

COMMONWEALTH OF PENNSYLVANIA



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Testimony of  
**Marwan Kreidie, Chairman**  
**Pennsylvania State Civil Service Commission**  
before the  
**Senate Veterans Affairs & Emergency Preparedness Committee**  
regarding  
**Senate Bill 1076**

April 20, 2010

10:00 a.m.

Majority Caucus Room

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Chairman Baker, Chairman Farnese, members of the committee, thank you for the opportunity to appear before you today to discuss the legislative mission of the State Civil Service Commission (Commission) and the introduction of Senate Bill 1076. With me is Commissioner Odelfa Smith Preston, Jeffrey Wallace – Commission Executive Director, Michael Sullivan – Commission Deputy for Operations, Frederick Smith, Commission Chief Counsel and Jack McGettigan, Commission Legislative and Press Liaison. Due to a prior commitment, Commissioner James W. Martin could not attend today.

The State merit system was created by legislation passed in 1939 to enhance the efficiency and economy of government by attracting qualified employees and by hiring, retaining and promoting them based on their ability to do the job. The Civil Service Act of 1941 further established the Commission as the administrator of the state's merit system of employment.

Today, the Commission has a staffing complement of 143 positions in three main offices – Harrisburg, Philadelphia and Pittsburgh and five regional test centers – Allentown, Erie, Johnstown, Lock Haven and Scranton – serving in a number of bureaus and divisions who carry out a broad range of responsibilities that recruit, promote, examine and refer qualified candidates for employment to state and other contract covered agencies.

The Commission's role in administering the Commonwealth's merit service is a major component of state government's overall personnel system. We provide a centralized system that promotes economies of scale and cost efficiencies to recruit qualified applicants to Commonwealth and local government service. Of the more than

76,000 employees under the Governor's jurisdiction, approximately 55,000 throughout 37 state agencies are covered by merit service.

In addition, approximately 10,000 employees work in merit service jobs with more than 300 county and local government agencies that contract with the Commission for its services. Local government agencies and programs include children and youth; mental health/mental retardation, public housing, drug and alcohol services and services for the aging.

Merit service jobs can be found in almost every field of work, at levels ranging from highly skilled, professional or very technical to entry-level jobs. The Commission routinely provides employment information to applicants; sends employment lists of qualified applicants to agencies seeking to fill jobs and monitors the appointment and promotion of employees.

In addition, the Commission conducts investigations into allegations of improper procedures and holds hearings on appeals from applicants, employees or agencies that feel they have been discriminated against or the provisions of the Civil Service Act have been violated to include political activity restrictions.

The Commission is also responsible for applying and enforcing the provisions of the Military Affairs Act (Act 92 of 1975, as amended; 51 Pa. C.S. subsection 7101 et seq.) as they relate to the merit employment service.

In the interest of time, let me first say that the Commission recognizes the intent of the proposed legislation. We all agree that the brave men and women who have honorably served our country and now reside in our state veteran homes and centers deserve to receive the best and highest quality medical care and services available. They deserve nothing less. We also all agree that there should be no undue delay in the recruitment, selection and placement of direct medical care providers within these facilities. We all agree to this important goal.

Next, I wish to respond directly to the Department of Military and Veterans Affairs (Department) stated reasons for the legislation:

- The legislation will alleviate a reported nursing shortage at Department homes and centers – There are currently over 1,200 eligible Registered Nurses on the merit service employment list. These candidates have completed the application process and are available to be contacted for Commonwealth employment. In order to fill vacancies, the Department needs only to request an employment list. As of April 16<sup>th</sup>, the Department had 17 Registered Nurse vacancies out of 159 positions.
- The legislation will simplify the hiring process – It has been suggested that the merit service is antiquated and causes unnecessary delays in recruiting and hiring direct medical care jobs. This is not accurate. The merit system of today is modern and state of the art. For the Registered Nurse and Licensed Practical Nurse jobs, the entire application process is online and available for submission

24 hours a day, 7 days a week. Once the application is submitted, it is evaluated to confirm qualifications, professional work experiences and certifications. Qualified candidates are added to list within 24 hours. It takes approximately 20 minutes for a first time user to complete the online application; it takes repeat users about 10 minutes or less.

The Department has stated that Registered Nurses and Licensed Practical Nurses are required to take a "test." This is not accurate. Applicants for these jobs simply submit the online application, which is then rated to derive a test score. *No written test required.* These applications can be submitted from home, from Commission Offices, from College/University Career Service Offices, from your Legislative Offices, most libraries or any location that has an Internet connection.

Applicant scoring is based upon the possession of a certification to practice as required by the Pennsylvania State Board of Nursing and demonstrated professional nursing experience. All applicants who possess the certification are deemed qualified for the job and are added to the employment list. Applicants who possess the certification and professional nursing experience receive a higher rating. Veterans are awarded ten extra points and employment preference on the list.

- The legislation will speed up the hiring process – The Commission's role in the employment process is to recruit, evaluate credentials and certify qualified candidates. When an agency is ready to fill a vacancy, it requests a merit service list. For a general list, this process is electronic and only takes a few minutes. These listings are dynamic. They are refreshed on a daily basis. As I speak, candidates are being added to or removed from the list. Candidates are added and removed from lists for a variety of reasons to include new applicants, appointments, reject job offers, list removals, non-availability for vacancies, self-removal, no response to employment inquiries, statutory disqualifications, part-time vs. full-time work and other reasons.

Once a list is issued, agencies contact applicants to determine their availability. This can be done by mail, fax, phone or email. Once completed, agencies schedule interviews, make conditional offers of employment and perform required pre-employment background checks. In comparison to the amount of time needed to perform these checks, the Commission's role in the employment process is minimal. Any delays associated with the process would be related to these checks not the merit service employment system.

The Department has stated that it takes 30% longer to fill a merit service job than a non-merit service job. We are not aware of any reason why this would be the case. Once a list is issued to an agency, it becomes the agency's responsibility to initiate the interview, selection and placement process. This process can be as short or as long as dictated by internal agency pre-employment requirements.

In addition, according to the results of the latest issue of the Commonwealth's Hiring Assessment & Supervisor Satisfaction Survey Report published by the Governor's Office of Administration for calendar year 2008, the Commonwealth average amount of time it takes agencies to fill a merit service job is less than the time needed to fill a non-merit service job. The *Supervisor Hiring Process Survey* is a tool used by the Governor's Office of Administration to gauge the level of satisfaction of Commonwealth managers/supervisors with their agency's hiring processes. Questions asked involve topics such as the number of steps in the hiring process, the time it took to fill positions, candidate quantity and quality.

- The legislation will provide the Department the ability to hire candidates directly out of college – Notwithstanding the merits of employing nurses directly out of college into a veteran center/home work environment versus hiring a nurse with demonstrated practical work experience and training, the results of a best practice "2009 Job Analysis" study conducted by the Commission revealed that a nurse with real life work experience will more likely perform better on the job than a nurse with no similar experience.
- The legislation will allow the Department to attend a job/nursing career fair and be able to do on-the-spot job offers – It has been stated that the legislation will allow the Department to interview on a Friday and start the candidate the next day. Whether it is the merit service or not, it is not likely that this can be done given the pre-employment requirements for direct medical care jobs to include an employment/personal reference check, a criminal history/FBI check, a statutory disqualifier check, verification of license to practice, physical and a Tuberculosis test. In order to maintain the quality of the Commonwealth's direct medical care workforce and protect the interest of patients/veterans, these requirements should remain.
- The legislation will allow the Department to recruit and hire a better or more qualified nurse with up-to-date skills for its facilities – To practice in Pennsylvania, a Registered Nurse (public or private) must have a current, valid license or permit issued by the Pennsylvania State Board of Nursing. In 2007, the State Board introduced a certification renewal regulation. Beginning October 31, 2010, Registered Nurses will be required to show 30 hours of Board approved continuing education credits in order to renew their licenses. All applicants on the merit service employment list meet existing State Board licensure requirements. Effective November 1st and thereafter, applicants on the list will meet the new licensure requirement.
- The legislation will not affect furlough placement rights for Department direct medical care jobs – The Department has stated that SB1076 will not adversely impact the furlough placement rights of its direct care employees since they are collective bargaining unit covered and the reduction in force provisions of the applicable contracts would apply. Not accurate for new management employees. These employees will have no furlough placement rights or merit system protections.

- The legislation will maintain veterans' status benefits for applicants who apply for Department direct care jobs – While the amended version of SB1076 includes language about veterans' preference, we are concerned about the practical effect of this provision upon veterans. Under the current provisions of the Military Affairs Act, legislative intent is clear. It is to grant a specialized employment benefit to veterans who have honorably served our country and applied for merit service covered jobs. It is an affirmed recognition of their military service and sacrifice. The provisions of the Military Affairs Act maximize this benefit when applied to merit service covered jobs. It is unclear how SB1076 would guarantee this important benefit under the non-merit employment system.

To address specific concerns raised by the Department, the Commission has taken the following steps to recruit and promote direct medical care jobs:

- Increased recruitment efforts to promote and attract qualified nurses to Commonwealth service. These aggressive efforts involved increased advertisement and attendance at College/University Nurse and Allied Health Care recruitment and job fairs, and participating in specialized recruitment campaigns for the Southeast Veterans Center and Southwest Veterans Center.
- Introduced the "Facility Preference Checklist Survey" tool. This online tool allows applicants for the Licensed Practical Nurse, Registered Nurse and Registered Nurse Supervisor to self-select and identify upfront a preference for the type of state agency/facility for which they are specifically willing to work.
- Instituted a policy change that now permits qualified Department non-merit service Nurse Aides to apply and be considered for the merit service job of Licensed Practical Nurse.
- Produced a Registered Nurse "Realistic Job Preview Video." This pre-employment video provides a realistic portrayal of the working conditions and environments in various state facilities that employ nurses. This video can be viewed by visiting the Commission's website.

Taken together, these efforts have worked. As of April 12, 2010, there were 1605 Licensed Practical Nurses (LPN), 1,235 Registered Nurses (RN) and 694 Registered Nurse Supervisors (RNS) on list. These numbers are more than double what they were just a couple of years ago. Of the total number of candidates on list for the Registered Nurse job, approximately 1,000 have expressed a specific interest, using the facility preference tool, in working for the Department. These candidates are available to be contacted immediately to fill the Department's remaining vacancies. As of April 16th, there were approximately 1,500 LPNs, RNs and RNSs employed by the Commonwealth.

The passage of this legislation will not affect the real employment conditions that impact the recruitment and retention of direct medical care staff at Department facilities. These conditions include compensation, health and welfare benefits, work hours, flextime, shift differential, overtime and other working conditions to include signing or retention bonuses as typically offered by private or other public sector employers. For example, the City of Philadelphia, offers a nurse hiring bonus in the amount of \$2,000 to be paid out over the initial 12 month employment period. Another example is the

Pinnacle Health Medical System. It offers full tuition and special certification reimbursements for its employees. Holy Spirit Hospital has offered up to a \$5,000 signing bonus.

While the Commission has no administrative authority to change these working conditions, we would be happy to work with the Governor's Office of Administration, the Department and the General Assembly to find innovative solutions to address these conditions as well as discuss further steps the Commission can take to improve the overall employment process.

As custodian of the Civil Service Act, it is the Commission's legal obligation to make sure that the provisions of the Act are adhered to. By law, all Commonwealth *Professional and Technical* designated jobs, such as direct medical care provider jobs, are covered by the merit employment service and are not subject to the vagaries of the non-merit employment process. We believe that the merit employment process does not result in unnecessary delays in filling these critical direct care positions, does not produce candidates of a lesser quality than the private sector and meets all credential requirements as established by the Pennsylvania State Board of Nursing.

Thank you for the opportunity to address the Committee today and allowing me to clarify the role, mission and responsibilities of the Commission.

I and my staff are happy to answer any of your questions.