

Civil Service in Massachusetts

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IT is now more than twenty-two years since Massachusetts first adopted the Civil Service Law. In the year 1884 public discussion of the civil service first became active and powerful throughout the United States. The late George William Curtis and Carl Schurtz came upon the stage of action as the bold champions of reform in all appointments to public offices by the United States government. About that time a new impetus was given to the movement by the vigorous messages of Grover Cleveland. "Public office as a public trust" was the shibboleth of the day. In Massachusetts there has always been an active and vigilant public opinion, and this opinion gradually influenced the state legislature in 1884 to pass the law which is the basis of our present civil service principles. It may be well, therefore, to state in simple form the principal requirements of the law in this state.

A commission has been established composed of three persons who are appointed by the governor of which not more than two shall at any time be of the same political party. Each commissioner is paid \$5 per day for actual service and his expenses incurred in the performance of his official duties. The commission is authorised to appoint an examiner who under their direction shall conduct all examinations of applicants for positions in the public service. The commission may also appoint a secretary, registrar of labour and an inspector of the pay-rolls of cities. The salaries of the chief examiner and secretary are respectively \$3,000 and \$2,000 in addition to the expenses incurred in the performance of their official duties. The commission has power to make rules from time to time regulating the selections of persons to fill appointive positions in the government of the Commonwealth and of the several cities thereof, according to certain classifications of employments. These rules are founded on the principle that promotions if practicable must be made on the basis of ascertained merit. The commission also has power to make investigations and to summon witnesses, administer oaths and take testimony.

With certain exceptions, the civil service rules apply to all members of the public service, including members of police and fire departments. Engineers, janitors and other persons having charge of steam boilers in school buildings and truant officers in the employ of the city of Boston must be appointed in accordance with the civil service rules. Every applicant for a position must state under oath his full name, residence, citizenship, age, place of birth, health, physical capacity, business and employment and residence for the previous five years, education and such other information as may be reasonably required relative to his fitness for the public service. The examinations are practical and such as will fairly test the fitness of the applicants, and no question shall relate to, and no appointment shall be affected by, any political or religious opinions.

Applicants for positions in the labour service of the Commonwealth or of the cities shall to the number of five hundred be allowed to register on the first Monday of February, May, August and November in each year and the examination of such applicants shall relate to their capacity for labour and general habits of industry.

No liquor dealer or person habitually using intoxicating liquors can be appointed to any office under the provisions of the civil service law and no recommendation given by any member of the legislature or board of aldermen, except as to the character or residence of an applicant, shall be considered by any person who has authority to make the appointment. The names of all

persons, except labourers, appointed to and discharged from positions coming within the civil service rules must be reported to the commissioners. The only class of persons who are preferred in their appointment and employment to all others, are veterans who have served in the army or navy of the United States during the Civil War and have been honourably discharged, or a citizen who has distinguished himself by heroic conduct in the American Army or Navy and has received a medal of honour from the President of the United States.

Suitable provision is made for the enforcement of the law. Whenever any appointment is made in violation of the civil service rules and notice thereof has been mailed to the appointing or disbursing officers, the payment of any compensation to such employee after the expiration of one week from the mailing of the notice, becomes illegal and must cease until the validity of such appointment is duly established. The attorney general of the state is authorized to take civil proceedings in the nature of quo warranto against employees illegally appointed. Penalties from \$100 to \$1000 are provided against general violations of the law and they may be enforced at the instance of district attorneys like any other provisions of the criminal law. The law is considered to be in force in any town of more than 12,000 inhabitants which has accepted it; and as to the labour service in any city of not less than 100,000 when so accepted. No person employed in the classified civil service can be removed or suspended from office without just cause and for reasons specifically given in writing, and if he so requests he is also entitled to a public hearing and allowed to answer the charges preferred against him either personally or by counsel.

Under the authority of the statute the civil service commissioners have adopted certain rules and regulations which have the force of law. These rules divide the service into two divisions, the first to be known as the "official service" of the commonwealth and the several cities thereof, and the second as the "labour service" thereof. The first division includes such persons as clerks, secretaries, paymasters, copyists, recorders, bookkeepers, inspectors, agents and visitors, stenographers, messengers, cashiers, collectors, storekeepers, proof-readers, turn-keys, watchmen, drivers of prison wagons, persons doing police duty in parks, public grounds, prisons, houses of detention, reformatories and other public institutions and departments of government. It also includes detectives, police inspectors, fire inspectors, engineers, draw tenders, foremen of labourers, superintendents, assistant superintendents, surveyors, draftsmen, architects, and persons rendering similar service. In both divisions lists are established of persons who are eligible for appointment in the different branches of the service as they are needed by public authorities from time to time. The appointing officer, however, must first make requisition upon the commissioners for the names of eligible persons which are supplied under a certificate from the commissioners and the appointment must be made from that number of names standing highest upon the list. Promotions in the first division shall be made by competitive or non-competitive examinations as the commissioners may determine. Every applicant for the labour service must produce satisfactory evidence that he is qualified to perform the labour sought, and the names of all labourers with the kind of work they are doing must be reported to the commissioners.

But it may be asked, to what extent has the civil service law of Massachusetts been enforced? Well it