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The Destruction of Progressive Wisconsin

By DAN KAUFMAN JAN. 16, 2016

SHORTLY after his exit from an abbreviated presidential run last fall, Gov. Scott Walker of Wisconsin returned to a more successful undertaking: dismantling what remains of his state's century-old progressive legacy.

Last month, Mr. Walker signed a bill that allowed corporations to donate directly to political parties. On the same day, he signed a law that replaced the state's nonpartisan Government Accountability Board, a body that is responsible for election oversight and enforcing ethics codes, with two commissions made up of partisan appointees. Now a new bill supported by Mr. Walker, which is expected to clear the Republican-dominated Legislature with a Senate vote soon, threatens to corrupt Wisconsin's Civil Service.

In 1905, Wisconsin became the third state to enact Civil Service reform, helping establish it as a national model for clean government. The reforms were one of the many achievements of Gov. Robert M. La Follette Sr., who later founded the Progressive Party and ran for president on its ticket. But Mr. Walker's new Civil Service bill replaces anonymous exams with résumés, opening the door to political or racial bias that would prove almost impossible to detect because personnel files are not part of the public record.

The bill lengthens the probationary period for new employees, during which they can be fired for any reason (or no reason). And it centralizes hiring within the Department of Administration, the most politicized agency in the state's government. Incoming résumés would be judged by one of the governor's appointees.

Besides rewriting the hiring process for new employees and the work rules that govern some 30,000 current state workers, the bill highlights Wisconsin's role as a laboratory for a national conservative strategy to destroy the labor movement. That experiment began in 2011 with the passage of Act 10, which all but ended collective bargaining for the state's public employees and helped inspire more than a hundred bills across the country attacking public-sector unions.

Last year, Mr. Walker signed a "right-to-work" law that weakened private-sector unions and also marked a significant national turning point: Half of the 50 states are now right-to-work. A national right-to-work bill, which already has 18 co-sponsors in the Senate, including Senator Ted Cruz, appears increasingly possible under a Republican president.

By adding the Civil Service bill, Mr. Walker brings Wisconsin closer to the achievement of a long-sought goal of the libertarian right: universal “at-will employment.” Unlike union workers or state employees, whose collective bargaining agreements or Civil Service rules generally require employers to demonstrate “just cause” for them to be fired, at-will employees can be terminated at any time for any reason. At-will employment is promoted by the Heritage Foundation and American Legislative Exchange Council, which disseminates model bills to state legislators benefiting its corporate members and conservative private backers.

When Scott Walker was an assemblyman and ALEC member in the 1990s, according to the Center for Media and Democracy, a Madison-based watchdog group focused on corporate influence in government, ALEC adopted a bill called the At-Will Employment Act for state legislators to use as a template. In the past 20 years, many states, including Tennessee, Indiana, Florida, Georgia, Texas and Kansas have eroded job-security protections for Civil Service workers, mirroring key aspects of ALEC’s model.

ALEC’s role was more explicit in 2011, when Jan Brewer, the former governor of Arizona, gave a keynote address at an ALEC conference indicating she would “reform” her state’s Civil Service. Several months later, she signed a bill (introduced in the Legislature by an ALEC member) that closely tracked with ALEC’s model and stripped Arizona’s state workers of virtually all Civil Service protections.

The Civil Service bill Mr. Walker supports also undermines protections against unfair termination. Under its rules, supervisors could fire workers for “personal conduct” they find “inadequate, unsuitable or inferior.” Like many of the bill’s opponents, Jim Thiel, a retired chief attorney for the state’s Department of Transportation, fears such vague language invites partisan retaliation and favoritism. “These words — ‘inadequate,’ ‘inferior’ — are empty vessels into which you can pour many things,” Mr. Thiel told me. “‘Personal conduct’ sounds like something outside the work environment.”

The Walker administration’s record of retribution gives credence to Mr. Thiel’s fears. In 2013, Mr. Walker abruptly withdrew the nomination of a student representative to the University of Wisconsin System’s Board of Regents after discovering that the nominee had signed a petition calling for the governor’s recall. (Two local Tea Party groups have created a searchable database of the one million recall signatures.) In July, Mr. Walker eliminated a third of the Department of Natural Resources’ staff scientists, whose research on climate change, wildlife management and pollution from a proposed iron ore mine offered a compelling rebuke to his industry-driven environmental agenda.

Many public policy experts believe that Wisconsin’s Civil Service system would benefit from modernizing reforms, as it did in the 1990s under Republican Gov. Tommy Thompson. Mr. Thompson enacted changes recommended by a bipartisan commission of legislators that held public hearings across the state and also included representatives of employee unions. But like Act 10 and the right-to-work law, the new Civil Service bill was drawn up in secret, announced with little warning, and contained no meaningful input from affected parties. The Senate and Assembly granted a single day each of perfunctory hearings.

During the protests over Act 10, as Mr. Walker demonized public employee unions, he praised private sector ones, only to betray them later by enacting right-to-work. The Civil Service bill uses a similar tactic. In 2011, Mr. Walker assured state workers that they did not need their unions because of Wisconsin’s Civil Service rules. “In Wisconsin, the rights that most workers have have been set through the Civil Service

system, which predates collective bargaining by several generations,” he said. “That doesn’t change. All the Civil Service protections — the strongest Civil Service system in the country — still strongly remains intact.”

Mr. Walker’s reversal, coupled with other divisive new measures like undermining tenure in the University of Wisconsin System, have contributed to his 38 percent approval rating in the state. They also suggest that his ambition may still be to win national office. In an October interview with a conservative Milwaukee talk radio host, he did not rule out another run. “I’m hopeful we have a Republican president for the next eight years after this election, but after that we’ll have to see what the future holds,” Mr. Walker said. In December, Senator Cruz encouraged his supporters to relieve Mr. Walker of his campaign debt, generating speculation that he might become the vice-presidential choice for the like-minded Mr. Cruz.

The people least surprised by Mr. Walker’s reversal were the state’s beleaguered workers. A longtime Wisconsin civil servant told me that she worries about the security of her job if the bill becomes law. “If you’re an at-will employer, you can just tell someone goodbye,” she said, noting that 72 state employees in Arizona had recently been fired indiscriminately.

Despite the long odds of stopping the measure after the failure of large protests against Act 10 and the right-to-work law, the woman quietly helped organize a teach-in last week to raise awareness about the bill. As she talked about her efforts, however, it became clear that a culture of fear had taken root in the Wisconsin workplace. Though she describes herself as a “labor activist,” when I asked if I could use her name she declined. She was too afraid.

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