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A SURVEY OF THE HISTORY, ORGANIZATION, AND FUNCTION OF THE MERIT SYSTEM COMMISSION OF NEW MEXICO

A Thesis
Presented to the Faculty of
the Department of Government and Citizenship
University of New Mexico

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts in Government and Citizenship

By
Anthony Jose Armijo
April 1941

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This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Committee of the University of New Mexico in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

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PREFACE

This thesis is intended as a general survey of the facts and factors entering into the problem of introducing the merit system in New Mexico state government. At the time of the writing the program of the Commission though incomplete, was awaiting favorable sanction from the Legislature in terms of an appropriation. Instead of legislative approval the Merit System Law was repealed before it had the opportunity to realize its possibilities. Though the system was killed it did lay a foundation for an inevitable return. The writer realized that many phases of the problem have not been adequately treated and that far-reaching, conclusive results are impossible. However, as a preliminary study of personnel administration in New Mexico, it is hoped that this thesis will indicate the need and will serve as a basis for a more intensive study at some future date.

The writer wishes to express appreciation to the members of the Merit System Commission, Mr. Ralph S. Trigg, Mr. Miguel Leyva, and Dr. Thomas C. Donnelly, for their generous help in making all records and pertinent data of the Commission available. He is especially grateful to Dr. Thomas C. Donnelly for guidance, criticism, and assistance.

TABLE OF CONTENTS

LIST OF CHARTS

CHAPTER I

INTRODUCTION

THE PROBLEM

The object of this study is two-fold: first, to present a picture of the evolution and growth of scientific personnel methods in New Mexico state government with particular emphasis on the objectives and functions of the Merit System Commission of New Mexico; second, to examine the operations of the Merit System Commission and to make recommendations calculated to improve its administrative procedures and to accelerate the attainment of its objectives and purpose.

IMPORTANCE OF THE PROBLEM

An effort has been made to make the report as useful as possible in stimulating popular interest in the merit system in New Mexico. The scope of this study is necessarily that of depicting the first and formative year of the System. The writer has attempted to produce a summary that might be of help in research work that might follow.

PROCEDURE

The material used in this survey was obtained from the files, data, and permanent records found in the offices of the Merit System Commission of New Mexico. Very little, if any, information is available in the form of studies or surveys on the problems influencing the public employment of personnel in the state government. The Merit System Commission had not been in operation long enough to conduct a research and survey program. The data used in this study were obtained from planning and progress charts, minutes of meetings of the Merit System Commission, newspaper reports, and personal interviews. The writer alone must assume full responsibility for the validity and reliability of the findings contained herein.

CHAPTER II

BACKGROUND AND DEVELOPMENT OF THE MERIT SYSTEM

The history of public personnel administration in the United States may conveniently be divided into four periods. The first begins with early colonial times and ends with the first administration of Andrew Jackson in 1829. The second begins with the advent of Jacksonianism and ends with the adoption of the Pendleton Act in 1883. The third period which began in 1883 came gradually to a close in the year following the World War. The fourth period, which still continues, had its origin in the development of scientific personnel administration and the substitution of a positive for a negative program by public personnel agencies.

Prior to 1829 the personnel problems of the government were not of particular importance. The functions of government were few, the officers were not numerous and many of them served only part time. As a heritage from England, the colonies, the first states, and the national administration during this early period adhered to the idea of administration by an aristocracy recruited from the trained upper classes. Even minor positions in the public service were seldom opened to the middle and lower

classes of the population. While there was some partisanship in appointments in this early period, owing to the bitter disputes between Federalists and Anti-Federalists, the spoils system can hardly be said to have existed. The appointments made by Washington were irreproachable. Jefferson made certain changes in order to surround himself with men who shared his political ideas but the quality of his appointments was as high as that of those made by Washington. It was not until the revolt of the frontier, which culminated with the election of Andrew Jackson in 1829, that the idea of a civil service restricted to the privileged upper class was overthrown.

Andrew Jackson was a leader of the frontier, an advocate of equalitarian democracy. He stated without hesitation that there should be rotation in office and justified this practice by asserting that every public office was capable of being made so simple that its duties might be discharged by an intelligent citizen.[1] The bitterness of party strife, his feeling of gratitude to his own supporters for his success, and the urging of Martin Van Buren, his secretary of state, led him to make

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[1]Richardson, James D., ed., A Compilation of the Messages and Papers of the Presidents (1908), Vol. II, pp. 448-49

wholesale removals from public office and replacing those removed by members of his own party.[2] From the beginning of his first administation until 1883 (and later) national government offices and the offices of many of the states and cities were filled as a matter of course by the political party which was victorious at election. There were many who saw the undesirability of this practice but it seems probably that nothing would have been done to change it had President Garfield not been assassinated shortly after his inauguration by a disappointed office seeker.

The third period of the history of American personnel administration begins with the adoption of the Pendleton Act in 1883.[3] This act was the response by Congress to the insistent public demand that something be done to protect the President and his administration from the violence of office seekers. It provided for the appointment by the President, with the advice and consent of the Senate, of a Civil Service Commission of three

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[2]Bowers, Claude G., The Party Battles of the Jackson Period, (Boston: Houghton Mifflin Co.:1928) pp. 31-88

[3]U. S. Statutes at Large, 47th Congress, 1881-83, Vol. 22, Chap. 27, pp. 403-407

members, not more than two of whom might be adherents of the same political party. The term of office of the commissioners was at the pleasure of the President. This, it can be said, was the first instance, with the possible exception of the abortive Civil Service Act of 1871, that a sincere and uncompromising attempt was made to deal with the selection of personnel on a basis of fitness. Agitation for civil service reform was incessant. The National Civil Service Reform League was organized in 1879 and the issue of reform took on national scope. It is interesting to note that the principal concern of the great band of original civil service reformers was not greater administrative efficiency but purified elections and a more wholesale democracy.

The Pendleton Act extended the Merit System only to about 14,000 positions, chiefly in the post office and the customhouse. The President, however, was authorized to extend the new plan by executive order and the great expansion of the federal classified service is due chiefly to the successive orders of each president from Grover Cleveland to the present day.[4] Congress extended civil service

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[4] On February 24, 1941, President Franklin D. Roosevelt proposed to the 77th Congress that legislation be drafted to include all governmental employees, except policy-making officials, in the federal classified civil service. From Associated Press dispatch, Albuquerque Tribune, Feb. 24, 1941.

to the Foreign Service, the former prohibition unit (after disastrous experience with patronage) and to other agencies including the Social Security Board.[5] But the chief executive is largely responsible for the growth of the merit system from an original nucleus of 14,000 to an army of 532,000 positions in 1937.[6]

The foregoing pages have been but a scant review of the rise, persistence, and gradual decline of the spoils system.[7] The movements that have occurred on the national scale have not met with simultaneous development in the state and local units of government.

In the cities there has been much progress, both formal and informal, in favor of the merit system. The drive for municipal civil service commissions largely spent itself however by 1910 leaving 439 municipal commissions in existence in 1937, chiefly in the eastern and

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[5]Recently Congress passed and the President approved the Ramspeck Bill which extended civil service coverage to from 200,000 to 250,000 additional members of the federal government.

[6]From a pamphlet published by the U. S. Civil Service Commission entitled The Classified Executive Civil Service of the United States Government (1933).

[7]Fish, Carl R., The Civil Service and the Patronage. Cambridge: Harvard University Press, 1920; Foulke, William D., Fighting the Spoilsmen (1919); Merriam, Chas. E. and Gosnell, Harold F., The American Party System (rev. ed. 1929), Chs. 4-7.

north central states and the west coast states.[8] Southern cities and states have been slow in adopting the merit system, but by 1936 the new interest in reform had reached the South. Since 1910 the improvement of municipal personnel practice has come about chiefly through the general lifting of standards of city government, especially in the council manager cities. With hardly an exception these 450 communities have excellent records in handling local personnel problems, although very many have no civil service commissions.

In the great metropolitan areas, standards of performance are not infrequently low. Commissioners are sometimes politicians first and civil service officials second. The record in New York (excepting the brilliant progress under Fiorello La Guardia), Buffalo, Philadelphia, Pittsburg, Cleveland, Chicago, Minneapolis, Seattle, Los Angeles-cities all of which have had civil service commissions for years, is far from satisfactory and in some cases represent nothing less than the collapse of the merit system.

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[8]Civil Service Assembly of the United States and Canada. Civil Service Agencies in the United States: A. 1937 Census, 1938, p. 7.

It is in these cities that the most difficult battles between spoils and merit were fought with the patronage system well entrenched and in command of almost impregnable defenses.[9]

So far as counties are concerned, the patronage system still maintains almost full sway. Among the few notable exceptions are Los Angeles County (California), Hamilton County (Ohio), and a few of the counties in New Jersey and Massachusetts. Cook County (Illinois) has a promising merit law which is largely ignored in practice. By and large, the counties remain the chief stronghold of patronage and of political rings, which are endowed, however, with extraordinary vitality and capacity for self-protection.[10]

The merit system has grown more slowly in the states than it has in the Federal government. New York enacted the first state merit law in 1883. Massachusetts followed in 1884. From 1884 to 1937 only eight other states adopted merit system legislation - New Jersey, Maryland, Ohio, Illinois, Wisconsin, Colorado, California and Kansas.[11]

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[9]For a defense of patronage see: Davis, W.R., "Why I believe in the Patronage System," 19 Nat. Mun. Rev. 18-21 (1930).

[10]Civil Service Agencies in the United States. A 1940 Census, Civil Service Assembly of the United States and Canada, July, 1940, p. 19.

[11]Ibid.

CHART I

NUMBER AND PER CENT OF PUBLIC EMPLOYEES
UNDER THE MERIT SYSTEM OR CHOSEN BY FIXED STANDARDS
1932; AND PAYROLLS

Jurisdiction	Total Number of Employees	Employees Under Civil Service Number	Per Cent	Pay Roll (In Millions)
Federal	583,196	467,161	80.0	$1,171.2
State	252,000[a]	96,750	38.4	338.7
Municipal	591,500[a]	350,000	59.2	895.5
County, Township and District	302,000[a]	45,000	14.4	450.8
Public Education	1,188,000	1,189,000[b]	100.0	1,664.7
TOTALS	2,917,696	2,147,911	73.6	4,520.9

a. Estimated
b. Chosen by Fixed Standards

NOTE: Table adopted from report of the Commission of Inquiry on Public Service Personnel. BETTER GOVERNMENT PERSONNEL (1935), p. 90 and p. 92, omitting military personnel in Federal government.

Before going into the induction of the merit system idea in the recruitment of public personnel in New Mexico it is well to stop and take stock of the situation and to ask a few pertinent questions. What is a merit system? How does it differ from the spoils method of personnel selection? What does it do for employees in public service? And, how does it operate? In answering these questions it will be necessary to go into the philosophy of the merit system and to evaluate the justification for its operation.

The functions of government today have grown and expanded in an irresistible fashion. Economic and social conditions have caused people to look to government for many services that in the past have either been neglected, not needed, or taken care of by private enterprise. Few of us actually realize how government touches and affects us on every side. The scope of governmental activity has grown by leaps and bounds to the extent that today it has assumed a vital and all embracing importance in the life of every individual. The water that is consumed and the meat that is eaten are inspected by government officials. Is it being done by a competent official? Are the slaughter houses and the reservoirs properly inspected? The price of every thing that is worn, of every thing that is used is affected by an army of public servants in the ports

becomes more and more important. What has been done and what can be done to insure that those employed by government are competent to do their work?

Recruitment for public service may be managed in two ways. It may be managed according to the "merit system" or "civil service" or it may be operated on terms dictated by the spoils system.

"Those who advocate the merit system for public employees take the position that the business of government is in reality the biggest business in the whole world; that its business operations should be conducted along business lines and in keeping with sound principles of good business".[12] Those who advocate the continuance of the patronage system hold that it is more democratic, more flexible and more representative. They maintain that by the introduction of the civil service idea, a beaucracy is built up that is unresponsive to popular control They hold further that once a man successfully passes the "rigors of a collegiate examination" he is frozen onto the public payroll where he becomes lazy, unresponsive, and inefficient with the years and nothing short of a miracle can pry him loose from the public trough. The record of the

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[12] From paper by Carl A. Hatch entitled The Importance of Civil Service in Government, N.M. Business Review, April, 1959.

last fifty years of reform leaves no doubt of the reluctance of the party organizations to yield their power over patronage. Politicians are adamant and uncompromising especially when matters concerning the party coffers are concerned, because the party exacts not only allegiance but also an enormous amount of contributions from the officeholder.[13] It is interesting to note that James A. Farley, former Democratic National Chairman, after going through two successful national campaigns is quoted as saying, "With time, patience and hard work, I could construct a major political party in the United States without holding out a single job to deserving partisans".[14] His statement is certainly a very serious blow to the notion that political patronage is essential to our democratic form of government.

Advocates of the "merit" or "civil service" system do not find it hard to answer those who advocate the retention of the patronage system. First of all, they point out, that the ever increasing complexity of governmental

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[13]Overacker, Louis, Campaign Funds in the Presidental Election of 1936, 31 Amer. Poli. Sci. Rev. 473-98 (1937).

[14]From an Address Delivered by Ralph S. Trigg at N. M. Govt. & Business Conf., Jan. 15, 1941, University of New Mexico.

functions demands the professionalization of workers engaged in rendering public service. No longer can an individual hope to exercise capably the duties of a technical government job just because he can deliver the votes at the polls. A well organized merit system selects personnel through competitive examinations and thus places the best qualified person available on the job.

In reply to the accusation that the merit system idea is undemocratic, the adherents of the merit system answer by saying that if democracy is to be made to work it must be made to work efficiently and that this is possible only when public employment is operated on a merit system plan.

Why is a merit system for public employment essential to the success of democratic government? In the first place, it is essential because what exists in its absence - the spoils or patronage system - is undemocratic in two basic ways. The spoils system is undemocratic because it helps to build powerful party machines which rule arrogantly and corruptly. These party machines breed disrespect for the democratic processes of government. The people become disillusioned and cynical about their government - the only instrumentality which can establish equity and order in the modern world. The spoils system

is undemocratic because it reduces our elections to a contest for the booty or public sinecures and the public payrolls, preventing the discussion of issues and policies which is the life blood of democratic government.[15]

In the second place, it is held, the spoils system is undemocratic in an even more basic sense: it makes democracy inefficient, wasteful, and costly. The spoils system makes government inefficient because it is a system of distributing jobs in return for favors received or anticipated. Its basic principle is that a job is a reward, not a great social responsibility. Tenure under spoils is based not upon efficiency but upon continued party usefulness. Advancement is based upon increased party usefulness. Public business thus becomes incidental to party business and its neglect becomes a direct and indirect overhead charge of staggering proportions. Jobs are multiplied to meet party (not public) needs. Public needs are met at a low level of efficiency. Public employees under the spoils system are without incentive to do topnotch jobs. Turnover is heavy -- and frequently complete. In Arkansas, to illustrate the tremendous cost of turnover, it was found

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[15]Salter, J. T., The Pattern of Politics, (New York: The Macmillan Company, 1940) p. 105

that over a nine year period the turnover averaged 55 per cent. The merit system established saved $250,000 out of a $4,000,000 budget the first year. (The civil service agency budget was $25,000.) This is in a state comparable to New Mexico.[16]

Nor can one expect honesty in government under the spoils system; a system cannot rise higher than its source, and we cannot be shocked when a spoils system in jobs breeds dishonesty in public business. One follows the other inescapably.

The spoils system then is not only an unbusinesslike and inefficient method of conducting government, but it is also an undemocratic method of doing public business. Its threat is not merely to our pocketbooks but to our democratic institutions as well.

What system then is proposed to substitute in its place? What is the merit system that people are discussing?

It is, in principle, a democratic and scientific system for selecting and managing public personnel. It is an application to government of the principles used in modern business. It is, in essence, a way of placing in public jobs the ablest personnel, awarding tenure and advancement on the basis of meritorious performance.

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[16] Sayre, Wallace S., New Mexico Business Review, April, 1939, pp. 68-73

The merit system contemplates the establishment of an opportunity whereby a candidate who desires to be in the public service must prove his fitness by examinations, interviews, recommenations, and a probationary period during which time he must display his capacity for the particular job. His retention and promotion depend on his good work, and at the end of a life of service he is retired on a proper pension. By the same token a merit system for public employment is more economical, more efficient in that it enables government to have the best talent available, and more democratic because it provides new opportunities for careers in public service.

But the establishment of a genuine merit system in government, though greatly aided by a well reasoned argument, must come from a well defined need.

In the first place, there must be an informed and favorable public opinion for the merit system. The merit system is more than an administrative device. It is a major governmental policy. It cannot, therefore, operate successfully in an unfavorable climate of public opinion or indifferent official support. This means that the press, the civic associations, the educators, and the political leaders must know what the merit system is and why it is important to democratic government. They must all be

aware that the essence of a merit system is its day-to-day administration and that the system has vitality only when it is understood and vigorously upheld by public opinion in a community.

In the second place, there must be a legal basis for a merit system. Public and official support of the merit system must have a natural focus. This focus of attention is to be found in the statutory provisions for merit system administration. The statute should be brief. It should be concerned solely with the general establishment and organization of the merit system. Details of administrative policy should be left to the rule-making power of the agency entrusted with the enforcement of the statute. A model merit system statute makes three general provisions: first, it establishes the frame of reference for merit system administration by a statement of its objectives. These objectives are that appointment and advancement in the public service shall be according to merit and fitness. Second, it establishes the machinery of administration by providing for a commission which shall have responsibility for general policy, for the formulation of rules, and for the discharge of the quasi-judicial functions arising under the merit system.3) It also provides for a director of personnel as the administrative officer of the merit system, to give executive responsibility to the administration of the merit

law. Third, it establishes the general categories of authority for the commission by providing the power to classify positions; to establish a compensation or pay plan; to control the "front door" into the service by competitive examinations; to control the "inservice corridors" in terms of transfers, promotions, service ratings, and training programs; to standardize the working conditions of public employees in terms of work, leaves, holidays, etc,; and to control the "back door" in terms of tenure, layoff, suspension, dismissal and retirement.[17]

These are the broad general lines upon which a merit system must operate. It had been the purpose thus far to limit reference to the larger and more apparent aspects of personnel management. Such important but more technical processes as classification, testing and examinations, pay-schedules or compensation, and service ratings have deliberately been left untouched to be dealt with in more detail in ensuing chapters. Suffice it to say they are exceedingly vital factors in the operation of scientific personnel management and are the implements with which personnel may be examined, certified, and promoted.

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[17] Sayre, op. cit.

It is the object of this first chapter to make a brief introduction into the history, philosophy and broad background of personnel administration and to in some measure trace the development within the State of New Mexico. In order to do this it is indeed necessary to take into account the traditional political behavior of the people of the State.

New Mexico, like many other western states, is an area of vast territorial expanses and sparse population. The people take an immense interest in the operation of the political machinery. It is doubtful if any state can boast of greater participation by voters in elections than can New Mexico.[18] Since territorial days party allegiance has traditionally been a matter of paramount importance to the voter of New Mexico and it is little wonder that the philosophy of "to the victory belongs the spoils" has long been an accepted form in the governmental recruitment of personnel. The voters of New Mexico have always been strongly influenced by the direct personal appeal of the candidates, and together with party loyalty, this factor has been a most important determinant of elections.[19]

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[18]Donnelly, T. C., Rocky Mountain Politics, The University of New Mexico Press, 1940, p. 230.

[19]Ibid., p. 237.

Observation indicates that New Mexico is a relatively poor state. Approximately 60 per cent of the land area of the state is owned by the national and state governments and is not subject to taxation. The 40 per cent owned privately is of course, the more valuable part. The public domain is managed by several federal agencies and the state land commission.[20] New Mexico, being essentially a raw material producing area that ships its products to other states for processing, ranks low among the states in manufacturing. It is, of course, predominantly a rural state with approximately 75 per cent of the population living outside urban areas. There are only four cities with a population of more than ten thousand. The number of incorporated municipalities is about sixty. In addition, there are some three hundred smaller communities with village characteristics that are unincorporated.[21] After taking these and many other facts into consideration there can be no denial that governmental costs in New Mexico especially must be kept at a minimum. Surely any system that promises to save the taxpayer money and at the same time afford great

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[20] New Mexico Tax Bulletin, Santa Fe, N.M., June, 1939, pp. 84-85.

[21] Behringer, F. D., New Mexico Municipalities and County Consolidation in New Mexico, pp. 3-4.

efficiency in administration would at least bear looking into and given a fair chance. New Mexico because of its economic background cannot afford to be unbusinesslike and inefficient in its method of conducting the public business.

Public opinion has slowly but deliberately come to the conclusion that the spoils system of personnel recruitment has left much to be desired. It has come to realize that if wealthier governmental units place a premium on efficiency and economy. New Mexico is certainly unprepared to accept as permanent the haphazard method of filling public jobs such as the patronage system affords.

Perhaps it should be mentioned here that there is a fundamental difference between policy-making governmental jobs and those which are strictly routine in character. Every one recognized that executive positions, those which are charged with shaping policies and directing the political channels of governmental activity have a distinctly political function to discharge. People do not speak of those positions when they refer to the merit system for employees. Such places are however, comparatively few in number. The vast majority of governmental employees have no political function whatever to discharge. Their tasks are routine and are the same in nature and kind under every administration. All these places should be filled and the positions should be retained on a basis of efficiency and

qualification for the particular work to be done. The way to keep governmental machinery democratic and representative is to continue to elect and appoint the policy makers and to recruit the subordinate public officials through the merit system from as broad a social base as possible.

How has the merit system idea come about in New Mexico? Has it been the result of long and persistent agitation for reform or has it evolved more or less as a reflection of the national trend? The proper answer would probably be that the tendency has evolved more from a realization that government, as well as private business, must place the best qualified person available on jobs that have increased both in number and in technicality. The realization of the need for well trained personnel reached its height with the advent of the tremendous expansion of government under the Roosevelt New Deal administration. With the Federal government undertaking many new and diverse social services, trained personnel was at a premium. Under the "Brain Trusters" these new agencies and many of the old ones were quick to embrace the merit system principle in dealing with their personnel. Because so many of the new functions were emergency by nature they demanded that administration be exercised by capable, merit-picked

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[22] Herring, Pendleton, The Politics of Democracy, (New York: W. W. Norton Co., 1940) p. 376.

employees who of necessity had to be put on the jobs as quickly as possible. In time, the majority of the federal agencies came to be staffed by governmental "careerists" who staunchly defended and propagated the merit system principles. As time went along this philosophy was reflected within the states and especially within the respective state offices of the federal agencies.

An insight into the development of civil service or the merit system in the state government of New Mexico will disclose that the process has been one of slow and seemingly hesitant development. It was not until the latter part of the 1930's that a full-fledged, though restricted, state merit system agency made its appearance.

It is appropriate at this point to look into the legal basis whereby qualifications for employment in the public service in New Mexico are set down by law. It appears that legal requirements are very fluid and loose if they can be said to exist at all. However it is noteworthy that in a few cases recognition is given to the principle that certain jobs in the public service require particular qualifications. New Mexico is hardly different from most other states in the respect that it has allowed much leeway in the language of its statutes that create certain positions and prescribe the terms of incumbency. For a summary of constitutional and statutary provisions see

Appendix, Exhibit M.

Probably the first real merit system in connection with the public service in New Mexico was established in 1936 by the National Re-employment Service, a state agency in collaboration with the United States Employment Service in the Department of Labor. Though the positions affected by this system were not numerous, it did mark the commencement of merit system administration in the state. Later on, the agency was changed to the New Mexico State Employment Service and on December 16, 1936, the New Mexico Legislature Special Session transferred the State Employment Service to the Unemployment Compensation Commission as a coordinate division thereof.

In 1935 under the terms of the Social Security Act suggestion was strongly made and adequate means provided whereby the personnel of the New Mexico Department of Public Health, the New Mexico Department of Public Welfare, and the Unemployment Compensation Commission of New Mexico could avail themselves of personnel administration service supplied by the Social Security Board. In the original law, however, there was no mandatory provision made for the establishment of the merit system in these agencies.[23]

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[23]From oral interview with W. E. Brinkman, Administrative Assistant in the Unemployment Compensation Commission of New Mexico, February 13, 1941.

On May 26, 1938 the Unemployment Compensation Commission of New Mexico officially adapted the merit principle of personnel administration for the Unemployment Compensation Division, and directed its development to the point where the first register of eligible applicants was established in September 1938. Upon the advice and with the cooperation of the Social Security Board, a set of regulations was adapted to cover all phases of the administration of the plan.

Upon the recommendation of an Advisory Committee, appointed by the Commission (Unemployment Compensation), a Supervisor of Examinations was given appointment by the Commission. The Supervisor of Examinations was to have charge, under the committee, of administering the merit examinations. Three series of examinations were administered by the Supervisor: Series I between the dates of June 27 and September 26, 1938; Series II between the dates of July 31 and September 26, 1938, and Series III between the dates, of December 17, 1938 and February 15, 1939.[24]

In 1939 the Congress made certain far-reaching amendments to the Social Security Act of 1939. One of the foremost among these was a provision whereby state agencies

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[24]Second Annual Report of the Unemployment Compensation Commission of New Mexico, For the Year Ending Dec. 31, 1938, pp. 12-16.

given federal grants-in-aid under the Social Security Act must meet certain administrative qualifications. The amendments further provided that one of the chief requisite of eligibility for grants-in-aid would be that the personnel of the state agencies be chosen on a merit system basis. This provision envisaged that the merit system in the state agencies should be in effect by January 1, 1940. Acting in accordance with the 1939 Amendments to the Social Security Act, the federal-aid agencies in the state of New Mexico, that is, the New Mexico Department of Public Health, the New Mexico Department of Public Welfare and the Unemployment Compensation Commission of New Mexico, took definite steps to establish the Merit System in their selection of personnel. On April 15, 1940, the late Dr. A. S. White was appointed to administer the Merit System for the federal-aid agencies and he proceeded to conduct the merit agency known as the Merit System Council.[25] The first written examination program was held in September 1940 and the registers of eligible personnel went into effect on January 1941.

In the preceding pages an attempt has been made to follow the development in stages of the application of scientific personnel principles within the public service

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[25]News item, Albuquerque Journal, April 15, 1940.

of the State of New Mexico. Constitutional and statutory recognition has been given to the principles that certain public offices require particular qualifications. It is, of course, granted that public employment as well as private employment should seek to attract the best possible personnel available. In the early years of the 1930's encouragement and impetus was given the merit system philosophy by federal administrators, who in working hand-in-hand with certain State agencies, were anxious to avoid the incompetence of personnel selected by traditional patronage means and were unflinchingly desirous of establishing the merit system within the state agencies favored by federal grants-in-aid.

In the meantime much speculation was aroused by public spirited people within the state as to the possibility of inaugurating the merit system within various departments of the state government. The most outstanding instance of public concern in connection with this feeling occurred at the Fifth Annual Conference on Business and Government in New Mexico held on the campus of the University of New Mexico on January 13-14, 1939. Among other topics discussed at this conference was the establishment of a merit system.[26] Dr. Wallace S. Sayre, Civil Service

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[26] New Mexico Business Review, April, 1939.

Commissioner of the City of New York, was present and delivered an address advocating the adoption of civil service. Mention is made of this conference because it was one of many influences that ultimately brought about the enactment of legislation calculated to establish a merit system agency within the New Mexico state government.

By action of the 14th Legislature of the State of New Mexico it can be said that New Mexico joined the ranks of the civil service states. Governor John E. Miles signed a bill establishing a Merit System Commission on March 13, 1939.[27] This commission was created to administer merit system provisions for employees of certain state institutions, the State Motor Patrol and the Field Division of the State Police. Further elaboration and analysis of the law will be undertaken in Chapter III of this manuscript. It is enough to say here that the passage of the 1939 Law signified a willingness, lukewarm as it may have been, on the part of the Governor and Legislature of New Mexico to experiment with the merit system for state employees on a step-by-step basis. It was hoped that the system would be given a fair chance and that eventuallyit would have been extended to a larger percentage of the state employees.

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[27]Civil Service Assembly, News Letter, April, 1939.

CHAPTER III

ANALYSIS OF THE 1939 MERIT SYSTEM LAW AND THE CLASSIFICATION PROGRAM

The first chapters disclose the background, history, and events that preceeded the establishment of a civil service agency in New Mexico state government in 1939. Since it is the object of this manuscript to investigate the procedures, functions, and general administration of the Act, it appears reasonable to devote some attention to the 1939 Act itself, that is the legal framework upon which the administration of the Merit System relies for authority and legality. Decision has been made to present the Act section by section, in a brief and concise condensation. For the complete Act refer to Appendix, Exhibit L.

Provision was made to improve the method of employing personnel in certain institutions and departments in New Mexico in chapter 157, approved March 16, 1939, which reads as follows:

CHAPTER 157

> An Act providing for the employment of employees in certain departments and institutions of the state upon the basis of merit, education, capability, physical ability, training and experience as determined by competitive examination: making certain exceptions; creating the merit system commission of the State of New Mexico, setting the salaries of the members thereof and defining their duties; providing the procedure for enforcement of the Act and regulations of the commission; providing penalties for violation of the act, and making an appropriation.

The law is applicable only to the Insane Asylum, the Miners' Hospital, the Boys Industrial School, the Home and Training School for Mental Defective, the Girl's Welfare Home, the Carrie Tingley Crippled Childrens Hospital, the New Mexico State Police and the Field Division of the State Police; and requires that as to these departments and institutions, employees shall be selected on the basis of merit, education, capability, physical ability, training and experience as determined by a competitive examination; and that no such employees shall be demoted, promoted, transferred or discharged except in accordance with the Act, rules and regulations promulgated by the Commission.

Section 2 provides for a commission to be composed of a chairman who is ex-officio merit system director, at an annual salary of $3600 and two other members who receive compensation of $10 a day while engaged in discharging their duties as members of said commission. All three members are appointed by the Governor, by and with the approval of the Senate, for a term of three years. Not more than two of them shall belong to the same political party at the time of their appointment.

Section 3 requires the Commission to classify all the employees of the institutions and departments above named as to function and salary and to adopt rules and regulations to carry into effect the requirements of the Act.

Section 4 - The Commission may compel the attendance of any executive head or employee of departments or institutions affected in order to furnish such information as may be found necessary.

Section 5 provides that employees in departments, or institutions, at the time of the effective date of the Act shall retain their employment until such time as the Commission shall determine upon competitive examination that they are not fitted for the positions which they hold, or that other applicants are more fitted.

Section 6 requires citizenship and residence in New Mexico for at least one year for eligibility for examination and employment.

Section 7 provides that the Act shall not apply to executive heads of departments or institutions, nor to one confidential secretary selected by such executive heads, nor to laborers or casual employees.

Section 8 makes the chairman the administrator of the law, rules and regulations of the Commission under the supervision of the Director of the Commission.

Section 9 sets up an appeal procedure whereby employees may be heard as to their suspension or removal.

Section 10 provides that any person may appeal to the Commission on such terms and conditions as shall be imposed by rules and regulations of the Commission, and

that the decision of the Commission upon such an appeal shall be final.

Section 11 provides for the employment of a casual employee in place of one suspended pending the outcome of an appeal.

Section 12 provides for a legal procedure for the enforcement of the Act.

Section 13 provides that any municipal corporation may by ordinance and by compliance with rules and regulations of the Commission extend the application of this Act and the rules and regulations of the Commission to the employees of any department or institution of such municipal corporation.

Section 14 permits the Commission to charge fees of not less than $5.00 nor more than $15.00 for applicants for positions.

Section 15 prohibits political activity. Under this provision no person shall be appointed or promoted, demoted, dismissed, or in any way favored or discriminated against because of his political or religious opinions or affiliations, or his race. As to any position in the classified service governed by the Act, no person shall seek or attempt to use any political endorsement in connection with any appointment; and no person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to

secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position for the purpose of influencing the vote or political action of any person or for any consideration.

Any officer or employee in the service governed by the provisions of this Act who violates those provisions shall forfeit his office of position. No person elected to public office who received any salary or compensation shall during his term as such officer be appointed to any position in the classified service.

Section 16 provides for a further penalty for the violation of the provisions of Section 15.

Section 17 reads as follows:

> In addition to the duties herein before required to be performed by the Commission, the Commission shall classify all employees in the public service of this State and political subdivisions thereof, other than employees of educational departments, and report said classification to the Governor at least sixty days prior to the day on which the next regular session of the Legislature convenes.

The Commission construed the foregoing section to include all employees in the state service, those in the county offices and those employed by incorporated cities within the state.[1]

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[1]From an opinion of the Attorney General of New Mexico, July 8, 1940.

It can readily be seen that the law creating the Merit System Commission and specifying the duties thereof, is in itself, very broad in the authority which it bestows upon the Commission. With the appointment of the Commission on January 16, 1940 the commissioners set about to put into effect the provisions of the Merit System Law.

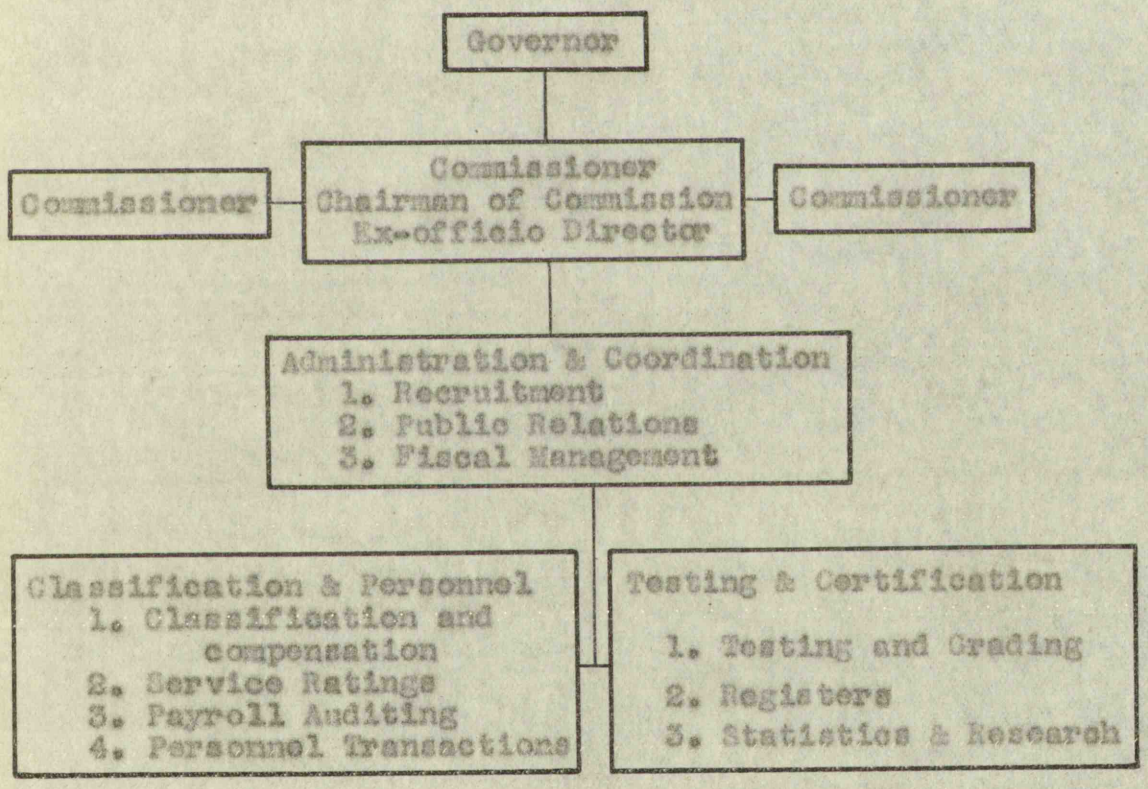
The duties of the Commission are threefold: Administrative, legislative, and judicial. Though the Chairman is in reality more concerned with the administrative functions than are the other two members, the responsibility of each commissioner calls for keeping in close touch with the operation of the work of the Merit System and the devotion of such time to the task as the program seems to demand. It must be borne in mind, however, that the chairman of the Commission, acting as ex-officio director, is charged with the administrative function of giving effect not only to the Merit Law, but also to such rules and regulations as the Commission might elect to promulgate. As a policy forming body the Commission prescribes and amends the rules and regulations by which the staff is guided in its work. The Commission serves as a judicial body by hearing appeals from dismissal of employees who feel their discharge is unwarranted, etc.

CHART II

ORGANIZATIONAL CHART

of

THE MERIT SYSTEM COMMISSION OF NEW MEXICO



The largest task during the early and formative days of the Commission was the problem of classifying the personnel under its immediate jurisdiction. In accordance with a contract drawn up with Public Administration Service, Chicago, a non-profit organization, arrangements were made whereby a classification technician was furnished the Commission who classified all jobs in the six institutions and two departments for a sum not in excess of $1200.00. At the time that the classification program was going on the Service took pains to train members of the Commissions' staff for future classification work.[2]

"The classification of positions is clearly a difficult and hazardous task. To perform it well requires classification investigators and analysts endowed with more than an average degree of intelligence, eminently fair, impartial, and objective. They must acquire a knowledge of the organization and function of the departments in which a classification is made comparable with that possessed by most of those employed in the department, as well as a much greater knowledge about corresponding or analagous organizations or functions elsewhere. They must have exceptional capacity to get to the facts, to weigh their relative importance, and to reason from them. They must have a government-wide not an insular viewpoint. Their first loyalty is to the position-classification plan and to the civil service commission, but they must also recognize a responsibility to aid the departments to the utmost, within the terms of the position - classification plan."

This quotation from Leonard White clearly states the high qualifications that are necessary for a capable

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[2]From minutes of Merit System Commission of New Mexico, March 12, 1940.

classification analyst.[3] Because the job was technical and also because adequately trained and experienced classification experts were not available in the state, the Merit Commission did well to employ a reputable concern of national standing to perform the all-important job of classifying the positions.

In the establishment of the Merit System for the State of New Mexico the fundamental necessity was the introduction and operation of sound plans and procedures for the classification of positions upon the basis of duties and responsibilities, and for the fixing of equitable rates of pay on the basis of like pay for like work under similar conditions of employment. From such a plan it was possible to prepare and administer examinations to test the fitness of incumbents and applicants and their ability to perform their duties in a satisfactory manner; to indicate lines of transfer and promotion for the purposes of better placement of employees in accordance with their desires and capacities, and to make the most of the capabilities of employees; and to rate the efficiency and value of employees. A sound classification plan is one which clearly and completely describes each position, and

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[3]White, Leonard, Introduction to the Study of Public Administration, Rev. Ed., (New York: The Macmillan Co., 1939), pp. 337-338.

arrange positions systematically according to function. It closely defines the classes by kind of work, level of difficulty and responsibility, and essential requirements of work. A sound classification plan is essential also in that it facilitates other personnel and administrative processes, such as determination of flow of work, administrative and functional organization, and payroll budget control.[4]

The classification plan constructed by the representative of Public Administration Service and the permanent Commission staff consisted primarily of the following elements:

(1) Grouping of positions sufficiently alike that the same tests may be used to determine fitness and capacity, the same schedules of pay may be applied with equity, and the same titles may be used to indicate the work of the positions.

(2) Formulation of specification or job descriptions for every class consisting of:

(a) Descriptive titles to distinguish classes of work by occupational field and specialization and to indicate level of responsibility within the general specialized fields.

(b) Definition in terms of kind of work, difficulty and responsibility, and the essential work requirements, with respect to knowledge, abilities, skills, aptitudes, and personal and physical attributes.

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[4]Report by Frank A. Waldenfels, Representative of Public Administration Service, June 4, 1940, p. 1

(c) Examples of actual work performed in the positions to clarify the definitions of the classes.

(d) A statement of the desirable preparation ordinarily needed by employees for satisfactory performance of the work.

(3) Lists showing the class title of the position held by each employee in the competitive service.[5]

The classification project was conducted with several definite objectives in mind. It sought to promote the development of good will towards the Commission and the merit system, based upon faith and confidence in the competency and integrity of its administration. In furtherance of this objective the operating heads of each institution and police units were consulted on every major phase of the work and every effort was made to obtain and verify information bearing upon the positions.

The classification project sought to ascertain an accurate and complete description of all positions covered by the law, based upon a complete understanding of employees, supervisors, and administrators as to the nature, meaning, and procedure of classification; the recognition of true classes, their clear definition, and the allocation of positions after analysis of work functions and relationships.

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[5]Waldenfels, op. cit., p. 2

The classification plan gave special attention to the peculiar circumstances surrounding pay and recruitment in the State of New Mexico and the necessity of administering qualifying and open competitive examinations.[6]

The project further concerned itself with the creation of tangible end-products in the form of a schematic index of titles, allocation lists, class specifications, classifications and pay rules, organization charts, patterns of classification analysis, pay data sheets, and salary schedules, along with investigation notes, to provide the staff with the material necessary for supporting its determinations, and to guide it in carrying on future operations.[7]

Finally the classification project concerned itself with the making of practical and technically sound recommendations for the conduct of other activities of the Commission. The limitations of time made it impossible to study such problems in detail, but an attempt was made to outline the problems and steps toward their solution and to supervise the early phases of the studies.

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[6] Ibid

[7] Waldenfels, op. cit. p. 3

In the preparation of the classification plan several special considerations influenced the determination of classes to be recognized and the allocation of positions to classes. In the first place, classes were made as broad in character and as few in number as possible without failing to recognize substantial difference in character of work and nature of responsibility. Each additional class increased the number of examinations that must be given, the number of records to be kept, and the number of border-line cases of classification allocations and reduced administrative flexibility. Secondly, due to the provision of the law requiring incumbent employees to undergo qualifying examinations to retain their positions, careful thought was given, both in setting up the classes, and in advising the examining staff, to making a somewhat finer breakdown than would be the case if it were not necessary to protect the interests of the present employees in guaranteeing them examinations based on the actual duties of the job.[8] Thirdly, the small size of some of the institutions makes it necessary for many employees to perform several types of work with less

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[8]1939 Laws of New Mexico, Chapter 157, Section 5

specialization of function than is the case in the larger establishments. In analysing positions, involved in mixed functions, it was necessary to establish the most essential and important aspects of the work, to disregard the more incidental duties and to classify on the basis of essential similarity to classes or positions more typically representative of the type of work.[9]

The methods and procedures involved in the administration of the classification plan were of such a nature that they could not have been adequately set up and administered had not the Commission secured the services of an expert to guide the classification procedures. Inasmuch as the Merit Law provided for the classification to be extended to all other administrative units of the state government the work with respect to the six institutions and the two police units, represented a model plan or nucleus upon which the larger system could be built.[10] For this reason, considerable time and attention were devoted to the training of the staff assistants in technical procedures. Material was prepared to assist them in the technical work of allocating positions, making field investigations, and preparing position specifications.

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[9] Waldenfels, op. cit., p. 5

[10] 1939 Laws, Chap. 157, Sec. 17

Classification experience of many years has demonstrated that the most economical and satisfactory methods of obtaining the facts necessary to the analysis and comparison of positions is that of having employees, who have the most intimate knowledge of the work of the positions, describe them in as much detail as is necessary to establish the kind and variety of functions, the nature and extent of responsibility for the work, the requirements in terms of knowledges, abilities, skills, aptitudes, and personal and physical attributes. It also considered the character of organizational relationships with particular reference to guidance and control from above, and responsibility for the work of others; of verifying such information through written statements of supervisors and administrative heads as to the accuracy of subordinates descriptions, field observation of the actual work performed, interviews with employees, supervisors, and administrators, studies of work samples, forms and procedures, and analysis of work relationships. The final step involved clearance with administrative heads by group discussion, after they have had an opportunity to study the proposed plan before adoption by the Commission.

Lists of positions and a directory showing the administrative units with pertinent information as to names of heads and distance from Albuquerque were made.

The first step in the preparation of a classification plan is the preparation and distribution of questionnaires to the employees.[11] To insure proper understanding of the nature of the project and of its meaning to employees, and to be certain of obtaining careful and complete descriptions, sheets of instructions were distributed with the forms, and talks were made before employees and supervisors in which specific directions were given to assist them in filling out the forms. At the same visit, conferences were held with administrative heads in order to establish the basis for cooperative relationships and to obtain general information regarding personnel problems, and finally, to obtain charts, reports, and other material descriptive of the operations of the unit. Records were kept of all forms distributed by checking against payroll listings, and administrative heads were notified of missing and incomplete forms.

Upon the receipt of the completed forms, they were studied carefully and a tentative sorting was made on the basis of essential likeness as to kind of work and level of responsibility within the work series.

For the guidance of the members of the permanent commission staff, patterns of analysis applicable to

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[11]Appendix, Exhibit A, (Classification Questionnaire)

various series were prepared and used in analyzing positions and in noting questions to be asked to elicit necessary information not furnished in the original description. Allocations were then reviewed by the project supervisor and another trip was made to the institutions and police units. In accordance with an outline of investigation, information was obtained through personal observation of interviews with employees and supervisory officials to establish the necessary factual basis for the classifications. The data obtained were then discussed with the project supervisor and the allocations were determined pending informal clearance and formal hearings.

The next step in the development of the classification plan was the formulation of position specifications or job descriptions. Class specifications were prepared in order to define the classes and to indicate the qualifications ordinarily needed for adequate performance of the work. These specifications represent one of the most tangible end-products of the classification work, of secondary importance only to the establishment of the right classes and the determination of proper allocations to classes. The specifications were designed to represent the classes as conceived by the classifiers and to affect a number of purposes in personnel and general administrative

management.[12] In the first place, they provide a uniform terminology furnishing a common basis for discussion of the classification in its various aspects. Secondly, they facilitate allocation of positions to classes through reference to the statements as to kind of work, difficulty, responsibility, and essential requirements, the examples of tasks performed, and the statements indicating what would be desirable preparation for the work, in terms of the experience and training. They provide, especially in the sections on essential requirements, a framework for the examinations and a standard to guide budget makers. They are a medium of introducing new employees to the duties of the positions and are a basis for the determination and discussions of pay, service ratings, and employee grievances, also they act as a guide to the establishment of lines of transfer and promotion.[13]

The specifications consists of several parts. The TITLE is descriptive of the basic and specialized field of work with an indication of level within the series, and is a brief and descriptive as possible. The KIND OF WORK section elaborates upon the title with a definite statement of the field of work with indications of character and level.

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[12]Appendix, Exhibit B, (Suggested Uses of Class Specifications)

[13]Waldenfels, op. cit., p. 7.

The DIFFICULTY AND RESPONSIBILITY OF WORK section is intended to set forth all distinguishing responsibilities representing elements of difficulty and responsibility, as volume, variety, size, novelty, scope of activities with indication of degree of supervisory capacity. The ESSENTIAL REQUIREMENTS section indicates the specific knowledge, abilities, skill, aptitude, and physical and personal characteristics which seem to be required for adequate performance of the duties. This section is a part of the definition of the class and throws light on the determination of allocations, pertaining to the positions and not to the incumbents or applicant's qualifications. Inasmuch as this section becomes the framework of the examinations, an attempt was made to include all important requirements. To insure completeness of coverage, a check list of qualification requirements, representing many standard types of such requirements, was used in determining the content.

The EXAMPLES OF WORK section of the specifications includes typical illustrations of the work of the positions of the class and is included to further clarify the definitions as given in the first three parts.

The DESIRABLE PREPARATION FOR WORK section indicates the experience and training normally necessary for satisfactory performance of the duties. Because the Commission had adopted the policy of accepting all applications for

admission to the examinations, this section was intended to give information to applicants and other interested parties, and not to set rigid, absolute and minimum standards. After discussing the question of desirable preparation of work with the various institution and department heads, the Commission, acting on the recommendation of the Chief of the State Police and the Director of the Division of Field Administration of the State Police, decided upon imposing the requirement of actual service as a Patrolman in order to qualify for the successive superior classes such as Sargeant, Captain, and Assistant Chief. In regard to the Division of Field Administration of the State Police, a minimum requirement was established to the effect that experience as a Law Enforcement Inspector I was necessary before examinations for Law Enforcement II or Law Enforcement Inspector III could be taken. By so doing, the Commission recognized the need especially peculiar to the law enforcement group of establishing certain promotional lines within these departments. This action was supported by an opinion of the Attorney General.[14]

The section entitled NECESSARY SPECIAL QUALIFICATIONS had been included in cases in which licenses, registrations, age limits, or other evidences of capacity were absolutely required.

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[14]From an opinion of the Attorney General of New Mexico, July 8, 1940.

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The classification plan in its latter stages of formulation was subjected to every constructive procedure whereby both employees and administrators could study, criticize, and comment upon it so that adjustments could be made to insure its accuracy and adequacy. An informal conference was held for the discussion of the plan at which time administrators were free to comment and make recommendations.[15] With some resulting minor changes, the classification plan was then submitted to the Commission. In regard to the allocation of individual positions the administrators were advised to prepare written statements of facts in cases where they felt allocation should be changed. Procedures were established whereby either employees or administrators were afforded the opportunity to appeal for reconsideration of allocations. The determination is a technical one in most respects and should not be influenced by other factors, it was held. Above all, it was declared that extreme care

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[15] From minutes of the meeting of the administrators of the state institutions and police units with the Merit System Commission at the Hilton Hotel, Albuquerque, N. M. May 29, 1940.

was to be taken to protect the classification from attacks prompted by a desire to obtain favorable adjustments in pay for particular incumbents, or to keep allocations lower than they should be because of department financial limitations. The effect of the latter is to discriminate against individual cases and to make up for improper budgeting at the expense of individual employees.[16]

Since the classification was not intended to be static in character but rather adjustable to developments in work operations and relationships, provision was made for making the classification plan reflect changes in duties and responsibilities, changing laws, changing social and economic concepts, changing emphasis in parts of progress in response to public will, changing financial conditions of governmental agencies, and ordinary changes brought about by the evaluation of work in departments; all combine to keep the classification plan in a constant state of flux. In order to keep the classification plan responsive and adjustable to changing developments in work operations and relationships it was decided that the plan should provide the reporting of all new appointments and substantial changes in duties of employees, accompanied by complete

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[16]Waldenfels, op. cit., p. 9

position descriptions, (except in cases of replacement with no change of duties), so that a classification examination may be made. For the sake of administrative flexibility particularly needed in the case of the small institutions, provision was recommended for employees to work "out of classification" for a reasonable length of time (for example, 90 or 120 days) so that personnel transations would not be necessary for temporary assignments.

It was clearly explained that in case any employee may be assigned any particular duties, even if the assignment meant doing work of another classification, it should not continue for longer than the suggested length of time without being reported to the Commission for classification study. Elasticity would further be provided the classification plan by the application of periodic audits or organization units so that changing duties and relationships would be brought to light and also that unrecorded changes might be ascertained. It was recommended that revealing instances of incorrect classification would be exposed by examination of positions as requisitions for personnel are received.[17]

The Merit System Law placed upon the Commission an additional duty besides those effecting the six institutions

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[17]Waldenfels, op. cit., p. 11

and two police agencies. Section 17 of the law provided that the Commission was to classify all employees in the public service of the State of New Mexico and political subdivisions thereof, other than employees of educational departments and institutions .....". Acting upon an opinion of the Attorney General the Commission classified as to function and salary, the duties of all employees in the state, county, and municipal governments. Exempt by law from classification were heads of departments, elective officials, confidential secretaries, part-time employees, and laborers or casual employees. The report made to the Governor and to the 15th Legislature did not include classification for such employees nor those employees of educational departments and institutions.[18]

Limited funds, time, and personnel, made it impossible for the Commission to carry on a complete classification project for the positions outside its own immediate jurisdiction. Proper classification procedure calls for an intense personal investigation of the duties of each position under classification. However the Commission did obtain position descriptions from employees in the state, county, and municipal governments by the use of a questionnaire which ascertained the payroll title, salary, duties

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18From Classification Survey Submitted to the Governor by the Merit System Commission, December 15, 1940.

and supervision of the employees aforementioned. The permanent staff of the Merit System Commission analyzed these forms and grouped them into various classes. Following this procedure a schematic list of class titles, applying to the position for each political subdivision, was compiled. In addition, an allocation list, or list of names of the employees, with the classes to which they have been assigned, was prepared and included the salary received by employees. The classification plan as constructed was included in the report submitted to the Governor on December 15, 1940.[19]

In submitting the classification survey the Commission made plain the limitations under which it was offered. It was to be understood that the purpose of the survey was primarily to report to the Governor the existing positions in the state service and its political subdivisions. It was a tentative classification plan set up to be of value for budgeting and administrative study purposes. Certainly it was a considerable improvement over the previous unscientific systems. It was a valuable contribution if it went no further than presenting a complete inventory of all positions in the state service.

With the stablishment of the classification plan,

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[19] Ibid

adapted after a public hearing, the Commission turned its efforts toward the formulation of a pay or compensation plan.[20] The final adoption of the classification plan also marked the point at which the actual construction of examinations based upon class specifications was begun. The objectives, governing principles, and methods and procedures of these two phases of personnel administration will be considered in the next chapter.

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[20]For the Classification and Compensation Plan see Chart III on page 63 of this Manuscript.

CHAPTER IV

COMPENSATION AND RECRUITMENT

This chapter deals with that portion of the Merit System Law, Section 3, which provides for the classification of employees of the institutions and departments governed thereby as to function and salary; in other words the objectives and methods that governed the establishment of the compensation or pay plan. It is also the intent of this chapter to cover certain phases in the promulgation of rules and regulations by the Commission and to elaborate somewhat on the conditions and peculiarities that influenced the policies of the Commission. In addition, consideration will be devoted in this chapter to certain aspects of the recruitment program. It would be inappropriate to neglect to include in this chapter certain pertinent phases of the law with respect to bi-lingual requirements.

The guiding principle in the preparation of the pay schedules is the recognition of the value of service so that persons doing the same work are paid within the same range of pay, provided that employment conditions are similar. For the recognition of increased value through continued service, special efficiency, over-time, and other indications of increased value, there are ranges of pay

with minimum and maximum limits with provisions of several steps within the range.

Special considerations in the preparation of the schedules for the institutional and police units includes:

(1) The fact that the appropriations for the institutions have been very meager and it has been necessary to reduce appropriations 10 per cent each year for the past three years. This has inevitably resulted in new employees being employed at rates much lower than they should be by comparison with others in the service. The tendency has been for rates to cluster at the low points of the ranges and also for the employment of persons not qualified to perform the work adequately.

(2) The custom in the state to pay low rates for unskilled and semi-skilled help particularly in menial and labor positions due to the large supply of cheap labor, while white-collar help is relatively well paid.

(3) The inequality existing among various institutions in appropriations for personal services and in the past pay policies was taken into consideration. It is evident that in some institutions they are well-staffed and employees are relatively well paid, while in others there is not only serious under-staffing, but economies have been effected by cutting salaries far under normal scales.

(4) At the time that the pay schedules were being prepared the institutional appropriations for the 1940-1941 fiscal year had already been determined. It was deemed unwise to disturb seriously the basis for the estimates of personal service costs or to make it necessary to cut down staffs in institutions already under-manned and under-paid. Because of these considerations, the proposed salary schedules reflected many rates that should be adjusted when conditions permit; these were designed by an asterisk symbol and an alternative schedule for various classes and submitted with the estimates of the amount of increased costs which would result from their introduction.[1]

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[1]Appendix, Exhibit C -(Alternate Schedule)

(5) Wide inequalities in present ranges were noted. They existed partly because of the lack of any agreement among the institutions and partly because of the existence of inequitable practices of evaluating the value of maintenance received in lieu of cash. One example and there were many others, of gross inequality is cited: two bookkeepers in charge of institutional accounts of the same complexity, one received a total monthly compensation of $90.00 and the other received the total monthly compensation of $150.00. There were relatively few cases of overpayment. An example of one case is cited: two clerks in the police department doing general clerical work of the second level - one at $150.00 and one at $175.00.

It was strongly recommended that as soon as possible an adjustment should be made in the pay of hospital attendants of the first level, the pay for which positions averaged slightly less than $65.00. Incidentally, the State of California in its report of two years ago[2] recommended increases for this class so that the starting rate would be $100.00. In other states the range for this group is usually $80.00 to $100.00. Inasmuch as approximately 20 per cent of all the positions covered in the study were in this group a favorably adjustment was recommended in future personnel cost estimates and appropriations.[3]

The pay schedules were compiled by the use of the best methods and procedures in personnel studies of this nature. They were prepared on the basis of data obtained from a number of sources including (1) present salary distribution within classes, (2) financial prospects and limitations, (3) rates paid by other public jurisdictions

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[2]Report of California Personnel Board, July 1, 1938.

[3]Report of Pay Project by Frank A. Waldenfels, Representative of Public Administration Service, June 4, 1940, p. 13.

for similar work, (4) rates paid by private establishments in the state for comparable work, (5) turn-over and scarcity of applicants, (6) effects of changes in causing substantial increase in the rates for large classes, and (7) recommendations of administrative heads as to salaries of various classes in their organizations.

In addition, an attempt was made to relate closely the pay schedules with the classification so that duties and responsibilities of comparable character would be compensated in proper relation to each other with full consideration of the conditions under which the work was done. Also, consideration was taken of occupational hazards in certain classes of work, the general cost of living, and the traditional and customary practices in the State of New Mexico.

To obtain the necessary data, letters were sent to six states. This procedure was repeated in regard to seven cities in New Mexico as well as the cities of Tucson, Denver, El Paso, and other municipalities in the surrounding area, returns being received from approximately 75 per cent. Summaries of rates for a number of key classes in thirteen states using uniform plans were obtained from the Civil Service Assembly. Carefully prepared questionnaires, were then sent to 180 private establishments in New Mexico, representing practically all of the larger employers in

about ten major categories, including hospitals, hotels, restaurants, laundries, banks, insurance companies, and office buildings.[4] Separate forms were prepared for the hospitals as one group, the hotels, restaurants, laundries, as a second group, and the banks, insurance companies and other offices as the third. To insure fairly definite agreement as to the meaning of various titles, a brief definition for each class for which information was requested, was given in the questionnaire. Returns were received from some 60 per cent of those contacted, some indicating that they had no information of value. The original questionnaires were supplemented by follow-up letters sent to approximately one hundred firms the tenth day after original mailing, and by some forty telephone calls in the city of Albuquerque. Data were then compiled showing low and high rates and means and medians for each class. All data were then gathered together and separate sheets were prepared showing all available data for each class from all sources, along with figures as to existing rates for positions allocated to the various classes, and the recommendations of administrative heads for classes within their units.

The number of increments in the proposed schedule

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[4]Appendix, Exhibit D, (Pay Data Questionnaire).

were determined on the basis of the breadth of the range of the class and series, the number of classes in the series, and the character of the employment, with considerations of promotional possibilities and turn-over. For classes paying less than $1500.00 per year the steps were fixed at $5.00 per month, with $10.00 per month for classes with rates of $1500.00 to $3000.00 and with $15.00 monthly increments for classes paying over $3000.00.[5]

The cost of increases and the amount of savings resulting from decreases in pay were computed according to the following two alternative schedules. Inasmuch as the Commission may determine that in the cases of incumbents receiving more than the maximum of the range of the class to which their positions have been allocated, the salary will remain unchanged during the present incumbencies. These figures were left subject to such adjustment.

Maintenance schedules were constructed involving the evaluation of compensation received in the form of meals, quarters, laundry, and other extra emoluments. Unfortunately, there was no standard system of practice in general use. The proposed salary schedules were in terms of total compensation and the value of maintenance

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5 Waldenfels, op. cit., p 16

CHART III

CLASSIFICATION PLAN AND PAY SCHEDULE

SCHEMATIC LIST	SALARY RANGE	NUMBER AND AMOUNT OF INCREMENTS	
A. CLERICAL AND ADMINISTRATIVE			
1. Clerk I - Typist	70 - 90	4	5.00
2. Clerk I - Stenographer	80 - 100	4	5.00
3. Clerk II - Stenographer	105 - 125	4	5.00
4. Clerk III - Stenographer	130 - 150	2	10.00
5. Clerk II - General	95 - 115	4	5.00
6. Clerk II - Stores	85 - 105	4	5.00
7. Hospital Record Clerk	70 - 90	4	5.00
8. Clerk III - Accountant	130 - 150	2	10.00
9. Clerk III - Accountant and Stenographer	130 - 150	2	10.00
10. Accountant -	150 - 190	4	10.00
11. Institution Business manager	250 - 310	4	15.00
B. AGRICULTURAL			
1. Farmer I	65 - 80	4	5.00
2. Farmer II - General	90 - 110	4	5.00
3. Farmer III - Dairy and Piggery	90 - 110	4	5.00
4. Farmer II - Garden	90 - 110	4	5.00
5. Farmer II - Poultry	90 - 110	4	5.00
6. Farmer III	120 - 150	3	10.00
7. Florist	105 - 125	4	5.00
C. CUSTODIAL AND DOMESTIC			
1. Cook I	75 - 85	2	5.00
2. Cook II	85 - 105	4	5.00
3. Cook III	110 - 140	3	10.00
4. Food Service Supervisor	75 - 90	3	5.00
5. Baker	100 - 120	4	5.00
6. Butcher	100 - 120	4	5.00
7. Dietitian I	110 - 130	2	10.00
8. Dietitian II	135 - 155	2	10.00
9. Custodial Helper	60 - 75	3	5.00
10. Housekeeper	80 - 100	4	5.00
11. Linen Room Supervisor	80 - 100	4	5.00
12. Seamstress	80 - 100	4	5.00
13. Supervising Laundry Worker	80 - 100	4	5.00
14. Laundry Manager	105 - 125	4	5.00
D. EDUCATIONAL AND GUIDANCE			
1. General Elementary Teacher	100 - 120	4	5.00
2. Physical Education Teacher	100 - 120	4	5.00
3. Psychologist	110 - 130	4	5.00
4. Housefather I	75 - 95	4	5.00
4a. Housefather II	100 - 120	4	5.00
5. Housemother I	110 - 130	4	5.00
6. Housemother II	90 - 105	3	5.00
7. Housemother III	110 - 130	4	5.00

CHART III (CONT'D)

CLASSIFICATION PLAN AND PAY SCHEDULE

SCHEMATIC LIST	SALARY RANGE	NUMBER AND AMOUNT OF INCREMENTS	
E. HEALTH			
1. Physician I	$150 - 190	4	$10.00
2. Physician III - Psychiatric	250 - 310	4	15.00
3. Orthopedic Surgeon	Contractual		
4. Dentist	Contractual		
5. Pharmacist	110 - 130	4	5.00
6. Laboratory Technologist	130 - 150	4	5.00
7. Physiotherapy Technician I	120 - 130	2	5.00
8. Physiotherapy Technician II	135 - 155	2	10.00
9. Occupational Therapist	95 - 115	4	5.00
10. Graduate Nurse I	95 - 115	4	5.00
11. Graduate Nurse II - General	120 - 130	2	5.00
12. Graduate Nurse II - Orthopedic	120 - 130	2	5.00
13. Graduate Nurse II - Psychiatric	120 - 130	2	5.00
14. Graduate Nurse III-PSychiatric	130 - 140	2	5.00
15. Graduate Nurse IV - Psychiatric	140 - 170	3	10.00
16. Graduate Nurse IV - Orthopedic	140 - 170	3	10.00
17. Nurse Anesthetist	135 - 155	2	10.00
18. Surgical Nurse	135 - 155	2	10.00
19. Attendant I	65 - 75	2	5.00
20. Attendant II	80 - 100	4	5.00
21. Attendant III	105 - 125	4	5.00
F. MECHANICAL			
1. General Repairman	80 - 100	4	5.00
2. Carpenter Apprentice	75 - 90	3	5.00
3. Maintenance Carpenter	100 - 130	3	10.00
4. Maintenance Plumber	100 - 130	3	10.00
5. Brace Maker Apprentice	75 - 90	3	5.00
6. Brace Maker I	125 - 145	2	10.00
7. Brace Maker II	150 - 180	3	10.00
8. Steam Fireman	80 - 100	4	5.00
9. Chief Steam Operating Engineer	160 - 200	4	10.00
10. Chief Steam Electric Operating Engineer	160 - 200	4	10.00
11. Maintenance Plant Engineer	130 - 160	3	10.00
12. Truck Driver	80 - 100	4	5.00
G. LAW ENFORCEMENT			
1. Patrolman - State Police	135 - 155	4	5.00
2. Sergeant I - State Police	160 - 180	2	10.00
2a. Sergeant II - State Police	180 - 200	2	10.00
3. Captain - State Police	190 - 220	3	10.00
3a. Assistant Chief - State Police	225 - 255	2	15.00
4. Identification Officer	160 - 180	2	10.00
5. Law Enforcement Inspector I	110 - 125	3	5.00
6. Law Enforcement Inspector II	130 - 150	2	10.00
H. MISCELLANEOUS			
1. Watchman	80 - 100	4	5.00
2. Barber	80 - 100	4	5.00

received in lieu of cash is to be deducted from this amount. In order to standardize and equalize among various institutions the problem was made the subject of special study. For the purpose of computing existing rates a schedule evaluating full maintenance including three meals, one room, and laundry for a non-staff employee was adapted which placed the value at $30.00.[6] It was recommended that prior to the adoption of the pay plan, conferences be held with representatives of the state financial authorities and with the institution and police administrators to discuss the problems and proposals, and to adopt a practical and equitable system of computation.

The proposed pay schedule as designed by the Commission and introduced without change, would result in an increase of approximately $16,764.00 yearly.[7] The alternate schedule for a number of classes for which ranges have been recommended and which are somewhat lower than what seems to be equitable, if adopted would entail a total outlay of $31,088.00 as shown in the data sheets.[8]

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[6]See Appendix, Exhibit E,(Maintenance Schedule).

[7]The total payroll for the affected institutions and departments is approximately $400,00.00 yearly. Appendix, Exhibit F, (Schedule for Compensation Plan).

[8]Appendix, Exhibit C, op. cit. (Alternate Schedule)

The final adoption of a comprehensive pay schedule, in the institutions and police units, by the Commission was the second important project completed in the first few months of operation. The Commission was of the opinion that the best efficiency and the best employee morale can only be attained when there is an equitable pay plan to cover all the classes within its jurisdiction. It should be borne in mind that any recommendation and proposals made by the Commission in regard to pay policies must in the last analysis be approved by the State Legislature and included within the respective appropriations of the institutions and departments. At the time of this writing the budget estimates submitted by each administrative head have made provisions for the increases in the personnel costs in accordance with the pay schedule.

Section 3 of the Merit System Law provides, among other things, that "in making such classifications the Commission shall specify clearly those in which bi-lingual capability is a requirement, and those in which a speaking knowledge of the Spanish language is a requirement."

With respect to the bi-lingual requirement of the law, special care was taken both in the classification and the examination program to ascertain in what positions the knowledge was required. In the drawing up of the classification program, an item was added to the original

classification questionnaire filled out by the employees in which instructions were given to indicate the extent and necessity of the use of the Spanish language in each respective position. In addition, the problem was discussed with each administrator. After careful analysis of the questionnaires and after careful personal investigations in those cases where the knowledge of Spanish was distinctly important, duplicate classes were to have been provided one register of English-speaking eligibles and the other of bi-lingual eligibles. Thus there would have been two registers for each class in which Spanish was necessary. As it turned out, however, only a very few classes were found to require Spanish and it was found unnecessary to designate any particular classes of positions as ones requiring Spanish. In certain specifications it was indicated that a knowledge of the Spanish language might be regarded as a prerequisite and the decision was left up to the respective administrators to indicate when bi-lingual capability was desirable. The bi-lingual problem was recognized in the examination program to the extent that in certain positions a simple conversational examination was administered. The eligible registers for certain positions indicate the bi-lingual rating of the candidate.[9]

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[9]The positions referred to are: B-1 to B-6; C-1 to C-6; C-9; E-19 to E-21.

The Merit System Commission is empowered in Section 3 of the Merit System Law to adopt rules and regulations to carry into effect the requirements of the Act as to employment of persons by competitive examination for public service, and as to demotion, promotion, transfer, and discharge of such persons. Because of the fact that the operations of the Merit Commission were disastrously handicapped if not fatally crippled by an insufficient appropriation, the members of the Commission deemed it desirable to refrain from the actual promulgation of rules and regulations until such time as the program was adequately financed in such a manner that would enable it to go ahead with alacrity.

At the time of the enactment of the Merit System Law the question of how much money was needed to finance the program was very much a question mark. As time went along, however, at the very first meeting of the Commission, in fact, the precarious financial status was duly recognized,[10]

Despite the rather tight limitations of the Commission's finances the Commissioners have, since the very first days, set down certain guiding and informal principles which are adopted as specific problems present themselves. This policy of adherence in guiding principles

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[10]News item Albuquerque Journal, January 25, 1940.

set down in harmony with the purpose of the Act can be concisely stated as follows:

(1) To promote good will and confidence in the administration of the Act both as to the people affected and to the general public as well.

(2) To promote economy and effective service in the offices and employment under the jurisdiction of the Commission.

(3) To provide a modern and comprehensive system of personnel administration wherein:

(a) Positions essentially alike in duties and responsibilities shall be treated alike in all personnel processes, and positions not so alike shall be treated with due recognition of the nature and extent of the differnces between them.

(b) Fair and equal opportunity shall be accorded all qualified citizens of the state to enter state employment on the sole basis of merit and fitness as ascertained through practical competitive examinations.

(c) The state service under the jurisdiction of the Merit System Commission, so far as practicable, shall be made attractive as a career, and each employee shall be encouraged to render his best services in compliance with the provisions of the Act.

(4) The Merit System Commission, in compliance with the spirit of Section 13 of the Act, has welcomed any municipality that might wish to be included in the application of the Act.

At such future time as the Commission shall deem it propitious much time and consideration will no doubt be devoted to the preparation and formal adaption of rules and regulations. The purpose of such rules and regulations is primarily to explain and elaborate the law and to

implement the personnel operations. They should be informative with respect to the personnel operations and should cover such matters as terminology and definitions, specific provisions, appeals and hearings procedure, organization and functions of the Commission, hours of work, and sick and annual leaves. They should also include procedures and regulations governing transactions such as classification, pay, appointments, (including emergency, temporary, and provisional appointments), layoffs, suspensions, dismissals, promotions and demotions, and examinations.[11] The rules should be prepared with the advice and after consultation with representatives of the Governor, Attorney General, budget, and legislative finance groups, department heads, representatives of the public and of the employees. The rules and regulations should be adopted at a formal public hearing attended by all interested parties.[12]

Recruitment for the public service be it federal, state, or local government cannot successfully be approached with an air of relative passivity.[13] It is not just a matter of the publication and distribution of unattractive

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[11]Waldenfels, op. cit., p. 23

[12]Waldenfels, op. cit., p. 24

[13]Wilmerding, Lucius, Jr., Government by Merit, (1935), chs. 5-7

announcements, often necessarily written in rather forbidding "official English". Recruitment rather concerns itself with the arousal of interest of specially qualified persons and inducing them to apply for examinations. Effective recruiting for public service demands that every available channel of publicity be used, but it must be used intelligently through proper selection of the medium which will reach most directly the field of competitors who will probably be interested in any particular examination without arousing the interest of others who would take the test for no other reason than curiosity or desperate need for employment. All available channels should also be used in conveying all the pertinent information the employment which will make it possible for potential candidates to determine for themselves whether or not they are qualified for and interested in employment.

The Merit System Commission launched its recruitment program in the early part of May 1940. Because the system was new and also because there was very little precedent upon which to establish a well developed recruitment program, the program as carried on did not meet the full expectations of the Commission. It had been the hope to unleash a double-barreled program which would reach prospective applicants in every part of the state. One hundred per cent response was not forthcoming, probably

posters such as are used in the U. S. Army and U. S. Navy recruiting services. Paid advertisements will be resorted to in newspapers as will regular announcements in all the larger radio stations in the state. By such means it is the hope of the Commission to attract to the state service the type of person from whom the public is entitled to receive service.

Besides the regular prescribed duties of the Merit Commission relative to providing a modern and comprehensive system of personnel administration within the limits afforded by law, the Commission, like any other operating departmental unit, has given considerable time and attention to the economical expenditure of monies appropriated by the legislature to operate the Commission itself. Because of the peculiar conditions surrounding the financing of the Merit System Commission during its first year of operation, a brief investigation into this particular aspect of administration will be most worth while.

Under Section 18 of the Merit System Law, money was appropriated to be used by the Commission in defraying expenses incurred in the administration of the Act. The sum of ten thousand dollars ($10,000.00) was appropriated for the twenty-eighth fiscal year ending June 30, 1940 and the sum of nine thousand dollars ($9,000.00) for the twenty-ninth fiscal year ending June 30, 1941. The first

voucher was drawn by the Commission on January 16, 1940 and from that time till the end of the twenty-eighth fiscal year, nine-thousand dollars was expended (the original $10,000.00 appropriation having been cut 10 per cent by the State Finance Board). The Commission managed to keep within the budget for the twenty-eighth fiscal year despite the fact that an expenditure of $4,075.50 was made for personal services and an expenditure of $2,573.58 was made for initial furniture and equipment purchases. Also included was the payment of $1,189.80 to the Public Administration Service.

In a message to the State Board of Finance on June 24, 1940, the Chairman of the Merit System Commission submitted the budget for the fiscal year ending June 30, 1941. The Chairman explained that the budget was considerably in excess of the amount made available by the 1939 Legislature. In support of the amount requested the Chairman pointed out that estimated salaries for the period would approach $8,920.00. It was the hope of the Commission that the State Finance Board, in view of the inadequate appropriation, would augment the appropriation so that the Commission could carry on effectively. The Finance Board, however, was unable to take such action and the Commission was forced to stretch the appropriation as much as possible and operating expenses were

CHART IV

COST OF OPERATION OF MERIT SYSTEM COMMISSION
OF NEW MEXICO 1939-41

	28th Fiscal Year	29th Fiscal Year	29th Fiscal Year
Personal Services	$4,075.50	$7,178.35	$2,175.00
Supplies	509.79	306.69	73.66
Telephone and Telegraph	80.41	93.39	20.80
Postage	200.00	128.09	
Travel	838.68	414.56	116.81
Transportation of Things	2.07	42.73	
Printing and Binding	368.29	83.50	22.75
Rent	250.00	585.00	66.00
Other	95.68	152.63	3.36
Equipment	2,579.58	14.00	
TOTAL	$9,000.00	$8,998.94	$2,478.38*
Appropriation	9,000.00	9,000.00	

* Borrowed from Governor's Special Emergency Fund.

necessarily cut to a minimum. Needless to say, the successful execution of the functions of the Commission was seriously delayed during the intermission in which funds were exhausted. Especially was this true in the cases of approximately forty classes where final examination grades were held in abeyance pending the administration of the oral examining program which directly affected these classes.

The $9,000.00 appropriated to the Commission was exhausted on December 21, 1940. At the time of this writing the Commission had been able to borrow $2,478.38 from a special emergency fund left at the disposal of the Governor. Whether or not subsequent loans will be made from this source to the Commission is a matter of conjecture.

At the time of this writing there is a deficiency appropriation pending before the 15th Legislature which proposes the appropriation of a sum of $7,500.00 to the Merit System Commission for operating purposes for the remainder of the twenty-ninth fiscal year ending June 30, 1941.

A very important determinant of the amount of the appropriation for a merit system agency should be in terms of the number of employees which it covers. At the present time the Merit System Commission affects approximately 376 employees and has spent close to $20,000.00 during the first year of operation. Thus the per capita cost approaches $53.00 which is obviously rather excessive. The Commission

exercises jurisdiction over administrative payrolls amounting to $400,000.00. Thus the operating cost of the Commission has approached 5 per cent of the total payrolls. According to personnel experts the minimum operating expenses of an agency should not be less than 1 per cent of the total payrolls effected.[15]

The truth of the matter is that the Commission with its present personnel could quite easily and adequately administer twice again the number of employees it now covers with very little increase in expense. Recommendation has been made consistent with this evidence for the extension of the system to include other employees and hence reduce the per capita cost and operating payroll percentage.

In closing this specific phase of the administration of the Merit System Law it is difficult to refrain from commenting upon the hopeless inadequacy of the original appropriation. If a merit agency is going to operate with effect, its financial status must be placed on a satisfactory basis. The experience in Kansas where the merit agency, though left on the statute books to exist legally, actually withered away because the legislative appropriations were not forthcoming is an excellent example of how

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[15]Proceedings of Thirty-First Annual Meeting of the Civil Service Assembly of the United States and Canada, Address by Samuel H. Ordway, Jr., "Public Personnel Administration of the Future", p. 15, October, 1939.

a Merit System Law can be circumvented.[16]

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[16] Key, V. O., Methods of Evasion of Civil Service Law, 15 Southwestern Social Science Quarterly, 337-47 (1934-35), also Civil Service Agencies in the United States; A 1940 Census, a pamphlet published by the Civil Service Assembly of the U. S. and Canada, July, 1940, p. 17.

CHAPTER V

EXAMINATION AND PERSONNEL PROGRAM

With the classification plan completed and the pay schedule set up, the Merit System Commission in the early summer months of 1940 addressed itself to the construction of the examination program. This chapter is devoted to that portion of the personnel program which is concerned with the construction, administration, and grading of examinations as performed during the first operating year of the Merit System Commission of New Mexico. In addition, this chapter proposes to describe the objectives, methods, and procedures that are to be followed in conducting the oral interviews when finances permit. Also included in this chapter are such phases of administration as the certification of eligibles on the classified register, and last but by no means least, the employment of service ratings by the Commission.

Inasmuch as this chapter proposes to deal with the methods of selection of employees by the Commission, it seems proper to commence at the very beginning of the selection process and that is with the filling out of the application by the prospective employee. Unimportant and routine as it may appear, the proper execution of the

application blank is in reality quite significant. The usual application form for entrance into the public service elicits four types of necessary or desirable information, as follows: data required (a) to identify the applicant, (b) to comply with the legal provisions governing the merit system, (c) to determine the fitness of the applicant for the job involved, and (d) to aid the appointing officer when he makes his selection from among those certified.[1] It goes without saying that though a good application blank elicits every bit of information in the aforementioned respects, it should, at the same time, be characterized by simple, straight to the point, well worded questions that avoid ambiguity and require short, concise answers. The physical make-up of the form should exclude fine, closely spaced print and the employment of heavy rules separating the questions. There are other rules concerning the proper construction of a good application blank, but suffice it to say that it should be as simple, clear, and concise as possible. The application form employed by the Merit System Commission fairly well met the requirements of a good form and as such was not the source of administrative difficulty to any appreciable degree.[2] The application was used to

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[1]See 45th Annual Report, U. S. Civil Service Commission (1928), p. 60.

[2]Appendix, Exhibit H, (Application Blank)

determine those who did or did not meet the citizenship requirement of one year residence in New Mexico.

As specified by the law, Section 6 of Chapter 157 of the Session Laws of 1939 provides that "No person shall be eligible for examination for employment under the provisions of this Act unless he is a citizen of the United States of America, and unless he shall have been a resident of the State of New Mexico for at least one (1) year prior to the date upon which such examination is given." Guided by an opinion of the Attorney General of the State of New Mexico, the Commission gave strict effect to this provision in all cases except those in which by virtue of the professionalized nature of the positions it was impossible to secure enough available people in the State.[3] This waiver of residence requirement was applicable only in the few positions in the medical and health group.[4]

A very important use to which the Commission employed the application blank was in determining the subsequent weights, which varied in each class, of the experience and training of each applicant. In other words, the application which contained the record of training

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[3]Opinion of Attorney General of the State of New Mexico, April 26, 1940.

[4]Residence waiver applies to E-1 to E-18, inc.

and experience was studied very carefully in ascertaining to what degree such training and experience approached the maximum which was determined beforehand for each class and had considerable bearing on the final score made by the examinee.

At the time that the Commission was preparing to accept applications for the eighty-one classes under its jurisdiction it was faced with several important problems, foremost among these was whether or not to require applicants to pay a filing fee with their applications.[5] The Commission decided in the interests of equality and impartiality not to require the payment of a fee. There are many experts in the field of personnel work who feel that some portion of the cost of the personnel program should be shifted to those who would benefit by the program and that the best way to do this is through the device of exacting application filing fees, insofar as such action might easily discourage many from taking part in the program and as the Commission was still too new to be plagued by chronic test takers, the wisdom in waiving the fee requirement can be quite easily seen.

Another problem which confronted the Merit Commission at the time was the question of veterans' preference. It is a matter of record that the amount of preference given to

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[5]See Chapter 157, 1939 Session Laws, Sec. 14

veterans in the federal civil service is considerable. In the states, preference provisions though less sweeping, nevertheless exists. The question was and is whether taking veterans indiscriminately into the civil service is the right way to repay or reward those who sacrificed life and limb in the service of their country.[6] Fortunately the Merit Commission was not faced with the immediate problem of deciding the question as the Attorney General rendered an opinion that the Commission could not arbitrarily give a preference to any group or class until the Legislature makes its intention clear in the Law which it had not done up to that time.[7]

In closing comment on the application procedure employed by the Commission, it must be said that the one glaring shortcoming in the application form was the lack of an accompanying photograph by which the examinee could be identified. Under the method used, there was no safeguard made whatsoever to prevent an applicant from employing a "capable" substitute to take the examination in his stead. It is strongly recommended that this condition be ameliorated to conform with the most advanced application

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[6]For detailed discussion of veterans' preference, see Kingsley, J. D., and Mosher, W. E., Public Personnel Administration (New York: Harper & Bros. 1936), pp. 193-211

[7]From opinion of Attorney General of New Mexico, June 25, 1940

practices in personnel procedures. Further, such an insurance on honesty would safeguard the Commission from attack or criticism on this point.

Having secured the information called for by the application blank, the next step in the selection process was the acceptance or rejection of the application, involving admission to or exclusion from the examination. The bases employed by the Merit Commission in the rejection of applications were in line with the general standards that are usually found in the law or the rules governing a particular public personnel service. In general, it may be said that the following bases for rejection of applications are normally prescribed: (1) absence of preliminary requirements (as the Merit System Commission made but few minimum requirements, such as physician's licenses, nurse's registrations, etc., this was generally not applicable), (2) physical disabilities which render the applicant unfit for the performance of the duties of the position.[8] (3) addiction to habitual or excessive use of drugs, narcotics, or alcohol, (4) criminal or disgraceful conduct on the part of the applicant at any time, (5) previous dismissal

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[8]So far as can be ascertained, no applications were rejected on this ground: however, provision is made in the oral examining program to take physical defects into account.

from the public service for delinquency, misconduct, or cause, (6) attempted bribery or attempted use of political pressure, and (7) deception or fraud in application.[9]

In the course of accepting applications, the Commission sought to allay any fears that the program was not open to all. Though this practice may be excusable in the early years of a small personnel agency, it is hard to justify as a policy in later years when the agency might be larger. The desire to be ultra-democratic and equalitarian must not overshadow the practical view that recognizes that the result is likely to be the same whether rigid standards are established at the outset that require candidates to meet them or whether it is left to the actual test to eliminate the hopelessly unfit. Undue expectations on the part of the examinees and unnecessary examination administration might easily suggest the practicability of establishing some minimum requirements. The Commission was able in many cases, after reviewing the applications, to contact the applicants suggesting that they apply for certain particular examinations which according to their application they seem especially qualified. This was done in the way of a suggestion only and implied no measure of compulsion. It was done especially in those

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[9]Kingsley, J. D., and Mosher, W. R., op. cit., pp. 130-131

classes in the custodial and domestic services.

It would be impossible to describe the methods and procedures followed in the application procedure without mentioning the ingenious form which expedited many of the transactions between the Commission and the applicant. Form 103 is a fanfold card form consisting of five 3 x 5 cards.[10] The cards are lettered A, B, C, D, and E. For every position for which an applicant applies, he makes out a set of cards. On the face of each card, with the exception of Card E, there is a space for a stamp, title of position, code numbers of position (filled out by the office staff),[11] name and address. Card A is entitled "Notice of Receipt of Application" and is sent back to the applicant immediately after the application is received and examined. Card A gives notice of acceptance or rejection of application with reasons in either case. Card B informs the applicant of the time and place of the examination for the particular position. Card B is used as admittance authority for the application to take the examination. Card C informs the applicant of the time and place of the oral interview (if oral is required).

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[10]Appendix, Exhibit I

[11]The classes in the eight different services are coded for convenience. See code numbers for classes on Form 105, Examination Announcement, Appendix, Exhibit G.

And finally Card D notifies the applicant of the results of the examination, passing or failure.[12] If a passing mark is made, the examination score and position on the eligible register is indicated. Card E is kept in the office in an application register file. It can easily be seen from this brief description of this form that it saves a great deal of time that might otherwise be spent in writing letters. In addition, it is extremely manageable in the files and in making the chronoligical movements from application to announcement of examination results.

The cornerstone of the public personnel program is the process of selection by means of competitive tests, a process that had its origin at the very beginning of the so-called civil service system. It is widely believed that civil service examinations are unrelated to the work to be performed by the successful candidate and that they smack altogether too much of the "three R's". This attitude may be fully justified if one considers the examinations given under the auspices of the earlier civil service commissions, as well as those of some of the less alert and under-financed commissions today. But such

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[12] Card D containing examination results is sent to the examinee in a sealed envelope to insure privacy.

tests have long been relegated to the waste baskets by examiners of the new school. The science of testing, and it becomes more scientific as time goes on, involves many problems calling for painstaking research and experimentation.

The trend in the government departments, both federal and local, as well as in industry is towards specialization. As the work itself becomes more specialized, the employee who performs it must be more highly qualified as to both native aptitude for the work and training. Entrance examinations for the government service, always important, are becoming more and more so. Specialization of duties demand more specialized examinations.[13]

The ends of a well-designed testing program are synonymous with those of the whole selection process. They are two in number. In the first place, the program is designed to select persons who will be efficient in the particular positions to which they are assigned. This may be termed the immediate end of any system of recruitment and selection. But there is a second objective which should be kept in view, and it is one that is often lost

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[13] 40th Annual Report, U. S. Civil Service Commission (1 23), report of Director of Research, p. 1.

sight of in the rush to adopt practical tests. The process should also result in the selection of employees who possess a capacity for growth and development. This is essential if the personnel agency is to capitalize on the many advantages which accompany the policy of recruiting the higher positions by promotion from within the service. Because it is relatively easier to measure, achievement has generally been the "yardstick" by which individuals are selected. There are many who dispute the advisability of selection on a basis of achievement on the grounds that many times, were it possible to chart the career of the individual, it might well be found that while the past record of achievement is excellent, he has reached his peak and is beginning to decline. The practical conclusion indicates that the best method of testing is one which not only measures the achievement ability, but also the capacity for development.

The examination program as constructed and administered by the Merit System Commission of New Mexico hinged on primarily one objective. That objective was that examinations would be so constructed that they would reflect the job, hence, the question asked therein were of a very practical nature. The Commission did not construct examinations of a series of questions relating to reading,

writing, and arithmetic, nor the Greek classics and the history of Phoenicia, but instead attempted to make them coldly factual, objective, and pertinent to the type of employment for which the selection of personnel was being made.

Because the examinations were based on the actual duties of the job, the Commission's Examiner made a detailed study of each classification by studying the job descriptions made out by the employees;[14] by studying the specifications of each class as contained in the classification plan, and by actual observation of the jobs in execution. This was the first step in the examination program and was the nucleus around which the program revolved; and, because so very much stress was placed on adapting the examinations to fit the classification, there is much truth in the statement that the examiner is doomed to failure if the classification is wrong.[15]

As a result of the analysis made of the classificatons by which the examiner was able to ascertain what duties, functions, and abilities were important and essential in each class, the framework of the examinations was laid out.

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[14]Appendix, Exhibit A, (Classification Questionnaire)

[15]From address by Kenneth L. Wentworth, Examiner, Merit System Commission of New Mexico, October 12, 1940.

The functions to be tested in the different jobs were re-checked and decided upon and the weighing of the different sections were determined. At this point also, the examiner after carefully considering the peculiarities of each job, decided upon the distribution of weights among the written examination, training and experience, oral interview (if any), and service rating (incumbents only). Recognition was given to the fact that these elements fluctuate and vary in importance with each respective class; therefore, great care was taken that emphasis was correctly placed. This preliminary portion of the examination is known as the "phychological section".

Once the tentative "physchological section" of each examination was drawn up it was taken to the heads of the six institutions and two police units where a consultation was held concerning the correctness of the weights assigned and the factors of the jobs to be tested. Of course, these elements were discussed relative to the positions that existed in each institution, for example, the Chief of the State Police was not concerned with the psychological sections of the Orthopedic Nurse's examination. As a result of these consultations, some sections were added to the examination such as irrigation for farmers, and other sections were eliminated, such as materia media for physiotherapy technicians.

The actual accumulation of questions was then undertaken. A pool of some 10,000 questions was obtained from the Civil Service Assembly and from other merit systems throughout the United States. By a careful process of selection and balancing from this source, rough preliminary structures were set up to correspond as closely as possible to the psychological sections. In the preliminary drafts more items than were needed were included to fill the projected sections of the examinations. The preliminary drafts were then taken to reputable experts in respective fields who eliminated items and made changes in others. This was done to be sure that the questions were practical and applicable in New Mexico. After the careful analysis by experts, the different sections were reduced to the desired size. The stencils were cut and the examinations were mimeographed and assembled.

Before going on to the actual administration and grading of the examination, a word should be said in regard to the actual form of the examinations. In all cases the questions were of the "short answer" type, the majority of the questions being "true-false". The Commission employed this type of question for a variety of reasons, the most important being: the greater degree of objectivity in the question itself, the ease with which short-answer types lend themselves to grading and checking, and last of all,

the greater fairness to those examinees who know the material, but who would have difficulty in expressing it in adequate literary style. An effort was made to characterize the examinations with a high degree of practicality and to avoid extremely academic, ambiguous, and "catch questions."

The Merit Commission enjoyed a good measure of success in administering the examinations. Before a group of examinations was held, the applications were charted on a map to determine what cities in the state would be the most convenient examination centers. Once the centers were decided upon, the Commission would contact the high school principals in the respective cities and make necessary arrangements for them to act as monitors and also for the use of the schoolrooms. This done, the announcement of examinations for the specified classes was given two weeks ahead to the newspapers and Form 105, card B "Notice of Examination" was sent to the applicant. The Commission had attached an envelope to each examination booklet which was market with an identification number. The booklets were then tightly sealed and sent to the respective centers where they were not to be broken open until the minute the examination was to begin. The examinees were to witness the opening of the examination package and as each booklet was presented, the B cards were put in the

attached envelopes and from then on until the final grading of the written examinations, numbers on each booklet was the only means of identification. When the examinations were finished, they were sent in to the Commission office together with the monitor's report.

Examinations were administered for 77 of the 81 different classes in a period extending from August 10, 1940 to November 9, 1940.

Test material used by the Merit System Commission was necessarily kept very confidential prior to and after the administration of the written examinations. Extreme care was exercised to prevent leaks of information or to allow graders to know whose paper they were grading. In all probability, the Commission will allow people who have taken the examinations to come into the Commissioner's office and look over their own examination papers providing notes are not taken of the examination material. Because test material is difficult and expensive to obtain, very strict rules should be made governing the perusal of old examinations and under no circumstances should the test material be allowed to leave the Commission's office. The Commission felt that every effort should be made to insure that the examination program be conducted in the most "up and above-board" fashion. Examinations were always carefully sealed and sent by express when in transit.

CHART V

STATISTICAL DATA ON EXAMINATIONS

Number of classes requiring examinations..... 77

Number of classes examined except for oral..... 39
Number of classes entirely examined (no oral required)..... 38

		Total Exams	Total Persons
APPLICANTS			
Incumbents		396	396
Others		1,961	1,195
	Total	2,357	1,591
WRITTEN EXAMS ADMINISTERED			
Incumbents		378	378
Others		1,275	749
	Total	1,653	1,127
FAILED TO APPEAR			
Incumbents		23	23
Others		686	446
	Total	709	469

RESULTS OF EXAMINATIONS:

	Placed on Register	Failed	Pending Practical Exam	Pending Oral Exam	Pending Decision Of Board	Failed To Take Exam	Total Pending
Incumbents	156	30	1	187	2	23	213
Others	482	388	0	384	3	446	387
Totals	638	418	1	571	5	469	600

The selection of principals, superintendents, and high school teachers to supervise the taking of the examinations; the use of the identification number to avoid personal favoritism - all were wise and forward-looking safeguards designed to protect the integrity of the examinations.

The grading of the written examinations, though a tremendous job, did not require an unreasonably long time to complete. The grading of papers was performed by members of the Commission staff aided by a graduate student in social work, a junior high school teacher, and a psychology student. Inasmuch as examination booklets were numbered, the graders were unaware of whose paper they were grading. All grading was done twice independently and in cases where discrepancies occurred, a third grading was performed.

It must not be assumed that the entire examining program was centered in the written examinations. For each class, weights were assigned beforehand to training and experience. In those positions requiring important personal contacts, weights were assigned to the oral interviewer. Incumbents were further rewarded or penalized by good or poor service ratings. In most positions the maximum merits or demerits possible for service ratings was 15 per cent. See Chart VI.

CHART VI

SCALE OF WEIGHTS OF MERITS & DEMERITS
FOR SERVICE RATINGS OF INCUMBENTS

RATING	PERCENTAGE MERITS AND DEMERITS 5%	10%	15%	25%
A	+5	+10	+15	+25
B+	+3.75	+ 7.5	+11.25	+18.75
B	+2.5	+ 5	+ 7.5	+12.50
C+	+1.25	+ 2.5	+ 3.75	+ 6.25
C	0	0	0	0
C-	-1	-2	-3	-5
D	-2	-4	-6	-10
D-	-3	-6	-9	-15
E	-4	-8	-12	-20
E-	-5	-10	-15	-25

The service rating occupies a very important place in the operations of a personnel agency, and because of that reason will be discussed in detail in the latter part of this chapter. It is interesting to note that of the thirty incumbents subject to dismissal thus far, only one had a slightly better than average service rating. All others had service ratings average or below. In view of the fact that the examination procedure for those classes which require an oral interview has as yet not been completed, it is impossible to state with any degree of accuracy, the total number of failures or passages in the group. This group numbers thirty-nine classes, and,

assuming that enough money is appropriated to the Commission, they will be given oral examinations in April or May 1941.[16]

It is possible, on the other hand, to describe the methods and procedures followed by the Commission in setting up eligible registers for those classes which by virtue of their duties and responsibilities do not come in contact with the public to any marked degree and hence, do not require oral interviews to complete their examining process. There are thirty-eight classes in this group.

When the grading was completed for those classes not requiring an oral interview, the names of all examinees were placed in their respective lists from best to worst according to their overall score. The examiner in making recommendations to the Commission, divided each list at the point where the scores began to break down seriously. If in the event that the incumbent was above the breakdown point, the examiner recommended that he be retained. If the incumbent was below the point, recommendation was made that he be dismissed. Outsiders above the breakdown point

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[16]Classes which require an oral interview and whose examination is still pending include: (See code, Exhibit G) A-3, A-4, A-9, A-10, A-11; B-6; C-3, C-4, C-8, C-10, C-14; D-1, D-2, D-3, D-4, D-5, D-6, D-7; E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-21; F-9 F-10; G-1, G-2, G-3, G-4, G-5, G-6, G-7.

were placed on the respective eligible registers.

In those classes where the duties of each position required considerable physical strength and endurance, a practical demonstration test was administered. The test consisted of lifting a 50 lb. sand bag from the floor to a table and back twelve times during the course of a minute. Ratings on this test were determined on a pass-or-fail basis, a plus mark (+) being placed on the B card if the test was passed and a minus mark (-) being placed on the B card if the test was failed. No names were placed on the eligible registers for those classes that had not passed the endurance test. The endurance test, of course, was administered only to a few classes where much lifting is required.[17]

In looking back with a critical eye at the results of the examinations completed thus far, several conclusive indications can be seen. Thirty of the 156 incumbents completely examined failed to pass the examination and are subject to dismissal. This indicates that the very poorest element in these classes has been eliminated by the examination process and that the incumbents retained have proven themselves capable of at least meeting minimum requirements.

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[17]Classes in which physical tests were required were: C-9, E-19, E-20, E-21. (See codes, Exhibit G).

Many of the incumbents retained were well in the upper division of the eligible registers. The fact that of the thirty incumbents subject to dismissal only one had a better than average service rating, the rest being average or below, speaks well in that the examinations correlate highly with the judgement of superiors who rated the subordinate employees independently. In addition, a graphic chart constructed to disclose the relative difference in grades between incumbents and outsiders shows clearly that a much more capable class was recruited as evidenced by the relative scores on each group. Such a chart for examinees taking the Custodial Helper (C-9) examination follows on Page 101.

A word should be said, before going on, about the proposed methods and procedures which will be followed in completing the examining program for the thirty-seven classes in the service. Mention should also be made in support of the purposes and objectives of administering oral interviews.

The oral interview is designed to determine as objectively as possible the personality factors that are extremely essential in the higher grade positions in the public service or in those positions where personal contact with the general public or subordinate employees is existent to a marked degree. The question arises as to what sort of information of value in the process of selection can be best

secured through the personal interview. Certainly, it is not supposed to provide an additional measurement of a factor already conveyed by another portion of the total examination. Oral examinations are used to judge appearances, bearing, ability to command respect through personal contacts, ability to express one's self orally, ability to marshall one's thoughts effectively in conversation or conference, and other personality factors that may be considered important to the position. In order to provide assurance that the oral examination will carry out the purpose for which it is intended, and to prevent extraneous factors from asserting themselves, the Commission will find it necessary to plan, limit, and control the examinations with the utmost care. As in the case of the written examinations, a chart of examinees will be made on a map to determine what centers are the most convenient for the majority of people, that being determined, preliminary plans will be set up governing the composition of the examining board, methods to be followed in rating and the form which will be used to lend standardization. Each one of these aspects will be dealt with in the order named.

In the selection of those from outside the Merit Commission staff who are to assist in the interviews, the Commission definitely plans to maintain a consistently

high plane of competence and integrity. Prominent business and professional men who have not been politically active will be asked to serve as a public service and without pay. These men will be coached in the objectives and methods of the oral examination process. Examining boards will be set up at the different examining centers with outstanding citizens of each locality serving together with a representative of the Commission who will serve as a "circuit" examiner. When the oral examining forms have been filled out for each examinee by each examiner, they will be sent into the Commission office.[18]

For those classes requiring oral examinations and which from their duties and responsibilities the knowledge of Spanish is desirable, an oral conversational Spanish examination will be administered. These classes will probably be State Police Patrolman (G-1, Farm Superintendent (B-6), Housefather (D-4), and Law Enforcement Inspector (G-5). Though this list is tentative and subject to modification or amplification, plans are being made to give them oral Spanish examinations. See Chart VIII on Page 104.

An attempt has been made to deal in turn with the technical operations of the Merit System Commission insofar

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[18]Appendix, Exhibit J, (Oral Examining Form)

CHART VIII

BI-LINGUAL PARTICIPATION IN EXAMINATION PROGRAM

Number of Applications

Anglo applicants	2079	70.8%
Spanish applicants	856	29.2%
Total	2935	

Number of Examinations Given
(by examination center)

Center	To Anglos	To Spanish	Total
Albuquerque	459	179	638
Capitan	16	0	16
Carlsbad	7	0	7
Clayton	6	0	6
Clovis	91	1	92
Farmington	10	4	14
Gallup	16	9	25
Hobbs	16	0	16
Hot Springs	128	19	147
Las Cruces	63	20	83
Las Vegas	97	172	269
Lordsburg	6	3	9
Portales	8	0	8
Raton	51	12	63
Roswell	28	3	31
Santa Fe	59	43	102
Silver City	11	5	16
Springer	7	3	10
Taos	16	17	33
Tucumcari	59	7	66
Muskogee, Okla.	1	0	1
	1,155	497	1,652
	69.9%	30.1%	100%

Number of Eligibles on 36 Eligible Registers
Already Set Up

Anglos	442	68.7%
Spanish	201	31.3%
Total	643	

as they have gone. The summary presentation which has been followed up to this point hence is position-classification, compensation or pay plan, recruitment, and examination. Yet to be considered in this chapter are the subjects of certification, and service ratings.

Certification is the process of sending to an appointing officer the names of those who are eligible for appointment. The process of recruitment and examination comes to its logical end in the certification of names of eligibles for the consideration of the appointing officer and his selection of an eligible. The procedure employed by the Merit System Commission is the certification of the first three names on the eligible register from which the appointing officer may select any of these. When the names of the three top individuals are sent to the administrator they are accompanied by such pertinent data as letters from former employers, application form if desired, and examination folder if desired. This material is sent back to the Commission office when the selection has been made. Though there are many who criticize the leniency of allowing the administrator to select from the top three, experience has shown that a minimum of discretion must be allowed the appointing officer and that he should be allowed to pick from the three top eligibles the individual who is in his judgment can best perform the duties of the particular

position insofar as all three have proved themselves qualified as evidenced by their examinations and consequent positions on the eligible register.

Before the appointing officer makes his selection certified individuals may be called upon for a personal interview, and also to take a medical examination which he must pass before he is given appointment.

Definite rules and regulations governing how many times a certified individual may be passed up by the appointing administrative head have yet to be made but in all probability it will be limited to two movements by each appointing officer, before the individual is dropped from the particular register.

It goes without saying that eligibles should be carefully investigated before appointment in order that the appointing officer can have the maximum assurance that the appointment will be well made.

A very false and dangerous idea has grown in the past years in regard to the security which a person chosen by merit system processes enjoys. It has been said that once an individual passes the examination and gets on the job he is "set for life". Nothing could be farther from the truth. The Merit System Commission has been quite articulate in its insistence that those people who have been certified as eligible and appointed to the state service

must continue to display evidences of good work and are always subject to recheck, rating, and disciplinary action by the administrative heads of their particular unit. Various measures have been instituted in the departments under the Commission's jurisdiction to keep employees constantly doing their best with maximum efficiency. In the very first instance, individuals certified by the Commission and appointed by administrators are placed on a six-month's probationary period during which time they must prove their adaptibility and capability for the job. In reality, this six-month's probationary period is actually a phase of the testing process inasmuch as it is the means by which the appointing officer is in a position to conduct the actual test of ability as the examinee performs the work under actual conditions. If in the event the examinee does not measure up to desired standards during the probationary period, he is subject to dismissal.

A second disciplinary instrument available to the administrator is recourse to suspension, discharge, and removal. In a healthy organization, the staff possesses a high morale which relegates discipline of any type to a secondary importance. For most persons, the attitudes and morale of the group are a sufficient guide to conduct; and where effective leadership and good supervision exist,

problems of discipline largely disappear. The need for disciplinary action arises under a great variety of circumstances. The ordinary causes which put in motion some form of disciplinary action include (1) inattention to duty - tardiness, laziness, carelessness, breakage, or loss of property, etc.; (2) inefficiency; (3) insubordination, violation of law or regulation, disloyalty; (4) intoxication; (5) immorality; (6) lack of integrity, including violation of a recognized code of ethics, failure to pay debts, soliciting or accepting a bribe or deliberately neglecting to enforce the law.[19] A common formula which is plastic enough to cover a multitude of sins is "conduct unbecoming to an officer". The language in the Merit System Law is very exact in the powers which it bestows on the Commission in regard to suspensions, and removals. Section 9 provides:

> The employing authority of any department or institution governed by this Act may suspend any employee for gross incompetence, insubordination, conviction of a felony, or intoxication during hours of employment, for one period of not to exceed thirty (30) days during any twelve month period of employment, and said authority shall be the sole judge of the existence of ground for suspension and the employee shall have no right to appear therefrom. In the event any employee is suspended more than once during the twelve month period of employment, he shall be entitled to appeal from such second order of suspension to the Commission for a hearing as to the existence

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[19] See Florence E. Allen, "Remedies Against Dishonest or Inefficient Public Servants", Annals 172-83 (1933)

> or non-existence of grounds for suspension and may produce and examine witnesses and present evidence at such hearings upon such terms, conditions, and rules governing proceedings as the Commission shall prescribe. The decision of the Commission upon such appeal shall be final, and neither the employee nor the employing authority shall have any appeal therefrom. In the event the Commission shall find that the employee was suspended twice for sufficient cause, said employee shall automatically be removed from his office or position and the vacancy thus created shall be filled from eligible applicants who have passed satisfactory examinations in the manner prescribed by the rules and regulations of the Commission."

Up to this time, there have been no appeals made either from employees or employing authorities to the Commission on questions of suspension and dismissal. It is not too much to conclude that as the Commission expands its operation, much quasi-judicial activity will no doubt be given ample exercise.

A very definite function which any personnel agency can and must perform is that of payroll auditing. It is an important safeguard against abuses and one that is incorporated in the test of most good civil service laws. The power of the Merit System Commission in this respect is implied in Section 12 of the Merit System Law, however, it is not explicit and is quite liable to be contested should an administrator in any of the six institutions or two police agencies feel so inclined. The wisdom and justification of insisting that the personnel agency audit payrolls can very readily be appreciated when the fact is taken

into account that without it, promiscuous " padding" would be allowed to go on unchecked. Checking of payrolls should be done thoroughly and with alacrity so that payroll procedures will not be delayed. At the present time all institution and department heads under the jurisdiction of the Merit System Commission have signified agreement to the necessity of the payroll audit by the Commission. Here again, definite and formal rules will have to be promulgated by the Commission governing the exercise of this function.

It might be added that a careful checking of payrolls to avoid duplication of names, inaccuracies in effective date of employment, and inaccurate rates of pay, might easily result in the elimination from the payrolls of amounts reaching tremendous proportions. In the state of Michigan during 1938, the amount saved by the Civil Service Agency in this respect amounted to something like $25,000.00 a year.[20]

The discussion of service or efficiency ratings has been reserved for investigation until this time first, because of its far reaching importance in the work of a personnel agency and second, because its many remifications which bind it to the examining, promotional, and morale

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[20] Michigan State Civil Service Department, First Annual Report, December 31, 1938, p. 21.

building aspects of the personnel program. They are important because they afford the only means whereby an individual's service and efficiency on the job can be measured and recorded.[21]

Periodical service ratings form an indispensable part of a merit system. They serve a number of useful purposes, the most important of which are (1) service ratings make it possible for supervisors to assist employees in their adjustment to their tasks and to other employees by highlighting their weak and strong points; and if carried out at regular intervals, they indicate whether or not the employee is showing improvement, (2) promotions, demotions, transfers, and dismissals may be based on service ratings. Ratings admittedly have a large subjective element, but they are nevertheless significant, especially when carried out in a uniform, systematic, and highly organized manner; and there is much to be said in favor of using them instead of wholly irrelevent considerations as a basis for personnel actions. (3) Service ratings make it possible to draw up a list of employees in relative order of efficiency, so that in case of need for reduction in staff, those who are least competent may be dismissed in their order, even though under

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[21]State Technical Advisory Service, Manual of Merit System Administration, (Washington, D. C.: Social Security Board, 1938), Ch. XXII, pp. 1-18.

normal circumstances many of them would have sufficient ability to justify their retention in employment. (4) service ratings properly administered have a favorable effect insofar as morale and attitudes are concerned. They tend to keep employees on their toes through knowledge that they are to be rated at designated intervals and that their progress in the organization will depend largely upon the results of these ratings. Ratings have an effect on supervisors through forcing them to judge the work of their employees under controlled conditions and as objectively as possible.

They also have an effect upon the general public insofar as they are evidence that an attempt is being made to reward efficiency and penalize inefficiency in the public service. (5) Finally, service ratings may be used for research in judging the efficiency of the methods of selecting employees.

In the early summer of 1940, the Merit System Commission contracted with Mr. J. B. Probst, Chief Examiner of the St. Paul Civil Service Bureau, for the use of his service rating system which is one of the best known and most widely used systems for administering service ratings to public service employees.[22] It is impossible in any

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[22]The Probst form and scoring devices are copyrighted. The Merit System Commission purchased the right to use them and the materials for the sum of $100.00

reasonable space to discuss entirely the extensive research which led to the development of the system, nor can the method of administration be described in detail. The Probst System makes use of a rating form printed on both sides of a single sheet of paper. The supervisor makes his rating of an employee by checking descriptive phrases which appear on this rating form. Provision is made on the form for such rating of each employee by as many as three supervisors. Each supervisor is to do his rating independently of the others. The descriptive phrases on the form are so chosen as to indicate outstanding traits rather than average ones; for example, "too old for the work", "talks too much", "turns out an unusually large amount of work", "sometimes goes on a 'bender'", etc. Supervisors need only check the phrases which they think apply to the particular employee. The check marks are transmuted into alphabetical ratings from A to E- in the personnel office in accordance with a scoring formula developed through research. An ingenious stencil facilitates the scoring of the rating forms. This system is especially adaptable for clerical, inspection, health, police, fire, and library positions. One important feature of the Probst system is that the supervisor is not required to make quantitative judgements of employees; he is required merely to indicate which descriptive phrases

in everyday use apply to the employee.[23]

During the month of July 1940, visits were made by members of the Commission's staff to the various institutions and police agencies headquarters to acquaint both the administrators and employees with the justification for the use of service ratings. It was explained that the service rating is a device calculated to aid the capable, honest, and conscientious supervisor or executive in making fair and impartial appraisals of the all-around service value of his employees. It was pointed out that the rating must be something more than a mere judgment of ranking; it must consist of a delicate adjustment of many factors. It was designated to weigh not only ability, production, initiative, and reliability, but also temperament, character, and personality. It was designed to reveal latent talent and to expose the employee who benefits at the expense of his fellow workers.

After the objective and philosophy of the service rating were explained, the mechanics of using the service ratings were discussed. It was explained that in rating the employee, the supervisors were to check only the phrases which they felt applied to the particular employee. Each supervisor was to rate on an independent basis and should

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Appendix, Exhibit K., (Probst Service Rating Form)

not refer to other supervisors judgments. Sufficient instructions were given the supervisors to enable them to mark the service report forms correctly. At the same time determination was made as to who were to be the reporting officers and the process of identification was decided upon. The identification method consisted of assigning each appointing officer with a key number (a list of reporting officers and their corresponding key numbers was kept in the Commission office). The purpose of designing this identification method was to prevent the employee from knowing which supervisor or reporting officer checked his report. As the service rating forms, when graded, are kept in the Commission office and any employee is free to come in and examine it, it is best to avoid anything that might precipitate any personal discord between the supervisors and employees.

When all matters such as administration and checking were cleared up, Probst Service Rating forms for each of the employees appearing on the allocation list were left at the institution and police headquarters. After all employees had been rated, the forms were sent into the Merit System Commission where the scoring of the forms was done by members of the Commission staff.

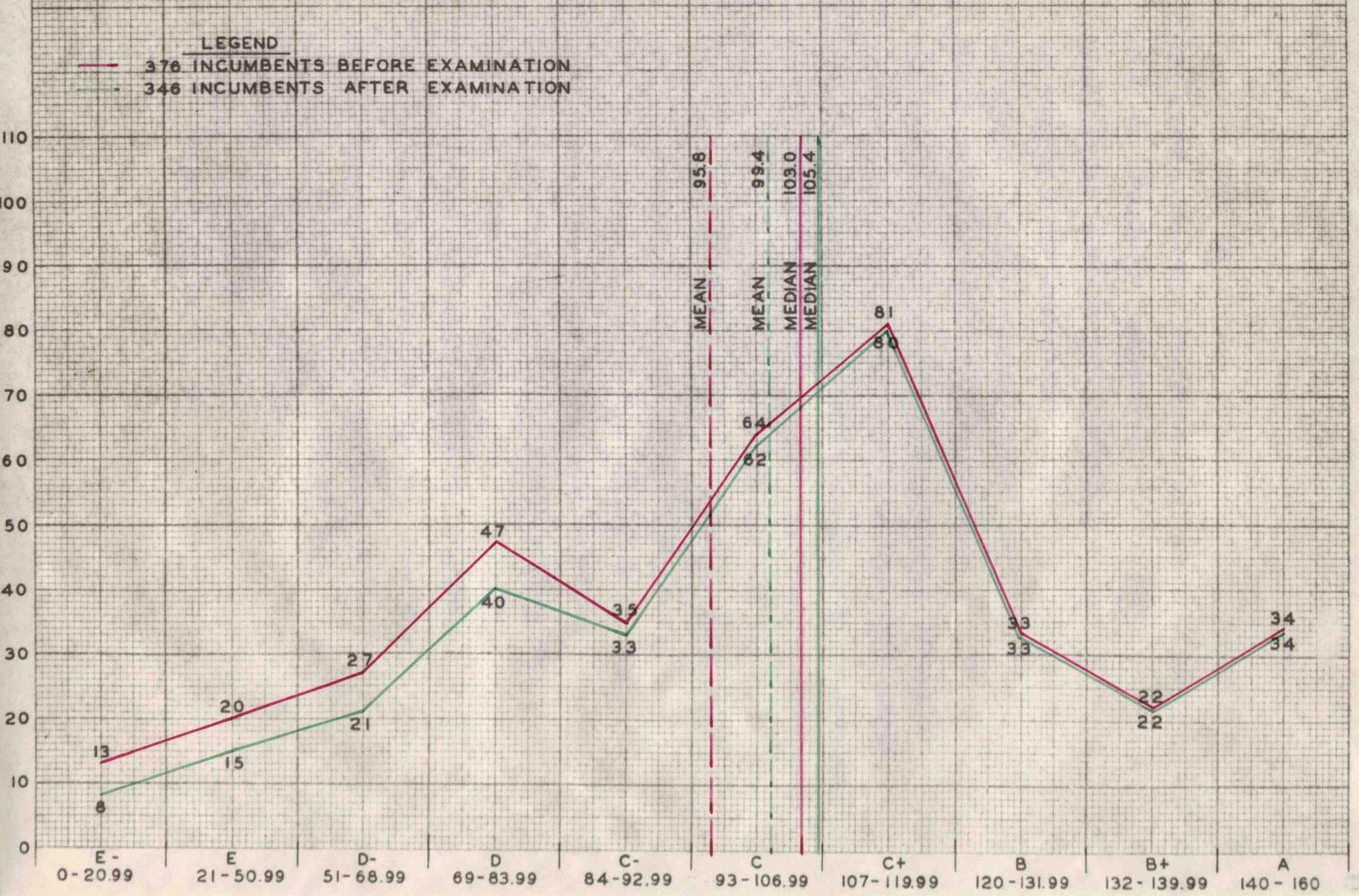
Since July 1940, Service ratings were the first ever employed in rating employee efficiency in the state

service, they were probably executed with maximum honesty and carefulness. The reporting supervisors did not know at the time of the rating that the service ratings would have some weight in the examination. See Chart IX.

Looking at the overall scores of the service rating discloses that in the eyes of the supervisors more than two-thirds of the incumbents were given an average score or better. Whether this discolsure is supported by fact is, of course, difficult to ascertain. The question presents itself, however, if these same supervisors would have rated the incumbents as high as they did if the supervisors had in the meantime a chance to observe merit-picked employees on the job. The results of the service ratings also shows that the efficiency records of the State Police were correspondingly much higher than the record of any of the other institutions or agencies. This is no doubt due to the stricter minimum entrance requirements in this class even before the Merit System was inaugurated.

By and large, the most important effect of the first service rating was the use to which it was employed in the examining program. The Commission felt that in building up the weights for the different classes in which the grade on the written examination, the training and experience, and in some classes oral interviews were decided, some consideration should be given to those incumbents who were

CHART IX. GRAPH OF SERVICE RATINGS OF INCUMBENTS BEFORE AND AFTER THE EXAMINATION PROGRAM



exceptionally good or exceptionally bad. Those who made only average scores on the service ratings were neither given an addition or a subtraction in the total score. A scale was set up which specified the percentage of merit and demerit which necessarily differed with each class. For example, in the Custodial Helper (C-9) class where the duties are so varied and hard to construct a suitable examination for with any degree of validity, (custodial helper includes dishwasher, laundry helper, yard worker, window washer, etc.), much weight was given to the service rating. Up to (+) 25 per cent was given for an A service rating, and a subtraction of (-) 25 per cent for an E- service rating. In some classes, on the other hand, the maximum addition or subtraction was 5 per cent.[24] By using such a weighting of the service ratings in the examination total score, the Commission was able to reward incumbents who were good employees and to penalize incumbents who were not.

As time goes along, it is the intention of the Commission to keep a permanent file of all service ratings of incumbents so that by going through an individual's file, it will be possible to ascertain the service status of an employee as to degree of improvement or decline. In

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[24]See Chart VI, p. 97

addition, the Commission intends to keep employees informed on their service rating status so that they can improve their weak points. Service ratings will be administered every six months or twice a year on March first and September first respectively. The service ratings will be put to very good use in determining promotional eligibilities for incumbents in the future. The tentative plan is to insist that the incumbents have commendable service ratings before they can take examinations for higher positions.

CHAPTER VI

SUMMARY AND RECOMMENDATIONS

The purpose of this final chapter is to restate the more important findings of this study and to summarize the more formidable problems that beset the Commission and placed serious limitations on its activities. While much has been accomplished during the first year of civil service in New Mexico, many well-founded recommendations for improvement should not be overlooked. The greatest difficulty in treating this subject has been its incompleteness. The task is analagous to that of reporting on the construction of a house from the excavation upwards only to find that not enough money was available to the builders to enable them to finish the job and put the roof on. However, the situation is not as hopeless as it appears at first hand, and, assuming that legislative sanction is forthcoming, the advances made by the Commission in its first year will constitute a sound foundation and the efforts will not have been futile.

One year of the merit system in New Mexico, though restricted to only six institutions and two police agencies, has justified its continuance in a great number of ways. Given a fair chance within the next two years, it will firmly

establish itself by appealing to those who desire efficiency and economy in government that no shortsighted spoilsman will dare openly attack it. Within the first year, the Commission has classified all public servants in the state government and in the county and municipal subdivisions.[1] It has set up a creditable classification plan for those employees under its jurisdiction; for those employees it has set up a comprehensive and equitable pay schedule based upon the "equal pay for equal work" principle. The Commission has conducted written examinations for some one thousand (1000) individuals interested in securing employment in the state service on a merit system basis. The Commission is in the process of conducting oral examinations for some five hundred and seventy-one (571) individuals. The Commission has drawn up tentative plans to provide for a thorough-going personnel program, details of which will be discussed at length in this chapter. Before going on into the proposals for the extension of activities of the Commission, it might be well to take into account the many limitations that prevented the complete attainment of a well-rounded program.

The greatest handicap that gave rise to a much hampered program during the first year of operation of the

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[1]Except the municipality of Albuquerque and Chaves County.

Merit System Commission was, without a doubt, the inadequate appropriation upon which the Commission relied for financial support. In making the appropriations for merit system administration, the 14th Legislature neglected to take into account the problems of setting into operation a bona fide merit system program or the costs and expenses of its original installation. It appears very likely that the Legislature, having no basis upon which to estimate the costs of current operation of civil service administration, took a shot in the dark with the pious hope that the appropriation would suffice. Grossly insufficient allowance was made for the cost of installation, including the original development of classification and compensation plans, qualifying examinations, both written and oral, establishment of initial eligible registers, original development of practices and procedures, initial investments for furniture and equipment, or for office rent, which has to be provided out of the Commission's appropriation because no space was available in Albuquerque in state owned buildings. An interesting commentary on the inadequacy of the appropriation can be illustrated splendidly by noting that had the two commissioners exacted the maximum amount provided for their compensation by the law, in addition to the regular salary of the Chairman and ex-officio Director, the amount would approximate $10,800.00. As it

was, the Commission was very fortunate in being composed of conscientious, public-spirited men who were very conservative in exacting their compensation and, by so doing, allowed more money for operating expenses of the Commission. Had adequate appropriations been provided, the Commission would no doubt have much more to show for its first year of operation.

The second greatest handicap that faced the Commission was the general public apathy and, in some instances opposition towards the Commission and the work it was attempting to complete. Public support was and is slow to crystallize unless given proper impetus, hence an educational program designed to stimulate public opinion in the advantages and economies of scientific personnel management is one of the prime problems facing the Commission. A successful public personnel agency must have the constant support of those who are interested in efficiency and economy in government. This support cannot be latent and half-hearted, but must possess a militant character ready to spring to the support of the merit system. It can truly be said that the greatest obstacle is not the politician. He acts after his kind. The Commission has found that the difficulty in getting united action from citizens who "care enough" is rather overwhelming. In New Mexico one of the greatest obstacles blocking the merit

system is the lethargy, the lack of civic patriotism on the part of so-called good citizens. The task is to build a public opinion strong enough to resist any attempt to sabotage the program. It is not difficult to understand, in view of the handicaps aforementioned, why the Merit System Commission adopted a very cautious policy and literally marked time until it had the necessary money to carry its program to its logical and intended conclusion.

Inasmuch as shortcomings are the topic of discussion at this point, it might be well to throw light on the legal framework of the Merit System in New Mexico and compare it with some of the better merit system laws in force throughout the United States. Certain recommendations can well be made that would materially benefit the proper administration of the merit system in the state.

In the winter of 1938, the National Civil Service Reform League, the National Municipal League, and the Civil Service Assembly of the United States and Canada Commissioned a select group of experts in public personnel administration from among their memberships to investigate and report upon the necessary characteristics of a model state civil service law. The purpose of the study was to establish certain standards by which the various states could be guided in enacting their civil service

laws.[2] It is very interesting to compare the New Mexico Merit System Law of 1939 with this "model" law; and, by so doing, it is possible to ascertain several improvements that could be made in the '39 law that would enhance the administration of the merit system and would enable it to function with more precision. This comparison will be carried forth with special emphasis on the structure of the personnel agency itself. In making the comparison, it must be remembered that the Merit System Commission of New Mexico, though a public personnel agency in every sense of the word, cannot measure up to many of the structural standards as set down in the "model" law for the reason that the employees under its jurisdiction number only 376. Because of this, many of the standards as set down in the "model" law are applicable to larger personnel agencies, but distinctly would not fit the New Mexico situation as it is today. Perhaps in time an extension of the merit system in the state will make the adoption of most of the standards possible.

According to the study made by the committee, the best structural plan of a public personnel agency is one

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[2] National Civil Service Reform League, National Municipal League, and Civil Service Assembly of the United States and Canada, Suggested Draft of a State Civil Service Law, 1938.

that combines the advantages and virtues of the multi-member commission type and the single administrator type. Under the proposal there should be a civil service commission of three members appointed by the Governor for staggered terms and removals by the Governor only for cause and after a hearing. The Commission should be relieved of all responsibility for technical or administrative matters involved in the personnel program. The only instance in which the Commission's functions impinge on administration are in the adoption of rules and regulations and in its appellate duties. The Commission is to act as an advisory and policy-making body. It is to appoint an examination committee to conduct a test for the position of Director. Membership on this special committee shall be open only to outstanding figures in public and private personnel work. The examining committee shall hold a competitive test and on the basis of that test shall establish an employment list of persons found eligible for appointment as director of the Merit System. The Commission then shall certify to the Governor the names of the three highest ranking eligibles, and the Governor shall appoint one of them as Director. The Director shall be in the classified service and shall be a person who has had experience in the field of personnel administration. The Director, as executive head of the merit system department, shall direct and supervise all

its administrative and technical activities in pursuance of the act and the rules and regulations of the merit commission. The Director is to attend all meetings of the commission and keep minutes of the proceedings.[3]

From this very brief summary of the provisions relative to the structure of the personnel agency, it can rather easily be seen that it is intended for over-all merit system agencies that cover thousands of public employees. New Mexico could not afford such an elaborate personnel set-up for the number of employees it now covers. However, many of the features of the proposed model plan are practical in this state now and should be adopted; namely: The Commissioners should be appointed for staggered terms of one for two years, one for four years, and one for six years. They should be removable for due cause and only after a hearing open to the press. In the event the jurisdiction of the Merit Commission is enlarged, it might be well to include the director on the classified lists as proposed by the "model" plan. As conditions now stand it would be unwise to set up such intricate machinery for the few public which it effects.[4]

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[3] Suggested Draft of a State Civil Service Law, op. cit.

[4] Of the seventeen states having merit system provisions for the employment of state workers, New Mexico ranks last on the list in terms of numbers, having only 376 employees effected, while the state of New York ranks first, having 12,588 employees under the Merit System. See Civil Service Agencies in the United States: A 1940 Census, Civil Service Assembly of the United States and Canada, July 1940.

The competitive principle for the selection of public employees should be consistently applied in the employment of the Commission's own permanent staff. The validity of the proverb "Charity begins at home" draws a splendid analogy in this instance.[5]

Taken all in all, Chapter 157 of the 1939 Session Laws, which is known as the Merit System Law, compares quite favorably with the merit system laws in existence in the other states of the nation. With the exception of the shortcomings just mentioned, it is relatively free from legal entanglements and by its very breadth allows the Commission considerable discretion which is necessary if a personnel agency is to have authority in the administration if its functions. As time goes along and conditions change, there will no doubt be occasions that will justify minor revisions in the Act. Probably the most pressing amendment at this time is a redefinition of the powers of the Commission in the enforcement of the pay schedules. Many state merit laws provide for the compulsory adoption of the compensation plan as drafted by the personnel agency. This is a laudable provision and should be included in the Merit System Law of New Mexico.

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[5]The Merit System Commission has recognized this need and has gone on record favoring the adoption of the merit system principal in the employment of staff members. From news item Albuquerque Journal, February 8, 1940.

The best way to insure continuance of the Merit System in the state service is by enactment and passage of a constitutional amendment embodying the principles of personnel management to certain departments in the state government. The states of California, Colorado, New York, and Ohio have provided for civil service systems in their constitutions. In every case, except that of Ohio, the constitutional amendment was adopted after a civil service statute had been in force for a number of years.[6] Only recently the voters of Kansas have approved of a very strict constitutional amendment whereby provision is made that the pay of the legislators be halted in the event that they fail to appropriate a sufficient amount for the operation of the personnel agency.[7] Though this example is rather extreme, it does prove two things. First, that public opinion will rally around in support of civil service when aroused and has had a chance to see a merit system in action. Secondly, it proves that the only real stability for the merit system is possible in the long run only through a constitutional amendment. Regardless of how good a merit system law may be, it can never have the

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[6] Civil Service Agencies in the United States: A 1940 Census, op. cit., p. 18.

[7] From an address by Samuel H. Ordway, President of the Civil Service Reform League, Hilton Hotel, Albuquerque, N. Mex., February 24, 1941.

stability and endurance of a constitutional amendment. This is even truer in the state governments than in the Federal, which has had some portion of the civil servants under a merit system since 1883.

The logical conclusion seems to be that in New Mexico the thing to do is to consolidate the advances thus far made and to direct every energy towards the enforcement of the existing Act and gradually expanding its jurisdiction. While this is being done, a purposeful public relations program should be carried on that would point out the advantages and benefits of civil service, both to the public employee and to the taxpayer. In time, this educational program will bear fruit and a solid public opinion in support of the merit system will result. Then is the time to propose a constitutional amendment. An apathetic public in the meantime must be awakened to the fact that efficiency and economy are consistent with democratic government. The heart of the whole problem is this, that so long as the legal basis of the merit system in New Mexico is reliant on statutory acts, it will necessarily be forced to struggle every two years for its very existence in trying to gain support of the Governor and the Legislature. Under such a method then, the merit system will continue to be only as good as the Governor and Legislators want it to be, for they can pack it with incompetents,

shear it of its authority, or refuse to appropriate for its upkeep. Only a militant and uncompromising popular opinion can keep this from being done. In time, as this opinion grows in number and strength, it should demand constitutional security for impartial and efficient personnel.

Among the many things that the Merit System Commission proposes to do, and which it has been unable to do during its first year because of lack of funds, is the organization of an Advisory Council composed of representatives of labor, professional, and service clubs. The purpose of this Council should be to examine, investigate and discuss the workings of the Merit System Commission and to bring out for widespread attention the objectives and purposes and also the possibilities of merit system advances in the state service. This Council should literally serve asas a "watchdog" of the merit system in the state and, of course, the men and women serving on it should be citizens of the state who are in sympathy with the application of merit principles to public employment. Meetings would be held periodically at which time certain phases of the personnel program will be discussed in detail and in round-table fashion. Of course, service on this proposed Council should be rendered on a non-payment basis and, as such, would be of interest only to that class of citizens interested in giving unselfish public service to the state.

Mention is made here of this proposed Advisory Council to illustrate the fact that the Commission is ever anxious to enlist the aid of public-spirited citizens in the cause of efficient good government. Groups such as this might well be of inestimatable force in bringing an articulate voice to the demand for the merit system. In concluding the treatment of the need for a concentrated condemnation of patronage, experience in other areas has shown that once politicians see evidence of a popular issue, they will be quite prone in many cases not to openly oppose or attack such a well-supported program.

The greatest, and by far the most important, criticism to be found with the administration of the Merit System Law during its first year is without a doubt the absence of a well rounded personnel program centered around an in-service training program. Hand in hand with this criticism goes one that deplores the lack of any rules and regulations governing sick and annual leaves for employees. It is very difficult to overlook the pressing need on the part of the Commission to promulgate such rules and regulations that will properly provide for these matters. The chief point where the Commission is found lacking is in its failure to sponsor a program designated to create substantiability in the state service. The purpose of a

public personnel agency is something more than that of a police agency concerned with the checking of payrolls, examining candidates, and filing service records. It must create, supervise, and maintain a positive personnel program. Without this, it is ridiculous to lay claim that the personnel agency is really doing all the things that it could and should do towards improving the state personnel. While it may be true that the shortage of funds rendered it impossible for the Commission to undertake the administration of many of the personnel services for which it was designed, nevertheless, no time should be lost or effort spared in the immediate undertaking of these services. The seriousness of these criticisms might be mitigated to some extent by considering the innumerable handicaps under which the Commission operated during its first year. It is to be sincerely hoped that the Commission will address its attention to these matters in the very near future.

The conception of the personnel agency as first and foremost a "politics eliminator" is one belonging to the horse-and-buggy age.[8] Gradually this conception is giving way to a conception which envisages the personnel department as engaged in developing incentives, stimulating

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[8]Kingsley and Mosher, op. cit., p. 84.

morale, administering the classification and compensation plans, rating the service value and efficiency of employees, and generally promoting policies and methods that make for efficiency and a better esprit de corps. Brief mention shall here be made by way of recommendation whereby the Merit System Commission shall be able to assume the various functions which are so vital a part of personnel management.

The Commission should, under all circumstances, continue to make service ratings which are of vital importance in personnel administration. It goes much without saying that methods of rewarding efficiency and penalizing inefficiency are the heart of any system of incentives. "The proof of the pudding is in the eating"; hence, the true criterion of a satisfactory personnel is performance on the job. It follows that in order to perform satisfactorily the functions of the Merit Commission, some means must be employed to measure as accurately as possible the value of the service of each employee and his performance as analyzed by his superiors on a standardized form such as the Probst system.

Using the service rating and seniority as a basis, the Commission should be able to establish standards for such personnel transactions as promotions, salary increases, lay-offs, dismissals, and recalls. These

transactions are of no little moment in expediting the management of public employees and should be placed on as equitable and scientific plane as possible. In no quicker way will employees in the state service acquire a confidence in the integrity of the administration of the merit system than by realizing that such transactions are handled in a fair and just fashion. Promotional examinations must continue to be made available to those qualified and energetic employees with good records who wish to qualify for higher positions. Such an incentive is strong and appealing. Salary increases should be made available to those employees whose record of service and efficiency render them deserving of increments. Established on equitable principle, there is no better stimulant to produce good work. By the same token, such transactions as lay-offs, dismissals, and recalls should be based upon undisputable, tangible evidence and recourse should always be left open for the employee to be granted a hearing before the Commission on the relative merits of his case.

The opportunity for advancement is one of the most important factors in building and maintaining morale. The Merit Commission cannot, of course, create vacancies of a high level in the operating departments, nor should it expect the operating departments to overexpand their

staffs to provide advancements. However, it does have two important functions. First, to see, by its classification work, that higher grade positions are filled in title and compensation as well as in duties. And, second, to see that promotions are made on a basis of merit alone, by fair competition between qualified employees in the service.

Promotional examinations should be arranged whereby incumbents will be able to qualify for higher positions assuming they pass the promotional examinations and have commendable service ratings. At the present time this has been adopted for the State Police and the Field Administration (State Police) where previous experience in the lower positions was made a requirement for taking examinations for the higher jobs. In all classes incumbents were encouraged to take examinations for higher positions.

Considerable study and experimentation will have to be made by the Commission in determining lines of transfer in the same classes from one institution to another. Transfers oftentimes facilitate administrative harmony, and machinery should be made available should the necessity arise.

In carrying forth the formulation of a vital personnel program, the Merit Commission should create rules and regulations governing leaves of absence without pay,

sick leave, and annual leave or vacation. Leaves of absence without pay should be granted only for the limited time of one year and then only for a very few reasons which might include illness beyond that covered by the sick leave provision, study, or other such equally good reasons not including the acceptance of other employment. Leaves of absence should be granted judiciously and sparingly. The Merit Commission should provide by rule and regulation for the granting of sick leave. The usual practice in state personnel agencies is the granting of sick leave in the amount of twelve days in each year of service, which if unused may be accumulated up to a total of one hundred days. Usually sick leave is granted for either the illness of the employee or for illness or death in the family which requires the attention of the employee. The Commission should also establish uniform rules and regulations concerning the granting of annual leaves or vactions to employees. The accepted practice is for allowing the employee fifteen working-days vacation each year, with accumulation of unused portions up to thirty days. The Merit Commission should keep an accurate and current record of all leaves of absence and sick and annual leaves with time due and time granted for each employee up to date.

A very definite responsibility of the Commission

toward making the state government the "model employer" is the promulgation of rules and regulations governing the conditions and hours of work of those employees falling under the specific jurisdiction of the Merit System Commission. In many respects there is a very considerable inconsistency in the treatment of hours and conditions of work in the various institutions under the Commission.

It is exceedingly difficult to claim the accomplishments and realization of the principle of "equal pay for equal work", until steps have been taken to go far beyond establishing standard salary ranges for related classes of employment and to proceed to provide in addition for each of these classes substantial comparable hours and conditions of work, including uniform treatment of the subject of overtime. There should be a consistent policy followed in the treatment of these subjects and many other related items of employment.

Certainly no recommendation should bear more weight than the proposal that the Merit System Commission actively promote the inauguration of a worthwhile employee training program. There are two major objectives of an in-service training program: one, the better performance of present work done by the employee; the other, the preparation of the employee for a higher position.

The most practical program which the Commission could sponsor would be one whereby the higher employees could conduct a series of lectures on certain aspects of the work involved. For example, in the State Insane Hospital, lectures could be conducted by doctors for the nurses covering certain applicable aspects of nursing in the institution. Likewise, nurses could in turn instruct the attendants and orderlies in certain improved methods of handling patients. A small employee's library could be collected in each institution designed to aid employee service by acquainting the personnel with new and modern approaches to peculiar problems. The function of the Commission in this respect would be in planning courses, accumulating literature, contacting employees both instructors and trainees, and arranging specific hours (non-working) when lectures could be held. In addition, the Commission could arrange for guest lecturers and could introduce in-service training methods as used in other jurisdictions. A very definite part of the employee training program sponsored by the Commission should be a safety or accident prevention program. Statistics are not available that disclose the number of accidents that have occurred within the past few years in the state service; however, there is no doubt that the time lost and the number of occurrences can be greatly reduced by a well managed accident prevention program.

The advisability of the Commission assuming an employee training and safety program is hardly subject to question. It will pay real dividends to the state, but adequate appropriations are essential for its accomplishment.

Another profitable field through which the Merit System Commission can enhance the value and quality of the state service is in the administration of a state employee retirement system. Of course, the inauguration of such a system would in any case have to come by legislative enactment, but the point to be made is that a properly administered retirement system is an important factor in the maintenance of a proper personnel system by keeping standards of performance at a relatively high level, by increasing opportunities for advancement in the service, and by improving morale through removal of the fears of economic uncertainly after years of useful service has passed. It is a little early for the Commission to become militantly concerned with the inauguration of a retirement system inasmuch as the fundamental operations of the Commission have such a long way to go before reaching satisfactory attainment. It is not too early, on the other hand, for some far reaching objectives to be taken into consideration if the Commission is ever ultimately to attain its maximum value.

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Thus far in this chapter, the purpose has been to acknowledge the many handicaps that severely limited the Merit System Commission in its first year of operation. The most important limitation has, of course, been the hopelessly small and inadequate appropriation. Second in importance has been the very abvious lack of interest in good personnel administration by such a large percentage of people within the state; such an apathetical public attitude has illustrated quite piquantly the well-defined need for the Merit System Commission to develop means of publicity whereby public interest will learn to appreciate the advantages of merit system personnel and will organize in its defense from a standpoint of fairness, efficiency, and economy. A comparable analysis has been made of the New Mexico Merit System Law of 1939 and a suggested draft of a modal law with certain aspects pointed out whereby the state law may be strengthened. In addition, cognizance has been given to the very limited program of the Commission. All things considered, it is believed that satisfactory progress has been made during the first year of the merit system in the state of New Mexico. The basic installation of a sound system is very nearly complete and the integrity of its administration cannot be challenged. Much needs yet to be done,

however, to complete the installation of the entire system and to realize the maximum level of accomplishment of which it is capable for the benefit of the citizens, taxpayer, state officers and employees. Several recommendations have been made which are designed to expand the usefulness and service of the Commission. A summary of the recommended program includes:

(1) That the examination procedures and techniques be expanded and improved to insure an adequate supply of highly qualified employees to fill vacancies in the service as they occur and to make possible the objective of the career system concept, by the expansion of the promotional examination activities.

(2) That preparation and adoption of complete rules and regulations for the operation of the state merit system employees be undertaken. Such rules and regulations should cover such personnel transactions as:

a. Promotion and transfer.
b. Leaves of absence, sick and annual leave.
c. Methods and procedures of appeal.
d. In-service training and safety programs.
e. Hours and conditions of work.

(3) Continued use and improvement of the service or efficiency rating so that its application to many personnel transactions such as promotions, demotions, lay-offs, salary increases be made more complete.

(4) That a more complete and comprehensive method be devised for the auditing and certification of all payrolls in the institutions and departments under the Commission.

(5) That the methods and devices of recruitment be improved to the extent that the most and the best qualified people shall participate in the examining program.

(6) That complete and detailed manuals of procedures for handling all types of personnel transactions be prepared

and distributed to all institutions and operating departments.

(7) That close cooperative relationships and detailed procedures be developed between the accounting and budgetary agencies and the Merit System Commission to the end that further economy and efficiency in the management of the institutions and departments may be effected.

(8) Last, but by no means least, that a complete program be established for the presentation of the objectives and methods of the Merit System Commission to public officials and employees and to the general public; and that there be made available complete data and statistics relating to the conditions of state employment falling under the jurisdiction of the Commission. Also that careful analysis and study of suggestions and criticisms received be undertaken to the end that public relationships may be made as harmonious as is consistent with the nature of the program set forth in the Law.

To obtain the fullest possible benefit from the Merit System Law and to perfect the system of personnal management in the institutions and departments embraced by the Merit System Commission, seven basic recommendations are made;

(1) That more adequate appropriations be made for administration in order that the present examining program may be fulfilled and that those phases of personnel management which have not yet been dealt with may be undertaken and effectuated promptly.

(2) Than an amendment be made to the Merit System Law Providing for the compulsory adoption of the compensation plan by all institutions and departments under the jurisdiction of the Merit System Commission.

(3) That an amendment be made to the Merit System Law providing for the appointment of the Commissioners for staggered terms of two, four, and six years, and subject to dismissal by the Governor only for sufficient cause and only after a public hearing before the State Supreme Court.

(4) That an amendment be made to the Merit System Law providing for the recruitment, examination, and employment of the members of the administrative staff of the Commission on a basis of merit and capability and evidenced by a written competetive examination.

(5) That steps be taken to enlarge the jurisdiction of the Merit System Commission to other institutions and departments in the state government.

(6) That the present state agencies, financed in part by the Federal government under the Social Security Act, by brought under the jurisdiction of the Merit System Commission. It is recommended that this be done in the immediate future.

(7) That the Commission conduct a preliminary survey and study relative to the introduction of an employee retirement system which should be presented to the Govenor and the Legislature for enaction into the Merit System Law.

One of the most subtle aspects in regard to the actual saving that a merit system agency works in the management of public personnel lies in the truism that in order to work an appreciable saving, much is dependent upon the extent to which the agency operates in terms of numerical coverage. In other words, the merit system agency will result in tangible and intangible savings to the state in accordance to the degree of employees that are covered by the system. One of the greatest shortcomings of the Merit System Law in New Mexico lies in the fact that it does not embrace a sufficient number of institutions or departments and hence the per capita cost of the system is inescapably larger than it should be. This paper has recommended with very strong conviction that the jurisdiction of the Merit System Commission should be expanded

gradually to other departments in the state service. A more immediate recommendation is made to the effect that the state Federal-aid agencies should be brought under the jurisdiction of the Merit System Commission in as short a time as possible. In support of this recommendation, it is only proper and fitting that some of the reasons be outlined for combining a merit system for such agencies with the Merit System Commission.

By combining the Merit System Council (the agency set up to administer the merit system to the federal-aid agencies) and the Merit System Commission, a considerable economy in administration will be effected. The elimination of duplicate offices and duplicate personnel will result from the consolidation. From the practical standpoint of examinations, many of the positions, especially ones of a clerical nature, are of such like nature that the same examination could be administered and in these cases central registers could be set up to be used by all operating agencies. Of course, in different classes different examinations and registers will have to be set up. An elimination of duplicate examinations would result. This in itself would effect quite a saving.

Much confusion would be done away with by centralizing the administrations of the merit system within the state. Experience in the past year has shown that

many people have not differentiated between the two merit agencies and, hence, have experienced loss of time and effort in contacting one agency when they should have contacted the other. This makes for exasperation and tends to build an antagonistic feeling from the very start towards merit systems in general. Should the federal-aid agencies be included in the Merit System Commission program, it would result in the strengthening of the Merit System Commission not only financially, but also in building public confidence in the state system. The Federal government enjoys much prestige and its coordination with the state Commission will help out considerably.

Considerable controversy has taken place as to the difference between the State Merit Law and the regulations of the Federal-aid agencies. No doubt, this has been given as a reason for the two separate systems. This is not a legitimate reason for having two separate merit systems in New Mexico. The Unemployment Compensation Law of New Mexico provides for the selection of personnel on a non-partisan merit basis. Aside from that particular provision of the Law, the personnel of that agency is governed by, and the merit system is operated under, regulations drafted by the Unemployment Compensation Commission and subject to approval by the Social Security Board. The Law does not specifically require that

personnel shall be selected by a competitive examination; whereas, the Merit System Law of the state of New Mexico does provide for competitive examinations for those institutions coming under the Law. Regulations for the operation of the Merit System Law of the state must be promulgated in the same manner as the regulations governing the merit system of the Unemployment Compensation Commission. In other words, that is not an objectionable feature and actually there is no reason why the merit system of the three federal-aid agencies cannot be administered by the State Merit Commission through regulations prescribed by the federal-aid agencies. Until such time as regulations can be drafted suitable for both the federal-aid agencies and the Merit System Commission, two separate sets of regulations can be used. Unless recently changed, the regulations of the federal-aid agencies do not provide for any specific type of examination or in any manner set up special ways of examining an applicant that could not be provided for and adopted in the state service as well. The regulations deal, in part, with the administration of the merit system once the examination has been given. They do require, however, that all positions be classified, examinations given and eligible registers set up for the selection of personnel.

By and large, the greatest argument in favor of the consolidation of the two merit systems first, is that it will result in a great saving to the taxpayer, and, second, that it will lend stability and prestige to the young and growing state merit system. At the time of this writing a measure has been introduced into the 15th Legislative Assembly that will give the Merit System Commission jurisdiction over the New Mexico Department of Public Health, the Department of Public Welfare, and the Unemployment Compensation Commission of New Mexico (the federal-aid agencies). The measure would provide that the Merit Commission should promulgate rules and regulations for the three agencies in conformity with rules laid down by the Federal bodies involved.[9] However, this bill was defeated on the floor of the State House of Representatives without a second vote.[10]

One of the ever present factors that interplay in matters concerned with government or politics in New Mexico is the bi-lingual problem. In this respect the Merit System Commission has not been spared. Consideration has been given in the classification and examination

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[9]From News Item in Carlsbad Current Argus, March 9, 1941.

[10]From News Item in Albuquerque Journal, April 4, 1941.

in the morale of the employees. The maintaining of a proper "esprit de corps" cannot be made an objective in itself, but will result from a program which is equitable and adequate. When conditions of employment are just, when the returns to those who labor are in fair proportion to the effort they expend, when all who perform alike are treated alike, when no unjust or uncalled for discipline is meted out, when those who have grievances have a means of adjusting them, and when the quality of supervision is good and the quality of leadership inspiring, then it is possible for employees to reflect by their very attitude the complete satisfaction they find in working conditions. When those conditions exist and when that attitude is in evidence, morale is said to be good.

From the standpoint of the employee, a reasonably high plane of morale creates a beneficial circle which gives promise of continuing indefinitely. Those who are contented in their employment bring to that employment an attitude which is conducive to improved output and which impresses the citizenry with the value of the work being done. These results in turn make it easier for the attainment of other improvements and other advantages in conditions of employment, and they again in turn raise once more the plane of morale - and so on, for an indefinite series of mutually beneficial developments. The department or institution

which enjoys the benefit of a high "esprit de corps" among its employees is assured of performing its functions well, is well regarded in the community, and finds it easy to obtain both financial and moral support.

The community itself benefits from improved morale among public servants because those who demonstrate a spirit of pride in their work and a satisfaction in their conditions of work are faithful to the public interest and are not likely to cause discord or be guilty of poor or dishonest service.

As to the personnel agency itself, the benefits of improved morale among all of the employees should be clear. The degree of morale measures the degree of success of the personnel program. Morale maintained on a high plane is a badge of success conferred jointly on the personnel agency and supervisory personnel.

Much speculation has been aroused both on the state and national fronts over introduction of legislation designed to prohibit pernicious political activity on the part of public employees. In the Federal government such a bill was enacted into law, known as the "Hatch Act". This measure contemplates a bill of divorcement of all Federal employees whether on civil service or not, from active participation in politics. One presidential election has elapsed since the enaction of the law; and as far as can be

ascertained, no prosecutions have been filed or exercised, and from many quarters have come charges that the Federal law, though idealistic, is administratively impractical. During the 15th session of the Legislature of New Mexico, several "little Hatch Acts" have been proposed designed to divorce the state employee from political activity. These measures, both the actual Federal law and the proposed state statute, splendidly reflect the growing desire of the American electorate for "politics free" administrators, not policy makers, but public employees concerned with the ministerial functions.

The ironical weakness of the Hatch Act and minature replicas of it is that it prohibits men who get jobs by political means from keeping them by political means. The fallacy is that supposedly it exacts strict compliance, but in return offers no permanence of tenure as an incentive to refrain from political activity. The inconsistency lies in that it is of negative character rather than positive.

Odd enough, the principle of the Hatch Act is in reality embodied in any worthwhile merit system law. It is embodied in the New Mexico statute, but it is only an appendage of the law and is prohibitive only to the extent that it offers security and permanence to the qualified public servant who does his job well and who is not concerned with interpreting the will of the people in

connection with the program and services to be rendered by government. The principle of divorcing ministerial public servants from political activity will succeed only when accompanied by provisions embodying capability to do the job and permanence of tenure as long as good service is rendered.

All things considered, it can be said that a forward step has been taken in the employment of public employees in the New Mexico state service. It is true that the merit system in the state is of a restricted nature in the fact that it covers only eight governmental units. It's long-range importance, however, lies in the fact that it has set up the fundamental foundation for scientific personnel administration. The improvement that has been made can truly be called a reform and it should not be abandoned before it has been given a true and fair chance to prove itself.

* * *

During the closing hours of the session the 15th Legislature passed a law repealing the Act which created the Merit System Commission of New Mexico. The invalidating statute was subsequently signed by the Governor and by so doing the preliminary efforts toward civil service in the state were temporarily relegated to the scrap heap. The word temporarily is used advisedly. Though the revocation

accomplishes the desired effect of checkmaking the march of civil service in New Mexico for the time being, this action can at its worse mean only a temporary reversal for those who advocate honesty and efficiency in state governmental employment. Shortsighted political leaders may prefer the waste and unbusinesslike caprices afforded by the patronage system, but in time the opportunity will come whereby more enlightened leaders will replace such archaic waste with a state civil service law that has teeth and that cannot be repealed at the whim of political minded machine politicians. The seeds for reform have been sown and the foundation has been laid for better and more equitable days in the employment of state servants in New Mexico. Great changes do not come overnight and far reaching governmental principles are not easily destroyed by minor and temporary set-backs. The resolution to make democratic government efficient will some day reassert itself and that day the merit system will come to New Mexico state government to stay.

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APPENDIX

PLEASE READ THE INSTRUCTIONS FOR EACH ITEM BEFORE ENTERING YOUR ANSWER

EXHIBIT A
CLASSIFICATION QUESTIONNAIRE

MERIT SYSTEM COMMISSION OF N
BOX 1449
ALBUQUERQUE, NEW MEXIC

CLASSIFICATON QUESTIONNAIRE

me ..... (LAST) ..... (FIRST) ..... (MIDDLE)

2. Place of Work or Headquarters ..... (GIVE EXACT LOCATION)

epartment .....

4. Division, Section or Other Unit of Dept. .....

yroll Title Position .....

6. Usual or Working Title of Position .....

gular daily hours of work: From ..... to ..... Days off ..... Hours per week .....

ure: If your job is part time, seasonal, intermittent, for a limited term, or otherwise broken, please explain .....

scribe below **in detail** the work you do. Use your own words, and make your description so clear that any one reading it can understand ex-ly what you do. Either by using hours, days, fractions, or percentages show how your whole working time is used. *Fill in und attach additional ets* if necessary to record all duties performed.

WORK

it is necessary for you to speak Spanish in your work, explain how and to what extent knowledge of the Spanish language is required .....

t any equipment operated or used by you in doing your work .....

DO NOT WRITE BELOW THIS LINE

Give name and title of person (or persons) who is your immediate supervisor .....

Describe fully in what detail your assignments are made to you, stating what form (such as—penciled lay-out, roughdraft, etc.) your work is in when it comes to you, what decisions have already been made for you, what decisions are left to you .....

Summarize your work responsibilities, as you understand them .....

What are the responsibilities of your immediate superior with respect to your work .....

Who checks or reviews your work, and what is the nature of such check? .....

Give the names of any employees who work under your supervision. If you supervise an entire unit, simply give the name of such unit and the number of employees supervised .....

How long have your duties and responsibilities been substantially as above described .....

I certify that I have read the instructions, that the entries made above are my own and to the best of my knowledge are accurate and complete.

Date ..... Signed .....
(EMPLOYEE)

(TO BE FILLED IN BY THE IMMEDIATE SUPERVISOR)

Are the above statements of the employee accurate and complete? (Indicate any inaccuracies or incomplete items) .....

Give your idea of the essential nature of the work and responsibilities of the position and the attention and supervision it requires .....

Indicate the qualifications which you think should be required in filling a future vacancy in this position. Keep the position itself in mind, rather than the qualifications of the individual who now occupies it.

A. Education and Special Training: Years and kind .....
B. Experience: Years and kind .....
C. Licenses or certificates required .....
D. What knowledges, abilities, and skills should incumbent possess? .....

Does the position require any typing or stenography ..... (YES OR NO)? If answer is "Yes" fill out the following:

	INCIDENTAL OR IMPORTANT.	% OF TIME SPENT BY EMPLOYEE?	STANDARD COMMERCIAL COURSE ESSENTIAL TO DO THE WORK?
Typing:			
Stenography:			

Date ..... Signed .....
(CERTIFICATION OF IMMEDIATE SUPERVISOR)

(TO BE FILLED IN BY THE DEPARTMENT HEAD)

Comment on the above statements of the employee and the supervisor. Indicate any inaccuracies.

Date ..... Signed .....
(CERTIFICATION OF DEPARTMENT HEAD)

EXHIBIT B
SUGGESTED USES OF CLASS SPECIFICATIONS

SUGGESTED USES OF CLASS SPECIFICATIONS

1. Provides a common language for requisitioning, recruiting, job evaluation, budgeting, planning, payroll and account activities.

2. Provides a measuring unit for determing allocations and pay of positions, and for comparing and evaluating positions.

3. Provides standards for acceptance of applications, material for examination announcements, and outlines for tests of fitness.

4. Provides a basis for employee training program.

5. Provides a basis for determining what employees are ordinarily expected to do, in discussions of service ratings and grievance cases.

6. Provides a basis for determining lines of transfer and promotion.

7. Aids operating officials in making assigments, determining duties, and lines of authority, and in planning work in general.

8. Assists in determining the adequacy of staffing, and in setting up new positions and units.

9. Provides a standard source of reference for classifiers, recruiters, and others, and as such, is time-saving device and standardizing influence.

ALTERNATIVE SCHEDULE

CLASS	ALTERNATIVE RATES (Desirable)	INCREMENTS		PRESENT RANGE	EFFECTS (In Addition to) Schedule I)	EFFECTS (Including Schedule I)
Clerk II - Stores	95-115	4	$5.00	65 - 75	C $20.00	C $50.00
Custodial Helper	70- 85	3	5.00	50 - 80	C 329.00	C 369.00
General Elementary Teacher	110-130	4	5.00	75 -114	C 10.00	C 35.00
Physical Education Teacher	110-130	4	5.00	70 -	C 10.00	C 40.00
Physologist	130-150	4	5.00	87 -	C 20.00	C 43.00
Housefather-	85-105	4	5.00	60 - 110	C 30.00	C 45.00
HousemotherI	85-100	3	5.00	70 - 80	C 25.00	C 30.00
Housemother II	105-120	3	5.00	70 -140	C 60.00	C 75.00
Housemother III	125-140	3	5.00	130 -	-	-
Pharmacist	130-150	4	5.00	150 -	C 20.00	C 25.00
Attendant I	75- 95	4	5.00	53 - 81	C 839.00	C1080.00
Attendant II	100-120	4	5.00	58 - 70	C 250.00	C 323.00
Attendant III	125-140	3	5.00	111 -	C 14.00	C 14.00
General Repairman	90-110	4	5.00	60 - 90	C 20.00	C 40.00
Steam Fireman	90-110	4	5.00	60 -120	C 75.00	C 135.00
Truck Driver	90-110	4	5.00	68 -	C 10.00	C 22.00
Watchman	90-110	4	5.00	57 - 90	C 30.00	C 57.00
Barber	90-110	4	5.00	80 -	C 20.00	C 20.00

Monthly cost in addition to Schedule I under alternative-------- $1,782.00
Total monthly cost under alternative schedule ---------- $2,674.00
Annual cost in addition to Schedule I under alternative---------$20,384.00
Total annual cost under alternative schedue----------$31,088.00

EXHIBIT C
ALTERNATIVE SCHEDULE

EXHIBIT D
PAY DATA QUESTIONNAIRE

NEW MEXICO MERIT SYSTEM
Metropolitan Building, First and Central
Albuquerque, New Mexico P. O. 1449

PAY DATA QUESTIONNAIRE (FACSIMILE)

NOTE: In Cases where part of the total pay is received in meals, lodging, laundry, or other form, please indicate your estimate of the value of such compensation in addition to cash.

SAMPLE		LOWEST	AVERAGE	HIGHEST
JUNIOR COOK:	MONTHLY	$30 - $20 in meals & room	$40 - $20 in meals & room	$50 - $30 in meals & room
	HOURLY	None	--	--
	NUMBER	3	5	2

KIND OF WORK		LOWEST	AVERAGE	HIGHEST
JUNIOR CLERK: Routine non-supervisory clerical work, under close supervision, usually of a general or miscellaneous character and not requiring previous experience, as in sorting, checking, and simple filing and record keeping operations.	MONTHLY			
	HOURLY			
	NUMBER			
IMMEDIATE CLERK: General duty of "journeyman" clerical work, involving either minor supervisory responsibility or somewhat difficult performance work, calling for the exercise of some independent clerical judgment based on experience.	MONTHLY			
	HOURLY			
	NUMBER			

EXHIBIT E
MAINTENANCE SCHEDULE

CODE FOR MAINTENANCE SCHEDULE

Adopted as of July 16, 1940

1 meal	$6.00	A
2 meals	12.00	B
3 meals	18.00	C
Laundry	3.00	D
Room	9.00	E
2 Rooms	15.00	F
House	20.00	G
Full Maintenance	30.00	H
Over $3.00	600.00	I
1 meal and laundry	9.00	J
2 meals and laundry	15.00	K
3 meals and laundry	21.00	L
1 meal and room	15.00	M
2 meals and room	21.00	N
3 meals and room	27.00	O
1 meal, laundry, room	18.00	P
2 meals, laundry, room	24.00	Q
Room and laundry	12.00	R
No maintenance		S

The above schedule is to be used in all cases when any type of maintenance is furnished. Please use the symbols on all forms when reporting maintenance received.

SCHEDULE OF THE COMPENSATION PLAN FOR INSTITUTIONS AND DEPARTMENTS
UNDER THE MERIT SYSTEM COMMISSION

Showing Salaries and Monthly and Annual Costs
August 8, 1940

INSTITUTION OR DEPARTMENT	PRESENT NET SALARIES		PRESENT GROSS*** SALARIES		PROPOSED NET SALARIES		PROPOSED GROSS SALARIES		TOTAL COST OF PAY PLAN		
	Monthly	Annually	Monthly	Annually	Monthly	Annually	Monthly	Annually	Monthly	Annually	1940-41**
Carrie Tingley Hospital	$ 5,751.66	$ 69,019.92	$ 6,924.66	$ 83,095.92	$ 6,082.66	$ 72,991.92	$ 7,255.66	$ 87,067.92	$ 331.00	$ 3,972.00	$ 2,979.00
Girls' Welfare Home	705.00	8,460.00	1,041.00	12,492.00	759.00	9,108.00	1,095.00	13,140.00	54.00	648.00	486.00
Industrial School	820.00	9,840.00	1,027.00	12,324.00	804.00	9,648.00	1,011.00	12,132.00	16.00*	192.00*	144.00*
Insane Asylum	8,022.50	96,270.00	11,227.50	134,730.00	8,873.00	106,476.00	12,078.00	144.936.00	850.50	10,206.00	7,654.50
Home & Training School	605.00	7,260.00	912.00	10,944.00	625.00	7,500.00	932.00	11,184.00	20.00	240.00	180.00
Miners' Hospital	1,788.50	21,462.00	2,271.50	27,258.00	1,886.00	22,632.00	2,369.00	28,428.00	97.50	1,170.00	877.50
State Police	6,300.00	75,600.00	6,300.00	75,600.00	6,340.00	76,080.00	6,340.00	76,080.00	40.00	480.00	360.00
Division of Field Administration	8,890.00	106,680.00	8,890.00	106,680.00	8,910.00	106,920.00	8,910.00	106,920.00	20.00	240.00	180.00
TOTALS	$32,882.66	$394,591.92	$38,593.66	$463,123.92	$34,279.66	$411,355.92	$39,990.66	$479.887.92	$1,397.00	$16,764.00	$12,573.00

*** Includes maintenance and other payments in lieu of cash
** Compensation Plan for the 29th Fiscal Year will become effective October 1, 1940
* Pay plan will effect a saving of the stated amount to the Industrial School

Note: These figures relate only to employees in the Classified Service

EXHIBIT F
SCHEDULE FOR COMPENSATION PLAN

105
40

MERIT SYSTEM COMMISSI
BOX 144
ALBUQUERQUE, N

EXHIBIT G
EXAMINATION ANNOUNCEMENT WITH CODE

ANNOUNCEMENT OF EXAMINATIONS

Examinations for the following positions will be held at convenient places throughout the State during August and September, 1940.

CLERICAL AND ADMINISTRATIVE GROUP

1. Clerk—Typist
2. Beginning Clerk—Stenographer
3. Intermediate Clerk—Stenographer
4. Supervising Clerk—Stenographer
5. General Clerk
6. Supplies Clerk
7. Hospital Record Clerk
8. Accounting Clerk
9. Accounting and Stenographer Clerk
10. Accountant
11. Institutional Business Manager

AGRICULTURAL GROUP

1. Farm Hand
2. General Farmer
3. Dairy and Piggery Farmer
4. Truck Garden Farmer
5. Poultry Farmer
6. Farm Superintendent
7. Florist

CUSTODIAL AND DOMESTIC GROUP

1. Assistant Cook
2. Cook
3. Head Cook
4. Dining Room Supervisor
5. Baker
6. Butcher
7. Junior Dietitian
8. Senior Dietitian
9. Institutional Helper
10. Housekeeper
11. Linen Room Supervisor
12. Seamstress
13. Supervising Laundry Worker
14. Laundry Manager

EDUCATIONAL AND GUIDANCE GROUP

1. Grade School Teacher
2. Recreational Supervisor
3. Testing Psychologist
4. Housefather
5. Housekeeping Matron
6. Housemother
7. Supervising Housemother

E. HEALTH GROUP

1. Interne Physician
2. Supervising Psychiatric Physician
3. Chief Orthopedic Surgeon
4. Dentist
5. Pharmacist
6. Laboratory Technologist
7. Physiotherapist
8. Supervising Physiotherapist
9. Occupational Therapist
10. Beginning Graduate Nurse
11. Supervising General Graduate Nurse
12. Supervising Orthopedic Graduate Nurse
13. Supervising Psychiatric Graduate Nurse
14. Assistant Superintendent of Nurses—Psychiatric
15. Superintendent of Nurses—Psychiatric
16. Superintendent of Nurses—Orthopedic
17. Nurse Anesthetist
18. Surgical Nurse
19. Attendant
20. Charge Attendant
21. Supervising Attendant

F. MECHANICAL GROUP

1. General Repairman
2. Apprentice Carpenter
3. Maintenance Carpenter
4. Maintenance Plumber
5. Apprentice Brace Maker
6. Brace Maker
7. Supervising Brace Maker
8. Steam Fireman
9. Chief Steam Operating Engineer
10. Chief Steam Electric Operating Engineer
11. Maintenance Plant Engineer
12. Truck Driver

G. LAW ENFORCEMENT GROUP

1. Patrolman—State Police
2. Sergeant—State Police
3. Captain—State Police
4. Finger Print Expert—State Police
5. Law Enforcement Inspector
6. Chief Law Enforcement Inspector
7. Chief Instructing Law Enforcement Inspector

H. MISCELLANEOUS

1. Watchman
2. Barber

Applications for the above examinations must be filed with the Merit System Commission of New Mexico on before July 25, 1940. For additional information on any examination, please write the

MERIT SYSTEM COMMISSION OF NEW MEXICO
Box 1449, Albuquerque, New Mexico

RM 101
5-40

MERIT SYSTEM COMMISSION OF NEW MEXICO
BOX 1449
ALBUQUERQUE, NEW MEXICO

EXHIBIT H
APPLICATION BLANK

APPLICATION FOR EMPLOYMENT

ame _____
LAST FIRST MIDDLE

_____
NUMBER AND STREET, OR R.D. COUNTY

_____
CITY OR POST OFFICE STATE

This application is a part of your examination. Answer all questions carefully and completely. All statements are subct to investigation and verification. Any false statement in this application will be cause for its rejection, removal of ur name from the register, or dismissal from the service. Use typewriter or ink in filling out this application. If addinal space is needed for any item, attach a separate sheet.

. Date of Birth _____ Place of Birth _____

. Are you a citizen of the United States? _____ (YES OR NO) If not born in the United States, explain how and when you acquired citizenship _____

. How long continuously, just before filing this application, have you lived in New Mexico? _____

. Sex: Male _____ Female _____ Marital Status: Married _____ Single _____ Divorced _____ Widowed _____ Separated _____

. Weight in ordinary clothing _____ lbs. Height without shoes _____ feet _____ inches.

. Describe fully any physical defects you may have _____

. Have you ever been arrested? _____ (YES OR NO) If so, give places, dates, charges, and dispositons. (Do not include minor traffic offenses) _____

. Have you ever taken an examination given by the Merit System Commission of New Mexico? _____ (YES OR NO)

. Have you ever been discharged or forced to resign from any position? _____ (YES OR NO) If the answer is "yes", give: Employer _____ Date _____
Position _____ Reason _____

. Will you accept employment anywhere in the State? _____ (YES OR NO) If the answer is "no", give localities _____

Will you accept employment in the Insane Asylum, Las Vegas? _____ Home and Training School, Los Lunas? _____ Carrie Tingley Hospital, Hot Springs? _____ Industrial School, Springer? _____ Miners' Hospital, Raton? _____ Girls' Welfare Home, Albuquerque? _____

. Will you accept temporary employment for six months? _____ Three months? _____ One month? _____

. Name any occupational licenses or certificates, valid in New Mexico, which you now hold _____

. Do you speak Spanish? _____ Read Spanish? _____ Write Spanish? _____

. Have you any objections to the Merit System Commission of New Mexico making inquiry of your present employer regarding your character, qualifications, etc.? _____ (YES OR NO)

15. Education and Training

SCHOOLS ATTENDED	CIRCLE LAST GRADE COMPLETED	WERE YOU GRADUATED?	NAME AND LOCATION OF SCHOOL	DATES OF ATTENDANCE
Elementary	1 2 3 4 5 6 7 8			
High School	9 10 11 12			

COLLEGES OR UNIVERSITIES	LOCATION	DATES OF ATTENDANCE	SEMESTER HOURS CREDITS REC'D.	DEGREE AND YEAR	MAJOR SUBJECTS

Other Education or Training: Night School, Business School, Trade School, Apprenticeship, or other specialized training, giving name of school, subjects of work, length of time, and whether completed.....

If you have had any **experience or training** which you feel would be of particular value in the position or positions for which you are applying, explain fully on a separate sheet, and attach.

16. Experience: Enter in the space below a complete record of your past and present employment, indicating each position held, beginning with the present. In most cases, employment since 1925 will be sufficient. Fill out carefully and completely. THIS IS A PART OF YOUR EXAMINATION. If further space is needed use a separate sheet.

DATES OF EMPLOYMENT	SALARY OR OTHER PAY (MEALS, ROOMS, ETC.)	NAME AND ADDRESS OF EMPLOYER	POSITION HELD, NATURE OF DUTIES, SUPERVISION EXERCISED AND RECEIVED	REASON FOR LEAVING
From: To:				
From: To:				
From: To:				
From: To:				
From: To:				
From: To:				

I hereby certify that the above statements are true and accurate to the best of my knowledge and belief.

Date.....

Signature.....

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THE PROBST SERVICE REPORT

FOR APPRAISING THE SERVICE VALUE OF
UNSKILLED AND SEMI-SKILLED LABOR

FOR THE SIX-MONTH PERIOD ENDING _____

The facts and judgments recorded on this sheet are evaluated by a scientifically constructed pro-

EXHIBIT K
PROBST SERVICE RATING FORM

NAME OF EMPLOYEE _____

TITLE _____

ORGANIZATION UNIT _____

RATING

Check Columns 2	3	
☐	☐	Lazy
☐	☐	Slow moving
☐	☐	Quick and active
☐	☐	Too old for the work
☐	☐	Minor physical defects
☐	☐	Serious physical defects
☐	☐	Indifferent; not interested
☐	☐	Talks too much
☐	☐	Too blunt or outspoken
☐	☐	Too much self-importance
☐	☐	Good team worker
☐	☐	Not a good team worker
☐	☐	Resents criticism or suggestions
☐	☐	Antagonizes when dealing with others
☐	☐	Might often be more considerate
☐	☐	Usually pleasant and cheerful
☐	☐	Always* obliging
☐	☐	Cranky, or often grumbles or complains
☐	☐	Often seems dissatisfied
☐	☐	Is often injured
☐	☐	Sometimes goes on a "tear"
☐	☐	Might often use better judgment } Check one item only, if any.
☐	☐	Generally uses good judgment } Check one item only, if any.
☐	☐	Always* uses good judgment } Check one item only, if any.
☐	☐	Does not do his share of work
☐	☐	Generally looks for the easy work
☐	☐	Must generally be told what to do
☐	☐	Often needs prodding
☐	☐	Active but not strong
☐	☐	Active and strong
☐	☐	Turns out unusually large amount of work
☐	☐	Steady worker most of the time
☐	☐	Always* busy at work
☐	☐	Does not accept responsibility
☐	☐	Accepts responsibility
☐	☐	Does not always obey orders willingly
☐	☐	Visits too much with others
☐	☐	Needs considerable supervision
☐	☐	Works well without supervision
☐	☐	Often assigned as crew leader or subforeman
☐	☐	Loses temper easily
☐	☐	Careless with tools or equipment
☐	☐	Not skillful with tools or equipment
☐	☐	Too easy-going
☐	☐	Learns new work slowly
☐	☐	Learns new work easily
☐	☐	Understands instructions readily
☐	☐	A willing worker at all times
☐	☐	Takes unusual interest in the work
☐	☐	Might be more orderly
☐	☐	Very orderly and systematic
☐	☐	Often forgetful
☐	☐	Neglects safety measures, or takes chances
☐	☐	Makes many mistakes, or careless in work
☐	☐	Usually accurate
☐	☐	Hardly ever makes a mistake
☐	☐	Slow to understand instructions
☐	☐	Is very skillful in his work
☐	☐	Not generally reliable or dependable } Check one item only, if any.
☐	☐	Usually reliable and dependable } Check one item only, if any.
☐	☐	Always* reliable and dependable } Check one item only, if any.

*Meaning "with rare exceptions"

DIRECTIONS: On this form you are to report the service value of the employee mentioned above. The report should be for the six-month period shown hereon, unless otherwise indicated.

In addition to the blanks to be filled in below, you should check (with an X) all those items in the left-hand column that you can find which will properly fit or describe this employee. Do not guess; if you are not reasonably sure that the employee possesses the trait or quality indicated by a certain item, do not check that item at all. It is not necessary to check any given number of items. You may be able to check 25 or more for one employee and have difficulty in finding more than a dozen or so to describe properly some other employee. Make your X's small; keep them inside the little squares. Do not change the wording of any item.

This sheet should be checked, wherever possible, by three foremen or other supervisory officers. Each should select one of the three check columns in which to make his X marks. The foreman or supervisor who is lowest in rank or authority should be the first to check the sheet; then the next higher (or equal) in rank should check; and the one in highest authority should check last. (See direction booklet)

Foremen may add on the other side of this sheet additional items of their own to further describe this employee.

How many days was this employee absent during this period— (Do not include absence for injury in line of duty or absence on regular vacation)

(a) For sickness, with pay ..... _____days

(b) For sickness, without pay ..... _____days

(c) For personal reasons, with or without pay _____days

(d) How many times absent without leave _____ times

(e) (If there was any other absence, or any suspension; or loss of vacation, bonus, merits; or any other penalty, explain briefly here.) _____

Check only one item in each of the following boxes. Consider not only the punctuality of the employee in reporting for work, but also his promptness in answering calls, and doing specially assigned work.

Check Columns 1	2	3	
☐	☐	☐	Nearly always late
☐	☐	☐	Usually late
☐	☐	☐	Often late (about half the time)
☐	☐	☐	Usually punctual
☐	☐	☐	Never, or hardly ever, late
☐	☐	☐	Nearly always quits ahead of time
☐	☐	☐	Usually quits ahead of time
☐	☐	☐	Often quits ahead of time
☐	☐	☐	Watches clock too much near quitting time
☐	☐	☐	Seldom quits ahead of time
☐	☐	☐	Never quits ahead of time

(Published by Probst Rating System
1843 Ashland Ave., St. Paul, Minnesota

EXHIBIT I
INDIVIDUAL APPLICATION CARDS

CODE NO.	TITLE OF POSITION

PLACE
1 CENT
STAMP
HERE

Name _____
(PLEASE PRINT)

Address _____
(PLEASE PRINT)

_____

[DO NOT TEAR THESE CARDS APART]

of this card. You will be notified later of the time and place of the written examination.

☐ We regret to inform you that your application for the position indicated on the reverse side of this form cannot be accepted for the reason checked below:

- ☐ You do not have the necessary qualifications.
- ☐ You do not meet the resident requirements.
- ☐ Other:

FORM 103
5M-7-40

MERIT SYSTEM COMMISSION OF NEW MEXICO

B

BOX 1449—ALBUQUERQUE, NEW MEXICO

NOTICE OF WRITTEN EXAMINATION

A written examination for the position indicated on reverse side of this card will be held:

Date..... Time.....

Place .....

.....

Be at the above place at least 15 minutes prior to the time set for the examination. Bring with you at least two pencils and an eraser. If you are taking the examination for stenographer or typist, you must furnish your own typewriter and stand.

Present This Notice to the Examiner as Your Authority to Take the Examination

FORM 103
5M-7-40

MERIT SYSTEM COMMISSION OF NEW MEXICO

C

BOX 1449—ALBUQUERQUE, NEW MEXICO

NOTICE OF ORAL INTERVIEW

☐ Please appear at the place and time indicated below for an oral interview for the position indicated on the reverse side of this card.

Date..... Time.....

Place.....

.....

☐ An oral interview is not necessary and will not be held for the position indicated on the reverse of this card. You will be notified later of the results of your examination.

PRESENT THIS CARD TO THE ORAL INTERVIEW BOARD AT THE TIME OF THE INTERVIEW

FORM 103
5M-7-40

MERIT SYSTEM COMMISSION OF NEW MEXICO

D

BOX 1449—ALBUQUERQUE, NEW MEXICO

NOTICE OF EXAMINATION RESULTS

	EXAMINATION SCORE	POSITION ON LIST
☐ You have successfully passed the examination for the position indicated on the reverse side of this card.		

☐ We regret to inform you that you were unsuccessful in the examination indicated on the reverse side of this card because:

EXHIBIT I
INDIVIDUAL APPLICATION CARDS

this Act as to employment of persons by competitive examination for public service, and as to promotion, demotion, transfer and discharge of such person. In making such classifications the Commission shall specify clearly those in which bi-lingual capability is a requirement, and those in which a speaking knowledge of the Spanish Language is a requirement.

Section 4. For the purpose of making the classifications and promulgating the rules and regulations hereinbefore required, the Commission may compel the attendance before it of any executive head or employee of any department or institution of this state or political subdivision thereof, for the purpose of testifying, or may require from any such person such information concerning employment in any such department or institution in such form as the Commission may deem necessary.

Section 5. Employees in the departments and institutions governed hereby, at the time of the effective date of this Act, shall retain their employment until such time as the Commission hereby created shall determine upon competitive examination that they are not fitted for the positions which they hold, or that other applicants for examinations are more fitted for said positions. Any person employed in the institutions and departments governed hereby at the time of first examination shall receive preference as to employment in the classification to which he belongs under the rules adopted by the Commission provided his grade upon the examination is substantially as high as that received by an unemployed applicant who upon the basis of his examination, is eligible for employment.

Section 6. No person shall be eligible for examination for employment under the provisions of this act unless he is a citizen of the United States of America, and unless he shall have been a resident of the State of New Mexico for at least one (1) year prior to the date upon which such examination is given.

Section 7. This Act shall not apply to the executive heads of the departments and institutions affected hereby, nor to one confidential secretary to be selected by each of such executive heads, nor to laborers and casual employees. The term "laborer" as used herein means a person who performs manual, unskilled labor, or who is engaged in employment requiring no particular training. The term "casual employee" as used herein means a person employed

to perform emergency work for a period of not to exceed ninety (90) days, PROVIDED HOWEVER, that such casual employees shall be selected by the employing authority only from a list of persons certified as eligible for employment by the Commission in the classification in which the emergency exists.

Section 8. The Chairman and ex-officio Merit System Director shall administer this Act and the rules and regulation promulgated by the Commission, under the supervision and direction of the Commission. The Commission may also employ such secretarial and clerical assistances shall be necessary for the proper administration of this Act and of the rules and regulations promulgated by the Commission.

Section 9. The employing authority of any department or institution governed by this Act may suspend any employee for gross incompetency, insubordination, conviction of a felony, or intoxication during hours of employment, for one period of not to exceed thirty (30) days during any twelve month period of employment, and said authority shall be the sole judge of the existence of said ground for suspension and the employee shall have no right to appear therefrom. In the event any employee is suspended more than once during any twelve month period of employment shall be entitled to appeal from such second order of suspension to the Commission for a hearing as to the existence or non-existence of grounds for suspension and may produce and examine witnesses and present evidence at such hearing upon such hearing upon such terms, conditions, and rules governing proceedings as the Commission shall prescribe. The decision of the Commission upon such appeal shall be final, and neither the employee nor the employing authority shall have any appeal therefrom. In the event the Commission shall find that the employee was suspended for sufficient cause twice, said employee shall automatically be removed from his office or position and the vacancy thus created shall be filled from eligible applicants who have passed satisfactory examinations in the manner prescribed by the rules and regulation of the Commission.

Section 10. Any person employed under the provisions of this Act may appeal to the Commission on such terms and conditions as shall be imposed by rules and regulations adopted by the Commission for the enforcement of this Act or any rule, regulation or order thereunder, against the head, the governing body, or any employee of any department or institution affected hereby. The decision of the Commission upon such an appeal shall be final.

Section 11. During the pendency of any appeal as provided for in Section 9 of this Act, the position of the employee affected may be filled by a casual employee, but no vacancy for permanent employment shall exist until the said appeal shall have been finally determined. The Commission may make such orders regarding the payment of the salary of a suspended employee during the period of suspension as the facts shall warrant.

Section 12. Any officer or employee of the state or any political subdivision thereof governed by this Act who shall fail or refuse to comply with any provision of this Act or any rule, regulation or order thereunder shall be subject to all penalties and remedies now or hereafter provided by law for the failure of a public officer or employee to do an Act required of him by law. The Director may under such terms and conditions as shall be emposed by regulations to be adopted by the Commission maintain such action and proceeding at law or in equity as he considers necessary or appropriate to secure compliance with this Act and the rules, regulations and orders thereunder. The venue of such action shall be laid in the county in which is located the chief administrative office of the department, governing body, institution or political subdivision affected by said proceeding.

Section 13. Any municipal corporation in this state may, by ordinance, and by compliance with such rules and regulations as the Commission may promulgate, extend the application of this Act and of the rules and regulations adopted pursuant hereto, to the employees of any department or institution of such municipal corporation.

Section 14. The Commission by regulation may require applicants for positions in the institutions and departments governed hereby to pay a fee of not less than $5.00 nor more than $15.00 at the time of filing their applications for examination.

Section 15. Political activities prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service governed by this Act, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations of his race.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment of advantage in appointment to a position in the classified service or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) Any officer or employee in the service or political subdivisions thereof governed by this Act who violates any of the foregoing provisions of this section shall forfeit his office or position.

(e) No person elected to public office for which any salary or compensation is received shall, during his term as such officer, be appointed to any position in the classified service.

Section 16. Any person who wilfully violated any provision of the foregoing section will be guilty of a misdemeanor and shall be punished by a fine of not less than $100.00 nor more than $500.00.

Section 17. In addition to the duties hereinbefore required to be performed by the Commission, the Commission shall classify all employees in the public service of this state and political subdivisions thereof, other than employees of educational departments and institutions, and report said classification to the Governor at least sixty (60) days prior to the day on which the next regular session of the Legislature shall convene.

Section 18. There is hereby appropriated out of moneys not otherwise appropriated in the Treasury of the State of New Mexico the sum of Ten Thousand Dollars ($10,000.00) for the twenty-eighth fiscal year and the sum of Nine Thousand Dollars ($9,000.00) for the twenty-ninth year, in addition to all moneys that may in the discretion of the Commission be collected as examination fees from applicants as provided for herein, all of which funds shall be by the State Treasurer covered into a fund to be known as the New Mexico State Merit Commission Fund; the appropriations hereby made are to be used and disbursed

for the payment of salaries and necessary traveling expenses of the members of the Merit System Commission created hereby and for secretarial assistance, office equipment, necessary printing, and other expenses of administering this Act, upon voucher drawn by the Chairman of the Commission and warrant issued by the State Auditor.

EXHIBIT M
SUMMARY OF CONSTITUTIONAL
AND STATUTORY PROVISIONS

SUMMARY OF
CONSTITUTIONAL AND STATUTORY PROVISIONS

In the State Constitution, adopted January 21, 1911, under the head of eligibility, provision is made in Sec. 3 that "no person shall be eligible to any office specified in Section I hereof unless he be a citizen of the United States, at least thirty years of age, nor unless he shall have resided continuously in New Mexico for five years next preceding his election; nor to the office of Attorney General unless he be a licensed attorney of the Supreme Court of New Mexico, in good standing; nor to the office of Superintendent of Public Instruction unless he be a trained and experienced educator." (Article V, Sec. 3, State Constitution). This provision applies to the elected State officials. Under Article 6 of the Constitution, which relates to the Judicial Department, it is provided that justices of the Supreme Court and District Judges must be "learned in the law" and shall have been in actual practice of law and resided in this State or the Territory of New Mexico for at least three years. It is further provided that district attorneys shall be "learned in the law".

In the statutes provisions are made for the appointment of teachers in the public service system on the basis of qualifications. The State Board of Education is authorized to determine such qualifications on the basis of examinations, education, and otherwise.

The State Inspector of Mines is to be selected from candidates who have been examined as to their qualifications to hold the office by a board consisting of the State Engineer, the Governor, and the President of the School of Mines. The qualifications for this office are set out in Sec. 34 - 902 of the 1929 Compilation. The State Comptroller under Sec. 134 - 501 is required to be "some competent person". No assistants shall be appointed in the office of the State Comptroller "who are not capable accountants".

The State Bank Examiner, under Sec. 13 - 401, is required to have had "at least three years experience as a banker" and "shall be otherwise qualified to perform the duties of his office".

The State Highway Engineer, under Sec. 64 - 304 is required to be "a competent civil engineer, experienced and skilled in highway construction and maintenance".

The State Engineer, under Sec. 151 - 104, is required to be "a technically qualified and experienced hydraulic engineer".

The Director of the State Library Extension Service, under Sec. 133 - 201 is required to have "professional training and experience."

The foregoing paragraphs do not cover all positions

for which qualifications are required in the law. They are, however, sufficient evidence of appreciation on the part of the Legislature that for certain positions technical qualifications are quite necessary.

Except for the system of examination and training for teachers in the public schools, the first department to establish its personnel on the basis of examinations was the New Mexico Motor Patrol, better known as the State Police. The New Mexico Motor Patrol was created under Chap. 79 of the Laws of 1933. Sec. 4 of the Act cited reads as follows: "The Board of Supervisors of the New Mexico Motor Patrol shall cause all applicants for the positions of patrolman to be examined for the purpose of determining the qualifications of such patrolmen. In determining the physical qualifications of such applicants, the applicant shall be in good physical condition as evidenced by a doctor's certificate of the physical condition of the applicant. Examinations of all applicants for the purpose of determing their mental qualifications and knowledge of the laws of the State of New Mexico and their ability to render assistance in cases of accident upon the public highways shall be upon written examination and the examination papers, both questions and answers, including

the grade of all applicants, shall be a permanent public record and shall be filed in the office of the State Engineer".

In Sec. 5 of the Act, it is provided that "before entering upon his duties prescribed in this Act every appointee shall be required to attend for a period of thirty days a school where a uniform course of instruction shall be given such applicant covering the operation, maintenance, and temporary roadside repairs of motor vehicles and such other instruction as the Board of Supervisors may require".

Under Chapter 73, Laws of 1939, qualifications are set out for all deputies, agents, and employees with certain exceptions for the members of the Field Division of the State Police. This agency took the place of the service of the Ports of Entry established in 1935 and amended in 1937. These qualifications include the following:

(1) They shall have at least an eighth - grade education or its equivalent.

(2) They shall be sound physically and of good moral character and reputation.

(3) They shall be familiar with the provisions of all laws of the State which they may be called upon to enforce.

According to the law which further provided that "written examinations shall be held which require a grade of 72% for passing to determine the mental qualifications and knowledge of the laws of the State and ability to perform the functions of their office. Before entering upon his duties every appointee is required to take for a period of thirty days a course of instructions prescribed by the governing boards, said course to cover the provisions of the several laws of the State which the applicant will be called upon to administer and such other matters as the board may require".

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BOOK CARD
CANCELLED

NOT TO BE TAKEN FROM
LIBRARY

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DENVER, COLO.