

ISSUES OF MERIT

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The Trial Period: A Missing Link

Your newly hired intern may already have appeal rights.

If you read the Merit Systems Protection Board's (MSPB) recently published report, *The Probationary Period: A Critical Assessment Opportunity*, you'll note that the probationary period can be a highly effective assessment tool when used to assess candidates' abilities on the job and to separate those who are not a good fit for the position. Unfortunately, the study found that the probationary period is rarely used for this purpose. Another new Board report on the Federal Career Intern Program (FCIP) found the same problem with the trial period—the excepted service equivalent of the probationary period.

Building a High-Quality Workforce: The Federal Career Intern Program explores how agencies are using this excepted service hiring authority to meet their workforce needs. One advantage of the FCIP is that interns serve a 2-year trial period. During this time, interns are to be provided developmental opportunities and assessed for skills fit before they are converted to competitive service positions.

Trial periods are also the time during which new employees earn employment rights, such as the right to appeal adverse actions to MSPB. This ensures that conversions are in the public's best interest. But what we found is that for some FCIP interns, there may be no trial period at all.

Most Federal regulations related to hiring authorities state that there will be a probationary or trial period during which an employee can be separated quickly and without appeal rights if found unfit for the job. However, both the Executive Order establishing the FCIP (E.O. 13162) and the Office of Personnel Management's (OPM) implementing regulations [5 C.F.R. 213.3202(o)] are silent on this matter for FCIP interns.

OPM's decision not to mention the trial period in its regulations means that agencies are left to address the issue. If an agency's excepted service employment policy and FCIP plan do not mention a trial period for interns, then there may not be one. While trial periods may be set by agencies, appeal rights are set in law.

Title 5 U.S.C. 7511 explains who does—and does not—have the right to appeal an adverse action, such as removal. Particular to this case, it defines an “employee” who has appeal rights as:

(C) an individual in the excepted service (other than a preference eligible)—

(i) who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service. [Title 5 U.S.C. 7511(a)(1)]

It is therefore possible to interpret this provision as meaning that if the

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ISSUES OF MERIT

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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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DIRECTOR'S PERSPECTIVE

Employee Surveys: Don't Let Your Good Surveys Go Bad



With a new annual survey requirement, the Federal Government needs to focus on keeping employees engaged.

Employee surveys are a popular way to measure a variety of workforce-related issues. Surveys help organizations explore what they are doing well and not doing well and help map out needed improvements. They also give employees the opportunity to express their opinions about the workplace, which can foster a greater sense of employee engagement. If employee surveys are to remain a valuable tool to improve agency operations, however, the Government needs to minimize negative consequences.

As an adjudicatory and research agency, MSPB relies greatly on surveys for its studies. We recently completed the Merit Principles Survey 2005—a Governmentwide survey periodically conducted since 1983 to track a variety of workforce issues of interest to the Congress and President. In addition, we conduct smaller-scale surveys that address specific topics of interest to get a closer look at how well the Government is managing its workforce in adherence with the merit system principles.

Congress has also recognized the value of employee surveys. As part of the National Defense Authorization Act for Fiscal Year 2004, each executive agency is required to conduct an annual employee survey and post the results on its agency website. OPM has identified 28 core questions to be included on all agency surveys administered as part of the annual requirement. This annual requirement will take effect

in calendar year 2006, and the first administration will be accomplished for many agencies via OPM's 2006 Federal Human Capital Survey.

The strength of a good survey is not in its administration but in using the information gathered to make meaningful changes in the organization. We've all seen good surveys go bad. An employee is contacted to fill out a survey concerning job satisfaction. She thoughtfully responds to the questions and offers constructive ideas for change, but never hears what happened with the survey results. After a few of these experiences, she gets frustrated. The next survey to pass her desk ends up in the "revolving file."

As this example demonstrates, management inaction is a key threat to survey success. If employees are expected to take the time to complete surveys, then the expectation is for something to be done with the collected information. However, an annual requirement may not allow sufficient time to administer, analyze, and act on the results between surveys.

Furthermore, when agencies evaluate survey data, they typically implement improvement strategies to address problem areas. However, it may take more than one year to experience change as a result of these strategies. Subsequently, if agencies try to judge the results based on annual survey responses, they could reach misleading conclusions.

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Surveys

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Survey fatigue is another potential consequence. Some Federal employees receive several surveys per year on a variety of topics. Recently, Federal survey response rates have been respectable—though lower than was typically seen 5–10 years ago—with both MSPB and OPM exceeding 50 percent on recent Governmentwide surveys. With an annual survey requirement there is a risk that Federal employees will tire of filling them out. This is particularly true for small agencies. To meet the annual requirement, many will have to survey every employee every year—rather than surveying smaller, representative samples that larger Departments can use—to achieve samples large enough to confidently analyze.

Finally, many agencies are not equipped with the resources and expertise needed to carry out an annual survey. While MSPB and OPM can assist in administering the survey—through the Merit Principles Survey and the Federal Human Capital Survey, respectively—the analysis of the responses and corresponding action needs to come from within the agency.

Trial Period

(continued from page 1)



agency has not established a trial period through its internal policies, then the intern has full appeal rights immediately. This would make it more difficult to separate interns that are found unfit for conversion—undermining a key advantage of the program.

As problematic as it seems to grant immediate appeal rights to interns, the issue gets murkier when contrasted with how the law affects veterans. For example, by law, veterans who have preference and are employed in the excepted service receive appeal rights after 1 year of continuous service. This cannot be changed through agency policy. So, an FCIP intern with no military service and whose agency has no established trial period could receive appeal rights immediately while a preference eligible hired for a similar position at the same time has to wait a full year. This is not as intended.

MSPB's FCIP report encourages OPM and agencies to take steps to establish and use a trial period for all FCIP hires. This will ensure that agencies have the opportunity to assess interns' performance for the entire 2-year period. And if judged unfit for the job, they can be separated efficiently without appeal rights. ❖

There are ways to minimize these potential negative consequences. The two most important steps are communication and action. Agencies should continuously communicate with employees about the survey and what is being done to use the results. This will help keep employees engaged in the survey process. Involving employees in identifying and implementing change processes is another key strategy to raise engagement.

There are many reasons to conduct employee surveys, but these purposes can be undermined with each negative survey experience an employee has. The key to ensuring that a survey is taken seriously by employees is for those employees to see change as a result of their participation. A survey cycle involves administration, analysis, action, and evaluation with consistent communication. As we move forward with the new annual survey requirement, we need to give each of these phases appropriate attention and evaluate the impact the new requirement has on the Government's ability to effectively use surveys. ❖

Steve Nelson

Director, Policy and Evaluation

...ANNOUNCEMENTS...

Help Wanted

MSPB's Office of Policy and Evaluation is looking for a GS-13 or 14 research analyst to join our team. We study human capital issues and report our findings to the President and Congress. The ideal candidate has strong analytical and writing skills and is able to work comfortably both independently and as a member of a team. We provide a collegial, flexible work environment in a desirable Washington, DC location. The position will be announced in early January and filled as a personnel specialist (201), management analyst (343), or psychologist (180). If this sounds like a job for you, look for the announcement on www.usajobs.gov.

New Research

Welcome to a special edition of *Issues of Merit* in which MSPB proudly highlights some of our recently completed research. As you can see from this issue, MSPB has published a number of new reports which are currently available on our website. To download these publications and/or join our LISTSERV for notification of new reports, visit our website at www.mspb.gov and click on "Studies."

Reference Checking: Moving From Good to Better

Reference checking best practices can help agencies improve applicant assessment.

MSPB has repeatedly encouraged agencies to identify and adopt valid selection tools. The use of such tools supports merit in hiring by helping to identify the best candidates for each job opening. A 2003 MSPB report, *The Federal Selection Interview: Unrealized Potential*, observed that structuring employment interviews according to research-based principles improves the validity of this oft-used hiring hurdle. Our most recent report, *Reference Checking in Federal Hiring: Making the Call*, takes a similar approach by highlighting best practices for another frequently-used hiring tool.

MSPB's Merit Principles Survey 2000 found that 77 percent of supervisors use reference checking in their selection decisions. However, *Making the Call* reveals wide variation in the quality and consistency of reference checks. Unfortunately, formal measurement validity research has not yet incorporated a distinction between high-quality, structured reference checking and less formal, ad hoc discussions with an applicant's former employers. As this distinction is recognized, the value of carefully conducted reference checks will become more apparent.

Increased standardization of reference checking and effective training in its implementation are needed to realize the full potential of this assessment tool. A 2004 survey of mostly private sector organizations found that 81 percent of those that do reference checking employ standardized questions.¹ While this level of standardization is commendable, this data also means that one-fifth of these organizations do not have a structured questioning process. Without standardizing core reference checking questions, it becomes a more difficult and more subjective task to compare information obtained from different reference providers. The value of this information is thereby reduced.

Of greater concern is that only half of the surveyed organizations offer reference checkers training in best practices. Under conditions of low standardization and training, reference checkers are less likely to obtain useful information that

contributes to effective hiring, and the potential of reference checking is then not fully realized.

In a self-fulfilling, downward spiral, this low information yield can lead to reference checking becoming a low priority. As this occurs, reference checking is even more likely to be done in a perfunctory and ineffective manner. Unfortunately, increasingly unstructured, inconsistent, and unreflective reference checks are even less likely to produce useful information. To practitioners unfamiliar with best practices, this poor result may seem intrinsic to reference checking as an assessment tool, rather than simply the result of poor implementation. This downward spiral is partially responsible for differences in reference checking practice and for some employer dissatisfaction with information obtained from reference checking.

The solution requires addressing the root problem—many reference checks are not conducted consistently or effectively. Increased standardization and training can have two important effects. First, the overall quality of information obtained from reference checking should increase. Second, hiring professionals should become more attuned to the distinction between well-designed reference checks and casual, informally conducted reference checks. This understanding can foster more useful discussion of the strengths and potential of reference checking as an assessment. ❖

¹Mary Elizabeth Burke, *2004 Reference and Background Checking Survey Report*, Alexandria, VA: Society for Human Resource Management, 2004.

Mark Your Calendar!

A Symposium on the Practice of Merit



We've heard a lot about the human capital changes taking place at the Department of Defense and the Department of Homeland Security. But they're not the only agencies who have faced change. MSPB is organizing a symposium to highlight how agencies with alternative personnel systems continue to uphold the merit system principles.

Where: Washington, DC

When: April 20, 2006

Why: To provide policymakers with relevant information useful in their efforts to reform the civil service.

Merit Principles Survey 2005: The Results Are In

An early look at what Federal employees say about Government service.

MSPB appreciates the time and thoughtful reflection of the nearly 37,000 full-time civilian Federal employees who completed this year's Merit Principles Survey (MPS 2005). These employees were randomly sampled from 24 agencies and represented viewpoints of employees at the non-supervisor, team leader/supervisor, and manager/senior executive levels. We will examine the perceptions of prospective retirees, supervisors, and other specific groups of Federal employees in future *Issues of Merit* articles and in MSPB's formal report to the President and Congress. This article presents some initial findings that will guide the direction of those analyses.

MPS 2005 results show that Federal employees are committed public servants. They understand the missions of their respective agencies (95%) and the overwhelming majority believe that their agency's mission is important (94%). On an individual level, employees understand how their work contributes to the agency's overall mission (92%) and find the work they do to be meaningful (86%). Most also believe that their work teams provide high-quality products and services to the public (80%).

Although Federal employees are committed to their public service roles, they are less satisfied with how well they are supported in these roles. They are less certain that their jobs are secure (60%) or that they have the resources they need to do their work (64%).

In spite of this lower level of satisfaction, our results indicate that many Federal employees like their jobs (71%). Almost all are motivated by pride in their work (98%) and most by their duties as public employees (90%). Significantly fewer are motivated by direct rewards, such as a hypothetical cash award of \$1,000 (71%) or increased chances of promotion (70%). Slightly fewer employees are satisfied with their pay (61%), or with the recognition and awards they receive (40%). These findings reinforce a picture of a Federal workforce that is motivated by personal factors, but is somewhat less satisfied with the support and rewards received from their organizations.

The MPS 2005 also gathered information about employee training needs. Although most survey participants report that they receive sufficient training to do their jobs (64%), a sizeable proportion would like additional training to improve their job performance (46%). Also, they clearly expect that development of these skills should be funded by their agencies and provided through formal training (81%) and on-the-job developmental experiences (77%).

Unfortunately, only one-third (33%) of the respondents have communicated their training expectations to their supervisors through career development plans, and only half (48%) see their supervisors as a source of opportunities to improve their skills and performance. These results suggest that better communication between employees and their agencies may be necessary if Federal employees are to receive the training they need. ❖

Fast Facts from the MPS 2005



Some of our Strengths:

- *Federal employees are committed public servants.*
- *They like their jobs.*
- *They are motivated more by their work than by external rewards.*

Some Improvement Opportunities:

- *Just over half of Federal employees are satisfied with how well they are supported in their public service role.*
- *Just over half are satisfied with pay and fewer than half are satisfied with rewards.*
- *They would like more training but have not formally communicated their expectations.*

Help Wanted for Vacancy Announcements

There's still much work to be done in terms of improving this crucial recruitment tool.

The Federal vacancy announcement is one of the most important tools we have to attract high-quality applicants and provide them the information they need to determine if they are interested in and qualified for a job. In 2003, MSPB released the study *Help Wanted: A Review of Federal Vacancy Announcements*. This study found that announcements are often poorly written; fail to adequately market the position, the agency, or the Government to job seekers; and need to be improved considerably to appeal to job seekers while also complying with legal and regulatory requirements. In 2005, we conducted a new review of a set of randomly selected vacancy announcements from the USAJOBS website. This review revealed that many of the problems outlined in our 2003 report persist. In particular, agencies still need to do a better job of crafting vacancy announcements to appeal to job seekers.

Announcements remain weak recruiting tools. In our recent review, only one-third of the announcements attempted to market the job or the agency in a manner that would entice applicants to apply. The announcements that did so effectively described why the agency's mission is important, how the incumbent would contribute to the mission, or the advantages of working in a specific location. The remaining announcements made little attempt to portray the job as interesting. The description of duties in most of the announcements appeared to be verbatim excerpts of position descriptions or classification standards. These descriptions were typically wordy yet vague, and filled with jargon and acronyms that many applicants (particularly those outside of the agency or the civil service) might find confusing.

Announcements are poorly written. Unfortunately, many announcements continue to use negative or unfriendly language that could deter many qualified applicants from applying. For example, we found this and similar statements in announcements we reviewed: "DO NOT contact our office asking if your application has been received. We will not provide verification of application receipt." If this type of information

must be conveyed in a vacancy announcement, a more courteous way should be found to do so.

Also, the vacancy announcements we reviewed often contained statements that could confuse job applicants. For example, applicants were advised:

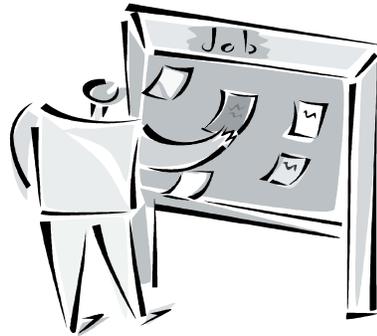
- To submit a separate application for each location in which they were interested, when the announcement only listed one vacancy at one location;
- To submit responses to knowledge, skills, and abilities when none were referenced in the announcement; and
- That identification of promotion potential does not constitute an obligation to promote the employee, when no such promotion potential was identified.

Improvements to the USAJOBS website. One of the recommendations of our 2003 study was that OPM make the USAJOBS website more attractive,

more welcoming, and easier to use. OPM has made great strides in doing so through multiple enhancements to the site, including: a faster job-search engine, a tabbed vacancy announcement display, greater access for disabled users, the ability to store up to five online resumes, a resume-mining option for agency recruiters, and the opportunity to create and save application letters. These and other improvements have resulted in over

150 million unique users visiting USAJOBS in the last 2 years and over 1 million online applications being posted.

However, it is evident from our review that the full technological benefits of USAJOBS are not being realized because many announcements continue to be geared toward paper. OPM should work with agencies to improve issues such as: eliminating page number references within announcements, hyperlinking Government forms that are presently reproduced in the text of the announcements, and eliminating information from the actual announcement that is included in the USAJOBS vacancy template (e.g., each vacancy announcement has automatic links to information on EEO policy, reasonable accommodation policy, veterans information). Still, the current improvements and enhancements of USAJOBS are steps in the right direction. ❖



Targeting Openness

Can targeted recruiting and fair and open competition coexist in a merit system?

In the June edition of *Issues of Merit*, the Director's column looked at whether it is possible to achieve both openness and efficiency under a merit system. In our recent report on the FCIP, we explore the issue of balancing targeted recruitment and openness.

The guiding principle for Federal hiring is to recruit from all segments of society and select based on relative ability after fair and open competition. This principle applies to the competitive service and to most of the excepted service. It requires agencies to be inclusive in their hiring process, and agencies have a variety of tools to accomplish this task, including targeted recruiting.

But what is targeted recruiting, and what is its place in a merit system? Targeted recruiting is a process in which agencies identify and attract candidates who will likely have the particular qualifications and other characteristics needed for the job. It can be used by itself or in conjunction with other broader recruitment strategies, and is a proactive approach that can effectively increase or diversify the applicant pool and target hard-to-find skills.

Targeted recruiting has many promising benefits. It can increase the quality of the applicant pool by focusing on those candidates most likely to have the skills or traits sought for the position. Because it is proactive, targeted recruiting communicates opportunities to candidates who may not otherwise have become aware of them. Finally, it can be cost-effective by eliminating the time wasted

wading through applications from ill-matched applicants.

There are situations, however, in which targeted recruiting could be viewed as conflicting with the ideals of "recruitment from all segments of society" and "fair and open competition." This is particularly true for jobs with no posting requirements, such as the FCIP. For example, targeting the same engineering schools for every vacancy would leave out of competition students who do not attend those schools or who have already graduated. Such a practice, if it becomes routine or exclusive, gives the appearance of preferential treatment. Therefore, agencies should have other avenues open to applicants who were not targeted so that they can apply and receive consideration for jobs.

Targeted recruiting can be a valuable recruitment strategy. However, agencies must not practice it so exclusively as to create a "closed" system of employment where only "handpicked" groups or individuals are provided access to Federal jobs. This is contrary to the merit principles and can weaken the civil service.

Instead, agencies should analyze when targeted recruiting is appropriate. They should ask what skills are needed for the job, how they can best attract candidates with those skills, and how targeting recruitment can help obtain those applicants. The public interest is best served when agencies thoughtfully reflect on what recruitment strategies will help them attract the most diverse, highest-quality applicant pool possible. ❖

...COMING SOON...

Contracting Officer Representatives: Managing the Government's Technical Experts to Achieve Positive Outcomes

Contracting—also known as acquisition or procurement—is an appropriate and effective way to accomplish a portion of the Government's work. The ultimate goal of a contract is to ensure that the Government's needs are met. Given that the amount of contracting has grown by 87 percent—from \$175 billion in fiscal year 1997 to \$328 billion in 2004—this is not a trivial matter.

The contracting officer representatives (CORs) are responsible for developing and managing the technical aspects of contracts. In MPSB's soon-to-be-released study of CORs, we found that the way in which CORs are managed has a strong relationship to contract outcomes.

The report will include findings on the regulatory requirements for managing CORs, including formal delegation, training, and strategic management of the COR workforce. It will also include findings on day-to-day management issues related to CORs, such as selection and assignment, contract tasks, time for contracting work, and rating the performance of contracting work. Our recommendations will identify actions that CORs, agencies, and policymakers can take to improve the management of CORs so they can help ensure positive contract outcomes—ultimately improving agencies' ability to accomplish their missions.



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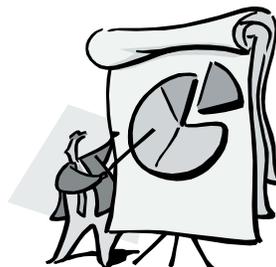
Do Your Interns Have Appeal Rights? *Find out how to ensure that your agency's Federal Career Interns are not unintentionally given immediate appeal rights. (Page 1)*



Getting Ready for the New Annual Survey Requirement. *Our Director shares his thoughts on how to keep good employee surveys from going bad. (Page 2)*

Moving to Better Reference Checks. *Reference checking is a fairly standard assessment practice. We look at how you can make it an even more effective assessment tool. (Page 4)*

Merit Principles Survey 2005 Data Is Here. *We offer some preliminary findings from MSPB's Governmentwide survey. (Page 5)*



Help Wanted for Vacancy Announcements. *Many improvements have been made to Federal vacancy announcements and USA-JOBS, but more work needs to be done. (Page 6)*



Can Targeted Recruitment Be Fair and Open? *The merit system principles stress recruiting from all segments of society and making selections based on relative ability after fair and open competition. So where does targeted recruiting fit into a merit-based recruitment strategy? (Page 7)*