

Model Bill: The Merit in Civil Service Act

SECTION 1. This act shall be known as the “Merit in Civil Service Act.”

Purpose. For decades at the federal level, getting a job in government required passing a rigorous civil service examination. However, these tests fell out of favor due to misguided court rulings and greater emphasis on college degrees in hiring. However, this has led to federal and state governments focusing less on merit and competence in government. College degrees, once a gold standard for selecting the best and brightest, are today less correlated with specific aptitudes and raw ability than in past generations and there is a growing bipartisan consensus around removing college degree requirements in hiring. The tide may be turning. The status quo threatens our civilization with incompetence and waste at every level. This bill will allow [STATE] to staff its state government based on merit via tests and other objective measures of competency, terminating perennially poor performers and leveraging available incentives to improve performance.

SECTION 2.

(A) No later than 12 months from the effective date of this Act, the [*secretary responsible for state human capital*] shall:

- (i) Adopt a framework of at least three objectively measurable competencies encompassing the knowledge, skills, and abilities necessary for success in each job category in state government, along with descriptive information necessary to determine how to measure each competency objectively.
- (ii) Adopt and set passing scores for such assessments as may be needed to measure the competencies for each eligible job category. Passing scores may differ by job category and agency but must be submitted to and approved by the [*secretary responsible for state human capital*]. State employers shall:
 - (1) Screen for general aptitude across all job categories using a norm-referenced standardized assessment of non-technical skills, problem-solving ability, and mastery of basic verbal and numeric abilities.
 - (2) Objectively measure competencies that are common across many job categories through formal assessment, including, but not limited to, written communication, proficiency with common office tasks, physical ability, and proficiency with commonly used computer hardware and software.

(3) Validate job-specific skills using at least one formal assessment per job category. Other competencies may be assessed using a variety of measures, including but not limited to formal and informal assessments, structured interviews, industry-recognized credentials, or completion of a recognized apprenticeship program or other post-secondary education or job training.

(iii) Publish a list of job categories in state government.

(iv) Nothing in this Act shall be interpreted to require or prohibit any agency from internally developing its own assessments.

(B) Notwithstanding other provisions of law, no individual may be hired on a full-time, part-time, or full-time contractor basis by any state agency, board, commission, or any other public or quasi-public entity of the state unless the individual:

(i) Is a political appointee; or

(ii) Is hired to serve in a role under a job category described under Section 2 (A) of this Act and has achieved a passing score on the assessments adopted by the [*secretary responsible for state human capital*]

(C) Beginning January 1, 202X [the first full year after the effective date] and every year thereafter, the [*secretary responsible for state human capital*] shall annually certify to the legislature that all job categories in state government, with the exception of political appointees:

(i) Are hired, promoted, and evaluated using competency frameworks and assessments described in Section 2 (A) of this Act.

(ii) Are not hired, promoted, or evaluated based on an applicant's or incumbent's attainment of postsecondary education, political viewpoints, race, color, religion, sex, national origin, disability, age, or any other characteristics protected by law.

(iii) Are evaluated annually based on a set of objective criteria tied to the competency frameworks and measured by the assessments adopted by the [*secretary responsible for state human capital*].

(D) At least every five years, the [*secretary responsible for state human capital*] shall reevaluate and update the competencies and assessments and provide a report to the governor and legislature detailing the changes made.

SECTION 3.

The secretary of each agency shall, by January 1, 202X [the first full year after the effective date], certify to the legislature that they have:

(A) Adopted an evaluation system for measuring the performance of individuals holding all employees at their agency based on the competency frameworks and assessments described in Section 2 of this Act.

(B) Developed a framework for improving the performance of or dismissing any individual not qualified to hold their position based on the competency frameworks and assessments described in Section 2 of this Act.

SECTION 4.

(A) No state agency, municipality, county, board or commission, or any other public or quasi-public entity within the state may enter into any consent decree or other settlement with any agency of the federal government that resolves any litigation or enforcement action that includes a disparate impact claim under 42 U.S.C. § 2000d et seq.

(B) The Attorney General shall represent any state agency, municipality, county, board or commission, or any other public or quasi-public entity within the state subject to any litigation or enforcement action that relies on a disparate impact claim under 42 U.S.C. § 2000d et seq.

SECTION 5. This Act takes effect on *[January 1, 20XX]*.