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## A Return to Spoils? Revisiting Radical Civil Service Reform in the United States

Theory to  
Practice

Writing a quarter century ago, noted public administration scholar Frederick Mosher observed, “One thing seems clear: that the principles of merit and the practices whereby they were given substance are changing and must change a good deal more to remain viable in our society” (1982, 221). There is perhaps no better example of the prescience of Mosher’s observations than the past decade’s emphasis on reinventing personnel systems in the United States. But even Mosher might be surprised by the magnitude of the changes launched during this era, a development now known widely as radical civil service reform. Perhaps the most radical of these reforms has been the move toward at-will employment in major jurisdictions across the United States.

A penchant for the reform of human resource management (HRM) in the United States is hardly a new phenomenon. The predicates for civil service reform in the United States are well known: revolts against the outright conversion of votes into jobs that were characteristic of spoils politics in the 19th century and culminated in the Pendleton Act, the Progressive reform movement of the early 20th century, and the struggle for equal rights and protection for public employees that animated the century (Condrey and Maranto 2001; Shultz and Maranto 1998; Van Riper 1958). Moreover, a recurrent aim of civil service reform since its inception has been to improve efficiency by strengthening managerial authority. For example, the 1937 Brownlow Commission sought a more management-oriented system of public personnel administration (Van Riper 1958). Indeed, Mosher himself argued in his classic work *Democracy in the Public Service* that HRM systems “should be decentralized and delegated to bring them into more immediate relationship with the middle and lower managers whom they served” (1982, 86).

More recently, however, the linkage of civil service reform with performance has been turned on its head. Rather than civil service protections being the solution

for improving government performance, they are routinely portrayed as problems that diminish government performance. Indeed, what has been called “radical civil service reform” in the neomanagerialist terms of the New Public Management (NPM) has grown popular among government reinventors and resonated as a populist theme among the general public (Barzelay with Armajani 1992; Durant and Legge 2006; Pollitt 1990; Terry 1993). Thus, consonant with NPM advocates, who espouse freeing managers from the bonds of bureaucratic constraints in order to allow them to manage their organizations effectively, proponents of radical civil service reform contend that more effective government results when public and nonprofit organizations adopt or adapt private sector models of productivity and management (Barzelay 2001; Kettl 2000; Savas 2000). Most notably, radical reformers join NPM proponents in viewing civil service protection as a hindrance to good management. Part and parcel of this perspective is the elimination of job security in favor of at-will employment, the erosion of merit protections, the linking of pay with performance, and the decentralization of personnel functions to line managers in programs, largely without checks on managerial excesses.

Not surprisingly under these circumstances, all are not sanguine about the implications of today’s NPM-related radical civil service reform agenda. In fact, its tenets have proven quite controversial among public administration scholars, particularly with respect to ensuring democratic accountability (Box et al. 2001; Denhardt and Denhardt 2000; Jos and Tompkins 2004; Kelly 1998; Moe 1994, 2001; Moe and Gilmour 1995; Terry 1993, 1998; Wamsley and Dudley 1998). Their broad critiques are summarized in an assessment made five years ago by Condrey about the likely prospects of Georgia’s first-in-the-nation effort to move toward at-will employment:

It is too early to see if cronyism, favoritism, and unequal pay for equal work will be the wholesale result of the Georgia reform. However, in

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this author's view, the likelihood of these problems occurring has increased due to the diminished role of Georgia's central personnel authority. As other states look at Georgia, it is hoped that they will work to devise strategic partnerships between central and agency personnel authorities, seeking a healthy balance between responsiveness and continuity. (2002, 123)

Five years later, it is still premature to know how accurate the perspectives of proponents or opponents of radical reform have been in Georgia, as well as in the two other leading states embracing these reforms, Florida and Texas. In particular, sufficient time has not elapsed to allow a rigorous, systematic, and significant body of research that links the reforms to objective measures of service delivery. The Florida initiative, after all, was begun in 2001, and Texas's program, although long-standing, has not been the subject of systematic performance-based research (Cogburn 2006a). However, time and research have advanced enough at this point to at least begin taking stock of the promise and perils of radical civil service reform in the states.

The purpose of this *Theory to Practice* update on radical civil service reform in the states is fivefold. First, we review briefly for *PAR* readers the logic and history of these initiatives in the United States, examining the substance and pace of adoption across the states. Second, and in the process, we review what the research conducted in several early state adopters—Florida, Georgia, and Texas—suggests about the extent to which the perils that opponents worried about have arisen. Third, we offer the results of our own survey research in Georgia indicating that, despite dire predictions, there appears to be no wholesale rush to spoils in the state—at least in the eyes of agency human resource (HR) professionals. This, in spite of three different gubernatorial administrations and a change in political party dominance since the original reform legislation was passed. Fourth, and derived from this analysis, we offer a set of propositions that practitioners might consider when thinking about the adoption or expansion of radical civil service reforms in their states and that researchers might test, elaborate, and extend in their work. Finally, we conclude by arguing that a variety of underlying societal, organizational, and political forces suggest that support for radical civil service reform in the United States is likely to continue in the years ahead.

### **Radical Civil Service Reform: Diffusion, Breadth, and Some Early Lessons**

Radical civil service reform is a direct reaction to administrative reform prescriptions that frame government as hamstrung by, among other things, overly bureaucratized civil service systems. Instead of mod-

ernizing these systems and their myriad policies and procedures, radical civil service reformers opt to make organization employees “at will”—that is, to serve without the guarantee of tenure or job security protections. Three Sunbelt states have taken the lead nationwide in these initiatives: Florida, Georgia, and Texas.

Georgia's former Democratic governor, Zell Miller, blazed the trail for radical civil service reform nationally in 1996. Alleging a recalcitrant and unresponsive state personnel system, his administration sponsored legislation that abolished job protections for newly hired state employees. In essence, the Georgia reform legislation abolished civil service protections not only for newly hired employees but also for those accepting promotions or transfers to other positions in state government. As of 2006, approximately 76 percent of Georgia's state employees were employed at will (State of Georgia 2006). Following suit, Florida governor Jeb Bush implemented his Service First and People First programs in 2001, outsourcing key HR functions and assigning at-will status to upper-level managers. Though no definitive date is apparent for the Texas initiative, the state has long operated under a decentralized, at-will arrangement for the delivery of HR services. In fact, Texas is the only state that does not have a central personnel agency (Chi 2005). Procedural, not substantive, due process protections are in place for Georgia employees and for employees of several Texas agencies. However, these procedural protections do not provide the job security and employee rights afforded by the traditional civil service systems that these at-will systems replaced.

Not surprisingly, these three state initiatives in radical civil service reform have prompted considerable interest among HRM practitioners and scholars in the United States. Indeed, *PAR* readers will find useful two entire issues of the *Review of Public Personnel Administration* (Summer 2002 and Summer 2006), the leading public HRM journal in the United States, that were devoted to these types of civil service reform initiatives. The first issue focuses on Georgia's experience and emphasizes prospective views and some early impressions of impact (Condrey 2002; Gossett 2002; Kellough and Nigro 2002; Kuykendall and Facer 2002; Lasseter 2002; West 2002). The second issue affords a broader and more retrospective assessment of impact (Battaglio and Condrey 2006; Bowman and West 2006; Cogburn 2006b; Hays and Sowa 2006; Wilson 2006). From this and other research, several lessons concerning the diffusion of radical civil service propositions may be drawn. Moreover, each offers propositions suitable for testing, elaborating, and refining by scholars in future research.

***Lesson 1: At-will employment practices have diffused quite significantly across states and localities in the United States, with the strength***

**of public employee unions tempering but not precluding its adoption and with the spread of decentralized personnel management coming in its wake.** In 2006, Hays and Sowa surveyed all 50 states to determine whether at-will employment policies were expanding and whether decentralization of the HR function was taking place. The authors found that at-will employment influences have diffused to a majority of state governments (28 states, or 56 percent). Additionally, of the 28 state governments reporting at-will policy expansion, 25 (89 percent) also reported some degree of decentralization of their personnel systems.

The result of this decentralized, at-will environment is the substitution of agency-specific, manager-centered HR systems for the conventionally centralized, rule-oriented systems that once characterized these state personnel systems. This result occurs more often in states with weak employee unions and collective bargaining rights. A case in point is Florida: When Governor Jeb Bush implemented his Service First at-will employment scheme, law enforcement and nursing unions were able to exempt themselves from the reform (Bowman and West 2006). Thus, practitioners advocating these reforms would do well to expect—and researchers might hypothesize—that states with strong and effective employee unions will experience the greatest amount of resistance to radical civil service reform initiatives.

Still, as Bowman and West (2006) chronicle in their research on Florida's experience to date with radical civil service reform, public union opposition may be a limiting but not a precluding factor in adopting radical civil service reform. Since its inception in 2001, for example, Florida's Service First program has placed approximately 16,000 senior state government managers—out of a total of approximately 124,000 state employees—in at-will status. Additionally, through its People First initiative, also instituted in 2001, Florida has chosen to outsource much of its HR function.

**Lesson 2: Proponents' aims of imposing neomanagerialist values and superior performance have yet to materialize, with some evidence suggesting that views of their impacts differ between program and HRM professionals.** How well have the claims of proponents materialized in the states adopting radical civil service reform over the past 10 years? As noted, insufficient time, confounding effects, and inadequate databases preclude rigorous empirically grounded answers to the question of whether radical civil service reform has improved service delivery. However, it is not too early to assess how deep and with what obstacles the neomanagerialist roots of radical civil service reform have sunk into day-to-day personnel management in the states. In Florida, for example, Bowman and West found that the managerialist view of government that it embod-

ies is eroding the traditional status provided by, protections afforded by, and role of governmental HRM:

[T]he management of human resources is undergoing profound transition in concept and practice. A key component of this transformation is the dissolution of the traditional social contract at work: job security with good pay and benefits in exchange for employee commitment and loyalty. In the process, the long-standing American employment at-will doctrine, which was eroded in the latter part of the twentieth century, has been revitalized and has spread to the public sector through civil service reform. (2006, 139)

Nonetheless, these authors also note serious bumps on the road to implementing radical civil service reform in Florida and to assessing its presumed benefits. For example, Convergys—the firm to which many routine HR processing functions were outsourced—experienced delays and “significant problems . . . as they became operational,” including payroll and benefit errors (OPPAGA 2006, 2). Moreover, although proponents touted that the program would likely save Florida taxpayers an average of \$24.7 million annually, by 2006, the state still had not established “a methodology to capture project cost savings” (OPPAGA 2006, 3).

Nevertheless, opinion from the frontlines about the promise versus the performance of radical civil service reform varies in their study. In summarizing the first five years of the Service First initiative in Florida, for instance, Bowman and West report that state officials in the Selected Exempt Service found the reforms to be “of little consequence at best and harmful at worst” (2006, 155). This was, however, in contrast to the overall opinion of state HR directors, who held a more “sanguine view” of the reform, citing some administrative improvements (155). Meanwhile, in Georgia, Sanders's (2004) research suggests that although reform efforts may be popular among state politicians, state workers have expressed dissatisfaction with civil service reforms (see also Kellough and Nigro 2002). Furthermore, his review of recent surveys found little or no observable improvement in the evaluation and discipline processes among state workers.

There also is limited evidence that radical reform need not lead to violations of merit principles in states with traditions of decentralized personnel management. Cogburn (2006b), for example, reports that Texas has long operated in a decentralized, at-will HR environment. Because of the maturity of this decentralized management structure in Texas state government, Cogburn observes that the state's organizational culture has managed to avoid the wholesale cronyism

that one might expect to result from the abolition of employment rights. Fully 97.4 percent of state HR directors surveyed agreed that “even though employment is at will, most employee terminations in Texas agencies are for good cause” (2006b, 166).

***Lesson 3: Although radical civil service reform may bring the improvements in processes that proponents claim, the recruitment and retention of employees may suffer if cost savings reduce the attractiveness of employment.*** Recent research also suggests, however, that there may be problems with recruitment and retention should a rush to cost savings occur. Though they found that at-will employment may contribute to streamlining the dismissal process, for example, Elling and Thompson’s (2006) surveys of staff and line managers in 10 states in 1982 and 2000 report no significant correlation with the extent of state personnel system deregulation and streamlining of HR processes. Interestingly given its history, the exception was Texas. Texas managers said that they encountered fewer problems in disciplining or dismissing employees. However, these same managers also were more likely to articulate concerns about low pay impeding recruitment and retention. The lesson is that although deregulation may be key to eliminating the impediments to effective management that neomanagementists find important, implementers of at-will employment systems should not neglect traditional motivators of public employment and retention (e.g., adequate compensation).

### **Assessing the “Calculus of Dissent” for At-Will Employment in Georgia**

With the overwhelming majority of research on radical civil service reform likely to remain anchored in perceptions of impacts for the foreseeable future, and with some evidence suggesting that differences in perceptions exist between HRM personnel and front-line state employees, it is important for practitioners and researchers to understand how, why, and with what consequences these different types of state workers arrive at the conclusions they do. To date, however, there is little research to account for differences in either frontline or HRM perceptions.

We begin to address this gap in our understanding by offering and testing a model that seeks to account for differences in attitudes toward at-will employment among one of these groups: HRM professionals. Informing the analysis is a statewide survey taken in Georgia in early 2006. The specifics of our data and methods are discussed in appendix A. We first asked respondents to indicate their level of agreement with a number of statements evaluating at-will employment in the state of Georgia. Premised on the findings of prior research, the first 18 survey items were condensed into three scales that served as our dependent variables (see appendix A). The first tapped into

respondents’ perceptions of the potential for at-will employment to discourage good government (Battaglio and Condrey 2006; Condrey 2002; Gossett 2002). The second reflected how much respondents saw at-will employment as promoting the neomanagementist claims of NPM proponents regarding the extent to which this initiative produces enhanced efficiency, accountability, responsiveness, customer satisfaction, motivation, managerial flexibility, performance, streamlining, and modern management techniques (Barzelay with Armajani 1992; Kettl 2000; Light 1997; Osborne and Gaebler 1992; Savas 2000, 2006). The third scale represented respondents’ perceptions of how much critics’ concerns had materialized—that is, that at-will employment would promote the unfair treatment of employees, especially in regard to the removal of traditional public sector employee protections (Battaglio and Condrey 2006; Condrey 2002; Gossett 2002; Kellough and Nigro 2002).

We then identified factors that might explain variations in the respondents’ perceptions of these three factors. A review of prior research, as well as impressions garnered from extensive experience consulting with HR personnel, suggested to us that demographic and agency-specific characteristics might be at work (see, e.g., Brudney and Wright 2002; Brudney, Hebert, and Wright 1999; Kearney, Feldman, and Scavo 2000). Premised on these expectations (articulated more fully later), we posed 29 questions assessing the age, gender, race or ethnicity, and political views of respondents; their previous HRM private sector experience; their years of service in the public sector; their educational level; and the size of the agency for which they worked (measured by the number of full-time employees). Additionally, three scales measuring the effect of agency-related factors on the respondents’ assessments of at-will employment in Georgia were developed from the second part of the survey. Specifically, the scales measured perceptions of previous misuses of the HR system, prior “unwarranted reductions in force,” and general trust in management (see appendix A for the details of scale construction).

How positive or negative were HR professionals about at-will employment when it came to performance improvements? Overall, we found significant splits among HR professionals in their perceptions of how well the claims of radical civil service reform proponents had materialized in Georgia. For example, less than half of the respondents (47 percent) thought that at-will employment had helped “ensure that employees are responsive to the goals and priorities of agency administrators.” Furthermore, only 43 percent of the responding HR professionals found that at-will employment in Georgia state government had made “the HR function more efficient,” and only 34.9 percent reported that it provided the “needed motivation for employee performance.”

What accounts for variations in positive and negative assessments of at-will employment among HR respondents? We used multiple regression analysis to test for the independent effects of demographic and agency-specific characteristics on perceptions of at-will employment in Georgia while simultaneously controlling for (i.e., holding constant) the impact of the other factors. The results of our analysis are summarized in appendix B. On the basis of this analysis, we offer the following propositions for practitioners to consider and for researchers to test, elaborate, and refine in future research on the perceptions of HRM managers.

**Proposition 1: HR professionals with greater tenure in office (defined by age and years of service) are more likely to oppose measures associated with at-will employment in government.**

We expected that seasoned public sector HRM respondents would be not only more likely to be cynical about management fads generally but also more likely to worry that increased managerial discretion would diminish employee protections. As hypothesized, respondents with longer tenures in their positions (age and years of service) consistently tended to view at-will employment in Georgia as discouraging good government, negatively advancing the neomanagerialist tenets of NPM, and having the potential to result in unfair employment practices.

**Proposition 2: HRM professionals with prior experience in the private sector are no more likely than professionals with only public service experience to support measures associated with at-will employment in government.** We also expected that HRM respondents with prior experience in the private sector would tend to have more favorable views about at-will employment than respondents who had worked solely in public agencies. The former would be not only less sensitive to the historical import of merit principles, we believed, but also less invested personally in the merit system and more impressed by private sector models and performance. Interestingly, however, statistical significance was achieved for only one of the scales testing this expectation; respondents with only public sector backgrounds were more likely to see at-will employment as encouraging unfair employment practices. Thus, contrary to our expectations, respondents with private sector backgrounds were no more or less likely to be wary of an at-will environment, a finding that may result from the latter's previous private sector experience.

**Proposition 3: Respondents in agencies with greater numbers of full-time employees are more likely to support at-will employment.** Not unlike prior research on NPM reforms more generally, we anticipated that agency size would be positively associated with respondents' attitudes toward at-will employment (Brudney, Hebert, and Wright 1999;

Kearney, Feldman, and Scavo 2000). As expected, our analysis indicated that respondents in larger agencies (i.e., those with greater numbers of full-time employees) were significantly more likely to support NPM principles than respondents in smaller agencies. Thus, it appears that HR professionals in large agencies may have bought into the neomanagerialist ideology promulgated by the Georgia reformers, perhaps because at-will employment facilitates the overall management of these agencies or because efficiency is a more overriding principle or concern in such agencies. Moreover, HRM professionals in large agencies may be predisposed to dedicate extensive professional and technical resources to experimentation with at-will employment, and thus they are better equipped to provide those resources (Brudney, Hebert, and Wright 1999, 25; Kearney, Feldman, and Scavo 2000, 540).

**Proposition 4: Although female and minority HR professionals are likely to be less supportive of at-will employment, those with higher education levels are more likely to support it.** Given historical levels of discrimination against women and minorities in the workplace, we expected that female and minority HRM professionals would be less likely to support at-will employment in Georgia. Relatedly, we also expected that respondents with higher levels of education would be less skeptical of at-will employment. We also entertained the rival hypothesis, however, that because of their greater familiarity with the pro-business and anti-public sector biases of the NPM agenda, more highly educated professionals would be more wary about the loss of public sector jobs and the potential for arbitrariness and abuse of merit principles.

Yet we found that female respondents were significantly *more* likely to disagree with the notion that at-will employment discourages good government than were male HR respondents. Perhaps female HR professionals feel their career progression has been slowed by civil service rules that may have favored their more-tenured male counterparts. Our expectations regarding education and race, however, were validated. Respondents achieving higher levels of education did not agree that at-will employment discourages good government. As such, respondents with higher formal education may have a greater awareness of the potential benefits and less fear of its downsides than we expected. It is also possible that they are less fearful of being adversely affected by these initiatives because of their higher levels of education.

In contrast—and although the relationship only demonstrates marginal statistical significance—African American respondents were less likely to support the neomanagerialist philosophy informing NPM principles. As we expected, they seemed wary of proponents' claims that at-will employment would

produce a more responsive and motivated workforce. As Wilson suggests, by giving managers the upper hand in employment relationships, at-will employment may be viewed by African Americans as a tool for “discrimination-induced job dismissals” (2006, 178). One other possibility is related to party politics. Having a long history with the Democratic Party in Georgia, African Americans may have become wary of how reforms had or would be implemented by the first Republican governor elected in Georgia since Reconstruction, or they simply may be averse to Republican initiatives generally. Only future research can sort out these relationships in definitive ways.

**Proposition 5: Overall, political ideology is not a significant predictor of attitudes toward at-will employment initiatives.** Turning to ideology, we also anticipated that HR respondents who see themselves as politically conservative would be more likely to support at-will employment in Georgia than those viewing themselves as liberals. In contrast to liberals, who are less sanguine about the magic of markets and the application of private sector techniques to government, conservatives are more likely to support market-based approaches to personnel administration such as at-will employment. However, we found that political ideology failed to achieve statistical significance in any of our three models. Moreover, statistical significance aside, liberals actually tended to support at-will employment in all three cases, whereas conservatives viewed it as discouraging good government. It is possible that conservatives are inherently less sympathetic to radical changes of any kind, or to those that might challenge the status quo in service provision, whereas liberals are more prone to embracing change that leads to substantive policy change in state services. This remains mere speculation, however, until tested in future research.

**Proposition 6: HR professionals whose experience in public agencies has involved abuses by managers are less likely to support at-will employment initiatives, making prior and present leadership key factors in employee acceptance.** We expected that HR professionals who anticipated “misuse of the HR system” by managers and “unwarranted reductions in force” based on past experiences in the Georgia state system would be less supportive of at-will employment. Equally unlikely to support at-will systems would be respondents who distrust program managers generally. Our expectations were largely confirmed, as respondents who were suspicious about misuse of the HR system were significantly more likely to believe that at-will employment in Georgia discouraged good government and encouraged unfair employment practices. Likewise, respondents who trusted managers to do the right thing in personnel actions were significantly more likely to

view at-will employment as an important management tool in government.

### **Conclusion: An Idea Whose Time Has Come?**

The uniqueness or generalizability of our findings notwithstanding, we argue that several large-scale political, social, and organizational forces will continue to make radical civil service reform attractive to elected officials and citizens.

**The existence of broad public support for at-will employment and its symbolic appeal to elected officials.** At-will employment is a way for elected officials to demonstrate to the public that they are “in charge” and have control over the ship of the state. Although there is no evidence to date that at-will employment is improving state operations, it enjoys broad public support. In addition to our findings, a 2006 poll of Georgia citizens (805 respondents; 95 percent confidence interval) indicates that they do not view widespread corruption as a problem, and they exhibit high levels of support for their state’s civil service reform initiatives (Peach State Poll 2006).

**Changes in public employment and electoral politics.** Votes no longer translate into jobs, except for select elites. Interest group politics, lucrative government contracts, and the privatization of government functions are now the fuels that power elections and electoral politics. Who gets what from government is no longer determined by the simple formula of votes for jobs; rather, it is a complex calculus involving contracts and large private interests. Hence, the move toward a “hollow state” with extensive privatization and outsourcing of governmental functions has diminished the importance of the individual government employee in electoral coalition building and enhanced the importance of satisfying large private organizational interests. As a consequence, jobs are no longer traded for votes on a large-scale basis, as they once were. As the preceding review of prior research suggests, critics’ fears that at-will employment would bring a return to spoils once employee protections were abolished have not materialized. Although there is anecdotal evidence of this in Florida, presently there is little evidence for any widespread return of patronage politics in states adopting at-will employment systems. In fact, our analysis in Georgia indicates that politics did not factor at all into the perceptions of Georgia HR professionals about at-will employment in state government. Many HR professionals even expressed support for at-will employment in their written survey responses. As one respondent stated, “I believe that at-will employment has significantly improved the efficiency and effectiveness of our agency’s HR processes. I do not believe the abuses (cronyism, firing competent employees, etc.) are any more common than they were previously.”

**The ascendancy of complex bureaucracies and a developed economy.** Most state bureaucracies employ tens of thousands of employees, and their sheer complexity negates coordinated efforts to politicize entire bureaucracies. Our analysis of survey data in Georgia substantiates earlier research demonstrating that agency size may indicate a willingness to experiment with reforms in order to achieve efficiency (Brudney, Hebert, and Wright 1999, 25; Kearney, Feldman, and Scavo 2000, 540).

**The changing nature of the workforce and the notion of psychological work contracts.** Employment relationships continue to evolve in the U.S. workforce. Thompson and Mastracci (2005) note the increasing use of contingent or “nonstandard work arrangements” whereby part-time, temporary, and contract workers are used in the public sector workforce. This phenomenon increases the importance of flexible work arrangements and diminishes the notion of full-time, career-based employment on which traditional civil service systems were originally based. Evidence from prior research indicates that younger workers in the United States no longer expect to form long-term psychological contracts with their employers (Ricucci 2006; Tulgan 1997; West 2005). Consistent with these findings, our analysis in Georgia suggests that generational trends may be at play in support for at-will employment, with older respondents being less supportive of the initiative. As such, at-will employment may suit the next generation of workers, who enter the workforce anticipating that their career path will involve a number of different jobs with different organizations. As one respondent stated, “I think that at-will employment is a non-issue for new and younger employees, but a concern for long-term employees.” Another respondent observed, “Only classified employees express concern regarding at-will employment.” We argue that the outcomes of this generational transition in the workforce will lend additional energy to the pursuit of at-will employment as an alternative to traditional HRM.

**The blurring of public and private sector employment.** The differences between public and private employment will continue to diminish, facilitating the diffusion of radical civil service reform. Compelling arguments for special protections for public employees will hold less weight as the distinctions between employment by sector continue to fade. This final argument has roots in the aforementioned diffusion of radical civil service reform initiatives themselves across states and localities in the United States. Even before these initiatives began, scholars were pointing to a diminution of the differences between public and private sector employment (Bozeman 1987). Still, public sector jobs continued to be attractive to employees because they offered both career employment and civil service protections. As these protections

erode, and as the generational shift in attitudes mitigates against career employment in a single organization, public and private employment differences are likely to blur even further. At best, this phenomenon will lead to more competitive wages for public sector employment. At worst—and more likely—public agencies without civil service protections and competitive wages may become the employers of last resort.

Given each of these secular trends, we argue that it is incumbent upon the public administration community to recognize that radical civil service reform in general, and at-will employment in particular, is more than a fleeting phenomenon, to seek explanations for its persistence and expansion, and to guide its implementation (Thompson 2002). We have sought to advance that agenda by offering a set of lessons and propositions culled from prior research and our own survey of HR professionals in Georgia. We hope that practitioners will ponder and researchers will test, elaborate, and refine these findings in their work. The most significant personnel reform in a century requires no less from us.

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## Appendix A: Data and Methods

Our sampling universe consisted of individuals identified by the Georgia State Merit System as having a significant HRM function in their agency. Thus, the survey was not limited to director-level positions, making for a more balanced and representative view of the reforms. The survey was conducted following

the total design method for mail surveys (Dillman 1978). The surveys were mailed to 534 Georgia HR professionals in January 2006. A follow-up mailing in March 2006 **resulted** in a total survey return rate of approximately 51.3 percent, or 274 completed surveys. Because of the exploratory nature of our study, we used both the conventional .05 and the more relaxed .10 levels of statistical significance in our discussion of the findings.

### Scale Development and the Dependent Variables

Using a theoretical construct, scales were developed with survey items from the respondents' views regarding at-will employment in general. These views were assessed by the following set of questions rated on a Likert scale:

#### Part I: At-Will Employment in General

Respondents were asked to circle the number (coded 1 = "strongly disagree" and 5 = "strongly agree") corresponding to their level of agreement or disagreement with statements related to the notion of at-will employment in government in general.

- Leads to greater customer satisfaction for citizens
- Leads to greater government accountability and responsiveness to the public
- Has streamlined the hiring/firing process
- Helps ensure employees are responsive to the goals and priorities of agency administrators
- Provides needed motivation for employee performance
- Makes the HR function more efficient
- Provides essential managerial flexibility over the HR function
- Represents an essential piece of modern government management
- Makes employees feel more secure about their jobs
- Discourages employees from taking risks that could lead to program or policy innovation
- Discourages employees from reporting agency wrongdoing (or "blowing the whistle")
- Discourages employees from freely voicing objections to management directives
- Could—by not requiring a rationale or justification for terminating employees—negatively affect managers' decision making in other non-HR decisions
- Could—by not requiring a rationale or justification for terminating employees—make public employees less sensitive to issues of procedural fairness
- Is at odds with the public sector's traditional emphasis on merit in human resources decisions
- Makes state government jobs less attractive to current and future employees than would be the case if there was more job security
- Gives an upper hand to employers relative to employees in the employment relationship
- Is sometimes used to fire competent employees so other people with friends or connections to government can be hired

Using techniques for factor analysis (with Varimax rotation) to identify similar item groupings and ensuring internal reliability, we developed three scales associated with the notion of radical reform, and these scales served as our three dependent variables. The

scales are composed of the combined mean responses to scale items by respondent. Thus, let us assume that a respondent's answers to the four statements comprising the "Discourages Good Government" scale are 3, 4, 5, and 3, respectively (where 1 = "strongly disagree" and 5 = "strongly agree"). Instead of adding the items in the scale (in this example, 15) and using the totals in the analyses, the means of respondents' scores on the scale (in this example, 3.75) were used in the regression analyses. With respect to the interpretation of the scales, this means that the scales are within the same 1–5 range as the survey statements. In the computation of respondents' scores on the dependent variables, missing values were replaced by the mean.

The first scale was developed from perceptions that implementation of an at-will employment scheme would discourage responsible or "good" government. Scholarship suggests that the uneasiness associated with at-will employment is not unfounded, given the potential for political abuse and normative implications for removing traditional public sector employee protections (Battaglio and Condrey 2006; Condrey 2002; Gossett 2002). A "Discourages Good Government" scale was calculated by summing responses for four statements (statements 10–12 and 16) from the survey (see part I); higher values are associated with stronger levels of agreement. These statements were worded and coded so that a higher value on the scale corresponds to a more negative sentiment toward at-will employment and an increasing belief that at-will employment discourages good government. The scale has a respectable degree of internal reliability, indicated by a Cronbach's alpha of .784, with a mean of 3.05 and a standard deviation of .854.

The second dependent variable was developed from survey statements indicating that at-will employment upholds certain tenets of NPM. The literature identifies forces at work in promoting "managerialist" beliefs in public sector governance, including notions of efficiency, accountability, responsiveness, customer satisfaction, motivation, managerial flexibility, performance, streamlining, and modern management (Barzelay with Armajani 1992; Kettl 2000; Light 1997; Osborne and Gaebler 1992; Savas 2000, 2006). Indeed, similar statements have appeared in recent research designed to elicit managerial input regarding the extent of reinvention in state and local government (Brudney and Wright 2002; Brudney, Hebert, and Wright 1999; Kearney, Feldman, and Scavo 2000). The "Supports NPM Principles" scale was developed by summing responses to survey statements 1–8, where higher values are associated with stronger levels of agreement. These statements were worded and coded so that a higher value on the scale corresponds to a more positive view of at-will employment. A Cronbach's alpha of .893 indicates a high degree of

internal reliability for this scale, with a mean of 3.23 and standard deviation of .766.

A final dependent variable was constructed to assess respondents' perceptions that at-will employment resulted in unfair employment practices (Battaglio and Condrey 2006; Condrey 2002; Gossett 2002; Kellough and Nigro 2002). An "Encourages Unfair Employment Practices" scale was calculated by summing responses for five statements (statements 13–15, 17, and 18) from the survey, where higher values are associated with stronger levels of agreement. These statements were worded and coded so that a higher value on the scale corresponds to a more negative sentiment about at-will employment. In other words, a high scale value indicates a belief that at-will employment increases the likelihood of unfair treatment of employees. This scale also has a respectable degree of internal reliability, indicated by a Cronbach's alpha of .801, with a mean of 3.06 and a standard deviation of .807.

### **Scale Development and the Explanatory Variables**

To gauge the impact of agency-specific effects, three additional scales were developed from the survey. These scales were derived from the next 26 statements on the survey (Part II), which were framed as, "In my agency . . ." thus capturing agency-specific experiences of the respondents with at-will employment. The "Misuse" scale comprises statements 9, 10, 12, and 16 in the agency section. Statements 13–15 make up the "Unwarranted Reductions in Force" scale, and the "Trust" scale includes statements 7, 8, 18, 24, and 25. Like the dependent variables, these agency scales employed factor analysis to identify item groupings and are also composed of respondent mean item responses. For all three scales, higher values are associated with stronger levels of agreement. Though the possibility of interactive effects is possible, further research is necessary to shed light on its impact.

## **Part II: At-Will Employment in Your Agency**

Respondents were asked to circle the number (coded 1 = "strongly disagree" and 5 = "strongly agree") corresponding to their level of agreement or disagreement with the following statements related to their experiences with at-will employment in their agency.

1. Employees are more productive because they are employed at will.
2. The lack of job security is made up for with competitive compensation (salary and benefits).
3. The lack of job security makes recruiting and retaining employees difficult.
4. Even though employment is at will, most employee terminations are for good cause.
5. Even if an employee is terminated at will, we maintain documentation to justify the termination should a lawsuit arise.
6. Concern about wrongful termination and discrimination lawsuits limit our use of at-will termination.

7. Managers treat employees fairly and consistently when it comes to HR decisions.
8. Employees trust management when it comes to HR decisions.
9. I know of a case where a competent employee was fired at will so that another person with friends or connections to government could be hired.
10. Employees have been terminated at will because of personality conflicts with management.
11. Employees have been terminated at will because of poor performance.
12. Employees have been terminated at will because of changing managerial priorities/objectives.
13. Employees have been terminated at will in order to meet agency budget shortfalls.
14. Employees have been terminated at will in order to meet agency downsizing goals.
15. Employees have been terminated at will in order to meet mandated management-to-staff ratios.
16. Employees have been terminated at will for politically motivated reasons.
17. At-will employment has led to pay discrepancies among employees with similar duties.
18. Employees feel that they can trust the organization to treat them fairly.
19. We include disclaimers in our policies and procedures manuals and employee handbooks stating that they do not alter the at-will employment relationship.
20. We clearly state in our job announcements and applications that employment with the agency is at will.
21. We require employees to sign a form acknowledging that they are employed at will by the agency.
22. We provide training to managers who make HR decisions on the legal exceptions to at-will employment and on how to preserve the at-will employment status.
23. We have improved our employee selection processes to better ensure employees hired fit the job and agency culture.
24. We give employees clear expectations about what is desirable and undesirable performance (e.g., through orientation and annual performance reviews).
25. We provide training to supervisors on how to effectively identify and handle problem employees (to reduce at-will terminations).
26. We have adopted or considered adopting a termination for good cause policy in order to reduce our total litigation risks (e.g., for wrongful termination, discrimination, etc.).

The scales for “Misuse of the HR System” and “Unwarranted Reductions of Force” presume that at-will employment may lead to misuses in the personnel process and unwarranted reductions in force. These statements were worded and coded

so that a higher value on the scale corresponds to a more negative sentiment about at-will employment. The scales have a high degree of internal reliability, indicated by their Cronbach’s alphas of .823 (with a mean of 2.64 and a standard deviation of .823) and .864 (with a mean of 2.94 and a standard deviation of .864), respectively. The “Trust in Management” statements are associated with whether HR professionals trust their supervisors to do the right thing in personnel matters. These statements were worded and coded so that a higher value on the scale corresponds to a more positive view of at-will employment. The scale has a respectable degree of internal reliability, indicated by a Cronbach’s alpha of .777 (with a mean of 3.28 and a standard deviation of .729).

To these explanatory variables were added additional agency-specific and demographic variables culled from the following set of Likert scale questions:

- Age/years in service: To measure tenure in office, the variables for age and years of service in the public sector were combined and computed as a new variable. This variable was coded 1 = 16 or more years in service and 45 and older, 0 = 15 or fewer years in service and 44 and younger
- Prior private sector experience: Coded as 1 = yes, 2 = no
- Size of agency: Coded as the number of full-time employees authorized for the agency
- Gender: Coded as 0 = male, 1 = female
- Education: Coded as the highest level of academic achievement, where 1 = high school diploma, 2 = two-year college degree, 3 = four-year college degree, 4 = master’s degree, 5 = law degree, 6 = PhD or equivalent
- Political views: Coded as 1 = very conservative, 2 = conservative, 3 = moderate, 4 = liberal, 5 = very liberal
- Respondent race/ethnicity: Coded as 1 = American Indian or Alaska Native, 2 = Asian, 3 = black or African American, 4 = Hispanic or Latino/Latina, 5 = Native Hawaiian or other Pacific Islander, 6 = white, 7 = some other race

## Appendix B: Impact of Agency-Specific Experiences on General Scales for Attitudes toward At-Will Employment

Explanatory Factors	Discourages		Encourages Unfair Employment Practices
	Good Government	Supports NPM Principles	
Age and years of service	.211** (1.99)	-.0545* (-0.55)	.161* (1.91)
Prior private sector experience	.146 (1.23)	.038 (0.34)	.190** (2.01)
Size of agency	.001 (0.48)	.006** (2.64)	.003 (1.35)
Gender	-.383** (-2.71)	.185 (1.40)	.007 (0.06)
Education	-.091** (-1.97)	.014 (0.32)	-.004 (-0.10)
Political views—liberal	-.148 (-1.02)	.020 (0.15)	-.180 (-1.56)
Political views—conservative	.036 (0.33)	.045 (0.44)	-.013 (-0.14)
Caucasian	-.180 (-0.66)	-.264 (-1.03)	.069 (0.32)
African American	-.096 (-0.34)	-.435* (-1.63)	.139 (0.61)
Misuse of the HR system	.133* (1.82)	-.002 (-0.04)	.278** (4.79)
Unwarranted reductions in force	.062 (1.05)	-.043 (-0.78)	.055 (1.16)
Trust management	-.444** (-5.31)	.344** (4.41)	-.457** (-6.89)
R <sup>2</sup>	.306	.184	.503

Note: Column entries include regression coefficients and *t*-scores in parentheses. *N* = 232 (cases with missing data were dropped from the regression).

\*\*Significant at the .05 level; \*significant at the .10 level.

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