

# ISSUES OF MERIT

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## The Power of Employee Feedback

*Feedback is a hot topic of conversation because when done right, it works.*

Feedback is critical to helping employees better perform their jobs. Through feedback, supervisors communicate performance expectations, progress, strengths, weaknesses, and recommendations for the future. In the Merit Systems Protection Board's (MSPB) recent research brief, *The Roles of Feedback, Autonomy, and Meaningfulness in Employee Performance Behaviors*, we demonstrated that receiving constructive feedback in a timely manner is the foundation for a number of positive outcomes.

The results of MSPB's Governmentwide 2016 Merit Principles Survey (MPS) show that employees who reported receiving timely and constructive feedback also reported stronger performance in a composite of important work behaviors, such as innovation, collaboration, and problem solving. While feedback has independent value, it is even more effective when combined with providing employees autonomy and meaning in their work.

Autonomy is the degree of freedom that employees have to make decisions about how to accomplish their work. MPS results demonstrate that employees who reported having autonomy in their work were more likely to report higher performance in those important work behaviors than those who reported having less autonomy.

Regular feedback provides opportunities for supervisors and employees to discuss expectations regarding the degree of autonomy employees have in making decisions. By using feedback to provide structure to autonomy, supervisors can help employees make the most of their individual abilities while ensuring that they understand rules and organizational goals. With quality feedback, employees can better direct their independent efforts. As discussed in the research brief, when employees receive timely and constructive feedback in addition to having autonomy, performance improves more than with autonomy or feedback alone.

In addition, employees who reported that their work is meaningful also reported better performance than those who did not see meaning in their work. Feedback is an opportunity to communicate to employees how their work makes a difference. MPS respondents who reported receiving timely and constructive feedback, in addition to finding meaning in their work, reported better performance than those who had meaningful work but lacked this feedback. In other words, while feedback, autonomy, and meaningful work all enhance performance, they enhance it the most when they work together. ❖

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# Direct-Hire Authority: A Look at the Numbers

*As direct-hire appointments increase, don't forget to keep the big picture in mind.*

The Homeland Security Act of 2002 (public law 107–296) granted the U.S. Office of Personnel Management (OPM) the ability to give agencies direct-hire authority (DHA) for positions in which a critical hiring need or severe shortage of candidates exists. OPM may determine that DHA is necessary for an agency, occupation, grade, or location; or an agency may request DHA based on documented need. The purpose of DHA is to help agencies meet critical hiring needs with quality applicants in a timely fashion.

Under DHA, agencies are required to comply with public notice, career transition requirements (i.e., I/CTAP), and basic qualification requirements. However, they can hire without regard to veterans' preference and applicant rating and ranking.

As shown below, DHA hiring got off to a fairly slow start under this new authority. Its use did not start to grow until about fiscal year (FY) 2007. It reached a peak in FY 2010, with over 13,000 hires, and then tapered for a bit while the Federal Government pulled back on hiring. It has been on the rise again since FY 2013. Even with that increase, DHA continues to be a small percentage of overall competitive service hiring—staying below 10 percent.

DHA has received increased interest from OPM, agencies, and Congress as the Government struggles to fill mission-critical and technical positions. As a result, OPM has expanded and delegated DHA to agencies for a variety of scientific, technical, engineering, and mathematics (STEM) and cyber positions, and Congress has granted a number of additional direct-hire flexibilities directly to agencies through law.

Given that DHA waives some key merit system and public policy provisions, it will be important to track not only *how often* it is used, but *how* it is used. For more info on DHA, go to OPM's direct-hire website at <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/>. ❖

**Number of Direct-Hire Appointments, by Fiscal Year**



\* SOURCE: MSPB analysis of data from OPM's EHRI data warehouse

# The Veterans Employment Opportunities Act Turns 20

*We take a look at what the Act is, what challenges it has faced, and the progress made.*

Two decades ago, the Veterans Employment Opportunities Act (VEOA) became law, making this a fitting time to reflect on what is contained in the law and examine the larger picture of veteran employment in the Federal civil service.

Among other things, VEOA created an enforcement mechanism for the Veterans' Preference Act and related rules that give certain veterans preference in Federal employment. Specifically, a veteran who believes that she was denied preference in competitive hiring or during a reduction in force may file a complaint with the Department of Labor (DoL); if the veteran is dissatisfied with the resolution at DoL, then she may file an appeal with MSPB and, under some circumstances, file an action in Federal court (5 U.S.C. §§ 3330a, 3330b).

VEOA also granted most veterans the right to compete for employment under merit promotion procedures when an agency accepts applications from outside its own workforce (5 U.S.C. § 3304(f)). In addition, it made it a prohibited personnel practice to knowingly violate a veterans' preference requirement (5 U.S.C. § 2302(b)(11)).

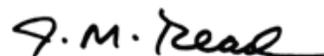
It is interesting to note what VEOA did not address. Prior to the passage of VEOA, Congress asked the Government Accountability Office (GAO) to examine why preference-eligible applicants were not being hired by the Government in greater numbers. GAO noted in its report *Federal Hiring: Does Veterans' Preference Need Updating?* (GGD-92-52, 1992) that in most instances agencies were correctly placing preference eligibles ahead of other candidates on certificates of eligibles. However, hiring managers were frequently returning such certificates to the human resources office without making a selection. Yet, when veterans challenged this practice under VEOA, they did not receive relief on the ground that an agency has the discretion to cancel a vacancy announcement even after applications are received and a veteran appears at the top of the certificate (see *Abell v. Department of the Navy*, 343 F.3d 1378, 1383-84 (Fed. Cir. 2003)).

Other decisions issued under VEOA had powerful impacts. For example, in *Dean v. Department of Agriculture*, 104 M.S.P.R. 1 (2006), the MSPB held that a widely-used, streamlined hiring authority—the Outstanding Scholar Program—systematically violated the rights of veterans. In *Dean v. Office of Personnel Management*, 115 M.S.P.R. 157 (2010), the Board held that another widely-used, streamlined hiring authority—the Federal Career Intern Program—also systematically violated the rights of veterans. Both authorities were abandoned as a result of the Board's decisions.

On a positive note, we find that veterans' challenges to VEOA actions are becoming less frequent. DoL's *Veterans' Employment and Training Service* annual reports to Congress show that DoL closed 615 VEOA complaints in FY 2012 and 383 complaints in FY 2017. As we reported in our annual reports, MSPB issued initial decisions in 197 VEOA appeals in FY 2012 and 149 in FY 2017. There are at least two plausible explanations for this downward trend.

First, according to the Bureau of Labor Statistics (BLS), the unemployment rate for veterans dropped from 9.6 percent in January 2010 to 3.8 percent in December 2017.<sup>1</sup> Second, according to OPM's *Employment of Veterans in the Federal Executive Branch* reports, the portion of the Federal workforce made up of veterans increased from 25.5 in FY 2008 to 31.1 percent in FY 2016. One could reasonably expect that, as the number of unemployed veterans falls and the number of veterans employed by the Government grows, there will be fewer veterans seeking employment with the Government, and thus, fewer challenges brought under VEOA.

A final data point bears mention. According to BLS, veterans made up 9 percent of the civilian labor force in 2016; as noted above, in that year they made up over 30 percent of the Federal workforce. The large representation of veterans among the ranks of Federal employees is not surprising given, among other things, the existence of a legal mechanism for enforcing veterans' preference in VEOA. ❖



Director, Policy and Evaluation

<sup>1</sup>BLS data obtained from <https://www.bls.gov/webapps/legacy/cpsatab5.htm>

# Actions Federal Employees Take After Being Sexually Harassed

*Employees are more likely to actively respond to harassment than in the past.*

As discussed in MSPB’s research brief, *Update on Sexual Harassment in the Federal Workplace*, approximately 14 percent of respondents to the 2016 MPS reported experiencing sexual harassment in the previous 2 years, including 21 percent of women and 9 percent of men. When Federal employees experience sexual harassment, they have numerous options regarding how to respond. They may even choose to use more than one of the possible options if the initial response fails to have the desired result, or even worse, if it has a negative effect.

The three basic strategies for responding to harassment can be summarized as:

- (1) actively responding to stop the harassment,
- (2) avoiding the harasser, and/or
- (3) tolerating the harassment.

There are pros and cons associated with each strategy. Therefore, an employee’s choice likely reflects many factors, such as: the perceived seriousness of the harassment; knowledge of the various options for responding; confidence level that the organization will be supportive; and the calculation as to whether the action(s) will lead to the desired outcome of ending the harassment versus being subjected to increased harassment or retaliation.

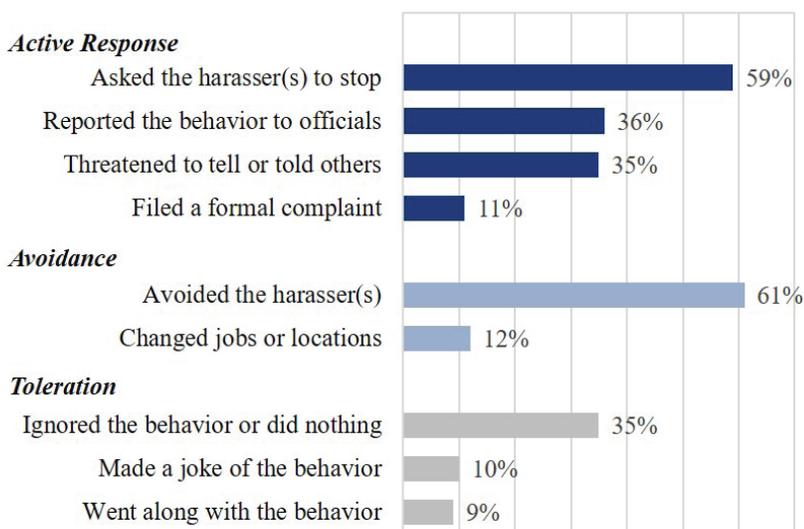
Data from the 2016 MPS show that about 60 percent of Federal employees who experienced harassment took a direct approach and asked the harasser to stop, which can serve as a critical first step to put the harasser on notice that the behaviors are not welcome. Slightly over one-third of employees said that they reported the harassment to officials and another third threatened to report the harassment. Only about 10 percent of those who reported being harassed actually filed a formal complaint (e.g., equal employment opportunity complaint or a grievance).

Given that so few employees file formal complaints regarding sexual harassment, agencies should not rely upon complaint activity as a measure of the level of harassment in the organization, especially given the many diverse reasons an employee may choose not to file. For example, an employee who experienced harassment may not have needed to

escalate the level of response if the situation was corrected informally through one of the other strategies or was viewed as not serious enough to warrant further action at that time. However, in some cases, the employee may have feared that filing a formal complaint would have caused additional problems without resulting in any positive change.

Perhaps such fears drove respondents to use more avoidant strategies in dealing with perceived harassment. Approximately 60 percent of respondents said that they

## Actions Taken in Response to Perceived Sexual Harassment, MPS 2016



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avoided the harasser. Given that an almost equal number said they asked the harasser to stop, it is possible that avoiding the harasser may have been an initial strategy that led to direct confrontation when the behavior became too much, or vice versa.

In addition, 12 percent took avoidance to the extreme of changing jobs or locations. Although this may have helped the person escape the harassment, it likely passed the problem along to the next person to be targeted by the harasser. Further, the person taking the evasive action may have harmed his or her own productivity and career progression by making decisions fueled by avoiding a negative presence rather than devoting their full energies to accomplishing their own goals, which also undermines organizational effectiveness.

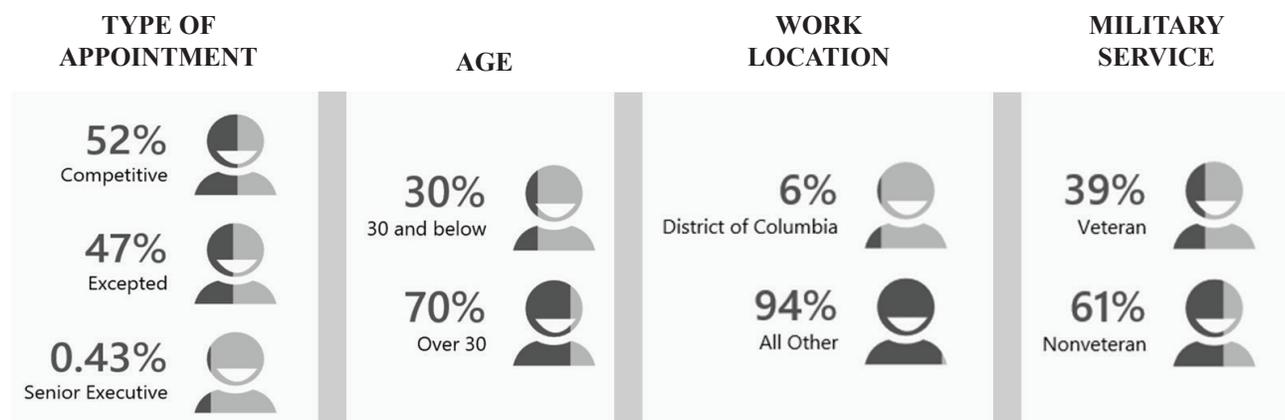
However, perhaps the most damaging response to sexual harassment (by either the target or observers) is to simply tolerate it. Whether the employee chooses to ignore the behavior, make a joke about it with the hopes that it will stop, or simply goes along with it because he or she is afraid to speak up, this can embolden the harasser who might interpret the silence as condoning the behavior. Furthermore, these behaviors were rated by employees as least effective in improving their situation after harassment.

Fortunately, a comparison of results between 1994 and 2016 show that both men and women are increasingly likely to take a more active response. When combined with a supportive organizational response, this type of action is most likely to eradicate sexual harassment. Use of the avoidance strategy has also grown, which signals that Federal agencies can and should do more to educate employees regarding anti-harassment policies and to encourage employees to use the procedures that are in place to respond to and report harassment. Similarly, although too many people still ignore harassment, make light of it, or even acquiesce to it, the percentage of employees tolerating harassment has significantly decreased. The decrease is likely due to employees' raised awareness of their rights and responsibilities for maintaining a workplace free of harassment, as well as their agency's efforts to hold harassers accountable.

While the onus should be on the harasser not to subject others to harassment and on the organization to hold harassers accountable, this shift in employee behavior from accepting sexual harassment in the workplace to taking a more active stand against it signals a change in many Federal agency cultures. Ensuring that employees are aware of—and feel comfortable using—all of their options in response to sexual harassment will more effectively support the effort to reduce sexual harassment in Federal workplaces now and in the future. ❖

## Workforce Snapshot: FY 2017 New Hires

*Curious about who the Federal Government is hiring? Here are a few fast facts.*



SOURCE: MSPB analysis of data from OPM's EHRI data warehouse and FedScope. Includes permanent, fulltime, nonseasonal new hires, excluding transfers.

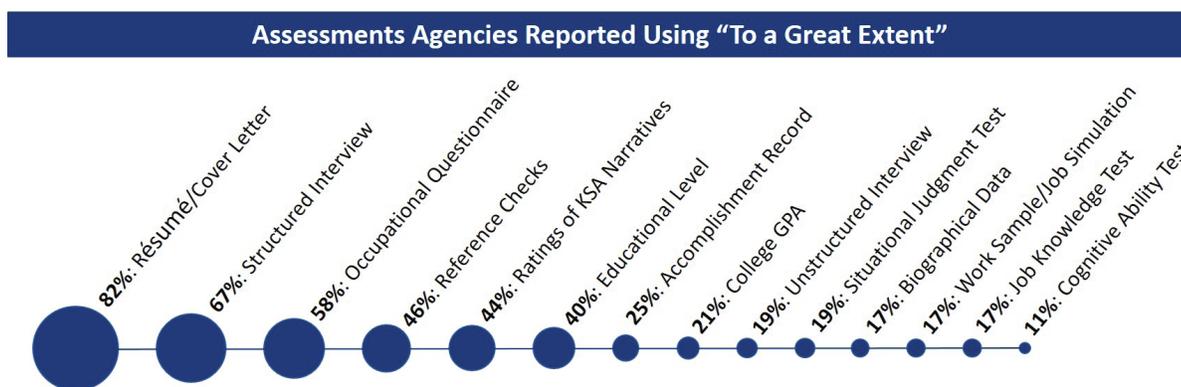
# Improve Hiring Through Better Assessment

*Reforming time-to-hire is important, but so is using good applicant assessment.*

The Federal Government has spent extensive time and resources trying to reform the hiring process. Most of those efforts have focused on making the process more timely and improving the applicant experience. Those are important goals, but there is another area that has not received much attention: applicant assessment. Research shows that good assessment practices help employers improve the number of new hires who perform well on the job, lead to higher organizational performance, make more efficient use of hiring officials' time, and reduce the likelihood of making bad hires and the associated costs. In addition, MSPB's 2016 MPS results show that Federal supervisors say their most challenging workforce management task is getting a pool of quality candidates—a task that they say is even more challenging than getting the resources they need to do their jobs or dealing with misconduct and performance issues.

How do hiring officials get a pool of quality candidates? You use good assessment tools that make job-related distinctions among candidates and help identify who will likely be most successful on the job. However, MSPB research indicates that many Federal agencies do not use assessment tools that make those distinctions effectively. Instead, they often use assessments that look at the amount of training and experience (T&E) an applicant has, such as résumés, occupational questionnaires, applicant essays, and education level.

T&E assessments tend to measure what applicants have done and when they did it, but are not generally good at gauging the quality of the work performed. They also rely heavily on “self-report” information provided by the applicant. Higher-quality assessments measure how well applicants are likely to perform tasks related to the job. These assessments include work samples, job simulations, situational judgment tests, and other similar tools. Unfortunately, they take time and expertise to develop, and many agencies do not have the resources to commit to that kind of endeavor.



\*Original data are from MSPB, *The Impact of Recruitment Strategy on Fair and Open Competition for Federal Jobs*, January 2015

So what can agencies do to improve their assessment programs? MSPB's recent perspectives brief, *Improving Federal Hiring Through Better Assessment*, identifies 10 factors for agencies to consider when investing in a better assessment program. The brief notes that a key first step to improving an agency's assessment program is to obtain the expertise needed to develop more advanced assessments that go beyond training and experience and measure things like soft skills, potential, and knowledge.

Agencies can build the expertise by hiring a staff of assessment professionals who are skilled at developing and validating assessments. Or they can buy the expertise by contracting with vendors that specialize in Federal assessment services. In consultation with those assessment experts, agencies can develop advanced assessment strategies that efficiently manage the applicant pool, make valid distinctions among applicants, and identify those applicants most likely to be successful in the job.

Developing more advanced assessment strategies will take more time, effort, and money than just using occupational questionnaires and interviews, but the expense could pay for itself through the savings attained by making a quality

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hire. Unfortunately, many agencies cannot afford this type of effort, which is where OPM might be able to help. OPM's USA Hire program has developed standard assessments for 120 Federal occupations at grades 3–15. The assessments' administration and scoring are automated and cover nontechnical skills that are often hard to measure. Furthermore, the program has received good user ratings from both the agency participants and applicants. So what's the catch? The assessments are offered through OPM's reimbursable services, making them relatively expensive for some agencies.

MSPB has long recommended that Congress appropriate money for OPM to develop and administer assessments that agencies can use at little or no cost. Given that USA Hire has already developed much of the content, this would be a good time for Congress to provide OPM the resources it needs to make these assessments more accessible to agencies so that they can more easily hire the best workforce available. ❖



## The Price of Masking Our True Emotions at Work

*Feigning unfelt emotions at work can lead to emotional fatigue and, in turn, lower employee effort and performance.*

If all the world's a stage and we are but actors, then the masks we wear in the performance of our job roles can either be a good fit or a poor fit to our true selves. In the job context, poor-fitting masks are worn by employees who must perform their jobs while presenting themselves in ways that are inconsistent with how they really feel. We found that this inconsistency has important implications for employees at work.

As noted in a Winter 2015 *Issues of Merit* article, many Federal jobs involve emotional labor—that is, working with and providing comfort to people with sensitive emotional issues, and managing one's own emotions and those of others. These jobs include those in the fields of medical care, disaster relief, emergency response, social programs, and law enforcement. Doing this too much and for too long may cause some employees to experience emotional fatigue, which we define as the extent to which employees report worrying that their job is hardening them emotionally and feeling tired, run down, and “used up” at the end of the workday due to emotional stressors.

However, preliminary findings from the 2016 MPS suggest that it is not so much the emotional labor involved in the job that causes emotional fatigue. Rather, data show that the main reason for emotional fatigue appears to be the degree to which employees must pretend to have emotions that they do not really feel or who believe that they have to hide their true feelings to do their work. In such jobs, employees may need to portray empathy, caring, and interest even when they do not genuinely experience these emotions. Other jobs may require that employees enforce rules or apply policies which they may not fully agree with. Still other jobs may involve promoting the organization's ideals, values, or perhaps even mission which may at times be at odds with the employee's own attitudes and beliefs. Using the analogy of an actor's mask, we could say that such an employee is wearing a poorly fit mask and it is this masking that is the source of the stress rather than the emotionally charged work itself.

Our research suggests that masking—or feigning unfelt emotions—on the job increases emotional fatigue and intent to quit while decreasing discretionary effort and job performance. On the other hand, employees who report engaging in emotional labor, absent this masking component, report reduced intention to quit and much more discretionary effort leading to increased job performance. It appears that people in emotionally challenging jobs are often well fit due to self-selection into those jobs and thus thrive, while employees required to mask, in turn, suffer.

The results of the MPS 2016 suggest new reasons to focus on ensuring a good fit between employees and jobs where truly felt emotions are consistent with the behaviors required of the job. It also argues against the notion that emotional labor is necessarily a bad thing and should always be reduced. ❖



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