Research Agenda

2015 - 2018

U.S. Merit Systems Protection Board

February 2015

U.S. Merit Systems Protection Board

Research Agenda 2015 - 2018

The U.S. Merit Systems Protection Board (MSPB) has the statutory responsibility to conduct objective, non-partisan studies that assess and evaluate Federal merit systems policies, operations, and practices. *See* 5 U.S.C. § 1204(a)(3). Our studies are typically government-wide in scope and take a long-term perspective on merit and effective management of the Federal workforce. The prospective nature of the studies function, in conjunction with MSPB's adjudication of individual appeals and its authority to review human resources (HR) regulations, enables MSPB to fulfill its role as guardian of Federal merit systems and ensure the workforce is managed in accordance with the Merit System Principles (MSPs) and free from Prohibited Personnel Practices (PPPs).

This document outlines topics of study for MSPB's Office of Policy and Evaluation (OPE) over the next four years. It has four sections:

I.   A summary of the process used to formulate OPE's research agenda;

II. An overview of how MSPB implements the research agenda;

III. A summary of OPE projects currently in progress or planned; and

IV. A list and description of the 34 research topics included in the 2015-2018 research agenda.

I: Formulation of the Research Agenda

Stakeholder Outreach and Collection of Ideas

OPE solicited input from a diverse group of stakeholders by --

- Inviting subscribers to the MSPB studies listserv and former MSPB and Office of Personnel Management (OPM) executives to provide input to a designated email address (research.agenda@mspb.gov);

- Publishing a Federal Register notice announcing the update of MSPB's research agenda that provided some questions to consider and solicited input by email;

- Directly contacting by email, telephone, letter, or face-to-face meeting key stakeholders to request input through a personal interview or by email. The stakeholders contacted included:

- Chief Human Capital Officers (CHCOs);

- Major Federal employee unions;

- Federal employee management associations and selected Federal Executive Boards;

- Good government groups; and

- Professional associations with an interest in Federal workforce issues.

OPE staff also reviewed documents discussing current issues and initiatives in Federal merit systems, such as OPM notices and publications, recent reports from good government groups, and media that cover Federal workforce issues.

OPE Analysis

OPE received over 400 suggestions. These suggestions were reviewed by OPE analysts to provide a sense of the topics that most concern stakeholders. They were consolidated to reduce duplication and simplify subsequent review and discussion.

OPE analysts reviewed the suggestions individually in preparation for group analysis at two formal research meetings. At those meetings, OPE staff discussed and evaluated the merits of these research ideas, considering four criteria:

- *Centrality.* Is the topic consistent with the MSPB's mission of promoting MSPs and preventing PPPs?

- *Timeliness.* Could a report on this topic have a significant impact on Federal workforce management? Would MSPB research and findings unnecessarily duplicate the work of other organizations that also study the Federal workforce?

- *Ambition.* Does the study address a merit system issue, or an aspect of workforce management, that is overlooked or not well understood?

- *Practicality.* Does MSPB have the resources and expertise needed to make a meaningful contribution on the topic, by informing debate, shaping policy, or improving understanding and practice?

In evaluating and selecting topics for possible study, OPE gave particular attention to practicality, because several key research resources -- staff, surveys, and information on agency policies and practices -- are tightly constrained. OPE has far fewer employees dedicated to workforce research than organizations such as the Government Accountability Office (GAO), OPM, and the Partnership for Public Service; surveys are costly to develop and administer and agencies are increasingly reluctant to participate; and obtaining acceptably complete and reliable information on agency policies and practices is increasingly difficult.

As a result of this process, the Board members selected 32 research topics for the proposed agenda. On August 14, 2014, MSPB issued a notice in the Federal Register that: (1) Listed the proposed research topics for 2015-2018, inviting comments from the public; and (2) announced a public meeting at which invited stakeholders could present comments

on the proposed topics and the Board Members could discuss the proposed research agenda. 79 Fed. Reg. 49683. This notice was accompanied by a posting on MSPB's web site that provided, for each topic, a brief description of the issues and questions that might be addressed in an MSPB study.

Pursuant to the Government in the Sunshine Act, 5 U.S.C. § 552(b), and in accordance with MSPB's regulations at 5 C.F.R. §§ 1206.1-12, a public meeting was held on September 16, 2014, from 10 a.m. to 12 noon, at the Howard T. Markey National Courts Building, in Washington, DC. In advance of that meeting, MSPB invited selected stakeholders, who had provided input to the previous research agenda, to provide their perspectives to the Board members. The meeting agenda, including a list of participating stakeholders, appears at Appendix A of this report. Stakeholder comments typically addressed specific proposed topics -- e.g., endorsed a topic, suggested a line of inquiry, or recommended a particular audience or subject for the eventual report -- but also included potential new topics and general suggestions about MSPB methods. An audio recording and written transcript of the meeting are available at http://www.mspb.gov/sunshineactmeeting/index.htm.

Following the public meeting and the close of the comment period, OPE staff reviewed stakeholders' comments, public comments received after development of proposed agenda, and recent events and policy developments. That review focused on identifying topics of study that had not been previously considered, topics that had been considered and rejected but warranted reconsideration, possible modifications to a proposed topic of study, and issues or insights that might help MSPB set research priorities or conduct research. The results of that review are reflected in the final agenda.

The 34 research topics presented in this document have been reviewed, refined, and in their present form have been approved by the Board members. They constitute MSPB's research agenda for 2015 - 2018.

II: Implementing the Research Agenda

The research agenda is a list of topics that appear most promising and timely for MSPB study in the next four years. As in the past, the proposed agenda contains more topics than OPE will be able to study, given current staffing and resource levels. Topics that remain will be considered for the following research agenda. It should also be kept in mind that the agenda is not exhaustive. Studies on a new topic may be initiated, on OPE or Board recommendation, should an opportunity arise to positively affect the policy debate or the management of the Federal workforce.

It should also be noted that the agenda focuses on the next few years. The exclusion of a topic does not necessarily mean that MSPB considers a topic unimportant, or that MSPB might not conduct a study on that topic in the future. For example, the proposed agenda does not include a study focusing on the employment and advancement of women in the Federal Government because such a study was completed in 2010. However, such a study might be included in a future research agenda, when it would be timely. A topic might

not be studied, or result in a published report, for other reasons as well. For example, the fiscal environment might change, which could have an immediate effect on recruiting and employee recognition plans, thereby affecting the timeliness and value of studies in the areas of hiring or awards. A policy might be implemented or abandoned, which could render further study unnecessary or irrelevant. Initial research might reveal that a full study is premature, because Federal Government or agency policy or practice is insufficiently developed.

At any given time, OPE will be working on several different research projects. The initiation and completion of a research project depends on MSPB priorities and resources as well as the external environment. Generally, research topics are assigned as staff and other OPE resources become available. Research resources also matter. For example, it may be impractical to initiate research on a topic that requires a major employee survey if MSPB (or another Federal agency) has recently conducted a similar survey, as it might prove extremely difficult to obtain agency cooperation or achieve an acceptable response rate. Finally, whether to take up a particular topic is informed by the Board members' sense of priorities.

III: Current and Planned OPE Projects

1. Training and Development of Senior Executives

The Senior Executive Service (SES) was created by the Civil Service Reform Act (CSRA) of 1978. According to the CSRA, the SES is to be managed to "provide for the initial and continuing systematic development of highly competent senior executives." This study would examine some frequently used leadership training and development activities, their level of effectiveness (e.g., learning, behavioral change), advantages and disadvantages, and costs to provide agencies with information for determining the best strategies to pursue when developing senior executives.

Research is underway; staff members are following up on initial agency responses to a request for information on policies and activities related to SES training.

2. Merit System Principles Education

Given MSPB's mission to promote the MSPs and foster an effective Federal workforce free of PPPs, MSPB can and should play a clear role in educating managers, human resources staff, and employees about the meaning and importance of the MSPs. Accordingly, the report of this study will:

- Assess how well Federal employees believe their agencies adhere to the MSPs;

- Consolidate information on the MSPs to serve as a reference guide for supervisors and employees; and

- Evaluate and summarize current agency training practices regarding the MSPs and PPPs.

To achieve these goals, this study would analyze information from MSPB's Merit Principles Surveys, written questionnaires regarding how agencies educate their employees

(including supervisors) about the MSPs and PPPs, and interviews with representatives of the Office of Special Counsel (OSC) and OPM.

Research is underway; staff members are following up on initial agency responses to a request for information on activities and issues in MSP education.

3. Employee Engagement -- The Extra Mile

Recent times have been indisputably challenging for Federal agencies and the Federal workforce. To succeed in an increasingly demanding and austere environment, it is essential that Federal agencies overcome these challenges and capitalize on employees' talents. This study will build on previous MSPB research to address important unanswered questions about the causes and effects of engagement. Potential areas of inquiry include:

- The level of employee engagement. What are current levels of engagement across Government?

- The nature of employee engagement. What does going "the extra mile" look like in behavioral terms? Are ways of demonstrating engagement valued differently across agencies?

- Consequences of employee engagement. Does engagement provide a "buffering effect" for how employees react to adverse events (e.g., project obstacles, pay freezes, training cuts)? What is the relationship between engagement and counterproductive work behaviors (e.g., apathy, poor work ethic, stealing)?

- Drivers of employee engagement. How do features of and feelings about the work and workplace influence engagement? Do drivers differ across employees? How can employees better understand and shape their own engagement?

The objective of this study is to help Federal leaders and agencies better understand the nature, consequences, and drivers of employee engagement, so they can more effectively promote employee engagement and channel that engagement toward accomplishing agency goals. This study will require a broad-based survey, such as the planned Merit Principles Survey, to obtain in-depth information on employee attitudes and their outcomes.

4. Merit Principles Survey 2015

Since 1982, MSPB has periodically administered a Merit Principles Survey (MPS) to line employees and supervisors in the Federal Government. Although MSPB has issued reports focused on the results of a particular MPS, the MPS is more accurately viewed as an indispensable research method than as a research topic. The next MPS, which we plan to administer in the latter half of FY15, will serve several purposes, which include:

- Gauging the perceived incidence and consequences of PPPs. The MPS can provide a perspective over time, that is, information on whether employee views have changed and how;

- Measuring employee attitudes, including job satisfaction, engagement, and views of work environment and working conditions;

- Obtaining employee opinions on specific issues, HR policies, or organizational practices that are a current or planned subject of a merit systems study. For example, the planned study *Employee Engagement -- The Extra Mile* requires broad-based, in-depth measurement of employee and supervisory opinion.

Historically, MSPB has administered an MPS every two to five years, balancing the importance of the information collected with the survey's costs to both MSPB and participating agencies. We are currently seeking to acquire a technology platform to support development and administration of the MPS and other MSPB surveys in a secure, cloud-based environment.

5. OPM Oversight of Delegated Authorities and Responsibilities

The CSRA sought to balance delegation and flexibility with accountability. One component of that accountability is OPM oversight of how agencies manage their delegated responsibilities. Accordingly, 5 U.S.C. § 1104 requires OPM to "establish and maintain an oversight program" to ensure that activities under delegated authorities are in accordance with the MSPs and OPM standards.[1] The staffing and focus of OPM and Federal agency oversight and accountability programs have varied greatly since the passage of the CSRA. In recent years, OPM has sought to expand agencies' roles in monitoring use of human resources authorities and adherence to MSPs and legal requirements. For example, OPM has created and directed agencies to use the Human Capital Framework, which assesses agency alignment of their human resources programs with mission requirements and with OPM standards (which may reflect or implement Administration initiatives), in addition to compliance with MSPs and public policy requirements such as veterans' preference.

The effectiveness of the OPM oversight program, in particular the success of requiring agencies to assume a greater role for self-monitoring and self-correction, is not known. Although MSPB has responsibility to assess and report on significant actions of OPM, it has not formally studied OPM efforts to oversee agency adherence with MSPs and other laws governing Federal human resources management since 1998.[2] Possible research questions include:

- What human resources programs and decisions are subject to systematic compliance monitoring through OPM or agency review?

- How does OPM assess compliance with the law and MSPs in the excepted service, including agencies with personnel flexibilities outside of Title 5?

- What effects have OPM oversight activities had on agency human resources policies and practices?

---

[1] *See also* Executive Order No. 13197, *Governmentwide Accountability for Merit System Principles; Workforce Information*, 66 FR 7853-7854 (2001).

[2] U.S. Merit Systems Protection Board, *Civil Service Evaluation: The Evolving Role of the U.S. Office of Personnel Management*, Washington, DC, July 1998.

- How do Federal agencies, Federal employees, and other stakeholders view OPM oversight?
- Does the CSRA provide adequate authority for OPM or other agencies to assess and enforce Federal agency adherence to MSPs?

IV: Research Topics 2015 - 2018

Defending Merit

1. Adverse Action Rules, Regulations, and Practices
2. Employment of Persons with Disabilities in the Federal Government
3. Freedom from Prohibited Personnel Practices: A Vision Achieved?
4. Preventing Nepotism in the Federal Government
5. Reprisal for Protected Activity
6. Sexual Harassment in Federal Workplaces—An Update
7. Due Process Rights of Federal Employees
8. Merit-Based Personnel Systems Outside of Title 5 of the U.S. Code
9. Fostering Effective Work Environments by Eliminating Nonsexual Harassment
10. Effect of 2014 Legislation Concerning Senior Executives in the Department of Veterans Affairs
11. Whistleblowing After the Whistleblower Protection Enhancement Act (WPEA)

Recruitment and Hiring

12. Federal Hiring: Reformed or In Need of Reform?
13. How Do Selecting Officials Make Hiring Decisions?
14. Identifying the Best Qualified Candidates for Federal Positions
15. Recruiting and Retaining Employees in STEMM Occupations
16. Supervisory and Managerial Probation: Final Hurdle or Formality?

Pay and Performance Management

17. A "Performance Review" of the Performance Review
18. Federal Pay Systems -- Experience Outside the General Schedule
19. Position Classification: Purposes and Practices
20. The Incidence and Impact of Poor Performance

Supervision and Leadership

21. Dual Career Paths for Supervisors and Technical Specialists
22. Improving the Selection of Supervisors
23. Performance Evaluation in the Senior Executive Service: Leading by Example?
24. Senior Executives: Learning from Success

Building an Effective Workforce

25. Flexible Work
26. Technology and the Federal Workforce
27. The Federal Job as a "Calling"

28. The Human Resources Workforce: Rising to the Challenge?
29. What Do Employees Seek and Receive from Federal Service?
30. Workforce Reshaping: Do Agencies have the Right Tools?
31. Workforce & Succession Planning: Is the Exercise Producing Results?

Focus on the U.S. Office of Personnel Management

32. Hiring Reform Initiatives and Outcomes
33. The Civil Service Reform Act Turns 40
34. USAHire -- An Initiative to Improve Entry-Level Hiring

Detailed Descriptions of Research Topics

Defending Merit

1. Adverse Action Rules, Regulations, and Practices

In recent years, MSPB has issued several educational reports on topics related to poor performance or misconduct, including the probationary period, agreements to resolve conflicts or disputes, and addressing poor performance under civil service law. This study would address what is involved in an agency adverse action, including the rights of affected employees. Topics that MSPB might address, through one or more reports, could include the agency's responsibility to: propose actions in good faith; ensure that the employee is given the opportunity to rebut any information provided to the deciding official; listen to the employee's defense before reaching a decision; avoid disparate treatment; respect employee rights (such as protection from whistleblower retaliation or providing reasonable accommodation); and keep penalties within the limits of what is reasonable. The report may also discuss the complexities of pursuing an adverse action appeal, including how MSPB's appeals system under chapter 75 of title 5, United States Code interacts with: appeal rights to MSPB under other chapters of title 5; grievances under a collective bargaining agreement; complaints under the equal employment opportunity process; and efforts to seek corrective action through OSC.

2. Employment of Persons with Disabilities in the Federal Government

In 2000, Executive Order No. 13163 directed agencies to increase Federal employment opportunities for individuals with disabilities. In 2010, Executive Order No. 13548 noted insufficient progress toward this goal and directed OPM to develop, and agencies to implement, model strategies for recruiting, hiring, and retaining persons with disabilities. Nevertheless, persons with targeted disabilities currently represent less than 1 percent of the Federal workforce. To educate Federal agencies and stakeholders about progress, barriers, and promising practices in this area, this study could address questions such as --

- What have Federal agencies done to take the actions and attain the goals outlined in the Executive Orders?
  - What are agencies doing differently now?

- – Are agencies utilizing OPM's model recruitment and hiring strategies?
- – How do Federal agencies recruit, hire, manage, and retain persons with disabilities?
- What accountability do agency leaders and hiring managers have for advancing the employment of persons with disabilities?
- How do Federal agencies respond to reasonable accommodation requests? How do those accommodations affect employees' productivity and job satisfaction?
- How do Federal employees with disabilities view their agencies, workplaces, and careers?

3. Freedom from Prohibited Personnel Practices: A Vision Achieved?

The CSRA and subsequent legislation prohibit thirteen personnel practices because they contravene the MSPs and are exceptionally harmful to organizational productivity and performance, employee morale, and the public interest. These practices include reprisal for whistleblowing or exercising a right of appeal, interfering with a competition for employment, and coercing political activity.

Consistent with its statutory responsibility to "…report to the President and Congress as to whether the public interest in a civil service free of prohibited personnel practices is adequately protected,"[3] MSPB has periodically surveyed Federal employees to obtain their views on the incidence and consequences of prohibited personnel practices and published the results. Survey responses reflect both progress -- notably in avoiding discrimination on bases such as sex, ethnicity, and race -- and continuing belief that many job competitions are neither fair nor open and that many personnel decisions are more reflective of favoritism than merit.[4] This survey-based study would continue that effort to provide the public, policymakers, and agencies with information on the perceived prevalence and nature of PPPs in the Federal Government and complement or suggest MSPB studies that focus on a particular prohibited personnel practice.

4. Preventing Nepotism in the Federal Government

Despite prohibitions against nepotism within the Federal civil service (i.e., hiring or otherwise providing employment advantages to relatives), approximately 12 percent of respondents to MSPB's 2010 MPS indicated that they had observed nepotism within the preceding 2 years. Additionally, reports from several agency Inspectors General and OSC have recently noted occurrences of nepotism. This study could involve research into --

- The nature and consequences of nepotism;
- Relevant statutory and case law, including the definition of nepotism and related guidelines or prohibitions;
- Trends in the perceived incidence of nepotism;
- Agency efforts to educate managers and other officials about nepotism; and
- Agency policies and practices to prevent and address nepotism.

---

[3] *See* 5 U.S.C. § 1204(a)(3).

[4] *See* U.S. MSPB, *Prohibited Personnel Practices: A Study Retrospective* (2010) and U.S. MSPB, *Preserving the Integrity of the Federal Merit Systems: Understanding and Addressing Perceptions of Favoritism* (2013).

The goal of this study is to educate stakeholders, particularly Federal officials, about nepotism and what can be done to prevent it and address it should it occur.

5. Reprisal for Protected Activity

MSPB has issued several reports on the subject of whistleblowing and PPPs, including *Blowing the Whistle: Barriers to Federal Employees Making Disclosures* (2011) and *Prohibited Personnel Practices: Employee Perceptions* (2011). The proposed study addresses repercussions within the workplace that may occur after a Federal employee reports or provides evidence of wrongdoing or engages in a protected activity such as filing a complaint or grievance. Reprisal directed at the whistleblower can come from agency officials, a supervisor, or other nonsupervisory employees. Reprisal is contrary to the merit system principle that requires agencies to protect employees against arbitrary action and reprisal for whistleblowing and, in certain forms, constitutes a prohibited personnel practice.[5] This study could examine --

- How engaging in a protected activity can affect work relationships, motivation, and trust, even in the absence of apparent reprisal;
- The perceived incidence of reprisal;
- The forms that reprisal might take;
- How agencies respond to whistleblowing or other protected activity, and how they respond to allegations or instances of reprisal;
- Issues and challenges in fairly and effectively managing an employee who has engaged in a protected activity such as whistleblowing; and
- Best practices for dealing with employees and managing a work team following whistleblowing or other events involving protected activity.

The report could describe the different forms that reprisal might take, how it can be recognized by a targeted employee and by the employee's supervisor, what steps can be taken to discourage it, and how to counsel employees who have been targeted by reprisal. The objective is to help Federal agencies understand their responsibilities regarding protected activity and act in a manner that encourages employees to come forward when appropriate and protect employees who do so.

6. Sexual Harassment in Federal Workplaces -- An Update

In its 1995 report, *Sexual Harassment in the Federal Workplace -- Trends, Progress, Continuing Challenges*, MSPB found that 44 percent of women and 19 percent of men had experienced some form of unwanted sexual attention during the preceding two years. These rates were similar to those reported by an earlier MSPB study released in 1988. In addition to the harm done to specific victims, sexual harassment can seriously damage workplace morale and organizational effectiveness. Lines of inquiry of this study may include:

- What progress have Federal agencies made in combating sexual harassment?
- How have Federal employee perceptions regarding sexual harassment changed since 1995?

---

[5] *See* 5 U.S.C. §§ 2301(b)(8), 2301(b)(9), 2302(b)(8), and 2302(b)(9).

- How does the prevalence of sexual harassment in the Federal workplace affect agency efficiency and employee morale?
- Is sexual harassment more prevalent in certain Federal agencies or occupations?

7. Due Process Rights of Federal Employees

In the latter part of the 19th century and the early part of the 20th, the Federal civil service system evolved from a spoils system to one under which most employees have tenure, i.e., a property interest in continued employment. Such a property interest, once granted, cannot be taken away without due process in accordance with the Fifth Amendment to the Constitution. This study would describe how tenure is attained and explain what the Constitution requires before a tenured employee may be removed or suspended.

8. Merit-Based Personnel Systems Outside of Title 5 of the U.S. Code

Title 5 of the U.S. Code contains the rules for employment in most Federal agencies. However, not every Federal organization is subject to Title 5, and even within Title 5, there are extensive exceptions. These exceptions can address a variety of aspects of employment, such as classification (e.g., pay-banding demonstration projects); recruitment (e.g., medical positions in the Department of Veterans Affairs (DVA)); or compensation and benefits (e.g., some financial regulatory agencies and Government corporations).

MSPB has previously issued reports about two merit systems that operate outside of Title 5: *The Tennessee Valley Authority and the Merit Principles* (1989); and *Title 38 Personnel System in the Department of Veterans Affairs: An Alternate Approach* (1991). We also conducted a symposium with speakers from organizations operating outside of the traditional civil service and published a report on the proceedings titled, *The Practice of Merit: A Symposium* (2007). Such non-traditional systems can offer lessons on how the civil service may be made more responsive and flexible while still protecting merit.

A new report studying merit-based systems outside of Title 5 could build on earlier work by examining developments in non-Title 5 agencies or organizations previously studied, including the lessons such agencies have learned and the reasons for any changes to their earlier systems. It could also examine additional non-Title 5 agencies or organizations, discussing how their systems differ from traditional Title 5 rules and why.

9. Fostering Effective Work Environments by Eliminating Nonsexual Harassment

MSPB has addressed threatening workplace behavior through a series of groundbreaking reports published in the 1980s and 1990s regarding sexual harassment, as well as a more recent report regarding workplace violence. However, other forms of harassment may also poison the work environment. For example, nonsexual harassment occurs when an employee or a group of employees display intimidating or abusive behavior that creates a corrosive work environment. Nonsexual harassment is particularly

inappropriate when the perpetrator is a supervisor or otherwise exercises official authority over the employee.

This study would address research questions such as:

- How do Federal employees define nonsexual harassment?
- How prevalent is it in the Federal workplace?
- Who are the most common perpetrators and victims of nonsexual harassment?
- What effect does nonsexual harassment have on Federal workplace outcomes like retention and turnover, motivation, engagement, job satisfaction, and leader trust?
- Do Federal employees believe that appropriate action is being taken to address nonsexual harassment?
- What strategies, both effective and ineffective, are used to address it?

For Federal employees, the MSPs demand "fair and equitable treatment in all aspects of personnel management" and that the workforce should be managed effectively. Given evidence of the negative impact of harassment on employees and the work environment, Federal employees should be cognizant of the hazards of nonsexual harassment and strategies to extinguish this behavior before it undermines the quality of their workplaces.

10. Effect of 2014 Legislation Concerning Senior Executives in the Department of Veterans Affairs

In 2014, Congress responded to allegations of mismanagement in the veterans' healthcare system by enacting legislation which, among other things, provides for the summary removal of Senior Executives in the DVA. A DVA Senior Executive removed under this provision has a right to a streamlined appeal that must be decided by an Administrative Judge within 21 days, with no right of review by the full Board. This study would examine the use of these new procedures and any spillover effects in the recruitment and management of Senior Executives in the DVA.

11. Whistleblowing After the Whistleblower Protection Enhancement Act (WPEA)

This study topic would build on previous MSPB research on employee observation and reporting of wrongdoing and the requirements and protections related to whistleblowing. This study might examine --

- Progress, or lack thereof, in encouraging employees to report wrongdoing and addressing factors that might make employees hesitant to come forward;
- Issues related to the 13th prohibited personnel practice established by the WPEA (prohibiting non-disclosure policies, forms, or agreements that inhibit whistleblowing);
- Agency implementation of the WPEA requirements for: (1) Establishing whistleblower protection ombudsmen; and (2) advising employees of their rights, remedies, and how to make disclosures related to classified information; and
- Changes in whistleblower case law with a focus on how the WPEA modified the landscape.

Recruitment and Hiring

12. Federal Hiring: Reformed or In Need of Reform?

A fair, effective, and efficient hiring process is essential to a merit-based, high-quality workforce. In the 2006 report, *Reforming Federal Hiring: Beyond Faster and Cheaper*, MSPB discussed ways to improve the hiring process and outlined areas for possible reform. This study would update that report in light of subsequent OPM-led initiatives and MSPB studies related to Federal hiring. This study could examine applicant and agency experience in more depth to answer questions such as:

- Has the applicant experience improved?
- Do selecting officials believe that recruitment, assessment processes, and quality of referrals have improved?
- Do HR specialists believe the recruitment and selection process has been improved?
- Have reform efforts, statutory changes, and technological advances had any unintended outcomes?
- Have "bottom line" results (turnover rates, percentages and levels of employee engagement) been affected?
- Are further administrative or statutory reforms needed to make Federal hiring more fair, effective, or efficient?

13. How Do Selecting Officials Make Hiring Decisions?

Research and practice have produced a great deal of information about the validity and practicality of a wide variety of assessments used in Federal hiring. For example, previous MSPB reports have discussed the merits of assessments such as structured interviews, job simulations, reference checks, automated hiring systems, and training and experience assessments. Although we know a lot about how to choose effective assessments of applicants' skills and abilities, it is not clear how selecting officials use the results of such assessments to make hiring decisions. Getting the right person in the job is about more than just using the right assessment; it also requires that selecting officials employ appropriate decision-making strategies. This study would examine how selecting officials combine, compare, and act on information about job candidates. Potential study questions include:

- What constitutes a "best match" or "fit" between a candidate and a job?
- What strategies or resources do hiring officials use when deciding among the top job candidates?
- How do selecting officials decide between internal or "known" candidates and external or "unknown" candidates?
- What influence, if any, do factors such as recruitment source, work history, and educational or social background have on hiring decisions? For example, do hiring officials give credit for how or where a candidate acquired skills?
- For a position that requires a security clearance, what weight do officials give to a candidate's possession of a clearance?

- What judgment errors or biases might lead to a poor decision? What can be done to prevent or mitigate such errors or biases?

The goal of this study is to help agencies improve hiring decisions and outcomes, such as workforce quality and performance, by providing information on effective (and ineffective) practices in making decisions about applicants.

14. Identifying the Best Qualified Candidates for Federal Positions

In 2010, Federal agencies were instructed to use category rating for competitive examinations. Both category rating and internal merit promotion plans require agencies to identify which candidates are best qualified and should therefore be referred to a selecting official. This study would examine how agencies are identifying their best qualified candidates and what effect, if any, the source of the candidates has upon the criteria being used by agencies. This study may address questions such as:

- How many qualified categories do agencies typically create in crediting plans and what are the processes or criteria behind those decisions?
- Are there differences between competitive examining and merit promotion in how agencies identify the best qualified candidates?
- What effect do these practices have on the referral of veterans and preference eligibles under competitive examination or the Veterans Employment Opportunities Act (VEOA)?
- Is a selection from a competitive examination list any more or less likely to occur if veterans are on the list?
- When a VEOA list is issued, how often are individuals selected from that list and are there any commonalities in selection (i.e., hiring agency, occupation, grade level)?

15. Recruiting and Retaining Employees in STEMM Occupations

The Federal Government is facing a growing challenge in recruiting and retaining employees in science, technology, engineering, mathematics, and medical (STEMM) occupations. STEMM employees are central to the missions of many Federal organizations. For example, they conduct research at the Naval Research Laboratory, monitor weather patterns at the National Oceanographic and Atmospheric Administration, prevent pandemics at the National Institutes of Health, and work in various agencies across the world to protect the country from cyber-attacks.

However, the competition for STEMM employees is formidable and likely to intensify. Accordingly, the Administration has proposed measures to widen the talent pipeline for these critical yet hard-to-fill positions. The Federal Government may face particular challenges in recruiting, managing, and retaining STEMM employees, in light of the comparative inflexibility of its hiring and pay systems. This study could address questions such as --

- What are the critical issues and challenges in the Federal sector in recruiting and retaining STEMM talent?

- What are the best practices used to recruit and retain STEMM employees?
- When STEMM employees leave agencies, where do they go and why? Who is the federal Government's competition?
- What could the Federal Government and policymakers do to improve recruitment and retention of STEMM employees?

16. Supervisory and Managerial Probation: Final Hurdle or Formality?

Supervision and management are critical roles that present challenges and demand skills distinct from line work. Recognizing this fact, civil service law provides for "a period of probation…before initial appointment as a supervisor or manager becomes final" and requires reassignment of individuals who do not successfully complete that period.[6] However, despite continuing concerns about the effectiveness of Federal supervisors, managers, and executives and the adequacy of the processes used to select and develop them, it appears that little formal use is made of supervisory or managerial probationary periods.[7] This study would explore questions such as --

- How do Federal agencies establish and communicate probationary periods for new managers and supervisors?
- Do policies, practices, and outcomes differ across agencies, occupations, or personnel systems?
- What training, feedback, and guidance do new supervisors, managers, and executives receive during the probationary period?
- How do Federal agencies evaluate the performance and development of new supervisors and managers during probation?
- To what extent are new supervisors and managers expected to perform technical work? How do new or continuing technical responsibilities affect their performance, development, and satisfaction?
- What actions do Federal agencies take if a new supervisor or manager is not performing acceptably? What role does the probationary period play in practice?
- What concerns, if any, do Federal agencies and stakeholders have about policy or practice related to supervisory and managerial probation?
- What changes in policy or practice might increase the likelihood of successful completion of probation or make the probationary period more effective?

---

[6] *See* 5 U.S.C. § 3321; 5 C.F.R. Part 315, Subpart I. There is also a probationary period for new appointees to the career Senior Executive Service. *See* 5 U.S.C. § 3393(d); 5 C.F.R. § 317.503.

[7] *See* U.S. Merit Systems Protection Board, *A Call to Action: Improving First-Level Supervision of Federal Employees* (2010). MSPB estimated that only 0.5 percent of new supervisors were formally reassigned or demoted for failure to successfully complete supervisory probation during fiscal year 2009.

Pay and Performance Management

17. A "Performance Review" of the Performance Review

Annual performance reviews may be the least enjoyable routine aspect of workforce management for both supervisors and employees. Accurately measuring employee job performance -- and making appropriate distinctions among employees -- is not a straightforward process for supervisors, and employees are seldom enthusiastic about the ratings or associated outcomes. Yet careful measurement and constructive discussion of performance are critical to effectively managing employees.

This study would examine the state of the performance review to determine what is working well and what can be improved. Potential research questions include:

- What are the purposes of the performance review, from a legal, management, and employee perspective? How well are those purposes served?
- How effective are the methods, frequency, and focus of performance reviews?
- Do performance reviews accurately capture and reflect employees' perceptions of their daily duties and responsibilities?
- How effective are supervisors at recalling, measuring, and rating employees' performance?
- How do supervisors combine aspects of performance such as effort, results, and behavior (e.g., helping, initiative, teamwork, discretionary effort) in their ratings?
- What challenges and pressures do supervisors encounter when rating employee performance?
- Are supervisors able to use performance reviews to make accurate and meaningful distinctions among levels of performance and between employees?
- What are the outcomes of performance reviews, for organizations and employees? Are those outcomes appropriate?

The findings and recommendations of this study would help agencies make more focused and effective use of the performance review and inform policy discussions about the purpose and conduct of performance reviews in Federal workforce management.

18. Federal Pay Systems -- Experience Outside the General Schedule

There has been much debate over whether the pay system within which the majority of Federal employees work should be changed or replaced. Any discussion regarding Federal pay systems necessarily includes the question of whether there should be a shift from a focus on rewarding length of tenure to a focus on rewarding performance. Some agencies, through enabling or other legislation, have the authority to operate performance- or market-oriented pay systems (e.g., agencies covered by the Financial Institutions Reform, Recovery, and Enforcement Act; the Federal Aviation Administration; the National Institute of Standards and Technology).

The 2006 MSPB report, *Designing an Effective Pay for Performance Compensation System*, provided agencies with a roadmap of the options inherent to the design, implementation,

and operation of an effective pay for performance system. A further inquiry into this topic may include an examination of how alternative pay systems are functioning in the Federal Government. Lines of inquiry may include: how those systems were implemented, how they operate, the degree of employee and management satisfaction with those systems, how the systems contribute to organizational effectiveness, and the extent to which the systems contribute to employee recruitment and retention.

19. Position Classification: Purposes and Practices

Much of the current discussion about the Federal classification system focuses on the issue of assigning a grade and how that grade interacts with pay. A formal determination, documentation, and evaluation of a position's responsibilities and requirements is critical to achieving the merit system principle of providing "equal pay…for work of equal value," and supporting other aspects of workforce management. For example, Federal agencies have a responsibility to perform a job analysis as a foundation for recruitment and selection. This study would explore how Federal Government carries out its responsibilities for position classification and how to improve its capacity and practices in this area.

20. The Incidence and Impact of Poor Performance

This study would update previous MSPB research into the issue of poor performance, which is receiving renewed attention following recent incidents that have raised questions about how efficiently and effectively Federal agencies are managing resources, programs, and people. The issue is also of continuing concern to employees; in the 2010 MPS, 48 percent of respondents believed that their organization does not deal effectively with poor performers.

This study would look into how agencies identify and address poor performance. Research would also aim to identify effective practices for mitigating poor performance. This study would consider questions such as:

- What are the effects of poor performance, beyond untimely or low-quality work?
- How and how often do agencies use performance improvement plans? What are the results (e.g., improvement, reassignment, dismissal)?
- What support do Federal leaders provide supervisors who encounter performance problems?
- What do agencies do to optimize the fit between worker and work? How do they deal with mismatches?
- How much tolerance is given to unacceptable performance and what triggers formal or informal corrective action?
- Are there organizational or systemic barriers to dealing constructively with poor performance?
- Are supervisors held accountable, through performance appraisals or other means, for effectively handling performance problems?
- What are best practices in identifying and addressing poor performance?

Supervision and Leadership

21. Dual Career Paths for Supervisors and Technical Specialists

In order to advance to higher-paying positions in the Federal Government, employees must often assume supervisory responsibilities. A dual career path provides a means for technical experts to receive higher pay for possessing advanced, specialized skills and performing complex, high level duties in a nonsupervisory role. For example, NASA's Dual Career Ladder (DCL) Program has enabled outstanding technical contributors to attain the same prestige and pay as individuals on a managerial track, without assuming supervisory responsibilities for which they may lack interest or aptitude. The study could explore question such as:

- Which organizations in the Federal Government or other sectors have successfully implemented a dual career path?
- How do organizations differentiate supervisory and non-supervisory career paths, both short- and long-term, as well as in salary and other elements of compensation, bonuses, and career advancement? How do organizations ensure that differentiation does not influence career decisions in ways that are problematic for the organization or the employee?
- How might a dual career path for advancement affect recruitment, employee satisfaction, intention to stay, and employee and agency performance?
- Are some supervisors on both paths, carrying both technical and supervisory responsibilities?
- What are the best ways to encourage employee interest in a track? What is involved in changing tracks later?
- Are there any barriers to implementing a dual career path?

22. Improving the Selection of Supervisors

Given the impact that supervisors have on organizations and employees, it is essential for agencies to select those who are most capable of effectively managing people. Previous studies have shown that supervisors can serve as key drivers of employee engagement, and thus organizational performance. In contrast, a poor supervisor undermines productivity and may drive employees to leave. First-line supervisors also form the primary candidate pool from which higher-level managers and senior executives are chosen. Prior research indicates that supervisory selection practices often place too much emphasis on technical qualifications and too little emphasis on the competencies needed to effectively guide, manage, encourage, and hold employees accountable. Consequently, improving supervisory recruitment and selection could foster adherence to the merit system principles and reduce the occurrence of prohibited personnel practices. Research questions that might be addressed include:

- What non-technical competencies do supervisors need to be effective?
- Are there opportunities for employees to develop non-technical competencies for supervisory positions (i.e., can good supervisors be "made" or are they "just born")?

- What assessment tools could assist in evaluating the degree to which candidates for supervisory positions possess necessary non-technical competencies?
- If an agency expects a supervisor to perform technical work, how is that reflected in the selection process?
- What case study examples demonstrate effective and efficient supervisory selection procedures?

23. Performance Evaluation in the Senior Executive Service: Leading by Example?

The form and content of SES performance standards have received increased attention in the past decade, with OPM overseeing certification of agency systems and, more recently, directing agencies to standardize their rating levels and performance standards. SES performance evaluation is important as: (1) A means for establishing expectations and accountability; (2) a criterion or input for pay, retention, and placement decisions; and (3) a foundation for improving performance management at lower levels of the organization and for extending pay for performance systems to first-level supervisors and front-line employees.

This study would provide policymakers, Federal agencies, and stakeholders with insight into how the SES performance management system is functioning using sources such as surveys, analysis of statistical data, discussion with SES members and Federal agencies, and review of policies and documents. Possible research questions include --

- How have OPM's initiatives affected personnel processes and outcomes such as: (1) Performance standards and measures; (2) SES evaluations and ratings; and (3) pay adjustments and awards?
- What data and perspectives do agencies use to evaluate SES performance? How closely do performance standards correspond to daily SES activities? What is the extent and quality of performance feedback received by senior executives?
- How has the increased emphasis on results affected how organizational performance is defined, measured, and assessed?
- How does the performance evaluation system --
  - Affect how senior executives view and carry out their responsibilities? (For example, has the now-mandatory "Leading People" performance element changed how executives lead and manage employees?);
  - Contribute to the growth, development, and deployment of members of the SES; and
  - Inform discussions about the performance and direction of agency programs?
- How useful and credible is the system, from the perspective of agency leadership? Stakeholders? Members of the SES?
- What factors and practices contribute to the system's success and value, or lack thereof?

24. Senior Executives: Learning from Success

What makes a successful Federal senior executive? Current MSPB research focuses on the development of senior executives after appointment. In contrast, this study would look into factors and actions leading to appointment in the SES. How can an interested

---

employee prepare for openings in the SES? We cannot know in advance where opportunities might arise or who will become a successful senior executive. However, we can learn from members of the SES. For example, are there common characteristics, experiences, or decisions associated with attaining and succeeding in an executive role?

This study would draw on the backgrounds and experiences of members of the SES, using methods such as surveys, interviews, case studies, and statistical data, to answer questions such as:

- What drew SES members into the SES?
- How did executives develop skills to prepare for the SES?
- What career and family decisions did executives make along the way; what challenges did they face and how did they overcome them?
- Did executives have a mentor or coach?
- What opportunities did executives have?
- What was their first SES position?
- What advice would executives give to employees who may want to join the SES?
- How often (and why) do agencies waive SES qualification requirements for selectees?

Building an Effective Workforce

25. Flexible Work

Federal agencies offer many employees a wide selection of flexibilities with regard to where, when, and how they work. Options include: variable beginning and end times; variable number of hours worked per day; telecommuting one or more days per week; and flexibility in the use of annual and sick leave. Planning and performing work can no longer proceed under the assumption that staff will be physically present in the office from 9 to 5 each weekday. To support these scheduling flexibilities, agencies have developed technology strategies, including remote access to network services, cloud-based email, integration of smartphone technology, and increased support for tele- and video-conferencing. One unintended consequence of these innovations is that many Federal employees have become effectively available at any time, far beyond the boundaries of their formal work schedules.

In the report, *Telework: Weighing the Information, Determining an Appropriate Approach*, MSPB discussed best practices and other issues associated with telework. The proposed study would examine the use and implications of other forms of flexible scheduling. Research questions might include:

- How widely used are these flexibilities?
- How do supervisors and employees believe flexibilities affect performance and work-life balance?
- What barriers exist to full use of scheduling flexibilities and what best practices facilitate their effective use?

The report would be useful to agency decision makers who set HR policy, supervisors who implement flexibilities in the workplace, and employees who choose from the flexibilities available to them.

26. Technology and the Federal Workforce

Advances in technology are changing the knowledge, skills, and abilities required to perform work, the way work is performed, and when and where people work. With an increase in technological innovations, this trend is likely to continue. This study about technology and its effects on work and the workforce may examine:

- How work is changing (e.g., new methods/processes for performing work, information security concerns, teamwork, collaboration);
- How agencies plan to prepare employees to perform their jobs as they evolve due to technology;
- How agencies plan to provide and prioritize training on technological advances to ensure employees have the knowledge and skills necessary to most efficiently and effectively perform current and future Federal jobs;
- Impact on recruitment and retention;
- Impact on employee stress, productivity, and work life balance;
- Impact on when and where work is performed; and
- Legal considerations and policy implications.

27. The Federal Job as a "Calling"

According to the Bureau of Labor Statistics, the average American worker changes jobs 10 times between the ages of 18 and 42. As employees' careers increasingly incorporate multiple employers, the expectation has grown that work offers more than mere financial rewards and promotional opportunities. Researchers have defined a "calling" as an occupation that an individual feels drawn to pursue, expects to be intrinsically enjoyable and meaningful, and sees as a central part of his or her identity.

The idea of work as "a calling" has resonated with many Generation X and Y employees and there is evidence that experiencing work as a calling may have psychological benefits, including job satisfaction and increased health. This study would look into the extent to which Federal employees view work as a calling and explore possible causes and consequences of that view. Possible research questions include:

- To what extent do Federal employees view their work as a calling? Does this differ across organizations and occupations? How is that view affected by the work or work environment?
- Are views of work as a calling associated with perceptions of merit principle protections, engagement, performance, intention to stay or leave, and organizational justice?
- Does viewing work as a calling increase organizational versus career commitment?
- How do distinctive features of Federal employment contribute to, or detract from, holding the view of work as a calling?

- How does this view relate to and differ from employee engagement and job satisfaction?
- What are the benefits—and possible costs—of viewing work as an extension of the self?

28. The Human Resources Workforce: Rising to the Challenge?

Over the past 20 years, the role of the HR function has evolved from focusing on operations and policy enforcement (including the Federal Personnel Manual) to becoming a strategic partner to help the agency more effectively and efficiently achieve its mission-related goals through its employees. However, results from recent surveys of CHCOs suggest that these leaders have concerns about HR staff capability to fulfill that role. In addition, results from MSPB's Fair and Open Competition survey suggest there may be tensions between the customer service role and the prevention of PPPs and comportment with MSPs. GAO considers Strategic Human Capital Management to be a high-risk area.

This study would seek to examine the role of the HR function to determine expectations from the perspective of both the HR staff and their customers and to assess the skills of current HR employees. For example, research could --

- At the agency level, assess the level of satisfaction with HR services and the match between perceived roles and expectations;
- At the HR office level, examine the recruitment, selection, qualifications (e.g., certification), and career paths of HR employees;
- Request OPM's perspective on the knowledge, role, and performance of the current HR workforce;
- Identify skill or knowledge gaps in the HR workforce and strategies for mitigation; and
- Evaluate the effects of OPM's reduced role in training Federal HR specialists on the quality of the HR workforce.

The goal would be to make recommendations for improving the effectiveness of HR (in terms of organizational role and capability of staff) given its critical importance to each agency.

29. What Do Employees Seek and Receive from Federal Service?

Much has been said and written about how the terms and conditions of Federal employment are serving -- or failing to serve -- Federal agencies, Federal employees, and the American people. Little is actually known. On the one hand, Federal agencies often receive hundreds or thousands of applications for a single entry-level vacancy, suggesting that Federal employment is attractive to many qualified citizens. On the other hand, there are claims that the Federal employment deal is dated, unable to attract or retain employees with necessary skills or create and sustain performance-oriented, results-driven organizational cultures. Building on previous MSPB research on hiring and motivation, this study would provide agencies and policymakers with a balanced, evidence-based perspective on what Federal employees seek from Federal employment, and what they believe they actually receive. Questions this study could explore include --

- What are the perceived strengths and shortcomings of Federal employment? Do these differ across organizations or occupations?
- How might these strengths and shortcomings affect recruitment, workforce demographics and quality, and retention?
- How important or enduring are perceived hallmarks of Federal employment, such as public service, interesting work, opportunities for mobility and internal advancement, stable pay and benefits, and relative job security?
- How do high-performing organizations outside the Federal Government attract and retain high-performing employees? How have recruitment and retention been affected by economic trends, technological advances, and the evolving nature of work and the American workforce?
- What issues should agencies and policymakers consider when developing or evaluating possible changes to terms or conditions of Federal employment?

30. Workforce Reshaping: Do Agencies have the Right Tools?

Federal regulations and OPM policies grant agencies several tools to assist in workforce reshaping, such as reductions in force and management-directed reassignments. Additional options can be used with OPM's permission, such as use of the Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments. Displaced employees also have access to the Interagency Career Transition Assistance Plan and for employees of the Department of Defense, the Priority Placement Program. These two programs are designed to help displaced Federal employees find new Federal jobs and help the Federal Government keep valuable employees in its service. This study would examine available workforce reshaping laws, regulations, authorities, and programs and their operation, and may explore alternatives that could improve the ability of agencies to shape their workforces more effectively or reduce the negative effects on displaced workers.

31. Workforce & Succession Planning: Is the Exercise Producing Results?

This study would examine Federal agencies' workforce and succession planning efforts, with an emphasis on the effects of budgetary constraints and demographic challenges (such as increasing retirement eligibility) and how agencies are responding. This study could look into: (1) How OPM and Federal agencies define workforce and succession planning; and (2) how agencies develop, implement, and evaluate workforce and succession plans. Research questions may include --

- How are Federal agencies currently positioned, in terms of --
    - Alignment of the workforce with business plans and strategies?
    - Workforce flexibility and adaptability?
    - Workforce skill and ability to meet mission requirements?
- What economic, political, or demographic challenges do Federal agencies foresee?
- How are Federal agencies positioning themselves to adapt to change?
- What new skills or occupations will agencies need, and why?
- How do Federal agencies --

- Analyze workforce trends, such as retirement eligibility, and their potential effects?
- Identify important knowledge or personnel and plan for their retention or replacement?
- Identify and address existing or emergent workforce or skill gaps?

- Have Federal agencies --
  - Developed a pipeline or strategy to identify and recruit qualified, high-performing staff?
  - Made effective use of tools to develop and retain key employees?
- What steps are agencies taking to support workforce flexibility and adaptability, especially with regard to ensuring that employees' knowledge and skills are keeping pace with advances in technology?
- To what extent are agencies training employees to perform a range of roles or functions compared to duties in one position?
- What barriers exist to planning or acting on workforce or succession plans?

Focus on the U.S. Office of Personnel Management

32. Hiring Reform Initiatives and Outcomes

OPM's 2010 hiring reform initiative has several goals, including improving agency use of valid and reliable assessments to increase the quality of candidates for Federal jobs, agency use of category rating procedures to give managers a larger number of qualified job candidates, reduced timelines for agencies to fill vacancies, and improved applicant experiences when seeking Federal employment. Additionally, traditional knowledge, skill and ability (KSA) essays were eliminated from the initial application stage. The scope and potential impact of this initiative demand that it be carefully reviewed to determine the extent to which the goals are met and identify what is working well and what can be improved. This topic would assess how well hiring reform is accomplishing its objectives through one or more studies that would examine questions such as --

- How have agencies adapted to using category rating procedures?
- What criteria do agencies use to distinguish categories?
- Has the quality of referrals to selecting officials been improved?
- Has the elimination of KSAs from the first hurdle impacted time to hire, quality of hire, and/or number of applicants?
- Do selecting officials receive a diverse group of candidates for consideration?
- Do selecting officials believe the recruitment and assessment process has been improved?
- Has the applicant experience improved?
- Do HR Specialists believe the recruitment and selection process has been improved?
- Are there any unintended outcomes?
- Have "bottom line" results (turnover rates, percentages and levels of employee engagement) been affected?
- What are agencies' perceptions of OPM's leadership on this initiative?

33. The Civil Service Reform Act Turns 40

On October 13, 1978, President Carter signed the CSRA into law. This was the first (and still only) major overhaul of the Federal personnel system since the creation of the Civil Service Commission almost 100 years earlier. The CSRA sought to resolve both the procedural and organizational problems that critics saw with the civil service of the time. The CSRA:

- Created several new organizations, including the MSPB and OPM;
- Codified for the first time a set of MSPs and PPPs;
- Established the SES;
- Provided performance-based incentives to managers, supervisors, and management officials in the General Schedule grades 13-15;
- Clarified the grounds for taking action against employees whose performance fell below requirements or whose conduct in office became unacceptable;
- Provided authority to conduct formal demonstration projects to experiment with new approaches to HR management; and
- Incorporated into statute a number of labor relations regulations and programs that had been promulgated through executive orders.

As we near the 40th anniversary of the CSRA, it is appropriate to look back at the historic structural changes it instituted to the management of human resources across the Federal civilian service. This study may examine the changing roles of the organizations created by the CSRA and the extent to which their current operations fulfill the intentions of the CSRA. Possible future roles of these organizations in achieving a high-performing merit-based civil service may also be explored.

34. USAHire -- An Initiative to Improve Entry-Level Hiring

The first MSP states that "[r]ecruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity." USAHire (formerly ASSESS), an OPM-developed, technology-based approach for evaluating applicants for many commonly-filled professional and administrative occupations, has the potential to directly support this MSP by providing a set of integrated and standardized assessment tools, broadening the applicant pool and improving the quality of hires. It may be a way to attract and select recent graduates as applicants will be assessed on job-related competencies rather than previous training and work experience, a practice that places individuals with minimal experience at a competitive disadvantage. In addition, the process may reduce the time to hire. Some of the questions this study may examine are:

- How does USAHire work? To what positions does it apply, and what does it assess?
- Does USAHire provide managers with a well-qualified applicant pool?
- Does USAHire produce a diverse applicant pool?

- Does USAHire reduce the time to hire?
- How satisfied are stakeholders with the process and the results?
- What effect does USAHire have on agency use of exceptions to competitive examining?

Appendix A: Agenda for Public Sunshine Act Meeting

U.S. Merit Systems Protection Board

Sunshine Act Meeting
Research Agenda 2015 - 2018
September 16, 2014, 10:00 a.m.
Room 203, National Courts Building, Washington, D.C.

Greeting and introduction

Susan Tsui Grundmann, Chairman, U.S. Merit Systems Protection Board

Comments

Anne M. Wagner, Vice Chairman, U.S. Merit Systems Protection Board

Mark A. Robbins, Member, U.S. Merit Systems Protection Board

MSPB missions; studies function

Chairman Grundmann

Current and planned projects; development of the research agenda

James M. Read, Director of Policy & Evaluation, U.S. Merit Systems Protection Board

Remarks from invited speakers [up to 7 minutes each]

Teresa Idris, General Counsel, International Federation of Professional & Technical Engineers

Jacqueline Simon, Director of Public Policy, American Federation of Government Employees

Carol Bonosaro, President, Senior Executives Association

Patricia Niehaus, President, Federal Managers Association

Darlene Young, President, Blacks in Government

Nicole Mason, Vice President for Compliance, Federally Employed Women

Tom Devine, Legal Director, Government Accountability Project

Joseph Mitchell, Director of Project Development, National Academy of Public Administration

John Palguta, Vice President for Policy, Partnership for Public Service

Closing Remarks

Chairman Grundmann

Appendix B: Selected Stakeholder Concerns and Suggestions

The following stakeholder concerns or suggestions addressed MSPB methods or approaches rather than a specific proposed research topic.

1. MSPB should be attentive to issues of equity and fair treatment and seek to educate policymakers, agencies, and managers about those issues and how human resources policies and practices may be affecting particular demographic or cultural groups.

- The merit system principles, including the second merit system principle calling for fair and equitable treatment of applicants and employees, guide *how* MSPB conducts studies as well as *what* it studies. Accordingly, MSPB studies typically explore and address issues of nondiscrimination and fairness, even when the subject is an aspect of human resources management other than (non)discrimination, such as hiring or performance management. For example, MSPB surveys typically include items covering: (1) demographic information (such as sex, ethnicity and race, and age); (2) personal experiences, including the experience or observation of discrimination, and (3) employee perceptions of agency policies and practices related to an area of study. That approach provides MSPB (and readers of MSPB reports) with a gauge of agency adherence to merit system principles and a means of assessing how and why Federal human resources policies and their implementation can affect employees. Similarly, MSPB analysis of workforce data to study agency use of delegated authorities (such as hiring and employee recognition) typically include analyses across demographic and organizational lines. This approach will continue.

- MSPB has also, from time to time, looked directly at issues related to the employment and advancement of historically underrepresented groups. For example, *Fair and Equitable Treatment: Progress Made and Challenges Remaining* (2009) examined the treatment and advancement of Federal employees, focusing on minorities, and *Women in the Federal Government: Ambitions and Achievements* (2011) examined those issues with a focus on women. Because these studies are recent, we did not include updates in the proposed 2015-2018 research agenda, but may do so in the future.

2. a. MSPB should strive to maintain a non-partisan and evidence-based perspective on Federal workforce issues.

   b. MSPB research and reports, especially those involving pay and performance, should focus on facts and root causes and avoid viewing the Federal employee as "the issue."

- MSPB's structure and processes are designed to help MSPB fulfill its role as an unbiased, objective guardian of Federal merit systems. For example, MSPB studies typically draw on several sources of information, such as surveys, agency questionnaires, and case studies, so that the findings and conclusions are grounded in empirical evidence rather than the opinions or policy preferences of a particular stakeholder or Administration. Second, consistent with the merit system principles that call for both fair and equitable treatment of employees and efficient and effective utilization of the workforce, MSPB strives to obtain employee and management perspectives when conducting research and to acknowledge employee and management interests and concerns in its reports. Finally,

study reports go through extensive internal review for methodological soundness and balance, and are reviewed by all three Board Members.

3. a. MSPB should look at the workforce management practices of successful non-Federal organizations and identify those that could be adapted to the Federal Government.

    b. When looking at the employment and pay policies and practices of non-Federal employers, the appropriate comparison is to employers whose line employees are unionized.

- The proposed research agenda does not include a general survey of non-Federal employers to identify transferable practices for practical reasons including resource limitations. However, MSPB may look at other organizations' practices and experiences as part of a study on the proposed agenda, using methods such as case study, benchmarking, or literature review.

- MSPB recognizes that the Federal Government is distinct from many other employers in both the types and proportions of employees who are unionized or covered by a form of collective bargaining or representation, and that some current Federal personnel policies (such as establishing pay rates for employees covered by the Federal Wage System) are statutorily linked to the practices of unionized employees. We further recognize that factors such as union representation (i.e., collective bargaining) can affect the relevance and implementation of a human resources policy or practice and we consider such factors in our findings and recommendations as well as our research designs. We also acknowledge that the practices of other organizations, even if they are widespread and considered generally effective, may be inappropriate for the Federal Government for reasons of principle or policy. However, we do not believe that MSPB research, which can include methods such as benchmarking and review of professional literature, should be confined to particular types of employer or employee.

4. Guidance on the definition of "inherently governmental work" is inadequate and inconsistently followed; decisions to contract out may be poorly considered or necessitated by insufficient investment in the Federal workforce; and too little is known about contractors' workforces and employment practices.

- MSPB lacks the resources and expertise to determine how an agency or work unit should be structured. MSPB's authority under 5 U.S.C. § 1204 is to "conduct…special studies relating to the civil service and to other merit systems in the executive branch" and MSPB cannot require other organizations, including contractors, to provide the necessary information regarding their workforce or employment practices.

5. Many Federal managers and Federal employees have an insufficient or erroneous understanding of the adverse action process and associated appeal rights, and have difficulty navigating "the system."

- MSPB has issued reports that discuss laws and requirements related to adverse actions and other decisions (such as hiring when VEOA or veterans' preference requirements apply) to educate policymakers and individuals who work under Title 5, United States

Code and related merit systems. Recent examples include *Veteran Hiring in the Civil Service: Practices and Perceptions* (2013), *Clean Record Settlement Agreements and the Law* (2012), and *Whistleblower Protections for Federal Employees* (2010). We note, however, that there are practical and statutory limits on what MSPB may do to assist stakeholders or individuals in this area. MSPB must preserve its impartiality as an adjudicator of matters under its jurisdiction, which includes complying with the statute (5 U.S.C. § 1204(h)) that prohibits MSPB from issuing advisory opinions.