

# ISSUES OF MERIT

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## Employee Coaching— A Performance Improvement Tool

In an era of stringent budget and resource constraints, it is prudent for organizations to identify and capitalize on in-house training opportunities. Employee coaching can be a low-cost employee development and performance improvement tool that has the potential to benefit employees, managers, and organizations. When effectively implemented, coaching can help employees hone their existing capabilities; acquire new knowledge and skills; learn how to maximize their contributions; and be in a better position to perform at high levels. Ultimately, employee coaching can help organizations meet their talent needs in support of mission accomplishment, especially during austere economic times.

*What is employee coaching?* Employee coaching is a developmental activity where the manager and employee work on a one-on-one basis to improve the employee's current job performance and prepare the employee for future assignments, roles, and challenges.

*How does employee coaching differ from performance management?* The main difference is that coaching concentrates more on improving employees' future behavior and contributions, and helping them sharpen or acquire the requisite talents to be successful. Ideally, employee coaching

should occur in tandem with effective performance management practices such as giving clear expectations, regularly reviewing work, providing on-going feedback, and holding employees accountable for results.

*How can organizations create coaching environments?* An organization must have leadership commitment to coaching—in words and actions—to create an environment conducive to coaching. Real commitment includes openly expressing the value of coaching and showing support by providing managers with the training necessary to identify and develop employees' capabilities. This training also should help managers tailor coaching to the needs and goals of each employee. Similarly, organizations will need to provide training to employees on accepting and using developmental feedback. Finally, organizations can emphasize the importance of coaching by holding managers accountable for effective coaching practices.

*What can managers do to become effective employee coaches?* In addition to actively participating in training on coaching, managers need to have trusting relationships with their employees.

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## DIRECTOR'S PERSPECTIVE

# What Makes a "Best Place to Work?"

*It's more than a one-time measure of job satisfaction.*

In November 2012, the Office of Personnel Management released Governmentwide results from the 2012 Federal Employee Viewpoint Survey (EVS). Those results have received a great deal of attention and interpretation, including much-publicized rankings of "best places to work."

The attention given to employee views is welcome. Certainly, it reflects great progress from a time when the Federal Government relied primarily on measures of workforce composition to gauge how effectively agencies were leading and managing the workforce. Yet, it is critical that decision-makers and stakeholders maintain a sense of perspective when interpreting results from employee surveys. Although survey results can offer valuable insights into employees' concerns and their perspectives on organizational strengths and weaknesses, survey statistics are not by themselves a definitive measure of the quality of an agency's leadership or a sound basis for making career choices. For reasons I'll outline below, we counsel readers to avoid relying solely on an annual indicator of job satisfaction to identify a "best place to work" (a curious concept—is there, for example, a "best car to drive"?) or to drive plans and decisions that can have long-term consequences for Federal agencies and Federal employees.

***One year of data is too little.***

Focusing exclusively on a single year's results, or even the change in results from the previous year, can

be misleading. Employee opinions are influenced by many factors. Agency leadership and agency actions are only two of those factors and not necessarily the most influential in year-to-year changes. To illustrate, in our Merit Principles Survey, the percentage of employees indicating that they had experienced discrimination on the basis of race or national origin, sex, or age was higher in 1996 than in 1992. But then, the percentage declined steadily after 1996. We cannot know exactly why there was an increase in 1996. However, the subsequent and steady decrease suggests that the most obvious reading of the results at the time—that the incidence of discrimination was increasing or that Federal workplaces were becoming less fair and equitable—would have been incorrect.

***Job satisfaction is distinct from employee engagement.*** It is probably fair to say that a continually dissatisfied employee is unlikely to be a high performer (or a congenial colleague). However, the highest levels of individual and organizational performance occur when employees are *engaged*, as opposed to *satisfied*.<sup>1</sup> As discussed in "Engagement versus Satisfaction" in our January 2011 issue, it is quite possible for an employee to be satisfied without being engaged. So organizations that seek to be a "best place to succeed" need to think more broadly and look more closely. Based on our research, promising

<sup>1</sup> U.S. Merit Systems Protection Board, *The Power of Federal Employee Engagement*, September 2008.

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## Director's Perspective

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areas for that close look include communication, motivation (the subject of our recent report *Federal Employee Engagement: The Motivating Potential of Job Characteristics and Rewards*), and retention.

**What is necessary in the long term can be disruptive in the short term.** Many commenters on the EVS results have emphasized the importance of strong leadership for generating positive employee attitudes. Rightly so. Yet one aspect of strong leadership—and a core qualification for the Senior Executive Service—is leading change. When advocating and implementing change, agency leaders should, of course, be mindful of employee opinions and seek to minimize undue stress and other forms of collateral damage. However, leaders must also accept that well-intentioned and well-planned changes may adversely affect employees and their job satisfaction.

As discussed in our report, *Managing Public Employees in the Public Interest*, many Federal employees believe that agency leaders could be more decisive and forceful in pursuing changes that would be beneficial in the long term, even though stakeholders or individual employees may be adversely affected in the short term.

For example, in our 2010 Merit Principles Survey, only 29% of employees agreed that their organization eliminates unnecessary functions and positions.

Do these cautions mean that survey results and employee satisfaction are irrelevant? Not at all. Survey results can provide an invaluable window into employees' perspectives and concerns. Patterns and changes in employee satisfaction can provide insights into an organization's mission, culture, environment, and leadership. However, a single year's satisfaction statistics are not a definitive measure of the quality of an agency's leadership or a sound basis for making career choices. Wise investors consciously avoid "chasing return"—continually moving their money into the stock or asset class that performed best in the past year, hoping that last year's returns will be repeated. Wise leaders and wise job-seekers would do similarly well to avoid "chasing satisfaction." ❖

*James Tsugawa*

Deputy Director, Policy and Evaluation

## Employee Coaching...

(continued from page 1)

Employee trust in the manager is critical for an effective coaching relationship. Managers may build trust through treating employees in accord with merit-based values; engaging in solid performance management practices; keeping their promises and commitments; and encouraging open two-way communication. Once trust is established, managers may focus on effective coaching behaviors such as those listed below:

- Create a learning environment where employees are encouraged to try new approaches to work products or processes and to offer suggestions for improvement;
- Empower employees by implementing their suggestions—to the extent possible—and publicly crediting employees for their ideas;
- Challenge employees to think outside of the box and to consider different perspectives and encourage employees' creativity and innovation;

— Identify or create opportunities for employees to build upon their existing skills, develop new skills, and gain experience relevant to their career aspirations;

— Provide timely, ongoing, and specific behavior-based feedback to employees on relevant work behaviors with the goal of positively shaping their future behavior;

— Recognize and reward good performance with the goal of reinforcing such behaviors in the future. This will include ensuring that employees understand why such behavior was effective; and

— Discuss less-than-optimal performance and strategize ways to make improvements.

Employee coaching has the potential to improve both short- and long-term performance. Further, the relatively low cost of coaching is especially attractive given current budget constraints. Agencies need to make employee coaching an organization-wide priority and have cascading leadership support, however, to realize its potential. ❖

# Stay Interviews: Listen to Your Valued Employees So You Can Keep Them

*It is critical that the information gleaned from stay interviews leads to visible action and isn't just filed away.*

Employee engagement and motivation are critical for work unit success and organizational mission accomplishment.<sup>1</sup> Yet, it is not always obvious why employees are engaged or motivated or why they stay committed to their particular jobs and organizations. Similarly, it is not always apparent when or why employees are dissatisfied with their work, role, or work environment and are looking for employment elsewhere. One tool for obtaining such information—and becoming aware of opportunities for action—is stay interviews with employees.

In a stay interview, employees are asked to provide their candid perspectives on what is going well and what could be improved in their jobs and in the organization. Content areas could include the employees' appraisal of their:

- Work, role, and responsibilities;
- Working conditions and flexibilities;
- Feedback, review, and performance management practices;
- Appreciation and recognition practices;
- Growth and development opportunities;
- Work unit or organizational culture;
- Communication, interpersonal, and teamwork dynamics; and
- Leadership.

Employees may also be asked to discuss their career aspirations and ways in which their current job or organization is or is not conducive to achieving them. Regardless of the questions or content area discussed, the key is to get honest feedback from employees about *why* they continue to stay in their jobs and with their organizations, instead of taking their knowledge, skills, capabilities, and career aspirations elsewhere.

Interviews are typically conducted between the employee and his or her manager. It must be emphasized

to employees that their participation is voluntary; their views will be kept strictly confidential; and their views will *not* influence their performance appraisals in any way. An HR Specialist or individual other than the manager could conduct the interviews to ensure that employees are comfortable with candidly expressing their views. Trust is essential for stay interviews to have value.

While any employee can be interviewed, high-performing employees should be at the top of the list, along with those who have mission-critical skill sets or who fill unique roles in the organization. These individuals provide the foundation for mission success. Thus, awareness of the factors that keep them committed, engaged, and motivated in their jobs will help organizations enact supportive practices. Similarly, awareness of factors that could be improved gives organizations an opportunity to do so before critical staff members are tempted to take jobs elsewhere. Talented employees always have job options, even in a weak job market.

In addition to providing the organization with critical data for supporting and retaining current talent, stay interviews can provide essential information for *recruiting new talent*. The pros and cons learned from candid stay interviews can be invaluable for designing realistic job previews and vacancy announcements. Further, taking the time to solicit employees' perspectives about their jobs and organization goes a long way towards conveying to them that the organization values their engagement. Employees appreciate knowing that their opinions matter.

Clearly, stay interviews can be a valuable tool for organizations. However, it is critical that the information gleaned from stay interviews leads to visible action and isn't just filed away. This means taking steps to support the job-related, environmental, and organizational factors that keep employees committed, motivated, and engaged. This also means taking steps to remedy the factors that detract from employee morale. The overall goal is using the stay interview to identify strategies for making good employees... stay. ❖

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1 For more information on these topics, see U.S. Merit Systems Protection Board, *The Power of Federal Employee Engagement*, September 2008; and U.S. Merit Systems Protection Board, *Federal Employee Engagement: The Motivating Potential of Job Characteristics and Rewards*, January 2013.

# Making Merit-Based Personnel Decisions: The Critical Manager–HR Partnership

Managers and selecting officials are expected to decide personnel matters consistent with the merit system principles (MSPs) and to avoid the prohibited personnel practices (PPPs). The MSPs and PPPs state clearly what selecting officials should consider (e.g., relative ability, knowledge, and skills) and what they should *not* consider (e.g., political affiliation, race, color, religion, national origin, sex, marital status, age, and disability) when making personnel decisions.

The MSPs and PPPs also make clear that it is improper to base personnel decisions on “personal favoritism” or nepotism (family relationships). Favoritism occurs when a selecting official or supervisor grants a benefit to one employee or applicant but not another similarly-situated employee or applicant for anything other than a legitimate or merit-based reason. Although it may seem like a straightforward responsibility, managers often face daunting challenges and difficult choices as they navigate the many decision points that are part of the typical recruitment and selection process.

Fortunately, although managers retain ultimate responsibility for their actions, they should not have to navigate these points alone or unaided. Human resources (HR) professionals (or those who perform this role in line organizations) play a critical role in ensuring that managers use HR flexibilities and their authority appropriately to make wise merit-based personnel decisions. HR professionals need to understand and accept this responsibility—and recognize that it may require them to initiate difficult discussions about a manager’s goals and motives, rather than the fine points of an appointing authority or an awards policy. They must also recognize and accept the potential for conflict, such as when a management official wants to achieve an outcome that threatens the integrity of the merit systems. Human resources professionals have a responsibility to educate managers regarding what an HR policy (such as a hiring authority) appears to permit and about their broader obligations regarding the public interest and the

MSPs, as well as how their actions may be perceived (or misperceived) by employees and other observers.

For example, in a case called *Special Counsel v. Lee and Beatrez*, the Office of Special Counsel charged two human resources specialists with helping a supervisor to commit a PPP by deliberately cancelling a vacancy for which a desired candidate was not referred and re-announcing the position with an area of consideration that would be to the candidate’s advantage. In the end, Lee was found to have committed a PPP because he knew about the supervisor’s improper motive and deliberately

helped her to achieve it, while Beatrez was found to have acted in good faith because the administrative law judge who conducted the hearing determined that Beatrez was unaware of the selecting official’s motives and was trying to get a list of generally better candidates to the selecting official.

This case demonstrated the extent to which not only managers but also HR professionals have an obligation to be careful when using hiring flexibilities. Although agencies do have the right to re-style and re-advertise vacancy announcements when adequate pools of qualified applicants cannot be found, this should not be done to circumvent the merit systems by wiring the announcement to suit a particular candidate. When used properly, hiring flexibilities can help management choose well-qualified employees in accord with the MSPs. However, when these flexibilities are manipulated in order to hire a specific person based on personal relationships rather than job-related qualifications, there may be many who suffer the consequences—the agency, the management official, subordinates and/or colleagues of the selectee, as well as the applicants who were not selected.

Overall then, it is prudent for managers, selecting officials, and other personnel decision-makers to partner with HR professionals to help ensure that their personnel actions are consistent with the MSPs and avoid the PPPs. Such partnerships will go a long way towards keeping the underlying intent of such actions grounded in merit. ❖

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*It is prudent for managers, selection officials, and other personnel decision makers to forge partnerships with HR professionals to help ensure that their personnel actions are consistent with the Merit System Principles and avoid the Prohibited Personnel Practices.*

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# Workplace Violence and Employee Turnover

*Is increased turnover a consequence?*

In the report, *Employee Perceptions of Federal Workplace Violence*, MSPB discussed the results of a 2010 survey of 42,000 Federal employees on the incidence of physical assault, threats of assault, harassment, intimidation, and bullying in the Federal workplace. That report noted that 13 percent of respondents reported observing such an incident in the previous two years. Current and former Federal employees were by far the most frequent perpetrators of violence in the workplace—these individuals were responsible for 54 percent of observed incidents, more than all other<sup>1</sup> perpetrators combined.

Fortunately, only 16 percent of the violent incidents perpetrated by Federal employees resulted in either physical injury or damage to or loss of property—the lowest proportion among all perpetrators. This finding means that the vast majority of incidents that survey respondents observed likely involved threats, harassment, intimidation, and bullying rather than outright physical violence.

Regardless of the severity of the incident, workplace violence is a serious matter and can be detrimental for its victims and observers. The employer also experiences adverse effects. As noted in our report, the costs of workplace violence to employers include restoring property, providing psychological care to victims and other employees, improving security, and attempting to repair an organization's tarnished public image. Also, some research has found that the stress and strain caused by workplace violence are strongly related to high employee turnover, reduced productivity, and lower employee commitment. In fact, we found lower levels of employee engagement in employees who have observed acts of workplace violence as well as in employees who don't believe their organization is doing all that is necessary to ensure their safety on the job.

Surprisingly, though, based on our survey data, witnessing workplace violence did not appear to affect employee turnover rates. In fact, the percentage of our survey population who voluntarily retired, resigned, transferred, or were reassigned from 2009 through 2011

<sup>1</sup> "Other" perpetrators of workplace violence are defined as those individuals whose only connection to the workplace is to commit a crime or who are customers or abusive intimate partners of Federal employees.

was the same among those who witnessed workplace violence as among those who did not witness workplace violence—25 percent. Further, this turnover percentage was consistent regardless of the identity of the perpetrator of the observed violence.

These findings are challenging to explain. Perhaps turnover rates are minimally affected due to Federal employees' typically high commitment to their jobs and public service. As we have reported periodically, Federal employees, on average, exhibit a great affinity for the type of work they do and for the mission of their employing agencies; perhaps this affinity contributes to employees not wanting to leave their jobs even in the face of serious stress in the work environment. Since the majority of the workplace violence that our survey respondents observed was non-violent, perhaps the behaviors were not perceived as egregious enough to push employees out of their organizations.

Regardless of why turnover rates appear to be little affected by witnessing workplace violence, agencies need to be on guard; they must be careful not to interpret this finding as a reason for complacency. There are steps that organizations can take that may minimize the occurrence of violent incidents on the job. These steps may be even more important in organizations where the victims of workplace violence are less inclined to leave. As noted above, research suggests these employees will be less engaged and ultimately less productive.

Information on what steps organizations can take to mitigate workplace violence, as well as further information on the results of our survey, can be found in our report at [mspb.gov/studies](http://mspb.gov/studies). ❖

## Workplace Violence Resources

### OPM: "Dealing with Workplace Violence"

[http://www.opm.gov/employment\\_and\\_benefits/worklife/officialdocuments/handbooksguides/workplaceviolence/index.asp](http://www.opm.gov/employment_and_benefits/worklife/officialdocuments/handbooksguides/workplaceviolence/index.asp)

### FBI: "Workplace Violence—Issues in Response"

<http://www.fbi.gov/stats-services/publications/workplace-violence>

### NIOSH: "Workplace Violence References"

<http://www.cdc.gov/niosh/topics/violence/refs.html>

# WPEA: The Whistleblower Protection Enhancement Act Changes the Rules

In 2010, we issued a report, *Whistleblower Protections for Federal Employees*, which described the process by which a Federal employee (or applicant) could seek redress for alleged retaliation for whistleblowing activity and the challenges such a person would face under the law. In November 2012, Congress enacted, and the President signed, the Whistleblower Protection Enhancement Act which has changed the landscape of whistleblower protection law for Federal agencies and their employees. While we summarize a few of the changes below, we caution readers to examine the law itself for a complete set of changes.

First, as noted in our report, protection under the old Whistleblower Protection Act (WPA) was limited by a Federal Circuit decision titled *Huffman v. Office of Personnel Management*. In *Huffman*, the court held that if the employee reported wrongdoing to the wrongdoer it would not be a protected disclosure, meaning the employee could not seek redress under the WPA if the wrongdoer then retaliated against the employee for making that report. In *Huffman*, the court also explained that when an employee's position required the employee to make a report (such as an investigator reporting his or her findings for an assigned project) and the employee made the report through the ordinary channels for reports of that nature, then that disclosure was not protected.

The WPEA changes these rules to broaden the pool of individuals who are eligible for protection against retaliation for whistleblowing activities. Under the new law, a disclosure may be protected even if the disclosure was made to a person who participated in the alleged wrongdoing. Similarly, the disclosure may now be protected even if the disclosure was made in the employee's normal course of duties. The WPEA also includes employees and applicants for positions with the Transportation Security Administration (TSA) as covered individuals. Additionally, the WPEA contains provisions to address disclosures of "evidence of censorship related

to research, analysis, or technical information" when certain criteria are met.

Second, the WPEA modifies the appeal rights of purported whistleblowers. As explained in our report, under the WPA, an individual not satisfied with the decision of the Office of Special Counsel (OSC) regarding a complaint of whistleblower retaliation, could appeal OSC's findings to MSPB. If the individual was unsatisfied with the result before MSPB, the individual could then file an appeal with the Federal Circuit. Under the WPEA, the individual still must go to OSC for redress

and then to MSPB to seek a review of OSC's decision.

However, if the individual is not satisfied with the result before MSPB, the WPEA provides—during a two year trial period—that the individual will have the choice of filing an appeal with the Federal Circuit or with "any court of appeals of competent jurisdiction." This means that which circuit will decide

the appeal—and therefore which court's precedential decisions MSPB must apply—will vary by case. (Perhaps to help with this, a few whistleblower rules derived from case law were codified by the WPEA so that these particular rules would be followed by the other appellate courts.)

There were several other changes to the law made by the WPEA, and we encourage those involved in whistleblower law, such as agency counsels, human resources professionals, inspectors general, unions, whistleblower advocacy groups, and appellant attorneys, to read the law for themselves. We also recommend that interested parties keep an eye out for new developments and be particularly careful to determine which precedential (versus persuasive) decisions will apply in different regions as we may soon have multiple appellant courts applying the same statutes. ❖

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*We encourage those involved in whistleblower law, such as agency counsels, human resources professionals, inspectors general, unions, whistleblower advocacy groups, and appellant attorneys, to read the law for themselves.*

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