Module 4

Module Introduction

Welcome to Module 4. I will be your host for this module. As a human resource staff member, the merit system guides the decisions I make in many aspects of my job. Keep in mind that you can't separate the Merit System Principles from the Prohibited Personnel Practices, and you will see that illustrated numerous times in this module.

In this module, you will learn more about the Merit System Principles and see how they impact your daily work activities.

The Merit System Principles

The nine Merit System Principles provide a philosophical basis that influences Federal Human Resources Management (HRM) as it strives to support agency mission accomplishment. The Principles are commonly and correctly identified as supporting fairness for employees and adherence to HR laws and regulations that enforce the concept of merit. Yet, they support equally the need for efficiency and effectiveness.

The MSP- Making it Work For You

In Module 1, we introduced you to each of the nine principles. Now let's see the Merit System Principles in more depth and how they impact you. Click on each of the principles below to see what this means to you.

MERIT SYSTEM PRINCIPLE #1: Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity. [5 U.S.C. 2301(b)(1)]

What this means:

- Employees are hired/advanced on the basis of their qualifications.
- Job information is available to the public on vacant jobs.
- People selected for jobs have the knowledge, skills & abilities required for the job.
- Vacant jobs are filled after fair and open competition.

MERIT SYSTEM PRINCIPLE #2: All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national

origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. [5 U.S.C. 2301(b)(2)]

What that means:

- Opportunity is provided equitably and fairly to use family friendly work place flexibilities to all employees.
- Employees are encouraged to use EAP programs.
- Managers, supervisors, team leaders deal fairly and equitably with complaints of discrimination.
- Disputes or conflicts are resolved fairly.
- Employee rights to privacy are protected.

MERIT SYSTEM PRINCIPLE #3: Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance. [5 U.S.C. 2301(b)(3)]

What this means:

- High performing employees receive monetary awards.
- Supervisors/team leaders are fair in giving cash awards.
- Pay raises depends on how well employees perform their jobs.
- My pay is fair considering what other employees in this organization are paid.
- Employees are asked about their preference for different types of rewards & recognition.

MERIT SYSTEM PRINCIPLE #4: All employees should maintain high standards of integrity, conduct, and concern for the public interest. [5 U.S.C. 2301(b)(4)]

What this means:

- There is trust between employees & managers/supervisors/team leaders
- All employee's conduct and behavior problems are addressed effectively.
- Managers and supervisors practice the MSPs.
- Prohibited personnel practices (PPPs) are not occurring in this organization.
- All employees maintain high ethical standards.

MERIT SYSTEM PRINCIPLE #5: The Federal work force should be used efficiently and effectively. [5 U.S.C. 2301(b)(5)]

What this means:

- Employees participate in development of strategic plans.
- Employees receive the guidance they need to do their jobs effectively.
- Managers communicate the organization's mission, vision & values.
- Managers provide sufficient resources to get the job done.
- Employees are involved in improving the quality of products, services, & work processes.
- There is enough work to keep employees busy.
- A spirit of cooperation & teamwork exists.

MERIT SYSTEM PRINCIPLE #6: Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards. [5 U.S.C. 2301(b)(6)]

What this means:

- Supervisors provide fair & accurate ratings of employee performance.
- Supervisors provide employees with suggestions to improve job performance.
- High performers are motivated to stay with the organization.
- Supervisors deals effectively with poor performers.

MERIT SYSTEM PRINCIPLE #7: Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance. [5 U.S.C. 2301(b)(7)]

What this means:

- Employees receive training they need to perform their jobs.
- Supervisors jointly determine employees training needs.
- Training plans are integrated into organization's overall strategy.
- Workforce has job-relevant & knowledge, skills, and abilities necessary to accomplish organizational goals
- Funds are available for employees to get training they need.

MERIT SYSTEM PRINCIPLE #8: Employees should be (A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and (B) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election. [5 U.S.C. 2301(b)(8)]

What this means:

- Employees are protected against arbitrary action, personnel favoritism or coercion for partisan political purposes.
- Employees do not use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
- Employees have not been pressured by an agency official to engage in political activity in violation of the Hatch Act.

MERIT SYSTEM PRINCIPLE #9: Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences (A) a violation of any law, rule, or regulation, or (B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. [5 U.S.C. 2301(b)(9)]

What this means:

- Employees are protected against reprisal for lawful disclosure of information that evidences (a) violation of any law (b) mismanagement, waste, fraud or abuse (c) danger to public heath.
- Organization has informed employees what their rights are if they blow the whistle and are retaliated against.

The MSPs in Action

Now that you can see how the MSPs might affect your job, let's look at some real world scenarios using each of the principles.

Case Study 1: It's Never Too Late

Jack, studying the print-out in front of him, was not a happy man. He was concerned about the fact that one of his best employees, Gladys, would be downgraded in the impending reduction in force. In order to protect his employee, Jack ordered his Personnel Officer, Steve, to retroactively promote Gladys into a position that had not yet been classified.

Under the Merit System Principles, what might be an option that Jack could use?

A. Ask one of the contractors in your facility to hire Gladys.

Incorrect: This would not be appropriate. It may be a violation of the ethics provisions, as well as a circumvention of the free and open competition process.

B. Promote Gladys and backdate the paperwork.

Incorrect: A principle precept of the MSP is fairness in hiring and promotion. This requires equal and open access to all job opportunities. Backdating the paperwork would be a circumvention of free and open competition.

C. Find an existing vacant position, open it for competition, and make sure Gladys is aware of the opportunity.

Correct. This complies with the open and equal competition requirement but at the same time allows Gladys the same opportunity to compete.

Steve tried to explain the illegalities of the action, but Jack was not deterred; he prepared an SF-52 for the retroactive promotion and ordered Steve to sign it, which Steve did. The situation was brought to the Office of Special Counsel's attention when another employee in the office filed a discrimination complaint arising from the promotion.

In your opinion which Merit System Principle was not followed?

MSPs not followed:

Principle 1 - Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

Principle 2 - All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

Principle 8 - Employees should be-- (A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and (B) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

Principle 4 - All employees should maintain high standards of integrity, conduct, and concern for the public interest.

Case Study 2: You're in My Way!

Supervisor Ellen called her best friend Susan to ask if she knew of anyone who would be a good candidate for a Clerk-Typist vacancy Ellen was trying to fill in her office. Susan recommend Mike whom she had known for quite some time and who was highly regarded for his typing and clerical abilities. Next, Ellen asked the Personnel Office to issue a vacancy announcement to fill the job. Susan urged Mike to apply for the job, and he did. However, when the certificate of eligibles was issued, Mike, a non-veteran, stood number two on the certificate

behind a person with veteran preference. - A principle precept of the merit system is equal and open competition. However, veterans are provided with a hiring preference based on their service to our country. Not to be dismayed, Ellen called the veteran and, after complimenting him on his qualifications suggested that the agency had other jobs that the vet would find much more rewarding, and his chances for getting one of those jobs were excellent. The veteran was convinced by all that Ellen had to say and voluntarily withdrew her name from consideration. Ellen was finally able to select Mike for the job, which she did.

What Merit System Principle was not followed?

Even though Ellen's intent was to hire a qualified individual, veterans receive a hiring preference which must be respected under the merit system. Even though Ellen was able to persuade the veteran to voluntarily withdraw, this could be considered coercion, which is inconsistent with the MSPs.

MSP

Principle 1 - Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

Principle 4 - All employees should maintain high standards of integrity, conduct, and concern for the public interest.

Case Study 3: Too Much to Do

An IRS employee, complained to the Office of Special Counsel (OSC) that she was hired as a Tax Examining Clerk (Screener) GS-4, but was immediately placed in a Group Secretary, GS-5, position with different duties than the position for which she was hired. She further asserted that notwithstanding she was in the GS-5 Group Secretary position, she was paid as a GS-4 Tax Examining Clerk.

Which Merit System Principle was not followed?

MSP

Principle 3 - Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

The merit system is intended to provide open access to job opportunity based on merit. Hiring someone into an existing position to perform duties for another position is inconsistent with this concept of open advertising and might cause some applicants not to apply.

Case Study 4: Dim and Dimmer

Kent Dim, the Civilian Personnel Officer, and Don Dimmer, the Chief of Staffing, had a problem on their hands. Their agency, the U.S. Center for Nuclear Stuff, had advertised for a Chief of Custody of Nuclear Materials Specialist, GS-301-14. The position was offered to Sam Smith, a non-preference eligible (i.e., a non-veteran), who accepted it and reported to work shortly thereafter. Some six months later, in a routine audit of the Center's Delegated Examining Unit, Office of Personnel Management (OPM) evaluators discovered that the Center had incorrectly credited the veterans' preference points of another applicant for the position, Joe Jones. The mistake was significant because, if Jones had received the proper credit, he would have been among the top three candidates for the position and Smith would not have been within reach. The underlying philosophy of the merit system is good faith compliance with the principles of open and equal competitive access to employment based on merit. This requires that each manager exercise good faith and integrity in executing these tenets. "All is not lost," said Chief of Staffing Dimmer. "Let's find out if Jones is still interested. After all, we advertised the job a long time ago." Unfortunately for them, Jones was eager to learn that there was still hope for him in getting the job. A piece of paper come up with a list of ways to kill Jones' interest. Dimmer says, "Here are some ways to withdraw." Ideas: on the piece of paper come up. Sam's great qualifications. Get OPM passover approval. Revise the job description. Too much travel. Jones, withdraws. "Victory at last," exulted Dim. "Nothing beats persistence," agreed Dimmer. What Merit System Principles were not followed?

MSP

Principle I - Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

Principle 4 - All employees should maintain high standards of integrity, conduct, and concern for the public interest. But more importantly, unless management understands and is committed to the Merit System Principles, attempts such as these to circumvent the concepts of merit will occur.

Case Study 5: Perfect for the Job

Four months ago, Agency's XYZ's Southern Regional Office received a memo from headquarters asking what the SRO would do with a co-op slot, a stay-in-school slot, and a disabled employee appointment slot. The assignment to write the response to HQ was given to Brad Wolf, a staff person in the regional director's office. The possibility of using these appointments was far from management's mind. But in keeping with tradition, Brad produced a memo describing the excellent use that could be made of such positions.

Three months later, a brief memo from headquarters authorized a co-op position. Management was surprised, but felt good use could be made of the slot.

However, time was of the essence because a hiring freeze was rumored to begin in one or two weeks. The management team was asked to forward names of potential candidates to the director's office. Gina Fair, a GS-3 clerk/typist, saw the request and told her supervisor that her sister was a student at a local college and would definitely be interested in a co-op position. This was the only lead forwarded to the director. Terry Day, another staff person in the director's office called the college and found that the SRO had a cooperative agreement with the local college, but it had expired. As a manager, you should exercise caution in only using sources of candidate which are consistent with the authorized position. The fact that this agreement has expired, means that to hire someone prior to reactivating the agreement would be inconsistent with the posted job requirements. Also, this could be retroactive. Terry then called the servicing personnel office and asked them to reactivate the agreement. Once the agreement was reactivated, Terry planned to call the college and name request Gina's sister. In the meantime, the candidate was called in for an interview.

MSP

Principle 1 - Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.

Principle 4 - All employees should maintain high standards of integrity, conduct, and concern for the public interest.

Case Study 6: Let Me Be Me

"Would you look at that!" exclaimed Debbie Doux, Chief of the Relocation Section as she examined the job application in front of her. "It seems that our new employee, Anna Velasquez, is a dyed-in-the-wool Reaganite. See, she listed a member of Reagan's personal staff as a reference. Can you imagine that! "Well, she was hired off a register," replied Norma Fall, Debbie's long-time assistant. "Says a lot about the screening process, doesn't it," chuckled Norma. "Keep an eye on her, Norma. "So Anna, who do you like in the upcoming election?" prodded Debbie a few days later. "Myself, I'm a McGovern Democrat," she added. "Don't you just hate these politicians who have been bought by Wall Street to do its bidding. Just puppets on a string, if you ask me," Debbie continued. Anna was taken aback by Debbie's prying and menacing remarks. "I guess that I haven't made my mind up yet," was all Anna could think to say. Several of Anna's coworkers by this time, overhearing what Debbie intended them to overhear, joined in to offer their own not too subtle jabs at a bewildered Anna. "I don't like her one bit," Debbie confided to Norma that afternoon. "How's she doing on the job. Any problems?" she asked. "She's okay, I guess," replied Norma, "but sometimes she has trouble understanding instructions. Could be a language thing. I don't know, and frankly, I don't care. I don't like her much either. Have you seen how the good old boys hang around her? Men!" Debbie was

indignant. "There's a lot of good people out there looking for jobs. People who don't have fancy politicians as sponsors. Let's do the Republic a favor and return this Republican to the private sector where she belongs," Debbie announced. "Write it all up, Norma, and we'll sack her during probation. Shouldn't be any trouble. After all, she can't follow instructions, can she?" A tearful Anna stared at her notice of proposed separation. Carefully following instructions from her personnel office, she filed a complaint with the Office of Special Counsel.

Which Merit System Principles were not followed?

MSP

Principle 2 - All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

Principle 4 - All employees should maintain high standards of integrity, conduct, and concern for the public interest.

Knowledge Check

Question: A current temporary employee has gained qualifications well beyond the entry level at which the agency will fill his position permanently. Can the agency use the higher level skills the employee has gained as selective factors when announcing the job?

Answer: The announcement must use qualification requirements appropriate for the grade level at which the position will be filled.

Principle: Selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. [5 U.S.C. 2301(b)(1)]

Question: Can line supervisors be delegated responsibility for all aspects of recruitment and examining?

Answer: Sure, provided they get the training and support they need.

Principle: The Federal work force should be used efficiently and effectively [5 U.S.C. 2301(b)(5)]

Question: Can a supervisor demote a person for disclosing information that they feel is in the public interest?

Answer: No.

Principle: Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences (A) a violation of any law, rule, or regulation, or (B) mismanagement, a gross waste

of funds, an abuse of authority, or a substantial and specific danger to public health or safety. [5 U.S.C. 2301(b)(9)]

Question: Is it proper to hire somebody with the intent to reassign them as soon as possible?

Answer: No, since the criteria for fair and open competition may change for the reassigned position.

Principle: Selections should be based on fair and open competition. [5 U.S.C. 2301 (b)(1)]

Question: Can an agency schedule work and make appointments to avoid the cost of paying benefits?

Answer: No.

Principle: Equal pay should be provided for work of equal value. [5 U.S.C. 2301(b)(3)]

Module Summary

You have completed Module 4. You were presented with information on how the Merit System Principles play a role in YOUR daily activities, as well as all of the people you work with.

Remember, while the Merit System Principles are used as philosophical guidance, the Prohibited Personnel Practices, on the other hand, are specific violations of statutory requirements.