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State Government Human Resource Professionals’ Commitment to Employment at Will

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This article examines the attitudes of a key set of state government officials—state human resource (HR) professionals—toward employment at will (EAW) in state government. It presents original survey data obtained from HR professionals in four southern states: Georgia, Florida, Texas, and Mississippi. Drawing on these data, the article creates an index measuring respondents’ commitment to EAW, as measured by their attitudes toward arguments used to advocate for EAW. The index is used as the dependent variable in an exploratory regression analysis indicating the importance of respondents’ experiences with the exercise of EAW discretion, years of public sector service, educational background, and state context to explaining variation in commitment to EAW. The article concludes with a discussion of the findings’ implications for the future of civil service reform in the United States.

**Keywords:** employment at will; civil service reform; new public management; human resource management

A professional civil service has long been considered essential to government performance. Toward this end, governments in the United States have developed merit-based civil service systems designed to insulate public servants from political influence and to capitalize on their professional expertise (Kellough & Nigro, 2005; Selden, 2006). And, by most accounts, the traditional approach has served American governments quite well.

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Despite this, civil service systems are favored targets for public management reformers. Indeed, managers and political executives routinely assail civil service (or “merit”) systems for their rigidity and cumbersome nature, portraying government’s most pressing performance problems as human resource management (HRM) problems (Elling & Thompson, 2007; Kettl, Ingraham, Sanders, & Horner, 1996). This is because civil service systems are at public management’s core, hence they are central to governmental effectiveness (Ingraham, 1995; Kellough & Nigro, 2005; Kellough & Selden, 2003).

Whether such sentiments represent myth or reality, the fact of the matter is that traditional civil service systems are increasingly under attack (Hays & Sowa, 2006; Bowman & West, 2007; Kearney & Hays, 1998; Kellough & Nigro, 2005). Inspired by aspects of New Public Management (NPM) and its emphasis on achieving results, market competition, responsiveness, and administrative deregulation (Barzelay, 1992, 2001; Kettl, 2000; Light, 1997; Osborne & Gaebler, 1992), advocates for radical civil service reform press for greater decentralization of HRM decision-making authority, greater deregulation to facilitate that decision-making authority, and the adoption of private sector–inspired/market-based tools like pay for performance and outsourcing (Condry & Battaglio, 2007; Condry & Maranto, 2001; Kellough & Nigro, 2005; Kellough & Selden, 2003; Selden, Ingraham, & Jacobson, 2001). Together, these various strands aim to improve government performance by providing more control—both managerial and political—over public employees and agencies. Advocates of this model have had success in selling it as it seemingly has become conventional wisdom on how to manage public agencies (Elling & Thompson, 2007; Green, Forbis, Golden, Nelson, & Robinson, 2006).

An important facet of the emerging reform model concerns the status of employee rights. Specifically, current reforms often entail curtailing employees’ procedural due process rights by either reducing access to grievance and appeals mechanisms or, more radically, eliminating such rights all together and making employment “at will.” Employment at will (EAW) allows employers to terminate employees at any time, for any reason—good or bad—not contrary to the law, or for no reason (Muhl, 2001). An employee serving at will has no right to due process because, having no expectation of continued employment, no property interest is created in his or her position (Gertz, 2007; Kellough & Nigro, 2005; Lindquist & Condrey, 2006). Obviously, such an arrangement represents a fundamental redefinition of the public sector’s employer–employee relationship (Hays & Sowa, 2006; Kellough & Nigro, 2005).

As a practical matter, the ability to deal effectively with problematic employee behavior is an important aspect of managerial and organizational performance (Selden, 2006). Advocates of EAW accept this premise but argue that civil service protections (e.g., grievance and appeals systems) impede management’s ability to deal with such problems. For this reason, the employee dismissal–employee rights issue is integral to contemporary civil service reform discussions at all levels of government.²

Currently, governments pursuing and/or adopting EAW appear to be acting on the assumption that EAW will achieve its purported benefits, giving little consideration to the doctrine’s fit within the public sector context (Bowman, 2002; Coggburn, 2006a; Kellough & Nigro, 2005; Kuykendall & Facer, 2002; Rainey, 2006). What is not known, however, are the beliefs held by organizational stakeholders about EAW and its impact on important HRM values and objectives. Given the profound change EAW entails for public sector
employment and the growing interest in adopting EAW policies, there is need for systematic consideration of EAW’s application and potential consequences.

This article examines the attitudes of one key set of stakeholders—state government HR professionals—toward EAW. Though HR professionals represent only one perspective and their opinions on EAW may be affected by being subject to those policies themselves, previous research focusing on these professionals cites their experience and status within agencies as affording unique and substantive insight into civil service reform (Bowman & West, 2006; Coggburn, 2005; Condrey, 2002). HR professionals are frequently faced with reviewing personnel actions affecting more than just their immediate work group, thus offering an exclusive vantage point to evaluate EAW implementation. Aside from HR policy development and implementation, these HR professionals also assume consultative roles in state government, offering support and advice to agency managers on a host of HR issues (Selden, Ingraham, & Jacobson, 2001). This is particularly true in the area of employee discipline and dismissal, where HR professionals’ influence on organizational decision making has long been recognized (Sampson, 1993). Finally, HR professionals may be viewed historically as guardians of merit in civil service systems (Condrey, 2002, 2005). Their substantive knowledge of HR policy suggests that they are far more likely to have advanced knowledge of the failures and successes of EAW systems. This insight might be especially valuable in instances of adverse personnel actions. If HR professionals have bought into EAW, this may portend further erosion to traditional merit systems. Given their influence, having an understanding of HR professionals’ attitudes toward EAW should provide clues about substantive issues facing managers contemplating at will dismissals.

A second limitation of this article is its focus on four southern states: Georgia, Florida, Texas, and Mississippi. Specifically, focusing on a sample of states concentrated in one region of the United States may limit the generalizability of findings. Still, the potential impact of EAW on enduring and ubiquitous public HR values like merit, due process, and equity suggests that insights from these states should provide lessons about potential consequences of EAW, lessons that should be of interest to multiple audiences (e.g., reformers, public servants, HR professionals, political executives) holding stakes in the outcome of civil service reform.

The article is arranged into several sections. The first briefly examines the civil service reform literature, with emphasis given to the limited EAW research. The second describes the methodology for a survey used to gather data on EAW in four states. The third reports survey findings and results of a regression analysis examining differences in respondents’ attitudes toward EAW’s espoused benefits. The conclusion discusses the article’s implications for civil service reform and identifies areas for future inquiry.

### Civil Service Reform and Employment at Will

As characterized by Bowman and West (2007), recent civil service reform research is largely theoretical, descriptive, and normative, but there is also a growing stream of empirical work. Within this literature, there is limited research focusing specifically on EAW, thus relatively little is known about the attitudes of those working in government toward the doctrine or its potential effects—positive or negative—on public service and government performance.
Generally, the argument for adopting EAW is that it is an essential element of modern management that improves government performance by providing managers needed flexibility and control over HRM. Of all the reforms proposed to decentralize and deregulate public HRM (i.e., to “let managers manage”), EAW “promises the greatest degree of flexibility and control over employees because it gives managers complete discretion in hiring, and affords them the power to dismiss employees for any reason or no reason at all” (Green et al., 2006, p. 306). Proponents argue that eliminating job protections speeds up the termination process because due process requirements—which, minimally, require prior notice of impending adverse personnel actions and the opportunity for an employee to respond before action is taken (Gertz, 2007)—are eliminated (Kellough & Nigro, 2005; Lindquist & Condrey, 2006). Selden’s (2006) findings, which show that states with EAW terminate employees more quickly than those that do not, corroborate this argument. In contrast, Selden (2006) and Elling and Thompson (2007) find that EAW policies have no direct effect on the number of annual employee dismissals, with dismissal rates averaging about 2% per year regardless of a state’s EAW status. What is not clear, however, is if these low dismissal rates demonstrate procedural difficulties managers face when pursuing terminations, as advocates of EAW would argue, or if there are other explanations for low termination rates such as effective hiring processes that attenuate the need for terminations (Selden, 2006), a lack of training and/or courage on the part of managers to exercise existing discretion over employee discipline and termination (Elling & Thompson, 2007; Hays & Sowa, 2006; Green et al., 2007), or HR professionals counseling agency managers against potentially risky involuntary terminations.

Understandably, the potential for agencies to more quickly terminate employees raises concern over the reemergence of politically motivated hiring and firing. Indeed, removing employment tenure eliminates a “historic pillar” of civil service systems (Kellough & Nigro, 2005, p. 448) and opens the possibility of patronage abuses. Research explicitly examining such politically motivated abuse has not found it to be widespread but has found sufficient evidence of such abuse to warrant concern and further exploration (Coggburn, 2006a; Kellough & Nigro, 2005, 2006). Still, other scholars suggest that legal and regulatory systems provide sufficient employee safeguards to curb political abuses and that any effects of patronage would be limited due to the need for technical expertise in government positions (Maranto & Johnson, 2007; Woodard, 2005).

In addition to flexibility and efficiency, proponents argue EAW increases public employees’ responsiveness to managerial and political executives and provides needed motivation for performance (Bowman, Gertz, Gertz, & Williams, 2003; Green et al., 2007; Kellough & Nigro, 2005; Walters, 2003). Responsiveness to political executives is an important and legitimate value for civil service systems, but it is tempered by the need to protect public employees from political abuse (Kellough & Selden, 2003). EAW tips this balance in the direction of executive control by offering employees the choice of being responsive to policy initiatives or facing termination (Bowman et al., 2003; Walters, 2003). Similar logic underlies the motivational aspects of EAW. Employees are assumed to be lazy and underperforming, thus the threat of termination at will is needed for motivation and improved productivity. Such rationale favors McGregor’s Theory X (Bowman, 2002; Green et al., 2007) and, as such, rests comfortably within the general indictment against traditional civil service systems mentioned above.
In contrast to scholarship examining the merits of EAW proponents’ claims, another stream of research examines drawbacks of the doctrine’s application. Among the problematic issues identified in this literature are the following: unequal footing of employees vis-à-vis employers in EAW settings, negative effects of eliminating job security on performance, negative inferences drawn by employees and potential applicants about employers with EAW policies, and promotion of undesirable behaviors and the attenuation of desirable behaviors in organizations with EAW policies.

The general theory of EAW suggests that employees and employers are on equal footing in the employment relationship, a status referred to as mutuality (Muhl, 2001). The argument here is that EAW is neutral because either the employee or the employer can sever the employment relationship at any time and for any or no reason. Recent work calls this premise into question, asserting that employers have a decided advantage in the employee–employer relationship (Coggburn, 2006b; Green et al., 2006; Muhl, 2001; Walters, 2003), but research examining the attitudes of those inside government remains limited.

Researchers have also begun exploring the implications of lost job security under EAW. Given that public sector salaries have traditionally lagged market rates, job security has been an important employment inducement for public organizations. From a performance perspective—and in contrast to EAW’s motivational assumptions—research suggests that job security is important to employee productivity (Daley, 2002; Green et al., 2006; Hays & Sowa, 2006; Lewis & Frank, 2002; Schwoerer & Rosen, 1989). Having a sense of job security strengthens employee commitment to the organization, which, in turn, can lead to greater employee productivity (Coyle-Shapiro & Kessler, 2003; Gossett, 2003; Hindera & Josephson, 1998; Pfeffer, 1998; Radin & Werhane, 1996). What is not known, however, is how these matters are viewed by those working inside government organizations.

Related research looks at the compensation-job security tradeoff and the effects of EAW on employee recruitment and retention efforts. Some evidence suggests that employees may opt for positions offering higher pay over job security, but such promises for increased compensation seldom materialize in the public sector (Bowman, 2002; Bowman et al., 2003; Green et al., 2006; Schwoerer & Rosen, 1989). Additionally, organizations espousing just cause standards for termination may be viewed more favorably by potential employees than organizations with EAW policies (Roehling & Winters, 2000; Schwoerer & Rosen, 1989). EAW can likewise affect employee commitment to an organization (Coyle-Shapiro & Kessler, 2003; Gossett, 2003; Roehling & Wright, 2004): having employees who feel less commitment to an organization can negatively affect performance and create higher voluntary turnover rates.

Finally, the effect of EAW on employee behavior has been the subject of inquiry. Generally, scholars argue that EAW can discourage desirable behaviors while at the same time promoting other undesirable ones. On the former, modern management theory stresses the importance of participatory workplaces where employees are encouraged to offer new ideas, challenges existing modes of operation, take risks, and act entrepreneurially (Bowman & West, 2006; Coggburn, 2006b; Gertz, 2007; Goodman & Mann, in press; Radin & Werhane, 1996). EAW, however, works counter to these desirable employee behaviors and can have a chilling effect on policy debates within agencies (Kellough & Nigro, 2005). Another manifestation of this—one that is particularly critical for public organizations—is the tendency for EAW policies to discourage employees from blowing the whistle on...
organizational wrongdoing (Bowman & West, 2006; Callahan, 1990; Coggburn, 2006b; Gertz, 2007; Green et al., 2006; Roehling, 2003). Gertz (2007) sums these issues succinctly: “Based upon experience in the private sector, it should be expected that at-will public employees will be less likely to question workplace decisions, to disclose workplace conduct that appears to violate the public trust, or even talk to outsiders” (p. 63).

The literature also points to EAW’s potential to contribute to undesirable workplace behaviors. Specifically, concern has been raised about the effects of terminating employees without having to offer a rationale or justification on other forms of organizational decision making (Radin and Werhane, 1996; Stephens & Kohl, 1998; Werhane, 1999). Given that government decision making is expected to demonstrate good faith, as conditioned by an obligation to rule of law, and transparency (Gertz, 2007; Green et al., 2006; Lindquist & Condrey, 2006), EAW could negatively impact public employees’ decision making and desensitize them to issues of procedural fairness.

In sum, there is renewed interest in civil service reform, particularly at the subnational level. The most recent reforms reflect a penchant for market-style approaches to HRM, including replacing merit system protections with EAW arrangements. The literature has usefully framed issues associated with a switch to EAW, but there remains a dearth of inquiry on the attitudes of public officials toward EAW and its potential to effect positive change in government performance.

**Examining At-Will Employment in the States: Data and Methods**

Evidence from the literature suggests that there is still much to be explored in the area of civil service reform given the extent and controversial nature of reforms like EAW. Though the impact of such reforms remains debatable, recent scholarship has begun the task of assessing evidence with respect to the opinions of HR professionals, albeit limited to individual states (Bowman & West, 2006; Coggburn, 2005, 2006b; Condrey & Battaglio, 2007; Goodman & Mann, in press; for an exception, see Hays & Sowa, 2006). Assessing professionals in the HR field is an appropriate strategy given their subject matter expertise and their ability to affect HRM practices and decision making through the counsel they provide to agency managers. What is more, HR professionals occupy a dual role in that they are both (a) advocates for employees and protectors of merit principles, and (b) strategic partners with management in pursuing agency mission and goals. This position affords HR professionals a unique and important perspective in judging the merits of civil service reforms. Understanding their attitudes and the factors that shape them offers some insight as to how reforms like EAW might be received in government.

This research aims to help close the gap in cross-sectional attitudinal analyses by assessing differences in attitudes among HR professionals—typically, the HR directors of state agencies—in Florida, Georgia, Mississippi, and Texas on the potential benefits of EAW. Focusing on state governments represents an appropriate focus because they are leading the way in civil service reform, including EAW (Condrey & Battaglio, 2007; Kellough & Nigro, 2006). Though not necessarily representative of the 50 states, the four southern states considered here have received attention for their EAW initiatives (Goodman & Mann, in press; Green et al., 2006; Hays & Sowa, 2006; Kellough & Nigro, 2005), thus
they constitute an appropriate purposive sample for exploring EAW and drawing lessons of relevance to the goal of improving public management (Berman, 2002).

Survey Methodology

The model developed and tested below uses original survey data collected from HR professionals in the respective states. The mail surveys used the tailored design method (Dillman, 2000). Respondents were asked to use a 5-point Likert-type scale4 to offer their levels of agreement or disagreement with a series of statements related to EAW. Response rates for the surveys in all four states were respectable, with 63% \((n = 77)\) responding in Texas, 80% \((n = 59)\) in Mississippi, 78% \((n = 64)\) in Florida, and 51% \((n = 65)\) in Georgia. The pooled cross-sectional data set contains 265 responses.

The portion of the survey reported here taps into respondents’ perceptions of EAW’s potential as an instrument of modern public management, advancing NPM-inspired assertions of responsiveness, motivation, efficiency, and flexibility (Barzelay, 1992, 2001; Goodman and Mann, in press; Kettl, 2000; Light, 1997; Osborne, Gaebler 1992; Savas, 2000, 2006). Respondents were prompted to offer their level of agreement or disagreement with statements related to the potential benefits of EAW, as suggested by the literature. These statements were introduced with the phrase, “Employment at will in government . . .” and were followed by statements reflecting EAW’s relationship to employee responsiveness, employee motivation, HR efficiency, managerial flexibility, and modern government management. Agreement with these statements suggests general recognition of EAW as a means for producing better HR outcomes in state government.

The survey also included statements related to respondents’ experiences working in EAW settings—specifically, whether EAW had been used to promote legitimate management purposes or as a means for promoting spoils—and questions about respondents’ demographic characteristics, including their educational attainment, gender, years of public sector experience, and HR experience in the private sector.5 These questions are used in the next section as independent variables in a regression analysis examining relationships to respondents’ commitment to EAW.

Survey Results

Table 1 presents the overall survey findings and reports the percentages of respondents agreeing (i.e., “those who “strongly agreed” or “agreed”) and disagreeing (i.e., “those who “strongly disagreed” or “disagreed”) with the various statements and the mean responses. As shown, there is considerable variation in opinion about EAW. In several instances, a majority of respondents agree that EAW produces desirable HR outcomes for government, though significant percentages voice disagreement.

In response to the first item, a strong majority (about 60%) of HR professionals agree and less than one-fifth (18.4%) disagree that EAW “helps ensure employees are responsive to the goals and priorities of agency administrators.” This is not too surprising given that making government employees more responsive to executive direction is a key tenet of EAW and that it provides employers a decided advantage in the employee–employer relationship.
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Table 1
Human Resource (HR) Professionals’ Attitudes Toward Employment at Will (EAW)*

<table>
<thead>
<tr>
<th>EAW Commitment</th>
<th>Percentage</th>
<th>Agree/Disagree</th>
<th>Mean</th>
<th>Factor Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>At-will employment in government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helps ensure employees are responsive to the goals and priorities of agency administrators</td>
<td>59.9/18.4</td>
<td>3.48</td>
<td>.835</td>
<td></td>
</tr>
<tr>
<td>Provides needed motivation for employee performance</td>
<td>42.4/31.8</td>
<td>3.12</td>
<td>.852</td>
<td></td>
</tr>
<tr>
<td>Makes the HR function more efficient over the HR function</td>
<td>46.4/27.6</td>
<td>3.27</td>
<td>.878</td>
<td></td>
</tr>
<tr>
<td>Provides essential managerial flexibility</td>
<td>53.3/22.5</td>
<td>3.41</td>
<td>.841</td>
<td></td>
</tr>
<tr>
<td>Represents an essential piece of modern government management</td>
<td>54.1/17.5</td>
<td>3.48</td>
<td>.820</td>
<td></td>
</tr>
</tbody>
</table>

Cronbach’s α = .902

a. Respondents were asked to indicate their agreement or disagreement with survey statements related employment at will using the following scale: 1 = strongly disagree; 2 = disagree; 3 = neither agree/disagree; 4 = agree; and 5 = strongly agree. Percentages reported in the table do not sum to 100% due to rounding and omission of “neither agree/disagree” responses.

(Coggburn, 2006a; Green et al., 2006; Muhl, 2001; Walters, 2003). Interestingly, majorities also agree that EAW “provides essential managerial flexibility over the HR function” and “represents an essential piece of modern government management.” Similarly, sizable pluralities (in excess of 40%) agree that EAW “makes the HR function more efficient” and “provides needed motivation for employee performance.” Taken together, the findings suggest that, among HR professionals in these states, the general rationale for EAW is readily accepted: There appears to be broad support among HR professionals, in the aggregate, for EAW.

Results for survey items related to HR professionals’ experiences with EAW are presented in Table 2. The first set of statements, under the label “Use of EAW,” indicates that agencies have used the discretion afforded by EAW to pursue terminations for a variety of reasons. Specifically, about 41% agree (and 35% disagree) that “employees have been terminated at will because of changing managerial priorities/objectives,” 46% agree (37% disagree) that “employees have been terminated at will to meet agency budget shortfalls,” and 47% agree (36% disagree) that “employees have been terminated at will to meet agency downsizing goals.” The first result dovetails with the result reported above about EAW increasing responsiveness to executive direction; the results for the next two items demonstrate how EAW can be used to deal efficiently with broader agency challenges.

The second set of statements in Table 2, under the “Misuse of EAW” heading, taps into undesirable, spoils-type behavior that EAW’s opponents caution about. Here, the results offer some cause for concern. Almost one third of HR professionals responding acknowledge that EAW “is sometimes used to fire competent employees so that other people with friends or connections to government can be hired” and that “employees have been terminated
at will because of personality conflicts with management.” On the more intrusive statement about respondents’ personal knowledge of a case where a competent employee was fired in favor of someone who is politically well-connected, 10% agreed to such knowledge. Though respondents agreeing with these statements are in the minority, the substantive significance of such opinion cannot be overstated. In the same way that proponents of EAW can take pleasure in knowing that EAW has been used for legitimate HR purposes described above, opponents’ can rightly claim that EAW’s discretion has been used scurrilously.

Exploring HR Professionals’ Commitment to EAW

The preceding section reported responses to individual survey items. Here, the statements in Table 1 are combined into an additive index. This allows for an assessment of several factors plausibly related to variance in HR professionals’ overall commitment to EAW as a civil service reform ideal. The statements in this index were coded so that higher values correspond with a stronger commitment to or belief in EAW and its positive effects
for public employment. As indicated in Table 1, the resulting index has a high degree of internal reliability (Cronbach’s $\alpha = .902$). Factor analysis was performed to confirm the empirical similarity of the survey items. The factor loadings are reported in Table 1. The items loaded on only one factor—interpreted here as HR professionals’ “EAW Commitment”—confirming the data’s unidimensional structure and supporting the creation of the index used as the dependent variable in the analysis. Specifically, the EAW Commitment index is used as the dependent variable in a regression analysis assessing relationships between commitment and various demographic and agency-specific characteristics, while simultaneously controlling for the impact of respondents’ state of origin. Given its exploratory nature, the purpose of the analysis is not to develop a full-blown model of HR professionals’ attitudes, but rather to assess the relationships between their commitment to EAW and a number of theoretically justifiable variables.

**Explanatory Variables**

*Misuse and use of EAW.* The occurrence of questionable and unsavory HRM practices through the exercise of discretion EAW affords may contribute to negative perceptions by HR professionals (Condrey & Battaglio, 2007). In particular, if the perception is that EAW is being utilized for political purposes, respondents could be expected to react negatively. In contrast, the use of EAW discretion to target employees for dismissal based upon budgetary and/or managerial objectives could be viewed more benignly by HR professionals, as the exercise of such discretion does not necessarily represent an affront to traditional merit values and is more in line with notions of facilitating legitimate management prerogatives. As this suggests, it is reasonable to assume that HR professionals’ attitudes are related to their organizational experiences.

To examine this, two additive indices were constructed as explanatory variables for measuring the impact of agency-related aspects of EAW. Specifically, these indices comprise statements evaluating respondent perceptions of EAW’s consequences for their respective agency. As such, they tap HR professionals’ perceptions of agencies exploiting EAW for (a) questionable forms of dismissal (labeled “Misuse of EAW” in the analyses) and (b) more defensible forms of dismissal, from a NPM perspective, based on budgetary, managerial, and downsizing objectives (labeled “Use of EAW” in the analyses). As the alphas for Use of EAW (.842) and Misuse of EAW (.802) show, both indices have high levels of reliability. As with the dependent variables, factor analysis was used to support grouping these statements into separate factors. The analysis generated two factors, with each item listed in Table 2 loading on only one factor (see Note 6).

The expectation is that HR professionals who anticipate “misuse” of the HRM system by managers based on past experience will be generally less supportive of EAW. This should be reflected in a negative relationship between the Misuse of EAW and EAW Commitment variables. In contrast, those whose professional experience has included more defensible “use” of EAW discretion will tend to be more supportive of the doctrine, as indicated by a positive relationship between Use of EAW and EAW Commitment.

*Respondent demographics.* A review of the literature suggests that various demographic characteristics might be at work in shaping HR professionals’ attitudes (e.g., Brudney, Hebert,
More experienced HR professionals, as defined by years of public sector service, will be more likely to oppose measures associated with EAW in public management. It is anticipated that HR professionals with greater tenure in the public sector would be more suspicious of reforms enhancing managerial discretion at the expense of employee protections. In other words, a negative relationship between the public sector experience variable (coded 1 = less than 5 years; 2 = 5 to 10 years; 3 = 11 to 15 years; 4 = 16 to 20 years; 5 = 21 to 25 years; and 6 = 26 years or more) and the index measuring EAW Commitment is expected.

Given the predominance of EAW in the private sector, state government HR professionals with previous HR experience in the private sector have likely operated under EAW policies. This gives rise to the expectation that they would tend to favor EAW as an element of efficient HRM practices. HR professionals with experience in the private sector may not fully appreciate the historical and enduring significance of merit in public HRM, valuing instead expediency afforded by private sector HRM practices such as EAW. Thus, a positive relationship between private sector HR experience (coded 0 = no; 1 = yes) and EAW Commitment is expected.

Generally, one might anticipate that HR professionals with higher levels of education would be less skeptical of EAW due to their ability to discern the pros and cons of HRM practices, opting for private sector efficiency. However, it may also be the case that respondents with advanced levels of education (indicated by a graduate degree) may exhibit greater concern over the loss of public sector jobs and the potential for arbitrariness and abuse of merit principles due to the pro-business and anti-public sector biases of NPM-inspired reforms like EAW. Given the rival hypotheses, it is not clear what direction the relationship between graduate education and EAW commitment should take. In contrast, respondents with specialized knowledge of the law (indicated by a law degree) should be more cognizant of the ramifications of EAW, the legal constraints on at will terminations, and the broader legal environment of public HRM. This should make them more at ease operating in an EAW environment, thus it is expected that HR professionals trained as lawyers will hold more positive attitudes about EAW. To examine these potential relationships, the analysis includes dummy variables for respondents possessing law degrees (coded 0 = no; 1 = yes) and graduate degrees (coded 0 = no; 1 = yes).

Finally, it is expected that gender may affect respondents’ attitudes toward EAW. It is reasonable to speculate that female HR professionals would be less likely to approve of EAW, given preceding incidents of discrimination against women and minorities in the workplace (Goodman & Mann, in press) and the relative advantage females have gained under merit systems’ stability and adherence to due process rights (Bernhardt & Dresser, 2002; Moynihan & Landuyt, 2008). To test for this, the model includes a dummy variable for gender (coded 0 = male; 1 = female).
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regression results

Table 3
State Human Resource Professionals’ Commitment to Employment At Will (EAW)

<table>
<thead>
<tr>
<th>Explanatory Factors</th>
<th>Regression Coefficients (b)</th>
<th>Standardized Coefficients (β)</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misuse of EAW</td>
<td>−0.161 (0.112)</td>
<td>−.109</td>
<td>.075</td>
</tr>
<tr>
<td>Use of EAW</td>
<td>0.500 (0.103)</td>
<td>.349</td>
<td>.000</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>2.050 (0.741)</td>
<td>.200</td>
<td>.006</td>
</tr>
<tr>
<td>Georgia</td>
<td>0.643 (0.769)</td>
<td>.062</td>
<td>.404</td>
</tr>
<tr>
<td>Mississippi</td>
<td>1.640 (0.792)</td>
<td>.156</td>
<td>.039</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lawyer</td>
<td>1.640 (1.050)</td>
<td>.100</td>
<td>.060</td>
</tr>
<tr>
<td>Graduate degree</td>
<td>−0.080 (0.672)</td>
<td>−.007</td>
<td>.909</td>
</tr>
<tr>
<td>Private sector experience</td>
<td>−1.080 (0.676)</td>
<td>−.109</td>
<td>.056</td>
</tr>
<tr>
<td>Years in public sector</td>
<td>−0.417 (0.186)</td>
<td>−.152</td>
<td>.026</td>
</tr>
<tr>
<td>Gender</td>
<td>0.556 (0.615)</td>
<td>0.059</td>
<td>.183</td>
</tr>
<tr>
<td>Intercept</td>
<td>13.824 (1.307)</td>
<td></td>
<td>.000</td>
</tr>
<tr>
<td>R²/Adjusted</td>
<td></td>
<td>.15/.11</td>
<td></td>
</tr>
<tr>
<td>F</td>
<td></td>
<td>4.20</td>
<td>.000</td>
</tr>
<tr>
<td>N</td>
<td></td>
<td>248</td>
<td></td>
</tr>
</tbody>
</table>

Note: Entries are regression coefficients estimated by ordinary least squares, with standard errors shown in parentheses. Cases with missing data were dropped from the analysis. Tests of significance are one-tailed where directional relationships are expected (see text).

State governments. Such notable characteristics may include the extent of experience with EAW, political culture, and government traditions. It might be anticipated, for example, that HR respondents in the other states would have some reservations with respect to EAW given Georgia’s at times controversial and far-reaching reforms (Condrey, 2002; Gossett, 2002; Kellough & Nigro, 2002). On the other hand, a relative lack of operational experience with EAW, coupled with the allure of EAW delivering more efficient HRM, might lead respondents in some states to overestimate its potential benefits. To account for such idiosyncratic differences, dummy variables were created for respondents from Florida, Georgia, and Mississippi, with Texas serving as the reference category in the analysis.

Regression Results

What helps account for variation in positive assessments of EAW among HR professionals? The results of the regression analysis, estimated by ordinary least squares, are summarized in Table 3. The first column presents the regression coefficients for the individual variables and their standard errors. The second column presents standardized coefficients, which assess the relative impacts of independent variables measured in different units. The third column reports the estimated significance levels from the regression.7

Among the most important of the findings are the statistically significant relationships between EAW Commitment and the variables measuring the use and misuse of EAW. With respect to the Use of EAW variable, the estimated coefficient \( b = 0.500 \) is in the expected
(positive) direction and indicates that a one unit increase on the Use of EAW index is associated with a one-half point increase in HR professionals’ EAW Commitment. It is worth noting, too, that the standardized coefficient for this variable (\(\beta = .349\)) is the largest in the table, suggesting its relative importance to explaining EAW Commitment. Substantively, the finding suggests that HR professionals who have experienced the use of the discretion afforded by EAW in managerially justifiable ways tend to hold stronger commitment to the doctrine. The implication here is that there is a perception among HR professionals that when EAW is used for specific HRM practices (i.e., budgetary and managerial goals) it can lead to more efficient HRM in government. As for the Misuse of EAW variable, the estimated coefficient (\(b = -0.161\)) confirms the expected relationship albeit at a lower level of significance (\(p = .075\)). HR professionals who perceive that EAW is being misused for political or personal gain (i.e., for “spoils”) tend not to associate the doctrine with promoting government and HR efficiency and effectiveness. Taken together, the results for the use and misuse variables paint a straightforward picture of HR professionals’ attitudes: their professional experiences with the exercise of EAW discretion—whether positive or negative—are important to shaping their overall opinion about EAW.

The other results that really stand out in Table 3 are those for the state variables. Specifically, respondents from Florida (\(b = 2.05\)) and Mississippi (\(b = 1.64\)) generally have stronger commitment to EAW than do respondents from the Texas reference category; that is, respondents from these states believe more strongly in the doctrine’s ability to produce managerially desirable results. No significant difference is found between respondents from Georgia (\(b = 0.643\)) and Texas. These results suggest a rather curious—and important—phenomenon may be at play: respondents from states (i.e., Florida and Mississippi) that have more recently adopted EAW tend to view its promise—as suggested by EAW Commitment scores—more favorably than states with relatively more experience operating under the doctrine.

Turning to the demographic variables, the relationships between the HR professionals’ employment history and EAW Commitment offer mixed results. First, the coefficient estimate (\(b = -0.417\)) for the variable measuring years of public sector employment is statistically significant and in the predicted direction: those who have worked longer in the public sector tend to have less EAW Commitment. It would appear from this result that more seasoned HR professionals generally hold less sanguine views toward EAW than their counterparts with less public sector experience (see Goodman and Mann, in press). This could be taken as evidence of HR professionals’ enduring role—conditioned over the course of a public service career—as protectors of merit and their suspicion of radical civil service reforms, or it could reflect their own discomfort stemming from being subject to EAW policies themselves. Though additional research will be needed to sort out the underlying causes, it is important to note that this finding contrasts with previous research suggesting that experienced HR professionals and managers tend to prefer the discretion EAW affords (Bowman & West, 2006; Lasseter, 2002; Walters, 2003).

Results for the relationship between the second demographic variable, prior private sector HR experience, and attitudes toward EAW are surprising. The estimated relationship (\(b = -1.08\)) is statistically significant (\(p = .056\), but in the opposite direction of what was expected. Instead of being more committed to EAW as means for producing better performance, HR professionals who have performed similar HR work in the private sector tend to have less
strong feelings about its ability to produce desirable results for government. This important and unexpected finding suggests that private sector experience may temper HR professionals’ expectations about what EAW can and cannot deliver.

As for the two education variables, the analysis again produced mixed results. First, with respect to those with legal training, the result \(b = 1.64\) is as expected: respondents with legal credentials have significantly stronger commitment to EAW \((p = .06)\). This suggests that attorneys, drawing on their knowledge of employment law, are generally more comfortable operating in EAW settings. Second, the negative coefficient for respondents holding a graduate degree \(b = -0.077\) might suggest that more educated respondents have less affinity for EAW, but that relationship is not statistically significant so no direct relationship can be drawn. Thus, advanced education (i.e., besides law school) appears to have little bearing on HR professionals’ attitudes toward EAW.

Finally, results for the gender variable indicate no significant differences between female and male HR respondents. This finding is at odds with expectations, but does corroborate earlier work (Coggburn, 2005) suggesting that gender has little effect on HR professionals’ opinions regarding contemporary civil service reforms.

**Discussion and Conclusion**

Considerable attention has been given to civil service reform in recent years. Given the centrality of HRM to questions of government performance, such attention is both understandable and warranted. Along with reform proposals, a number of important questions have been raised about the potential effects of reforms and their fit with the public sector’s traditional HRM practices and values. Raising such questions would seem particularly important for proposals to end merit system protections for public employees in favor of EAW because such proposals promise to fundamentally alter the traditional public sector employee–employer relationship.

This article contributes to understanding of EAW by examining the attitudes of a key set of institutional actors—state HR professionals—across four southern states. Understanding HR professionals’ attitudes toward EAW and the factors related to those opinions offers insights as to how vigorously EAW may be pursued within government. It is reasonable to conclude that HR professionals who have seen EAW used to promote legitimate organizational goals will be more likely to endorse its use as an effective HR strategy. In contrast, those who have been witness to EAW’s use as a tool for spoils can be expected to approach it with caution if not outright contempt. Either way, the general influence HR professionals have on matters of employee discipline and dismissal suggests that understanding their attitudes toward EAW is important to knowing how at-will terminations will be viewed within government agencies.

Findings regarding state-level differences also point to another important insight. Specifically, the greater commitment to EAW found among respondents from Mississippi and Florida relative to Texas, coupled with the lack of such a distinction between Georgia and Texas, suggests that there may be an EAW learning curve at play. Texas, which abolished merit system coverage in 1985, and Georgia, which did so in 1996, have operated under EAW arrangements for considerably longer than either Florida or Mississippi. The
implication is that as states gain more experience operating under an EAW arrangement, they become either less enamored with it or more realistic about what it can and cannot produce. The possibility of this EAW learning curve is supported, too, by the findings regarding private sector experience. HR professionals with such experience appear to more fully comprehend the constraints that remain on terminating employees under EAW (Gertz, 2007; Selden, 2006), thus informing their views about the doctrine’s ability to deliver the “better government” EAW’s advocates promise.

Though the generalizability of this analysis may be limited by its focus on four southern states, other states considering or in the process of adopting EAW would be advised to take heed of the lessons suggested here. EAW reforms are not relegated to the southern, right-to-work states sampled here (Hays & Sowa, 2006). Indeed, even states with strongly entrenched union establishments are not immune to the “range of managerial prerogatives” promulgated by EAW reforms (p. 110). Hays and Sowa’s (2006) survey of the fifty states suggests that “the existence of powerful unions does not automatically guarantee that workers will exercise their rights” (p. 111). Thus, lessons from HR professionals on the frontlines of the EAW movement in Florida, Georgia, Mississippi, and Texas may impart valuable insights to other states where civil service reform is on the move. Future research along the lines of that which is reported here should be expanded to focus on other regions or, ideally, all 50 states.

Finally, the article demonstrates that individual characteristics are also important to understanding opinion on EAW. More seasoned respondents tend to hold less favorable feelings about the doctrine. This finding is important considering current demographic trends that are affecting the composition of government workforces at all levels. Specifically, a growing number of government workers—the baby boomers—are becoming eligible for retirement. With the expected loss of these seasoned workers, the general receptivity of the public workplace to radical changes like EAW may grow. This is because newer workers will not possess the tacit knowledge accumulated over the course of a public service career. Hence, their knowledge of civil service reforms and their attendant consequences will be limited, potentially making them more open to private-sector inspired reforms like EAW. Similarly, if younger workers feel less committed to the public service as a career (Light, 1997), then there is a greater likelihood that public workers will have both public and private sector experience during their working lives. This, too, could have a pronounced impact on the receptivity to reforms like EAW within government.

The main limitations of this research are its reliance on attitudinal data, its focus on only one set of actors in the HRM process, and its southern state sample. Future work exploring attitudes toward EAW should be expanded to more states and should include consideration of not only HR professionals but also agency executives, managers, employees, and other important stakeholders. That these important stakeholders might have different attitudes about civil service reform and EAW only underscores the need for additional inquiry. Similarly, additional research is needed on the behavioral aspects of EAW, that is, how the existence and use of the doctrine affect employees (e.g., feelings of organizational commitment) and broader organizational measures (e.g., turnover rates, indicators of agency performance). Advocates have spent considerable time touting EAW’s benefits (efficiency, flexibility, responsiveness), but considerably less time has been devoted to exploring EAW’s downsides (less employee commitment, loss of job security, diminished incentives
to take risks or question management, etc.). Examining both sides of the argument is important, as “Nothing less than the effectiveness of government and popular perceptions of its legitimacy are at stake” (Kellough & Nigro, 2006, p. 7).

Notes

1. To be sure, public employees are afforded substantive protections under the U.S. Constitution. Although EAW state practices may provide for certain review steps to be taken in the employee discipline process, these procedural protections are limited. Absent are the job security, property interest rights, and employee rights afforded by the traditional civil service systems these EAW systems replaced. Moreover, in the wake of anti-government policies and rhetoric such as EAW, awareness of constitutional protections may be lost in the shuffle. Perception may be more important than reality—people can be intimidated and discovering the real reasons for termination may be problematic.

2. For example, at the national level, George W. Bush’s administration successfully lobbied for greater control over certain employees (i.e., Transportation Security Administration and, later, the Department of Homeland Security and Department of Defense) in the aftermath of 9/11, and it argued for extending such control government-wide. At the subnational level, Georgia made waves in the mid-1990s by sun setting its merit system and creating in its place an EAW system for all “unclassified” positions. Georgia’s reform effort was viewed initially as an anomaly (Condrey, 2002), but recent efforts to curtail employee rights are occurring in a number of government settings, which suggests a definite trend is emerging (Bowman, 2002; Bowman & West, 2006; Coggburn, 2006a; Goodman & Mann, in press; Green et al., 2006; Hays & Sowa, 2006; Maranto & Johnson, 2007; Rainey, 2006; Selden, 2006).

3. Although the content of the four surveys remained constant, the sampling universe for the Georgia survey differed from the other three state surveys in the number and type of persons identified. The Georgia survey consisted of individuals identified by the Georgia State Merit System as having a “significant human resource management function” in their respective agency. Thus, the survey was not limited to HR director-level positions, as was the case for the other three states. For the present analyses, Georgia respondents who indicated a professional designation of “SHRM-PHR” (Professional in Human Resources) or “SHRM-SPHR” (Senior Professional in Human Resources) were included for an n = 65. This difference was taken into account by estimating regression coefficients for models both containing and excluding Georgia respondents. The substantive results for both models were identical, so the full four-state model is reported.

4. Survey responses were coded as follows: 1 = strongly disagree, 2 = disagree, 3 = neither disagree/agree, 4 = agree, and 5 = strongly agree.

5. A question ascertaining respondent race was only included in the Georgia survey. The results from the Georgia survey suggest that African Americans were less sanguine about the merits of EAW. By giving managers greater latitude in dismissal decisions, African Americans may be wary of its use as a tool for discrimination (see Wilson, 2006, 178). Also, at the time of the survey, Georgia was governed by a Republican administration. African Americans may be guarded in their EAW perceptions under such an administration given their strong identification with the Democratic Party. EAW’s impact on diversity in the workplace may be an avenue for future research.

6. Factor analysis (using varimax rotation) was used to confirm the unidimensional nature of the additive indices generated from the survey. For the dependent variable, the analysis generated one factor—designated “EAW Commitment”—with an eigenvalue exceeding the customary 1.0 extraction criteria (and supported by visual inspection of the scree plot), cumulatively accounting for approximately 68% of the variance. All items loaded on only one factor and, as shown in Table 1, all factor loadings exceeded .70 (well above the customary level of .55). Similarly, analysis of survey statements related to the application of EAW supported creation of two explanatory variables—“Use of EAW,” and “Misuse of EAW.” Two factors emerged (accounting for 75% of the variance) with eigenvalues exceeding 1.0 and each item loaded on only one factor.

7. Table 3 reports significance levels (p) for each variable as opposed to asterisks associated with conventional, but arbitrary (see Gill & Meier, 2000), alpha thresholds (e.g., * ≤ .10; ** ≤ .05; *** ≤ .01). In the discussion of findings, probabilities <.10 are interpreted as “statistically significant.” As noted by one reviewer, this increases the likelihood of a Type 1 error, that is, of reporting a statistically significant relationship that is actually
due to chance. Substantively, existing research (as discussed in the text) offers reason to believe that HR professionals’ experience affects their opinions, hence we are confident in our interpretations.

References


Elling, R. C., & Thompson, L. (2007). Dissin’ the deadwood or coddling the incompetents? Patterns and issues in employee discipline and dismissal in the states. In J. Bowman & J. West (Eds.), American public service: Radical reform and the merit system (pp. 195-217). Boca Raton, FL: Taylor & Francis.


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