

# Opinion: Phil Murphy's troubles prove transitions can be tricky

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(Photo: Kevin R. Wexler/NorthJersey.com)

In the seven weeks that elapse between the election of a new governor and the inauguration, a process takes place that attracts relatively scant public attention but one that can determine whether an incoming Administration launches smoothly and confidently or confronts crisis and confusion.

The first week in November to the third week in January is the time span of the gubernatorial transition, days which blend intense political pressures and an equally intense search for individuals with policy and management expertise in matters which touch the lives of everyone in the state.

With a select joint legislative committee poised to begin an investigation of the recruitment and hiring practices of the incumbent Administration, the voting and taxpaying public will have an opportunity to learn how a cabinet is assembled, for instance, as well as gain a more comprehensive understanding of what considerations go into selecting top governor's office staff.

While transition teams are disbanded and their work product quickly forgotten once a new governor takes the oath of office, the re-examination of Gov. Phil Murphy's transition process is not undertaken voluntarily; rather it became inevitable once news accounts jolted the Administration that allegations of sexual assault had been lodged against one of his campaign aides whose appointment to a \$140,000 a year post as chief of staff to the Schools Development Authority was nevertheless cleared by the transition panel.

The appointee, Albert Alvarez, quietly resigned his position shortly before the assault accusation became public. After maintaining a stolid silence for several days, Murphy --- on the eve of a nine-day trade mission to Europe and the Middle East --- acknowledged the Alvarez' departure, but insisted he was unaware of the allegations against him and placed the blame for his appointment on the transition office.

In short order, a joint legislative committee was created to review not only the transition process, but the overall hiring practices followed by the Administration as it took shape.

Alvarez' accuser, Kate Brennan, chief of staff at the Housing and Mortgage Finance Agency, who worked in the Murphy campaign last year, said she brought the April 2017 assault to the attention of the governor's staff on more than one occasion, but in light of what she claimed was a lack of action or apparent concern, was left with no option but to speak publicly.



Gov. Phil Murphy spoke at a press conference today in Newark. The original topic was supposed to be his upcoming trip to Germany and Israel. However, the dominant topic asked by members of the press was the alleged sexual assault by someone on his team. Murphy said the allegations made him sick to his stomach and that he wants New Jersey to be the gold standard on how victims are treated. He added that an independent investigation will be put in motion to get to the bottom of what occurred. Monday, October 15, 2018 (Photo: Kevin R. Wexler/NorthJersey.com)

Alvarez is not the first Administration hire to spark an embarrassing political flare-up, although he is certainly the highest profile one and the allegations against him of the most explosive kind.

Marcellus Jackson, a former Passaic City Council member was forced to resign from his \$70,000 a year position in the Department of Education after it was revealed he served 25 months in a Federal prison for accepting \$26,000 in bribes in 2007, a conviction which should have disqualified him from holding a public office.

And, more recently, an Edison public school teacher who had been suspended for 120 days after it came to light that she had uttered slurs against children suffering from learning disabilities was dismissed from a \$70,000 a year job in the Department of Education.

Despite its comparatively low profile, the transition process is crucial in assuring that competent, qualified individuals are placed in positions of significant authority and it must carry out its responsibilities while coping with considerable pressures exerted relentlessly by political and personal forces.

County leaders, elected officials at all levels, major campaign donors, personal friends and supporters of the candidate flood the transition offices with resumes and letters of recommendation -- all attesting to the quality and integrity of the person they support along with suggestions that the new Administration will falter and perhaps fail unless an offer of employment is made.

Campaign staffers must be given serious consideration as well. They have, after all, devoted many months of their lives to the cause of the candidate and, upon victory, feel entitled to be brought into the Administration.



One of the signs use by the protesters denouncing Governor Phil Murphy for failing to stop the bear hunt. (Photo: Chris Pedota, Chris Pedota/NorthJersey.com)

I served on the staff of two transition offices, in 1981-82 after the election of Thomas H. Kean and in 1993-94 following the election of Christie Whitman. I participated in several interviews of potential cabinet officers, scrutinized the questionnaires each was required to complete and was briefed on background investigations.

While "skeletons in the closet" is a worn out and hackneyed phrase, it remains the seminal question and, depending on the circumstances of the response, is often the deciding factor in employment decisions.

As a practical matter, it is impossible to accommodate every job-seeker and it falls to transition officials to either inform the applicant and his or her backers that a position is not available or, in the alternative, offer a significantly lesser post in the hope it will be declined.

The pressures continue even after the transition office closes and hiring decisions are made at the gubernatorial or departmental level.

These are the areas the investigating committee will focus on with emphasis on the decision-making process followed in the appointment of Alvarez, despite Brennan's repeated efforts to bring her story to the attention of Administration officials.

By insisting that the transition office bore the responsibility for the appointment, Murphy has placed it at the core of the committee's inquiry.

But, the committee enjoys an open-ended time frame, giving it considerable leeway to branch out into seeking information directly from cabinet officers and the governor's office on their rules and procedures for hiring staff. The committee will also re-visit the decision by the Hudson County Prosecutor's Office which declined to pursue charges against Alvarez.

It is, of course, impossible to separate political considerations from the process. Anyone who believes otherwise is hopelessly naïve.

It does not, however, logically or fairly follow that individuals with political histories and backgrounds are automatically unworthy of consideration. Politics should not be the rationale for a position, but it should not be used to deny one either.

There exists a certain degree of nervousness concerning the investigation, a foreboding sense that it may turn up some embarrassing moments involving instances of favoritism for political allies or heavy contributors.

The lid, though, has been lifted and any effort to return it will produce an outcry neither the governor nor the Legislature wishes to confront.

There is a larger end to be gained, however. Justice for Kate Brennan. No matter what emerges, never lose sight of that.

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