

## Editorial: 'Flexibility' Ripe for Abuse

**RICHARD STEIER | Posted: Monday, February 6, 2012 5:00 pm**

Governor Cuomo's plan to transform the state's hiring system has one notable virtue: its consistency with his move to encourage future employees to choose a 401(k) plan over the traditional defined-benefit pension. Anyone who values old-fashioned concepts like merit hiring and careers in government, however, has reason to be alarmed.

There is actually one more consistency concerning his hiring plan: it conforms to his apparent belief that the less others know about an issue, the better his chances of getting his way. And so we have a plan under which agencies could hold both an open-competitive exam and a promotional one for the same title and agency officials could choose individuals at the top of the OC exam over the highest scorers on the promotional one even if they fared worse on the test.

This isn't terribly logical from the standpoint of competence. One reason an incumbent candidate is likely to do better on a test than someone coming in off the street is familiarity with what the job entails. (For proof, a good test case at a higher level would be to examine the effectiveness during their first year as Governor of Eliot Spitzer and Mr. Cuomo. Both were smart, sometimes ruthless and hot-tempered officials who had highly successful tenures as State Attorney General, but Mr. Spitzer made repeated political blunders in dealing with the Legislature while Mr. Cuomo did a masterly job in getting his agenda through. The most-obvious difference between the two of them is that Mr. Cuomo gained vast knowledge about how state government works as a close adviser to Mario Cuomo during his first two terms as Governor.)

The benefit of familiarity with government from the inside, as much as the higher test score, is likely to make the person already working for the agency better-suited for the position; certainly in the short term if not necessarily over the next five or 10 years.

That would be particularly clear if it were known that both tests were going to involve the same material. But the Cuomo administration has not provided that information.

The changes, which include loosening the rules about reaching into other state agencies to fill positions, would offer officials greater flexibility, according to the Governor, a refrain that has been sounded by numerous Mayors and Governors who claim they are handcuffed by civil-service regulations and union contracts. And it's true that those matters inhibit their ability to manage the workforce to some degree.

That isn't necessarily a bad thing, however. Governors and Mayors—even those who manage to serve three terms—have been known to misuse if not abuse their discretion: think of Bernie Kerik being chosen as Police Commissioner or Cathie Black as Schools Chancellor in cases where their patrons would have argued, as Mr. Cuomo surely will in support of his plan, that they had special

skills that transcended their lack of paper credentials.

There surely have been outside-the-box hirings in top positions that have worked out far better than those lemons, but we're not convinced that bringing greater latitude to filling mid-level agency jobs will be an improvement on the regular civil-service system. That system also carries greater insurance against patronage and favoritism, which was why it was created in the first place.