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Merit System Principles Guide

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Merit System Principles

Training Module

Course Information

Purpose

This module is intended to promote and foster awareness of the Merit System Principles and Prohibited Personnel Practices among Federal executives, managers, and supervisors. It is designed to:

- Provide information about the fundamentals of the Merit System Principles and Prohibited Personnel Practices;
- Stimulate thought about the Principles within the context of current human resources management systems; and
- Provide a set of useful reference materials that executives, managers and supervisors can use to further educate themselves on matters pertaining to the Merit System Principles, Prohibited Personnel Practices, and employee rights and protections under the Merit System.

Learning Objectives

At the end of this course, participants should be able to:

- Briefly explain what the Merit System Principles are, including why they are important and where they can be found.
- Briefly explain the importance of the Prohibited Personnel Practices, including where they can be found, the legal consequences for non-compliance, and their relationship to the Merit System Principles.
- Describe who is accountable for ensuring adherence to the Merit System Principles and avoidance of the Prohibited Personnel Practices.

Target Audience

This training module is intended for executives, managers, supervisors, and others who require a non-technical exposure to the Merit System Principles and Prohibited Personnel Practices. It is appropriate for those who have limited or no experience with the subject matter, as well as for those who need a review.

Training Method

This course is designed to inform and affect participants through an interactive dialogue supported by a video presentation on the Merit System Principles and Prohibited Personnel Practices. In addition, this module is flexible enough to allow for instructor creativity in presenting the material.

Materials

For this course, you will need the following:

1. Instructor Guide
2. Video Cassette Recorder (VCR) and television monitor
3. "Encounter on Roosevelt Island: A Conversation About the Merit System Principles" - OPM Merit System Principles Video
4. Merit System Principles and Prohibited Personnel Practices Wallet Cards
5. Course evaluation form

References

Title 5, U.S.C., section 2301, Merit System Principles

Title 5, U.S.C., section 2302, Prohibited Personnel Practices

At first glance, this module appears deceptively simple to deliver. To manage the session successfully, however, you must bring knowledge of the facts and practical applications to bear. Your grasp of this subject must exceed the material contained in this guide. As the instructor, you should be prepared to handle questions that may not be addressed in the training material. Questions can range from specific staffing-related actions to complex questions about the relationship of public policies such as veterans preference to the merit system principles' edict to "recruit, select, and advance on merit after fair and open competition." The following references may prove helpful to you. The pamphlets listed below can also be used as additional course handouts that may be of interest to you and/or your course participants.

Pamphlets (optional course handouts available through the Office of Personnel Management Rider System):

"The Role of the Office of Special Counsel"

"Questions and Answers About Appeals"

"Questions and Answers About Whistleblower Appeals"

Internal Agency Human Resources Management Policies (if the course is delivered at only one agency).

U.S. Office of Personnel Management. *The Guide to Processing Personnel Actions*.

U.S. Office of Personnel Management Website, www.opm.gov.

U.S. Office of Personnel Management. (1997) *Deregulation and Delegation of Human Resources Management Authority in the Federal Government*. Washington, D.C.

U.S. Office of Personnel Management. (1997) *Human Resources Management (HRM) Accountability in Federal Agencies: Current Efforts and Future Directions*. Washington, D.C.

U.S. Office of Personnel Management. (1996) *Merit System Principles Needs Assessment and Proposed Training Approaches*. Washington, D.C.

U.S. Office of Personnel Management. (1999) *Strategic Human Resources Management: Human Resources Management Accountability System Development Guide*. Washington, D.C.

U.S. Office of Personnel Management. (1998) *VetGuide* (Information on Veterans Employment). Washington, D.C.

Harvey, Donald. (1970) *The Civil Service Commission*. New York: Praeger Publishers.

Riper, Paul P. (1985) *History of the United States Civil Service*. Evanston, IL: Row, Peterson and Company.

Office of the Special Counsel, U.S. Merit Systems Protection Board. (1985) *Protecting the Integrity of the Merit System*. Washington, D.C.

U.S. Civil Service Commission. Office of Public Affairs. (1974) *Biography of an Ideal: A History of the Federal Civil Service*. Washington, D.C.

Recommended Course Management

This course is designed to be effective with audiences of any size. Course time runs approximately 1 hour 30 minutes.

Instructor Guide

I. Introduction

Introduce yourself. Briefly tell the participants your background.

Ask participants to introduce themselves briefly. This may not be necessary if the participants know one another already.

Give participants a brief overview of the purpose of the course and the learning objectives.

Ask Thought Provoking Questions:

This module is designed for a learning environment that encourages open discussion. In addition to “breaking the ice,” answers to the following questions will help instructors gauge the level of understanding participants have of the subject matter.

Ask participants these questions:

1. Who is responsible for ensuring that human resources management decisions are made in accordance to law, rules, and regulations?

Note: This gets at the issue of human resources management accountability. The correct response will name managers and supervisors as responsible parties.

2. Do you believe you know all the laws, rules, and regulations that govern human resources management practices within your agency and across the government?

Note: Participants most likely will not know all the laws. Use responses as a lead in to the next set of questions.

3. What do you know about the Merit System Principles? How familiar are you with the Prohibited Personnel Practices? What is the relationship between the two?

Note: These questions provide participants with an opportunity to share knowledge of the subject matter that they may already possess.

Distribute Wallet Cards:

Note: Distribute the wallet cards to participants or refer them to the listing of Merit System Principles and Prohibited Personnel Practices on page 11. The following is information you should relay to the participants.

Describe and Discuss Merit System Principles and Prohibited Personnel Practices

“There are nine Merit System Principles, which can be found in Section 2301(b) of title 5, U.S.C. As of October 1998, there are now twelve Prohibited Personnel Practices that can be found in Section 2302 (b) of title 5, U.S.C. The text is lengthy, so OPM developed an abbreviated version of the language for the wallet card that is concise and easy to understand.”

“These Merit System Principles provide guidance for how you, as managers and supervisors, should manage your human resources. They are the expected outcomes of good management. The Principles are also the fundamental undergirding of the entire Federal Human Resources Management system. They can also be described as the core values that should be expressed in every human resources decision you make.”

Note: Ask the participants to read through the Merit System Principles on the Wallet Card. Segue to the Prohibited Personnel Practices by giving participants the following information:

“The Prohibited Personnel Practices are those actions that should never occur. These are the results or outcomes of poor management practices. However, Prohibited Personnel Practices can and often do occur unintentionally. They can happen when managers and supervisors make decisions without exploring all the possible avenues that can be used to solve a human resources-related problem or address a concern. Unfortunately, ignorance and good intentions are not excuses for acting against the law.”

Note: Ask the participants to read through the Prohibited Personnel Practices on the Wallet Card. Begin the discussion about the history of the Merit System by giving participants the following information:

“Now some of you might be wondering how we arrived at these Principles and Practices that are so important to our human resources management. Next, we will discuss the history of the Merit System that governs all Federal managers and supervisors.”

II. History

“The Merit System evolved in America in response to the troubles created by political patronage under the “spoils system.” The roots of political patronage, the practice of making appointments to government jobs to acquire political advantage, extends back to ancient China where the first Merit System was developed. In American history, the U.S. Civil Service and development of the Merit System happened as a result of three major legislative milestones:

1. The Pendleton Act of 1883;
2. The Intergovernmental Personnel Act of 1970; and
3. The Civil Service Reform Act of 1978.

“At the height of the “spoils era” (1829-1883), each change in national administration was the signal for the wholesale removal of Government employees to provide jobs for the supporters of the new President. The struggle for jobs caused much bitterness, and jobs were openly bought and sold. Incompetence, graft, corruption, and outright theft were common. One reformer charged that the spoils system encouraged prostitution!”

“In 1881, President James A. Garfield was assassinated by a disgruntled job seeker while waiting to board a vacation train in Washington. President Garfield’s death gave new impetus to a Civil Service reform bill introduced six months earlier by Senator George Pendleton of Ohio and other powerful proponents of the Merit System. Passed in 1883, the Pendleton Act established procedures to assure that selections for certain Federal jobs would be open, competitive, and free of political coercion.”

“It was not until 1970 that Merit System Principles were set in statute. The Intergovernmental Personnel Act required states that receive Federal funds to follow six Merit Principles. Prior to this, there was no clear expression of the Principles as they apply to Federal personnel management. Finally, it was the Civil Service Reform Act of 1978 that created the nine Merit System Principles and the eleven Prohibited Personnel Practices that we recognize today. The twelfth Prohibited Personnel Practice was added in October, 1998.”

III. Importance

Note: Ask participants the following question:

So, why should these Merit System Principles and Prohibited Personnel Practices be so important to you?

Note: Expect a variety of responses from the participants. Proceed with the following information:

“We’ve talked about some of the reasons why you need to know and understand the Merit System Principles and Prohibited Personnel Practices; but, there are other recent developments that have made them even more important. Since 1993, the Office of Personnel Management, following the leadership of Vice President Gore’s National Performance Review (NPR) initiatives, has streamlined personnel processes, eliminated regulations, and delegated human resources management authority to allow Federal agencies maximum flexibility in managing their human resources.”

“During this time, there has also been a significant reduction in the number of human resources professionals. Most agencies are operating with a smaller number of human resources professionals to provide assistance to Federal employees. The result is that managers and supervisors have been given more authority to make personnel decisions, but have fewer resources upon which to draw for advice and guidance.”

“These changes are the reasons we are focusing on teaching managers and supervisors, like you, about the Merit System Principles and Prohibited Personnel Practices. The fact is that you are held accountable for the human resources-related decisions you make, and an understanding of how the Merit System works is necessary.”

The Merit System at Work

Note: The following video was designed to promote Merit System Principles awareness. The video is a 21-minute closed-captioned for the hearing impaired video tape that:

- Features vignettes demonstrating the manager’s role in human resources management and emphasizing the role of the Merit System Principles and Prohibited Personnel Practices in everyday management of employees,
- Addresses accountability for human resources management decisions and adherence to the laws, rules, and regulations that implement the Merit System Principles, and
- Acknowledges the challenges inherit in balancing Merit Principle adherence with public policy.

Show the first two case studies on the “Encounter on Roosevelt Island” video. Stop the tape after each vignette to give participants a chance to identify which Merit System Principles apply to the case and which Prohibited Personnel Practices occurred.

After the second case study the video talks about some of the consequences of not adhering to the Merit System Principles and violating the Prohibited Personnel Practices. Use the following questions to open a discussion of management accountability for human resources decisions:

Ask participants questions similar to these:

1. Speaking of accountability, who holds you accountable for making human resources-related decisions that are in accordance with laws, rules, and regulations? How are you held accountable?

Note: Most participants will say “my manager or my supervisors.” Some might say “Personnel” or “Human Resources Officials.” As to how they are held accountable, many or most participants will say, “My supervisors hold me accountable through my performance ratings.”

2. What are the rewards for good management of your human resources?

Note: Many participants will say you get a good performance rating and possibly an award. Others may not believe there are rewards for managing their human resources well.

3. What are the consequences for poor management of your human resources?

Note: Expect varied answers from participants. Some might say, “my performance rating is adversely impacted” while others might say, “my manager doesn’t place much emphasis on this so there are not consequences for poor management.” Others may respond by saying “employees will file a grievance or complain to their union representative.”

Oversight Agencies

Note: This section deals with external organizations that provide oversight of human resources management activities for Federal agencies. Provide participants the following information:

“Four agencies have special responsibilities for oversight and administration of the Merit System. The following is a brief summary of their responsibilities as they relate to these functions.

- *U.S. Office of Personnel Management (OPM)*

Drafts and enforces the Civil Service laws, rules, and regulations for all agencies in the competitive service. OPM also conducts government-wide oversight of all personnel delegations for legal and regulatory compliance.

- *U.S. Office of Special Counsel (OSC)*

Investigates allegations of Prohibited Personnel Practices, prosecutes such cases before the Merit Systems Protection Board (MSPB), files complaints against employees for disciplinary actions, and petitions the MSPB for stays

and corrective action. The relationship between the OSC and the Merit System Protection Board resembles that of prosecutor to court.

- *U.S. Merit System Protection Board (MSPB)*

Hears and decides complaints brought by the Office of Special Counsel alleging violation of Prohibited Personnel Practices and other personnel laws and rules. Issues compliance orders to Federal agencies found to be in violation. Conducts special studies to ascertain whether the personnel system adequately protects employees from Prohibited Personnel Practices. May order corrective actions that are recommended by the Office of Special Counsel. In addition, adjudicates direct employee appeals of certain personnel actions

- *U.S. General Accounting Office (GAO)*

Audits and reviews compliance with the laws, rules, and regulations governing employment in the Executive Branch to assess the efficacy of Federal human resources management. Reports annually to the President and the Congress on the significant actions of the Merit Systems Protection Board in carrying out its responsibilities, and on whether the actions of the Office of Personnel Management are in accordance with the Merit System Principles and are free of Prohibited Personnel Practices.”

A Few More Examples

Show the last two case studies on the video. Again, if time permits, the tape can be stopped immediately following each of these cases for participants to identify the related Merit System Principles and Prohibited Personnel Practice before it is revealed on the tape.

IV. Closing and Questions

Note: Give participants a brief overview of the key points covered in the session using the following list:

- Merit System Principles
- Prohibited Personnel Practices
- History and importance of the Principles and Practices
- Manager and supervisor accountability for human resources decisions
- The responsibilities of the four oversight agencies

Reiterate that the goal of this course was to increase their awareness and understanding of

the Merit System Principles and Prohibited Personnel Practices so participants' human resources decisions can be as good as possible. It is also designed to prevent managers and supervisors from unwittingly and unintentionally committing a Prohibited Personnel Practice.

Ask for additional comments and questions.

If you have questions about this training module or need additional information please contact:

U.S. Office of Personnel Management
Office of Merit Systems Effectiveness
1900 E Street, NW, Room 7454
Washington, DC 20415-6000

Telephone: (202) 606-2820

Email: effectiveness@opm.gov

MERIT SYSTEM PRINCIPLES
Adapted from § 2301 (b) of title 5 U.S.C.

1. Recruit, select, and advance on merit after fair and open competition.
2. Treat employees and applicants fairly and equitably.
3. Provide equal pay for equal work and reward excellent performance.
4. Maintain high standards of integrity, conduct, and concern for the public interest.
5. Manage employees efficiently and effectively.
6. Retain or separate employees on the basis of their performance.
7. Educate and train employees if it will result in better organizational or individual performance.
8. Protect employees from improper political influence.
9. Protect employees against reprisal for the lawful disclosure of information in “whistleblower” situations.

PROHIBITED PERSONNEL PRACTICES
Adapted from § 2302 (b) of title 5 U.S.C.

1. Illegally discriminate for or against any employee/applicant.
2. Solicit or consider improper employment recommendations.
3. Coerce an employee’s political activity.
4. Obstruct a person’s right to compete for employment.
5. Influence any person to withdraw from competition for a position.
6. Give unauthorized preference or improper advantage.
7. Employ or promote a relative.
8. Retaliate against a whistleblower, whether an employee or applicant.
9. Retaliate against employees or applicants for filing an appeal.
10. Unlawfully discriminate for off duty conduct.
11. Violate any law, rule, or regulation which implements or directly concerns the merit principles.
12. Knowingly violate veterans’ preference requirements.

<p><i>Merit System Principles Training Participant Survey</i></p>
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1. Overall, how would you rate your level of satisfaction with the Merit System Principles training?

Extremely Dissatisfied		Satisfied		Extremely Satisfied
1	2	3	4	5

2. What specific aspects of the training did you find *most* helpful.

3. What specific aspects of the training did you find *least* helpful.

Please use the following scale when answering questions.

4. To what extent did the training enable you to meet the following learning objectives:

	Not at all	To a little extent	To some extent	To a great extent	To a very great extent
promote Merit system principles awareness	1	2	3	4	5
impart the fundamentals of the Merit System Principles and Prohibited Personnel Practices	1	2	3	4	5
stimulate thought about the Merit System Principles within the context of current Human Resources Management systems	1	2	3	4	5
Provide a useful set of reference materials on the Merit System Principles, Prohibited Personnel Practices and employee rights and protections	1	2	3	4	5

5. What additional information about the Merit System Principles and Prohibited Personnel Practices would you like?
