

Civil service isn't for Probation

By [Michael J. Widmer](#)

January 19, 2011

THE OLD adage — “the cure may be worse than the disease” — jumps to mind in considering the proposal to clean up the Probation Department fiasco by bringing the agency under civil service.

Now, it may be a stretch to suggest that civil service would actually be a further step backward at the beleaguered agency, but it is no exaggeration to conclude that civil service would exchange one form of dysfunction for another.

Civil service was a great reform when it was introduced in the 1880s in response to widespread patronage in American government in that era, but 125 years later it has long since outlived its usefulness. Over time, civil service has become a serious obstacle to the merit-based system of hiring and promotion that was its original purpose.

In Massachusetts, efforts to reform civil service — largely unsuccessful — go back at least to the 1960s. In theory civil service covers most state and local public employees. But because of its unworkability, in practice civil service testing has been abandoned for most jobs except those in public safety. Testing for the wide range of public sector jobs is complex and costly to administer, and tests for most positions have become a thing of the past.

However, in public safety civil service exams are given regularly for the positions of police officer (except for state police), firefighter, and corrections officer. But in reality, the test scores have very little to do with who actually gets hired.

The problem is that the Legislature has established a series of so-called “absolute preferences” that allow candidates with a minimum passing grade to jump ahead of dozens of high-scoring applicants. The preferences include minorities in some 15 communities with consent decrees, children of police officers or firefighters killed in the line of duty, resident disabled veterans, children of police officers or firefighters injured in the line of duty, resident veterans, nonresident disabled veterans, nonresident veterans, and so forth. Other states add points for veterans but few provide an absolute preference.

As a result, civil service actually serves as a barrier to the hiring of the most meritorious candidates.

Take the case of the Boston Police Department several years ago when 492 applicants scored 95 percent or better, but only one of those 492 top scorers made the first 75 positions

on the hiring list. When communities are hiring a police officer or firefighter, they are not even informed of the applicant's score, only the rank on the hiring list.

In theory the state and municipalities choose among a limited number of top scorers to fill these positions. In practice, "this simple idea has been butchered by decades of legislative tinkering," concludes John O'Leary, former chairman of the Massachusetts Civil Service Commission.

So do we want to exchange one form of "legislative tinkering" for another in order to professionalize the Probation Department?

In the words of Mr. O'Leary, "At a time when public safety depends more than ever on a professional, educated workforce, the Commonwealth operates under a set of archaic rules that promote mediocrity among our police, fire, and corrections workers."

In our zeal to "reform" the Probation Department, let's not shackle the agency with a system that will ensure mediocrity into the indefinite future.

Michael J. Widmer is president of the Massachusetts Taxpayers Foundation. ■