

Veto No. 1978-2

HB 642

April 13, 1978

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 642, Printer's No. 2696, entitled "An act amending the act of August 5, 1941 (P.L.752, No.286), entitled 'An act regulating and improving the civil service of certain departments and agencies of the Commonwealth; vesting in the State Civil Service Commission and a Personnel Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations, and repealing certain acts and parts thereof,' further providing for the political activities of individuals covered by civil service."

This bill proposes to remove most of the current restrictions placed upon some 70,000 Commonwealth employes covered by the Civil Service Act. It would permit those employes to hold appointed and elected political party office, to solicit voluntary political contributions, even during working hours, to participate in political conventions and the management of political campaigns, and to circulate nominating or other political petitions on the job.

As Governor of this Commonwealth, I cannot ignore the long history of rampant abuses which resulted in the enactment of the Civil Service Act of 1941. House Bill No. 642 seriously undermines the curative effects of the Civil Service Act of 1941 and would turn back the clock and return the Commonwealth to the abuses of the past. Such a return would be detrimental to the affected employes and to the citizens of this Commonwealth.

There are those who argue erroneously that the present law treats civil servants as "second class citizens," by denying them an active role in politics. What is overlooked is that employes of State Government are free to contribute to any political party or campaign they wish to support, but only outside of their work environment. They are free to attend political meetings, to express openly their political views and thoughts, and, of course, to vote as they wish. In return for the restrictions imposed upon them as a condition of their public employment, State employes now enjoy unprecedented freedom from political intimidation, coercion, and discrimination, and are afforded a work environment where merit related factors are the sole determinants of employes' treatment and advancement and where equality of treatment is assured.

There are those who find support for this bill in the recent action of the

Congress and the United States Civil Service Commission in liberalizing the Hatch Act and regulations governing the permitted political activity of Federal civil service employes. They see no reason to draw any distinction between the Federal Civil Service and the Civil Service of our Commonwealth. Such an argument overlooks the very real and significant differences between the Federal and State bureaucracies. The Federal work force is distributed throughout thousands of Federal offices and installations across the Nation. The State work force, on the other hand, is concentrated in a very few locations, and could be subjected to undue influences and pressures which would result in the exercise of an exaggerated and disproportionate influence upon the operations of government. Such a turn of events could quickly and inevitably reduce efficiency and escalate the cost of government to the taxpayer.

The State Civil Service Commission unanimously opposes House Bill No. 642. The Commissioners cite the very real potential for the creation of conflicts of interests for employes who deal with policymaking or other sensitive issues in the course of their employment. They point to the tremendous administrative expense this legislation will require as employes file discrimination complaints, grievances, adverse action appeals, or seek numerous conflicts of interest rulings. The potential price tag is staggering.

In assessing all of these factors, I perceive no corresponding benefit to the public. To the contrary, the public will be deprived of the administration of State laws and programs by an impartial bureaucracy.

As Governor, I have a special obligation to protect and preserve the integrity of the operation of State Government. The return of House Bill No. 642, unapproved by me, is in furtherance of that responsibility.

MILTON J. SHAPP