

ISSUES OF MERIT

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The New Importance of Job Announcements

Eliminating essay-style questions in the initial application process reinforces the need for clear, informative job announcements.

This past May, the President signed a memorandum that overhauls the way Federal civilian employees are recruited and hired. Among the changes announced is the elimination of any requirement for applicants to respond to essay-style questions when submitting an initial application for a Federal job. Combine this change with the increasing use of technology that makes applying for Federal jobs easier and the almost historically high interest in Federal jobs due to the economic downturn, and Federal agencies should expect a flood of applications for their vacancies.

Inundated with these applications, how will Federal agencies respond? Unduly limiting the pool of applicants or increasing the use of non-competitive hiring procedures could adversely affect the practice of merit in agency hiring. If agencies move the essays to a later hurdle in the application process, the burden to respond to them is still placed on the more qualified candidates.

Another option for managing the potential avalanche of applications exists for Federal agencies: Using good recruiting practices, including crafting better job announcements, to preemptively winnow

the pool of potential applicants.

As onerous as some job-seekers and commentators found the essay questions to be, they did provide valuable information to applicants about the vacant job. It is likely that as often as some prospective applicants thought: "Why do they make me answer these questions?" others thought: "I would have to know (or do) *what* in this job? That's not for me." As we have reported previously, Federal job announcements typically lack sufficient detail in plain language that adequately describes the vacant position. In some cases, the essay questions may have been the only place in the announcement that provided applicants a realistic glimpse of what the job entailed. This glimpse can be an effective first hurdle for job-seekers to self-select themselves out of applying for vacancies if it is clear from the information provided that they are neither qualified nor interested in the job.

To maintain this important self-screening capability, it is more critical than ever for Federal agencies to include sufficiently detailed information within the announcement that describes the job—information that once may have been part

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DIRECTOR'S PERSPECTIVE

Hiring Reform Next Steps

The Federal hiring reform is trying to take on a number of important issues, but agencies will likely need additional help to really improve the way the Federal Government hires.

With its new hiring reform initiatives announced in May, the Office of Personnel Management (OPM) is attempting to fix the Federal hiring process by making it easier for potential applicants to apply for Federal jobs. Two of the main goals of this reform effort are to reduce the burden placed on Federal job applicants and to reduce the time it takes to make the hiring decision. One strategy OPM is using to achieve these goals is eliminating the lengthy applications that were often different for similar jobs in different agencies. Candidates will now be able to apply for jobs in any agency by simply submitting their resumes and sometimes completing online occupational questionnaires which ask the applicant about his/her work experience and the training they may have completed.

Prior to these changes, applicants were often required to provide narrative write-ups to demonstrate possession of certain knowledge, skills, and abilities (KSAs) that agencies determined were important to performance in the job for which they were applying. Research has found that these types of training and experience-based assessments do not have particularly high levels of validity (i.e., it would not be good to base hiring decisions on these narratives alone). However, they could be used as part of a successive hurdle assessment process to winnow the pool of applicants down to a smaller number for whom more valid assessment tools could be used to inform the final selection. While KSA narratives were burdensome to both

applicants and agency human resources staffs, they generally did a reasonable job of identifying which applicants should move forward in the assessment process.

Since narrative write-ups will no longer be used to screen applicants, what will agencies do to screen applicants to identify which ones should be given further consideration for their vacancies? There is little reason to believe that resumes alone will provide information that can be validly used to identify those applicants that should move on to the next part of the assessment process. Resumes convey information about what experience and training an applicant has, but can't be expected to provide indicators of how well an applicant has performed in previous jobs or what his/her potential may be for the vacant job. This will likely be a bigger problem when an applicant uses a single resume to apply for a variety of jobs.

When comparing the utility of resumes to predict job performance to the KSA write-ups that used to be required, it is quite likely that resumes will have even less predictive utility than KSAs.

So what is an agency to do when it receives a large number of resumes for a vacancy and needs to identify which of these applicants should be given further consideration? Many may be tempted to use the information obtained from occupational surveys which directly ask the applicant about his or her relevant work experience and training. Once again, however, there is little research that indicates that these surveys are a good way to screen applicants. These surveys typically ask applicants to

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Hiring Reform

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self report what they have done in their jobs and what training they have completed. Given the nature of the questions, many applicants are sure to realize the value in exaggerating their qualifications. Moreover, as with resumes, occupational surveys rarely provide information about how well applicants did their jobs and about their true potential outside of self-reported information. For many jobs, information from occupational surveys alone is not likely to provide a good basis for determining which applicants should be given further consideration in the candidate evaluation process. For jobs where there are large numbers of applicants, agencies will generally need to use some other assessment tool to identify those applicants who should be given further consideration. Identifying what assessment process can be used to fill this gap may present a substantial challenge to many agencies.

Even with these challenges, OPM's goal is laudable. Something needed to be done to simplify and streamline the application process, but agencies will need assistance on how to proceed. OPM is attempting to provide some of this assistance in helping agencies develop assessment

alternatives. It has developed a Hiring Reform website and the OPM-sponsored OMB-MAX Hiring Reform page provides several assessment-related resources, including links to OPM's Assessment Decision Guide. OPM has also offered free training workshops at its Washington, DC headquarters which focused on the basics of developing job analyses, occupational questionnaires, and structured interviews; and OPM employees have been traveling to various agencies to provide assessment-related assistance.

While all of this assistance may be helpful, it is, nevertheless, likely that agencies will continue to need more detailed and focused assistance in identifying, developing, and implementing assessment strategies. To make the best possible hiring decisions, agencies may have to develop their own internal assessment expertise or consider purchasing that expertise through either OPM's fee-for-service assessment services or from a private sector consulting firm. ❖

Director, Policy and Evaluation

Issues of Merit Customer Satisfaction Survey: We're Listening

Last year, we issued a call asking our readers to help improve the *Issues of Merit* newsletter by providing feedback about what we are doing well and what we could improve. To date, we have received over 1,500 responses. Thanks to all of you who took the time to share your views with us. We want to share with you a little bit of what we have learned and tell you how your input is making a difference.

First, we were pleased to learn that each type of newsletter article had its fans, whether it was the Director's Column, Tools of the Trade, Focus on the Facts, articles based on our independent research, or articles about diverse agency practices. Each of these types of articles garnered at least 70 percent reader interest. Based on your input, we plan to continue to bring you a balance of these types of articles. A large majority of our readers also believe our articles contain important information that is relevant to their job and information is presented clearly.

However, you did tell us there was room for improvement, especially in making our articles more web-friendly. So, we are looking at ways to improve the lay-out of our on-line version of *Issues of Merit*. We also plan to make better use of the internet with a new distribution strategy that we are very excited about, and hope you'll find exciting too! In FY 2011, we will begin to place rotating content on our studies web page. This content will consist of new articles, and possibly some of your old favorites to remind you about the useful information in our back issues. As we find we have new things to say, we can share them with you on the web page without waiting for the next quarterly publication of the newsletter.

You also provided us with interesting ideas about what topics you would like us to discuss. We can't enumerate everything here, but we wanted you to know we're giving it a lot of thought. Some of the suggestions are a bit too complex to do justice to in a 300-600 word article, but we are considering those ideas in our current effort to shape our research agenda for our future studies. We thank you once again for your valuable suggestions and your continued readership. Please keep letting us know what you think of our research products through our email at studies@mspb.gov.

Supervisors and Mentors: Vital Perspectives on Employee Development

Supervisors are not the only ones who can help employees develop. Mentors are frequently cited as critical to employees' career success.

As discussed in *Fair and Equitable Treatment: Progress Made and Challenges Remaining*, Federal employees frequently reported having a supportive supervisor or a mentor as critical to career success. In fact, having both may provide a more complete perspective than relying on either alone. Supervisors routinely observe work performance and give feedback, which can greatly assist employees with identifying their strengths and weaknesses and ways to further develop in their current job. However, supervisors may lack the connections, perspectives, or skills to help an employee further develop in his or her career. A mentor may be better suited to address these needs.

A mentor is a senior, more experienced professional who provides knowledge, expertise, and other support to a less experienced individual to help with career advancement, building professional networks, and identifying developmental opportunities.

When seeking out a mentor, an employee may search for a senior person who can offer unique opportunities that are more in line with the employee's interests than a supervisor's might be. An employee may also look for a mentor who demonstrates exceptional proficiency in a particular competency that the employee would like to develop. Or the employee may simply desire a more objective perspective in terms of recommending future actions to take.

Another difference between supervisors and mentors may involve the nature, formality, and duration of the relationship. Supervisors and employees, by definition, have a reporting relationship with built-in feedback mechanisms. Mentoring relationships typically represent a less formal, voluntary exchange. Although some

mentoring relationships may actually span careers, the time frames can vary from long-term to very brief interactions. In fact, the shorter term mentoring experiences seem to be growing in popularity as both mentors and mentees (employees who are seeking advice) recognize the potential benefits possible in even cursory exchanges. For example, "flash mentoring" has grown in popularity over recent years.

In a typical flash mentoring session, senior employees/mentors are seated one per table with about

five additional chairs. Every thirty minutes or so, mentees rotate among the tables.

This affords small groups of mentees with the opportunity to meet several different mentors who provide a brief overview of their career history and answer questions such as "What was the best career move you ever made?" and "How did you deal with challenges in your career?"

Afterwards, mentees can take what they've learned and apply it to improving their

own careers, often with assistance from their supervisor or other mentors they meet along the way.

Since our survey results strongly support the value of supportive supervisors and mentors, employees should remain alert to a variety of opportunities to obtain career advice, whether in a brief flash mentoring session or in the context of a longer-term exchange. Also, agencies and employee organizations may want to help employees connect with potential mentors by encouraging and organizing mentoring opportunities to help all employees reach their potential.

For more information on the concept of flash mentoring, consult the web site www.flashmentoring.com. ❖

Flash Mentoring is defined as a one-time meeting or discussion that enables an individual to learn and seek guidance from a more experienced person who can pass on relevant knowledge and experience. The purpose of flash mentoring is to provide a valuable learning opportunity for less experienced individuals while requiring a limited commitment of time and resources for more experienced individuals serving as mentors.

www.flashmentoring.com

Family Responsibilities: Fact Versus Fiction

MSPB data indicates that having family responsibilities does not necessarily impact career advancement negatively.

In our 2007 Career Advancement Survey, the Merit Systems Protection Board (MSPB) asked employees about the effect of family responsibilities on their careers. The results may be eye-opening for anyone who believes that family responsibilities are solely a “women’s issue” or are inherently incompatible with career ambition and advancement.

Family responsibilities are the norm, rather than the exception, for employees. The survey asked respondents to mark whether or not they have “family responsibilities.” As shown in the table below, significant majorities of employees indicated that they do. Contrary to traditional views of caregiving as a role fulfilled primarily by women, the percentage of men indicating that they have family responsibilities actually exceeded that of women. Also, employees at higher pay levels were slightly more likely than employees at lower pay levels to

Percentage of Respondents Indicating Family Responsibilities, 2007 Career Advancement Survey	
Group	Family Responsibilities
Women	70%
Men	77%
Salary less than \$50,000	71%
Salary \$50,000–75,000	75%
Salary more than \$75,000	76%

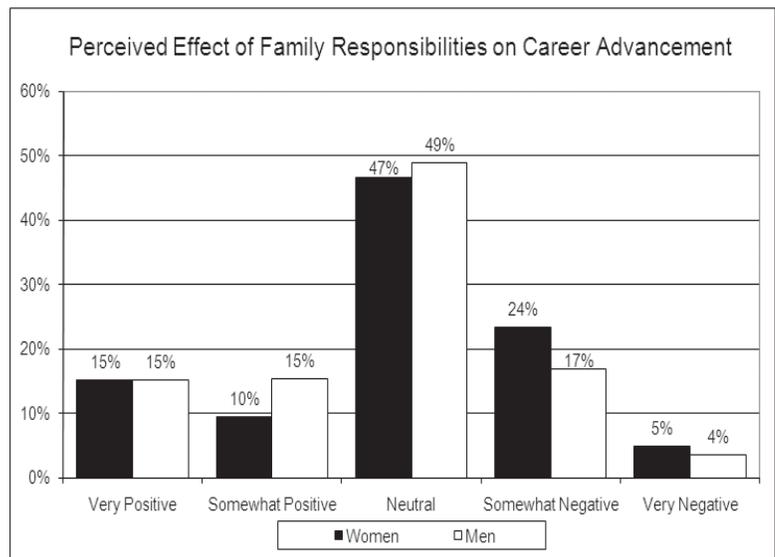
report that they have family responsibilities which appear to reflect the influence of age and financial security.

The effects of family responsibilities are complex. A common perception is that a woman’s family responsibilities tend to hinder her career advancement. As shown in the accompanying figure, however, significant percentages of both women and men indicated that family responsibilities have been a neutral factor in their career advancement. And for a number of them, family responsibilities were even a positive factor. From the employee perspective, then, family responsibilities are not necessarily

incompatible with dedication or advancement. Additional data indicates that employees with family responsibilities also appear to be, in general, as ambitious as those employees without such responsibilities

Women were, however, slightly more likely than men to believe that their family responsibilities had negatively affected their career advancement. That may reflect differences in the nature and effect of those responsibilities—but also, possibly, differences in how agencies and managers perceive and treat women and men who are faced with family responsibilities.

Our intent in presenting these results is not to encourage agencies and managers to replace one easy but erroneous assumption (such as “Family responsibilities are a distraction from work”) with another (such as “Family responsibilities make employees more responsible and dedicated”). Instead, our intent is two-fold. First, we caution agencies and managers against making unwarranted judgments about the nature, extent, or effects of employees’ family responsibilities. Second, we encourage agencies and managers to take work/life issues and programs seriously. Otherwise, Federal agencies may find that productivity, morale, retention, and the diversity and quality of their candidate pools—including the pool of candidates for managerial and executive positions—may suffer. ❖



The *Lee and Beatrez* Case: The Customer is Not Always Right

This case demonstrates that the law trumps giving customers what they want.

In MSPB's last *Issues of Merit*, we discussed what hiring officials should do to avoid committing the prohibited personnel practice (PPP) of "grant[ing] any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment" (5 USC § 2302(b)(6)).

But hiring officials are not the only ones who need to be cautious. For years, human resources (HR) specialists have heard that they need to focus more on customer service and less on the rules. But, for two HR specialists in the Coast Guard, ignoring the rules regarding recruitment recently carried a price.

In a recent MSPB decision, *Special Counsel v. Lee & Beatrez*,¹ the Board held that two HR specialists violated this rule. The abbreviated facts are as follows. A Coast Guard officer who supervised several civilian positions, including a vacant GS-11 position, wanted to promote one of her other civilian employees into this position. She requested and received two certificates of eligible candidates for a GS-11 position; one was from the "external" delegated examining unit (DEU) and the other was under the "internal" local merit promotion plan (LMP). Her preferred candidate only applied for the LMP vacancy, and he was not referred.

The official's HR advisor, Lee, asked the staffing specialist to reopen the DEU announcement because Lee believed the candidate could have been hired under it if he had applied for that announcement. The Board found that when the candidate was again found unqualified, Lee recommended to the supervisor that they cancel the certificates and issue a new one at a lower grade to be able to consider the specific candidate she wanted.

Around this time, a new staffing specialist, Beatrez, was assigned to the action. The Board found that Beatrez was aware that "the reason the job was re-advertised [the second time] was to try and reach" the particular candidate. Despite this knowledge, Beatrez canceled the earlier

referral lists and issued another announcement for the position, this time as a GS-09 with promotion potential to the GS-11 with the area of consideration limited to the local commuting area. With this third round of announcements, the desired candidate made the referral list.

While it was the supervisor who wanted to promote the particular candidate, Lee advised the supervisor how to accomplish this, and Beatrez acted with knowledge of what the supervisor was trying to accomplish. Lee and Beatrez thus ran afoul of section 2302(b)(6) because there was "a pattern of cooperation" between the HR specialists and the supervisor who sought to promote a particular individual. The Board therefore held that each HR specialist should be suspended for their conduct. Lee received a 45-day suspension without pay, while Beatrez received a 10-day suspension without pay.

It is important to note that the source of the problem was not the use of DEU, LMP, a developmental GS-09, or of limiting the recruitment to the local commuting area. Rather, it was the motive of those involved that constituted a PPP. "The same actions... would be entirely permissible absent any intent to afford preferential treatment to an individual, even if the actions taken by the agency for valid reason had the *unintentional* effect of favoring one applicant over the others [emphasis added]."

It is also important to note that this case was brought by the Office of the Special Counsel (an independent agency), not the employing agency. In fact, at the hearing, high ranking HR officials from the Coast Guard testified on behalf of both Lee and Beatrez. One agency official stated that Lee and Beatrez had simply done what others in the agency had done "frequently" and another claimed that the charges had hit all of them "out of left field" and that they did not know the agency was committing a PPP. While this was relevant to the penalty, it did not change the fact that Lee and Beatrez facilitated the occurrence of a PPP by intentionally affording preferential treatment to one applicant over another.

One of the many important lessons for HR staff to take from this case is that if you do something wrong, your employer may not be able to protect you from the consequences of your actions. It is not enough to satisfy your customers, or your supervisor. To avoid committing a PPP, you must satisfy the law. ❖

¹ The facts and quotes in this article are taken from *Special Counsel v. Lee & Beatrez*, 114 M.S.P.R. 57 (2010). It should be noted that Ms. Beatrez has appealed the Board's ruling to the U.S. Court of Appeals for the Federal Circuit.

MSPB FY 2009 Appeals Processing Results

The MSPB recently published its FY 2009 Annual Report containing summaries of significant Board decisions and detailed case processing results. The MSPB issued 7,998 total decisions in FY 2009. Significant Board decisions addressed issues such as MSPB appeals procedures, alternative personnel systems, discrimination, retirement, suitability, the Whistleblower Protection Act, and veterans' rights under the Veterans Employment Opportunities and Uniformed Services Employment and Reemployment Rights Acts.

MSPB's regional and field offices issued almost 7,000 decisions with an average processing time of 83 days. Of those, almost 56 percent (3,485 cases) were dismissed—usually for lack of jurisdiction or timeliness. MSPB's settlement and mediation programs provided an opportunity for the parties to reach mutually acceptable resolutions to their cases. As a result, almost 62 percent of the remaining 2,780 appeals (1,720 cases) were settled by the parties, meaning that MSPB did not rule on those cases. Of the 1,060 appeals that were adjudicated on the merits, 81 percent (859 cases) of the agencies' decisions were affirmed, 16 percent (174 cases) were reversed and 2

percent (23 cases) were mitigated.

At headquarters, the Board issued 1,027 decisions with an average processing time of 94 days or less. Of the 850 decisions on Petition for Review (PFR) of Initial Decisions issued by the Board, 79 percent (668 cases) were denied, almost 10 percent (80 cases) were granted, almost 6 percent (47 cases) were denied but reopened by the Board, and less than 7 percent (55 cases) were settled or dismissed. Of the 127 cases that were reviewed by the Board, 49 percent (62 cases) were remanded for reconsideration, 35 percent (44 cases) were affirmed, 7 percent (9 cases) were reversed, and the remaining 9 percent of cases had other outcomes.

In addition, MSPB continues to issue legally supportable decisions, as evidenced by the fact that the U.S. Court of Appeals for the Federal Circuit left unchanged (dismissed or affirmed) over 90 percent of MSPB decisions that were appealed to the Court. These results indicate that MSPB continues to ensure that the Federal workforce has access to an independent, third party adjudicatory body that provides due process to employees and ensures that actions taken by agencies are sustainable under law and precedent. ❖



Job Announcements

(continued from page 1)

of the essay questions.

One effective way to do this is to explicitly describe what the successful applicant will and will *not* be doing on the job. The sidebar gives examples from a recent MSPB job announcement that attempted to do just that—by listing characteristics of people who might be a good fit for the position and of those who might not. Based on this information, applicants can make more informed decisions about whether they should apply for the job. Of course to do this, agencies need to have an in-depth understanding of their jobs and the willingness to be candid about the pros and cons of the position.

Such techniques should improve the quality and usefulness of Federal job announcements. Providing applicants with critical information to make wise choices, should result in an effective first screen for agencies. ❖

Excerpt from Human Resources Specialist Job Announcement:

This job might be for you if:

- You like working on long-term projects that have a broad impact on Government operations.
- You enjoy taking the initiative to define and carry out your work projects.
- You enjoy looking at human resources issues from a broad perspective to identify how the policies, rules, or regulations can be improved.

This job might NOT be for you if:

- You favor an environment where you can see the results of your work on a day-to-day basis.
- You prefer a certain level of job structure in which you receive direction on what needs to be done and how it should be done.
- You like to regularly consult with managers on their individual human resources issues to help them meet their immediate mission need.



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With the elimination of KSAs (knowledge, skill, and ability essays), job announcements have to pull extra duty. (Page 1)



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New Advancements in Mentoring Programs.

Mentors can play a critical role in career advancement. Find out how to make it work for you. (Page 4)

Family Responsibilities and Career Advancement. *Find out what Federal employees said about the impact of their family responsibilities on their career advancement. (Page 5)*



The Lee and Beatrez Case. *HR Specialists need to know when to draw the line on giving hiring officials what they want. (Page 6)*



MSPB's Numbers Are In. *A look at employee appeals numbers. (Page 7)*