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New MSPB Report Examines Fair and Open Competition

The U.S. Merit Systems Protection Board (MSPB) has released a new report, *The Impact of Recruitment Strategy on Fair and Open Competition for Federal Jobs*. The report examines how factors such as a proliferation of hiring authorities and the decentralization of the Federal hiring process affect the idea and implementation of fair and open competition for filling jobs in the Federal Government.

Since the Pendleton Act of 1883, it has been a basic precept that entry into the Federal civil service should be based on merit after fair and open competition. Congress codified this idea as part of the first merit principle in 1978 via the Civil Service Reform Act. However, the complexities of Federal civil service laws, regulations, and practices make it difficult to define what constitutes “fair and open competition.”

As MSPB Chairman Susan Tsui Grundmann noted, “The hiring authorities and flexibilities that are available to Federal agencies when filling positions in the competitive service have both benefits and risks.” According to Chairman Grundmann, “Such flexibility is necessary to allow agencies to efficiently and effectively recruit job candidates. However, it is possible for that flexibility to be used improperly.”

While challenges remain, we found that overall fair and open competition is healthy in Federal hiring. It remains important, though, for Federal agencies to operate in a manner that is both compliant with law and results in observers believing in the integrity of the hiring process system. Not only is there a strong business case for fair and open competition, it can assist agencies ensuring their workforce remains representative of society.

Among the report’s recommendations is that agencies create a culture that values fair and open competition and where managers are encouraged to avoid restricting

applicant pools unless there is a strong business case to do so. Restricting applicants, especially for entry-level positions, should be closely scrutinized since those selections become the pipeline for later internal hiring.

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices. To request a printed copy of this report, e-mail studies@mspb.gov; call (202) 254-4496; or write to Merit Systems Protection Board, Office of Policy and Evaluation, 1615 M Street, NW, Washington, DC 20419.