insights & analyses for Federal human capital management

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MSPB Report Examines Violence in the Federal Workplace

An upcoming MSPB report looks at violence in the Federal workplace and how it can be reduced.

Workplace violence includes any physical assault, threat of assault, harassment, intimidation, or bullying that an employee experiences while at work or on duty. Estimates of the costs of workplace violence in the U.S. each year run into many billions of dollars. Some of these costs, including lost work time and wages, medical costs, workers' compensation payments, and legal and security expenses, are easier to quantify than others—such as reduced worker productivity, low employee morale, and increased employee turnover.

A 2005 Bureau of Labor Statistics survey found that state and local government establishments experienced incidences of workplace violence at a greater rate than private industry establishments due to the higher percentage of these government employees who worked directly with the public, worked with unstable or violent persons, worked in high crime areas, or guarded valuable goods or property. As these characteristics also describe many Federal employees, MSPB undertook a study to examine violence specifically in the Federal workplace.

Our initial findings indicate that it is not only those organizations in which employees have routine direct contact with violent or unstable people that are affected by workplace violence; nor is it only those organizations located in high-crime areas. These groups are certainly at risk, but all Federal organizations can be affected by workplace violence since one of the most common perpetrators of violence in the Federal workplace are Federal employees. The seeds that may spark a violent outburst by an employee may be rooted in conflict with other employees or supervisors, conflict with customers, or conflict outside the workplace such as daily economic or personal pressures.

Our initial findings also indicate that, although most Federal employees believe their agencies take sufficient steps to ensure their safety from violence in the workplace, agencies may need to give more attention to preventing violence perpetrated by employees.

Our report will outline some actions that Federal organizations can take to help reduce the number of violent incidents in their workplaces. When issued, the study report will be available at *mspb.gov/studies*. In the meantime, there are many good sources of information regarding workplace violence, including the FBI's *Workplace Violence—Issues in Response* and the National Institute for Occupational Safety and Health's *Workplace Violence Prevention Strategies and Research Needs*. ❖

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We offer insights and analyses on topics related to Federal human capital management, particularly findings and recommendations from our independent research.

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DIRECTOR'S PERSPECTIVE

Federal Hiring Reform: Are We There Yet?

There has been a good beginning, but there is more work to do.

In our 2003 report, *Help Wanted: A Review of Federal Vacancy Announcements*, we recommended, among other things, that agencies: (1) become more proficient in writing plain English announcements; (2) reduce the length of vacancy announcements; and (3) require the least amount of information needed to make basic qualification determinations, then request more information as needed during the process. In May 2010, OPM began a hiring reform initiative that included, among other things, goals that serve these purposes. According to OPM,

- 86 percent of job announcements are now written in plain language, up from 55 percent.
- 66 percent are just 2-3 pages long, up from 24 percent;
- 92 percent of job announcements allow people to apply with a resume, up from 39 percent;
- 97 percent are "free of the essay questions that used to haunt applicants," up from 39 percent; and
- the average time to hire takes 26 fewer days.

OPM has also posted to their website data on applicant satisfaction with the process and management satisfaction with applicant quality, but, unlike the data above, the satisfaction data is from a single fiscal quarter and does not contain pre-reform comparison data.

Based upon these results, OPM can certainly claim success when it comes to reducing the length and complexity of the Federal hiring process. This is a good beginning, but there is more work to do. As we discussed in our 2006 report, *Reforming Federal Hiring: Beyond Faster and Cheaper*, there are a number of additional problems which must be addressed to ensure that agencies are staffed with the people who can meet their mission goals and support the public's interests. Some of the problems that should be addressed include:

- Improving the Government's ability to market its jobs to attract high-quality applicants;
- Improving the Government's ability to use assessment tools to identify the most qualified applicants accurately; and
- Improving the capacity of human resources staffs and supervisors to adequately carry out Federal hiring programs.

Although current economic conditions have made the Federal Government a relatively attractive employer, when those conditions change it is likely that the Government will have difficulty competing with both the private and non-profit sectors for the talent it needs. In order to be successful, Federal agencies will have to make recruitment an organizational priority, allocate the necessary resources for it, and employ proactive and creative approaches in their recruitment strategies.

Even if agencies are successful in getting good applicants, our research has revealed that Federal agencies often do not use the most predictive assessment tools to identify the best qualified candidates for a job. Unfortunately, the focus is frequently on economy rather than effectiveness as agencies choose to use assessment tools that are easier and less expensive to develop and implement. Ultimately, this approach is short-sighted as research has shown that the use of better assessment tools yields a very high return on their investment costs.

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Director's Perspective

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We have also found that for hiring programs to be effective, those who administer them need a high level of expertise and competence. Unfortunately, this level of expertise cannot be found in the human resources staffs in all agencies. Additionally, supervisors often do not have the time or the desire to participate in the hiring process. Many say that they lack the necessary knowledge about hiring rules and procedures and are therefore reluctant to become involved in these activities. This is unfortunate since the absence of supervisory participation can result in a poor fit between the new hire and the skills needed to accomplish essential elements of the job. Agencies must properly prepare their human resources staffs and selecting officials to carry out the full range of tasks necessary to implement an effective recruitment and hiring system. Hiring officials also need more information about the criticality of their role in hiring and the importance of using good assessment tools.

Thus, while OPM has made a significant beginning at reforming the Federal hiring process, additional efforts are needed to solve these problems. OPM should continue to work with agencies in order to address these widespread issues in hiring if the Government is going to have the quality workforce it needs to serve the American public.❖

Director, Policy and Evaluation

Why Not? Giving Employees Feedback When They Are Not Selected

How can rejection be turned into potential benefit for both the employee and the agency?

Employees and selecting officials alike dread the awkwardness when employees apply for internal vacancies and are not selected. Results from a recent survey of Federal employees indicate that this has happened to one out of three employees within the past two years. This is a relatively common occurrence that deserves further consideration.

Slightly over half of the employees (58%) reported that they requested feedback about why they were not selected. From the employee's perspective, this feedback can serve dual purposes: (1) to identify areas for development that could potentially improve the employee's prospects for future advancement opportunities and (2) to provide reassurance that the selection process was fairly based on a valid assessment of job-related criteria.

Although some selecting officials fear negative repercussions from having these open and honest discussions with employees, it could actually be riskier not to share this information.

When employees lack accurate information regarding the basis for selection decisions, they may attribute the decision to personal biases that are not job-related. Therefore, it is not surprising that our survey results show that employees who were not selected for a job indicate lower engagement, were more likely to view their supervisor as having demonstrated favoritism, and perceive favoritism as a problem in their organization.

Similarly, although only one out of five employees reported receiving helpful feedback explaining why they were not selected for the job, these employees were more likely to be more engaged and less likely to suspect their supervisors or others of practicing favoritism.

Although our analyses can't determine with certainty whether not being selected or not receiving useful feedback drove the employees' engagement or perceptions of favoritism, it is clear there is a relationship. As discussed extensively in our 2009 report, *Managing for Engagement: Communication, Connection, and Courage*, providing feedback is a critical, though often overlooked, role of the supervisor. While feedback on performance in the current role is important, selecting officials and employees can take a more proactive role by providing internal applicants with feedback regarding how well they match the roles that they aspire to and how they can improve their competitiveness for future vacancies. This will help the employee assess developmental needs, and will assist the organization in the cultivation of talent for future openings. ❖

Assessment of Training and Experience: Two Key Issues

How can agencies deal with applicants' dishonesty and poor ability to evaluate their own skills?

Many assessments, such as simulations or structured interviews, measure the abilities applicants currently possess and can demonstrate during the assessment. These assessments have high validity, meaning that their scores predict performance on the job. Other assessments attempt to measure applicants' abilities indirectly by examining their education and work histories. Such tools, called *training and experience (T&E) assessments*, are the focus of the forthcoming MSPB report *Probing the Past: Assessment of Training and Experience*.

There are specific best practices for each type of T&E assessment. But all effective T&E assessments must include strategies for dealing with two key issues: applicant dishonesty and applicant self-evaluation.

Applicant dishonesty. T&E assessments rely on information supplied by applicants about their own education and work histories. This presents an opportunity for dishonest applicants to distort this information by inventing accomplishments, exaggerating abilities, or even omitting facts that may create an accurate, but unfavorable impression. Effective T&E assessments reduce these distortions by including some form of verification procedure.

Some verification uses credible sources other than the applicant. For example, grades can be verified using official transcripts, previous job performance can be confirmed by supervisors, and accomplishments can be checked using references and sample work products. Another form of verification is obtained using direct assessments of the same abilities later in the assessment process. Experience has shown that the prospect of such verification, even with a randomly-chosen subset of applicants, is enough to motivate them to greater honesty. Validity of T&E assessments increases when verification procedures are included.

Applicant self-evaluation. Another issue arises when applicants evaluate their own accomplishments. Rating schedules, for example, present applicants with a description of a job-related ability and ask them to rate themselves as, for example, "novice, intermediate or expert" in that ability. This can be difficult, even with concrete definitions for the ability levels. Research shows that people often lack the perspective to determine their own ability levels. Lower ability performers may not realize how much better it is possible to be at a task and thus overestimate their abilities. Similarly, true experts may focus on what they do not know and underestimate their abilities.

This differs from applicant dishonesty. Verification does not help because applicants are providing their honest opinions. Well-designed T&E assessments include various strategies to reduce the impact of unreliable self-evaluation. One strategy, often used in accomplishment records, asks for a detailed description of each achievement. This description is evaluated by trained raters. Another effective strategy is to provide applicants with clear descriptions of each level of ability, essentially training them as raters. As with applicant dishonesty, it is useful to double-check self-evaluations with direct assessments later in the hiring process.

Carefully-designed strategies to limit effects of applicant dishonesty and poor self-evaluation can improve the validity of T&E assessments. Watch for MSPB's forthcoming report, *Probing the Past: Assessment of Training and Experience,* for additional best practices in the assessment of training and experience. ❖

Farewell to Mary Rose
MSPB Board Member

On February 29, 2012, MSPB bid a fond farewell to Board Member Mary M. Rose.

Mrs. Rose served as Board member from December 2005 to February 2012, and as Vice Chairman of the Board from January 2006 to November 2009. During her tenure, Mrs. Rose reviewed and voted on almost 7,000 Petitions for Review and heard Oral Arguments on three sets of cases involving significant legal issues with broad impact on the workforce. Mrs. Rose worked collaboratively and graciously with all MSPB employees and she served the Federal workforce and merit systems with distinction.

We appreciate the opportunity to work with her and wish her well in her future endeavors.

Hiring People with Disabilities: The Social Security Administration's Winning Strategy

One agency has a plan for hiring people with disabilities—and it works.

The Merit Systems Protection Board applauds the Social Security Administration (SSA) for its activities to recruit, hire, and maintain a diverse workforce, one that looks like America. Specifically, we commend SSA for making employing people with disabilities (PWD) a priority—a priority that Executive Order (E.O.) 13548[1] mandated for all Federal agencies in 2010.

MSPB, intrigued by their success, contacted SSA to see what gives them winning ability in this area and discovered that for almost 40 years SSA has made concerted efforts to effectively manage their commitment and recruitment goals. We noted how SSA makes employing PWD a priority, not just for EEO purposes and recruiters, but for all employees; and it is no wonder since a large part of SSA's workload is processing disability benefits.

Even before E.O. 13548, SSA had long been on its way to success—being recognized as a champion for employing PWD. The E.O. confirmed SSA's long standing commitment and spurred their efforts. In 2009, SSA also developed a 5-year plan to expand outreach efforts within the disability community, trained managers and employees, and created a fully coordinated process for employing PWD. SSA's commitment is reflected in both its workforce and hiring statistics. For example, persons with targeted disabilities accounted for approximately 2 percent of SSA's workforce in 2011, well above the Federal Government's figure of 0.9 percent.[2] Also, for FY 2011, nearly 13 percent of SSA's new hires were PWD (both targeted and non-targeted), compared to just under 7 percent Governmentwide.[3]

In addition, SSA endeavors to attract, employ, and support PWD through state vocational rehabilitation systems, the "Ticket to Work Program", and the Schedule A hiring authority.[4] As government agencies press on with hiring reform plans while living with budget deficits, considering a few of SSA's strategies in this area could be a winning move for other agencies. According to SSA the top two strategies in hiring PWD are listed in the column to the right.

As noted, SSA focuses on the hiring managers, reinforcing their interest in hiring PWD repeatedly and confidently into the future. SSA's Deputy Associate Commissioner for Personnel, Kristen Medley-Proctor says: "The hiring manager is, indeed, where the rubber meets the road in implementing any kind of employment

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SSA's Recruitment Strategy

1. Establish a shared commitment for initiatives and accountability for results.
   a. Take charge from the top and clearly communicate the agency's commitment and expectations from the top down to all employees
   b. Focus on hiring managers ensuring PWD are included in applicant pools
   c. Provide hiring managers support and hold them accountable
   d. Use the Schedule A hiring authority to hire qualified PWD quickly
   e. Train managers/supervisors to engage in the interactive reasonable accommodation process
2. Ensure hiring managers have positive experiences with the hiring process.
   a. Train disability program staff to support and network with hiring managers in the following areas:
      i. Provide hands-on assistance with the Schedule A process
      ii. Collect and maintain a flow of interested applicants through outreach efforts
      iii. Create an HR-vetted ready pool of applicants with disabilities
      iv. Ensure reasonable accommodations are in place before new employees arrive
   b. Establish methods for active support of PWD within the agency such as:
      i. An automated reasonable accommodation processing system
      ii. Relevant training for all staff including on-line reference material
      iii. An on-going support system for managers of and employees with disabilities with feedback mechanisms to the top

Disabilities

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"initiatives" and regarding time pressures to fill jobs—"the Schedule A process is kind of like music to their ears, it's an opportunity to get a qualified hire on board quickly." SSA's executives and managers have responded favorably to the agency's shared commitment with positive results as noted in their workforce statistics.

Finally, SSA plans to continue recruiting, hiring, and supporting PWD—building upon their practices despite the current budget climate and the threat of retirement. Should budget cuts continue, SSA has contingency plans that benefit both managers and PWD at no cost to the government by: (1) allowing clients from vocational rehabilitation organizations to obtain unpaid work experience, and (2) giving managers practical knowledge and experience working with PWD. SSA has striven to be a model employer of PWD, and has (for many years) employed PWD at a rate higher than the Federal Government as a whole.

We wish SSA continued success in its endeavors to hire people with disabilities and see their commitment as one to emulate. ❖

1. Executive Order 13548—Increasing Federal Employment of Individuals with Disabilities was followed by the Office of Personnel Managements Model Strategies for Recruitment and Hiring of People with Disabilities as Required Under Executive Order 13548. For more information see http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=3228.
2. Analysis of information from OPM's Central Personnel Data File, September 2011. All appointments and work schedules.
3. Analysis of information from OPM's Central Personnel Data File, fiscal year 2011. Initial appointments include both permanent and temporary positions.
4. See http://www.opm.gov/strategic_management_of_human_capital/fhfrc/flx05020.asp#itemA1

Disabilities-Related Web Sites

OPM's USAJobs Individuals With Disabilities (www.usajobs.gov/IndividualsWithDisabilities). This web page contains information and resources useful to Federal job applicants with disabilities.

Social Security Online's Hiring People with Disabilities (www.socialsecurity.gov/work/scheduleA/hiring.htm). Here is information about how to qualify for jobs with special hiring authorities.

Department of Labor's Disability Resources (www.dol.gov/dol/topic/disability/index.htm). The links on this page connect to useful information from a variety of Federal agencies.

Job Accommodation Network (askjan.org/). This nonprofit organization is a source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.

Equal Employment Opportunity Commission's Disibility Discrimination page (www.eeoc.gov/laws/types/disability.cfm). This is a source of information about laws and regulations about discrimination in hiring people with disabilities.

Disability.gov (www.disability.gov/). This is the federal government website for comprehensive information on disability programs and services in communities nationwide.

AskEARN.org (askearn.org/). This site helps employers hire and retain people with disabilities.

Mid-Atlantic ADA Center (www.adainfo.org/). This center provides information on the Americans with Disabilities Act to organizations and individuals in the Mid-Atlantic Region.

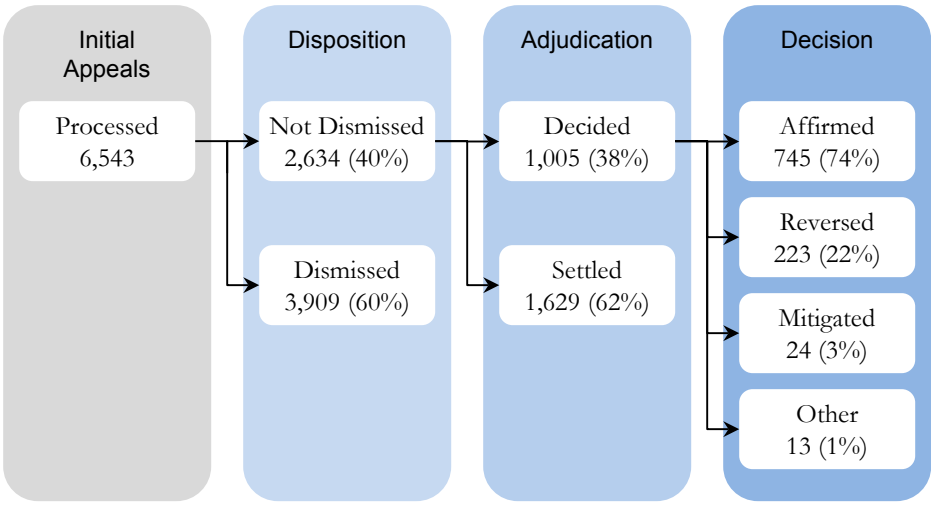
Computer/Electronic Accomodations Program (cap.mil/RelatedLinks.aspx). This portal has a large collection of links to information about employment, accommodation, and accessibility services.

Federal Employees with Disabilities (www.fedsfirst.com/). FEDs is a private membership organization for people with disabilities employed by the Federal government.

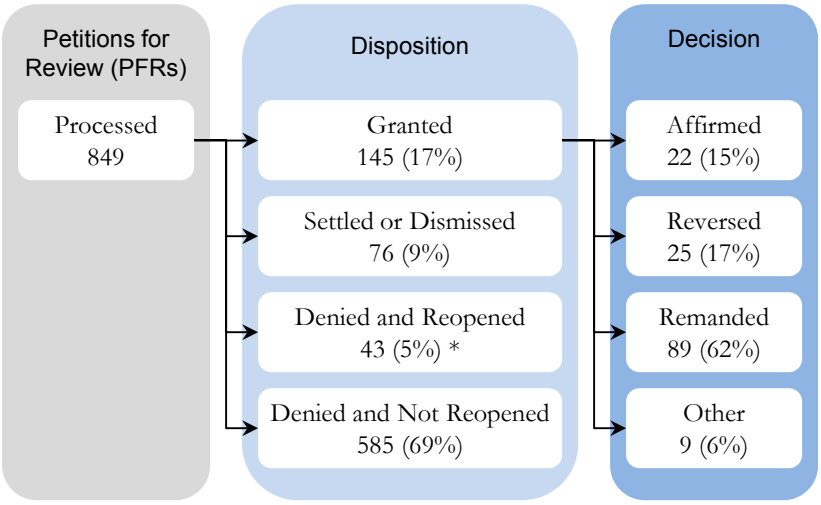
MSPB's 2011 Adjudication Activities

How were initial appeals and petitions for review handled in 2011?

MSPB issued just over 8,200 decisions in FY 2011. Of the 6,543 initial appeals processed, 60 percent were dismissed for jurisdiction or timeliness. Of the remaining 2,634 cases not dismissed, 62 percent were settled through alternative dispute resolution procedures. Of the 1,005 decisions reached through adjudication on the merits, 74 percent affirmed the agency's decision, 22 percent were overturned, 3 percent were mitigated and 1 percent were otherwise resolved. At headquarters, the Board issued 1,022 decisions. Of the 849 decisions issued by the Board on Petition for Review (PFR) of Initial Decisions, 69 percent were denied, 17 percent were granted, 5 percent were denied but reopened by the Board, and 9 percent were settled or dismissed. Of the 145 cases granted review by the Board, 62 percent were remanded for a new decision, 15 percent were affirmed, 17 percent were reversed, and the remaining 6 percent of cases had other outcomes.



MSPB continued to improve transparency of its adjudication processes at headquarters. In October 2011, the Board heard oral arguments in *Aguzie, et al. v. Office of Personnel Management*, a set of cases involving the application of Title 5, U.S.C., Chapter 75 to cases in which OPM initiated removal of tenured employees based on suitability grounds. In addition, the Board requested amicus briefs on several key cases, and continued issuing expanded explanations of its rationale in non-published decisions on PFRs of certain initial decisions to promote understanding of the decisions by the parties. The expanded non-precedential decisions are now posted on the MSPB website. In FY 2011, MSPB began posting on its website monthly summaries of the individual Federal Merit System Principles (MSPs), followed in June 2011 with monthly summaries of the Prohibited Personnel Practices (PPPs). MSPB also has a mobile application available for the iPhone and Android devices making it easier to access recent MSPB decisions, weekly case reports, merit systems studies, *Issues of Merit* newsletters, and MSPB press releases.



MSPB continued to issue high quality decisions as evidenced by the fact that the U.S. Court of Appeals for the Federal Circuit affirmed more than 98 percent of MSPB decisions, the highest level in several years. Unfortunately, case processing time lengthened in 2011. The average processing time was 94 days for initial decisions and 213 days for PFRs. Case processing times were affected by our intentional focus on reaching a better balance of measures of adjudication, including decision quality, timeliness, and customer perception of the adjudication process. In addition, budget limits are affecting hiring of legal staff at headquarters and in our regional and field offices.

More information about MSPB's adjudication program is available in the FY 2011 Performance and Accountability Report posted on the MSPB website. ❖

* Disposition of these cases is discussed in the 2011 annual report.

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