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March 17, 2017

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Pennsylvania Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: PA State Civil Service Commission
Proposed Regulations #61-6
IRRC# 3167

Dear Commissioners:

My name is James W. Martin and I am writing about this matter as a private citizen and a concerned one. Prior to my retired life, I had the distinct pleasure and honor to serve the Commonwealth in various public positions. I was initially appointed to serve as Director of the Bureau of Vehicle Management in the PA Department of General Services in 1995 by former Governor Tom Ridge. I was subsequently appointed Deputy Secretary for Property Management in the Department by Governor Ridge in 1999 and served in the role during the very tumultuous times following the 9/11 terror attacks. I was afforded the opportunity to work with great individuals on both sides of the political aisle to develop and implement policies, procedures, and strategies to strengthen the security measures of the Commonwealth in response. Many of which the public sees today and many they do not. I was also fortunate to serve as a State Civil Service Commissioner from 2003 to 2014 nominated by former Governor Mark S. Schweiker and confirmed by the Pennsylvania State Senate to a six-year term, and re-nominated by former Governor Ed Rendell and also confirmed by the Pennsylvania State Senate for an additional six-year term which led to my retirement at the age of 70 in 2014. In this role, I served as a Commissioner/Administrative Law Judge and conducted hundreds if not thousands of civil service appeal hearings. I have seen and experienced a lot during my professional career.

I have read the comments posted on the IRRC website in response to the Civil Service Commission's proposed regulations and quite frankly am appalled by the submissions of state agencies. It is clear to me the agencies do not have an understanding of the statutory role and mission of the Civil Service Commission. This role is to promote a competitive employment process based on what you know and not who you know. An employment system open to all not just the favored few. A system that restricts hiring decisions based on political patronage and cronyism, and promotes one based on skills.

Being very familiar with the operations of the Commission, there is nothing in the proposed regulations that undermines or circumvents the statutory changes contained in Act 69 and Act 167 of 2016. I support the proposed regulations. To the contrary, the draft regulations implement the changes in accordance with the provisions of state law by maintaining the core principles of a civil service hiring system. After reading the comments of state agencies, you could easily be misled to believe otherwise.


I also find it interesting and fascinating the comments submitted by state agencies seem to be also verbatim, a form letter perhaps. A form letter prepared by whom and for what purpose? It is clear to me that at least one motivation is to character assassinate and circumvent the statutory mission of the Commission by manipulating the hiring process. I note in at least a few of the statements a reference to unacceptable candidates blocking the list and preventing agencies from hiring the "right" person. I would like know who are these unacceptable candidates. In all my years, I found people to be better prepare for employment but never unacceptable in these terms. In at least one agency response, the unacceptable was identified as a "veteran". This is appalling. Whether you agree or disagree, the men and women who have bravely served our nation in the military are granted veteran preference hiring benefits for civil service jobs. It is state law until the legislature and Governor Wolf decide to change or eliminate it. Veterans should not be viewed as impediments to agencies hiring a favored candidate or the right person. In my

experience, I have found veterans to be extremely ready for employment. Civil Service laws were written and approved by the Pennsylvania state legislature and without these laws we will be going back to the days of patronage hiring which will not work. Employees hired through the civil service process bring continuity to the government during changes of Administrations.

The Commission's proposed regulations are measured, thoughtful and considered. As someone who knows how the process works, I am deeply concerned the arguments made against the regulations by the agencies will negatively impact the hiring of veterans, minorities and others. Some of letters state the Commission's proposed regulations will prevent them from doing what they "want to do" which shows a total misunderstanding of the intent and purpose of the civil service laws as approved by the Pennsylvania state legislature. The position of the agencies will undermine the very mission of a civil service. If this is the goal, then it should be pursued legislatively and not through the regulatory process.

Thank you for your consideration in this matter

Sincerely,

A handwritten signature in black ink that reads "James W. Martin". The signature is written in a cursive style with a large initial 'J' and 'M'.

James W. Martin
Former Civil Service Commissioner and Deputy
Secretary for the PA Department of General Services

cc: Denise Wood, Civil Service