



**Oklahoma
Public
Employees
Association**

**Why Oklahoma's
Merit System Is Key
to Accountability
and Transparency**

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Oklahoma Public Employees Association

Working For You!

Oklahoma's merit system is a critical tool in ensuring fairness in employment practices in Oklahoma's state agencies. The members of the Oklahoma Public Employees Association (OPEA) support an effective and efficient merit system that promotes transparency, fairness in hiring and protections for state employees who report area of concern at their agency.

OPEA provides you with this overview of Oklahoma's merit system and describes how it benefits employees, agencies and taxpayers and we look forward to working with you to improve our system while maintaining the protections it provides to Oklahoma's hard-working state employees.

In this document, you'll find the following:

1. Executive Summary
2. Merit system briefing and overview paper
3. Principles of the merit system
4. Classified vs unclassified systems by state-National Compensation Association of State Governments

OPEA believes a fair and efficient merit system is vital to state government and our citizens who rely on core services. We will continue to work with state leaders to make sure the system is as efficient for employees, prospective employees and agencies while protecting against unfair employment practices.

Sterling Zearley, Executive Director
Oklahoma Public Employees Association

"OPEA unites public employees in Oklahoma to improve the quality of state employment."

Why Oklahoma's Merit System Is Key to Government Accountability and Transparency



Executive Summary

A properly administered merit system is the first defense against favoritism, political patronage, and it protects state employees who bring forward concerns without fear of reprisal. It also protects state law enforcement and regulatory employees while they perform their duties. In addition, the merit system provides consistency among state agencies in salaries paid to employees performing the same job. Most state agency positions should be in the “classified service” to promote fair hiring and afford protection against favoritism and cronyism.

Protection for Employees Wishing to Report Wrongdoings

State employees need merit protection, so they may report unlawful or unethical activities at their agency without fear of losing their job. Whistleblower laws alone do not afford sufficient protection. While these laws provide limited protection against Whistleblower retaliation for filing claims with the Merit Protection Commission, it does not provide necessary oversight and protection with regard to employee management, hiring, discipline, termination, compensation and retention.

Protection for State Agency Law Enforcement and Regulatory Staff

State agency law enforcement, licensure and regulatory positions must be in classified status so the employees may conduct their duties without outside influence.

Fairness in State Agency Human Resource Practices and Compensation

The classified service ensures that the most qualified employees are chosen through a competitive process to serve the citizens of Oklahoma.

Oklahoma Compared to Other States

2018 data collected by National Compensation Association of State Governments shows Oklahoma has more unclassified employees than most states. Currently in Oklahoma, 65.17 % (20,683 FTE) are classified and 34.83 % (11,054 FTE) are in unclassified service

During the past several years, OPEA has worked with state agency human resources staff to improve our current systems. We believe the current merit system could be streamlined to improve efficiency while maintaining vital key protections. OPEA does not support the removal of classified status for most state employees and will use its resources to defeat measures that change state agency positions from classified status to unclassified.

Why Oklahoma's Merit System is Key to Government Accountability and Transparency

If Oklahoma is going to improve accountability and transparency in state government, it must have a strong merit system as framework for state agency personnel practices. A properly administered merit system is the first defense against favoritism and political patronage, and protects state employees who bring forward concerns without fear of reprisal. It also protects state law enforcement and regulatory employees while they perform their duties. In addition, the merit system provides consistency among state agencies in salaries paid to persons performing equivalent jobs.

A properly administered merit system does not prevent agencies' ability to discipline and terminate state employees, as some have claimed. It does, however, ensure employees have due process in any actions their agency may initiate against them. Its grievance process is also the way state employees who believe they have been treated unfairly by their agency or coworkers can have their concerns reviewed. Eliminating the merit system takes away critical due process from state employees.

As authorized by the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, state agency positions are categorized as "classified" or "unclassified". Classified positions are covered under the Oklahoma Merit System of Personnel Administration while unclassified positions are filled with "at will" employees who serve at the pleasure of agency leadership.

The classified service ensures that the most qualified employees are chosen to serve the citizens of Oklahoma. Hiring new employees in the classified service requires that positions are posted, and applicants are vetted through a competitive process to ensure the best and most qualified candidates are hired to serve the citizens of Oklahoma.

In the unclassified service, state agencies are not required to post positions, require minimum qualifications, hire competitively, or provide consistent compensation. Prior to the implementation of the merit system, it was common for agencies to fill positions with friends and family members or to fill them with friends of state leaders as a favor. As an example, one agency hired a convicted felon for investigative and oversight duties.

Merit System Principles

Opportunity & Transparency

Representative Workforce

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Merit Based Hiring

Non-discrimination

Fair & Equitable Treatment

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Protects Privacy & Constitutional Rights



Some of the benefits of an effective merit system are as follow:

Protection for Employees Wishing To Report Wrongdoings

The federal *Principles of Merit Protection* as codified in 5 U.S. Code § 2301 says “Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety”.

Employees must have protection, so they may report what they believe to be unlawful or unethical activities at their agency without fear of losing their job. Whistleblower laws alone do not afford sufficient protection.

While these laws provide limited protection against Whistleblower retaliation for filing claims with the Merit Protection Commission, it does not provide necessary oversight and protection with regard to employee management, hiring, discipline, termination, compensation and retention.

Despite current “whistleblower” protection, a strong merit protection system in Oklahoma’s state agencies is an important protection for employees who want to bring forward their concerns of fraud, waste or abuse in their agency. Even with the implementation of “anonymous hotlines” as a way to report issues, state employees without protection afforded by a merit system are highly unlikely to use them

OPEA has heard from state employees who were threatened by supervisors for informing legislators about concerns in their workplace and ways services could be improved. Additionally, there have been instances when elected officials and persons in power have attempted to coerce employees to hire friends and family into positions for which they are unqualified. Employees in the classified service have merit system protection that enables them to perform their jobs and best serve the people of the state without improper interference from influential people.

In 2018, former Oklahoma State Department of Health employees testified before an Oklahoma House of Representatives’ Special Investigations Committee that OSDH employees were reluctant to come forward with reports of mismanagement for fear of losing their jobs.

Merit System Principles

Quality Training

Employees are Properly Trained

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Better State Agencies & Outcomes

Political Safeguards

Prohibits Using Official Authority to Influence Political Outcomes

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Employees are Protected from Favortism



In 2017, employees of the Oklahoma State Bureau of Investigation brought concerns about their agency's management to OPEA, stating they could not bring the issues to the attention to their agency's leadership because they feared retaliation.

In 2015, the State Auditor's office evaluated survey responses from 111 Oklahoma Tourism Department employees and interviewed an additional 20 tourism employees. The results showed an atmosphere of mistrust and poor communication existed between employees and executive management including favoritism and reprisal of employees who reported improprieties.

Employees must have confidence to speak up about wrongdoings in their agency. Weakening of merit protection will eliminate any confidence state employees currently have.

Some programs that leverage federal funding require some employees administering those programs to be covered by a merit protection system. [The Federal Code of Regulations Title 5, Subpart 7, Section 601\(b\)](#) says:

Certain Federal grant programs require, as a condition of eligibility, that State and local agencies that receive grants establish merit personnel systems for their personnel engaged in administration of the grant-aided program. These merit personnel systems are in some cases required by specific Federal grant statutes and in other cases are required by regulations of the Federal grantor agencies. Title II of the Act gives the U.S. Office of Personnel Management authority to prescribe standards for these Federally required merit personnel systems.

Protection for State Agency Law Enforcement and Regulatory Staff

It is critical state agency law enforcement; licensure and regulatory positions should be classified so the employees filling those jobs may conduct their duties without outside influence. State agency law enforcement should not fear for their job as a result of arresting someone in power during the course of their work.

Also, a nursing home inspector must be protected through the merit system so they can accurately report on a facility's condition without fear of losing their job. There are numerous functions of state agency positions that require the employees to make decisions that could anger persons of importance influence. Common sense dictates that protection for these employees is vital. The

Merit System Principles

Government Efficiency

Hire & Fire Based on Ability

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Flexibility in Managing Employees

Merit Based Advancement

Promotion & Pay Based on Merit

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Unfit Employees Will be Removed



protections offered by the classified service enable the employees to perform without fear of retribution.

Fairness in State Agency Human Resource Practices and Compensation

According to the merit system principles, "Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity."

In Oklahoma, classified service promotes merit based hiring rather than favoritism. It also facilitates the state's budget process by ensuring consistency among state agencies in determining salaries paid to employees in the same job classes. Selection and hiring processes free from favoritism are essential to ensure hiring is shielded from cronyism and the political process and to hold agencies accountable for taxpayer dollars.

For example, state officials have admitted to unclassifying positions because the persons they wanted for positions did not meet the minimum qualifications of the classified positions. This cannot be in the best interest of the state of Oklahoma.

Not only is classified service important to transparency and accountability in state employment, it facilitates the budget process. Classified employee positions are more consistent across state agencies with centralized data, job descriptions, and compensation that falls in a specified range. This centralized system allows legislators to monitor state agency compensation.

In unclassified service, agencies may set the salary wherever they want it to be. For example, in 2013 an independent study of Oklahoma's state agency compensation was done by human resources expert Neville Kenning who found the state had 26 unclassified employees in the position of "Analyst" with annual compensation ranging from \$30,000 to \$95,000. Kenning also found the most prevalent unclassified job in state government was Secretary II, with 539 employees and an annual compensation ranging from \$19,790 to \$62,934. The classified position of Secretary II had 260 incumbents and a salary range from \$21,756 to \$36,320.

The state human resources system is an important tool for legislative budgeting. Compensation and job duties for employees in classified employee positions are more consistent than unclassified positions across state agencies with

Merit System Principles

Unbiased Pay

Pay Based on Duties and Qualifications

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Consideration of National & Private Pay Rates

Taxpayer Accountability

Integrity to Taxpayer Dollars

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Respect & Concern for the Public Interest



centralized data, job descriptions, and compensation that fall within a specified range. This centralized system allows legislators to monitor state agency compensation and apply precious resources to positions in agencies that have recruitment and retention challenges.

How Oklahoma Compares to Other States

2018 data collected by National Compensation Association of State Governments shows Oklahoma has more unclassified employees than most states. Currently in Oklahoma, 65.17 percent (20,683 FTE) are classified and 34.83 percent (11,054 FTE) are in unclassified service.

Other states, similar to Oklahoma, without state employee unions or collective bargaining have a larger percentage of classified employees than Oklahoma does.

- Arkansas - 100 percent classified (25,100)
- Alabama - 95 percent classified and 5 percent unclassified (27,354)
- Louisiana -91 percent classified and 13 percent unclassified-(31,966)
- Kentucky – 96 percent classified and 4 percent unclassified (27,518)
- North Carolina – 98 percent classified and 2 percent unclassified (62,118)
- South Carolina – 100 percent classified (37,110)
- South Dakota – 85 percent classified and 15 percent unclassified (7,521)
- Utah – 85 percent classified and 15 percent unclassified (18,914)
- Wyoming – 90 percent classified and 10 percent unclassified (8,301)

Next Steps to Modernize Oklahoma’s Merit System

OPEA believes the state should work to modernize its current system and has recently worked with staff of the Office of Management and Enterprise Services (OMES) and state agency human resources specialists on reform. The state has the opportunity to revise hiring, discipline and grievance processes so they are performed consistently between agencies and done in a timely manner. Oklahoma should continue these reform efforts as opposed to eliminating the current system while still maintaining the system’s protections for employees and agencies.

Reform will streamline agencies’ hiring process and decrease the time necessary to resolve disciplinary issues and grievances by improving its efficiency while maintaining fairness and openness. It will also make sure Oklahoma is applying merit rules consistently among state agencies.

Merit System Principles

Whistleblower Protections

Whistleblowers Prevent the Misuse of Tax Dollars

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Protection Against Reprisal When Exposing Misconduct

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Merit System Principles

The Merit System Principles are nine basic standards governing the management of the executive branch workforce. The principles are part of the Federal [Civil Service Reform Act of 1978](#), and can be found at [5 U.S.C. § 2301\(b\)](#). However, the principles serve to highlight the importance of a strong merit protection system in Oklahoma state government.

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

A workforce representative of those who fund the government and those who receive government services is important as is merit-based employment model.

2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

Personnel management must be free of unfair treatment and discrimination. Decisions should be made solely on merit.

3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance

Comparable salaries and rewards for excellent performance will allow agencies to attract and retain the most qualified personnel. Employees should be paid based on their duties, responsibilities, and qualification requirements.

4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.

This is the foundation for ethical conduct among all employees. In order for an agency to accomplish its mission, its employees' conduct must command the respect and confidence of the public.

5. The Federal work force should be used efficiently and effectively.

There must be a balance between an employee's right to be hired and fired based on abilities and agencies' flexibility in managing its employees.

6. Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

Hiring, promotion, and pay must be truly based on merit and those employees who cannot or will not perform must not continue in their role as state employees.

7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance

An emphasis on training highlights the need for employees to receive training they need and to assure their employees possess skills necessary to perform their jobs. This assures that employees, who are to be held accountable for their performance, are properly trained to achieve successful performance.

8. Employees should be--

- A. protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
- B. prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

This principle has works to treat all employees fairly and protects against political patronage.

9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences--

- A. a violation of any law, rule, or regulation, or
- B. mismanagement, a gross waste of funds, an absence of authority, or a substantial and specific danger to public health or safety.

The intent is to protect whistleblowers against reprisal when they disclose wrongful conduct in an agency. . Whistleblowers help to create an effective workplace because they often are in the best position to witness agency wrongdoing.

State	Group Name	# of Employees in Group	% of Workforce	Unionized?	Description	Comments/Additional Resources
Alabama	Classified	26,120	95.49%	N	Employees that attain permanent status after successful completion of a probationary period have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	
	Unclassified	1,234	4.51%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
	Classified	12,515	87.20%	Y	These are employees in positions established with the classification and pay plan, and must adhere to established rules for hires, compensation, leave, etc.	Alaska Statute 39.25
Alaska	Partially Exempt	632	4.40%	N	Employees in the partially exempt service are included in the classification and pay plan, but they are exempt from rules related to recruitment and selection, and due process.	
	Exempt	578	4.00%	N	Employees in these positions do not have due process rights and are exempt from rules applied to classified employees, except for leave accrual and usage.	
	Exempt, Unionized	622	4.30%	Y	These are employees in the exempt service that are represented by collective bargaining.	
Arkansas	Classified	25,100	100.00%	N	All employees are considered "at will", dispute resolution process available for non-supervisory, non-probationary full time employees	All employees became classified in latest pay plan
California	Classified	199,441	96.88%	Y	Not all of these employees are unionized. Approximately 167,000 are designated "represented."	All turnover data is from calendar year 2017. Total turnover includes full-time employees. Total turnover includes voluntary, involuntary, and disability and service retirements. Involuntary includes: AWOL, Death, Dismissal, Fail to meet emp conditions, fault no layoff, illegal appointment, resign with fault
	Unclassified	6,432	3.12%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	

Georgia	Classified	2,518	3.62%	N	An employee with procedural appeal rights set forth in O.C.G.A. §§ 45-20-8 and 45-20-9 who was in a classified position on June 30, 1996, and who has remained in a classified position without a break in service since that date.	Turner over is not currently tracked as a breakdown by classification
	Unclassified	65,233	96.38%	N	An employee who was hired after June 30, 1996, or who has occupied an unclassified position at any time since July 1, 1996. Unclassified employees have employment-at-will status, with limited exception for employees with more than 18 years of service who established Employees' Retirement System (ERS) membership before April 1, 1972.	
Hawaii See Note	Civil Service	12,462	88.00%	Y	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	http://www.capitol.hawaii.gov/hrs/current/Vol02_Ch0046-0115/HR50076/
	Exempt	1,661	12.00%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	http://www.capitol.hawaii.gov/hrs/current/Vol02_Ch0046-0115/HR50076/HR5_0076-0016.htm
Idaho	Classified	12,938	51.20%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	These job families are listed in order of having the highest turnover within the State of Idaho.
	Non-Classified	12,347	48.80%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	Non-Classified turnover rates include seasonal and temporary separations.
Indiana	Classified	5,334	18.00%	N	Employees attain permanent status after successful completion of a probationary period. Just cause standard. Pre-deprivation proceedings required.	
	Unclassified	24,459	82.00%	N	Are considered "at will." An unclassified employee may file a complaint challenging his/her dismissal, demotion, discipline, or transfer, but - in addition to proving the State Employees' Appeals Commission has jurisdiction to hear the complaint - the employee must also prove the reason for the agency's action was a reason that contravenes public policy. Pre-deprivation proceedings not required.	

Iowa	Union-Covered and Merit-Covered	12,450	77.38%	Y	Employees are covered by a collective bargaining agreement, which for most employees only covers base pay. Employees have due process rights for discipline and discharge under the "Merit System" (civil service) of hiring, discipline, and discharge, and obtain permanent status following a 6-month probationary period. Administrative rules on other types of pay, benefits, classification, etc. apply.	
	Non-Union and Merit-Covered	1,508	9.37%	N	Employees have due process rights for discipline and discharge under the "Merit System" (civil service) of hiring, discipline, and discharge, and obtain permanent status following a 6-month probationary period. Admin rules on pay, benefits, classification, etc. apply.	
	Union-Covered and Non-Merit	865	5.38%	Y	Employees are covered by a collective bargaining agreement, which for most employees only covers base pay. In most cases, are considered "at will," and generally have no rights to the position. They may also be appointed without going through a merit hiring process. Administrative rules on other types of pay, benefits, classification, etc. still apply, however.	
	Non-Union and Non-Merit	1,266	7.87%	N	Are considered "at will," and generally have no rights to the position. They may also be appointed without going through a merit hiring process. Administrative rules on pay, benefits, classification, etc. still apply, however.	
Kansas	Classified	6,376	39.76%	Y	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	
	Unclassified	10,584	60.24%	Y	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
Kentucky See Note	Classified	26,293	95.90%	N	When the probationary period is successfully completed, employees gain merit system "status," which gives employees certain additional rights and privileges.	http://www.lrc.ky.gov/Statutes/chapter.aspx?id=37134
	Unclassified	1,125	4.10%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	http://www.lrc.ky.gov/Statutes/chapter.aspx?id=37134

Louisiana	Classified	29,107	91.1%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	https://www.civilservice.louisiana.gov/files/publications/annual_reports/2016-2017%20Annual%20Turnover%20Report.pdf
Minnesota	Unclassified	2,859	8.9%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	https://www.civilservice.louisiana.gov/HRProfessionals/HRHandbook/Chapter4.aspx
	Classified - Union	30,698	85.30%	Y	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Belong to one of nine labor unions.	
	Classified - Non union	2,093	5.80%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Not in union, primarily either Managerial or "Confidential" Employees.	
	Unclassified - Union	2,280	6.30%	Y	Employees in one of nine unions that are unclassified for a variety of reasons, set in statute. Some may be temporary employees.	
	Unclassified -Non union	933	2.60%	N	Non-unionized employees that are unclassified for a variety of reasons. Many in this class are Commissioners, or Deputy/Assistant Commissioners of Agencies.	
Missouri See Note	Classified*	31,955	97.26%	Y-partially	Employees in agencies which are subject to Merit System and Uniform Classification and Pay (UCP) provisions contained in the State Personnel Law.	Turn Over Report accounted for the period of July 1, 2017 through June 30, 2018. See Note
	Unclassified	888	2.74%	N	Those positions in agencies subject to the merit system provisions contained in the law, but which may be filled without regard to certain policies regarding classification and pay.	
Montana	Classified	11,060	92.78%	Some	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	http://leg.mt.gov/bills/mca_toc/218_2.htm

	Unclassified	178	1.49%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	http://leg.mt.gov/bills/mca_toc/2_18_2.htm
	Blue Collar	683	5.73%	Y	Union employees, all aspects of pay and classification strictly negotiated	
Nebraska	Classified	13,082	80.12%	62.63% are unionized	Positions that are covered by the State Personnel Salary System (Does not include temporary employees.)	
	Unclassified	3,245	19.88%	N	Positions not covered by the State Personnel Salary System; at-will employees. (Does not include temporary employees.)	
North Carolina	Classified	60,864	98.00%	N	Similar to above description. This number includes only those positions in state agencies and does not include the universities.	
	Unclassified	1,254	2.00%	N	Similar to above description. This number includes only those positions in state agencies and does not include the universities.	
North Dakota	Classified	6,700	94.00%	N	Civil service - 6 month probationary at-will period	
	Unclassified	400	6.00%	N	Are considered "at-will;" includes elected, appointed, and miscellaneous.	
Oklahoma	Classified	20,683	65.17%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	
	Unclassified	11,054	34.83%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
Oregon	Classified/Management Service	33,809	98.00%	Y	Management Service is included (have due process) but cannot be represented in collective bargaining	As of 6/30/2018
	Unclassified	690	2.00%	N	Oregon's "Unclassified/Executive" service	As of 6/30/2018
Pennsylvania	Civil Service	51,543	68.40%	Some*		
	Non Civil Service	23,473	31.10%	Some*		
	Senior Management Service	340	0.50%	N		
South Carolina	Classified/Unclassified	37,110	100.00%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	We do not separate classified from unclassified.

South Dakota	Civil Service	6,270	84.50%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	Turnover is statewide for executive branch, regardless of employee status.
Tennessee	Exempt from Civil Service	1,151	15.50%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
	(Executive Branch) Preferred Service	31,233	76.60%	N	Employees whose job classifications are not specifically designated in the TEAM ACT or under the provisions of the Act as executive service will be in the preferred service. Employees become members of the preferred service upon successful completion of the probationary period. Preferred service positions will be filled using certified lists of applicants who meet the minimum qualifications for the position and will have the ability to appeal certain employment actions.	http://www.tn.gov/hr/topic/policies-by-category Policy Number 12-067 Designating Positions as Preferred Service or Executive Service
Utah	(Executive Branch) Executive Service	9,560	23.40%	N	All positions in the state service not subject to the preferred service provisions of the Act are considered "at will."	
	Classified	16,118	85.22%	N	These employees are considered our "core" work force and are not temporary	
	Unclassified	2,796	14.78%	N	These employees are fulltime but are not included in our "core" and are "at will"	
Virginia See Note	Classified	62,914	49.33%	N	Salaried position assigned to an Occupational Family and Career Group based on duties and responsibilities, and to a Role Code based on the compensable factors of Complexity, Results, and Accountability. Terms and conditions of employment are subject to the Virginia Personnel Act (Va. Code § 2.2-2900 and following).	http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_20typesofempl.pdf?sfvrsn=2

Non-Covered	43,770	34.32%	N	A salaried employee who is not subject to the Virginia Personnel Act; also called excepted employee. Includes teaching, research, administrative and professional faculty; employees in the Judicial, Legislative, and Independent Branches; employees in the Executive Branch who are appointed by a court to exercise judicial functions; Governor's appointees ('at-will' employees); and employees of certain specifically excepted agencies and entities. See Va. Code § 2.2-2905 and § 23-38.114	http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_20typesofempl.pdf?sfvrsn=2
Temporary	20,857	16.35%	N	An employee who receives pay for hours worked rather than a fixed salary. Wage employees are sometimes referred to as hourly or P-14 employees. Wage employment is intended to cover peak workloads and seasonal or short-term needs.	http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_20typesofempl.pdf?sfvrsn=2
Washington General Service (Classified, Non-Represented)	7,064	11.59%	N	Non-represented in state service covered under the Civil Service Laws (due process protections).	http://hr.ofm.wa.gov/state-human-resources/rules/civil-service-rules-wac-357 http://hr.ofm.wa.gov/compensation-job-classes/compensation-administration
Washington General Service (Classified, Represented)*	46,022	75.54%	Y	Represented employees in state service are covered under the applicable bargaining agreement.	http://hr.ofm.wa.gov/workforce-data-planning/workforce-data-trends/workforce-turnover https://ofm.wa.gov/state-human-resources/labor-relations/collective-bargaining-agreements/2017-19-collective-bargaining-agreements
Washington Management Service (Classified)	4,543	7.46%	N	Employees in state service covered under the Civil Service Laws (due process protections).	
Exempt (Unclassified)	3,291	5.40%	N	Employees that are not under Civil Service Law, bargaining agreement, or regulation.	
Not Assigned	6	0.01%	N	Not Assigned	

Washington
See Note

West Virginia	Classified	18,348	N/A	Y - some	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to established rules for appointments, compensation, leave, etc.	http://www.personnel.wv.gov/Pages/default.aspx
	Exempt	N/A	N/A	N/A	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
Wisconsin	Classified Non-represented	28,185	94.35%	N	Employees that attain permanent status after successful completion of a probationary period. Have due process rights for disciplinary actions. Must adhere to rules for merit-based appointment.	No recent turnover calculations in WI. Still developing data processes for new PeopleSoft system.
	State Patrol bargaining unit	381	1.28%	Y	Classified permanent State Patrol Troopers and Inspectors with full union bargaining rights on wages, benefits and conditions of employment.	
	Classified with limited representation	112	0.37%	Y-Base Wages Only	Skilled building trades	
	Unclassified At-Will	563	1.88%	N	Are considered "at will." Do not have due process rights and are exempt from the rules applied to classified employees.	
	Unclassified Just Cause	631	2.11%	N	Assistant District Attorneys and Assistant State Public Defender Attorneys.	
Wyoming	Classified	7,491	90.00%	N	365 day probationary period with no due process, but follow all other areas of personnel rules. Then receive permanent status with due process. Must follow established rules for appointments, compensation, leave etc.	
	At-will, benefited	577	7.00%	N	May be dismissed without cause or reason. Receive same benefits as classified employees and follow same rules and policies as classified employee with the exception of the chapters on discipline, grievances and appeals.	
	At-will, no benefits	233	3.00%	N	May be dismissed without cause or reason. Not required to follow recruitment policies. Receives no leave or retirement benefits. Personnel rules on discipline, grievances and appeals do not apply.	Majority of separations with this group are due to an at-will contract coming to an end.