

ISSUES OF MERIT

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WHAT'S INSIDE

**Increasing Employee
Survey Response Rates**
Page 3

**Agency Corner:
NASA's STEM
Recruitment**
Page 4

**Focus on the Facts:
Representation in Science
and Engineering Jobs**
Page 5

Settlement Agreements
Page 6

Building HR Capabilities
Page 7

DIRECTOR'S PERSPECTIVE

Going Beyond Technology and Telework to Manage in Difficult Times

The Merit Systems Protection Board (MSPB) would like to extend our deepest appreciation to all of the Federal, state, local, nonprofit, and private sector employees who have been on the front lines fighting to protect the Nation's health, safety, and infrastructure during this turbulent time.

Originally, the planned topic for this column was performance incentives and measures. That plan, like many others, was overtaken by events surrounding the coronavirus pandemic. We are now contemplating possibilities and making changes to our work and daily lives that once seemed unthinkable.

In the Federal Government, the immediate focus has been on policies and practices to safeguard physical health and safety and to continue mission-critical work. Information technology, telework, and leave and scheduling flexibility are essential to both. We are grateful to the Federal employees inside and outside MSPB who have provided guidance and support in these areas. This column, however, will focus on a different resource and a different concern.

First, the resource. An invaluable resource that will not appear in any financial statement, list of IT applications, or property inventory is the employee who is willing to demonstrate initiative and flexibility. Observers often criticize Federal HR systems as inflexible and inadequate to the challenges of the day. But neither should be assumed of Federal employees.

MSPB's 2016 Merit Principles Survey (MPS) documents the breadth and depth of this intangible resource. For example, fully 84 percent of Federal employees indicated that they take personal responsibility for their work to "a great extent." Also, 89 percent say they look for ways to help others with their work to a great or moderate extent. These results suggest that—

- Federal employees will find ways to succeed, even when they encounter unexpected barriers that they (and their managers) did not foresee;
- Federal employees will step outside their normal roles and routines to help coworkers in need; and

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Our Mission

The MSPB Office of Policy and Evaluation conducts studies to assess the health of Federal merit systems and to ensure they are free from prohibited personnel practices.

Issues of Merit

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

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- Close monitoring of work activities and work time is generally not necessary, and managers can usefully direct their time and attention to larger matters.

Of course, these results predate the emergence of the coronavirus pandemic. We know that many Federal employees will have little energy or time to spare, given the demands of work, family, and health. Even so, Federal employees have consistently answered the call to serve. Federal leaders who ask employees to go the extra mile—or ask employees how to respond to the challenges of the day—will likely discover that they are eager to do all they can.

Second, the issue. Federal leaders must advocate for the technology and resources that employees need to perform their daily work productively and safely. But that is not enough. It is also essential to consider the human element. As we discussed in *Managing Employees to Perform Emotionally Laborious Work*, many Federal employees perform high levels of emotional labor—regulating and displaying emotions appropriate to the situation and the needs of coworkers and customers. Even those of us who can work remotely for extended periods will be performing more, and more difficult, emotional labor. However, like initiative, emotional labor and its toll are often invisible, making them easy to overlook or dismiss.

It is important to avoid that error and take steps to help employees and coworkers perform and recover from emotional labor. Our research brief also describes some Federal agency programs and practices that could provide a starting point. In closing, we will all need to work hard and think differently. Based on the data above, and my 30 years working with Federal employees,

I know we can. ❖



Acting Director, Policy and Evaluation

Farewell to James Read Director, Office of Policy and Evaluation

MSPB recently bid a fond farewell to James Read, who is moving on to a new career opportunity. Mr. Read was a longtime career executive with MSPB and served in several influential positions, including Chief Counsel to the Chairman and Director of the Office of Appeals Counsel. Most recently, he has served as the Director of Policy and Evaluation, overseeing MSPB's mission to conduct objective, nonpartisan studies of Federal merit systems and report to the President and Congress on the health of those systems.

For much of that time, the Board had no quorum, which presented challenges to both initiating and publishing studies. Nevertheless, under his leadership, OPE was able to develop a research agenda to guide evaluation efforts, administer the Governmentwide Merit Principles Survey to explore Federal employee perceptions on numerous merit-related topics, and share findings on important Federal workforce topics including perceptions of sexual harassment, managing emotional labor, improving applicant assessment, and improving employee performance. We appreciate the keen leadership he provided and wish him well in his future endeavors.

Employee Survey Response Rates

Veterans Affairs shares some keys to high employee survey response rates.

In 2001, the Department of Veterans Affairs (VA) began administering its annual All Employee Survey (AES). The survey goes to all VA employees and is intended to measure attitudes toward specific agency interests and concerns. In 2002, the Office of Personnel Management (OPM) began administering a separate Governmentwide survey, currently known as the Federal Employee Viewpoint Survey (FEVS). The FEVS contains items required by regulation (5 CFR part 250, subpart C), and its results are used for the popular Best Places to Work in the Federal Government rankings.

VA officials noted on their FEVS results website that VA's response rates to the 2016 and 2017 FEVS were relatively low at 34 and 31 percent, respectively. In response to low participation, VA elected to include the FEVS questions on VA's own AES instead of participating in the OPM-administered survey. As a result, VA achieved a 66 percent response rate on the FEVS items in 2019. Such a dramatic increase should be put in context. OPM's 2019 FEVS Governmentwide Management Report indicates that in 2019, the response rates for large agencies on the OPM-administered FEVS averaged 39 percent. However, for VA, with over 390,000 employees, the response rate for the VA-administered FEVS questions was a remarkable 66 percent. That begs the question: how could linking the FEVS items to an agency's internal survey produce such dramatic improvement to the items' response rate?

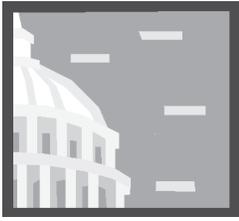
Dr. Katerine Osatuke, Research Director for the Veterans Health Administration's National Center for Organization Development (NCOD), believes that because the FEVS items were joined with VA's own agency-specific items the total survey was perceived by employees as being more personally relevant. Dr. Osatuke saw this 30+ percentage point increase as evidence of the power of an agency-specific and organizationally meaningful survey in driving participation. In addition to this core factor, she identified additional factors at play. For one, Dr. Osatuke cited the trust VA employees have that leaders will make improvements based on the AES survey results. Of note, because the AES allows drill-downs to the organizational level, leaders receive localized, relevant data that provides a good foundation for action planning.

In addition, members of VA's Senior Executive Service (SES) are appraised based on two specific items from the previous year's AES results: (1) whether the data from the AES were shared throughout the organization; and (2) whether the data were used to make changes. These two items become metrics for SES performance and are reported as a percentage of yes responses among executives' subordinates. Under the old adage that what gets measured gets done, they hold that connecting SES performance to survey results action and dissemination contributes to a high degree of survey importance that cascades from SES to managers down to supervisors and to the responding employees.

A key feature of VA's AES research program is the survey results and analyses dashboard that allows leaders to see organizational results and filter on key factors like job settings, occupations, and demographics. They can then compare their results to similar employee groups in other VA organizations. Finally, the AES boasts a 60-day turnaround time from the point when the survey closes to the time when results are available to all VA users for analysis, action planning, and decision making. Anticipating such fast results may be an additional factor that boosts AES employee participation. Dr. Osatuke credits these factors with an FEVS response rate that stands out in the Federal Government.

We recognize that not all agencies will be able to implement VA's strategy because they do not have the resources or expertise to conduct their own internal surveys. Also, it may not be in the Government's best interest for agencies to conduct their own surveys in lieu of Governmentwide surveys. Governmentwide surveys can enhance consistency in administration, transparency in sharing results, and the ability to track trends across Government.

However, there are techniques agencies can use to try to replicate VA's results while participating in the OPM-administered FEVS. These are included in our Survey Results Action Guide and include communicating widely and often in support of survey participation; sharing data at the lowest organizational level possible while still protecting employee confidentiality; acting on results quickly; getting employees involved in action planning and implementation; holding leaders accountable for change; and making improvements visible. High response rates help agencies ensure that survey results truly represent employee perceptions throughout the organization. The first step to getting there is for agency leaders to demonstrate that they actually value that feedback. ❖



Agency Corner: NASA's Recruitment for STEM Occupations Takes the Long View

The Federal Government, like the private sector, faces an ongoing challenge in recruiting and retaining employees in science, technology, engineering, and mathematics (STEM) occupations. At the same time, certain demographic groups are frequently underrepresented in these careers, indicating an opportunity for expanding the talent pool if barriers to entry into these critical fields can be identified and removed. In response, the National Aeronautics and Space Administration (NASA) has developed a strategy designed to not only attract a highly qualified, diverse population of applicants for vacancies, but also to take a long-term perspective in developing future talent.

Workforce Planning

As a first step, NASA examines workforce needs—both at the present time and as projected into the future. NASA's recruitment managers work with technical and equal employment opportunity (EEO) experts to develop outreach plans which focus on the knowledge and capabilities required to perform essential work, while keeping in mind challenges to maintaining a representative workforce. NASA's *Equal Employment Opportunity Strategic Plan: FY 2017-19* provides an overview of these EEO analyses. As a result, NASA identifies the highest priority needs and taps into numerous organizations that serve as valuable sources of prospective employees from a wide range of backgrounds.

Recruitment

Traditional approaches include recruitment managers, sometimes supplemented by those with a technical background, attending career fairs and college events throughout the year. NASA's recruitment managers subsequently analyze the success of these contacts, such as assessing the resulting number of qualified applicants per outreach event, to ensure that their time and efforts invested have been productive. When their recruitment goals are not met at certain venues, they re-evaluate and pursue alternative locations or approaches.

Electronic Outreach

In addition to in-person events, the agency has expanded its digital recruiting presence by developing a new careers site (<https://www.nasa.gov/careers>) and establishing a robust recruitment presence on LinkedIn and Twitter (@NASAPeople). NASA is using digital platforms, such as LinkedIn, to market and promote hard-to-fill occupations. Through these efforts, NASA indicates that it has expanded its reach to new talent pools by running recruitment-oriented social media campaigns that highlight NASA's diverse workforce. This shift to more people-focused content provides candidates with deeper insight regarding what a career at NASA could entail.

In addition, NASA seeks to use online resources to strategically develop the STEM pipeline all the way back to kindergarten age by providing extensive information for students and their teachers through a STEM engagement website (<https://www.nasa.gov/stem>). The website content serves to further knowledge and foster specific interest in science careers, as well as in STEM careers generally, in addition to encouraging young people to consider future employment with NASA.

Active Learning Opportunities

Beyond its online educational materials, NASA strives to develop a diverse pool of STEM talent by offering students the needed skills and encouragement to pursue STEM-related learning. For example, NASA partners with minority-serving institutions—including historically Black colleges and universities, Hispanic-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Tribal Colleges and Universities, and others—through its Minority University Research and Education Project (MUREP). Through this initiative, NASA provides financial support for STEM coursework, research laboratories, and educational opportunities (e.g., internships at NASA

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facilities) for underrepresented populations, not only in terms of ethnicity and race, but also women, veterans, and people with disabilities.

Another component of this program is MUREP's Aerospace Academy (MAA). MAA seeks to encourage young people (from kindergarten through high school age) to build the knowledge and skills needed to succeed in STEM careers by offering opportunities for hands-on learning and mentoring relationships with STEM professionals.

Additionally, NASA works with community colleges through its NASA Community College Aerospace Scholars (NCAS) program to identify community college students with an interest in and aptitude for STEM content. After a competitive selection process, these students are provided with additional NASA-related experience as they finish their 2-year program and/or transfer to a 4-year university to pursue NASA-related studies.

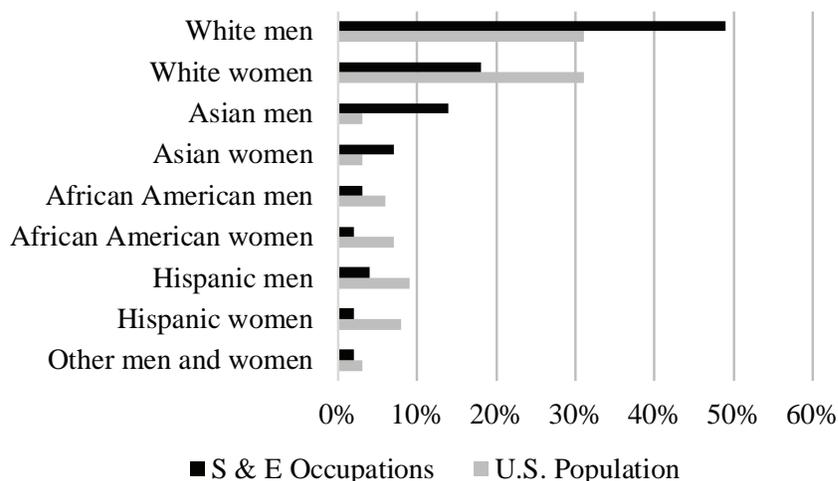
Further, like many other Federal agencies, NASA has implemented the Pathways Internship Program as a means to enable college students to gain valuable experience which could lead to permanent Federal positions. Promising candidates complete rotational assignments at NASA Centers. This gives them relevant experience and exposure to career options at NASA while providing NASA with the opportunity to permanently appoint those who successfully complete the program.

While NASA has the advantage of an appealing mission that attracts a steady stream of applicants, it recognizes the value of going beyond traditional outreach and recruitment programs. NASA credits its multiple outreach and recruitment strategies with enabling the agency to meet immediate and future needs by hiring a more diverse and highly qualified STEM workforce. ❖

Focus on the Facts

The 2020 National Academies of Sciences, Engineering, and Medicine report, *Promising Practices for Addressing the Underrepresentation of Women in Science, Engineering, and Medicine: Opening Doors* (p. 22), provides statistics that demonstrate the underrepresentation of women and minorities in science and engineering employment. This data highlights the need for strategies similar to what NASA has implemented to increase diversity within STEM occupations, not only in the Federal Government but Nationwide.

Workers in Science and Engineering Occupations



Sánchez v. Department of Veterans Affairs and Its Lesson for Settlement Agreements

Settlement agreements can expire on their own, but it is better to plan the date.

MSPB appeals often result in settlement agreements. In these agreements, Federal employees and their agencies agree to specific stipulations that resolve the disputes without further legal action. As reported in MSPB’s 2019 Annual Report, settlement rates recently dropped but parties still chose to settle over 45 percent of the cases that did not get dismissed. With so many settlement agreements happening, appellants and agency representatives should take care when drafting their provisions. In particular, a recent ruling highlights the importance of specifying the duration of those provisions.



Sánchez v. Department of Veterans Affairs (VA) addressed a settlement agreement reached in 2001. Dr. José Sánchez, a urologist at a VA facility in Puerto Rico, alleged whistleblower retaliation after he reported what he believed to be improper practices to his supervisor and other superiors. After filing an individual right of action appeal with MSPB, Sánchez and VA entered into a settlement agreement and the appeal was dismissed. The agreement included Sánchez’s reassignment to a different location and a compressed work schedule with paid commuting time to account for the distance of the new duty location from his home. The parties did not state in the agreement when this arrangement would end.

The parties adhered to the agreement for 16 years before VA notified Sánchez that he would be required to report to work for a standard schedule of 8 hours per day, 5 days per week, with no additional travel time. Sánchez filed a petition with MSPB to enforce the original agreement. The administrative judge (AJ) noted that if an agreement is silent as to how long the terms will last, MSPB has consistently held that the adjudicator will assume it was meant to last for *a reasonable period of time*. The AJ concluded that it was reasonable for the agency to end the terms after 16 years. On review, the U.S. Court of Appeals for the Federal Circuit agreed.

The lesson from this case is that when developing settlement agreements, it is important for each party to know what they want to achieve and to specify that as clearly as possible, including an end date. Without such specificity, we leave it to others to determine what is “reasonable.” ❖



COMING SOON...

Later this year, MSPB will invite Federal employees to participate in our Merit Principles Survey. As in years past, the survey will cover topics such as fairness, merit, and prohibited personnel practices. The results will give Federal leaders and policymakers an objective and balanced measure of the health of the Federal civil service. Every response is important—if you are selected, please make your voice heard!

Efforts to Build Human Resource Capabilities

Promoting from within can help build HR capabilities if employees are properly prepared for their new roles.

MSPB recently released the research brief *The State of the Federal HR Workforce: Challenges and Changes*. The purpose of the brief is to assess the state of the Federal human resources (HR) workforce. Specifically, we looked at how well the workforce is positioned to act as a strategic partner to managers and ensure that the Federal Government is able to recruit, hire, and maintain a high-quality workforce. Our last in-depth look at the HR workforce was in 1993. A lot has changed since then, including the delegation of HR roles and responsibilities to the agency level, the rise of technology, and the restructuring and downsizing of the HR workforce at both OPM and the agencies.



HUMAN RESOURCES

The brief identifies a number of barriers that have made it difficult to transform the HR workforce into the strategic business partner it needs to be. Some of those barriers include lack of HR training and workforce planning, centralization of HR services, and loss of HR expertise due to prior downsizing.

An additional, less discussed practice that may be slowing the evolution of HR offices is the process agencies use to recruit and hire new HR staff members. A large portion of the HR workforce is hired from inside the Federal workforce. Our analysis of OPM's Enterprise HR Integration/Statistical Data Mart (EHRI) demonstrates that from 2014 through 2018, 74 percent of new HR specialists were hired from within the Federal Government (internal hires), compared to 26 percent who came from outside the civil service. Furthermore, among those internal hires, most were current employees of the agency (86 percent), and the most common previously-held occupation was HR assistant (40 percent).

As noted in the brief, the composition of the HR workforce has changed over the years, with agencies hiring more HR specialists and fewer HR assistants. Although promoting HR assistants serves to provide a needed career path, it is not clear whether agencies are properly preparing assistants for these new responsibilities. We discussed this finding with a number of focus groups we conducted across the country. Some of the participants thought that HR assistants were being promoted too quickly, for reasons that included:

- A practice of “automatic” career ladder promotions granted after 1 year, with no consideration of how well the HR employee was performing or understood assigned HR functions. The burden was on the employee’s supervisor to establish why an employee should not be promoted;
- Overburdened HR supervisors who were so inundated with work that they did not have the time to document why someone should not be promoted; and
- Staffing pressures to promote ambitious, competent employees simply to keep them. Many participants believed that retention challenges undermined a rigorous approach to staff evaluation and promotion.

Promotion from within has advantages, such as providing employees with incentives for high performance, affording employees opportunities for advancement, and making better use of talented employees who have the ability to perform in more demanding roles and who know the organization. However, it is only effective when organizations ensure that the promoted employees have the necessary fundamental skills. This is accomplished through using high-quality assessments to evaluate their abilities, followed by providing the training, development, and feedback needed to succeed as a technical expert and advisor. Unfortunately, it appears this may not always be the case.

We asked agency Chief Human Capital Officers (CHCO) about the assessments they use and the training and development they provide for their HR staffs. Responses indicate that organizations tend to rely on occupational questionnaires for determining the best-qualified applicants, which MSPB has pointed out are not highly valid assessment tools. Further, they stated that much training is neither systematic nor deep. When we asked CHCOs if they had a comprehensive HR training plan or program, the majority said they did not. A frequently cited reason was a lack of resources. To ensure that the HR workforce has the skills necessary to be a strategic business partner, agencies will need to devote time and resources to effective workforce planning, recruitment, and development strategies. ❖



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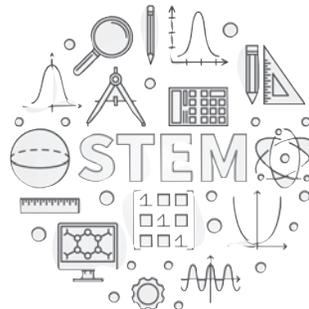
Volume 25 Issue 2

IN THIS ISSUE * IN THIS ISSUE * IN THIS ISSUE

Director's Column. *Managing in a time of crisis is about more than just technology and telework. (Page 1)*

Survey Response Rates. *How Veterans Affairs increased employee participation on Governmentwide survey items. (Page 3)*

Agency Corner. *Take a look at how NASA is tackling recruitment for STEM occupations. (Page 4)*



Focus on the Facts. *Representation in science and engineering occupations. (Page 5)*

Settlement Agreements. *Know what you want and be specific. (Page 6)*

Building HR Capabilities. *Internal hiring may work if you've prepared your workforce for the future. (Page 7)*



HUMAN RESOURCES