

## Removals in Civil Service

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 agency, this danger is minimized as far as is humanly possible.

Studies of the number of removals made in various jurisdictions where civil service laws are in operation does not bear out the contention that there are many or that they are based on insufficient grounds. A study made by the Civil Service Assembly of removals made in 1946 in 111 typical jurisdictions showed that the dismissal rate was 1.3 percent of total employees, slightly lower than in private industry. A study of dismissals in the New York City service made just before World War II by the New York Civil Service Reform Association showed that the average for the years 1912-1939 was less than 1 percent.

Far more frequent than the employee's charge that it is too easy to remove civil service employees is the charge of the administrator and businessman that it is too difficult. This is particularly the complaint where review of dismissals by an outside agency is permitted. Investigation does not corroborate it. The Assembly's study, for example, showed that in over 95 percent of the removal cases open to appeal, either no appeals were taken or the appellant agency sustained the action of the administrative officer. It is undoubtedly and unfortunately true, however, that public administrators are more reluctant to remove the incompetent than are those in private industry, in part because of the lack of a profit motive. If the administrator, instead of the taxpayers, had to pay the salaries of the incompetent or misfit employees under him, it is certain that many would be separated from the payroll who now are tolerated, given a minor assignment, or "kicked upstairs." No employer, public or private, enjoys telling his subordinate (who presumably needs his job) that he is no longer required. Still less does he relish the task when he is apt to be visited in the employee's behalf by the latter's Congressman or district leader, his organization representative, his pastor and some of his friends. To many public officials, who

owe their eminence to political training and achievements, and who are apt to think in terms of personal popularity and vote-catching, the importance of satisfying these intermediaries outweighs the good of an impersonal public service. Therefore, when cornered, they fall back upon the excuse that "civil service" keeps the incompetent on the payroll.

Anyone who has ever tried to get rid of an unsatisfactory public employee in a position outside the civil service system but within the realm of political protection knows that it is much more difficult than to remove an employee under any type of merit system. The same power that operated to get the employee appointed in the first place will swing into action immediately to keep him there.

No civil service law can be drawn so as to provide officials having disciplinary authority with the backbone to use it. When natural reluctance to make a removal is bolstered by a law which contains the "closed back door" permitting an outside agency to overrule the administrator's decision in disciplinary cases, the usual result is that no action will be taken in the most flagrant cases. Although statistics prove that the reviewing agency is far more apt to sustain the removal than to reverse it, most administrators fear being placed on trial themselves before the review board. It is an open secret that the greatest value of the closed back door to the employee is as a deterrent to any removals at all. Knowing that he will have to go through the red tape, delay and cross-questioning of a public hearing, the average administrator will conclude that the result is not worth the trouble involved. It is such provisions of law which have led to criticism of civil service systems as productive of stagnation of the service.

### Prevention of the Need for Removal

The remedy for unjustifiable removals is not to be found in the arbitrary action of an independent agency which can fix penalties and require reinstatements, but in preventing the need for removal. This can be done by the use of intelligent employment