

Making the Public Service Work

Recommendations for Change

The Office of Policy and Evaluation

U.S. Merit Systems Protection Board

September 3, 2002

Office of Policy and Evaluation

U.S. Merit Systems Protection Board

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Table of Contents

Executive summary.....	v
Introduction.....	1
Insufficient workforce capacity.....	2
Overly complex and ineffective hiring authorities	3
Inadequate, time-consuming assessment procedures	4
Inadequate tools for attracting and retaining high-quality employees and for reshaping the workforce.....	6
Recommendations to improve workforce capacity:.....	7
<i>Simplify hiring to make it work better for both managers and job applicants:</i>	7
• Reduce the number of special hiring authorities	7
• Abolish the Rule of Three and replace it with categorical grouping.....	7
• Ask the Attorney General and the Director of OPM to petition the court to terminate the <i>Luevano</i> consent decree and the special hiring programs created by the decree.....	7
• Encourage use of intern programs	7
<i>Improve how job applicants are assessed</i>	8
• Use better assessment tools	8
• Use competency-based methods to measuring applicants’ qualifications	8
• Encourage the practice of conducting applicant assessment in stages (“successive hurdles”).....	8
<i>Provide tools to attract, retain, and reshape the workforce</i>	9
• Provide agencies with tools to attract and retain employees, and reshape their workforce.....	9
Inability to manage effectively	10
Outdated and inflexible management tools and systems	10
Lack of managerial capacity	12
Recommendations to improve the ability to manage human capital.....	13
<i>Adopt a simpler more flexible classification system</i>	13
<i>Authorize paybanding in all agencies</i>	13

<i>Improve managerial capacity</i>	13
• Assess and select based on managerial aptitude	13
• Use appropriate, flexible probationary periods.....	13
• Invest in managerial training and development.....	13
Culture.....	14
An imbalance among responsibility, authority and accountability.....	14
Lack of senior leadership for human capital issues.....	15
Recommendations to improve culture:.....	15
<i>Delegate authority to those with responsibility</i>	15
<i>Appoint chief human capital officers</i>	16
The role of the Office of Personnel Management.....	17
Recommendations on the role of OPM	18
<i>OPM should be adequately funded to perform the following core centralized functions</i>	18
• Policy leadership	18
• Identifying and promoting better tools and human capital practices	18
• Managing programs that call for a “single employer” approach.....	18
<i>Ensure independent public service oversight</i>	19
Conclusion	20
Summary of Recommendations.....	20
Appendix A. List of MSPB reports (by study topic)	23
Appendix B. Core values of the public service	30

Executive summary

The Federal Government's widely acknowledged human capital crisis threatens the Government's ability to meet the expectations of the American people. This crisis is the product of a variety of factors including changes in missions and public expectations, a decade of downsizing, evolving technology, and workforce demographics. To adequately address this crisis, improvements in the public service and in management of human capital must be made. Incremental improvements have been attempted in recent years, but they are not enough. Bold and sweeping changes to the systems and structures of the public service and to the practice of human capital management are needed. In this report, we highlight four of the most significant of the issues facing the public service and our recommendations to address them.

Insufficient workforce capacity

This problem is not the result of a lack of competence or motivation on the part of individual employees. Instead, it reflects a mismatch between the mission requirements of Federal agencies and the number, types, and skills of their employees. Many agencies do not have "the right people in the right place at the right time" because they often cannot and do not recruit, hire, and retain the right people and they have limited ability to restructure the workforce when necessary. To address these problems we recommend:

- **Simplifying hiring.** Reducing the number of special hiring authorities, abolishing the Rule of Three and replacing it with categorical grouping, terminating the *Luevano* consent decree and its special hiring programs, and encouraging the use of intern programs will make it easier for the Government to compete for talent.
- **Improving how job applicants are assessed.** OPM should develop and promote the use of better assessment tools based on competencies and ensure all agencies have access to such tools. Agencies should conduct applicant assessment in stages or "successive hurdles," and automate initial intake and screening. Efforts should also be made to ensure that the probationary period is effectively used as the final phase of the examining process. The length of the probationary period should be flexible depending on the nature of the work and the competence demonstrated by the employee.
- **Providing tools to attract, retain and reshape the workforce.** Authorizing early retirements and allowing more flexible buyouts (including unlimited maximum amounts) based on competencies and reductions in force rules that take into account employee performance can make it easier for managers to reshape their workforces intelligently. Similarly, allowing retirement eligible employees to work part-time without a negative impact on their annuities provides a way to retain mission-critical skills.

Inability to manage effectively

Even if agencies acquire the right people, managers often lack the competencies, tools, resources, or authority to compensate, reward, and develop employee behaviors and performance that support mission accomplishment. Managerial accountability is often lacking and the Government often fails to select and develop managers with people-management abilities in mind. To improve the capability to manage we recommend:

- **Adopting a simpler, more flexible classification system.** A new system is needed that allows flexibility in job determinations so that an organization's needs can be met and an employee's or candidate's range of abilities can be credited. The system should be designed to permit changes in organizational priorities and employee assignments and skills to be easily accommodated.
- **Authorizing paybanding in all agencies.** Creating pay bands will increase the ability of the Government to provide competitive entry-level pay, allow pay raises tied to performance, and provide a dual path for career progression for both technical and managerial employees. This is the single most important change required in public service reform. Studies show that paybanding has the potential to raise organizational performance, increase managerial accountability, and help the Government attract and retain the talent it needs.
- **Improving managerial capacity.** Greater effort needs to be made in assessing and selecting supervisors and managers based more on managerial than technical aptitude. This should include providing training where needed, permitting flexible probationary periods for supervisors, and establishing supervisory and managerial mentoring programs.

A culture that discourages strategic human capital management

The Federal Government's culture has many admirable aspects, such as its emphasis on fairness, openness, and neutrality in managing its workforce. But it also includes undesirable aspects, such as a distrustful work environment, and a management system that is risk averse and emphasizes command and control. These and other negatives must be addressed if the Government is to use improved HR tools and authorities effectively. To improve culture we recommend:

- **Balancing managerial responsibility and authority to create more accountability.** Reviews of managerial actions and decisions by higher organizational levels add to a distrustful working environment. If the managers making the decisions don't believe they have the authority to take action, they don't feel or act accountable.
- **Appointing chief human capital officers.** The establishment of these high-level positions is needed to help integrate human capital strategies into the agency's long term plans and objectives. The goal is to align and institutionalize policies and practices that bring about or reward desired human capital strategies such as workforce planning and skills acquisition. The result would be a culture permeating throughout the senior leadership and the organization as a whole that supports a high-performing workforce, and links human capital needs with the agency's strategic direction.

The role of the Office of Personnel Management

Even if reform efforts give agencies more flexibility and authority, there is still a need for a centralized human resources management (HRM) agency. OPM should continue many of its central management functions. However, OPM's exercise of the compliance or inspection function can result in conflicts of interest, especially when the agency programs it inspects rely on or are the result of products and services OPM has sold the agency. We recommend:

- **Fully funding OPM's core functions.** OPM should concentrate on its core roles of providing Governmentwide policy leadership, identifying and promoting good human capital practices, developing and promoting effective HRM tools, and managing Governmentwide programs such as benefits. These core services should be adequately supported through appropriated funds, and not purchased by agencies on a fee-for-service basis.
- **Ensuring an independent oversight.** OPM should continue its leadership role in developing guidance to agencies for their own self-assessment and evaluation. OPM also has, along with OMB and GAO, a need for feedback for policy development purposes. However, OPM's oversight and program evaluation efforts have, at times, reflected OPM's institutional concerns and the interests of the Administration more than concern for the long term health of the merit systems and the public service. OPM should be divested of oversight responsibilities for discrimination and for compliance with or violations of merit principles. Both the oversight and program evaluation functions should instead be performed by an independent organization.

Introduction

The Federal Government is experiencing a “crisis in human capital” that threatens its ability to serve the public well and meet the expectations of the American people. This crisis is the product of major environmental challenges and the difficulties our public service institutions have in adapting to them. Environmental challenges such as changing missions and public expectations about Government's role, evolving technology, and changing workforce demographics are beyond the Government's control. However, process and policy changes, including Congressional action, can and should improve public service and the management of human capital to ensure that the public is better served now and in the future.

A variety of voices both inside and outside of Government are raising concerns about Government operations and making proposals for public service reform. This coalescence of interest in public service issues represents the most promising opportunity to improve and strengthen the public service in years.

We provide this report to share our recommendations for addressing the issues we believe are most important for reform. These recommendations are based on the body of knowledge we have acquired from nearly 25 years of experience in conducting objective, nonpartisan Governmentwide studies of Federal merit systems and human resources management practices. Appendix A provides a list of our studies.

Insufficient workforce capacity

A variety of factors are interacting to challenge the Federal workforce today. Agencies' missions are changing in response to new expectations for Government services by both the political leadership and the American public. Even where missions are stable—and certainly where they are not—agencies are trying to cope with changes in the work their employees do and how that work is done. Some of these changes are attributable to technological advances and some to an increased emphasis on providing high-quality services to the public.

The demographics of the current Federal workforce also present a challenge. Reports issued by numerous sources make it clear that a substantial percentage of the workforce at many agencies is or soon will be eligible to retire. Many of those who will retire are seasoned employees who will take with them the kind of knowledge and expertise the Government will need to capture and retain after they retire. Additionally, while many seasoned employees have shown the ability to adapt to a changing workplace, others have not. At the opposite end of the demographic spectrum is a growing number of recent hires who are the new lifeblood of Federal agencies. Research suggests that they bring expectations and attitudes about work and the workplace that may be quite different from those of current employees. Their presence in the Federal labor force presents agencies with challenges about how best to motivate and retain them, and to attract more of their peers. What worked in the past may not work for younger employees. Federal agencies need new ways to deal with a diverse workforce if they are to attract, motivate, and retain employees at both ends of the spectrum, as well as those in between.

In recent years most agencies have undergone substantial downsizing without first considering what kind of workforce they would need when the downsizing was completed. Agencies focused too little attention on what the future might require and how they would meet these requirements. One consequence of the haphazard downsizing is a workforce not well matched to the work it must perform to handle the changed missions and work processes of today. Another consequence of the downsizing and its aftermath has been an extended lack of attention given to basic workforce management issues, such as “How do we recruit new employees?,” “How do we hire in tight labor markets?,” and “What policies and practices do we need to retain high-quality employees?”

All of these problems—evolving missions, changing demographics, and the effects of haphazard downsizing—are exacerbated by the absence of a coherent, simple, easily understood Federal hiring process. Because they have been poorly applied, procedural

requirements established to protect merit have sometimes become impediments to timely hiring. The absence of good assessment tools for some positions, the presence of a poor selection tool sanctioned by a court case, and agencies' under-use of some good assessment tools that are available further compound hiring problems and increase the risk of hiring the wrong person. But far too often, managers simply lack the tools they need to attract or retain employees, or there are institutional or resource barriers that discourage or prevent them from using available tools.

Problems in hiring and retaining high quality employees include:

Overly complex and ineffective hiring authorities

Federal managers deal with a proliferation of confusing hiring authorities. Many special authorities exist, each defined either in terms of eligibility criteria (defining a subset of the larger applicant pool for which the authority applies) or the agency that can use the authority. For an example of the latter type, wildland firefighters employed by the Forest Service and the Bureau of Land Management may work shoulder to shoulder for the same boss—but they are employed under different hiring authorities that result in different conditions of employment, including the number of hours they may work in a year. In addition, there are a variety of ways to hire students and interns, but the requirements of the various student co-op and intern programs include provisions so proscriptive that they hurt the effectiveness of the programs.

Agencies also labor under a procedure—the Rule of Three—established during President Grant's administration to ensure that managers had more than one candidate to choose from. This rule has become a debilitating restriction on managers' prerogative to select from what is usually a much larger group of highly qualified applicants than the three required by the rule. In addition, application of the rule rests on the misperception that the assessment tools agencies typically use can identify the three best applicants from among all seeking the job with a high degree of accuracy. Unfortunately, the assessment tools agencies frequently use to screen large numbers of applicants cannot do this very well. Moreover, because the process often results in large numbers of applicants receiving tied scores, the final selection is frequently influenced by non-merit factors such as the use of random numbers to break ties. A categorical rating and grouping process, which recognizes the limitations of assessment tools by treating everyone in a quality group or category as equal, would be an improvement over the current numerical scoring and “rule of three” approach. Workforce quality and diversity would be improved by being able to interview and select anyone from the quality group instead of only the “top” three candidates.

In 1981, a Federal court's consent decree (the *Luévano* consent decree) created “temporary” hiring authorities for more than 100 occupations to address a charge of adverse impact resulting from use of an employment test. These hiring authorities were intended to be used when there was demonstrated underrepresentation of African

American or Hispanic employees in the covered occupations within the agency. It established an authority to hire based on Grade Point Average (GPA), which is one of the least valid predictors of employee performance. It also established a method to hire based on linguistic ability or knowledge of Hispanic culture. In most agencies, there is no longer any evidence of underrepresentation in these occupations. When there is underrepresentation, traditional competitive hiring results in hiring more minorities than through the procedures established by the decree. However, there is widespread misuse of the special hiring authorities as a mechanism to bring new employees (usually non-minorities) on board very quickly. Most recently, the terms of the consent decree have severely limited agencies' use of the newly established Federal Career Intern Program by limiting agencies' flexibility to hire in the excepted service. This situation prevails although that intern program is well-suited to help address the Government's human capital crisis.

Inadequate, time-consuming assessment procedures

Agencies vary widely in their ability to develop and apply good assessment tools, but a 1996 change in Federal personnel law makes them ultimately responsible for doing both. It is now agencies, rather than the Office of Personnel Management (OPM), that are responsible for recruiting, examining, and hiring their own employees. As a result, some 600 or more agencies' delegated examining units conduct Federal examinations. Examining requires the use of assessment tools and agencies lacking the resources to develop their own assessment tools can buy them from other sources, including OPM. However, OPM, the Government's central human capital agency, develops assessment tools only on a reimbursable basis. This practice has undesirable consequences. Agencies with limited budgets simply cannot afford OPM's help in developing valid assessment tools while better-funded agencies can. The result is an imbalance in the quality of the tools Federal agencies use to assess job applicants, a problem that contributes to some agencies' difficulties in identifying the right people to hire and increases their likelihood of hiring the wrong people. It also creates suspicion and confusion for applicants who encounter a variety of procedures to determine their qualifications.

Because agencies have limited resources to develop assessment tools, they often rely on a limited number of tools. Typically, agencies depend on assessments of applicants' training and work experience much more than is desirable and ideal. Agencies fail to use assessment tools such as written tests, and structured interviews which allow a more thorough and valid assessment of the candidate than training and experience reviews, even when they can be more easily applied by using recent technological advances. Written tests, in particular, are a highly valid assessment method that has largely fallen into disfavor in Federal agencies even though there are occupations for which written tests are well suited. For example, the Immigration and Naturalization Service has shown that using written tests has saved millions of dollars in training costs and reduced failure rates for people seeking to be Border Patrol Agents.

Managers rarely make a hiring decision without first interviewing the top candidates. But the interviews' usefulness can vary considerably depending on how they are constructed and applied. Although the interview is important, many interviews serve neither the applicant nor the manager as well as they could because they are unstructured. Our upcoming report on interviewing stresses the need to use structured interviews to ensure that the interview phase of the selection process is made more useful in identifying the best person for the job.

In addition to better assessment tools, applying these tools in successive hurdles or phases is an approach that has greater potential to identify the best qualified candidates. In this approach, an initial determination based on a faster and possibly less precise assessment, is used to identify a group of “contenders” who will be assessed in subsequent phases. The subsequent phases typically would use more intensive assessment methods capable of finer distinctions among the candidates to help refine the size of the group and provide better information for the selection decision. A structured interview would normally be the last assessment used in the final stage of the process.

Effective implementation of successive hurdles or phased assessment requires agencies to re-engineer their assessment and selection processes. Technology can facilitate this process re-engineering, but simply automating the old selection processes will not make hiring more effective and efficient. Re-engineered processes and the use of technology have the greatest potential to help agencies meet their managers' two key goals—hiring faster and hiring the best people.

Unfortunately, even the best assessment process will sometimes result in a poor selection. When this happens, managers rarely take advantage of their authority to easily dismiss employees who are poor or even marginal performers during their probationary period. This is an important tool because it allows removal before employees gain the job protections conferred by completing the probationary period. In addition, agencies do not have flexibility to determine the length of the probationary period that would allow adequate assessment of performance. There are occupations, because of the nature of the work, for which the Government's 1-year probationary period simply does not work. Since not all jobs require the same time to demonstrate competence, agencies should be permitted to establish the length of the probationary period based on factors such as the learning curve and performance cycle of the job, and the competence demonstrated by the person selected.

We also have found that the availability of existing tools sometimes gets in the way of the development or use of better assessment tools. As mentioned earlier, the 21 year old *Luevano* consent decree and the temporary assessment solutions it established are still in place. Its continued existence acts as a disincentive to agencies to develop more valid assessment tools for the covered occupations. Valid and permanent assessment procedures must be developed for the occupations covered by this decree.

Another issue is the standards the Government uses to decide if applicants are qualified for a given position. Typically, these qualification standards are expressed in terms of how much experience a person has, making length of experience more important than the quality of that experience and often ignoring candidates' attributes that indicate potential for job success. What is important is whether an applicant has the competency or the potential to perform a job, not the length of his or her experience. Furthermore, outside applicants find it especially difficult to discern what “one year of experience equivalent to that of the next lower GS grade” actually means. They may be so discouraged by this and other shortcomings in the way qualifications standards are presented that they may drop out of the application process—a problem we discuss in an upcoming report on Federal vacancy announcements.

Inadequate tools for attracting and retaining high-quality employees and for reshaping the workforce

Better assessment tools and a simpler, more understandable hiring process will help address the Government's workforce capacity problems but will not solve them. In any job market, Federal managers need the right tools to attract their desired candidates and then keep them employed. Many factors influence an applicant's decision on where to work or an employee's decision to stay. Pay is a factor as well as managerial quality, which we discuss in the next section of the report.

Federal agencies also need better tools to help them reshape their workforces. In the last 50 years, and especially in the last 10 years, the nature of the Government's work has dramatically changed and the people who do the work need different competencies from those needed in earlier decades. Unfortunately agencies don't have sufficient tools to help them reshape their workforces without penalizing either the organization or the individuals whose competencies no longer match those needed by the organization. For example, managers have no way to allow employees who are eligible to retire to work on a part-time basis without adverse consequences to their future annuity computations. This is especially critical since 80 percent of baby boomers report that they plan to work part-time during retirement. This growing retirement age population will demand more flexibilities in their retirement years and thus the Government will need additional flexibilities to manage this workforce.

In most agencies, managers also have no authority to offer early retirement and buy-outs without losing the spaces vacated by departing employees. In addition, managers do not have the authority to restructure or reduce their workforces to preserve critical skills since reduction-in-force rules heavily favor longevity. Agencies need the flexibility to consider employee competencies and performance as well as longevity when they restructure or reduce the workforce.

To address these problems, the Commission should champion the actions identified below.

Recommendations to improve workforce capacity

Simplify hiring to make it work better for both managers and job applicants

- **Reduce the number of special hiring authorities**

Replace them with a smaller number of more flexible and understandable authorities that allow agencies to manage both their permanent workforce and their temporary, term, and seasonal workforces more efficiently and with greater ease. Allow managers to use the flexibility this provides them, but hold them accountable for what they do. Fewer, more comprehensive hiring methods would lead to a more understandable hiring system.

- **Abolish the Rule of Three and replace it with categorical grouping**

Categorical grouping, used by the Department of Agriculture and other organizations, puts candidates in quality groups and allows the manager to select anyone in the high-quality group after applying veterans preference.

- **Ask the Attorney General and the Director of OPM to petition the court to terminate the *Luevano* consent decree and the special hiring programs created by the decree**

The *Luevano* consent decree should be terminated along with the special hiring programs created by that decree. OPM should develop new assessment tools for the occupations covered under the consent decree. This will have a dramatic impact by providing agencies with a valid and more easily useable means to increase the Government's ability to hire recent college graduates.

- **Encourage use of intern programs**

Encourage use of intern programs including those involving work-study settings, and eliminate barriers (such as the *Luevano* consent decree and the requirement that student interns count against agencies' FTE ceiling counts) that limit agencies' use of these programs. Intern programs provide a useful strategy for developing the workforce of the future while assessing the capabilities of the participants.

Improve how job applicants are assessed

- **Use better assessment tools**

- OPM should develop valid and practicable tools to assess candidates for Governmentwide occupations and for agency-specific jobs. These tools should be made available to all agencies including agencies that cannot afford to pay reimbursable fees.
- Agencies should make the improved tools available to their managers. In addition, managers should be better informed and encouraged to widely use valid assessment tools already available, such as written tests and structured interviews.

- **Use competency-based methods to measuring applicants' qualifications**

While sometimes harder to measure, competencies—the talents needed to do a job—are more useful in determining whether a person is a good fit for a job. Furthermore, a competency-based qualification system will be more understandable to applicants who have never worked for the Federal Government. Eliminate the current qualifications standards that are primarily based on length of experience.

- **Encourage the practice of conducting applicant assessment in stages (“successive hurdles”)**

Encourage the practice of conducting applicant assessment in stages (“successive hurdles”), generally ending with a structured interview. Encourage the use of technology to accomplish this multiple-hurdles approach in a manner that:

- Makes the initial determination on the basis of a faster and possibly less precise assessment, intended to identify a group of “contenders” to be further assessed, and
- Uses more intensive assessment methods capable of finer distinctions during one or more subsequent steps to provide additional information about this smaller group of contenders, in order to refine the size of the group and better inform the selection decision.
- Uses the post-appointment probationary period effectively so that poor or even marginal performers are removed from the workplace before they gain the job protections conferred by completing the probationary period. Since not all jobs require the same time to demonstrate competence, agencies

should be permitted to establish the length of the probationary period based on factors such as the learning curve and performance cycle of the job, and the competence demonstrated by the person selected.

Provide tools to attract, retain, and reshape the workforce

- **Provide agencies with tools to attract and retain employees, and reshape their workforce**

Agencies need ways to ensure they have employees with the competencies needed to carry out their work, and to modify the composition of their workforces as changes dictate. These tools should include:

- The ability to allow retirement-eligible employees to work part-time as a means of retaining their services at the end of their careers without adversely affecting their annuities.
- Workforce shaping tools such as buyouts and early retirement that take into account competencies and employee performance and that can be applied without loss of positions vacated by the affected employees.
- The flexibility to consider employee competencies and performance, not primarily on longevity, when restructuring or reducing their workforce.

Inability to manage effectively

Even if agencies succeed in improving their ability to hire and retain the right people with the right skills, they still must be able to manage their employees effectively to get the work done. Managers and organizations need to be able to define and forecast work as well as determine and anticipate the skills needed to do the work. They also need the capability to ensure that employees have these skills and the authority to assign work based on employee competencies. Managers also need better incentives for rewarding excellent performance and disincentives for mediocrity. To carry out these management tasks, managers need effective tools and systems as well as the capacity and will to manage well. Public service reform should focus on the impediments to workforce management described below.

Outdated and inflexible management tools and systems

Managers need a variety of more effective and flexible tools and systems to manage the workforce. There has been recent emphasis on strategic workforce planning and some tools are available to help managers define and forecast work and needed skills at the organizational or unit level. There has also been significant delegation, decentralization, and deregulation of authorities in the last 10 years, including the authority to train and develop employees.

But, the classification system—the way the Government defines work and links it to pay—and the pay system itself remain the greatest systemic barriers to effective management. The rigidity of these systems greatly limits agencies' ability to assign work and encourage good performance. Moreover, these systems can actually discourage managers from accepting responsibility and accountability for their management decisions. The classification and pay systems must be completely changed if managers are to have the tools they need to hire and retain talented employees, assign work, and reward superior performance.

The current classification system was designed some 50 years ago to help the Federal Government manage a relatively homogeneous workforce engaged in homogeneous work. Since then, the nature of Government work and the kinds of skills people need to do the work have changed dramatically. Unfortunately, our outdated classification system is not well designed to accommodate today's more complex and knowledge-based work or the Government's highly skilled and heterogeneous professional workforce. The classification system is rigid, complex, and difficult to use. It too narrowly defines the level of work, too rigidly links this level of work to pay and so does

not provide enough flexibility for managers to assign work (and determine pay) in terms of the interaction between job requirements and the competencies that employees bring to the job. In today's world, the work actually performed by an employee is not based only on the job description, but rather on both the employee's competencies and the needs of the organization.

The Government's current classification system also fails to recognize that employees with critical technical skills can be just as valuable to the organization as supervisors or managers. The current system encourages technical employees or superior performers to seek promotion into supervisory positions in order to advance in their career, or increase their pay although they may have no desire or ability to supervise or manage. This rigid system essentially gives employees only one way to advance, which effectively devalues both technical and supervisory competence. The classification system must be made simpler and easier to use. It must also provide broad flexibility in determining occupation and level of work and must link to the pay system in a way that allows managers to consider the competencies employees bring to the job.

Closely related to the classification system, the current General Schedule pay structure was also designed decades ago. This system does not provide a reasonable means for managers to set entry-level pay that is competitive and takes into account the competencies of the individual applicant. Further, the system bases pay increases primarily on longevity rather than on demonstrated performance and results. This focus on rewarding longevity contributes to some negative cultural characteristics, i.e., the entitlement mentality sometimes assumed by Federal workers and/or associated with the Federal workforce by outside observers. Because of its rigid structure, the current pay system does not give managers an easy and effective means to encourage high performance or to effectively deal with those who are not performing. In addition, the pay system, in combination with the classification system, prevents reasonable career and pay progression based on increasing competence and responsibility. In general, it focuses on internal Governmentwide equity and longevity at the expense of true equity based on job requirements and employee performance. Finally, as an essentially lock-step system, it does not support the need to hold supervisors and managers accountable for their human capital management decisions and outcomes.

Paybanding can solve these pay system problems. Paybanding has been successfully tested and shown to be able to provide the tools managers need at a cost that need not be significantly greater than under the current system. The Government has over 20 years experience with successful paybanding systems including projects at China Lake, The Air Force Research Laboratory and the National Institute of Standards and Technology. Paybanding provides mechanisms for competitive entry-level pay and effective incentives to encourage high performance by rewarding results rather than basing pay increases primarily on longevity. This approach to compensation can raise the performance level of the entire organization. In one demonstration project, poor performers who were not given pay raises either improved their performance or left the organization within the first 2 years of the project. This occurred without the necessity

of prolonged adversarial grievances and appeals. Paybanding also supports dual-career progression with increases in pay linked to technical as well as managerial aptitude and performance. It also provides a way for employees to progress in their careers without having to use what are often inefficient merit promotion procedures. It also provides a structure within which agencies can hold supervisors and managers more accountable for their human capital management decisions and outcomes.

Lack of managerial capacity

Even with adequate tools and systems, agencies still need supervisors and managers who have the capacity and will to manage their human capital resources. Unfortunately, too many employees believe their supervisors and managers lack the necessary competence to carry out their managerial responsibilities. This is a particular problem because many studies have found that the most common reason employees leave an organization is because of poor supervisors or managers. Therefore, ensuring high quality Federal supervisors and managers is very important.

One reason for the poor quality of supervisors and managers reported by employees is the lack of attention that upper level managers give to the selection of their subordinate managers. Studies we have conducted on supervisory selection and quality show that supervisors frequently are selected for their technical expertise and not for their ability to manage people. Selecting supervisors based on their technical expertise is partly due to the use of assessment tools that rely heavily on previous experience. Applicants with previous supervisory experience are more likely than applicants without such experience to be selected for another supervisory or managerial position, regardless of their effectiveness as managers. Using previous work experience for selection effectively eliminates applicants who have had no supervisory experience but who have the potential to go a good job. In addition, the current 1-year probationary period is too short in many circumstances to allow agencies to adequately evaluate new supervisors and managers.

The Government's management capacity problems are compounded by the lack of comprehensive managerial development and succession plans in many agencies. A Board survey found that 2 of every 10 managers believe they haven't received the training they need to perform their jobs. And, one of three managers said they needed more training to perform their job effectively. Far too many managers and supervisors have not been given the training or work opportunities that would help them develop their managerial abilities. In addition, employees are not given sufficient opportunities to discover if they have an interest in becoming a supervisor or manager or the aptitude for such work. Agencies need to invest the necessary time and money to develop leaders and provide formal leadership training.

To improve the Government's capacity to manage its human capital resources, we recommend that the Commission champion the actions that follow.

Recommendations to improve the ability to manage human capital

Adopt a simpler more flexible classification system

We recommend the development of a classification system that is simpler and easier for managers to use. Such a classification system should permit managers to easily group jobs in occupational categories that are linked to ranges in pay based on occupation, and local market factors. It should also permit managers to assign work and set pay based on the particular competencies and performance of the candidate or employee.

Authorize paybanding in all agencies

Agencies should be given the authority to adopt paybanding. This will allow managers to set competitive entry-level pay, base pay raises on performance, and reward technical and managerial expertise and promote employees more easily.

Improve managerial capacity

- **Assess and select based on managerial aptitude**

Agencies should assess and select supervisors and managers on the basis of their managerial aptitude and accomplishments and focus less on their technical ability.

- **Use appropriate, flexible probationary periods**

Agencies should be given discretion to establish appropriate probationary periods, including those longer than one year for supervisory or managerial positions.

- **Invest in managerial training and development**

Agencies should establish supervisory and managerial mentoring programs. Managers should make it their duty to continuously develop their subordinate supervisors. Furthermore, managers and supervisors should be provided continual training in management, as well as work assignments that will hone their managerial talents.

Culture

The changes in managers, systems, and tools that we advocate will not be undertaken in a vacuum. Any changes to systems, tools, or managerial behavior must consider the culture within which they must operate. Much is good in the Federal Government's culture. For example, the Government emphasizes open, fair, and humane human capital management. These and other core values of public service, listed in Appendix B, must continue to serve as the foundation of our human capital management systems and practices.

Unfortunately, some aspects of the Federal Government's culture do not encourage good human capital management. Some of the more problematic aspects are a tendency to focus on the short term, a high degree of risk-aversion, and distrust between managers, supervisors, employees, and unions. This distrust is not limited to an employee or the union resisting a particular action or initiative. It is also evident when managers' decisions are reviewed case-by-case up the line. When authority to make decisions is taken away, so too goes any feeling of responsibility. The result is that many Federal managers feel boxed in, and are reluctant to exercise their judgment and use what little authority they do have.

The challenge, then, is to improve the public service and practice of human capital management while preserving the positive aspects of the Government's culture and minimizing the negative aspects. We have no simple, foolproof response to this challenge. The very changes in systems and tools we advocate should, however, help lead to a culture that is more positive, trustful, innovative, creative, and focused on long-term results, and thus more able to effectively institutionalize and maintain improvements to the public service and to human capital management. To use these tools, managers need levels of authority commensurate with their human capital responsibilities and to be held accountable for their human capital management decisions. In addition, changes in culture and tools require high-level agency leadership. Involving unions in a cultural transformation is essential, although such a change must start from the top. The ensuing policies and practices need to be understood and embraced by management and unions not on a piecemeal basis in negotiations, but in the larger context of bringing about the desired cultural change.

An imbalance among responsibility, authority and accountability

Managers are stewards of their organizations' financial and human capital resources and are responsible for making decisions about using these resources to accomplish their

agencies' missions. Unfortunately, these management responsibilities often are not accompanied by the necessary authority and accountability measures that would ensure that managers actually meet their management responsibilities.

Effective ability to manage resides at the lowest level at which there is a match in responsibility and authority. For example, a supervisor who is responsible for making human capital management decisions but who does not have the authority to sign hiring documentation nor authorize the expenditure of funds is not really able to manage human capital. Because of this, it is not surprising that many managers and supervisors don't feel full ownership of the results of their management decisions. A balance between responsibility for a decision and the authority to effect it must exist to create the commensurate level of accountability. This shift to bring about greater managerial accountability is needed if the Federal Government is to better manage its human capital.

Lack of senior leadership for human capital issues

Cultural changes as well as sweeping changes in management tools and systems require committed, high-level leadership within the agencies. Most agencies currently lack the high-level leadership required to provide a voice for human capital issues and integrate them into the agencies' overall strategic management. Agencies need a human capital champion who is devoted to and responsible for ensuring the integration of human capital strategies into the agency's long term plans and objectives. This human capital champion also needs to be able to ensure that institutional human capital management policies and practices help bring about or emphasize the behaviors and skills the organization needs to excel in its mission. The importance of involving the senior line executives and managers in defining the long term skill needs of the agency and ensuring these needs are met through use of strategic recruitment, hiring, development and performance-based pay and reward systems cannot be overstated. It is critical to have a senior position in the agency whose leadership role within the top leadership of the agency would help create and support a culture that embraces and pursues this integration of human capital goals and institutionalizes agencies' policies and practices.

Recommendations to improve culture

Delegate authority to those with responsibility

Such delegation should include greater control for offering buyouts, awarding bonuses, and increasing pay. Managers should also have the authority to retain the savings that result from good fiscal management and use them for other operational or human capital needs.

Appoint chief human capital officers

We support the idea of a chief human capital officer (CHCO) in all agencies comparable in stature to the chief information officer and the chief financial officer. The CHCO would help integrate human capital strategies into the agency's long term plans by being part of the agency's top leadership team. The CHCO would align and institutionalize policies and practices to bring about these human capital strategies and meet regularly with CHCO's from other agencies to share solutions and best practices and work together on Governmentwide human capital issues.

The role of the Office of Personnel Management

Under the Civil Service Reform Act of 1978, the Office of Personnel Management (OPM) was assigned primary responsibility for Federal human resource policy and leadership. Even if current reform efforts give agencies much greater ability to tailor human resource policies and practices to their individual missions, we see a continued need for OPM to perform certain core functions. These core functions include policy leadership, promoting best practices, developing and providing tools for effective human capital management, and providing efficient management of Governmentwide programs such as benefits and employee information systems.

The value of OPM leadership is illustrated by the Federal Government's progress in becoming a family-friendly employer, an achievement that has greatly enhanced agencies' ability to recruit and retain talented employees. However, OPM needs to do more in areas such as the development of employee assessment and selection tools because individual agencies lack the necessary resources, incentives, or expertise to develop these themselves. There are also some areas where Governmentwide standards and conventions are highly desirable and can be better managed on a centralized basis. An example is the workforce information system that contains Government employment data and tracks personnel actions. There are other areas where OPM, acting for the Federal Government, can provide more expertise, economies of scale, and accountability than if individual agencies act on their own. Examples of these types of programs include the Government retirement and health benefits administration.

In recent years, OPM has significantly downsized its workforce and much of its operating basis has shifted from appropriated funds toward fee-for-service. OPM has also transferred a wide array of operating responsibilities to agencies through delegation and decentralization. However, OPM has not maintained its expertise and ability to provide the tools agencies need to carry out these delegations. OPM has also not been able to provide guidance on what constitutes better human capital management practices or provide tools to help agencies make that transition. OPM's present level and source of funding and mode of operation are not compatible with successful performance of these core functions. These core services should be provided by adequate appropriated funds and not on a fee-for-service basis.

Currently, OPM is also responsible for agency oversight (reviewing agency adherence to laws, regulations, and merit principles) and program evaluation (assessing the effectiveness of Federal and agency human capital practices). Both functions are necessary for a healthy public service, however OPM's performance of these functions over the years has been inconsistent. The levels of resources and attention devoted to

these functions have varied considerably, resulting in variability in the quality and success of functions. In addition, both MSPB and the agencies have voiced concerns that OPM's oversight and program evaluation efforts have, at times, reflected OPM's institutional concerns and the interests of the Administration more than concern for the long-term health of the merit system and the public service. OPM's exercise of compliance or inspection functions also result in conflicts of interest, especially when the agency programs it inspects rely on or are the result of products and services OPM has sold the agency.

OPM does need to have program evaluation feedback for policy development purposes and to assess agencies' implementation of particular Administration human capital initiatives. OPM also has a recognized leadership role in developing guidance for agencies' self-assessment and evaluation. However, the program evaluation function that reviews the effect of OPM policies should be carried out by an independent organization to avoid the conflict of interest inherent in OPM's current role. In particular, OPM should be divested of oversight responsibilities for discrimination and for compliance with or violations of merit principles.

Recommendations on the role of OPM

OPM should be adequately funded to perform the following core centralized functions

- **Policy leadership**

OPM should lead in identifying, proposing, developing, and implementing Governmentwide changes in laws and regulations governing human capital management because these tasks require a Governmentwide perspective and level of resources that individual agencies lack.

- **Identifying and promoting better tools and human capital practices**

OPM should also develop and distribute better human capital management tools and should ensure all agencies have access to these tools. OPM should conduct adequate Governmentwide program evaluation to support tool (and policy) development.

- **Managing programs that call for a “single employer” approach**

Governmentwide standards and conventions are highly desirable. In other areas—such as retirement, e-training, and health benefits—a single agency such as OPM acting for the Federal Government, can provide more expertise,

economies of scale, and accountability than could individual agencies acting on their own.

Ensure independent public service oversight

OPM is charged with carrying out Administration initiatives and some OPM functions create a conflict of interest, especially those involving either a compliance or inspection function or those tasked with evaluating the long-term effect of OPM policies.

Oversight responsibilities for discrimination and for compliance with or violations of merit principles should be divested from OPM and performed by an independent agency in order to serve the broader constituency of the American public.

Conclusion

There is a crisis in human capital management that is threatening the Government's ability to serve the public and meet the expectations of the American people. We need fundamental reform in our public service in order to address this crisis and ensure our long-term ability to hire and manage a high-quality, high-performing public workforce. Incremental improvements have been made in recent years, but they are not enough. It is time to make bold and sweeping changes to the systems and structures of the public service and to the practice of human capital management.

In this report, we have provided our perspectives and/or recommendations for reform based on our objective, non-partisan studies of almost 25 years. While there are many areas in need of change, we focused here on four critical areas or issues that must be addressed for successful public service reform. These areas are workforce capacity, ability to manage effectively, cultural issues, and the functions of OPM. A summary of our recommendations in each of these areas follows.

Summary of Recommendations

Improve Workforce Capacity

- **Simplify hiring to make it work better for both managers and job applicants**
 - Reduce the number of special hiring authorities.
 - Abolish the Rule of Three and replace it with categorical grouping.
 - Ask the Attorney General and the Director of OPM to petition the court to terminate the *Luevano* consent decree and the special hiring programs created by the decree.
 - Encourage the more use of intern programs.
- **Improve how job applicants are assessed**
 - Use better assessment tools:
 - Use better assessment tools and ensure they are available to all agencies.

- Encourage managers to use more valid and practicable assessment tools including written tests and structured interviews.
- Develop a competency-based approach to measuring applicants' qualifications for jobs and eliminate the current qualification standards that are primarily based on experience.
- Encourage the practice of conducting applicant assessment in stages or "successive hurdles" that utilizes technology and –
 - Makes a faster initial determination based on possibly less precise assessment intended to identify a group of “contenders” to be further assessed, rather than the best candidates,
 - Uses more intensive assessment methods capable of finer distinctions during one or more subsequent steps, and
 - Effectively uses a post-appointment probationary period of a length appropriate for the position.
- **Provide tools to attract, retain, and reshape the workforce**
 - Allow retirement-eligible employees to work part-time without impact to their annuities.
 - Provide workforce shaping tools such as buyouts and early retirements without the loss of positions.

Enable and support effective management

- **Adopt a simpler more flexible classification system.** Such classification system should permit managers to easily group jobs in occupational categories that take into account the particular competencies of the candidate or employee.
- **Authorize paybanding in all agencies.** Paybanding provides for competitive entry-level pay and pay raises based on performance. It also allows for career and pay progression for technical competence as well as for those who want to move into managerial positions.
- **Improve managerial capacity**
 - Assess and select supervisors and managers based on managerial aptitude with less focus on technical ability.
 - Permit flexible, probably longer probationary periods for supervisors.

- Establish supervisory and managerial mentoring programs and provide supervisors and managers with continual management development and training.

Improve culture

- **Delegate authority to those with responsibility.** This delegation of authority should include both legal and fiscal authority to give managers greater control for offering buyouts, giving bonuses, and pay increases as well as the ability to retain savings for other program or human capital uses.
- **Appoint chief human capital officers.** This person would have ready access to the agency head and provide a voice and greater visibility for human capital issues.

Clarify the role of the Office of Personnel Management

- **OPM should be adequately funded to perform core centralized functions.** OPM should provide Governmentwide policy leadership, identify and promote good human capital practices and manage Governmentwide programs such as benefits.
- **Ensure independent public service oversight.** Oversight responsibilities should be conducted by an independent agency to avoid the potential conflict of interest from compromising the evaluations.

Appendix A. List of MSPB reports (by study topic)

Delegation of Authority

Federal Personnel Management since Civil Service Reform: A Survey of Federal Personnel Officials (November 1989)

Delegation and Decentralization: Personnel Simplification Efforts in the Federal Government (October 1989)

Equal Employment Opportunity/Discrimination/Sexual Harassment

Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation (September 1997)

Fair and Equitable Treatment: A Progress Report on Minority Employment in the Federal Government (August 1996)

Sexual Harassment in the Federal Workplace: Trends, Progress, Continuing Challenges (November 1995)

Working for America: An Update (July 1994)

Evolving Workforce Demographics: Federal Agency Action and Reaction (December 1993)

The Changing Face of the Federal Workforce: A Symposium on Diversity (September 1993)

A Question of Equity: Women and the Glass Ceiling in the Federal Government (October 1992)

Federal Personnel Management since Civil Service Reform: A Survey of Federal Personnel Officials (November 1989)

Sexual Harassment in the Federal Government: An Update (June 1988)

Report on the Significant Actions of the Office of Personnel Management during 1983 (December 1984)

Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)

Sexual Harassment in the Federal Workplace: Is It a Problem? (March 1981)

Employee Development /Training

- Perspectives: Federal Supervisors and Strategic Human Resources Management (June 1998)
- Leadership for Change: Human Resources Development in the Federal Government (July 1995)
- Evolving Workforce Demographics: Federal Agency Action and Reaction (December 1993)
- Working for America: A Federal Employee Survey (June 1990)

Employment/Recruitment/Staffing

- Assessing Federal Job Seekers in a Delegated Examining Environment (December-2001)
- The Federal Merit Promotion Program: Process vs. Outcome (December-2001)
- Competing for Federal Jobs: Job Search Experiences of New Hires (February 2000)
- Restoring Merit to Federal Hiring: Why Two Special Hiring Programs Should Be Ended (January 2000)
- The Role of Delegated Examining Units: Hiring New Employees in a Decentralized Civil Service (August 1999)
- Perspectives: Federal Supervisors and Strategic Human Resources Management (June 1998)
- The Changing Federal Workplace: Employee Perspectives (March 1998)
- The Rule of Three in Federal Hiring: Boon or Bane?(December 1995)
- Entering Professional Positions in the Federal Government (April 1994)
- Evolving Workforce Demographics: Federal Agency Action and Reaction (December 1993)
- The Federal Personnel Offices: Time for Change? (August 1993)
- Federal Blue-Collar Employees: A Workforce in Transition (December 1992)
- To Meet the Needs of the Nations: Staffing the US Civil Service and the Public Service of Canada (January 1992)
- The Title 38 Personnel System in the Department of Veterans Affairs: An Alternate Approach (April 1991)
- Why are Employees Leaving the Federal Government? (May 1990)
- Attracting and Selecting Quality Applicants for Federal Employment (April 1990)

OPM's Classification and Qualification Systems: A Renewed Emphasis, A Changing Perspective (November 1989)

Who is Leaving the Federal Government? An Analysis of Employee Turnover (August 1989)

TVA and the Merit Principles (August 1989)

First-Line Supervisory Selection in the Federal Government (June 1989)

Attracting Quality Graduates to the Federal Government: A View of College Recruiting (June 1988)

Federal Personnel Policies and Practices: Perspectives from the Workplace (December 1987)

In Search of Merit: Hiring Entry-Level Federal Employees (September 1987)

Report on the Significant Actions of the Office of Personnel Management during 1984-1985 (May 1986)

Report on the Significant Actions of the Office of Personnel Management during 1983 (December 1984)

Report on the Significant Actions of the Office of Personnel Management during 1982 (December 1983)

Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)

Job Satisfaction

The Changing Federal Workplace: Employee Perspectives (March 1998)

Working for America: An Update (July 1994)

Working for America: A Federal Employee Survey (June 1990)

Federal Personnel Policies and Practices: Perspectives from the Workplace (December 1987)

Working for the Federal Government: Job Satisfaction and Federal Employees (October 1987)

Labor Relations

Significant Actions of the Office of Personnel Management: A Labor-Management Dialogue (August 1984)

Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)

Performance Management/Removal of Poor Performers/Dealing with Performance Problems

- Perspectives: Federal Supervisors and Poor Performers (July 1999)
- Perspectives: Federal Supervisors and Strategic Human Resources Management (June 1998)
- The Changing Federal Workplace: Employee Perspectives (March 1998)
- Removing Poor Performers in the Federal Service: An Issue Paper (September 1995)
- The Federal Personnel Offices: Time for Change? (August 1993)
- The Title 38 Personnel System in the Department of Veterans Affairs: An Alternate Approach (April 1991)
- Working for America: A Federal Employee Survey (June 1990)
- Toward Effective Performance Management in the Federal Government (July 1988)
- Performance Management and Recognition System: Linking Pay to Performance (December 1987)
- Federal Personnel Policies and Practices: Perspectives from the Workplace (December 1987)
- Report on the Significant Actions of the Office of Personnel Management during 1983 (December 1984)
- Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)
- Report on the Significant Actions of the Office of Personnel Management during 1982 (December 1983)
- The Other Side of the Coin: Removal for Incompetence in the Federal Service (February 1982)
- Status Report on Performance Appraisal and Merit Pay Among Mid-Level Employees (June 1981)

Position Management/Classification/Pay

- To Meet the Needs of the Nations: Staffing the U.S. Civil Service and the Public Service of Canada (January 1992)
- The Title 38 Personnel System in the Department of Veterans Affairs: An Alternate Approach (April 1991)

OPM's Classification and Qualification Systems: A Renewed Emphasis, A Changing Perspective (November 1989)
TVA and the Merit Principles (August 1989)
Report on the Significant Actions of the Office of Personnel Management during 1984-1985 (May 1986)

Program Management Evaluation/OPM Oversight

The U.S. Office of Personnel Management in Retrospect: Achievements and Challenges after Two Decades (December 2001)
Civil Service Evaluation: The Evolving Role of the U.S. Office of Personnel Management (July 1998)
Civil Service Evaluation: The Role of U.S. Office of Personnel Management (November 1992)
U.S. Office of Personnel Management and the Merit System: A Retrospective Assessment (June 1989)
Report on the Significant Actions of the Office of Personnel Management During 1984-1985 (May 1986)
Report on the Significant Actions of the Office of Personnel Management during 1983 (December 1984)
Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)

Quality of Life of Federal Employees

Balancing Work Responsibilities and Family Needs: The Federal Civil Service Response (November 1991)

Reduction-in-Force

To Meet the Needs of the Nations: Staffing the U.S. Civil Service and the Public Service of Canada (January 1992)
Reduction In Force: The evolving ground rules (September 1987)
Roundtable—The RIF System in the Federal Government: Is it Working and What can be Done to Improve it? (December 1983)

Reduction-In-Force in the Federal Government, 1981: What Happened and Opportunities for Improvement (June 1983)

Research Programs and Demonstration Projects

Federal Personnel Research Programs and Demonstration Projects: Catalysts for Change (December 1992)

U.S. Office of Personnel Management and the Merit System: A Retrospective Assessment (June 1989)

Senior Executive Service

Working for America: An Update (July 1994)

Senior Executive Service Pay Setting and Reassignments (October 1990)

The Senior Executive Service: Views of Former Federal Executives (October 1989)

Report on the Significant Actions of the Office of Personnel Management during 1984-1985 (May 1986)

The 1984 Report on the Senior Executive Service (December 1984)

Report on the Significant Actions of the Office of Personnel Management during 1983 (December 1984)

Report on the Significant Actions of the Office of Personnel Management during 1982 (December 1983)

A Report on the Senior Executive Service (September 1981)

Report on the Significant Actions of the Office of Personnel Management during 1980 (June 1981)

Temporary Employment

Temporary Federal Employment: In Search of Flexibility and Fairness (September 1994)

Expanded Authority for Temporary Appointments: A Look at Merit Issues (December 1987)

Report on the Significant Actions of the Office of Personnel Management during 1984-1985 (May 1986)

Whistleblowing/Adherence to the Merit Principles/Prohibited Personnel Practices

- Adherence to the Merit Principles in the Workplace: Federal Employees' Views (September 1997)
- Whistleblowing in the Federal Government: An Update (October 1993)
- Getting Involved: Improving Federal Management with Employee Participation (May 1986)
- Blowing the Whistle in the Federal Government: A Comparative Analysis of 1980 and 1983 Survey Findings (October 1984)
- Breaking Trust: Prohibited Personnel Practices in the Federal Service (February 1982)
- Whistleblowing and the Federal Employee: Blowing the Whistle on Fraud, Waste, and Mismanagement--Who Does It and What Happens (October 1981)
- Do Federal Employees Face Reprisal for Reporting Fraud, Waste, or Mismanagement? (Interim Report) (April 1981)

Workforce Quality

- Working for America: An Update (July 1994)
- The Federal Personnel Offices: Time for Change? (August 1993)
- Federal Workforce Quality: Measurement and Improvement (August 1992)
- Workforce Quality and Federal Procurement: An Assessment (July 1992)
- Federal First-line Supervisors: How Good are They? (March 1992)
- Working for America: A Federal Employee Survey (June 1990)
- A Report on the Conference on Workforce Quality Assessment (September 1989)

Appendix B. Core values of the public service

Competence

Select employees based on ability, manage employees to improve individual and organizational performance, and hold employees accountable for results.

Openness

Provide all qualified citizens the opportunity to compete for public service jobs. Ensure that the work of the government and the management of the public service are open to public scrutiny.

Fairness

Select and manage employees on the basis of merit and organizational needs, without regard to political affiliation, religion, national origin, race, gender, sexual orientation, marital or parental status, age, or disability. Provide a workplace environment that is free of fear and abuse.

Diversity

Ensure that the workforce is representative of the public it serves.

Neutrality

Select and manage employees without regard to political affiliation or partisan political considerations.

Public Interest

Ensure that public work is carried out with the highest standards of integrity. Encourage, reward, and protect from retribution employees who confront and report illegal or unethical activity or fraud, waste, and abuse.

Effectiveness

Ensure that human resource policies, practices, and decisions support mission accomplishment, and accommodate changing work requirements, employee demographics, and the Nation's economic and competitive environments.

Efficiency

Use resources in a way that provides the best value for the public.