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PENNSYLVANIA STATE CIVIL SERVICE COMMISSION

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IN RE: PUBLIC HEARING ON PROPOSED REGULATIONS #61-06

PUBLIC HEARING

\* \* \* \* \*

BEFORE: Bryan Lentz, Chairman

HEARING: Friday, May 12, 2017  
10:12 a.m.

LOCATION: 110 North 8th Street  
Suite 503  
Philadelphia, PA 19107

WITNESS: Marwan Kreidie

2017 MAY 23 AM 8:48

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Reporter: Amy Gribauskas

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## P R O C E E D I N G S

CHAIR:

Good morning, everyone. Welcome to the State Civil Service Commission's public hearing scheduled pursuant to Commission Rule 93.4 to receive comments on proposed regulations which were recently published in Volume 47, Issue Number 16 of The Pennsylvania Bulletin.

As noticed ---. As noted in our published preamble, these regulations are being proposed to bring the Civil Service Commission's regulation into conformity with recent amendments to the Civil Service Act.

Specifically, current rules of the State Civil Service Commission Numbers 91.3; 95.47; 97.3; 97.11, and 97.12 are being amended. And a new chapter, 98, containing --- containing new rules 98.1 and 98.2 is being added to the current rules to comply with changes made to the Civil Service Act by Act 69 of 2016.

I'm going to read a brief summarized statement that I'm going to make. My complete statement will be part of the record --- the official record.

1                   Before we begin receiving public  
2 comments, I want to take an opportunity to address  
3 issues that had been raised in connection with the  
4 Fiscal Note, which the Budget Office provided for our  
5 proposed regulations. The Fiscal Note prepared by the  
6 Budget Office acknowledges that these proposed  
7 regulations are cost neutral and, quote, will not  
8 result in a loss of revenue or an increase in program  
9 costs to the Commonwealth or its political  
10 subdivisions, end quote.

11                   The Fiscal Note then goes on to state  
12 that there will be both added costs and lost savings  
13 to the Commonwealth because the Commission's proposed  
14 regulations do not implement, and that's in quotes.  
15 Quote, do not implement, end quote, Section 212(d) and  
16 502 of Act 167 of 2016. With all due respect to the  
17 Budget Office, this assertion is simply not true.

18                   Beginning with Section 212(d). The  
19 amendment to Section 212(d) in Act 167 Of 2016 added  
20 the following language to Section 212(d) in the Civil  
21 Service Act. Quote, the commission shall enter into  
22 an agreement to utilize the form and method of an  
23 employment application that is standard across  
24 departments and agencies that are under the Governor's  
25 jurisdiction for the purpose of entrance to, or

1 promotion in, the classified services, end quote.

2           The Commission's current rule regulating  
3 Civil Service applications is 95.1. Our proposed rule  
4 change --- or proposed change to Rule 95.1 added the  
5 above language from the statute nearly verbatim to our  
6 existing rule, which now reads, quote, section a,  
7 Submission of applications. Applications required of  
8 a candidate for entrance to, or promotion in, the  
9 classified service, shall be made in a format  
10 prescribed by the Director, shall utilize a form and  
11 method of application that is standard across  
12 departments and agencies that are under the Governor's  
13 jurisdiction, and shall contain a statement made  
14 subject to the penalties of 18 Pa. C.S. § 4904  
15 relating to unsworn falsification to authorities,  
16 verifying the truthfulness of all responses contained  
17 thereon, end quote.

18           Clearly, by using language directly from  
19 the Act, the Commission's proposed regulation  
20 implements Section --- Section 212(d) of Act 167.

21           The second claim made by the Budget  
22 Office is the rule change does not implement Section  
23 502 of Act 167. The amendment to Section 502 in Act  
24 167 changed Section 502 of the Civil Service Act, in  
25 relevant part. And it now reads as follows:

1                   Quote: Examinations shall be conducted  
2 to establish employment and promotion lists. Such  
3 examinations may be written or oral, or a  
4 demonstration of skill, or an evaluation of experience  
5 and training (sic), or a combination of these, which  
6 shall fairly appraise the fitness and ability of  
7 competitors.

8                   The appointing authority shall select  
9 the method of examination that shall be used for the  
10 individual position or the class of positions for  
11 which the employment or promotion list is being  
12 established. Such examinations shall be practical in  
13 character and shall relate to the duties and  
14 responsibilities of the position for which the  
15 applicant is being examined and shall fairly test the  
16 relative capacity and fitness of persons examined to  
17 perform the duties of the class of positions to which  
18 they seek to be appointed or promoted, end quote.

19                   Our rule change to Rule 95.20 adds the  
20 following language to the existing rule: If the  
21 Director determines that more than one method of  
22 examination will fairly test the relative capacity and  
23 fitness of persons examined to perform the duties of  
24 the class of positions to which they seek to be  
25 appointed or promoted, the appointing authority shall

1 select the method of examination that will be used for  
2 the individual position or the class of positions for  
3 which the employment or promotion list is being  
4 established.

5                   When the same classification is used by  
6 more than one appointing authority, the affected  
7 appointing authorities must reach a consensus on the  
8 method of examination that will be used for that  
9 classification as only one examination method will be  
10 used by the Commission to examine all candidates for  
11 positions in the same classification, end quote. I  
12 should note that the Director, as used in that  
13 section, refers to the Commission itself.

14                   This rule change once again repeats  
15 elements from the statute verbatim in order to  
16 implement Section 502 of Act 167 of 2016. The  
17 Commission is recognizing with this rule change that  
18 the appointing authorities will have the final say on  
19 which examination method will be used for the  
20 individual positions (sic) or the class of positions  
21 for which the employment or promotion list is being  
22 established.

23                   However, the rule change also recognizes  
24 that it is still the Commission's obligation under  
25 Section 502 to determine which method or methods of

1 examination will fairly test the relative capacity and  
2 fitness of persons examined to perform the duties of  
3 the class of positions to which they seek to be  
4 appointed or promoted.

5                   Accordingly, the rule now obligates the  
6 Commission to identify as many alternative valid  
7 examination options as possible, and then offer them  
8 all to the appointing authority, which will then  
9 select the method it wants to use to fill vacancies in  
10 its complement. If an individual position or a class  
11 of positions is used exclusively by a single  
12 appointing authority, that appointing authority's  
13 examination choice will be final.

14                   While there are many such  
15 classifications, including Corrections Officers or  
16 Corrections Counselors, used exclusively by the  
17 Department of Corrections, there are many other  
18 classifications which are used by appointing  
19 authorities throughout the Commonwealth. Examples are  
20 Clerk Typist, Accountant, Human Resource Analyst, etc.

21                   This rule change, therefore, also  
22 recognizes the reality that there are many such  
23 classifications in which persons are similarly  
24 employed by multiple appointing authorities throughout  
25 the Commonwealth. When filling these positions, in

1 addition to satisfying the requirements of Section 502  
2 as amended, the Commission is equally obliged to  
3 comply with other provisions of the law applicable to  
4 filling classified service positions. Section 2 of  
5 the Civil Service Act states that greater efficiency  
6 and economy in the administration of the government of  
7 this Commonwealth is the primary purpose of the (sic)  
8 Act.

9                   Section 501 of the Act provides that,  
10 quote, appointments of persons entering the classified  
11 service or promoted thereon --- therein shall be from  
12 eligible lists established as a result of examinations  
13 given by the Director.

14                   The Pennsylvania Military Code provides  
15 that ten points will be added to the score of a  
16 veteran who passes a Civil Service examination, and  
17 that a veteran who is among the three highest scoring  
18 candidates on an eligible list will have a mandatory  
19 appointment preference.

20                   All these regulations ---. The purpose  
21 of all these regulations is to allow the Commission to  
22 continue to fulfill its mission of making sure that  
23 hiring in the Civil Service system is merit-based.

24                   At this time, I will make the balance of  
25 the --- of my remarks as part of the record by

1 incorporation. And I will open the floor to public  
2 comment.

3 If you want to make a public comment,  
4 please stand and be recognized. And when you begin to  
5 speak, identify yourself for the record. Thank you.

6 MR. KREIDIE:

7 Good morning, Chairman Lentz.

8 CHAIR:

9 The Chair recognizes former Commissioner  
10 Marwan Kreidie.

11 MR. KREIDIE:

12 Good morning. And first, I'd like to  
13 start by congratulating the Civil Service Commission  
14 on their 75th anniversary. Let's hope that we have  
15 another 75 years of independence and service to the  
16 Commonwealth.

17 You need my address? Let me give you my  
18 address. So my name is Marwan Kreidie, M-A-R-W-A-N,  
19 K-R-E-I-D-I-E. My address is 922 North Orianna  
20 Street, Philadelphia, Pennsylvania, 19123.

21 I currently teach at West Chester  
22 University and I'm --- I'm speaking here as a private  
23 citizen, but also as someone who was the previous  
24 Chair of the State Civil Service Commission  
25 from ---. Well, seven years, I served around seven

1 years as Chair.

2 Prior to that, though, I have to also  
3 say that I served around eight years in the Civil  
4 Service Commission of the City of Philadelphia. So  
5 let me read my statements. I also have a couple of  
6 articles. I don't know if you want to take these in  
7 or not.

8 CHAIR:

9 They can be made part of the record.

10 MR. KREIDIE:

11 They can be made part of the record.

12 Okay. So it's my ---. I'm going to read this  
13 verbatim. It was my pleasure to have served as  
14 Chairman of the State Civil Service Commission and I'm  
15 here to talk about the new regulations ---.

16 CHAIR:

17 Do you want to take your old seat?

18 MR. KREIDIE:

19 No, no. I should, right? I sat there  
20 for a long time. So --- but I like to look at ---.  
21 I don't like my back to people. So I'm here to talk  
22 about the new regulations and threats to merit-based  
23 employment in the Commonwealth of PA.

24 To understand this threat one must first  
25 understand that the State Civil Service Commission is

1 the first line of defense against the ravages of  
2 political corruption and nepotism that seems to be the  
3 norm rather than the exception in Pennsylvania.

4           One only needs to google political  
5 corruption and the number of articles on Pennsylvania  
6 fills the screen. I have an article here from Brad  
7 Bumsted of the Pittsburgh Tribune, printed on  
8 August 2nd, 2015 entitled Pa., Breeding Ground for  
9 Corruption, experts say. Obviously this is not a  
10 stand-alone article and I could have printed out  
11 dozens more.

12           Let us examine some highlights from the  
13 last decade or so.

14           All Philadelphia Traffic Court Judges  
15 were removed from their positions for corruption and  
16 the Traffic Court abolished. In Wilkes-Barre,  
17 President Judge Mark Ciavarella and Senior Judge  
18 Michael Conahan sold kids to Juvenile facilities. Two  
19 of our former Attorney Generals, Ernie Preate and  
20 Kathleen Kane had to resign from their positions. And  
21 our State --- our former State Treasurer, Rob McCord,  
22 had to resign as well.

23           I cannot keep an accurate count at the  
24 number of state legislators who had to resign or go to  
25 jail, but it is a least a dozen. I could go on and

1 one with Mayors, Congress people and local DAs, all  
2 under indictment, who resigned or served time in jail.

3           This systematic corruption is not only  
4 rampant with elected officials. Whole agencies are  
5 also affected. We have serious issues within the  
6 Turnpike Commission and locally in Philadelphia, just  
7 a few --- a block from here, one of the most recent  
8 examples is the Philadelphia Parking Authority, whose  
9 former Executive Director's main occupation seems to  
10 have been granting large raises for himself and his  
11 executives and sexually harassing women on his staff.

12           In fact, I have another article which I  
13 wrote an op/ed for The Philadelphia Inquirer,  
14 published on November 9th, 2016, in which I  
15 recommended that to really affect change and reform,  
16 the Philadelphia Parking Authority should become a  
17 Civil Service agency. The latest news out of the PPA,  
18 the Philadelphia Parking Authority, which changed its  
19 Executive Director is that the new Executive Director  
20 who was supposed to reform the agency just hired her  
21 daughter's roommate for a managerial position.

22           One thing that all of these agencies and  
23 individuals have in common is that they occur in  
24 non-Civil Service agencies. Having a true merit  
25 system would be significant --- would be a significant

1 barrier to these corruption shenanigans endemic to  
2 patronage agencies. Merit systems do not hire on the  
3 basis of whom you know or what party you are in. That  
4 is, our Civil Service Commission does not hire based  
5 on who you know or what party you are in. Employees  
6 are not dependent on their political patrons and do  
7 not cower or fear their leadership so as to cover up  
8 for them.

9                   Can you imagine the various corruption  
10 scandals that would have occurred in our Commonwealth  
11 if 70 percent of all jobs in our state were not  
12 covered by the Civil Service Commission?

13                   Civil Service is also good for veterans.  
14 And the Chairman recently in his statement talked  
15 about the various preferences that we give to them.  
16 In studies that I have conducted in the past and am  
17 currently doing, agencies that are non-Civil Service  
18 in this state have significantly lower rates of  
19 veteran hiring. Hiring of veterans should happen  
20 regardless of whether an agency is merit-based or not.

21                   I am currently doing a study on those  
22 counties with pass-through funded jobs which were  
23 mostly Child Welfare, Drug and Alcohol, et cetera,  
24 which historically were part of the State Civil  
25 Service Commission. These counties --- some of these

1 counties have opted out of the State Civil Service  
2 Commission to have a local merit system, rather than  
3 be part of the State Civil Service system.

4           While I have not finished this study,  
5 the required yearly compliance audits have, for the  
6 most part, not been done or done in such a fashion as  
7 to make them useless. One way to examine them --- the  
8 non --- the new local merit system for adherence to  
9 merit system principles and rules is to look at their  
10 rate of veteran hiring. The percentages of veterans  
11 being hired is virtually zero. Where previously, when  
12 they operated under the State Civil Service  
13 Commission, it was at least over ten percent.

14           Again, without proper audits of these  
15 county systems, we cannot be sure that the people  
16 being hired are qualified or hired and promoted based  
17 on merit. From my early analysis, and I have not  
18 finished the study yet, most of them appear to be, in  
19 essence, at-will agencies at best and patronage havens  
20 at worst.

21           In regards to reform and change. I  
22 think it is important that not only is a merit system  
23 important to protect against nepotism and corruption,  
24 it also has to be efficient and forward-looking. I  
25 was proud that when I was Chairman, and I assume today

1 as well, the State Civil Service Commission  
2 outperformed the non-Civil Service system. This was  
3 --- and this was a study was conducted by the Office  
4 of Administration, the non-Civil Service arm of the  
5 state.

6 In closing, I have read some of the  
7 comments that are posted on the Independent Regulatory  
8 Review Commission website. They seem to be eerily  
9 similar, as though someone gave these agencies the  
10 same sample letter to use. These similar, almost word  
11 for word recommendations make me think that there is a  
12 concerted effort to squash these proposed regulations.

13 Recommendations that these agencies  
14 request go against the spirit of a real merit system.  
15 If they really wanted to improve the system and make  
16 it easier for employees to apply and get jobs, they  
17 should recommend increasing the Civil Service  
18 complement and reopening the Allentown testing center.

19 In conclusion, what we need to do is  
20 strengthen not weaken the State Civil Service system  
21 and regulations. Thus, I support the regulations as  
22 proposed and find them to be fair and workable. Thank  
23 you.

24 CHAIR:

25 Thank you.

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MR. KREIDIE:

And, if you wish, I can give you ---.

CHAIR:

We will make your typed statement and the articles part ---.

MR. KREIDIE:

And these articles ---. There's an additional article about --- an article I co-wrote with the former Chair, John Stevens, about the Corbett plans for the Civil Service.

CHAIR:

Thank you. Does anyone else wish to make a public comment?

Seeing no --- no takers, we can close the hearing at this time. Thank you all.

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HEARING CONCLUDED AT 10:30 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,  
hearing held before Chair Lentz was reported by me on  
5/12/2017 and that I, Amy Gribauskus, read this  
transcript, and that I attest that this transcript is  
a true and accurate record of the proceeding.

Amy Gribauskus

Court Reporter

Amy Gribauskas