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Capitol Update By Senator Howard Marklein October 9, 2015

Civil Service Reform: The Best Shall Serve the State

Wisconsin created its civil service system in 1905 with the slogan, “the best shall serve the state.” The reason for creating a civil service system was to protect the taxpayers from cronyism and political pressures, regardless of who controlled state government. For years, the civil service system has achieved this goal.

After 100 years, there have been some updates to the law. The legislature is currently considering updates to the civil service system to continue to serve citizens by creating uniform standards across agencies for its employees. As a member of the Senate Committee on Labor and Government Reform, I participated in a hearing about Senate Bill (SB) 285 earlier this week. SB 285 was introduced by Senator Roger Roth. It is my understanding that this bill was designed with significant input from many state agencies.

After participating in the hearing and studying the bill, SB 285 seeks to improve the hiring process, create a structure in which agencies may reward positive job performance and standardizes the disciplinary process throughout state government. Following is more detail on each of these proposed changes. Continuing to recruit and retain high-quality employees to provide taxpayers with the best service possible should be a top priority of the state.

However, it is very important to clarify that the proposal does not eliminate civil service protections or repeal the civil service system for state government employees. It is also important to emphasize that protections are still in place to prevent discrimination against a potential candidate on the basis of political preference or beliefs, to prevent cronyism. There are also statutes that require selection criteria to be job-related according to merit and fitness. I want to ensure that the best possible employees serve the taxpayers in this state. This proposal utilizes best practices in both the private and public sectors as a guide for reform. These reforms are common sense updates to a 100-year old system while ensuring that the original goal of the civil service system and protections for civil service employees remains intact.

Again, following is more detail on each of the proposed changes:

The Hiring Process

Currently, agencies can take months to make a hiring decision and often miss out on exemplary candidates who have accepted other positions outside state government due to an unnecessarily long hiring process, including an antiquated civil service exam. The civil service exam does not necessarily point to the best candidate for the job. During one agency’s hiring process, a short-order cook made it to the round of interviews for a position auditing financial institutions. He had no financial experience or an

auditing background.

- Creates 60 day hiring goal across all agencies
- Requires an open, competitive process to fill vacancies
- Replaces antiquated civil service exam with a resume-based evaluation

Job Performance

Under the current system, there is no requirement for annual employee evaluations and it varies from agency to agency how often they are conducted.. There is also no uniform requirement for agencies to keep and maintain employee disciplinary records.

- Requires annual employee evaluation
- Creates a fund for merit pay to reward outstanding employees
- Creates a uniform probationary period for employees across state agencies at two years, with an option of the employer to waive the remainder of the probation after one year
- Requires agencies to maintain and keep updated employee records

A Stable Workplace

Under the current system, in some agencies, the process to discipline an employee can take months and varies from agency to agency. An employee who viewed approximately 4.2 hours of pornographic material per day on his work computer was reinstated with full pay and benefits because it was determined that his termination was “too harsh”. Another employee punched a co-worker following an argument, acknowledged the incident, and only received a five-day suspension.

- Defines “just cause” as a situation where an employer can take progressive disciplinary action against an employee if the performance or conduct by that employee is inadequate, unsuitable, or inferior.
- Puts in the statute the reasons by which someone can be immediately fired from an agency:
 - Harassment while on the job
 - Intentionally physically harming someone while at work
 - While working, being intoxicated or under the influence of a controlled substance
 - While working, being in possession of a controlled substance
 - Falsifying the records of an agency
 - Theft of agency property or services
 - A conviction of an employee, if the conviction makes it impossible for the employee to perform his or her duties
 - Misuse or abuse of agency property, such as viewing pornographic material
 - A serious violation of the code of ethics
 - “No call, no show” for 3 days
- Requires a uniform standard across state government agencies for disciplinary action

Again, I believe these reforms are common sense updates to a system that has served our state well for many years. The reforms presented in the bill preserve the protections for our workers while insuring that our agencies are able to efficiently respond and recruit the best talent in order to keep our state workforce healthy and responsive to the needs of the people of Wisconsin.

For more information and to connect with me, visit my website

<http://legis.wisconsin.gov/senate/17/marklein> and subscribe to my weekly E-Update by sending an email

to Sen.Marklein@legis.wisconsin.gov. Do not hesitate to call 800-978-8008 if you have input, ideas or need assistance with any state-related matters.