

# NEW JERSEY STATE AFL-CIO

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April 10, 2013

Dear Chairman Robert Czech and Members of the Civil Service Commission:

## **RE: Opposition to Proposed Regulation Concerning the "Job Banding Program"**

The New Jersey State AFL-CIO comes before you today to express our strong opposition to the proposed rule concerning job banding. If enacted, this regulation will take a significant step backwards in regard to ensuring that public employee promotions are based upon merit, and not political favoritism. This proposed rule also opens the door to discriminatory practices based upon race, gender or sexual orientation and will negatively impact veteran's preference in promotions.

First and foremost, the New Jersey State AFL-CIO would like to bring to the attention of the Civil Service Commission the significant inconsistency this proposal has when compared with other policy proposals made by the Christie Administration as it relates to testing and employee evaluations. Just last month, the Administration unveiled the details of their teacher evaluation proposal, in which between 35% and 50% of a teacher's evaluation would be based on testing. Whether or not you believe this is good policy or not, it's being sold as a way to hold employees accountable and ensure only the best employees are being retained. Yet, the proposed rule before us today goes in the exact opposite direction – giving management wide latitude in determining which public employees gets promoted and eliminating test based promotions.

Second, the Governor has signed multiple bills this year seeking to give small business incentives to hire veterans and to train veterans for a transition to certain types of employment. Yet, this rule again goes in the exact opposite direction, undermining veteran preference due to changes in the ranking system.

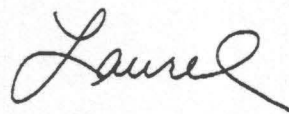
Finally, we take exception to the categorization in the proposed rule that because banding is currently being performed in Judiciary, that it makes sense to be broadly implemented for all state and local government workers. It must be understood that the Judiciary bands were implemented through bargaining – where employee representatives had a seat at the table to negotiate a program that was in the best interest of the employees. The proposal before you today is not being negotiated – it is being railroaded. And in fact, it is being rushed through to the point in which we believe it is unlawful. By law, the publication of this type of rule requires a previous meeting of the Labor Advisory Board. That meeting never occurred, which further illustrates the disregard toward the input of employee representatives. Furthermore, the proposed rule ignores important information detailing what type of criteria is going to be used to develop the bands. The rule only speaks to this in the broadest of terms and it is unclear how these bands will be developed.

In closing, it is the responsibility of the Civil Service Commission to administer a system that ensures a balance between the needs of management and the protection of employee rights. This proposed rule, in the simplest of terms, dismisses this balanced system in the favor of management. This rule needs further examination and a full vetting before moving forward. We have received an outpouring of opposition to this rule and in fact, in just four days, our office has been contacted by 656 people objecting to the rule and petitioning the Civil Service Commission to hold more hearings on its impact. A copy of those letters are here for your review. The New Jersey State AFL-CIO asks you to remove this proposal and solicit the input of employee representatives prior to establishing this new system.

Sincerely,



Charles Wowkanech  
President



Laurel Brennan  
Secretary-Treasurer

CW:LB;jn  
OPEIU:153