

fact, any of its administrative methods. The majority report embodies a law of interesting but undesirable aspirations rather than model provisions. It is a law overwhelmed with detail rather than clear in fundamentals. It combines selection, appointment and removal of employees in one man or a body of three men who cannot be reached except for serious and proved charges. The Spoils System combined these functions in one man or group of men, but they could be at least periodically reached. This combination paves the way for the Civil Service Commissioner to acquire all the bad habits of a spoilsman, with none of his responsiveness to public opinion. It presumes, which cannot be fairly presumed, that proper motives will always impel Civil Service Commissioners. It creates a self-perpetuating body controlling one of the important branches of government, which is an unheard-of thing in our country. It completely eliminates the appointing power as a controlling factor over his employees, and, in fact, he cannot impose the slightest punishment or corrective any more than any other citizen or taxpayer. The Commission is given legislative powers, as in fixing salaries and grades; judicial powers, as in the matters of removals and penalizing of employees, and, in addition thereto, its general executive functions. It creates an unwarranted difference between the appointment and the removal of Civil Service Commissioners and the heads of other great administrative departments. It assumes that a mayor, for example, is competent to appoint a man to conserve the health and sanitation of the community, but is incompetent to appoint men to examine applicants for public employment.

In submitting this minority report I have followed as closely as possible the law submitted in the majority report. I shall here point out and discuss briefly the principal objections to the law submitted in the majority report.

#### Section I.—Scope.

I dissent from the majority report in the matter of employees already in the service for the following reasons:—

(a) It is indefinite and creates a state of

uncertainty among the employees in the service when the Act takes effect. I submit that the law should fix the status of these employees. Under the provisions of the majority report a portion of the employees will be permitted to retain their positions permanently, while others will be forced to vacate their positions, or win them by competitive examinations, depending upon the decision of the Commission. No matter how fairly a Civil Service Commission might administer this provision, it could never escape the accusation of discrimination, and would place itself in an unfavourable situation at the beginning of its existence. Neither is it clear to my mind how a new Commission, with a new set of employees, and a service of several thousand persons, could readily pass upon the question of whether the individuals concerned had served with sufficient efficiency to warrant their permanent appointment without running the risk of doing gross injustice. The amount of work involved in determining the efficiency of these employees would, undoubtedly, be very great if it were properly done, and this, together with the uncertainty created in the minds of the persons affected, and with all the new business devolving upon the new Commission, would, in my judgment, overwhelm it. The law should absolutely fix the status of all employees one way or the other.

(b) Furthermore, if I correctly interpret the provisions of the majority report for the ascertaining and recording of efficiency, it seems to me that this provision is unnecessary, for the reason that the efficiency records would gradually weed out all incompetents and do it uniformly.

While objecting to the adoption of any report without further opportunity for study and consideration, yet, if it be the will of the Assembly to adopt a report at this time, I offer the following substitute for the last sentence of Section 1 of the law submitted in the majority report:—

“All persons who, on the date of the passage of this Act, hold offices or places, which this Act provides shall be classified, and have held such offices or places continuously for a longer term than the pro-