreme Court rulings which prohibit hiring, promotion, termination and even the awarding of contracts based on politics.

Eisenhart distinguishes between five categories of public sector employees: 1) full-time permanent employees protected by some form of civil service system; 2) at-will employees who can be fired at anytime for any reason so long as the reason is not illegal; 3) contractual employees; 4) temporary employees; and 5) independent contractors (Eisenhart 1998, 58-69). These five categories of employees within the public sector are covered by Supreme Court rulings.

In 1976, the U. S. Supreme Court ruled in *Elrod v. Bums* (427 U. S. 347) that it was unconstitutional for the newly elected Democratic Sheriff of Cook County to dismiss all employees who were hired under the previous Republican administration whose positions were not in policymaking areas where political loyalty would be required. Another ruling by the U. S. Supreme Court was in 1990, *Rutan v. The Republican Party of Illinois* (497 U. S. 62). The U. S.

Supreme Court ruled that it was unconstitutional for the Republican governor of Illinois to require applicants for hire, promotion, transfer and recall from layoff to obtain recognition from the Republican Party of Illinois prior to service. In 1996, the Seventh Circuit Court of Appeals ruled the Rutan decision applied to temporary employees as well. For several reasons it is unlikely an administration would commence large scale terminations after each new election. Even with a return to a spoils system an administration

would not introduce massive terminations of productive workers for several reasons.

First, as Kernell and McDonald argue, “ the new breed of office-holding politicians who entered Congress at the end of the nineteenth century saw greater electoral payoffs from providing direct services to their constituencies than from subsidizing local party organizations. Thus they eschewed patronage for the merit system” (Ruhil and Camoes 2003, 27-43). This reflects twenty-first century American society more than it did in the nineteenth century. Also, the expensiveness of mass terminations would prevent government from mass terminations of productive employees.

As argued by Kellough and Osuna “ turnover also holds the potential for enormous organizational costs, including the direct costs of hiring and training new employees as well as significant in direct costs associated with lower productivity levels from newer employees and opportunity costs from situations requiring more experienced workers to provide task assistance to new colleagues (Kellough and Osuna 1995, 58-68). Indeed, research by the Saratoga Institute proposed that the replacement cost of an employee is between one and two times the individual’s salary.

In another study by the Keener-Tregoe Business Issues Research Group it was estimated that it costs approximately \$134, 000 to replace a human resource manager in the automotive industry (Selden & Moynihan 2000, 63-74). For this reason it is just unlikely that government would commence with large scale terminations as those who are against the spoils systems contend. Equally important it is extremely expensive to run a merit system

and as a result a lot of poorer states and local governments just cannot continue with the expansive hiring, promotion and discharge protocols.

For instance, in a local government in the state of Michigan written test were administered to six hundred applicants for just a few vacancies, and followed up with oral examinations for all those found qualified by the written exam. It is argued that such a process is “ neither practical nor an efficient use of limited government resources” (Leidlein 1993, 391-392). As a result a lot of states and local governments have tweaked their own merit systems resulting in abandonment of some merit principles or abandoning the principles all together.

This situation is exemplified by Jay M. Shafritz, who argues that there is a “ nether world of public personnel administration” which often exists to circumvent the maze of merit systems (1974, 486-492). For instance, in both the city of New Haven, Connecticut and the state of Idaho the personnel systems there were so time consuming they begun hiring temporaries in an effort to speed the process (Jorgensen et al. 1996, 5-20). Moreover, in Florida, Georgia and Virginia merit principles have been removed and have resulted in efficient government activities.

For example, in the state of Georgia, merit protections have been removed entirely for state civil servants hired after June 30, 1996; employees hired prior to July 1, 1996 are still covered by the traditional merit system protections. In the state of Florida, merit protections were removed for all state civil servants on May 14, 2001. The result is in both Georgia and Florida, “ civil servants can be hired, promoted, disciplined and fired quickly

and with relative impunity; they [civil servants] accrue no seniority and therefore have no bumping rights whatsoever” (Walters 2003, 34-80).

Nonetheless, in regards to Florida’s new civil service system, Mark Neimeiser, from Council 79 for the American Federation of State, County and Municipal Employees which represents most of the state’s rank-and-file employees states that: It [Florida’s new system] exposes state workers who enforce regulations and license businesses and professionals to the risk of retribution for pursuing cases against politically well-connected Floridians.

Second, it leaves higher-salaried senior staff exposed to the whims of departmental budget cutters who, like a sports-team owner trying to meet a salary cap, might be tempted to off-load more senior, high-paid staff just to save money, regardless of what it means by way of institutional brain drain or employee morale (Walters 2003, 34-80). However, according to Walters it seems that their concerns are valid.

He details how there are several former employees who blew the whistle and were terminated for political reasons, either because they took regulatory action against an ally of the governor or because they were Democrats.

Notwithstanding, Walters does point out that “ Depending on one’s view of the spoils system and what it ought to deliver to whom, such stories are either shocking or just par for the political course and no different than stories that filter out of Albany, Springfield or Sacramento whenever there’s a change of party, regardless of the civil service rules” (Walters 2003, 34-80).

Nevertheless, Walters does point out that there is ample evidence showing that there was widespread removal of long time employees in various Florida agencies. Yet, he does note that most of the laid-off employees were given the option of taking other jobs in government. According to AFSCME, the jobs offered typically represented demotions in both rank and pay. For example, a group of employees in the Department of Business and Professional Regulation were terminated, then allowed to reapply for jobs paying 25 percent less (Walters 2003, 34-80).

As pointed out previously, one of the necessary factors for retaining workers is relative job security. And as such if termination protections are removed, it is believed a large turnover in the bureaucracy would occur (Godsell 1998, 653-660). However, a study on turnover in state government which specifically studied the environmental, organizational, and individual factors for turnover found that one determinant that prevented large turnovers was pay increases and promotions (Selden & Moynihan 2000, 63-74). Charles W. Gossett conducted a survey in the Georgia Department of Juvenile Justice testing hypotheses on organizational loyalty, job mobility, and performance responsiveness between the workers covered by those hired after June 30, 1996 who has no civil service protections and those hired prior to July 1, 1996 whom still are covered by civil service protections (2003, 267-278). Some of Gossett's findings were that there were no substantial differences between the protected and un-protected civil servants in voluntary turnover and concern for the agency.

However, Gossett's research did determine that un-protected workers are more willing to seek promotion within the agency and view themselves as needing to be more responsive to management because they feel they can be disciplined for any minor infractions (2003, 277). The purpose of this essay was to argue against and examine the arguments against eliminating merit systems. Given the importance of achieving an efficient and effective public workforce, it is essential to know whether eliminating merit protections and procedures will result into a more efficient and effective workforce.

From the literature, it appears that the elimination of merit systems pose no horrific menace. Most of the arguments against removing merit factors, center on effectiveness and efficiency. The opponents argue that the removal of merit factors will result in hiring, promotion and termination based on political considerations. However, there are numerous federal laws, state laws and court decisions to protect every possible category of employee employed by government. Also, as evidenced in Georgia, non-protected workers tend to be more responsive to management which is good because it increases the effectiveness of executive leadership.

For this purpose, chief executives are able to deliver on their promises. Getting rid of merit principles also allows government to hire qualified individuals quickly and cost effectively. Works Cited Durant, Robert F. 1998. Rethinking the unthinkable: A cautionary note. *Administration & Society* 29 (January): 643-653. Gossett, Charles W. 2003. The changing face of Georgia's merit system: results from an employee attitude survey in the Georgia Department of Juvenile Justice. *Public Personnel Management* 32 <https://assignbuster.com/government-merit-systems-assignment/>

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